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**TABLE SHOWING EFFECT OF PARLIAMENTARY  
LEGISLATION OF 1957**

**PART I.—CENTRAL ACTS, AMENDED, REPEALED OR OTHERWISE AFFECTED.**

Year of Act 1	No. of Act 2	Short title of Act 3	How affected 4	No. and section of 1957 Act by which affected 5
1848	15	Supreme Courts' Officers Trading Act.	Repealed	36, s. 2 and First Schedule.
1860	45	Indian Penal Code	Ss. 4, 53A, 121, 222 and 225 amended.	36, s. 3 and Second Schedule.
1864	8	Comptoir d'Escompte de Paris Act.	Repealed	36, s. 2 and First Schedule.
1867	9	Comptoir d'Escompte de Paris Act.	Repealed	36, s. 2 and First Schedule.
1876	9	Native Coinage Act.	Repealed	36, s. 2 and First Schedule.
1878	1	Opium Act	Ss. 3, 9, and 14 amended.	52, Ss. 2 to 4.
1878	8	Sea Customs Act	Ss. 3, 167, 169, 170A, 173 and 178 amended.  S. 52A inserted S. 171 substituted	10, Ss. 2, 4, 5 and 7.  <i>Ibid.</i> , s. 3. <i>Ibid.</i> , s. 6.
1881	26	Negotiable Instruments Act.	Instru- S. 11 amended	36, s. 3 and Second Schedule.
1883	20	Punjab District Boards Act.	Repealed in its application in Union territory of Delhi.	66, s. 516 and Thirteenth Schedule.
1885	13	Indian Telegraph Act	S. 7 amended (when notified).  Ss. 7A and 7B ins. (when notified).	47, s. 2.  <i>Ibid.</i> , s. 3.

1	2	3	4	5
1890	7	Comptoir National d'Escompte de Paris Act.	Repealed	36, s. 2 and First Schedule.
1890	9	Indian Railways Act	Ss. 27, 27A, 29, 34, 39, 41, 44, 46, 46A and 46C am- ended (when no- tified).	53, ss. 2 to 4, 6, 8, 9, 13 and 15 to 17.
			Ss. 32, 33, 35 and 43 omitted (when notified).	<i>Ibid.</i> , ss. 5, 7 and 12.
			S. 41A inserted (when notified).	<i>Ibid.</i> , s. 10.
			Ss. 42 and 45 substituted (when notified).	<i>Ibid.</i> , ss. 11 and 14.
1894	15	Engineers' Certificates Validation Act.	Repealed	36, s. 2 and First Schedule.
1898	5	Code of Criminal Pro- cedure.	Ss. 10, 106, 251A, 339A, 345, 401, 487 and 491 amended.	36, s. 3 and Second Schedule
			Schedule II amen- ded.	<i>Ibid.</i>
1898	6*	Indian Post Office Act	First Schedule amended.	26, s. 14.
1912	4	Indian Lunacy Act	S. 98 amended	36, s. 3 and Second Schedule.
1914	3	Indian Copyright Act	Repealed	14, s. 79.
1922	11	Indian Income-tax Act	Ss. 4, 10, 15, 17, 23A and 24 amended.	26, ss. 3 to 8.
			S. 36 omitted	5, s. 3.
			Ss. 58E and 58F substituted.	26, ss. 9 and 10.
1923	8	Workmen's Compen- sation Act.	S. 35 amended	36, s. 3 and Second Schedule.

1	2	3	4	5
1925	39	Indian Succession Act	S. 382 substituted	34, s. 2.
1926	20	Cotton Industry (Statistics) Act.	Repealed	36, s. 2 and First Schedule.
1926	23	Delhi Joint Water and Sewage Board Act.	Repealed	66, s. 5.
1930	2	Dangerous Drugs Act	Ss. 2, 10, 11, 12, 13, 14, 15, 16, 17 and 23 amended. S. 31 omitted	52, ss. 5 to 8. <i>Ibid.</i> , s. 9.
1931	16	Provisional Collection of Taxes Act.	Ss. 4 and 5 amended (Temporarily).	12, s. 2.
1932	13	Sugar Industry (Protection) Act.	Repealed	36, s. 2 and First Schedule.
1934	2	Reserve Bank of India Act.	Ss. 17, 34, 42 to 57 amended. Ss. 33 and 37 amended.	19, ss. 2 to 5. 48, ss. 2 and 3.
1934	32	Indian Tariff Act	S. 11A inserted First Schedule amended. Second Schedule substituted.	60, s. 2. 26, s. 12 and Second Schedule 41, s. 2 and 60, s. 3. 26, s. 12 and Second Schedule.
1934	34	Indian Navy (Discipline) Act.	Repealed	62, s. 186.
1936	3	Parsi Marriage and Divorce Act.	S. 51 amended	36, s. 3 and Second Schedule.
1936	4	Payment of Wages Act	Ss. 1, 2, 3, 7, 14 and 17 amended (when notified). S. 17A inserted (when notified).	68, ss. 2 to 7. <i>Ibid.</i> , s. 8.
1937	24	Rules and Regulations Continuance Act.	Repealed	36, s. 2 and First Schedule.
1938	4	Insurance Act.	Ss. 2, 42 and 43 amended. S. 118 substituted Ss. 121, 122 and 123 repealed.	35, ss. 2 to 4. <i>Ibid.</i> , s. 5. 36, s. 2 and First Schedule.

1	2	3	4	5
1939	..	Indian Naval Reserve Forces (Discipline) Act.	Repealed	62, s. 186.
1939	16	Registration of Foreigners Act.	S. 2 amended	11, s. 8.
1939	23	Indian Soft Coke Cess Committee (Re-constitution and Incorporation) Act.	Repealed	36, s. 2 and First Schedule.
1941	1	Insurance Deposits (Temporary Reduction) Act.	Repealed	36, s. 2 and First Schedule.
1944	1	Central Excises and Salt Act.	S. 37 amended First Schedule amended.	49, s. 2. 26, s. 13.
1946	17	Protective Duties Act	Repealed	36, s. 2 and First Schedule.
1946	24	Essential Supplies (Temporary Powers) Act.	Repealed	36, s. 2 and First Schedule.
1946	31	Foreigners Act'	Ss. 2, 3, 4 and 5 amended. S. 3A inserted S. 10 omitted	11, ss. 2, 3, 5 and 6. <i>Ibid.</i> , s. 4. <i>Ibid.</i> , s. 7.
1947	2	Prevention of Corruption Act.	S. 1(3) omitted	7, s. 2.
1947	7	Foreign Exchange Regulation Act.	Ss. 1, 2, 3, 8, 9, 13, 14, 15, 16, 17, 18, 22, 23, 24 and 27 amended. Ss. 13A, 19A, 19B, 23C, 23D, 23E, and 23F inserted.	39, ss. 2 to 7, 9 to 13, 15, 16, 18 and 19. <i>Ibid.</i> , ss. 8, 14 and 17.
1947	9	Sugar (Temporary Excise Duty) Act.	Repealed	36, s. 2 and First Schedule.
1947	12	Railways (Transport of Goods) Act.	Repealed	36, s. 2 and First Schedule.
1947	14	Industrial Disputes Act'	S. 2 amended S. 25FF substituted	18, s. 2. <i>Ibid.</i> , s. 3.

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1947	29	Capital Issues (Control) Act.	Ss. 3, 6, 8 and 12 amended. Ss. 2, 4 and 7 substituted.	50, ss. 3, 5, 7 and 8. <i>Ibid.</i> , ss. 2, 4 and 6.
1947	39	Press (Special Powers) Act.	Repealed	36, s. 2 and First Schedule.
1947	48	Indian Nursing Council Act.	Ss. 1, 2, 3, 6, 10, 11, 13, 14, 15 and 16 amended (when notified). Ss. 15A and 15B inserted (when notified). S. 17 omitted (when notified). Schedule substituted (when notified).	45, ss. 2 to 10 and 12. <i>Ibid.</i> , s. 11. <i>Ibid.</i> , s. 13. <i>Ibid.</i> , s. 14.
1948	3	Armed Forces (Special Powers) Act.	Repealed	36, s. 2 and First Schedule.
1948	11	Minimum Wages Act.	Ss. 2, 3, 7, 9, 12, 13, 19, 20, 21, 26, 30 and 31 amended. Ss. 5, 10 and 22 substituted. S. 6 omitted Schedule amended.	30, ss. 2, 3, 6, 7, 9, 10, 11, 12, 13, to 17. <i>Ibid.</i> , ss. 4, 8 and 14. <i>Ibid.</i> , s. 5. <i>Ibid.</i> , s. 18.
1948	12	Rehabilitation Finance Administration Act.	S. 13 amended	36, s. 3 and Second Schedule.
1948	14	Damodar Valley Corporation Act.	S. 5 amended	59, s. 2.
1948	15	Industrial Finance Corporation Act.	Ss. 2, 17, 21, 22, 23, 25, 27, 28, 30, 30A, 30B, 30E, 34 and 35 amended. S. 38A inserted	43, ss. 2 to 14. <i>Ibid.</i> , s. 15.
1948	16	Dentists Act	S. 34 amended	36, s. 3 and Second Schedule.

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1948	37	Census Act	S. 2 repealed	36, s. 2 and First Schedule.
1948	53	Mines and Minerals (Regulation and Development) Act.	Long Title and Preamble amended. Ss. 1, 3, 5, and 6 amended. S. 2 omitted.	67, s. 32 and Third Schedule. <i>Ibid.</i> <i>Ibid.</i>
1948	67	Indian Tariff (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1949	1	Indian Tariff (Amendment) Act.	Ss. 4 and 5 amended.	5, s. 4.
1949	10	Banking Companies Act.	S. 56 repealed Second Schedule repealed.	36, s. 2 and First Schedule. <i>Ibid.</i>
1949	46	Banking Companies (Legal Practitioners' Clients' Accounts) Act.	S. 2 amended	36, s. 3 and Second Schedule.
1949	60	Delhi Premises (Requisition and Eviction) Amendment and Validation Act.	Repealed	36, s. 2 and First Schedule.
1950	1	Rehabilitation Finance Administration (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	2	Patents and Designs (Extension of Time) Act.	Repealed	36, s. 2 and First Schedule.
1950	3	Insolvency Law (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	4	Preventive Detention Act.	S. 1. amended	54, s. 2.
1950	5	Indian Tariff (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	6	Imports and Exports (Control) Amendment Act.	Repealed	36, s. 2 and First Schedule.

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1950	7	High Courts (Seals) Act	S. 3 repealed	36, s. 2 and First Schedule.
1950	8	Control of Shipping (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	10	Immigrants (Expulsion from Assam) Act.	S. 7 repealed	36, s. 2 and First Schedule.
1950	11	Indian Railways (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	13	Delhi Road Transport Authority Act.	Repealed	66, s. 516.
1950	14	Criminal Law Amendment Act.	Repealed	36, s. 2 and First Schedule.
1950	16	Prevention of Corruption (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	20	Banking Companies (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	21	Indian Tariff (Second Amendment) Act.	Repealed	36, s. 2 and First Schedule
1950	22	Capital Issues (Continuance of Control) Amendment Act.	Repealed	36, s. 2 and First Schedule.
1950	26	Drugs (Control) Act	S. 20 repealed	36, s. 2 and First Schedule.
1950	27	Public Premises (Eviction) Act.	S. 2 as amended by Act 62 of 1956 amended.	36, s. 3 and Second Schedule.
1950	28	Sholapur Spinning and Weaving Company (Emergency Provisions) Act.	Repealed	36, s. 2 and First Schedule.
1950	29	Transfer of Prisoners Act.	S. 4 repealed	36, s. 2 and First Schedule.
1950	32	Indian Patents and Designs (Amendment) Act.	Repealed	36, s. 2 and First Schedule.

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1950	34	Foreign Exchange Regulation (Amendment) Act.	Repealed . . .	36, s. 2 and First Schedule.
1950	35	Repealing and Amending Act.	Repealed . . .	36, s. 2 and First Schedule.*
1950	36	Nawab Salar Jung Bahadur (Administration of Assets) Act.	S. 11 repealed . . .	36, s. 2 and First Schedule.
1950	37	Indian Tariff (Third Amendment) Act.	Repealed . . .	36, s. 2 and First Schedule.
1950	38	Inland Steam Vessel (Amendment) Act.	Repealed . . .	36, s. 2 and First Schedule.
1950	40	Army and Air Force (Disposal of Private Property) Act.	S. 17 repealed . . .	36, s. 2 and First Schedule.
1950	43	Representation of the People Act.	S. 10 amended S. 27A amended (when notified). First Schedule and Second Schedule amended. Third Schedule substituted. Fourth Schedule amended. Fifth Schedule amended (when notified).	37, s. 12. 66, s. 506. 41, s. 5. 37, s. 12. <i>Ibid.</i> 66, s. 506.
1950	45	Air Force Act . . .	S. 192 repealed . . .	36, s. 2 and First Schedule.
1950	46	Army Act . . .	S. 194 repealed . . . Schedule repealed	36, s. 2 and First Schedule. <i>Ibid.</i>
1950	47	Insurance (Amendment) Act.	Repealed . . .	36, s. 2 and First Schedule.
1950	51	Census (Amendment) Act.	Repealed . . .	36, s. 2 and First Schedule.
1950	53	Cantonment Laws and (Extension and Amendment) Act.	Repealed . . .	36, s. 2 and First Schedule.



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1950	54	Finance Laws (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	56	Minimum Wages (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	57	Naval Forces (Miscellaneous Provisions) Act.	S. 5 repealed Repealed	36, s. 2 and First Schedule. 62, s. 186.
1950	58	Dentists (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	59	Salaries of Ministers (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	64	Road Transport Corporations Act.	S. 48 repealed	36, s. 2 and First Schedule.
1950	66	Administration of Evacuee Property (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	68	Displaced Persons (Institution of suits and legal proceedings) Amendment Act.	Repealed	36, s. 2 and First Schedule.
1950	69	Indian Tariff (Fourth Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	70	Supply and Prices of Goods Act.	Repealed	36, s. 2 and First Schedule.
1950	73	Representation of the People (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	75	Indian Nursing Council (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1950	76	State Railway Provident Fund (Temporary Provisions) Act.	Repealed	36, s. 2 and First Schedule.
1950	78	Khaddar (Protection of Name) Act.	S. 3 repealed	36, s. 2 and First Schedule.

1	2	3	4	5
1950	80	Coal Mines Provident Fund and Bonus Schemes (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	3	Part B States (Laws) Act.	Schedule amended.	36, s. 3 and Second Schedule.
1951	5	Employers' Liability (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	11	Taxation on Income (Investigation Commission) Amendment Act.	Repealed	36, s. 2 and First Schedule.
1951	13	Indian Tariff (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	16	Minimum Wages (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	17	Coal Mines Safety (Stowing) Amendment Act.	Repealed	36, s. 2 and First Schedule.
1951	19	Code of Civil Procedure (Second Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	20	Indian Tariff (Second Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	21	Coal Mines Provident Fund and Bonus Schemes (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	22	Administration of Evacuee Property (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	24	Codes of Civil and Criminal Procedure (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	26	Inland Steam-Vessels (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	27	Representation of the People (Amendment) Act.	Repealed	36, s. 2 and First Schedule.

1	2	3	4	5
1951	28	Tax on Newspapers (Sales and Advertisements) Repeal Act.	Repealed	36, s. 2 and First Schedule.
1951	31	Hyderabad Public Companies (Limitation of Dividends) Repealing Act.	Repealed	36, s. 2 and First Schedule.
1951	32	Reserve Bank of India (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	34	Assam Rifles (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	35	Port Trusts and Ports (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	36	Delhi Laws (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	38	Indian Boilers (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	40	Industrial Disputes (Amendment and Temporary Provisions) Act.	Ss. 3 to 6 repealed	36, s. 2 and First Schedule.
1951	43	Representation of the People Act.	S. 15A inserted S. 74 amended  Ss. 138 and 171 repealed.	37, s. 13. <i>Ibid.</i>  36, s. 2 and First Schedule.
1951	44	Opium and Revenue Laws (Extension of Application) Amendment Act.	Repealed	36, s. 2 and First Schedule.
1951	45	Sea Customs and the Central Excises and Salt (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	48	Employment of Children (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	53	Employees' State Insurance (Amendment) Act.	Repealed	36, s. 2 and First Schedule.

1	2	3	4	5
1951	54	Companies (Donations to National Funds) Act.	S. 4 repealed	36, s. 2 and First Schedule.
1951	55	Benares Hindu University (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	56	Press (Objectionable Matter) Act.	Repealed	36, s. 2 and First Schedule.
1951	62	Aligarh Muslim University (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1951	65	Industries (Development and Regulation) Act.	S. 18B amended	36, s. 3 and Second Schedule.
			S. 32 repealed	<i>Ibid.</i> s. 2 and First Schedule.
1951	67	Representation of the People (Second Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	2	Prevention of Corruption (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	3	Indian Explosives (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	4	Madras Port Trusts (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	5	Delhi University (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	6	Capital Issues (Continuance of Control) Amendment Act.	Repealed	36, s. 2 and First Schedule.
1952	7	Abducted Persons (Recovery and Restoration) Amendment Act.	Repealed	36, s. 2 and First Schedule.
1952	8	Foreign Exchange Regulation (Amendment) Act.	Repealed	36, s. 2 and First Schedule.

1	2	3	4	5
1952	9	Indian Independence Pakistan Courts (Pending Proceed- ings) Act.	S. 5 repealed	36, s. 2 and First Schedule.
1952	10	Uttar Pradesh Can- tonments (Control of Rent and Eviction) Act.	S. 24 repealed	36, s. 2 and First Schedule.
1952	11	Bombay Port Trust (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	12	Coal Mines (Conser- vation and Safety) Act.	S. 19 repealed	36, s. 2 and First Schedule.
1952	17	Control of Shipping (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	18	Industrial Disputes (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	19	Employees' Provident Funds Act.	S. 20 repealed.	36, s. 2 and First Schedule.
1952	20	Inflammable Subs- tances Act.	S. 7 repealed.	36, s. 2 and First Schedule.
1952	22	Bombay Coasting Vessels (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	23	Code of Criminal Pro- cedure (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	24	Criminal Tribes Laws (Repeal) Act.	Repealed	36, s. 2 and First Schedule.
1952	25	Indian Boilers (Am- endment) Act.	Repealed	36, s. 2 and First Schedule.
1952	26	Delhi Special Police Establishment (Am- endment) Act.	Repealed	36, s. 2 and First Schedule.
1952	27	Indian Tariff (Amend- ment) Act.	Repealed	36, s. 2 and First Schedule.
1952	32	Contempt of Courts Act	S. 6 and Schedule repealed.	36, s. 2 and First Schedule.

1	2	3	4	5
1952	33	Territorial Army (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	35	Mines Act	S. 88 repealed	36, s. 2 and First Schedule.
1952	36	Indian Standards Institution (Certification Marks) Act.	S. 10 amended	36, s. 3 and Second Schedule.
1952	37	Cinematograph Act.	S. 6 amended	36, s. 3 and Second Schedule.
1952	39	Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Repealing Act.	Repealed	36, s. 2 and First Schedule.
1952	41	Calcutta Port (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	42	Indian Tariff (Second Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	45	Indian Tariff (Third Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	46	Criminal Law (Amendment) Act.	Ss. 2, 3, 4 and 5 repealed.	36, s. 2 and First Schedule.
1952	47	Maintenance Orders Enforcement (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	48	Repealing and Amending Act.	Repealed	36, s. 2 and First Schedule.
1952	50	Rubber (Production and Marketing) Amendment Act.	Repealed	36, s. 2 and First Schedule.
1952	53	Notaries Act.	S. 16 repealed.	36, s. 2 and First Schedule.
		Ports (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
		Silk Board (Amendment) Act	Repealed	36, s. 2 and First Schedule.

1	2	3	4	5
1952	57	National Cadet Corps (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	58	Salaries and Allowances of Ministers Act.	S. 13 repealed	36, s. 2 and First Schedule.
1952	59	Prevention of Corruption (Second Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	62	Reserve and Auxiliary Air Forces Act.	Ss. 35 and 36 repealed	36, s. 2 and First Schedule.
1952	63	State Armed Police Forces (Extension of Laws) Act.	S. 5 repealed.	36, s. 2 and First Schedule.
1952	64	Code of Criminal Procedure (Second Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	66	Indian Tariff (Fourth Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	67	Sugar (Temporary Additional Excise Duty) Act.	Repealed	36, s. 2 and First Schedule.
1952	68	Indian Oilseeds Committee (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	69	Indian Coconut Committee (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	70	Indian Patents and Designs (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	71	Code of Civil Procedure (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	73	Indian Power Alcohol (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	74	Forward Contracts (Regulation) Act.	S. 9A inserted	32, s. 2.

1	2	3	4	5
1952	77	Abducted Persons (Recovery and Restoration) Amendment Act.	Repealed	36, s. 2 and First Schedule.
952	78	Industrial Finance Corporation (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1952	79	Iron and Steel Companies Amalgamation Act.	S. 15 repealed	36, s. 2 and First Schedule.
1953	2	Indian Tariff (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	10	Hyderabad Coinage and Paper Currency (Miscellaneous Provisions) Act.	Repealed	36, s. 2 and First Schedule.
1953	15	Central Excises and Salt (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	18	Indian Light-house (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	19	Cinematograph (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	22	Patiala and East Punjab States Union Legislature (Delegation of Powers) Act.	Repealed	36, s. 2 and First Schedule.
1953	24	Delhi Road Transport Authority (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	26	Industries (Development and Regulation) Amendment Act.	Repealed	36, s. 2 and First Schedule.
1953	31	Central Silk Board (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	32	Collection of Statistics Act.	S. 15 repealed	36, s. 2 and First Schedule.



1	2	3	4	5
1953	34	Estate Duty Act.	S. 19 amended	36, s. 3 and Second Schedule.
1953	35	Sea Customs (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	36	Rehabilitation Finance Administration (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	37	Employees' Provident Funds (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	39	Dhories (Additional Excise Duty) Amendment Act.	Ss. 1, 2, 3, 4 and 5 amended. Schedule amended.	31, ss. 2 to 6. <i>Ibid.</i> , s. 7.
1953	40	Live-stock Importation (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	42	Repealing and Amending Act.	Repealed	36, s. 2 and First Schedule.
1953	43	Industrial Disputes (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	45	Coir Industry Act.	S. 11 amended	36, s. 3 and Second Schedule.
1953	46	Forward Contracts (Regulation) Amendment Act.	Repealed	36, s. 2 and First Schedule.
1953	47	Indian Tariff (Second Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	48	Indian Tariff (Third Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	52	Banking Companies (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1953	53	Telegraph Wires (Unlawful Possession) Amendment Act.	Repealed	36, s. 2 and First Schedule.

1	2	3	4	5
1953	54	Reserve Bank of India (Amendment and Miscellaneous Provisions) Act.	Ss. 2, 3, 4, 5, 6, 7 and 8 repealed.	36, s. 2 and First Schedule.
1953	55	Indian Patents and Designs (Amendment) Act.	Repealed	36, s. 2 and First Schedule.
1954	1	Prevention of Disqualification Act.	S. 4 amended	64, s. 2.
1955	10	Essential commodities Act.	S. 3 amended	13, s. 2. 28, s. 2.
1955	23	State Bank of India Act.	Ss. 21, 23, 33 and 42 amended.	21, ss. 2, 3, 4 and 5.
1955	26	Code of Criminal Procedure (Amendment) Act.	S. 115 amended S. 74 omitted Schedule amended.	36, s. 3 and Second Schedule. <i>Ibid.</i> <i>Ibid.</i>
1955	41	Industrial Disputes (Banking Companies) Decision Act.	S. 3 amended	40, s. 2.
1955	53	Delhi (Control of Building Operations) Act.	Repealed	61, s. 60.
1955	57	Citizenship Act.	First Schedule amended.	65, s. 2.
1956	1	Companies Act.	Ss. 258 and 605 amended. S. 2 amended Ss. 31 and 37 amended. Ss. 31 and 37 repealed. Third and Fourth Schedules repealed.	36, s. 3 and Second Schedule. 5, s. 2. <i>Ibid</i> , s. 5. 26, s. 15. <i>Ibid</i> .
1956	28	Agricultural Produce (Development and Warehousing) Corporation Act.	Ss. 40 and 42 amended.	36, s. 3 and Second Schedule.

1	2	3	4	5
1956	31	Life Insurance Corporation Act.	S. 11 amended.  Ss. 43 and 49 amended. S. 45 substituted.	17, s. 2. 36, s. 3 and Second Schedule. 17, ss. 3 and 5. <i>Ibid.</i> , s. 4.
1956	33	Inter-State Water Disputes Act.	S. 8 amended,	36, s. 3 and Second Schedule.
1956	35	Indian Lac Cess (Amendment) Act,	S. 5 amended,	36, s. 3 and Second Schedule.
1956	37	States Reorganisation Act,	S. 33 amended.  S. 34 amended (retrospectively). S. 36 amended (retrospectively). S. 37 amended (retrospectively).	37, s. 6 (2). <i>Ibid.</i> , s. 5(8). <i>Ibid.</i> , s. 8(9). <i>Ibid.</i> , s. 9(7).
1956	61	Khadi and Village Industries Commission Act.	S. 2 amended	36, s. 3 and Second Schedule.
1956	62	Jammu and Kashmir (Extension of Laws) Act.	Schedule relating to Public Premises Eviction Act, 1950 (27 of 1950) amended.	36, s. 3 and Second Schedule.
1956	74	Central Sales Tax Act.	Ss. 8 and 14 amended. S. 15 substituted.	16, ss. 2 and 3. <i>Ibid.</i> , s. 4.
1956	77	Finance (No. 3) Act.	S. 8 repealed (retrospectively).	26, s. 15.
1957	5	Finance Act.	S. 2 repealed (retrospectively). S. 5 repealed	26, s. 15(2). <i>Ibid.</i> , s. 15(1).
1957	20	Coal Bearing Areas (Acquisition and Development) Act.	Ss. 2, 5, 10, 13 and 28 amended.  S. 9A inserted	51, ss. 2, 3, 5, 6 and 7  <i>Ibid.</i> , s. 4.

## PART II.—CENTRAL ORDINANCES REPEALED

Year	No. of Ordinances	No. of Ordinances	Short title of Ordinance	How affected	No. and section of 1957 Act by which affected
1940	9		War Risk (Goods) Insurance Ordinance.	Repealed	36, s. 2 and First Schedule.
1940	10		Indian Forces (Transfer) Ordinance.	Repealed	36, s. 2 and First Schedule.
1941	5		State Prisoners (Detention of Lunatics) Ordinance.	Repealed	36, s. 2 and First Schedule.
1942	3		Penalties (Enhancement) Ordinance.	Repealed	36, s. 2 and First Schedule.
1942	12		War Risks (Factories) Insurance Ordinance.	Repealed	36, s. 2 and First Schedule.
1943	18		Martial Law (Indemnity) Ordinance.	Repealed	36, s. 2 and First Schedule.
1943	19		Special Criminal Court (Repeal) Ordinance.	Repealed	36, s. 2 and First Schedule.
1943	29		Criminal Law Amendment Ordinance.	Repealed	36, s. 2 and First Schedule.
1944	2		Cotton Cloth and Yarn (Contracts) Ordinance.	Repealed	36, s. 2 and First Schedule.
1944	32		Bombay Explosion (Compensation) Ordinance.	Repealed	36, s. 2 and First Schedule.
1944	37		Civilian Personnel (War Department) Transfer Ordinance.	Repealed	36, s. 2 and First Schedule.
1944	45		Income-Tax and Excess Profits (Validity of Notice) Ordinance.	Repealed	36, s. 2 and First Schedule.
1945	5		Canteen Stores (Exemption from Local Taxation) Ordinance.	Repealed	36, s. 2 and First Schedule.
1945	23		Present War (Definition) Ordinance.	Repealed	36, s. 2 and First Schedule.

1	2	3	4	5
1945	29	War Risks (Factories) Insurance (Termination) Ordinance.	Repealed	36, s. 2 and First Schedule.
1945	33	Limitation (War Conditions) Ordinance.	Repealed	36, s. 2 and First Schedule.
1945	34	War Risks (Goods) Insurance (Termination) Ordinance.	Repealed	36, s. 2 and First Schedule.
1945	46	Pensions Appeal Tribunals (Powers) Ordinance.	Repealed	36, s. 2 and First Schedule.
1946	5	National Service (European British Subjects) Termination of Calling-up Ordinance.	Repealed	36, s. 2 and First Schedule.
1957	1	Foreigners Laws (Amendment) Ordinance.	Repealed	11, s. 9.
1957	2	Prevention of Corruption (Amendment) Ordinance.	Repealed	7, s. 3.
1957	3	Life Insurance Corporation (Amendment) Ordinance.	Repealed	17, s. 7
1957	4	Industrial Disputes (Amendment) Ordinance.	Repealed	18, s. 4.
1957	6	Reserve Bank of India (Amendment) Ordinance.	Repealed	48, s. 4.

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

How affected	No. and section of 1957 Act by which affected
<i>A.—Constitution of India</i>	
Art. 168 amended . . . . .	37, s. 3.
Sixth Schedule amended . . . . .	42, s. 3.

## B.—Orders

Year of Order	Order	How affected	No. and section of 1957 Acts by which affected
1951	Delimitation of Council Constituencies (Bihar) Order.	Table amended.	37, s. 4(2) and First Schedule.
1951	Delimitation of Council Constituencies (Bombay) Order.	Table substituted.	37, s. 5(2) and Second Schedule.
1951	Delimitation of Council Constituencies (Madras) Order.	Table amended.	37, s. 7 (2) and Third Schedule.
1951	Delimitation of Council Constituencies (Mysore) Order.	Table substituted.	37, s. 8 (2) and Fourth Schedule.
1951	Delimitation of Council Constituencies (Punjab) Order.	Table amended.	37, s. 9 (2) and Fifth Schedule.
1951	Delimitation of Council Constituencies (Uttar Pradesh) Order.	Table substituted.	37, s. 10 (2) and Sixth Schedule.
1951	Delimitation of Council Constituencies (West Bengal) Order.	Table substituted.	37, s. 11 (2) and Seventh Schedule.
1956	Delimitation of Parliamentary and Assembly Constituencies Order.	First and Second Schedules amended.	42, s. 4.

## PART IV.—U.K. STATUTE IN ITS APPLICATION TO INDIA

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1957 Act by which affected
1911	1 & 2	Copyright Act, as modified by the Indian Geo. Copyright Act, 1914 5 C. 46 (3 of 1914)	Repealed	14, s. 79.

PART V.—STATE ACTS AND REGULATIONS AMENDED, REPEALED OR OTHERWISE AFFECTED

Year of Act or Reg-ulation	No. of Act or Reg-ulation	Short title	How affected	No. and section of 1957 Act by which affected
<i>A. Madhya Pradesh Act</i>				
1955	23	Madhya Bharat Accommodation Control Act (as applicable to Madhya Bharat before 1st November, 1956).	Ss. 1, 2, 3, 4, 6, 14, 15, 18, 22, 24 and 25 amended.	46, s. 4.
			Ss. 23 and 27 omitted.	<i>Ibid.</i>
			Schedule omitted	<i>Ibid.</i>
<i>B. Bengal Regulations</i>				
1806	11	Bengal Troops Transport and Travellers' Assistance Regulation.	Repealed	36, s. 2 and First Schedule.
1825	6	Bengal Troops Transport Regulation.	Repealed	36, s. 2 and First Schedule.
1948	1	Indian Tea Control (Amendment) Darjeeling District Regulation.	Repealed	36, s. 2 and First Schedule.

PART VI.—ACTS IN FORCE IN THE UNION TERRITORY OF DELHI AMENDED, REPEALED OR OTHERWISE AFFECTED

1888	3	City of Bombay Corporation Act.	Shall cease to have effect in the Union territory.	66, s. 516 and Thirteenth Schedule.
1911	2	Punjab Municipal Act.	Shall cease to have effect in the Union territory.	<i>Ibid.</i>
1916	2	United Provinces Municipalities Act.	Do.	<i>Ibid.</i>

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1	2	3	4	5
1919	8	United Provinces Town Improvement Act.	Shall cease to have effect in the Union territory.	61, s. 60.
1955	3	Delhi Panchayat Raj Act.	Ss. 1, 2, 18, 19, 34, 39, 45, 54, 102 and 104 amended (when notified)	66, s. 505.
			Ss. 21, 22 and 23 omitted (when notified).	<i>Ibid.</i>

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# THE APPROPRIATION ACT, 1957

No. 1 OF 1957

[28th March, 1957]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57.

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

1. This Act may be called the Appropriation Act, 1957. 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 eleven crores, thirty-nine lakhs and forty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1956-57, in respect of the services specified in column 2 of the Schedule. Issue of Rs.  
11,39,48,000  
out of the  
Consolidated  
Fund of  
India for the  
year 1956-57.
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.

639 M. of Law—1

## THE SCHEDULE

(See sections 2 and 3)

1	2	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry	2,81,000	..	2,81,000
9	Aviation . . . . .	..	50,000	50,000
12	Defence Services—Effective—Army	5,67,12,000	2,44,000	5,69,56,000
15	Defence Services—Non-Effective Charges . . . . .	..	94,48,000	94,48,000
23	External Affairs . . . . .	5,51,000	..	5,51,000
31	Stamps . . . . .	4,36,000	..	4,36,000
34	Currency . . . . .	19,26,000	..	19,26,000
37	Superannuation Allowances and Pensions . . . . .	16,00,000	..	16,00,000
41	Pre-partition Payments . . . . .	..	10,82,000	10,82,000
47	Ministry of Health . . . . .	93,000	..	93,000
73	Employment Exchanges and Re-settlement . . . . .	..	3,000	3,000
76	Administration of Justice . . . . .	8,000	..	8,000
89	Other Organisations under the Ministry of Production . . . . .	3,16,18,000	..	3,16,18,000
91	Miscellaneous Departments and Expenditure under the Ministry of Production . . . . .	2,56,000	..	2,56,000
95	Ministry of Transport . . . . .	..	1,000	1,000
104	Stationery and Printing . . . . .	21,80,000	..	21,80,000
109	Lok Sabha . . . . .	..	10,000	10,000
117	Defence Capital Outlay . . . . .	..	11,74,000	11,74,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
123	Commuted Value of Pensions	6,78,000	10,000	6,88,000
135	Other Capital Outlay of the Ministry of Irrigation and Power	34,07,000	..	34,07,000
145	Other Capital Outlay of the Ministry of Works, Housing and Supply	21,80,000	..	21,80,000
	TOTAL	10,19,26,000	1,20,22,000	11,39,48,000

THE APPROPRIATION (No. 2) ACT, 1957

No. 2 OF 1957

[28th March, 1957]

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, 1953, in excess of the amounts granted for those services and for that year.

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

Short title. 1. This Act may be called the Appropriation (No. 2) Act, 1957.

Issue of Rs. 7,55,53,843 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 1953.

2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of seven crores, fifty-five lakhs, fifty-three thousand, eight hundred and forty-three rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1953, 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, 1953.

## THE SCHEDULE

(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3		
		Voted portion	Excess Charged portion	Total
		Rs.	Rs.	Rs.
6	Indian Posts and Telegraphs Department . . . . .	..	2,30,075	2,30,075
33	Currency . . . . .	..	22,307	22,307
37	Miscellaneous Departments and Expenditure under the Ministry of Finance . . . . .	..	23,890	23,890
38	Grants-in-aid to States . . . . .	..	73,95,500	73,95,500
39	Miscellaneous adjustments between the Union and State Governments . . . . .	70,084	..	70,084
	CHARGED.—Interest on debt and other obligations, etc. . . . .	..	3,20,80,312	3,20,80,312
67	Civil Defence . . . . .	2,855	..	2,855
75	Multi-purpose River Schemes . . . . .	10,37,177	..	10,37,177
95	Ministry of Works, Production and Supply . . . . .	43,179	..	43,179
99	Other Civil Works . . . . .	2,33,14,376	34,345	2,33,48,721
101	Miscellaneous Departments and Expenditure under the Ministry of Works, Production and Supply. . . . .	25,005	..	25,005
103	Miscellaneous Expenditure under the Parliament Secretariat . . . . .	110	..	110
105	Capital Outlay on Indian Posts and Telegraphs Department . . . . .	62,38,333	..	62,38,333
114	Other Capital Outlay of the Ministry of Finance . . . . .	6,18,032	..	6,18,032

I No. of Vote	2 Services and purposes	3 Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
118	Other Capital Outlay of the Ministry of Food and Agriculture	..	10,78,754	10,78,754
119	Capital Outlay of the Ministry of Health	33,39,509	..	33,39,509
	TOTAL	3,46,88,660	4,08,65,183	7,55,53,843

# THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1957

No. 3 OF 1957

[28th March, 1957]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1957-58.

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

1. This Act may be called the Appropriation (Vote on Account) Short title, Act, 1957.

2. From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-one hundred and eighty-seven crores, forty-three lakhs and forty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1957-58.

Withdrawal  
of Rs. 21,87,  
43,41,000  
from and  
out of the  
Consolidated  
Fund of  
India for  
the financial  
year  
1957-58.

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.

**THE SCHEDULE**  
(See sections 2 and 3)

1	2	3		
		Sums not exceeding		
		No. of Vote	Services and purposes	Voted by Parliament
		Rs.	Rs.	Rs.
1	Ministry of Agriculture . . . . .	24,92,000	..	24,92,000
2	Forest . . . . .	86,26,000	..	86,26,000
3	Agriculture . . . . .	6,72,94,000	..	6,72,94,000
4	Civil Veterinary Services . . . . .	60,15,000	..	60,15,000
5	Miscellaneous Departments and other Expenditure under the Ministry of Agriculture . . . . .	1,19,93,000	..	1,19,93,000
6	Ministry of Commerce and Consumer Industries . . . . .	10,87,000	..	10,87,000
7	Consumer Industries . . . . .	6,33,50,000	..	6,33,50,000
8	Commercial Intelligence and Statistics . . . . .	34,50,000	..	34,50,000
9	Miscellaneous Departments and other Expenditure under the Ministry of Commerce and Consumer Industries . . . . .	55,97,000	..	55,97,000
10	Ministry of Communications . . . . .	7,40,000	..	7,40,000
11	Indian Posts and Telegraphs Department . . . . .	24,33,33,000	1,16,22,000	25,49,55,000
12	Meteorology . . . . .	63,45,000	..	63,45,000
13	Overseas Communications Service . . . . .	47,86,000	2,80,000	50,66,000
14	Aviation . . . . .	1,48,39,000	22,000	1,48,61,000
15	Miscellaneous Departments and Expenditure under the Ministry of Communications . . . . .	7,06,000	..	7,06,000
16	Ministry of Community Development . . . . .	8,65,000	..	8,65,000
17	Community Development Projects and National Extension Service . . . . .	5,12,86,000	..	5,12,86,000
18	Ministry of Defence . . . . .	14,78,000	..	14,78,000
19	Defence Services—Effective—Army . . . . .	71,82,62,000	..	71,82,62,000
20	Defence Services—Effective—Navy . . . . .	6,67,25,000	..	6,67,25,000



1	No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
			Sums not exceeding		
21		Defence Services—Effective—Air Force	29,08,95,000	..	29,08,95,000
22		Defence Services—Non-Effective Charges	5,37,85,000	37,93,000	5,75,78,000
23		Ministry of Education	25,63,000	..	25,63,000
24		Archaeology	40,39,000	..	40,39,000
25		Other Scientific Departments	1,15,10,000	..	1,15,10,000
26		Education	10,77,75,000	..	10,77,75,000
27		Miscellaneous Departments and Expenditure under the Ministry of Education	80,71,000	..	80,71,000
28		Tribal Areas	2,42,51,000	..	2,42,51,000
29		External Affairs	3,46,03,000	..	3,46,03,000
30		State of Pondicherry	1,37,64,000	7,000	1,37,71,000
31		Miscellaneous Expenditure under the Ministry of External Affairs	1,50,000	..	1,50,000
32		Ministry of Finance	64,56,000	..	64,56,000
33		Customs	1,67,97,000	..	1,67,97,000
34		Union Excise Duties	3,09,94,000	7,98,72,000	11,08,66,000
35		Taxes on Income including Corporation Tax and Estate Duty	1,95,33,000	..	1,95,33,000
36		Opium	1,89,82,000	..	1,89,82,000
37		Stamps	69,47,000	2,95,000	72,42,000
38		Audit	3,88,33,000	8,26,000	3,96,59,000
39		Currency	1,49,57,000	3,95,000	1,53,52,000
40		Mint	1,16,32,000	..	1,16,32,000
41		Territorial and Political Pensions	11,65,000	..	11,65,000
42		Superannuation Allowances and Pensions	1,58,00,000	15,50,000	1,73,50,000
43		Miscellaneous Departments and other Expenditure under the Ministry of Finance	10,60,21,000	1,000	10,60,22,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
44	Planning Commission . . . . .	68,59,000	..	68,59,000
45	Grants-in-aid to States . . . . .	..	12,58,33,000	12,58,33,000
46	Miscellaneous Adjustments between the Union and State Govern- ments . . . . .	2,54,000	..	2,54,000
47	Pre-partition Payments . . . . .	28,67,000	50,000	29,17,000
	CHARGED.—Interest on Debt and other obligations and reduction or avoidance of Debt . . . . .	..	49,72,11,000	49,72,11,000
48	Ministry of Food . . . . .	8,25,000	..	8,25,000
49	Miscellaneous Departments and other Expenditure under the Ministry of Food . . . . .	1,60,70,000	..	1,60,70,000
50	Ministry of Health . . . . .	5,47,000	..	5,47,000
51	Medical Services . . . . .	1,61,74,000	..	1,61,74,000
52	Public Health . . . . .	3,82,35,000	..	3,82,35,000
53	Miscellaneous Expenditure under the Ministry of Health . . . . .	43,25,000	..	43,25,000
54	Ministry of Heavy Industries . . . . .	5,86,000	..	5,86,000
55	Heavy Industries . . . . .	22,44,49,000	..	22,44,49,000
56	Miscellaneous Expenditure under the Ministry of Heavy Industries . . . . .	3,90,000	..	3,90,000
57	Ministry of Home Affairs . . . . .	1,09,87,000	..	1,09,87,000
58	Cabinet . . . . .	15,23,000	..	15,23,000
59	Zonal Councils . . . . .	1,88,000	..	1,88,000
60	Police . . . . .	1,86,43,000	..	1,86,43,000
61	Census . . . . .	3,54,000	..	3,54,000
62	Privy Purses and Allowances of Indian Rulers . . . . .	2,55,000	2,74,69,000	2,77,24,000
63	Delhi . . . . .	2,92,34,000	..	2,92,34,000
64	Himachal Pradesh . . . . .	1,94,72,000	75,000	1,95,47,000
65	Andaman and Nicobar Islands . . . . .	1,14,28,000	..	1,14,28,000
66	Manipur . . . . .	61,47,000	..	61,47,000

1	2	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
67	Tripura . . . . .	99,28,000	18,000	99,46,000
68	Laccadive, Minicoy and Amindivi Islands . . . . .	6,10,000	..	6,10,000
69	Miscellaneous Departments and Expenditure under the Ministry of Home Affairs . . . . .	3,90,74,000	..	3,90,74,000
70	Ministry of Information and Broadcasting . . . . .	5,50,000	..	5,50,000
71	Broadcasting . . . . .	1,58,29,000	..	1,58,29,000
72	Miscellaneous Departments and Expenditure under the Ministry of Information and Broadcasting . . . . .	1,44,60,000	..	1,44,60,000
73	Ministry of Iron and Steel . . . . .	5,71,000	..	5,71,000
74	Ministry of Irrigation and Power . . . . .	7,24,000	..	7,24,000
75	Multi-purpose River Schemes . . . . .	66,80,000	..	66,80,000
76	Miscellaneous Departments and Expenditure under the Ministry of Irrigation and Power . . . . .	40,87,000	..	40,87,000
77	Ministry of Labour . . . . .	7,06,000	..	7,06,000
78	Chief Inspector of Mines . . . . .	9,93,000	..	9,93,000
79	Miscellaneous Departments and other Expenditure under the Ministry of Labour . . . . .	3,61,07,000	..	3,61,07,000
80	Ministry of Law . . . . .	71,82,000	..	71,82,000
81	Administration of Justice . . . . .	99,000	5,25,000	6,24,000
82	Miscellaneous Expenditure under the Ministry of Law . . . . .	2,60,000	..	2,60,000
83	Ministry of Natural Resources and Scientific Research . . . . .	6,08,000	..	6,08,000
84	Survey of India . . . . .	68,69,000	..	68,69,000
85	Botanical Survey . . . . .	4,45,000	..	4,45,000
86	Zoological Survey . . . . .	4,27,000	..	4,27,000
87	Geological Survey . . . . .	39,73,000	..	39,73,000

1	2	3			
		Sums not exceeding			
		No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund
			Rs.	Rs.	Rs.
88	Mines . . . . .	20,26,000	..	20,26,000	
89	Scientific Research . . . . .	1,48,41,000	..	1,48,41,000	
90	Exploration of Oil and Natural Gas	1,07,36,000	..	1,07,36,000	
91	Miscellaneous Expenditure under the Ministry of Natural Resources and Scientific Research . . . . .	76,000	..	76,000	
92	Ministry of Production . . . . .	7,25,000	..	7,25,000	
93	Salt and other Organisations of the Ministry of Production . . . . .	3,51,72,000	1,72,000	3,53,44,000	
94	Miscellaneous Departments and Expenditure under the Ministry of Production . . . . .	1,02,67,000	..	1,02,67,000	
95	Ministry of Rehabilitation . . . . .	18,23,000	..	18,23,000	
96	Expenditure on Displaced Persons . . . . .	9,37,61,000	..	9,37,61,000	
97	Ministry of Transport . . . . .	22,47,000	..	22,47,000	
98	Ports and Pilotage . . . . .	26,32,000	..	26,32,000	
99	Lighthouses and Lightships . . . . .	57,73,000	..	57,73,000	
100	Central Road Fund . . . . .	1,78,41,000	..	1,78,41,000	
101	Communications (including National Highways) . . . . .	2,38,62,000	..	2,38,62,000	
102	Miscellaneous Departments and Expenditure under the Ministry of Transport . . . . .	17,07,000	..	17,07,000	
103	Ministry of Works, Housing and Supply . . . . .	23,34,000	..	23,34,000	
104	Supplies . . . . .	1,08,81,000	..	1,08,81,000	
105	Other Civil Works . . . . .	8,61,05,000	13,97,000	8,75,02,000	
106	Stationery and Printing . . . . .	2,87,40,000	..	2,87,40,000	
107	Miscellaneous Departments and Expenditure under the Ministry of Works, Housing and Supply . . . . .	37,84,000	..	37,84,000	
108	Department of Atomic Energy . . . . .	3,63,000	..	3,63,000	

I. No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
109	Atomic Energy Research . . . . .	1,29,17,000	..	1,29,17,000
110	Department of Parliamentary Affairs . . . . .	79,000	..	79,000
111	Lok Sabha . . . . .	40,23,000	22,000	40,45,000
112	Miscellaneous Expenditure under the Lok Sabha . . . . .	34,000	..	34,000
113	Rajya Sabha CHARGED.— <i>Staff, Household and Allowances of the President</i> . . . . .	12,27,000 ..	25,000 7,66,000	12,52,000 7,66,000
114	Secretariat of the Vice-President . . . . .	26,000	..	26,000
	CHARGED.— <i>Union Public Service Commission</i> . . . . .	..	15,30,000	15,30,000
115	Capital Outlay on Forests . . . . .	7,63,000	..	7,63,000
116	Other Capital Outlay of the Ministry of Agriculture . . . . .	13,08,67,000	..	13,08,67,000
117	Capital Outlay of the Ministry of Commerce and Consumer Industries . . . . .	3,78,55,000	..	3,78,55,000
118	Capital Outlay on Posts and Telegraphs (not met from Revenue) . . . . .	10,32,27,000	..	10,32,27,000
119	Capital Outlay on Civil Aviation . . . . .	1,19,84,000	..	1,19,84,000
120	Other Capital Outlay of the Ministry of Communications . . . . .	3,19,55,000	..	3,19,55,000
121	Capital Outlay of the Ministry of Community Development . . . . .	69,79,000	..	69,79,000
122	Defence Capital Outlay . . . . .	10,41,67,000	..	10,41,67,000
123	Capital Outlay of the Ministry of Education . . . . .	16,40,000	..	16,40,000
124	Capital Outlay of the Ministry of External Affairs . . . . .	12,50,000	..	12,50,000
125	Capital Outlay on the India Security Press . . . . .	3,17,000	..	3,17,000
126	Capital Outlay on Currency and Coinage . . . . .	1,11,17,000	..	1,11,17,000

1	2	3	4
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund
		Sums not exceeding	
127	Capital Outlay on Minus	Rs. 30,00,000	Rs. 30,00,000
128	Commuted Value of Pensions	Rs. 17,73,000	Rs. 42,000
129	Payment to Retrenched Personnel	Rs. 10,000	Rs. 10,000
130	Other Capital Outlay of the Ministry of Finance	Rs. 37,43,96,000	Rs. 37,43,96,000
131	Loans and Advances by the Central Government	Rs. 16,66,62,000	Rs. 60,00,00,000
	CHARGED.— <i>Repayment of Debt</i>	Rs. ..	Rs. 14,68,41,88,000
132	Purchase of Foodgrains	Rs. 67,06,36,000	Rs. 67,06,36,000
133	Other Capital Outlay of the Ministry of Food	Rs. 1,53,74,000	Rs. 1,53,74,000
134	Capital Outlay of the Ministry of Health	Rs. 4,21,20,000	Rs. 4,21,20,000
135	Capital Outlay of the Ministry of Heavy Industries	Rs. 1,13,39,000	Rs. 1,13,39,000
136	Capital Outlay of the Ministry of Home Affairs	Rs. 92,87,000	Rs. 92,87,000
137	Capital Outlay on Broadcasting	Rs. 1,41,66,000	Rs. 1,41,66,000
138	Capital Outlay of the Ministry of Iron and Steel	Rs. 65,76,25,000	Rs. 65,76,25,000
139	Capital Outlay on Multi-purpose River Schemes	Rs. 1,55,44,000	Rs. 1,55,44,000
140	Other Capital Outlay of the Ministry of Irrigation and Power	Rs. 39,53,000	Rs. 39,53,000
141	Capital Outlay of the Ministry of Labour	Rs. 14,26,000	Rs. 14,26,000
142	Capital Outlay of the Ministry of Natural Resources and Scientific Research	Rs. 2,20,19,000	Rs. 2,20,19,000
143	Capital Outlay of the Ministry of Production	Rs. 3,82,89,000	Rs. 3,82,89,000
144	Capital Outlay of the Ministry of Rehabilitation	Rs. 10,00,00,000	Rs. 10,00,00,000
	<b>Total</b>		

I	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
145	Capital Outlay on Ports . . . . .	2,22,92,000	..	2,22,92,000
146	Capital Outlay on Roads . . . . .	6,04,17,000	..	6,04,17,000
147	Other Capital Outlay on the Ministry of Transport . . . . .	1,47,08,000	..	1,47,08,000
148	Delhi Capital Outlay . . . . .	3,05,50,000	2,18,000	3,07,68,000
149	Capital Outlay on Buildings . . . . .	1,91,13,000	1,19,000	1,92,32,000
150	Other Capital Outlay of the Ministry of Works, Housing and Supply . . . . .	89,90,000	..	89,90,000
151	Capital Outlay of the Department of Atomic Energy . . . . .	3,75,00,000	..	3,75,00,000
	<b>GRAND TOTAL . . . . .</b>	<b>5,83,60,68,000</b>	<b>16,03,82,73,000</b>	<b>21,87,43,41,000</b>

# THE KERALA APPROPRIATION ACT, 1957

No. 4 OF 1957

[28th March, 1957]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Kerala for the service of the period beginning on the 1st day of November, 1956, and ending on the 31st day of March, 1957.

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

Short title.

1. This Act may be called the Kerala Appropriation Act, 1957.

Issue of Rs.  
28,65,30,600  
from and out  
of the  
Consolidated  
Fund of the  
State of  
Kerala for  
the last five  
months of  
the year  
1956-57.

2. From and out of the Consolidated Fund of the State of Kerala there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-eight crores, sixty-five lakhs, thirty thousand and six hundred rupees towards defraying the several charges which will come in course of payment during the period beginning on the 1st day of November, 1956, and ending on the 31st day of March, 1957.

Appropriation.

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



## THE SCHEDULE

(See sections 2 and 3)

1	2	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
	A.—REVENUE ACCOUNT			
I	Agricultural Income-tax and Sales-Tax	7,46,400	..	7,46,400
II	Land Revenue	24,25,700	31,900	24,57,600
III	Excise	7,66,100	..	7,66,100
IV	Stamps	3,95,200	..	3,95,200
V	Forest	55,47,800	..	55,47,800
VI	Registration	8,02,000	..	8,02,000
VII	Taxes on Vehicles	6,58,600	..	6,58,600
VIII	Irrigation	10,23,100	..	10,23,100
	<i>Debt Charges</i>	..	98,13,600	98,13,600
IX	Heads of States, Ministers, Secretariat and attached Offices	20,56,600	2,17,800	22,74,400
X	State Legislature	87,700	..	87,700
XI	Elections	21,19,600	..	21,19,600
XII	District Administration and Miscellaneous	26,99,200	..	26,99,200
XIII	Administration of Justice	24,13,000	1,99,700	26,12,700
XIV	Jails	7,86,200	..	7,86,200
XV	Police	67,34,300	1,600	67,35,900
XVI	Scientific Departments	1,39,000	..	1,39,000
XVII	Education	4,19,87,500	2,04,000	4,21,91,500
XVIII	Medical	89,95,000	..	89,95,000
XIX	Public Health	27,97,500	..	27,97,500
XX	Agriculture	51,13,400	..	51,13,400

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
	<b>A.—REVENUE ACCOUNT—contd.</b>			
XXI	Rural Development . . . . .	46,47,600	..	46,47,600
XXII	Veterinary . . . . .	6,92,800	..	6,92,800
XXIII	Co-operation . . . . .	10,55,900	..	10,55,900
XXIV	Industries . . . . .	1,17,72,400	3,56,700	1,21,29,100
XXV	Labour and Miscellaneous . . . . .	48,92,000	..	48,92,000
XXVI	Civil Works . . . . .	2,39,92,700	2,89,000	2,42,81,700
XXVII	Electricity . . . . .	34,21,000	35,00,600	69,21,600
XXVIII	Pensions . . . . .	44,53,000	7,700	44,60,700
XXIX	Stationery and Printing . . . . .	15,38,800	..	15,38,800
XXX	Miscellaneous . . . . .	19,26,000	19,37,500	38,63,500
XXXI	Community Development Projects	64,40,400	..	64,40,400
XXXII	Transport Schemes . . . . .	71,17,900	3,32,900	74,50,800
	<b>TOTAL A</b>	<b>16,02,44,400</b>	<b>1,68,93,000</b>	<b>17,71,37,400</b>
	<b>B.—CAPITAL EXPENDITURE OUT- SIDE THE REVENUE ACCOUNT</b>			
XXXIII	Capital Outlay on Irrigation (Com- mercial) . . . . .	91,00,400	..	91,00,400
XXXIV	Capital Outlay on Irrigation (Non- Commercial) . . . . .	59,84,200	..	59,84,200
XXXV	Capital Outlay on Agricultural Improvement . . . . .	46,100	66,000	1,12,100
XXXVI	Capital Outlay on Industrial Deve- lopment . . . . .	68,71,100	52,100	69,23,200
XXXVII	Capital Outlay on Civil Works . . . . .	3,16,82,100	..	3,16,82,100
XXXVIII	Capital Outlay on Electricity Schemes . . . . .	2,56,37,500	..	2,56,37,500

1.	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
	B.—CAPITAL EXPENDITURE OUTSIDE THE REVENUE ACCOUNT— <i>contd.</i>			
XXXIX	Capital Account of other Works outside the Revenue Account . . . . .	37,53,500	..	37,53,500
XL	Capital Outlay on Transport Schemes . . . . .	16,17,300	12,500	16,29,800
XLI	Commuted Value of Pensions . . . . .	40,000	..	40,000
XLII	Capital Outlay on State Schemes of Government Trading . . . . .	29,38,000	..	29,38,000
	TOTAL B . . . . .	8,76,70,200	1,30,600	8,78,00,800
	C.—DISBURSEMENT OF LOANS AND ADVANCES AND REPAYMENT OF DEBT.			
XLIII	Loans and Advances by the State Government . . . . .	1,53,08,500	..	1,53,08,500
	<i>Public Debt Re-payment</i> . . . . .	..	62,83,900	62,83,900
	TOTAL C . . . . .	1,53,08,500	62,83,900	2,15,92,400
	GRAND TOTAL . . . . .	26,32,23,100	2,33,07,500	28,65,30,600

THE FINANCE ACT, 1957

No. 5 OF 1957

[29th March, 1957]

An Act to continue for the financial year 1957-58 the existing rates of income-tax and super-tax, other than super-tax on companies for which provision is made in section 8 of the Finance (No. 3) Act, 1956, and the existing additional duties of customs and excise, and to provide for the continuance of certain commitments under the General Agreement on Tariffs and Trade and the discontinuance of the duty on salt for the said year.

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

Short title. 1. This Act may be called the Finance Act, 1957.

~~Income tax and Super-tax.~~

~~2. The provisions of section 2 of, and the First Schedule to, the Finance Act, 1956, shall apply in relation to income-tax and super-tax for the financial year 1957-58 as they apply in relation to income-tax and super-tax for the financial year 1956-57, with the modification that~~

~~(i) in section 2, for the figures "1955", "1956" and "1957", wherever they occur, the figures "1956", "1957" and "1958" shall respectively be substituted;~~

~~(ii) the rates of super-tax on companies shall be regulated by section 8 of the Finance (No. 3) Act, 1956, and not by Paragraph D of Part II of the First Schedule above referred to.~~

Omission of section 36.

3. In the Indian Income-tax Act, 1922, section 36 shall be omitted.

Amendment of sections 4 & 5.

4. In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures "1957", the figures "1958" shall be substituted.

*Repealed by Act 26 of 1957, s. 15 (retrospectively).*

5. The provisions of sections 31 and 37 of, and the Third and <sup>Additional</sup> ~~Fourth~~ Schedules to, the Finance Act, 1956, shall continue in force up to the 31st day of March, 1958, and accordingly in each of the said <sup>duties of cus-</sup> ~~sections~~, for the figures "1957", the figures "1958" shall be substituted. <sup>oms and</sup> <sup>excise.</sup>

6. For the year beginning on the 1st day of April, 1957, no duty <sup>Discontinu-</sup> under the Central Excises and Salt Act, 1944, or the Indian Tariff <sup>ance of salt</sup> Act, 1934, shall be levied in respect of salt manufactured in, or <sup>duty.</sup> imported into, India.

*Repealed by Act 26 of 1957, S. 15.*

# THE APPROPRIATION (RAILWAYS) ACT, 1957

No. 6 OF 1957

[29th March, 1957]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57 for the purposes of Railways.

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

Short title.      1. This Act may be called the Appropriation (Railways) Act, 1957.

Issue of Rs. 4,72,05,000 out of the Consolidated Fund of India for the financial year 1956-57.      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 crores, seventy-two lakhs and five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1956-57, 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)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
2	Miscellaneous Expenditure . . . . .	1,000	2,65,000	2,66,000
3	Payments to Worked Lines and others . . . . .	10,38,000	..	10,38,000
9	Ordinary Working Expenses—Mis- cellaneous Expenses . . . . .	63,38,000	..	63,38,000
20	Appropriation to Development Fund	3,95,63,000	..	3,95,63,000
	TOTAL . . . . .	4,69,40,000	2,65,000	4,72,05,000

*Repealed by Act 58 of 1960, S. 262 Sch I (wef 28.12.60)*

THE PREVENTION OF CORRUPTION (AMENDMENT)  
ACT, 1957

No. 7 OF 1957

[29th March, 1957]

An Act further to amend the Prevention of Corruption Act, 1947.

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

- Short title.           1. This Act may be called the Prevention of Corruption (Amendment) Act, 1957.
- Amendment of section 1.       2. In the Prevention of Corruption Act, 1947, sub-section (3) of section 1 shall be omitted.
- Repeal of Ordinance.       3. The Prevention of Corruption (Amendment) Ordinance, 1957, is hereby repealed.



THE KERALA APPROPRIATION (VOTE ON ACCOUNT)  
ACT, 1957

No. 8 OF 1957

[30th March, 1957]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Kerala for the service of a part of the financial year 1957-58.

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

1. This Act may be called the Kerala Appropriation (Vote on Short title. Account) Act, 1957.

2. From and out of the Consolidated Fund of the State of Kerala there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twelve crores, forty-seven lakhs and eighty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1957-58.

Withdrawal  
of Rs.  
12,47,89,000  
from and  
out of the  
Consolidated  
Fund of the  
State of  
Kerala for  
the financial  
year 1957-58.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State 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)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
	<b>A. REVENUE ACCOUNT</b>			
I	Agricultural Income-tax and Sales Tax . . . . .	4,55,000	..	4,55,000
II	Land Revenue . . . . .	11,06,000	52,000	11,58,000
III	Excise . . . . .	4,76,000	..	4,76,000
IV	Stamps . . . . .	1,02,000	..	1,02,000
V	Forest . . . . .	25,12,000	..	25,12,000
VI	Registration . . . . .	5,06,000	..	5,06,000
VII	Taxes on Vehicles . . . . .	3,03,000	..	3,03,000
VIII	Irrigation . . . . .	4,52,000	..	4,52,000
	<i>Debt Charges . . . . .</i>	..	<i>33,63,000</i>	<i>33,63,000</i>
IX	Heads of States, Ministers, Secretariat and attached offices . . . . .	10,85,000	1,57,000	12,42,000
X	State Legislature . . . . .	1,44,000	6,000	1,50,000
XI	Elections . . . . .	10,00,000	..	10,00,000
XII	District Administration and Miscellaneous . . . . .	12,60,000	..	12,60,000
XIII	Administration of Justice . . . . .	14,79,000	1,63,000	16,42,000
XIV	Jails . . . . .	5,00,000	..	5,00,000
XV	Police . . . . .	40,39,000	..	40,39,000
XVI	Scientific Departments . . . . .	1,06,000	..	1,06,000
XVII	Education . . . . .	2,14,29,000	15,000	2,14,44,000
XVIII	Medical . . . . .	51,19,000	..	51,19,000
XIX	Public Health . . . . .	42,58,000	..	42,58,000
XX	Agriculture . . . . .	24,98,000	..	24,98,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
	<b>A. REVENUE ACCOUNT—contd.</b>			
XXI	Rural Development . . . . .	18,56,000	..	18,56,000
XXII	Veterinary . . . . .	4,09,000	..	4,09,000
XXIII	Co-operation . . . . .	5,58,000	..	5,58,000
XXIV	Industries . . . . .	47,94,000	..	47,94,000
XXV	Labour and Miscellaneous . . . . .	21,14,000	..	21,14,000
XXVI	Civil Works . . . . .	83,82,000	25,000	84,07,000
XXVII	Electricity . . . . .	24,59,000	..	24,59,000
XXVIII	Pensions . . . . .	26,00,000	6,000	26,06,000
XXIX	Stationery and Printing . . . . .	9,94,000	..	9,94,000
XXX	Miscellaneous . . . . .	7,14,000	11,63,000	18,77,000
XXXI	Community Development Projects . . . . .	24,82,000	..	24,82,000
XXXII	Transport Schemes . . . . .	45,53,000	..	45,53,000
	<b>TOTAL 'A'</b> . . . . .	<b>8,07,344,000</b>	<b>49,50,000</b>	<b>8,56,94,000</b>
	<b>B. CAPITAL EXPENDITURE OUT- SIDE THE REVENUE ACCOUNT</b>			
XXXIII	Capital Outlay on Irrigation (Commercial) . . . . .	31,83,000	..	31,83,000
XXXIV	Capital Outlay on Irrigation (Non-Commercial) . . . . .	19,16,000	..	19,16,000
XXXV	Capital Outlay on Public Health . . . . .	27,08,000	..	27,08,000
XXXVI	Capital Outlay on Agricultural Improvement . . . . .	19,000	..	19,000
XXXVII	Capital Outlay on Industrial Development . . . . .	33,56,000	..	33,56,000
XXXVIII	Capital Outlay on Civil Works . . . . .	67,70,000	75,000	68,45,000
XXXIX	Capital Outlay on Electricity Schemes . . . . .	77,49,000	10,000	77,59,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
	<b>B. CAPITAL EXPENDITURE OUT- SIDE THE REVENUE ACCOUNT—contd.</b>			
XL	Capital Account of other Works outside the Revenue Account	3,30,000	..	3,30,000
XLI	Capital outlay on Transport Schemes	3,50,000	..	3,50,000
XLII	Commuted Value of Pensions	19,000	..	19,000
XLIII	Capital outlay on State Schemes of Government Trading	22,32,000	..	22,32,000
	<b>TOTAL 'B'</b>	<b>2,86,32,000</b>	<b>85,000</b>	<b>2,87,17,000</b>
	<b>C. DISBURSEMENT OF LOANS AND ADVANCES AND RE-PAY- MENT OF DEBT</b>			
XLIV	Loans and Advances by the State Government	27,07,000	..	27,07,000
	<i>Public Debt Re-payment</i>	..	76,71,000	76,71,000
	<b>TOTAL 'C'</b>	<b>27,07,000</b>	<b>76,71,000</b>	<b>1,03,78,000</b>
	<b>GRAND TOTAL</b>	<b>11,20,83,000</b>	<b>1,27,06,000</b>	<b>12,47,89,000</b>

THE APPROPRIATION (RAILWAYS) VOTE ON ACCOUNT  
ACT, 1957

No. 9 OF 1957

[30th March, 1957]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1957-58, for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) Vote on Short title. Account Act, 1957.

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 three hundred and forty-six crores, seventy-two lakhs and sixty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1957-58, in respect of the services relating to railways specified in column 2 of the Schedule.

Withdrawal  
of Rs. 346,  
72,69,000  
from and  
out of the  
Consolidated  
Fund of  
India for the  
financial year  
1957-58.

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.

## THE SCHEDULE

(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board . . . . .	29,78,000	..	29,78,000
2	Miscellaneous Expenditure . . . . .	70,56,000	1,78,000	72,34,000
3	Payment to Worked Lines and others . . . . .	18,03,000	..	18,03,000
4	Working Expenses—Administra- tion . . . . .	12,79,65,000	..	12,79,65,000
5	Working Expenses—Repairs and Maintenance . . . . .	39,13,33,000	..	39,13,33,000
6	Working Expenses—Operating Staff . . . . .	24,74,66,000	..	24,74,66,000
7	Working Expenses—Operation (Fuel) . . . . .	20,72,42,000	..	20,72,42,000
8	Working Expenses—Operation other than Staff and Fuel . . . . .	7,02,99,000	16,00,000	7,18,99,000
9	Working Expenses—Miscella- neous Expenses . . . . .	10,81,58,000	11,50,000	10,93,08,000
10	Working Expenses—Labour Welfare . . . . .	2,99,03,000	..	2,99,03,000
11	Working Expenses—Appropria- tion to Depreciation Reserve Fund . . . . .	18,75,00,000	..	18,75,00,000
13	Open Line Works (Revenue)— Labour Welfare . . . . .	43,05,000	..	43,05,000
14	Open Line Works (Revenue)— Other than Labour Welfare . . . . .	4,45,53,000	..	4,45,53,000

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	Construction of New Lines	8,65,85,000	..	8,65,85,000
16	Open Line Works—Additions	1,54,93,91,000	..	1,54,93,91,000
17	Open Line Works—Replacement	26,29,31,000	..	26,29,31,000
18	Open Line Works—Develop- ment Fund.	13,48,73,000	..	13,48,73,000
<b>TOTAL</b>		346,43,41,000	29,28,000	346,72,69,000

Rep. No. 58 of 1960, 8.2.2 Sch I (wgf 26.12.60)

THE SEA CUSTOMS (AMENDMENT) ACT, 1957

No. 10 OF 1957

[2nd April, 1957]

An Act further to amend the Sea Customs Act, 1878.

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

Short title. 1. This Act may be called the Sea Customs (Amendment) Act, 1957.

Amendment of section 3. 2. In section 3 of the Sea Customs Act, 1878 (hereinafter referred to as the principal Act), after clause (g), the following clause shall be inserted, namely:—

“(gg) ‘Indian customs waters’ means the waters extending into the sea to a distance of twelve nautical miles measured from the appropriate base line on the coast of India;”.

Insertion of new Chapter VIA. 3. After section 52 of the principal Act, the following shall be inserted, namely:—

“CHAPTER VIA

PROHIBITION OF ENTRY OF VESSELS CONSTRUCTED, ETC., FOR  
CONCEALING GOODS

Prohibition of entry of vessels constructed, etc., for concealing goods.

52A. No vessel constructed, adapted, altered or fitted for the purpose of concealing goods shall enter, or be within, the limits of any port in India, or the Indian customs waters”.



## 4. In the Schedule to section 167 of the principal Act,—

Amendment  
of section  
167.(a) after item 3, the following item shall be inserted,  
namely:—

“3A. If any part of the cargo of a vessel is thrown over-board or is staved or destroyed so as to prevent its examination or lawful seizure by any officer of customs or other person duly employed for the prevention of smuggling—

General.

Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”;

(a) while the vessel is within the Indian customs waters, or

(b) where the vessel having been properly summoned while within such waters to bring to by any ship in the service of the Central Government, fails to do so and chase is given, at any time during the chase.

(b) for item 4, the following item shall be substituted,  
namely:—

“4. If any vessel which has been within the limits of any port in India or within the Indian customs waters, with cargo on board, be afterwards found elsewhere in such waters or in any port, bay, river, creek or arm of the sea in India,”

II and  
General.

Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”;

(i) light or in ballast, or

(ii) with any part of such cargo missing,

and the master of the vessel is unable to give due account of how the vessel came to be light or in ballast, or of the missing cargo,

(c) after item 12, the following item shall be inserted,  
namely:—

“12A. If a vessel constructed, adapted, altered or fitted for the purpose of concealing goods, enters or is within the limits of any port in India or within the Indian customs waters,

52A.

Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”

(d) after item 76B, the following item shall be inserted, namely:—

“76C. If, save for good and sufficient cause, any vessel having been properly summoned to bring to, in the manner provided in section 171, fails so to do,

171 Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”

Amendment of sections 169 and 170A.

5. In section 169 and in sub-section (1) of section 170A of the principal Act, after the words “any port in India”, the words “or within the Indian customs waters” shall be inserted.

Substitution of new section for section 171.

6. For section 171 of the principal Act, the following section shall be substituted, namely:—

Powers of customs officer for boarding and searching such vessels.

“171. (1) Any duly empowered officer of customs or other person duly employed for the prevention of smuggling may, for the purpose of ascertaining whether any breach of this Act or any other law relating to customs has been, is being or is likely to be, committed,—

(a) stop and board any vessel in India or within the Indian customs waters and examine and search such vessel and every part thereof and every trunk, package or cargo on board and may inspect and examine the manifest and other documents and papers;

(b) stop and search any cart or other means of conveyance at any place in India.

(2) Where in exercise of the powers conferred by clause (a) of sub-section (1), it becomes necessary to stop any vessel, it shall be lawful for any ship in the service of the Central Government while flying her proper ensign, to summon such vessel, under the direction of any such officer or person as is referred to in that sub-section, by means of an international signal code or other recognised means, and thereupon such vessel shall forthwith bring to, and if it fails to do so, chase may be given to the vessel by any such ship as aforesaid, and if after a gun is fired, the vessel still fails to bring to, the vessel may be fired upon by such ship.”

Amendment of sections 173 and 178.

7. In section 173 and in section 178 of the principal Act, for the words “either upon land or water”, the words “in India either upon land or water, or within the Indian customs waters” shall be substituted.

*Rep. Ver. Act 58 of 1960, s. 2 & Sch. I (wef. 26.12.60)*

**THE FOREIGNERS LAWS (AMENDMENT) ACT, 1957**

No. 11 OF 1957

[2nd April, 1957]

An Act further to amend the Foreigners Act, 1946, and  
the Registration of Foreigners Act, 1939.

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

1. (1) This Act may be called the Foreigners Laws (Amendment) Act, 1957. Short title  
and com-  
mencement's

(2) It shall be deemed to have come into force on the 19th day  
of January, 1957.

31. of 1946.

2. In the Foreigners Act, 1946 (hereinafter referred to as the Foreigners Act), in section 2, for clause (a), the following clause shall be substituted, namely:— Amendment  
of section 2.

“(a) “foreigner” means a person who is not a citizen of India;”

3. In section 3 of the Foreigners Act,—

Amendment  
of section 3.

(a) in sub-section (2), the brackets, letter and words “(g) shall be arrested and detained or confined;” shall be omitted;

(b) in sub-section (3), for the words, brackets and letters “ clause (f) or clause (g)”, the words, brackets and letter “or clause (f)” shall be substituted.

Insertion of  
new section  
3A.

4. After section 3 of the Foreigners Act, the following section shall be inserted, namely—

Power to  
exempt  
citizens of  
Common-  
wealth coun-  
tries and  
other persons  
from appli-  
cation of Act  
in certain  
cases.

“3A. (1) The Central Government may, by order, declare that all or any of the provisions of this Act or of any order made thereunder shall not apply, or shall apply only in such circumstances or with such exceptions or modifications or subject to such conditions as may be specified in the order, to or in relation to—

(a) the citizens of any such Commonwealth country as may be so specified; or

(b) any other individual foreigner or class or description of foreigner.

(2) A copy of every order made under this section shall be placed on the table of both Houses of Parliament as soon as may be after it is made.”

Amendment  
of section 4.

5. In section 4 of the Foreigners Act,—

(a) sub-section (1) shall be omitted;

(b) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

“(3) No person shall—

(a) knowingly assist a person on parole to escape from the place set apart for his residence or knowingly harbour any such person, or

(b) give a person on parole any assistance with intent thereby to prevent, hinder or interfere with the apprehension of such person.

(4) The Central Government may, by order, provide for regulating access to, and the conduct of persons in, places where persons on parole are restricted, and for prohibiting or regulating the despatch or conveyance from outside such places to or for such persons therein of such articles as may be prescribed.”

Amendment  
of section 5.

6. In section 5 of the Foreigners Act, in sub-section (5), the word “Royal” shall be omitted.

Omission of  
section 10.

7. Section 10 of the Foreigners Act shall be omitted.

Amendment  
of section 2.

8. In the Registration of Foreigners Act, 1939, in section 2, for clause (a), the following clause shall be substituted, namely:—

“(a) “foreigner” means a person who is not a citizen of India;”

of 1957.

9 (1) The Foreigners Laws (Amendment) Ordinance, 1957, is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken.

*Rep. by Act 58 of 1960, S. 2 & Ser. I (orig. 26.12.60)*

**THE PROVISIONAL COLLECTION OF TAXES  
(TEMPORARY) AMENDMENT ACT, 1957**

No. 12 OF 1957

[27th May, 1957]

An Act to amend the Provisional Collection of Taxes Act, 1931 for a temporary period.

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

Short title.

1. This Act may be called the Provisional Collection of Taxes (Temporary Amendment) Act, 1957.

Temporary amendment of sections 4 and 5, Act 16 of 1931.

2. Where a Bill introduced in Parliament during the period commencing on the 15th day of May, 1957, and ending with the 31st day of December, 1957, contains a declared provision as defined in section 2 of the Provisional Collection of Taxes Act, 1931, sections 4 and 5 of that Act shall have effect in relation to such Bill as if for the words "sixtieth day" in clause (c) of sub-section (2) of section 4 and in sub-section (1) of section 5, the words "one hundred and twentieth day" had been substituted.

*Rep. Reg. No. 58 of 1960, S. 2 & Ser. I (w/ 26.12.60)*

**THE ESSENTIAL COMMODITIES (AMENDMENT)**

**ACT, 1957**

**NO. 13 OF 1957**

[4th June, 1957]

**An Act further to amend the Essential Commodities Act, 1955.**

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

1. This Act may be called the Essential Commodities (Amendment) Act, 1957. Short title.

2. In section 3 of the Essential Commodities Act, 1955, after sub-section (3), the following sub-section shall be inserted, namely:— Amendment of section 3.

“(3A). (i) If the Central Government is, of opinion that it is necessary so to do for controlling the rise in prices, or preventing the hoarding, of any foodstuff in any locality, it may, by notification in the Official Gazette, direct that notwithstanding anything contained in sub-section (3), the price at which the foodstuff shall be sold in the locality in compliance with an order made with reference to clause (f) of sub-section (2) shall be regulated in accordance with the provisions of this sub-section.

(ii) Any notification issued under this sub-section shall remain in force for such period not exceeding three months as may be specified in the notification.

(iii) Where, after the issue of a notification under this sub-section, any person sells foodstuff of the kind specified therein and in the locality so specified, in compliance with an order made with reference to clause (f) of sub-section (2), there shall be paid to the seller as the price therefor—

(a) where the price can, consistently with the controlled price of the foodstuff, if any, fixed under this section, be agreed upon, the agreed price;

(b) where no such agreement can be reached, the price calculated with reference to the controlled price, if any;

(c) where neither clause (a) nor clause (b) applies, the price calculated with reference to the average market rate prevailing in the locality during the period of three months immediately preceding the date of the notification.

(iv) For the purposes of sub-clause (c) of clause (iii), the average market rate prevailing in the locality shall be determined by an officer authorised by the Central Government in this behalf, with reference to the prevailing market rates for which published figures are available in respect of that locality or of a neighbouring locality; and the average market rate so determined shall be final and shall not be called in question in any court."



THE COPYRIGHT ACT, 1957

*See India Code,  
Vol. III - A*

No. 14 OF 1957

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THE COPYRIGHT ACT, 1957

No. 14 OF 1957

*See Judia Code,  
Vol. III - A*

[4th June, 1957]

An Act to amend and consolidate the law relating to copyright.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Copyright Act, 1957.

(2) It extends to the whole of India.

(3) It shall come into force on such<sup>1</sup> date as the Central Government may, by notification in the Official Gazette, appoint.

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

(a) "adaptation" means,—

(i) in relation to a dramatic work, the conversion of the work into a non-dramatic work;

(ii) in relation to a literary work or an artistic work, the conversion of the work into a dramatic work by way of performance in public or otherwise;

(iii) in relation to a literary or dramatic work, any abridgement of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical; and

Short title,  
extent and  
commence-  
ment.

Interpreta-  
tion.

<sup>1</sup> 21st January, 1958, *vide* notification No. 269 dated 21-1-58 Gazette of India, Extraordinary Part II Section 3 page 167.

(iv) in relation to a musical work, any arrangement or transcription of the work;

(b) "architectural work of art" means any building or structure having an artistic character or design, or any model for such building or structure;

(c) "artistic work" means—

(i) a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality;

(ii) an architectural work of art; and

(iii) any other work of artistic craftsmanship;

(d) "author" means,—

(i) in relation to literary or dramatic work, the author of the work;

(ii) in relation to a musical work, the composer;

(iii) in relation to an artistic work other than a photograph, the artist;

(iv) in relation to a photograph, the person taking the photograph;

(v) in relation to a cinematograph film, the owner of the film at the time of its completion; and

(vi) in relation to a record, the owner of the original plate from which the record is made, at the time of the making of the plate;

(e) "calendar year" means the year commencing on the 1st day of January;

(f) "cinematograph film" includes the sound track, if any, and "cinematograph" shall be construed as including any work produced by any process analogous to cinematography;

(g) "delivery", in relation to a lecture, includes delivery by means of any mechanical instrument or by radio-diffusion;

(h) "dramatic work" includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise but does not include a cinematograph film;

(i) "engravings" include etchings, lithographs, wood-cuts, prints and other similar works, not being photographs;

(j) "exclusive licence" means a licence which confers on the licensee or on the licensees and persons authorised by him, to the

exclusion of all other persons (including the owner of the copyright), any right comprised in the copyright in a work, and "exclusive licensee" shall be construed accordingly;

(k) "Government work" means a work which is made or published by or under the direction or control of—

(i) the Government or any department of the Government;

(ii) any Legislature in India;

(iii) any court, tribunal or other judicial authority in India;

(l) "Indian work" means a literary, dramatic or musical work, the author of which is a citizen of India;

(m) "infringing copy" means,—

(i) in relation to a literary, dramatic, musical or artistic work, a reproduction thereof otherwise than in the form of a cinematograph film;

(ii) in relation to a cinematograph film, a copy of the film or a record embodying the recording in any part of the sound track associated with the film;

(iii) in relation to a record, any such record embodying the same recording; and

(iv) in relation to a programme in which a broadcast reproduction right subsists under section 37, a record recording the programme,

if such reproduction, copy or record is made or imported in contravention of the provisions of this Act;

(n) "lecture" includes address, speech and sermon;

(o) "literary work" includes tables and compilations;

(p) "musical work" means any combination of melody and harmony or either of them, printed, reduced to writing or otherwise graphically produced or reproduced;

(q) "performance" includes any mode of visual or acoustic presentation, including any such presentation by the exhibition of a cinematograph film, or by means of radio-diffusion, or by the use of a record, or by any other means and, in relation to a lecture, includes the delivery of such lecture;

(r) "performing rights society" means a society, association or other body, whether incorporated or not, which carries on business in India of issuing or granting licences for the performance in India of any works in which copyright subsists;

(s) "photograph" includes photo-lithograph and any work produced by any process analogous to photography but does not include any part of a cinematograph film;

(t) "plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, negative or other device used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records for the acoustic presentation of the work are or are intended to be made;

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

(v) "radio-diffusion" includes communication to the public by any means of wireless diffusion whether in the form of sounds or visual images or both;

(w) "record" means any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced therefrom, other than a sound track associated with a cinematograph film;

(x) "recording" means the aggregate of the sounds embodied in and capable of being reproduced by means of a record;

(y) "work" means any of the following works, namely:—

(i) a literary, dramatic, musical or artistic work;

(ii) a cinematograph film;

(iii) a record;

(z) "work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors;

(za) "work of sculpture" includes casts and models.

**Meaning of  
publication.**

3. For the purposes of this Act, "publication" means,—

(a) in the case of a literary, dramatic, musical or artistic work, the issue of copies of the work to the public in sufficient quantities;

(b) in the case of a cinematograph film, the sale or hire or offer for sale or hire of the film or copies thereof to the public;

(c) in the case of a record, the issue of records to the public in sufficient quantities;

but does not, except as otherwise expressly provided in this Act, include,—

(i) in the case of a literary, dramatic or musical work, the issue of any records recording such work;



(ii) in the case of a work of sculpture or an architectural work of art, the issue of photographs and engravings of such work.

4. Except in relation to infringement of copyright, a work shall not be deemed to be published or performed in public, if published, or performed in public, without the licence of the owner of the copyright.

When work not deemed to be published or performed in public.

5. For the purposes of this Act, a work published in India shall be deemed to be first published in India, notwithstanding that it has been published simultaneously in some other country, unless such other country provides a shorter term of copyright for such work; and a work shall be deemed to be published simultaneously in India and in another country if the time between the publication in India and the publication in such other country does not exceed thirty days or such other period as the Central Government may, in relation to any specified country, determine.

When work deemed to be first published in India.

6. If any question arises,—

(a) whether for the purposes of section 3, copies of any literary, dramatic, musical or artistic work, or records are issued to the public in sufficient quantities; or

Certain disputes to be decided by Copyright Board.

(b) whether for the purposes of section 5, the term of copyright for any work is shorter in any other country than that provided in respect of that work under this Act;

it shall be referred to the Copyright Board constituted under section 11 whose decision thereon shall be final.

7. Where, in the case of an unpublished work, the making of the work is extended over a considerable period, the author of the work shall, for the purposes of this Act, be deemed to be a citizen of, or domiciled in, that country of which he was a citizen or wherein he was domiciled during any substantial part of that period.

Nationality of author where the making of unpublished work is extended over considerable period.

8. For the purposes of this Act, a body corporate shall be deemed to be domiciled in India if it is incorporated under any law in force in India.

Domicile of corporations.

## CHAPTER II

### COPYRIGHT OFFICE AND COPYRIGHT BOARD

9. (1) There shall be established for the purposes of this Act an office to be called the Copyright Office.

Copyright Office.

(2) The Copyright Office shall be under the immediate control of

the Registrar of Copyrights who shall act under the superintendance and direction of the Central Government.

(3) There shall be a seal for the Copyright Office.

Registrar and  
Deputy  
Registrars of  
Copyrights.

10. (1) The Central Government shall appoint a Registrar of Copyrights and may appoint one or more Deputy Registrars of Copyrights.

(2) A Deputy Registrar of Copyrights shall discharge under the superintendence and direction of the Registrar of Copyrights such functions of the Registrar under this Act as the Registrar may, from time to time, assign to him; and any reference in this Act to the Registrar of Copyrights shall include a reference to a Deputy Registrar of Copyrights when so discharging any such functions.

Copyright  
Board.

11. (1) As soon as may be after the commencement of this Act, the Central Government shall constitute a Board to be called the Copyright Board which shall consist of a Chairman and not less than two nor more than eight other members.

(2) The Chairman and other members of the Copyright Board shall hold office for such period and on such terms and conditions as may be prescribed.

(3) The Chairman of the Copyright Board shall be a person who is, or has been, a Judge of the Supreme Court or a High Court or is qualified for appointment as a Judge of a High Court.

(4) The Registrar of Copyrights shall be the Secretary of the Copyright Board and shall perform such functions as may be prescribed.

Powers and  
procedure of  
Copyright  
Board.

12. (1) The Copyright Board shall, subject to any rules that may be made under this Act, have power to regulate its own procedure, including the fixing of places and times of its sittings:

Provided that the Copyright Board shall ordinarily hear any proceeding instituted before it under this Act within the zone in which, at the time of the institution of the proceeding, the person instituting the proceeding actually and voluntarily resides or carries on business or personally works for gain.

*Explanation.*—In this sub-section "zone" means a zone specified in 37 of 1956. section 15 of the States Reorganisation Act, 1956.

(2) The Copyright Board may exercise and discharge its powers and functions through Benches constituted by the Chairman of the Copyright Board from amongst its members, each Bench consisting of not less than three members.

(3) If there is a difference of opinion among the members of the Copyright Board or any Bench thereof in respect of any matter

coming before it for decision under this Act, the opinion of the majority shall prevail:

Provided that where there is no such majority—

(i) if the Chairman was one of the members who heard the matter, the opinion of the Chairman shall prevail;

(ii) if the Chairman was not one of the members who heard the matter, the matter shall be referred to him for his opinion and that opinion shall prevail.

(4) The Copyright Board may authorise any of its members to exercise any of the powers conferred on it by section 74 and any order made or act done in exercise of those powers by the member so authorised shall be deemed to be the order or act, as the case may be, of the Board.

(5) No member of the Copyright Board shall take part in any proceedings before the Board in respect of any matter in which he has a personal interest.

(6) No act done or proceeding taken by the Copyright Board under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

(7) The Copyright Board shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898, and all proceedings before the Board shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

5 of 1898.

45 of 1860

### CHAPTER III

#### COPYRIGHT

13. (1) Subject to the provisions of this section and the other provisions of this Act, copyright shall subsist throughout India in the following classes of works, that is to say,—

Works in which copyright subsists.

- (a) original literary, dramatic, musical and artistic works;
- (b) cinematograph films; and
- (c) records.

(2) Copyright shall not subsist in any work specified in subsection (1), other than a work to which the provisions of section 40 or section 41 apply, unless,—

(i) in the case of a published work, the work is first published in India, or where the work is first published outside India, the author is at the date of such publication, or in a case where the author was dead at that date, was at the time of his death, a citizen of India;

(ii) in the case of an unpublished work other than an architectural work of art, the author is at the date of the making of the work a citizen of India or domiciled in India; and

(iii) in the case of an architectural work of art, the work is located in India.

*Explanation.*—In the case of a work of joint authorship, the conditions conferring copyright specified in this sub-section shall be satisfied by all the authors of the work.

(3) Copyright shall not subsist—

(a) in any cinematograph film if a substantial part of the film is an infringement of the copyright in any other work;

(b) in any record made in respect of a literary, dramatic or musical work, if in making the record, copyright in such work has been infringed.

(4) The copyright in a cinematograph film or a record shall not affect the separate copyright in any work in respect of which or a substantial part of which, the film, or as the case may be, the record is made.

(5) In the case of an architectural work of art, copyright shall subsist only in the artistic character and design and shall not extend to processes or methods of construction.

Meaning of  
copyright.

14. (1) For the purposes of this Act, "copyright" means the exclusive right, by virtue of and subject to the provisions of, this Act,—

(a) in the case of a literary, dramatic or musical work, to do and authorise the doing of any of the following acts, namely:—

(i) to reproduce the work in any material form;

(ii) to publish the work;

(iii) to perform the work in public;

(iv) to produce, reproduce, perform or publish any translation of the work;

(v) to make any cinematograph film or a record in respect of the work;

(vi) to communicate the work by radio-diffusion or to communicate to the public by a loud-speaker or any other similar instrument the radio-diffusion of the work;

(vii) to make any adaptation of the work;

(viii) to do in relation to a translation or an adaptation of the work any of the acts specified in relation to the work in clauses (i) to (vi);

(b) in the case of an artistic work, to do or authorise the doing of any of the following acts, namely:—

- (i) to reproduce the work in any material form;
- (ii) to publish the work;
- (iii) to include the work in any cinematograph film;
- (iv) to make any adaptation of the work;

(v) to do in relation to an adaptation of the work any of the acts specified in relation to the work in clauses (i) to (iii).

(c) in the case of a cinematograph film, to do or authorise the doing of any of the following acts, namely:—

- (i) to make a copy of the film;
- (ii) to cause the film, in so far as it consists of visual images, to be seen in public and, in so far as it consists of sounds, to be heard in public;
- (iii) to make any record embodying the recording in any part of the sound track associated with the film by utilising such sound track;

(iv) to communicate the film by radio-diffusion;

(d) in the case of a record, to do or authorise the doing of any of the following acts by utilising the record, namely:—

- (i) to make any other record embodying the same recording;
- (ii) to cause the recording embodied in the record to be heard in public;
- (iii) to communicate the recording embodied in the record by radio-diffusion.

(2) Any reference in sub-section (1) to the doing of any act in relation to a work or a translation or an adaptation thereof shall include a reference to the doing of that act in relation to a substantial part thereof.

2 of 1911. 15. (1) Copyright shall not subsist under this Act in any design which is registered under the Indian Patents and Designs Act, 1911.

2 of 1911. (2) Copyright in any design, which is capable of being registered under the Indian Patents and Designs Act, 1911, but which has not been so registered, shall cease as soon as any article to which the design has been applied has been produced more than fifty times by an industrial process by the owner of the copyright or, with his licence, by any other person.

Special provision regarding Copyright in designs registered or Capable of being registered under the Indian Patents and Designs Act, 1911.

No copyright  
except as  
provided in  
this Act.

16. No person shall be entitled to copyright or any similar right in any work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act or of any other law for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

#### CHAPTER IV

##### OWNERSHIP OF COPYRIGHT AND THE RIGHTS OF THE OWNER

First owner  
of copyright.

17. Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein:

Provided that—

(a) in the case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work;

(b) subject to the provisions of clause (a), in the case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematograph film made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

(c) in the case of a work made in the course of the author's employment under a contract of service or apprenticeship, to which clause (a) or clause (b) does not apply, the employer shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

(d) in the case of a Government work, Government shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

(e) in the case of a work to which the provisions of section 41 apply, the international organisation concerned shall be the first owner of the copyright therein.

18. (1) The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof: Assignment of copyright.

Provided that in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence.

(2) Where the assignee of a copyright becomes entitled to any right comprised in the copyright, the assignee as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of copyright and the provisions of this Act shall have effect accordingly.

(3) In this section, the expression "assignee" as respects the assignment of the copyright in any future work includes the legal representatives of the assignee, if the assignee dies before the work comes into existence.

19. No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or by his duly authorised agent. Mode of assignment.

20. Where under a bequest a person is entitled to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work was not published before the death of the testator, the bequest shall, unless the contrary intention is indicated in the testator's will or any codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death. Transmission of copyright in manuscript by testamentary disposition.

*Explanation.*—In this section, the expression "manuscript" means the original document embodying the work, whether written by hand or not.

21. (1) The author of a work may relinquish all or any of the rights comprised in the copyright in the work by giving notice in the prescribed form to the Registrar of Copyrights and thereupon such rights shall, subject to the provisions of sub-section (3), cease to exist from the date of the notice. Right of author to relinquish copyright.

(2) On receipt of a notice under sub-section (1), the Registrar of Copyrights shall cause it to be published in the Official Gazette and in such other manner as he may deem fit.

(3) The relinquishment of all or any of the rights comprised in the copyright in a work shall not affect any rights subsisting in favour of any person on the date of the notice referred to in sub-section (1).

## CHAPTER V

## TERM OF COPYRIGHT

Term of copyright in published literary, dramatic, musical and artistic works.

22. Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work (other than a photograph) published within the lifetime of the author until fifty years from the beginning of the calendar year next following the year in which the author dies.

*Explanation.*—In this section the reference to the author shall, in the case of a work of joint authorship, be construed as a reference to the author who dies last.

Term of copyright in anonymous and pseudonymous works.

23. (1) In the case of a literary, dramatic, musical or artistic work (other than a photograph), which is published anonymously or pseudonymously, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published:

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the author dies.

(2) In sub-section (1), references to the author shall, in the case of an anonymous work of joint authorship, be construed,—

(a) where the identity of one of the authors is disclosed, as references to that author;

(b) where the identity of more authors than one is disclosed, as references to the author who dies last from amongst such authors.

(3) In sub-section (1), references to the author shall, in the case of a pseudonymous work of joint authorship, be construed,—

(a) where the names of one or more (but not all) of the authors are pseudonyms and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, if the names of two or more of the authors are not pseudonyms, as references to such of those authors who dies last;

(b) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or more of them is disclosed, as references to the author who dies last from amongst the authors whose names are not pseudonyms and the authors whose names are pseudonyms and are disclosed; and

(c) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as references to the



author whose identity is disclosed or if the identity of two or more of such authors is disclosed, as references to such of those authors who dies last.

*Explanation.*—For the purposes of this section, the identity of an author shall be deemed to have been disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or is otherwise established to the satisfaction of the Copyright Board by that author.

24. (1) In the case of literary, dramatic or musical work or an engraving, in which copyright subsists at the date of the death of the author or, in the case of any such work of joint authorship, at or immediately before the date of the death of the author who dies last, but which, or any adaptation of which, has not been published before that date, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published or, where an adaptation of the work is published in any earlier year, from the beginning of the calendar year next following that year.

Term of  
copyright in  
posthumous  
work.

(2) For the purposes of this section a literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published, if it has been performed in public or if any records made in respect of the work have been sold to the public or have been offered for sale to the public.

25. In the case of a photograph, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the photograph is published.

Term of  
copyright in  
photographs

26. In the case of a cinematograph film, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the film is published.

Term of  
copyright in  
cinemato-  
graph films.

27. In the case of a record, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the record is published.

Term of  
copyright  
in records.

28. In the case of Government work, where Government is the first owner of the copyright therein, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

Term of  
copyright  
Government  
works.

29. In the case of a work of an international organisation to which the provisions of section 41 apply, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

Term of  
copyright in  
works of  
international  
organisation.

## CHAPTER VI

## LICENCES

Licences by  
owners of  
copyright.

30. The owner of the copyright in any existing work or the prospective owner of the copyright in any future work may grant any interest in the right by licence in writing signed by him or by his duly authorised agent:

Provided that in the case of a licence relating to copyright in any future work, the licence shall take effect only when the work comes into existence.

*Explanation.*—Where a person to whom a licence relating to copyright in any future work is granted under this section dies before the work comes into existence, his legal representatives shall, in the absence of any provision to the contrary in the licence, be entitled to the benefit of the licence.

Compulsory  
licence in  
works  
withheld  
from public.

31. (1) If at any time during the term of copyright in any Indian work which has been published or performed in public, a complaint is made to the Copyright Board that the owner of copyright in the work—

(a) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work, and by reason of such refusal the work is withheld from the public; or

(b) has refused to allow communication to the public by radio-diffusion of such work or in the case of a record the work recorded in such record, on terms which the complainant considers reasonable;

the Copyright Board, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar of Copyrights to grant to the complainant a licence to republish the work, perform the work in public or communicate the work to the public by radio-diffusion, as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Copyright Board may determine; and thereupon the Registrar of Copyrights shall grant the licence to the complainant in accordance with the directions of the Copyright Board, on payment of such fee as may be prescribed.

*Explanation.*—In this sub-section, the expression "Indian work" includes—

(i) an artistic work, the author of which is a citizen of India;

and

(ii) a cinematograph film or a record made or manufactured in India.

(2) Where two or more persons have made a complaint under sub-section (1), the licence shall be granted to the complainant who in the opinion of the Copyright Board would best serve the interests of the general public.

32. (1) Any person may apply to the Copyright Board for a licence to produce and publish a translation of a literary or dramatic work in any language. Licence to produce and publish translations.

(2) Every such application shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the translation of the work.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the Copyright Board under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a translation of the work in the language mentioned in the application, on condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work sold to the public calculated at such rate as the Copyright Board may, in the circumstances of each case, determine in the prescribed manner:

Provided that no such licence shall be granted, unless—

(a) a translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorised by him, within seven years of the first publication of the work, or if a translation has been so published, it has been out of print;

(b) the applicant has proved to the satisfaction of the Copyright Board that he had requested and had been denied authorisation by the owner of the copyright to produce and publish such translation, or that he was unable to find the owner of the copyright;

(c) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for such authorisation to the publisher whose name appears from the work, not less than two months before the application for the licence;

(d) the Copyright Board is satisfied that the applicant is competent to produce and publish a correct translation of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;

(e) the author has not withdrawn from circulation copies of the work; and

(f) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

## CHAPTER VII

### PERFORMING RIGHTS SOCIETIES

Performing rights society to file statements of fees, charges and royalties.

33. (1) Every performing rights society shall, within the prescribed time and in the prescribed manner, prepare, publish and file with the Registrar of Copyrights, statements of all fees, charges or royalties which it proposes to collect for the grant of licences for performance in public of works in respect of which it has authority to grant such licences.

(2) If any such society fails to prepare, publish or file with the Registrar of Copyrights the statements referred to in sub-section (1) in relation to any work in accordance with the provisions of that sub-section, no action or other proceeding to enforce any remedy, civil or criminal, for infringement of the performing rights in that work shall be commenced except with the consent of the Registrar of Copyrights.

Objections relating to published statements.

34. Any person having any objections to any fees, charges or royalties or other particulars included in any statement referred to in section 33 may at any time lodge such objections in writing at the Copyright Office.

Determination of objections.

35. (1) Every objection lodged at the Copyright Office under section 34 shall, as soon as may be, be referred to the Copyright Board and the Copyright Board shall decide such objection in the manner hereinafter provided.

(2) The Copyright Board shall, in respect of every such objection, give notice thereof to the performing rights society concerned.

(3) The Copyright Board shall, after giving such society and the person who lodged the objection a reasonable opportunity of being heard and after making such further inquiry as may be prescribed, make such alterations in the statements as it may think fit, and shall transmit the alterations made by it to the Registrar of Copyrights, who shall thereupon, as soon as practicable after the receipt of such alterations, publish them in the Official Gazette and furnish the performing rights society concerned and the person who lodged the objection with a copy thereof.

(4) The fees, charges or royalties as altered by the Copyright Board shall be the fees, charges or royalties which the performing

rights society concerned may respectively lawfully sue for or collect in respect of the grant by it of licences for the performance in public of works to which such fees, charges or royalties relate.

(5) No performing rights society shall have any right of action or any right to enforce any civil or other remedy for infringement of the performing rights in any work against any person who has tendered or paid to such society the fees, charges or royalties specified in respect of that work in a statement published by that society under sub-section (1) of section 33 or where such statement has been altered by the Copyright Board under this section in the statement so altered.

(6) Where any person has lodged an objection at the Copyright Office regarding the fees, charges or royalties in respect of any work included in a statement published under section 33, that person or any other person, on depositing such fees, charges or royalties at the Copyright Office, may, pending the final decision of such objection by the Copyright Board or the High Court, as the case may be, perform that work without infringing the copyright therein.

(7) The fees, charges or royalties deposited at the Copyright Office under sub-section (6) shall be paid to the performing rights society concerned or to the person who made the deposit, or partly to such society and partly to such person, in accordance with the final decision on the objection as aforesaid.

36. Nothing in this Chapter shall be deemed to affect—

(a) any rights or liabilities in relation to the performing rights in any work accrued or incurred before the commencement of this Act;

(b) any legal proceedings in respect of such rights or liabilities pending at such commencement.

Existing  
rights not  
affected.

## CHAPTER VIII

### RIGHTS OF BROADCASTING AUTHORITIES

37. (1) Where any programme is broadcast by radio-diffusion by the Government or any other broadcasting authority, a special right to be known as "broadcast reproduction right" shall subsist in such programme.

Broadcast  
reproduction  
right.

(2) The Government or other broadcasting authority, as the case may be, shall be the owner of the broadcast reproduction right and such right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the programme is first broadcast.

(3) During the continuance of a broadcast reproduction right in relation to any programme, any person who,—

(a) without the licence of the owner of the right—

(i) rebroadcasts the programme in question or any substantial part thereof; or

(ii) causes the programme in question or any substantial part thereof to be heard in public; or

(b) without the licence of the owner of the right to utilise the broadcast for the purpose of making a record recording the programme in question or any substantial part thereof, makes any such record,

shall be deemed to infringe that broadcast reproduction right.

Other provisions of this Act to apply to broadcast reproduction rights.

38. Sections 18, 19, 30, 53, 55, 58, 64, 65 and 66 shall, with any necessary adaptations and modifications, apply in relation to the broadcast reproduction right in any programme as they apply in relation to the copyright in a work;

Provided that a licence to utilise a broadcast for the purpose of making a record recording a programme in which broadcast reproduction right subsists or any substantial part of such programme, shall not take effect unless the person to whom such licence is granted has also obtained a licence to make records recording the work embodied in such programme from the owner of the copyright in such work.

Other rights not affected.

39. For the removal of doubts, it is hereby declared that the broadcast reproduction right conferred upon a broadcasting authority under this Chapter shall not affect the copyright—

(a) in any literary, dramatic or musical work which is broadcast by that authority; or

(b) in any record recording any such work.

## CHAPTER IX

### INTERNATIONAL COPYRIGHT

Power to extend copyright to foreign works.

40. The Central Government may, by order published in the Official Gazette, direct that all or any provisions of this Act shall apply—

(a) to works first published in any territory outside India to which the order relates in like manner as if they were first published within India;

(b) to unpublished works, or any class thereof, the authors whereof were at the time of the making of the work, subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were citizens of India;

(c) in respect of domicile in any territory outside India to which the order relates in like manner as if such domicile were in India;

(d) to any work of which the author was at the date of the first publication thereof, or, in a case where the author was dead at that date, was at the time of his death, a subject or citizen of a foreign country to which the order relates in like manner as if the author was a citizen of India at that date or time;

and thereupon, subject to the provisions of this Chapter and of the order, this Act shall apply accordingly:

Provided that—

(i) before making an order under this section in respect of any foreign country (other than a country with which India has entered into a treaty or which is a party to a convention relating to copyright to which India is also a party), the Central Government shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to the Central Government expedient to require for the protection in that country of works entitled to copyright under the provisions of this Act;

(ii) the order may provide that the provisions of this Act shall apply either generally or in relation to such classes of works or such classes of cases as may be specified in the order;

(iii) the order may provide that the term of copyright in India shall not exceed that conferred by the law of the country to which the order relates;

(iv) the order may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities, if any, as may be prescribed by the order;

(v) in applying the provisions of this Act as to ownership of copyright, the order may make such exceptions and modifications as appear necessary, having regard to the law of the foreign country;

(vi) the order may provide that this Act or any part thereof shall not apply to works made before the commencement of the order or that this Act or any part thereof shall not apply to works first published before the commencement of the order.

41. (1) Where—

(a) any work is made or first published by or under the direction or control of any organisation to which this section applies, and

Provisions as to works of certain international organisations.

(b) there would, apart from this section, be no copyright in the work in India at the time of the making or, as the case may be, of the first publication thereof, and

(c) either—

(i) the work is published as aforesaid in pursuance of an agreement in that behalf with the author, being an agreement which does not reserve to the author the copyright, if any, in the work, or

(ii) under section 17 any copyright in the work would belong to the organisation;

there shall, by virtue of this section, be copyright in the work throughout India.

(2) Any organisation to which this section applies which at the material time had not the legal capacity of a body corporate shall have and be deemed at all material times to have had the legal capacity of a body corporate for the purpose of holding, dealing with, and enforcing copyright and in connection with all legal proceedings relating to copyright.

(3) The organisations to which this section applies are such organisations as the Central Government may, by order published in the Official Gazette, declare to be organisations of which one or more sovereign powers or the Government or Governments thereof are members to which it is expedient that this section shall apply.

Power to restrict rights in works of foreign authors first published in India.

42. If it appears to the Central Government that a foreign country does not give or has not undertaken to give adequate protection to the works of Indian authors, the Central Government may, by order published in the Official Gazette, direct that such of the provisions of this Act as confer copyright on works first published in India shall not apply to works, published after the date specified in the order, the authors whereof are subjects or citizens of such foreign country and are not domiciled in India, and thereupon those provisions shall not apply to such works.

Orders under this Chapter to be laid before Parliament.

43. Every order made by the Central Government under this Chapter shall, as soon as may be after it is made, be laid before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which it is so laid or the session immediately following.

## CHAPTER X

### REGISTRATION OF COPYRIGHT

Register of Copyrights.

44. There shall be kept at the Copyright Office a register in the prescribed form to be called the Register of Copyrights in



which may be entered the names or titles of works and the names and addresses of authors, publishers and owners of copyright and such other particulars as may be prescribed.

45. (1) The author or publisher of, or the owner of or other person interested in the copyright in, any work may make an application in the prescribed form accompanied by the prescribed fee to the Registrar of Copyrights for entering particulars of the work in the Register of Copyrights. Entries in Register of Copyrights.

(2) On receipt of an application in respect of any work under sub-section (1), the Registrar of Copyrights may, after holding such inquiry as he may deem fit, enter the particulars of the work in the Register of Copyrights.

46. There shall be also kept at the Copyright Office such indexes of the Register of Copyrights as may be prescribed. Indexes.

47. The Register of Copyrights and indexes thereof kept under this Act shall at all reasonable times be open to inspection, and any person shall be entitled to take copies of, or make extracts from, such register or indexes on payment of such fee and subject to such conditions as may be prescribed. Form and inspection of register.

48. The Register of Copyrights shall be *prima facie* evidence of the particulars entered therein and documents purporting to be copies of any entries therein, or extracts therefrom certified by the Registrar of Copyrights and sealed with the seal of the Copyright Office shall be admissible in evidence in all courts without further proof or production of the original. Register of Copyrights to be prima facie evidence of particulars entered therein.

49. The Registrar of Copyrights may, in the prescribed cases and subject to the prescribed conditions, amend or alter the Register of Copyrights by— Correction of entries in the Register of Copyrights.

(a) correcting any error in any name, address or particulars; or

(b) correcting any other error which may have arisen therein by accidental slip or omission.

50. The Copyright Board, on application of the Registrar of Copyrights or of any person aggrieved, shall order the rectification of the Register of Copyrights by— Rectification of Register by Copyright Board.

(a) the making of any entry wrongly omitted to be made in the register, or

(b) the expunging of any entry wrongly made in, or remaining on, the register, or

(c) the correction of any error or defect in the register.

## CHAPTER XI

## INFRINGEMENT OF COPYRIGHT

When copy-  
right infrin-  
ged.

51. Copyright in a work shall be deemed to be infringed—

(a) when any person, without a licence granted by the owner of the Copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Act—

(i) does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or

(ii) permits for profit any place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware and had no reasonable ground for believing that such performance would be an infringement of copyright, or

(b) when any person—

(i) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

(ii) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or

(iii) by way of trade exhibits in public, or

(iv) imports (except for the private and domestic use of the importer) into India,

any infringing copies of the work.

*Explanation.*—For the purposes of this section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed to be an “infringing copy”.

Certain acts  
not to be  
infringement  
of copyright:

52. (1) The following acts shall not constitute an infringement of copyright, namely:—

(a) a fair dealing with a literary, dramatic, musical or artistic work for the purposes of—

(i) research or private study;

(ii) criticism or review, whether of that work or of any other work;

(b) a fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events—

(i) in a newspaper, magazine or similar periodical, or

(ii) by radio-diffusion or in a cinematograph film or by means of photographs;

(c) the reproduction of a literary, dramatic, musical or artistic work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;

(d) the reproduction or publication of a literary, dramatic, musical or artistic work in any work prepared by the Secretariat of a Legislature or, where the Legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature;

(e) the reproduction of any literary, dramatic or musical work in a certified copy made or supplied in accordance with any law for the time being in force;

(f) the reading or recitation in public of any reasonable extract from a published literary or dramatic work;

(g) the publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of educational institutions, and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for the use of educational institutions, in which copyright subsists:

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years.

*Explanation.*—In the case of a work of joint authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person;

(h) the reproduction of a literary, dramatic, musical or artistic work—

(i) by a teacher or a pupil in the course of instruction;  
or

(ii) as part of the questions to be answered in an examination; or

(iii) in answers to such questions;

(i) the performance in the course of the activities of an educational institution, of a literary, dramatic or musical work

by the staff and students of the institution, or of a cinematograph film or a record, if the audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution;

(j) the making of records in respect of any literary dramatic or musical work, if—

(i) records recording that work have previously been made by, or with the licence or consent of, the owner of the copyright in the work; and

(ii) the person making the records has given the prescribed notice of his intention to make the records, and has paid in the prescribed manner to the owner of the copyright in the work royalties in respect of all such records to be made by him, at the rate fixed by the Copyright Board in this behalf:

Provided that in making the records such person shall not make any alterations in, or omissions from, the work, unless records recording the work subject to similar alterations and omissions have been previously made by, or with the licence or consent of, the owner of the copyright or unless such alterations and omissions are reasonably necessary for the adaptation of the work to the records in question;

(k) the causing of a recording embodied in a record to be heard in public by utilising the record,—

(i) at any premises where persons reside, as part of the amenities provided exclusively or mainly for residents therein, or

(ii) as part of the activities of a club, society or other organisation which is not established or conducted for profit;

(l) the performance of a literary, dramatic or musical work by an amateur club or society, if the performance is given to a non-paying audience, or for the benefit of a religious institution;

(m) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the author of such article has expressly reserved to himself the right of such reproduction;

(n) the publication in a newspaper, magazine or other periodical of a report of a lecture delivered in public;

(o) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a public library for the use of the library if such book is not available for sale in India;

(p) the reproduction, for the purpose of research or private study or with a view to publication, of an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access:

Provided that where the identity of the author of any such work or, in the case of a work of joint authorship, of any of the authors is known to the library, museum or other institution, as the case may be, the provisions of this clause shall apply only if such reproduction is made at a time more than fifty years from the date of the death of the author or, in the case of a work of joint authorship, from the death of the author whose identity is known or, if the identity of more authors than one is known from the death of such of those authors who dies last;

(q) the reproduction or publication of—

(i) any matter which has been published in any Official Gazette except an Act of a Legislature;

(ii) any Act of a Legislature subject to the condition that such Act is reproduced or published together with any commentary thereon or any other original matter;

(iii) the report of any committee, commission, council, board or other like body appointed by the Government if such report has been laid on the Table of the Legislature, unless the reproduction or publication of such report is prohibited by the Government;

(iv) any judgment or order of a court, tribunal or other judicial authority, unless the reproduction or publication of such judgment or order is prohibited by the court, the tribunal or other judicial authority, as the case may be;

(r) the production or publication of a translation in any Indian language of an Act of a Legislature and of any rules or orders made thereunder—

(i) if no translation of such Act or rules or orders in that language has previously been produced or published by the Government; or

(ii) where a translation of such Act or rules or orders in that language has been produced or published by the Government, if the translation is not available for sale to the public:

Provided that such translation contains a statement at a prominent place to the effect that the translation has not been authorised or accepted as authentic by the Government;

(s) the making or publishing of a painting, drawing, engraving or photograph of an architectural work of art;

(t) the making or publishing of a painting, drawing, engraving or photograph of a sculpture, or other artistic work falling under sub-clause (iii) of clause (c) of section 2, if such work is permanently situate in a public place or any premises to which the public has access;

(u) the inclusion in a cinematograph film of—

(i) any artistic work permanently situate in a public place or any premises to which the public has access; or

(ii) any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the film;

(v) the use by the author of an artistic work, where the author of such work is not the owner of the copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work:

Provided that he does not thereby repeat or imitate the main design of the work;

(w) the making of an object of any description in three dimensions of an artistic work in two dimensions, if the object would not appear to persons who are not experts in relation to objects of that description, to be a reproduction of the artistic work;

(x) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed:

Provided that the original construction was made with the consent or licence of the owner of the copyright in such drawings and plans;

(y) in relation to a literary, dramatic or musical work recorded or reproduced in any cinematograph film, the exhibition of such film after the expiration of the term of copyright therein:

Provided that the provisions of sub-clause (ii) of clause (a), sub-clause (i) of clause (b) and clauses (d), (f), (g), (m) and (p) shall not apply as respects any act unless that act is accompanied by an acknowledgment—

(i) identifying the work by its title or other description; and

(ii) unless the work is anonymous or the author of the work has previously agreed or required that no acknowledgement of his name should be made, also identifying the author.

(2) The provisions of sub-section (1) shall apply to the doing of any act in relation to the translation of a literary, dramatic or musical work or the adaptation of a literary, dramatic, musical or artistic work as they apply in relation to the work itself.

53. (1) The Registrar of Copyrights, on application by the owner of the copyright in any work or by his duly authorised agent and on payment of the prescribed fee, may, after making such inquiry as he deems fit, order that copies made out of India of the work which, if made in India would infringe copyright shall not be imported. Importation  
of infringing  
copies.

(2) Subject to any rules made under this Act, the Registrar of Copyrights or any person authorised by him in this behalf may enter any ship, dock or premises where any such copies as are referred to in sub-section (1) may be found and may examine such copies.

(3) All copies to which any order made under sub-section (1) applies shall be deemed to be goods of which the import has been prohibited or restricted, under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly:

3 of 1878.

Provided that all such copies confiscated under the provisions of the said Act shall not vest in the Government but shall be delivered to the owner of the copyright in the work.

## CHAPTER XII

### CIVIL REMEDIES

54. For the purposes of this Chapter, unless the context otherwise requires, the expression "owner of copyright" shall include— Definition.

(a) an exclusive licensee;

(b) in the case of an anonymous or pseudonymous literary, dramatic, musical or artistic work, the publisher of the work, until the identity of the author or, in the case of an anonymous work of joint authorship, or a work of joint authorship published under names all of which are pseudonyms, the identity of any of the authors, is disclosed publicly by the author and the publisher or is otherwise established to the satisfaction of the Copyright Board by that author or his legal representatives.

Civil remedies for infringement of copyright.

55. (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction, damages, accounts and otherwise as are or may be conferred by law for the infringement of a right:

Provided that if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for believing that copyright subsisted in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement and a decree for the whole or part of the profits made by the defendant by the sale of the infringing copies as the court may in the circumstances deem reasonable.

(2) Where, in the case of a literary, dramatic, musical or artistic work, a name purporting to be that of the author or the publisher, as the case may be, appears on copies of the work as published, or, in the case of an artistic work, appeared on the work when it was made, the person whose name so appears or appeared shall, in any proceeding in respect of infringement of copyright in such work, be presumed, unless the contrary is proved, to be the author or the publisher of the work, as the case may be.

(3) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the discretion of the court.

Protection of separate rights.

56. Subject to the provisions of this Act, where the several rights comprising the copyright in any work are owned by different persons, the owner of any such right shall, to the extent of that right, be entitled to the remedies provided by this Act and may individually enforce such right by means of any suit, action or other proceeding without making the owner of any other right a party to such suit, action or proceeding.

Author's special rights.

57. (1) Independently of the author's copyright, and even after the assignment either wholly or partially of the said copyright, the author of a work shall have the right to claim the authorship of the work as well as the right to restrain, or claim damages in respect of,—

(a) any distortion, mutilation or other modification of the said work; or

(b) any other action in relation to the said work which would be prejudicial to his honour or reputation.

(2) The right conferred upon an author of a work by sub-section (1), other than the right to claim authorship of the work, may be exercised by the legal representatives of the author.



58. All infringing copies of any work in which copyright subsists, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of possession thereof or in respect of the conversion thereof:

Rights of owner against persons possessing or dealing with infringing copies.

Provided that the owner of the copyright shall not be entitled to any remedy in respect of the conversion of any infringing copies, if the opponent proves—

(a) that he was not aware and had no reasonable ground to believe that copyright subsisted in the work of which such copies are alleged to be infringing copies; or

(b) that he had reasonable grounds for believing that such copies or plates do not involve infringement of the copyright in any work.

1 of 1877.

59. (1) Notwithstanding anything contained in the Specific Relief Act, 1877, where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

Restriction on remedies in the case of works of architecture.

(2) Nothing in section 58 shall apply in respect of the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work.

1 of 1877.

60. Where any person claiming to be the owner of copyright in any work, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of an alleged infringement of the copyright, any person aggrieved thereby may, notwithstanding anything contained in section 42 of the Specific Relief Act, 1877, institute a declaratory suit that the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats and may in any such suit—

Remedy in the case of groundless threat of legal proceedings.

(a) obtain an injunction against the continuance of such threats; and

(b) recover such damages, if any, as he has sustained by reason of such threats:

Provided that this section shall not apply if the person making such threats, with due diligence, commences and prosecutes an action for infringement of the copyright claimed by him.

Owner of copyright to be party to the proceeding.

61. (1) In every civil suit or other proceeding regarding infringement of copyright instituted by an exclusive licensee, the owner of the copyright shall, unless the court otherwise directs, be made a defendant and where such owner is made a defendant, he shall have the right to dispute the claim of the exclusive licensee.

(2) Where any civil suit or other proceeding regarding infringement of copyright instituted by an exclusive licensee is successful, no fresh suit or other proceeding in respect of the same cause of action shall lie at the instance of the owner of the copyright.

Jurisdiction of court over matters arising under this Chapter.

62. (1) Every suit or other civil proceeding arising under this Chapter in respect of the infringement of copyright in any work or the infringement of any other right conferred by this Act shall be instituted in the district court having jurisdiction.

(2) For the purpose of sub-section (1), a "district court having jurisdiction" shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, or any other law for the time being in force, 5 of 1908 include a district court within the local limits of whose jurisdiction, at the time of the institution of the suit or other proceeding, the person instituting the suit or other proceeding or, where there are more than one such persons, any of them actually and voluntarily resides or carries on business or personally works for gain.

### CHAPTER XIII

#### OFFENCES

Offence of infringement of copyright or other rights conferred by this Act.

63. Any person who knowingly infringes or abets the infringement of—

(a) the copyright in a work, or

(b) any other right conferred by this Act,

shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

*Explanation.*—Construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work shall not be an offence under this section.

Power of police to seize infringing copies.

64. (1) Where a magistrate has taken cognizance of any offence under section 63 in respect of the infringement of copyright in any work, it shall be lawful for any police officer, not below the rank of sub-inspector, to seize without any warrant from the magistrate, all copies of the work wherever found, which appear to him to be infringing copies of the work and all copies so seized shall, as soon as practicable, be produced before the magistrate.

(2) Any person having an interest in any copies of a work seized under sub-section (1) may, within fifteen days of such seizure, make an application to the magistrate for such copies being restored to him and the magistrate, after hearing the applicant and the complainant and making such further inquiry as may be necessary, shall make such order on the application as he may deem fit.

65. Any person who knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

Possession of plates for purpose of making infringing copies.

66. The court trying any offence under this Act may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be delivered up to the owner of the copy-right.

Disposal of infringing copies or plates for purpose of making infringing copies.

67. Any person who,—

(a) makes or causes to be made a false entry in the Register of Copyrights kept under this Act, or

(b) makes or causes to be made a writing falsely purporting to be a copy of any entry in such register, or

(c) produces or tenders or causes to be produced or tendered as evidence any such entry or writing, knowing the same to be false,

Penalty for making false entries in register, etc., for producing or tendering false entries.

shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

68. Any person who,—

(a) with a view to deceiving any authority or officer in the execution of the provisions of this Act, or

(b) with a view to procuring or influencing the doing or omission of anything in relation to this Act or any matter thereunder,

Penalty for making false statements for the purpose of deceiving or influencing any authority or officer.

makes a false statement or representation knowing the same to be false, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

69. (1) Where any 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

Offences by companies.

shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any negligence 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 persons; and

(b) “director” in relation to a firm means a partner in the firm.

Cognizance  
of offences

70. No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act.

#### CHAPTER XIV

##### APPEALS

Appeals  
against  
certain orders  
of magistrate.

71. Any person aggrieved by an order made under sub-section (2) of section 64 or section 66 may, within thirty days of the date of such order, appeal to the court to which appeals from the court making the order ordinarily lie, and such appellate court may direct that execution of the order be stayed pending disposal of the appeal.

Appeals  
against  
orders of  
Registrar of  
Copyrights  
and Copy-  
right Board

72. (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the Copyright Board.

(2) Any person aggrieved by any final decision or order of the Copyright Board, not being a decision or order made in an appeal under sub-section (1), may, within three months from the date of such decision or order, appeal to the High Court within whose jurisdiction the appellant actually and voluntarily resides or carries on business or personally works for gain:

Provided that no such appeal shall lie against a decision of the Copyright Board under section 6.

(3) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.

73. The High Court may make rules consistent with this Act as to the procedure to be followed in respect of appeals made to it under section 72.

CHAPTER XV

MISCELLANEOUS

74. The Registrar of Copyrights and the Copyright Board shall have the powers of a civil court when trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

5 of 1908.

Registrar of Copyrights and Copyright Board to possess certain powers of civil courts.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) requisitioning any public record or copy thereof from any court or office;
- (f) any other matter which may be prescribed.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Registrar of Copyrights or the Copyright Board, as the case may be, shall be the limits of the territory of India.

75. Every order made by the Registrar of Copyrights or the Copyright Board under this Act for the payment of any money or by the High Court in any appeal against any such order of the Copyright Board shall, on a certificate issued by the Registrar of Copyrights, the Copyright Board or the Registrar of the High Court, as the case may be, be deemed to be a decree of a civil court and shall be executable in the same manner as a decree of such court.

Orders for payment of money passed by Registrar of Copyrights and Copyright Board to be executable as a decree.

76. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Protection of action taken in good faith.

Certain persons to be public servants.

77. Every officer appointed under this Act and every member of the Copyright Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Power to make rules.

78. (1) The Central Government may, by notification in the Official Gazette, make rules<sup>1</sup> for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for all or any of the following matters, namely:—

(a) the term of office and conditions of service of the Chairman and other members of the Copyright Board;

(b) the form of complaints and applications to be made, and the licences to be granted, under this Act;

(c) the procedure to be followed in connection with any proceeding before the Registrar of Copyrights;

(d) the manner of determining any royalties payable under this Act, and the security to be taken for the payment of such royalties;

(e) the form of Register of Copyrights to be kept under this Act and the particulars to be entered therein;

(f) the matters in respect of which the Registrar of Copyrights and the Copyright Board shall have powers of a civil court;

(g) the fees which may be payable under this Act;

(h) the regulation of business of the Copyright Office and of all things by this Act placed under the direction or control of the Registrar of Copyrights.

(3) All rules made under this section shall, as soon as may be after they are made, be laid before both Houses of Parliament for not less than thirty days and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

Repeals, savings, and transitional provisions.

79. (1) The Indian Copyright Act, 1914, and the Copyright Act of 1911 passed by the Parliament of the United Kingdom as modified in its application to India by the Indian Copyright Act, 1914, are hereby repealed.

3 of 1914.

3 of 1914.

(2) Where any person has, before the commencement of this Act, taken any action whereby he has incurred any expenditure or liabilities in connection with the reproduction or performance of any

<sup>1</sup> For the Copyright Rules, 1958, see Gazette of India, Extraordinary, Part II, Section 3, page 167.

work in a manner which at the time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the coming into force of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who, by virtue of this Act, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by the Copyright Board.

(3) Copyright shall not subsist by virtue of this Act in any work in which copyright did not subsist immediately before the commencement of this Act under any Act repealed by sub-section (1).

(4) Where copyright subsisted in any work immediately before the commencement of this Act, the rights comprising such copyright shall, as from the date of such commencement, be the rights specified in section 14 in relation to the class of works to which such work belongs, and where any new rights are conferred by that section, the owner of such rights shall be—

(a) in any case where copyright in the work was wholly assigned before the commencement of this Act, the assignee or his successor-in-interest;

(b) in any other case, the person who was the first owner of the copyright in the work under any Act repealed by sub-section (1) or his legal representatives.

(5) Except as otherwise provided in this Act, where any person is entitled immediately before the commencement of this Act to copyright in any work or any right in such copyright or to an interest in any such right, he shall continue to be entitled to such right or interest for the period for which he would have been entitled thereto if this Act had not come into force.

(6) Nothing contained in this Act shall be deemed to render any act done before its commencement an infringement of copyright if that act would not otherwise have constituted such an infringement.

(7) Save as otherwise provided in this section, nothing in this section shall be deemed to affect the application of the General

**THE APPROPRIATION (No. 3) ACT, 1957**

**No. 15 OF 1957**

[4th June, 1957]

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, 1954, in excess of the amounts granted for those services and for that year.

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

- Short title. 1. This Act may be called the Appropriation (No. 3) Act, 1957.
- Issue of Rs. 3,18,34,216 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 1954. 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 three crores, eighteen lakhs, thirty-four thousand, two hundred and sixteen 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, 1954, 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, 1954.



## THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	3		
		Voted portion	Excess Charged portion	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry	13,999	..	13,999
9	Aviation	..	9,651	9,651
25	Miscellaneous Expenditure under the Ministry of External Affairs	1,81,526	..	1,81,526
32	Payments to other Governments, Departments, etc., on account of administration of Agency Subjects and Management of Treasuries	573	..	573
34	Currency	..	50	50
37	Superannuation Allowances and Pensions	8,51,416	..	8,51,416
38	Miscellaneous Departments and Expenditure under the Ministry of Finance.	..	8,423	8,423
40	Miscellaneous adjustments between the Union and State Governments	39,643	..	39,643
42	Pre-partition payments	..	1,08,285	1,08,285
	CHARGED—Interest on Debt and other obligations and reduction or avoidance of debt	..	1,02,69,376	1,02,69,376
50	Public Health	1,58,10,262	..	1,58,10,262
53	Cabinet	1,30,850	..	1,30,850
104	Other Civil Works	10,71,297	..	10,71,297
119	Commuted Value of Pensions	..	66,767	66,767
125	Other Capital Outlay of the Ministry of Road and Agriculture	..	6,96,903	6,96,903
126	Capital Outlay of the Ministry of Health	17,53,179	..	17,53,179
127	Capital Outlay of the Ministry of Home Affairs	..	2	2
128	Capital Outlay on Broadcasting	8,22,014	..	8,22,014
	TOTAL	2,06,74,759	1,11,59,457	3,18,34,216

Rep. Reg. Act 58 of 1960, S. 2 & Sec I (w.r. 28.12.60)

THE CENTRAL SALES TAX (AMENDMENT) ACT, 1957

No. 16 OF 1957

[4th June, 1957]

An Act to amend the Central Sales Tax Act, 1956.

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

Short title. 1. This Act may be called the Central Sales Tax (Amendment) Act, 1957.

Amendment of section 8. 2. In section 8 of the Central Sales Tax Act, 1956 (hereinafter referred to as the principal Act), in sub-section (5), for the words "the Central Government" and "any Union territory", the words "the State Government" and "the State" shall respectively be substituted.

Amendment of section 14. 3. In section 14 of the principal Act, after item (ii), the following item shall be inserted, namely:—

"(iia) cotton yarn, but not including cotton yarn waste;"

Substitution of new section for section 15. Restrictions and conditions in regard to tax on sale or purchase of declared goods within a State. 4. For section 15 of the principal Act, the following section shall be substituted, namely:—

"15. Every sales tax law of a State shall, in so far as it imposes or authorises the imposition of a tax on the sale or purchase of declared goods, be subject to the following restrictions and conditions, namely:—

(a) the tax payable under that law in respect of any sale or purchase of such goods inside the State shall be levied only in respect of the last sale or purchase inside the State and shall not exceed two per cent. of the sale or purchase price;

(b) notwithstanding anything contained in clause (a), no tax shall be levied in respect of the last sale or purchase inside the State if the declared goods purchased are intended for sale in the course of inter-State trade or commerce.

**Explanation.**—The expression “last sale or purchase inside the State” means the transaction in which a dealer registered under the sales tax law of the State—

(i) sells to or purchases from another such dealer declared goods for use by the purchaser in the manufacture of goods for sale or for use by the purchaser in the execution of any contract; or

(ii) purchases declared goods from another such dealer for sale to a dealer not registered under the sales tax law of the State or to a consumer in the State.”

THE LIFE INSURANCE CORPORATION (AMENDMENT)

ACT, 1957

No. 17 OF 1957

[6th June, 1957]

An Act to amend the Life Insurance Corporation Act, 1956.

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

Short title.

1. This Act may be called the Life Insurance Corporation (Amendment) Act, 1957.

Amendment of section 11.

~~2. In section 11 of the Life Insurance Corporation Act, 1956<sup>31</sup> of 1956, (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—~~

~~“(2) Where the Central Government is satisfied that for the purpose of securing uniformity in the scales of remuneration and the other terms and conditions of service applicable to employees of insurers whose controlled business has been transferred to, and vested in, the Corporation, it is necessary so to do, or that, in the interests of the Corporation and its policy-holders, a reduction in the remuneration payable, or a revision of the other terms and conditions of service applicable, to employees or any class of them is called for, the Central Government may, notwithstanding anything contained in sub-section (1), or in the Industrial Disputes Act, 1947,<sup>14</sup> of 1947, or in any other law for the time being in force, or in any award, settlement or agreement for the time being in force, alter (whether by way of reduction or otherwise) the remuneration and the other terms and conditions of service to such extent and in such manner as it thinks fit; and if the alteration is not acceptable to any employee, the Corporation may terminate his employment by giving him compensation equivalent to three months remuneration unless the contract of service with such employee provides for a shorter notice of termination.~~

~~↳ Omitted by Act 58 of 1960, s. 2 & Sch. I (w.e.f. 26.12.60)~~

~~Explanation.—The compensation payable to an employee under this sub-section shall be in addition to, and shall not affect, any pension, gratuity, provident fund money or any other benefit to which the employee may be entitled under his contract of service.~~

3. In section 43 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:— Amendment of section 43.

“(2A) Section 42 of the Insurance Act shall have effect in relation to the issue to any individual of a licence to act as an agent for the purpose of soliciting or procuring life insurance business for the Corporation as if the reference to an officer authorised by the Controller in this behalf in sub-section (1) thereof included a reference to an officer of the Corporation authorised by the Controller in this behalf.”

4. For section 45 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 45.

“45. Notwithstanding anything contained in clause (c) of section 44, the Central Government may, by notification in the Official Gazette, direct that on and with effect from such date as may be specified in the notification the assets and liabilities appertaining to the controlled business of a composite insurer in respect of the management of whose affairs an Administrator has been appointed under section 52A of the Insurance Act shall be transferred to and vested in the Corporation, and on the issue of such a notification the provisions of this Act shall, so far as may be, apply in relation to such insurer and to the transfer and vesting of the assets and liabilities of his controlled business in the Corporation as they apply in relation to all other insurers and to the transfer and vesting of the assets and liabilities of their controlled business in the Corporation, subject to the modification that references in this Act to the appointed day shall be construed as references to the day specified in the notification.” Special provisions regarding transfer of controlled business of certain composite insurers.

~~5. In section 49 of the principal Act, after clause (b) of sub-section (2), the following clause shall be, and shall be deemed always to have been, inserted, namely:— Amendment of section 49.~~

“(bb) the terms and conditions of service of persons who have become employees of the Corporation under sub-section (1) of section 11;”

*4 omitted by Act 58 of 1960, s. 2 & Sel. I (by 26.12.60)*

Validation of orders passed before commencement of Act altering remuneration, etc.

6. Any order altering the remuneration and the other terms and conditions of service of the employees referred to in sub-section (2) of section 11 of the principal Act made or purporting to have been made under that sub-section before the commencement of this Act by the Central Government for any of the purposes specified in that sub-section as amended by this Act, shall, notwithstanding anything contained in any judgment, decree or order of any court, be deemed to have been made under that sub-section as amended by this Act as if this Act were in force on the date on and from which the order was intended to take effect, and the order shall continue in force and have effect accordingly, unless and until superseded by anything done or action taken under the principal Act.

*Now*  
Repeal.

~~7. The Life Insurance Corporation (Amendment) Ordinance, 1957, is hereby repealed.~~

3 of 1957.

*Up Omitted by Act 58 of 1960, s. 2 & Sch. I (wef 28.12.60)*

I

Repealed by Act 58 of 1960, s. 28 ~~Sec 28~~ (wef 26.12.60)

THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1957

No. 18 OF 1957

[6th June, 1957]

An Act further to amend the Industrial Disputes Act, 1947.

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

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 1957. Short title and commencement

(2) Section 2 shall be deemed to have come into force on the 10th day of March, 1957, and section 3 on the 28th day of November, 1956.

14 of 1947.

2. In section 2 of the Industrial Disputes Act, 1947, (hereinafter referred to as the principal Act), for clause (r), the following clause shall be substituted, namely:— Amendment of section 2.

“(r) ‘Tribunal’ means an Industrial Tribunal constituted under section 7A and includes an Industrial Tribunal constituted before the 10th day of March, 1957, under this Act;”.

3. For section 25FF of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections for section 25FF.

“25FF. Where the ownership or management of an undertaking is transferred, whether by agreement or by operation of law, from the employer in relation to that undertaking to a new employer, every workman who has been in continuous service for not less than one year in that undertaking immediately before such transfer shall be entitled to notice and compensation in accordance with the provisions of section 25F, as if the workman had been retrenched: Compensation to workmen in case of transfer of undertakings.

Provided that nothing in this section shall apply to a workman in any case where there has been a change of employers by reason of the transfer, if—

(a) the service of the workman has not been interrupted by such transfer;

(b) the terms and conditions of service applicable to the workman after such transfer are not in any way less favourable to the workman than those applicable to him immediately before the transfer; and

(c) the new employer is, under the terms of such transfer or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by the transfer.

Compensation to workmen in case of closing down of undertakings.

25FFF. (1) Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of section 25F, as if the workman had been retrenched:

Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the workman under clause (b) of section 25F shall not exceed his average pay for three months.

*Explanation.*—An undertaking which is closed down by reason merely of financial difficulties (including financial losses) or accumulation of undisposed of stocks shall not be deemed to have been closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this sub-section.

(2) Where any undertaking set-up for the construction of buildings, bridges, roads, canals, dams or other construction work is closed down on account of the completion of the work within two years from the date on which the undertaking had been set-up, no workman employed therein shall be entitled to any compensation under clause (b) of section 25F, but if the construction work is not so completed within two years, he shall be entitled to notice and compensation under that section for every completed year of service or any part thereof in excess of six months."

Repeal.

4. The Industrial Disputes (Amendment) Ordinance, 1957 is hereby repealed.



*Rep. by Act 58 of 1960, s. 2 & sed. <sup>I</sup> (wef 26.12.60)*

**THE RESERVE BANK OF INDIA (AMENDMENT)**

ACT, 1957

No. 19 OF 1957

[8th June, 1957]

An Act further to amend the Reserve Bank of India Act, 1934.

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

1. This Act may be called the Reserve Bank of India (Amendment) Act, 1957. Short title.

2 of 1934. 2. In section 17 of the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act),—

Amendment  
of section  
17.

63 of 1951. (i) in clause (4), for the words and figures "State Financial Corporations established under the State Financial Corporations Act, 1951, and the principal currency authority of Ceylon", the words and figures "and State Financial Corporations established under the State Financial Corporations Act, 1951," shall be substituted;

63 of 1951.

(ii) after clause (4B), the following clause shall be inserted, namely:—

"(4BB) the making to any financial institution notified by the Central Government in this behalf of loans and advances repayable on demand or on the expiry of fixed period not exceeding ninety days from the date of such loan or advance, against securities of the Central Government or of any State Government;" and

(iii) in clause (8A), after the words "any other bank", the words "or financial institution" shall be inserted.

Amendment  
of section 34.

3. For sub-section (2) of section 34 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) For the purposes of this section,—

(a) any currency note of the Government of India or bank note which has not been presented for payment within forty years from the 1st day of April following the date of its issue, and

(b) any bank note referred to in section 26A,

shall be deemed not to be in circulation, and the value thereof shall, notwithstanding anything contained in sub-section (2) of section 23, be paid by the Issue Department to the Central Government or the Banking Department, as the case may be:

Provided that any note referred to in clause (a), if subsequently presented for payment, and any note referred to in clause (b), if directed to be paid by the Central Government, shall be paid by the Banking Department and any such payment in the case of currency note of the Government of India shall be debited to the Central Government.”

Amendment  
of section 42.

4. In sub-clause (iii) of clause (a) of sub-section (6) of section 42 of the principal Act, for the words, figures and brackets “clause (2) of section 2 of the Indian Companies Act, 1913 (VII of 1913)”, the words and figures “section 3 of the Companies Act, 1956, or an institution notified by the Central Government in this behalf” shall be substituted.

Amendment  
of section  
57.

5. In sub-section (1) of section 57 of the principal Act, for the words, figures and brackets “Indian Companies Act, 1913 (VII of 1913)”, the words and figures “Companies Act, 1956” shall be substituted.

THE COAL BEARING AREAS (ACQUISITION AND

DEVELOPMENT) ACT, 1957

No. 20 OF 1957

ARRANGEMENT OF SECTIONS

*see India Code,  
vol. VI - A*

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of competent authority.
4. Preliminary notification respecting intention to prospect for coal in any area and powers of competent authorities thereupon.
5. Effect of notification on prospecting licences and mining leases.
6. Compensation for any necessary damage done under section 4.
7. Power to acquire land or rights in or over land notified under section 4.
8. Objections to acquisition.
9. Declaration of acquisition.
10. Vesting of land or rights in Central Government.
11. Power of Central Government to direct vesting of land or rights in a Government company.
12. Power to take possession of land acquired.
13. Compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, etc.
14. Method of determining compensation.
15. Costs.
16. Interest on awards.
17. Payment of compensation.

**SECTIONS**

18. Prospecting and mining to be done by Central Government in conformity with the Mineral Concession Rules.
19. Power to delegate.
20. Appeals.
21. Power to obtain information.
22. Power to enter and inspect.
23. Penalties.
24. Service of notices and orders.
25. Protection of action taken in good faith.
26. Jurisdiction of civil courts.
27. Power to make rules.
28. Notifications under Act 1 of 1894 in which proceedings are pending to be treated as notifications under this Act.

THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) ACT, 1957

*see India Code*

Vol. VI - A

No. 20 OF 1957

[8th June, 1957]

An Act to establish in the economic interest of India greater public control over the coal mining industry and its development by providing for the acquisition by the State of unworked land containing or likely to contain coal deposits or of rights in or over such land, for the extinguishment or modification of such rights accruing by virtue of any agreement, lease, licence or otherwise, and for matters connected therewith.

**B**E it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Coal Bearing Areas (Acquisition and Development) Act, 1957.

Short title,  
extent and  
commence  
ment.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

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

Definitions.

(a) "competent authority" means any person appointed to be a competent authority under section 3;

(b) "Government company" means a Government company as defined in section 617 of the Companies Act, 1956, in which any land or rights in or over land shall have vested under section 11;

(c) "Mineral Concession Rules" means the rules for the time being in force made under the Mines and Minerals (Regulation and Development) Act, 1948;

<sup>1</sup> 12th June, 1957, see Notification No. S.R.O. 1931, dated the 10th June, 1957, Gazette of India, Extraordinary, Pt. II, sec. 3, p. 1967.

(d) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land, or of the acquisition, extinguishment or modification of any rights in or over land, under this Act;

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

(f) "Tribunal" means the Tribunal constituted under section 14.

Appoint-  
ment of  
competent  
authority.

3. The Central Government may, by notification in the Official Gazette, appoint any person to be the competent authority for the purposes of this Act; and different persons may be appointed as competent authorities for different provisions of this Act and for different areas.

Preliminary  
notification  
respecting  
intention to  
prospect for  
coal in any  
area and  
powers of  
competent  
authorities  
thereupon.

4. (1) Whenever it appears to the Central Government that coal is likely to be obtained from land in any locality, it may, by notification in the Official Gazette, give notice of its intention to prospect for coal therein.

(2) Every notification under sub-section (1) shall give a brief description of the land and state its approximate area.

(3) On the issue of a notification under sub-section (1), it shall be lawful for the competent authority and for his servants and workmen—

(a) to enter upon and survey any land in such locality;

(b) to dig or bore into the sub-soil;

(c) to do all other acts necessary to prospect for coal in the land;

(d) to set out the boundaries of the land in which prospecting is proposed to be done and the intended line of the work, if any, proposed to be made thereon;

(e) to mark such boundaries and line by placing marks; and

(f) where otherwise the survey cannot be completed and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle;

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

(4) In issuing a notification under this section the Central Government shall exclude therefrom that portion of any land in which coal mining operations are actually being carried on in conformity with the provisions of any enactment, rule or order for the time being in force or any premises on which any process ancillary to the getting, dressing or preparation for sale of coal obtained as a result of such operations is being carried on are situate.

5. On the issue of a notification under sub-section (1) of section 4 in respect of any land—

Effect of notification on prospecting licences and mining leases.

(a) any prospecting licence granted to any person under the Mineral Concession Rules which authorises him to prospect for coal or any other mineral in the land shall cease to have effect; and

(b) any mining lease granted to any person under the Mineral Concession Rules shall, in so far as it authorises the lessee or any person claiming through him to undertake any operation in the land, cease to have effect for so long as the notification under that sub-section is in force.

6. (1) Whenever any action of the nature described in sub-section (3) of section 4 is to be taken, the competent authority shall, before or at the time such action is taken, pay or tender payment for all necessary damage which is likely to be caused, and in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it should be paid or tendered, he shall at once refer the dispute to the decision of the Central Government, and the decision of the Central Government shall be final.

Compensation for any necessary damage done under section 4.

(2) The fact that there exists any such dispute as is referred to in this section shall not be a bar to action under sub-section (3) of section 4.

7. (1) If the Central Government is satisfied that coal is obtainable in the whole or any part of the land notified under sub-section (1) of section 4, it may, within a period of two years from the date of the said notification or within such further period not exceeding one year in the aggregate as the Central Government may specify in this behalf, by notification in the Official Gazette, give notice of its intention to acquire the whole or any part of the land or of any rights in or over such land, as the case may be.

Power to acquire land or rights in or over land notified under section 4.

(2) If no notice to acquire the land or any rights in or over such land is given under sub-section (1) within the period allowed thereunder, the notification issued under sub-section (1) of section 4 shall cease to have effect on the expiration of three years from the date thereof.

Objections  
to acquisition.

8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

*Explanation.*—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the Central Government together with the record of the proceedings held by him and a report containing his recommendations on the objections.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Declaration  
of acquisition.

9. (1) When the Central Government is satisfied, after considering the report, if any, made under section 8 that any land or any rights in or over such land should be acquired, a declaration shall be made by it to that effect:

Provided that, where the declaration relates to any land or to any rights in or over land belonging to a State Government which has or have not been leased out, no such declaration shall be made except after previous consultation with the State Government.

(2) The declaration shall be published in the Official Gazette, and—

(a) in any case where land is to be acquired, shall state the district or other territorial division in which the land is situated and its approximate area; and, where a plan shall have been made of the land, the place where such plan may be inspected;

(b) in any case where rights in or over such land are to be acquired, shall state the nature and extent of the rights in addition to the matters relating to the land specified in clause (a); and

a copy of every such declaration shall be sent to the State Government concerned.



10. (1) On the publication in the Official Gazette of the declaration under section 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government.

Vesting of land or rights in Central Government.

(2) Where the rights under any mining lease granted by a State Government to any person are acquired under this Act, the Central Government shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Central Government, the period thereof being the entire period for which such a lease could have been granted by the State Government under those rules.

11. (1) Notwithstanding anything contained in section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction.

Power of Central Government to direct vesting of land or rights in a Government company.

(2) Where the rights under any mining lease acquired under this Act vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Government company, the period thereof being the entire period for which such a lease could have been granted by the State Government under those rules; and all the rights and liabilities of the Central Government in relation to the lease or the land covered by it shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of the Government company.

12. The competent authority may, by notice in writing, require any person in possession of any land acquired under this Act to surrender or deliver possession of the land within such period as may be specified in the notice, and if a person refuses or fails to comply with any such notice, the competent authority may enter upon and take possession of the land, and for that purpose may use or cause to be used such force as may be necessary.

Power to take possession of land acquired.

Compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, etc.

13. (1) Where a prospecting licence ceases to have effect under section 5, there shall be paid to the person interested compensation, the amount of which shall be a sum made up of all items of reasonable and *bona fide* expenditure actually incurred in respect of the land, that is to say,—

(i) the expenditure incurred in obtaining the licence;

(ii) the expenditure, if any, incurred in respect of the preparation of maps, charts and other documents relating to the land, the collection from the land of cores or other mineral samples and the due analysis thereof and the preparation of any other relevant records or material;

(iii) the expenditure, if any, incurred in respect of the construction of roads or other essential works on the land, if such roads or works are in existence and in a usable condition;

(iv) the expenditure, if any, incurred in respect of any other operation necessary for prospecting carried out in the land.

(2) Where the rights under a mining lease are acquired under this Act, there shall be paid to the person interested compensation, the amount of which shall be a sum made up of the following items, namely,—

(i) if the lease was granted after prospecting operations had been carried out in respect of the land under a prospecting licence, the sum of all items of reasonable and *bona fide* expenditure actually incurred with respect to the matters specified in clauses (i), (ii), (iii) and (iv) of sub-section (1) before the date of the lease:

Provided that where two or more leases had been granted in relation to any land covered previously by one prospecting licence, only so much of the expenditure aforesaid as bears to the total expenditure the same proportion as the area under the mining lease in respect of which the rights have been acquired bears to the total area covered by the mining leases shall be payable under this clause;

(ii) any reasonable and *bona fide* expenditure of the nature referred to in clauses (i), (ii) and (iii) of sub-section (1) actually incurred in relation to the lease, together with the *salami*, if any, paid for obtaining the lease;

(iii) the expenditure, if any, incurred by way of payment of dead-rent or minimum royalty during any year or years when there was no production of coal;

(iv) interest on any such expenditure referred to in clauses (i), (ii) and (iii) as has actually been incurred during the period commencing from the date of the lease and ending with the year in which the rights under the lease are acquired, interest being calculated in the following manner, that is to say,—

interest at the rate of five per centum per annum in respect of the expenditure incurred during each calendar year for the first five years commencing from the year in which such expenditure was incurred *plus* interest at the rate of four per centum per annum in respect of each subsequent year after the expiration of the first five years and ending with the year in which the rights under the lease are acquired:

Provided that the total sum payable under this clause shall not exceed one-half of the total amount referred to in clauses (ii) and (iii).

(3) Where the rights under a mining lease acquired under section 9 relate only to a part of the land covered by the mining lease, the amount of compensation payable shall be such as bears to the total compensation which would have been payable if the rights of the mining lessee in respect of the entire land had been acquired, the same proportion which the area of the land in respect of which the rights are acquired bears to the total area of the land covered by the mining lease.

(4) Where a mining lease ceases to have effect for any period under clause (b) of section 5, there shall be paid by way of compensation for the period during which the lease so ceased to have effect, a sum equivalent to five per centum of any such expenditure as is referred to in clauses (i) and (iii) of sub-section (2) for each year during which the lease remains suspended.

(5) Where any land is acquired under section 9, there shall be paid compensation to the person interested the amount of which shall be determined after taking into consideration—

(a) the market value of the land at the date of the publication of the notification under sub-section (1) of section 4;

*Explanation.*—The value of any minerals lying in the land shall not be taken into consideration in determining the market value of any land;

(b) the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the taking possession thereof;

(c) the damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of severing such land from other land;

(d) the damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any other manner, or his earnings;

(e) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and

(f) the damage, if any, *bona fide* resulting from diminution of the profits of the land between the time of the publication of the notification under sub-section (1) of section 4 and the time of the publication of the declaration under sub-section (2) of section 9.

(6) Where any operation carried on by or on behalf of the Central Government in the exercise of any powers conferred by this Act causes or is likely to cause damage to the surface of any land or any works thereon and in respect thereof no provision for compensation is made elsewhere in this Act, the competent authority shall pay or tender payment for all such damage, and, in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it is to be paid or tendered, he shall refer the dispute to the decision of the Tribunal.

(7) No compensation under this section in relation to maps, charts and other documents shall be paid unless the person to whom it is payable has delivered to the prescribed authority all the maps, charts and other documents.

Method of  
determining  
compensa-  
tion.

14. (1) Where the amount of any compensation payable under this Act can be fixed by agreement, it shall be paid in accordance with such agreement.

(2) Where no such agreement can be reached, the Central Government shall constitute a Tribunal consisting of a person who is or has been or is qualified to be a judge of a High Court for the purpose of determining the amount.

(3) The Central Government may in any particular case nominate a person having expert knowledge in mining to assist the Tribunal, and where such nomination is made, the person or persons interested may also nominate any other person for the same purpose.

(4) At the commencement of the proceedings before the Tribunal the Central Government and the person interested shall state what in their respective opinions is a fair amount of compensation.

(5) The Tribunal shall after hearing the dispute, make an award determining the amount of compensation which appears to it to be just, and specify the person or persons to whom the compensation shall be paid; and in making the award the Tribunal shall have regard to the circumstances of each case and to the foregoing provisions of this Act with respect to the manner in which the amount of compensation shall be determined in so far as the said provisions or any of them may be applicable.

(6) Where there is a dispute as to the person or persons entitled to compensation and the Tribunal finds that more persons than one are entitled to compensation, it shall apportion the amount thereof among such persons and in such manner as it thinks fit.

of 1940. (7) Nothing in the Arbitration Act, 1940, shall apply to any proceedings under this section.

15. Every award made by the Tribunal shall also state the amount of costs incurred in the proceedings before it and by what persons and in what proportions they are to be paid. Costs.

16. If the sum which in the opinion of the Tribunal ought to have been awarded as compensation is in excess of the sum which the Central Government has stated to be a fair amount of compensation, the award of the Tribunal may direct that the Central Government shall pay interest on such excess at the rate of five per centum per annum from the date on which it became payable to the date of payment of such excess. Interest on awards.

17. (1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central Government shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2). Payment of compensation.

(2) If the persons interested entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof, the Central Government shall deposit the amount of compensation with the Tribunal:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to take any matter under this Act before the Tribunal.

(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per centum per annum from the time the compensation became due until it shall have been so paid or deposited.

Prospecting and mining to be done by Central Government in conformity with the Mineral Concession Rules.

18. Where prospecting is done under this Act by or on behalf of the Central Government in any land situate within the jurisdiction of a State Government or where the Central Government or a Government company has become the lessee of a State Government in respect of any land under this Act, the terms and conditions under which the prospecting can be done or rights under the lease exercised shall, as far as may be, be the same as the terms and conditions applicable to prospecting licences and mining leases under the Mineral Concession Rules; and in case of doubt or dispute, shall be settled by arbitration or in such other manner as the Central Government and the State Government may decide.

Power to delegate.

19. The Central Government may, by notification in the Official Gazette, direct that all or any of the powers or duties which may be exercised or discharged by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercised or discharged also by any person specified in this behalf in the notification and any such person may, with the previous approval of the Central Government, by order in writing, direct that any power or duty which has been directed to be exercised or discharged by him shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any such person subordinate to him as may be specified therein.

Appeals.

20. (1) Any person aggrieved by any award of the Tribunal under section 14 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the land or some portion of the land which has been acquired or the land or some portion of the land covered by a prospecting licence or by a mining lease in respect of which mining rights have been acquired is situate.

(2) Any person aggrieved by an order made by a competent authority or by any other person in virtue of any powers exercisable by him under this Act may, within twenty-one days from the date of the order, prefer an appeal to the Central Government.

(3) On receipt of an appeal under sub-section (2), the Central Government may, after calling for a report from the competent authority or person concerned, and giving an opportunity to the parties to be heard, and after making such further inquiry as may be necessary, pass such orders as it thinks fit, and the order of the Central Government shall be final.

(4) Where an appeal is preferred under sub-section (2), the Central Government may stay the enforcement of the order of the competent authority or person concerned for such period and on such conditions as it thinks fit.

21. The Central Government or any person authorised in writing by it in this behalf may, by order in writing, require any person to furnish to such authority as may be specified in the order such information in his possession as may be required relating to any property in respect of which action is proposed to be taken under this Act. Power to obtain information.

22. The competent authority, or any person authorised in writing by it in this behalf, by general or special order, may enter and inspect any property for the purpose of determining whether and, if so, in what manner an order under this Act should be made in relation to any property or with a view to securing compliance with any order made under this Act. Power to enter and inspect.

23. Whoever wilfully obstructs any person in doing any of the acts authorised by sub-section (3) of section 4 or wilfully fills up, destroys, damages or displaces any mark made under section 4, or wilfully obstructs the lawful exercise of any other power conferred by or under this Act, or fails to comply with any order made or direction given under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both. Penalties.

24. Subject to any rules that may be made under this Act, every notice or order issued or made under this Act shall— Service of notices and orders.

(a) in the case of a notice or order of a general nature or affecting a number of persons, be notified in the Official Gazette and also published in the locality in such manner as may be prescribed; and

(b) in the case of a notice or order directed to an individual, [see served on such individual]

(i) wherever it is practicable to do so by delivering or tendering it to that individual; or

↳ In. Reg. Act 58 of 1966, s 3 & Sch II (Retrospectively).

(ii) if it cannot be so delivered or tendered, by affixing it on the door or some other conspicuous part of the residence in which that individual lives, and a written report thereof shall be prepared and witnessed, by two persons living in the neighbourhood; or

(iii) failing service by these means, by post.

Protection  
of action  
taken in  
good faith.

25. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person 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.

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

Jurisdiction  
of civil  
courts.

26. Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Central Government or the competent authority or any other person is empowered by or under this Act to determine.

Power to  
make rules.

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

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the procedure to be followed in making any inquiry under this Act;

(b) the procedure to be followed by the Tribunal in proceedings under section 14;

(c) the form and manner in which appeals to the Central Government may be made under this Act; and

(d) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.



28. (1) Every notification issued before the commencement of this Act, whether by the Central Government or by a State Government, under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act), in which lands were stated to be needed for the prospecting of coal seams for the development of collieries to be worked by the Union of India shall be deemed to have been issued by the Central Government under section 4 of this Act as if this Act had been in force on the date of the notification.

Notifications under Act I of 1894 in which proceedings are pending to be treated as notifications under this Act.

(2) Every notification issued before the commencement of this Act, whether by the Central Government or by a State Government, under section 6 of the said Act in which lands were stated to be needed for the development of coal shall be deemed to have been issued under section 9 of this Act as if this Act had been in force on the date of the notification.

(3) Any objection preferred under section 5A of the said Act in respect of any land covered by any notification issued under section 4 of the said Act shall be deemed to be an objection preferred under section 8 of this Act to the relevant competent authority and may be disposed of by him accordingly; and the Central Government may at any time make a declaration under section 9 of this Act in respect of the land or any part thereof.

(4) Subject to the other provisions contained in this section, the provisions of this Act (including provisions relating to compensation) shall apply in relation to any such notification as is referred to in sub-section (1) or sub-section (2) as they apply in relation to any notification issued under section 4 or section 9, as the case may be, of this Act.

Rep. No. 58 of 1960, S. 2 & Sch. I (wg. 26.12.60)

## THE STATE BANK OF INDIA (AMENDMENT)

ACT, 1957

No. 21 of 1957

[8th June, 1957]

### An Act further to amend the State Bank of India Act, 1955.

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

**Short title.** 1. This Act may be called the State Bank of India (Amendment) Act, 1957.

**Amendment of section 21.**

2. In section 21 of the State Bank of India Act, 1955 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The chairman *ex officio* shall be a member of every Local Board and Local Committee constituted under this section.”

**Amendment of section 23.**

3. To section 23 of the principal Act, the following proviso shall be added, namely:—

“Provided that nothing in clause (c) shall apply to the chairman in relation to his membership of a Local Board or of a Local Committee.”

**Amendment of section 33.**

4. In section 33 of the principal Act,—

(1) in clause (i),—

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

“(ff) subject to such directions as may be issued by the Central Board, book-debts or other assets of any undertaking engaged in the financing of hire-purchase transactions which are hypothecated to the State Bank as security for such advances, loans or credits;”

(b) in sub-clause (h), for the words, brackets and letters "sub-clauses (f) and (g)", the words, brackets and letters "sub-clauses (f), (ff) and (g)" shall be substituted;

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

"(xa) the acting as agent for the Central Government or any State Government or any corporation in implementing any scheme for financing the construction of dwelling houses, and in advancing or lending of money from out of the funds placed at its disposal as such agent by the Government or corporation to any person upon such security (including the security of any immovable property) and on such terms and conditions and for such periods as may, notwithstanding anything contained in this Act, be approved by the Government or corporation by which such funds have been placed;"

(3) after clause (xix), the following clauses shall be inserted namely:—

"(xixa) in consultation with the Reserve Bank and subject to the directions of the Central Board, the subscribing to, buying, acquiring, holding or selling of any shares or debentures of any such financial institution as may be notified by the Central Government in this behalf;

"(xixb) the advancing or lending of money to persons engaged in such industries or classes of industries as may be specified by the Central Board by directions issued in this behalf for any period in excess of six months but not exceeding seven years, and subject thereto and to such directions as may be issued by the Central Board, such advance or loan may be made on such terms and conditions and upon such security (including the security of any immovable property) as the State Bank may deem fit;

"(xixc) the advancing or lending of money to any co-operative housing society, all the members of which are officers or employees of the State Bank, and subject to such directions as may be issued by the Central Board, such advance or loan may be made for such periods in excess of six months, on such terms and conditions and upon such security (including the security of any immovable property) as the State Bank may deem fit;"

5. In sub-section (1) of section 42 of the principal Act, for the word "February", the word "March" shall be substituted. Amendment of section 42,

THE APPROPRIATION (RAILWAYS) No. 2 ACT, 1957

No. 22 OF 1957

[24th August, 1957]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58 for the purposes of Railways.

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

Short title

1. This Act may be called the Appropriation (Railways) No. 2 Act, 1957.

Issue of Rs.  
9,04,87,47,000  
out of the  
Consolidated  
Fund of  
India for the  
financial  
year  
1957-58.

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 (Railways) Vote on Account Act, 1957] to the sum of nine hundred <sup>9</sup> of 1957. and four crores, eighty-seven lakhs and forty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1957-58 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 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board . . . . .	71,48,000	..	71,48,000
2	Miscellaneous Expenditure . . . . .	1,69,35,000	4,27,000	1,73,62,000
3	Payments to Worked Lines and others . . . . .	43,26,000	..	43,26,000
4	Working Expenses—Adminis- tration . . . . .	30,71,16,000	..	30,71,16,000
5	Working Expenses—Repairs and Maintenance . . . . .	93,91,98,000	..	93,91,98,000
6	Working Expenses—Operating Staff . . . . .	59,39,18,000	..	59,39,18,000
7	Working Expenses—Operation (Fuel) . . . . .	50,76,06,000	..	50,76,06,000
8	Working Expenses—Operation other than Staff and Fuel . . . . .	16,84,36,000	41,21,000	17,25,57,000
9	Working Expenses—Miscella- neous Expenses . . . . .	24,99,60,000	24,77,000	25,24,37,000
10	Working Expenses—Labour Welfare . . . . .	7,17,66,000	..	7,17,66,000
11	Working Expenses—Appropri- ation to Depreciation Reserve Fund . . . . .	45,00,00,000	..	45,00,00,000
12	Dividend Payable to General Revenues . . . . .	43,78,73,000	..	43,78,73,000
13	Open Line Works (Revenue)— Labour Welfare . . . . .	1,03,33,000	..	1,03,33,000
14	Open Line Works (Revenue)— Other than Labour Welfare . . . . .	10,69,26,000	..	10,69,26,000
15	Construction of New Lines . . . . .	18,13,23,000	..	18,13,23,000

I No. of Vote	2. Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
16	Open Line Works—Additions . . . . .	3,71,72,16,000	..	3,71,72,16,000
17	Open Line Works—Replacements . . . . .	63,96,35,000	..	63,96,35,000
18	Open Line Works—Development Fund . . . . .	32,36,96,000	..	32,36,96,000
20	Appropriation to Development Fund . . . . .	30,83,11,000	..	30,83,11,000
	<b>TOTAL . . . . .</b>	<b>9,04,17,22,000</b>	<b>70,25,000</b>	<b>9,04,87,47,000</b>

THE RAILWAY PROTECTION FORCE ACT, 1957

*see India Code,  
Vol. VII - A*

No. 23 OF 1957

[29th August, 1957]

An Act to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property.

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

1. (1) This Act may be called the Railway Protection Force Act, 1957. Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

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

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

Definitions.

(a) "Force" means the Railway Protection Force constituted under section 3;

(b) "Inspector-General" means the Inspector-General of the Force appointed under section 4;

(c) "member of the Force" means a person appointed to the Force under this Act other than a superior officer;

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

(e) "railway property" includes any goods, money or valuable security, or animal, belonging to, or in the charge or possession of, a railway administration;

(f) "superior officer" means any of the officers appointed under section 4 and includes any other officer appointed by the Central Government as a superior officer of the Force;

(g) words and expressions used but not defined in this Act and defined in the Indian Railways Act, 1890, shall have the meanings respectively assigned to them under that Act. 9 of 1890.

Constitution  
of the Force.

3. (1) There shall be constituted and maintained by the Central Government a Force to be called the Railway Protection Force for the better protection and security of railway property.

(2) The Force shall be constituted in such manner, shall consist of such number of superior officers and members of the Force and shall receive such pay and other remuneration as may be prescribed.

Appointment  
and powers  
of superior  
officers.

4. (1) The Central Government may appoint a person to be the Inspector-General of the Force and may appoint other persons to be Chief Security Officers, Security Officers or Assistant Security Officers of the Force.

(2) The Inspector-General and every other superior officer so appointed shall possess and exercise such powers and authority over the members of the Force under their respective commands as is provided by or under this Act.

Classes and  
ranks among  
members of  
the Force.

5. There shall be the following classes of officers and other ranks among the members of the Force, who shall take rank in the order mentioned, namely:—

A. Classes of officers—

- (i) Inspector,
- (ii) Sub-Inspector,
- (iii) Assistant Sub-Inspector.

B. Classes of other ranks—

- (i) Head Rakshak,
- (ii) Senior Rakshak,
- (iii) Rakshak.

Appointment  
of members  
of the Force.

6. The appointment of members of the Force shall rest with the Chief Security Officers who shall exercise that power in accordance with rules made under this Act:

Provided that the power of appointment under this section may also be exercised by such other superior officer as the Chief Security Officer concerned may by order specify in this behalf.



7. (1) Every member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Chief Security Officer or such other superior officer as the Chief Security Officer may specify in this behalf, by virtue of which the person holding such certificate shall be vested with the powers of a member of the Force.

Certificates  
to members  
of the Force.

(2) Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a member of the Force, and, on his ceasing to be a member of the Force, shall be forthwith surrendered by him to any superior officer empowered to receive the same.

8. (1) The superintendence of the Force shall vest in the Central Government, and subject thereto the administration of the Force shall vest in the Inspector-General and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

Superintend-  
ence and  
administra-  
tion of the  
Force.

(2) Subject to the provisions of sub-section (1), the administration of the Force within such local limits in relation to a railway as may be prescribed shall be carried on by the Chief Security Officer in accordance with the provisions of this Act and of any rules made thereunder, and he shall discharge his functions under the general supervision of the General Manager of the Railway.

9. (1) Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may—

Dismissal,  
removal, etc.  
of members  
of the Force.

(i) dismiss, suspend or reduce in rank any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same; or

(ii) award any one or more of the following punishments to any member of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely:—

(a) fine to any amount not exceeding seven days' pay or reduction in pay scale;

(b) confinement to quarters for a period not exceeding fourteen days with or without punishment, drill, extra guard, fatigue or other duty;

(c) removal from any office of distinction or deprivation of any special emolument.

(2) Any member of the Force aggrieved by an order made under sub-section (1) may appeal against the order to such authority as may be prescribed, and the decision of the said authority thereon shall be final.

Officers and members of the Force to be deemed to be railway servants.

10. The Inspector-General and every other superior officer and every member of the Force shall for all purposes be regarded as railway servants within the meaning of the Indian Railways Act, 1890, other than Chapter VIA thereof, and shall be entitled to exercise the powers conferred on railway servants by or under that Act. <sup>9 of 1890.</sup>

Duties of members of the Force.

11. It shall be the duty of every superior officer and member of the Force—

- (a) promptly to execute all orders lawfully issued to him by his superior authority;
- (b) to protect and safeguard railway property;
- (c) to remove any obstruction in the movement of railway property; and
- (d) to do any other act conducive to the better protection and security of railway property.

Power to arrest without warrant.

12. Any superior officer or member of the Force may, without an order from a Magistrate and without a warrant, arrest—

- (a) any person who has been concerned in an offence relating to railway property punishable with imprisonment for a term exceeding six months, or against whom a reasonable suspicion exists of his having been so concerned; or
- (b) any person found taking precautions to conceal his presence within railway limits under circumstances which afford reason to believe that he is taking such precautions with a view to committing theft of, or damage to, railway property.

Power to search without warrant.

13. (1) Whenever any superior officer, or any member of the Force, not below the rank of a Senior Rakshak, has reason to believe that any such offence as is referred to in section 12 has been or is being committed and that a search-warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, he may detain him and search his person and belongings forthwith and, if he thinks proper, arrest any person whom he has reason to believe to have committed the offence.

(2) The provisions of the Code of Criminal Procedure, 1898, <sup>5 of 1898.</sup> relating to searches under that Code shall, so far as may be, apply to searches under this section.

14. Any superior officer or member of the Force making an arrest under this Act, shall, without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken to the nearest police station.

Procedure to be followed after arrest.

15. (1) Every superior officer and member of the Force shall, for the purpose of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed in any part of the railways throughout India.

Officers and members of the Force to be considered always on duty and liable to be employed in any part of the Railways.

(2) No superior officer or member of the Force shall engage himself in any employment or office other than his duties under this Act.

16. A member of the Force shall not by reason of his suspension from office cease to be a member of the Force; and he shall, during that period, be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty.

Responsibilities of members of the Force during suspension.

17. (1) Without prejudice to the provisions contained in section 9, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation of lawful order made by a superior officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to imprisonment for a period not exceeding six months.

Penalties for neglect of duty, etc.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this section shall be cognizable.

18. The Police (Incitement to Disaffection) Act, 1922, shall apply to members of the Force as it applies to members of a police force.

Application of Act 22 of 1922 to members of the Force.

19. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947, or the Factories Act, 1948, shall apply to members of the Force,

Certain Acts not to apply to members of the Force.

20. (1) In any suit or proceeding against any superior officer or member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under the orders of a competent authority.

Protection of acts of members of the Force.

5 of 1898.

4 of 1936.  
14 of 1947.  
63 of 1948.

(2) Any such plea may be proved by the production of the order directing the act, and if it is so proved, the superior officer or member of the Force shall thereupon be discharged from any liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any superior officer or member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such proceeding and of the cause thereof shall be given to the person concerned and his superior officer at least one month before the commencement of such proceeding.

Power to  
make rules.

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

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

(a) regulating the classes and grades and the pay and remuneration of superior officers and members of the Force and their conditions of service in the Force;

(b) regulating the powers and duties of superior officers and members of the Force authorised to exercise any functions by or under this Act;

(c) fixing the period of service for superior officers and members of the Force;

(d) regulating the punishments and providing for appeals from, or the revision of, orders of punishment, or the remission of fines or other punishments;

(e) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

**THE SCHEDULE**

(See section 7)

A.B. has been appointed a member of the Railway Protection Force under the Railway Protection Force Act, 1957, and is vested with the powers, functions and privileges of a member of the Force.

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THE APPROPRIATION (No. 4) ACT, 1957

No. 24 OF 1957

[30th August, 1957]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58.

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

Short title. 1. This Act may be called the Appropriation (No. 4) Act, 1957.

Issue of Rs. 5,379.37, 30,000 out of the Consolidated Fund of India for the year 1957-58. 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, 1957] to the sums of five thousand three hundred and seventy-nine crores, thirty-seven lakhs and thirty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1957-58 in respect of the services specified in column 2 of the Schedule. 3 of 1957.

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

## THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry . . . . .	50,51,000	..	50,51,000
2	Industries . . . . .	24,63,36,000	..	24,63,36,000
3	Salt . . . . .	1,49,17,000	4,13,000	1,53,30,000
4	Commercial Intelligence and Statistics . . . . .	82,81,000	..	82,81,000
5	Miscellaneous Depart- ments and Expenditure under the Ministry of Commerce and Indus- try . . . . .	1,43,68,000	..	1,43,68,000
6	Ministry of Community Development . . . . .	20,76,000	..	20,76,000
7	Community Development Projects and National Extension Service . . . . .	12,30,86,000	..	12,30,86,000
8	Ministry of Defence . . . . .	35,47,000	..	35,47,000
9	Defence Services— Effective—Army . . . . .	1,72,38,28,000	..	1,72,38,28,000
10	Defence Services— Effective—Navy . . . . .	16,01,41,000	..	16,01,41,000
11	Defence Services— Effective—Air Force . . . . .	69,81,49,000	..	69,81,49,000
12	Defence Services—Non- Effective Charges . . . . .	12,90,85,000	91,04,000	13,81,89,000
13	Ministry of Education and Scientific Re- search . . . . .	65,24,000	..	65,24,000
14	Archaeology . . . . .	96,93,000	..	96,93,000
15	Survey of India . . . . .	1,64,85,000	..	1,64,85,000
16	Botanical Survey . . . . .	10,67,000	..	10,67,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
17	Zoological Survey . . .	10,24,000	..	10,24,000
18	Geological Survey . . .	95,35,000	..	95,35,000
19	Scientific Research . . .	3,56,19,000	..	3,56,19,000
20	Other Scientific Depart- ments . . . . .	2,76,24,000	..	2,76,24,000
21	Education . . . . .	25,86,61,000	..	25,86,61,000
22	Miscellaneous Depart- ments and Expendi- ture under the Ministry of Education and Scientific Research . . .	1,95,54,000	..	1,95,54,000
23	Tribal Areas . . . . .	5,82,02,000	..	5,82,02,000
24	External Affairs . . . . .	8,30,47,000	..	8,30,47,000
25	State of Pondicherry . . .	3,30,33,000	18,000	3,30,51,000
26	Miscellaneous Expendi- ture under the Ministry of External Affairs . . .	3,61,000	..	3,61,000
27	Ministry of Finance . . .	1,54,94,000	..	1,54,94,000
28	Customs . . . . .	4,03,13,000	..	4,03,13,000
29	Union Excise Duties . . .	7,43,85,000	19,16,94,000	26,60,79,000
30	Taxes on Income in- cluding Corporation Tax and Estate Duty . . .	4,68,79,000	..	4,68,79,000
31	Opium . . . . .	2,11,07,000	..	2,11,07,000
32	Stamps . . . . .	1,66,72,000	7,07,000	1,73,79,000
33	Audit . . . . .	9,32,00,000	19,83,000	9,51,83,000
34	Currency . . . . .	3,58,96,000	9,45,000	3,68,41,000
35	Mint . . . . .	3,12,18,000	..	3,12,18,000
36	Territorial and Political Pensions . . . . .	27,95,000	.	27,95,000
37	Superannuation Allow- ances and Pensions . . .	3,16,01,000	31,01,000	3,47,02,000



I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
38	Miscellaneous Departments and other Expenditure under the Ministry of Finance	25,44,51,000	2,000	25,44,53,000
39	Planning Commission	1,64,61,000	..	1,64,61,000
40	Miscellaneous Adjustments between the Union and State Governments	6,10,000	..	6,10,000
41	Pre-partition payments	68,81,000	1,19,000	70,00,000
	CHARGED—Interest on Debt and other obligations and reduction or avoidance of Debt	..	1,19,33,05,000	1,19,33,05,000
	CHARGED—Grants-in-aid to States	..	25,16,66,000	25,16,66,000
42	Ministry of Food and Agriculture	79,60,000	..	79,60,000
43	Forest	2,07,02,000	..	2,07,02,000
44	Agriculture	16,40,26,000	1,000	16,40,27,000
45	Civil Veterinary Services	1,44,35,000	..	1,44,35,000
46	Miscellaneous Departments and Other Expenditure under the Ministry of Food and Agriculture	6,47,59,000	..	6,47,59,000
47	Ministry of Health	13,13,000	..	13,13,000
48	Medical Services	3,88,17,000	..	3,88,17,000
49	Public Health	9,17,65,000	..	9,17,65,000
50	Miscellaneous Expenditure under the Ministry of Health	1,03,81,000	..	1,03,81,000
51	Ministry of Home Affairs	2,63,68,000	..	2,63,68,000
52	Cabinet	36,56,000	..	36,56,000
53	Zonal Councils	4,51,000	..	4,51,000

1	2	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
54	Police . . . . .	4,87,42,000	1,000	4,87,43,000
55	Census . . . . .	8,49,000	..	8,49,000
56	Privy Purses and Allowances of Indian Rulers . . . . .	5,11,000	5,49,37,000	5,54,48,000
57	Delhi . . . . .	7,01,63,000	..	7,01,63,000
58	Himachal Pradesh . . . . .	4,67,32,000	1,80,000	4,69,12,000
59	Andaman and Nicobar Islands . . . . .	2,74,27,000	..	2,74,27,000
60	Manipur . . . . .	1,47,53,000	..	1,47,53,000
61	Tripura . . . . .	2,38,67,000	42,000	2,39,09,000
62	Laccadive, Minicoy and Amindivi Islands . . . . .	14,65,000	..	14,65,000
63	Miscellaneous Departments and Expenditure under the Ministry of Home Affairs . . . . .	10,52,38,000	..	10,52,38,000
64	Ministry of Information and Broadcasting . . . . .	13,21,000	..	13,21,000
65	Broadcasting . . . . .	3,79,89,000	..	3,79,89,000
66	Miscellaneous Departments and Expenditure under the Ministry of Information and Broadcasting . . . . .	3,47,04,000	..	3,47,04,000
67	Ministry of Irrigation and Power . . . . .	17,37,000	..	17,37,000
68	Multi-purpose River Schemes . . . . .	1,60,33,000	..	1,60,33,000
69	Miscellaneous Departments and Other Expenditure under the Ministry of Irrigation and Power . . . . .	98,08,000	..	98,08,000
70	Ministry of Labour and Employment . . . . .	16,94,000	..	16,94,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
71	Chief Inspector of Mines . . . . .	23,84,000	..	23,84,000
72	Miscellaneous Departments and Other Expenditure under the Ministry of Labour and Employment . . . . .	8,66,57,000	..	8,66,57,000
73	Ministry of Law . . . . .	1,72,38,000	..	1,72,38 000
74	Administration of Justice . . . . .	2,38,000	12,61,000	14,99,000
75	Miscellaneous Expenditure under the Ministry of Law . . . . .	6,25,000	..	6,25,000
76	Ministry of Rehabilitation . . . . .	43,75,000	..	43,75,000
77	Expenditure on Displaced Persons . . . . .	22,50,26,000	..	22,50,26,000
78	Ministry of Steel, Mines and Fuel . . . . .	31,15,000	..	31,15,000
79	Mines . . . . .	48,63,000	..	48,63,000
80	Exploration of Oil and Natural Gas . . . . .	2,57,67,000	..	2,57,67,000
81	Miscellaneous Departments and Other Expenditure under the Ministry of Steel, Mines and Fuel . . . . .	55,96,93,000	..	55,96,93,000
82	Ministry of Transport and Communications . . . . .	72,09,000	..	72,09,000
83	Indian Posts and Telegraphs Department (including Working Expenses) . . . . .	59,64,99,000	2,78,94,000	62,43,93,000
84	Ports and Pilotage . . . . .	63,17,000	..	63,17,000
85	Lighthouses and Lightships . . . . .	1,38,56,000	..	1,38,56,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
86	Meteorology . . . . .	1,52,29,000	..	1,52,29,000
87	Overseas Communica- tions Service . . . . .	1,14,86,000	6,73,000	1,21,59,000
88	Aviation . . . . .	3,56,13,000	50,000	3,56,63,000
89	Central Road Fund . . . . .	4,28,19,000	..	4,28,19,000
90	Communications (in- cluding National Highways) . . . . .	5,72,68,000	..	5,72,68,000
91	Miscellaneous Depart- ments and Other Ex- penditure under the Ministry of Trans- port and Communi- cations . . . . .	1,57,94,000	..	1,57,94,000
92	Ministry of Works, Hou- sing and Supply . . . . .	56,01,000	..	56,01,000
93	Supplies . . . . .	2,61,14,000	..	2,61,14,000
94	Other Civil Works . . . . .	20,66,52,000	33,52,000	21,00,04,000
95	Stationery and Printing . . . . .	6,89,77,000	..	6,89,77,000
96	Miscellaneous Depart- ments and Expendi- ture under the Minis- try of Works, Housing and Supply . . . . .	89,86,000	..	89,86,000
97	Department of Atomic Energy . . . . .	8,70,000	..	8,70,000
98	Atomic Energy Research . . . . .	3,10,00,000	..	3,10,00,000
99	Department of Parlia- mentary Affairs . . . . .	1,91,000	..	1,91,000
100	Lok Sabha . . . . .	1,20,69,000	67,000	1,21,36,000
101	Miscellaneous Expendi- ture under Lok Sabha . . . . .	34,000	..	34,000
102	Rajya Sabha . . . . .	36,82,000	77,000	37,59,000
	CHARGED—Staff, House- hold and Allowances of the President . . . . .	..	18,38,000	18,38,000

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
103	Secretariat of the Vice-President . . . . .	62,000	..	62,000
	CHARGED— <i>Union Public Service Commission</i> . . . . .	..	36,74,000	36,74,000
104	Capital Outlay of the Ministry of Commerce and Industry . . . . .	14,19,01,000	..	14,19,01,000
105	Capital Outlay of the Ministry of Community Development . . . . .	1,67,49,000	..	1,67,49,000
106	Defence Capital Outlay . . . . .	25,00,00,000	..	25,00,00,000
107	Capital Outlay of the Ministry of Education and Scientific Research . . . . .	1,83,17,000	..	1,83,17,000
108	Capital Outlay of the Ministry of External Affairs . . . . .	30,00,000	..	30,00,000
109	Capital Outlay on the India Security Press . . . . .	7,61,000	..	7,61,000
110	Capital Outlay on Currency and Coinage . . . . .	2,66,81,000	..	2,66,81,000
111	Capital Outlay on Mints . . . . .	72,00,000	..	72,00,000
112	Commuted Value of Pensions . . . . .	42,55,000	1,00,000	43,55,000
113	Payments to Retrenched Personnel . . . . .	24,000	..	24,000
114	Other Capital Outlay of the Ministry of Finance . . . . .	1,04,85,50,000	..	1,04,85,50,000
115	Loans and Advances by the Central Government . . . . .	86,33,44,000	2,53,07,77,000	3,39,41,21,000
	CHARGED— <i>Repayment of Debt</i> . . . . .	..	35,00,19,31,000	35,00,19,31,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
116	Capital Outlay on Forests . . . . .	18,31,000	..	18,31,000
117	Purchase of Foodgrains .	1,46,21,80,000	3,20,000	1,46,25,00,000
118	Other Capital Outlay of the Ministry of Food and Agriculture . . . . .	35,14,82,000	..	35,14,82,000
119	Capital Outlay of the Ministry of Health . . . . .	10,10,88,000	..	10,10,88,000
120	Capital Outlay of the Ministry of Home Affairs . . . . .	2,22,89,000	..	2,22,89,000
121	Capital Outlay on Broad- casting . . . . .	3,40,00,000	..	3,40,00,000
122	Capital Outlay on Multi- purpose River Schemes.	3,73,07,000	..	3,73,07,000
123	Other Capital Outlay of the Ministry of Irri- gation and Power . . . . .	94,87,000	..	94,87,000
124	Capital Outlay of the Ministry of Labour and Employment . . . . .	34,22,000	..	34,22,000
125	Capital Outlay of the Ministry of Rehabi- litation . . . . .	24,00,00,000	..	24,00,00,000
126	Capital Outlay of the Ministry of Steel, Mines and Fuel . . . . .	1,68,65,24,000	..	1,68,65,24,000
127	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)	24,77,45,000	..	24,77,45,000
128	Capital Outlay on Civil Aviation : . . . . .	2,87,61,000	..	2,87,61,000
129	Capital Outlay on Ports .	5,35,00,000	..	5,35,00,000
130	Capital Outlay on Roads	14,50,00,000	..	14,50,00,000
131	Other Capital Outlay of the Ministry of Trans- port and Communi- cations . . . . .	11,52,92,000	..	11,52,92,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
132	Delhi Capital Outlay .	7,33,19,000	5,23,000	7,38,42,000
133	Capital Outlay on Buildings . . .	4,58,72,000	2,86,000	4,61,58,000
134	Other Capital Outlay of the Ministry of Works, Housing and Supply .	2,15,76,000	..	2,15,76,000
135	Capital Outlay of the Department of the Atomic Energy . . .	9,00,00,000	..	9,00,00,000
	<b>GRAND TOTAL .</b>	<b>14,51,26,89,000</b>	<b>39,28,10,41,000</b>	<b>53,79,37,30,000</b>

*See India Code* THE RAILWAY PASSENGER FARES ACT, 1957

*Vol. VII B.*

No. 25 OF 1957

[11th September, 1957]

An Act to provide for the levy of a tax on railway fares.

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

Short title  
and com-  
mencement.

1. (1) This Act may be called the Railway Passenger Fares Act, 1957.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

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

(a) "fare" means the total amount of all charges of whatever nature payable by a passenger or group of passengers in respect of his or their carriage, and includes—

- (i) haulage charges for supply of carriages of particular types;
- (ii) empty haulage charges on tourist cars and saloons;
- (iii) charges for pilot engines; and
- (iv) charges for dining cars attached to special trains,

but does not include—

- (i) the tax payable under this Act;
- (ii) terminal taxes, pilgrim taxes and tolls on bridges;
- (iii) reservation charges; and
- (iv) hire, detention and stabling charges in respect of passenger traffic booked in reserved carriages and special trains;

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<sup>1</sup>15th September 1957, See S. R. O. Notification No. 2937, Dated 11th September, 1957, Gazette of India, Extraordinary Part II, Section 3, Page 2353.



(b) "passenger" means any person travelling on a railway in any description or class of train or carriage on payment of his fare, whether at full rates or at concessional rates,

(c) "railway" and "railway administration" have the meanings respectively assigned to them in the Indian Railways Act, 1890.

9 of 1890.

3. (1) Subject to the provisions of this Act, there shall be levied and collected on fares paid by passengers carried by any railway in India, whether by itself or in conjunction with any other mode of transport or in conjunction with railways in any adjacent country, a tax at the rate specified in that behalf in the Schedule.

Levy of tax on passenger fares.

(2) The tax levied under sub-section (1) shall be collected by the railway administration as an addition to the fares, and the railway administration shall have all the powers and remedies for the recovery thereof as though the same were a rate or fare which the railway administration is empowered to levy under the Indian Railways Act, 1890.

9 of 1890.

4. In computing the tax payable under this Act, the following rules shall apply, namely:—

Rules for computing tax on passenger fares.

*Rule 1.*—The tax leviable shall, wherever necessary, be rounded off to the nearest *naya paisa*, fractions of half-a-*naya paisa* and over being counted as one, and less than half being disregarded.

*Rule 2.*—In the case of return tickets, the rate of tax shall be based on the distance for a single journey.

*Rule 3.*—In the case of tickets issued from or to out-agencies or city booking offices, the tax shall be leviable only in respect of the fare attributable to the actual journey by railway.

*Rule 4.*—The amount of the tax for any distance shall, wherever necessary, be so adjusted that the aggregate amount of the fare and tax for such distance is not less than the aggregate amount of the fare and tax for any lesser distance in any case.

5. The Central Government may, by notification in the Official Gazette and for reasons to be specified therein, exempt, either in whole or in part and either absolutely or subject to such conditions as it may specify, any passengers or class of passengers from the tax leviable under this Act.

Power to exempt.

6. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, rules so made may,—

(a) regulate the collection by or on behalf of the railway administration of the tax levied under this Act, and provide for the authority to which, and the time and manner in which, the tax shall be paid;

(b) prescribe the form of the returns to be submitted by any authority collecting the tax and the particulars to be contained therein and the manner in which it is to be verified.

(3) In making any rules under this section, the Central Government may direct that a breach thereof shall be punishable with fine which may extend to one thousand rupees for each such breach.

### THE SCHEDULE

(See section 3)

Description of traffic	Rate of tax
1. Passengers travelling by railway on season tickets.	Nil
2. Passengers travelling by railway for distances up to 15 miles (inclusive).	Nil
3. Passengers travelling by railway for distances from 16 miles to 30 miles (inclusive).	5% of fare.
4. Passengers travelling by railway for distances from 31 miles to 500 miles (inclusive).	15% of fare.
5. Passengers travelling by railway for distances over 500 miles.	10% of fare.
6. Passengers travelling on mileage coupons.	12½% of the cost of the coupons.

*Explanation.*—For the purposes of this Schedule, distances shall be computed according to the rules for the time being in force relating thereto made under the Indian Railways Act, 1890.

THE FINANCE (No. 2) ACT, 1957

No. 26 OF 1957

[11th September, 1957]

An Act to give effect to the financial proposals of the Central Government for the financial year 1957-58.

Enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Finance (No. 2) Act, 1957.

Short title.

2. (1) Subject to the provisions of sub-sections (2), (3), (4) and (5) for the year beginning on the 1st day of April, 1957,—

Income-tax and super-tax.

(a) income-tax shall be charged at the rates specified in Part I of the First Schedule, and, in the cases to which Paragraphs A, B and C of that Part apply, shall be increased by a surcharge for purposes of the Union and a special surcharge on unearned income, calculated in either case in the manner provided therein; and

(b) super-tax shall, for the purposes of section 55 of the Indian Income-tax Act, 1922 (hereinafter referred to as the Income-tax Act), be charged at the rates specified in Part II of the First Schedule, and, in the cases to which Paragraphs A, B and C of that Part apply, shall be increased by a surcharge for purposes of the Union and a special surcharge on unearned income, calculated in either case in the manner provided therein.

11 of 1922

(2) In making any assessment for the year ending on the 31st day of March, 1958, there shall be deducted from the total income of an assessee, in respect of the earned income, if any, chargeable under the head "Salaries" included therein,—

(a) an amount equal to one-fifth of such earned income, but not exceeding in any case four thousand rupees, or

(b) the amount, if any, arrived at after deducting from four thousand rupees one-fifth of the amount by which the aggregate of all earned incomes included in the total income under whatever head they are chargeable exceeds twenty-five thousand rupees,

whichever is less.

(3) In making any assessment for the year ending on the 31st day of March, 1958,—

(a) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" as reduced by the deduction for earned income appropriate thereto, or any income chargeable under the head "Interest on Securities", or any income from dividends in respect of which by virtue of section 49B of the Income-tax Act he is deemed himself to have paid the income-tax imposed under that Act, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Finance Act, 1956, on his total income the same proportion as the amount of 18 of 1956 such inclusions bears to his total income;

(b) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Income-tax Act, the super-tax payable by the assessee on that portion of his total income which consists of such inclusion shall be an amount bearing to the total amount of super-tax payable according to the rates applicable under the operation of the Finance Act, 1956, on his total income the same proportion as the amount of 18 of 1956 such inclusion bears to his total income.

(4) In making any assessment for the year ending on the 31st day of March, 1958, where the total income of a company includes any profits and gains from life insurance business, the super-tax otherwise payable by the company on the whole of such total

income shall be reduced by an amount which bears to that super-tax the same proportion as the amount of such inclusion bears to its total income; or

by an amount computed at the rate of—

(i) twelve per cent. in the case of a mutual insurance company as defined in section 95 of the Insurance Act, 1938; and

(ii) nine per cent. in the case of any other company, on the amount of such inclusion,

whichever is less.

(5) In case to which section 17 of the Income-tax Act applies, the tax chargeable shall be determined as provided in that section, and with reference to the rates imposed by sub-section (1), and in accordance with the provisions of sub-sections (2), (3) and (4) of this section, wherever applicable.

(6) For the purposes of this section, and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Income-tax Act, and the expression "earned income" has the meaning assigned to it in clause (6AA) of section 2 of that Act.

3. In section 4 of the Income-tax Act, in sub-section (3),—

Amendment  
of section 4.

(i) in clause (xvii), the figures and words "3½ per cent." shall be omitted;

(ii) in clause (xviii), the figures and words "10 year" shall be omitted; and

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

"(xviiib) Interest payable—

(i) by Government or a local authority on moneys borrowed by it from sources outside India from any person not resident in India or from any institution established outside India;

(ii) by an industrial undertaking in India on moneys borrowed by it under a loan agreement entered into with any such financial institution in a foreign country as may be approved in this behalf by the Central Government by general or special order;

(iii) by an industrial undertaking in India on any moneys borrowed or debt incurred by it in a foreign country in respect of the purchase outside India of capital plant and machinery in any case where the loan or debt is approved by the Central Government, having regard to its terms generally and in particular, to the terms of its repayment."

Amendment of section 10. 4. In section 10 of the Income-tax Act, for sub-sections (2B) and (2C), the following sub-sections shall be substituted, namely:—

"(2B) Notwithstanding anything contained in sub-section (2), no allowance under clause (vi), clause (via), clause (vib) or clause (vii) of that sub-section shall be made in computing under this section the profits or gains of a company for any previous year unless the company deposits or has deposited with the Central Government within six months from the end of the said previous year or before the thirtieth day of June of the assessment year relevant to such previous year, whichever is later—

(i) such percentage, if any (not exceeding twenty-five in any case) as may be notified by the Central Government, of the accumulated profits and reserves of the company as at the end of the year preceding the previous year, to the extent to which such profits and reserves are not represented by the fixed assets of the company; and

(ii) such percentage, if any (not exceeding seventy-five in any case) as may be notified by the Central Government, of the amount by which the aggregate of the following amounts, namely:—

(a) the total income of the company for the previous year, as reduced by the amount of income-tax and super-tax payable in respect thereof (the total income and tax being computed by the assessee for this purpose) and by the dividends, if any, declared or deemed to be declared in India, during the previous year; and

(b) the sum of the allowances claimed by the company under the clauses aforesaid;

exceeds the sum of rupees one lakh:

Provided that where the total income computed by the Income-tax Officer under this Act exceeds the total income as computed by the company under clause (ii), the company shall be deemed not to have made any deposit under that clause

unless its deposits with the Central Government such further amount as may be prescribed having regard to the excess, together with interest thereon at the prescribed rate and within the prescribed time;

Provided further that the Central Government may, by notification in the Official Gazette, direct that for any assessment year the provisions of this sub-section shall have effect as if for "the period of six months" and the date "the thirtieth day of June" referred to therein the period or date specified in the notification had been substituted.

*Explanation.*—The power to fix percentages under this sub-section includes a power to fix different percentages in relation to different classes of companies.

(2C) The Central Government may make rules—

(a) providing for the manner in which the deposits referred to in sub-section (2B) may be computed or made;

(b) providing for the manner in which and the extent to which any amounts declared as dividends by a company incorporated outside India or by a company not resident in India or, by a company any portion of whose profits and gains is not included in its total income by reason of any of the provisions of this Act may be deemed to have been declared as dividends in India;

(c) providing for the time when, and the manner in which, refunds of any deposit made under sub-section (2B) shall be made, whether with or without interest, and, in particular, the refund at any time of any such deposit or any part thereof where the refund is claimed for carrying out any such purpose connected with the business of the company as may be approved by the Central Government;

(d) prescribing the circumstances in which, and the conditions subject to which, a deposit need not be made under sub-section (2B);

(e) providing for the procedure to be followed in respect of any of the matters specified in the preceding clauses, and the constitution of a Board of Referees for any of the purposes aforesaid."

5. In section 15 of the Income-tax Act, in sub-section (3),— Amendment of section 15.

(i) for the words, brackets and figures "sub-section (1) of section 58F", the words and figures "section 58F" shall be substituted; and

(ii) for the word "one-fifth" in both the places where it occurs; the word "one-fourth" shall be substituted.

Amendment  
of section 17.

6. In section 17 of the Income-tax Act, in clause (b) of sub-section (1), for the words "three annas in the rupee", the words "nineteen per cent." shall be substituted.

Amendment  
of section  
23A.

7. In section 23A of the Income-tax Act,—

(i) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) Where the Income-tax Officer is satisfied that in respect of any previous year the profits and gains distributed as dividends by any company within the twelve months immediately following the expiry of that previous year are less than the statutory percentage of the total income of the company of that previous year as reduced by—

(a) the amount of income-tax and super-tax payable by the company in respect of its total income, but excluding the amount of any super-tax payable under this section;

(b) the amount of any other tax levied under any law for the time being in force on the company by the Government or by a local authority in excess of the amount, if any, which has been allowed in computing the total income; and

(c) in the case of a banking company, the amount actually transferred to a reserve fund under section 17 of the Banking Companies Act, 1949;

19 of 1949.

the Income-tax Officer shall, unless he is satisfied that, having regard to the losses incurred by the company in earlier years or to the smallness of the profits made in the previous year, the payment of a dividend or a larger dividend than that declared would be unreasonable, make an order in writing that the company shall, apart from the sum determined as payable by it on the basis of the assessment under section 23, be liable to pay super-tax at the rate of fifty per cent. in the case of a company whose business consists wholly or mainly in the dealing in or holding of investments, and at the rate of thirty-seven per cent. in the case of any other company on the undistributed balance of



the total income of the previous year, that is to say, on the total income as reduced by the amounts, if any, referred to in clause (a), clause (b) or clause (c) and the dividends actually distributed, if any.

(2) No order under sub-section (1) shall be made,—

(i) in the case of a company whose business consists wholly or mainly in the dealing in or holding of investments which has distributed not less than ninety per cent. of its total income as reduced by the amounts, if any, referred to in clause (a), clause (b) or clause (c) of sub-section (1); or

(ii) in the case of any other company whose distribution falls short of the statutory percentage by not more than five per cent. of its total income as reduced by the amounts, if any, aforesaid; or

(iii) in any case where according to the return made by a company under section 22 it has distributed not less than the statutory percentage of its total income as reduced by the amounts, if any, aforesaid, but in the assessment made by the Income-tax Officer under section 23 a higher total income is arrived at and the difference in the total income does not arise out of the application of the proviso to section 13 or sub-section (4) of section 23 or the omission by the company to disclose its income fully and truly;

unless the company, on receipt of a notice from the Income-tax Officer that he proposes to make such an order, fails to make within three months of the receipt of such notice a further distribution of its profits and gains so that the total distribution made is not less than the statutory percentage of the total income of the company as reduced by the amounts, if any, aforesaid.”;

(ii) sub-sections (3), (4), (5), (6) and (7) shall be omitted;

(iii) in sub-section (8), the words “Except in cases where a decision is given by the Commissioner of Income-tax under sub-section (3) or the Board of Referees under sub-section (4)” shall be omitted;

(iv) the *Explanation* to section 23A shall be re-numbered as *Explanation 1*, and in the *Explanation* as so re-numbered, in clause (b),—

(a) in sub-clause (i), for the words “held by the public”, the words “held by the Government or a corporation

established by a Central, State or Provincial Act or the public" shall be substituted;

(b) in sub-clause (iii), for the brackets and words "(persons who are related to one another as husband, wife, lineal ascendant or descendant, brother or sister, as the case may be, being treated as a single person and persons who are nominees of another person together with that other person being likewise treated as a single person)" the following shall be substituted, namely:—

"and in computing the number of six persons aforesaid, the Government or any corporation established by a Central, State or Provincial Act or a company to which the provisions of this section do not apply shall not be taken into account, and persons who are relatives of one another and persons who are nominees of any other person together with that other person shall be treated as a single person, the expression "relative" in this context meaning husband, wife, lineal ascendant or descendant, brother or sister;"

(c) for the word, brackets and figure "sub-section (4)" in both the places where they occur, the words, brackets and figures "clause (ii) of Explanation 2" shall be substituted;

(v) after the *Explanation* as so re-numbered, the following *Explanation* shall be inserted, namely:—

"*Explanation 2.*—For the purposes of this section, statutory percentage means,—

(i) in the case of a company whose business consists wholly or mainly in the dealing in or holding of investments .. 100%

(ii) in the case of an Indian company whose business consists wholly in the manufacture or processing of goods or in mining or in the generation or distribution of electricity or any other form of power .. 45%

(iii) in the case of an Indian company, a part only of whose business consists in any of the activities specified in clause (ii)—

(a) in relation to the said part of the company's business .. 45%

(b) in relation to the remaining part of the company's business—

- (1) if it is a company which satisfies the conditions specified in sub-clause
  - (a) of clause (iv) .. 90%
  - (2) in any other case .. 60%;

the said percentages being applied separately with reference to the amounts of profits and gains attributable to the two parts of the company's business aforesaid as if the said amounts were respectively the total income of the company in relation to each of its parts, the amount of dividends and taxes also being similarly apportioned, for the purposes of sub-section (1);

(iv) in the case of any other company not referred to in the preceding clauses,—

(a) where the accumulated profits and reserves (including the amounts capitalised from the earlier reserves) representing accumulations of past profits which have not been the subject of an order under sub-section (1) exceed either the aggregate of—

(1) the paid-up capital of the company exclusive of the capital, if any, created out of its profits and gains which have not been the subject of an order under sub-section (1);

(2) any loan capital which is the property of the shareholders;

or the actual cost of the fixed assets of the company, whichever of these is greater .. 90%

(b) where sub-clause (a) does not apply .. 60%".

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

Amendment  
of section 24.

(a) in clause (iii) of sub-section (2), after the words "following year and so on", the words "but no loss shall be so carried forward for more than eight years" shall be inserted;

(b) in sub-section (2B), after the words "to the following year and so on", the words "so however that no such loss shall be carried forward for more than eight years" shall be inserted

Substitution of new section for section 58E.

Annual contributions of employers and interest when deemed to be income received.

9. For section 58E of the Income-tax Act, the following section shall be substituted, namely:—

“58E. That portion of the annual accretion in any year to the balance at the credit of an employee participating in a recognised provident fund as consists of—

(a) contributions made by the employer in excess of ten per cent. of the salary of the employee, and

(b) interest credited on the balance to the credit of the employee in so far as it exceeds one-third of the salary of the employee or is allowed at a rate exceeding the rate fixed by the Central Government in this behalf by notification in the Official Gazette,

shall be deemed to have been received by him in that year and shall be included in his total income for that year, and shall be liable to income-tax and super-tax.”

Substitution of new section for section 58F.

Exemption of employees' contributions from income-tax.

10. For section 58F of the Income-tax Act, the following section shall be substituted, namely:—

“58F. An employee shall not be liable to pay income-tax on his own contributions to his individual account in a recognised provident fund in so far as the aggregate of such contributions in any year does not exceed one-fifth of his salary in that year or eight thousand rupees, whichever is less.”

Commencement of amendments to Act II of 1922.

11. (1) The amendments to the Income-tax Act made by sections 3, 9 and 10 shall, for the purposes of making any deduction of income-tax under sub-section (2) or sub-section (2B) of section 18 of the Income-tax Act, have effect on and from the first day of April, 1957, and for other purposes shall have effect on and from the first day of April, 1958.

(2) Save as otherwise provided in sub-section (1), the provisions of section 2 and the amendments to the Income-tax Act made by sections 3 to 10 inclusive shall be deemed to have come into force on the first day of April, 1957.

(3) Where any assessment for the year ending on the thirty-first day of March, 1958, has been completed or a notice of demand has been issued before the commencement of this Act, the Income-tax Officer shall, wherever necessary, revise the assessment or issue a revised notice of demand, as the case may be, conformably to the provisions of this Act.

(4) For the removal of doubts, it is hereby declared that the provisions of section 23A of the Income-tax Act, as in force immedi-

ately before the 1st day of April, 1957, shall continue to apply to a company in respect of its profits and gains of a previous year relevant to any assessment year prior to the assessment year ending on the 31st day of March, 1958.

12. (1) The Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act), shall be amended in the manner specified in Parts I, II, III and IV of the Second Schedule. Amendment  
of Act 32 of  
1934.

(2) In the First Schedule to the Tariff Act, the following Explanation shall be inserted at the end, namely:—

*Explanation.*—References in this Schedule to “the excise duty for the time being leviable on like articles if produced or manufactured in India” shall be construed as references to the excise duty for the time being in force which would be leviable on like articles if produced or manufactured in India or, if like articles are not so produced or manufactured, which would be leviable on the class or description of articles to which the imported articles belong.

13. In the First Schedule to the Central Excises and Salt Act, 1944.— Amendment  
of Act 1 of  
1944.

(a) in Item No. 2, for sub-items (1), (2), (3) and (4), the following shall be substituted, namely:—

“(1) Matches, in boxes containing 60 matches on an average, if manufactured in a factory whose output—

(i) exceeds five hundred thousand gross of boxes per year.	Four rupees and ninety naye paise per gross of boxes.
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(ii) does not exceed five hundred thousand gross of boxes per year, but exceeds one hundred gross of boxes per day.	Four rupees and seventy-five naye paise per gross of boxes.
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(iii) does not exceed one hundred gross of boxes per day, but exceeds twenty-five gross of boxes per day.	Four rupees and fifty naye paise per gross of boxes.
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(iv) does not exceed twenty-five gross of boxes per day.	Four rupees and thirty naye paise per gross of boxes.
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(2) Matches, in boxes containing 40 matches on an average, if manufactured in a factory whose output—

(i) exceeds five hundred thousand gross of boxes per year.	Three rupees and twenty-five naye paise per gross of boxes.
--	---

(ii) does not exceed five hundred thousand gross of boxes per year, but exceeds one hundred gross of boxes per day. Three rupees and fifteen naye paise per gross of boxes.

(iii) does not exceed one hundred gross of boxes per day, but exceeds twenty-five gross of boxes per day. Two rupees and ninety-five naye paise per gross of boxes.

(iv) does not exceed twenty-five gross of boxes per day. Two rupees and eighty naye paise per gross of boxes.

(3) Matches in boxes containing on an average not more than twelve matches of the type known as "Bengal Lights". One rupee per gross of boxes.

(4) All other matches. Eighty naye paise for every 1,440 matches or fraction thereof."

(b) In Item No. 4, for the entry in the third column, the entry "One rupee and twenty-five naye paise per imperial gallon." shall be substituted;

(c) in Item No. 7, for the entry in the third column, the entry "Forty rupees per ton." shall be substituted;

(d) in Item No. 8, in sub-item (1), for the entry in the third column, the entry "Eleven rupees and twenty-five naye paise per cwt." shall be substituted;

(e) in Item No. 9,—

(i) in sub-item I (4), for the entry in the third column, the entry "Seventy-five naye paise per lb." shall be substituted;

(ii) for sub-items I(5) and I(6), the following sub-items shall be substituted, namely:—

"(5) if not flue cured and not actually used for the manufacture of (a) cigarettes or (b) smoking mixtures for pipes and cigarettes— Fifty naye paise per lb.

(i) stems of tobacco larger than  $1/4$ " and stems of tobacco not larger than  $1/16$ " in size ;

(ii) dust of tobacco ;

(iii) granule ("rawa") of tobacco not larger than  $1/16$ " square in size ;

(iv) tobacco cured in whole leaf form and packed or tied in bundles, hanks or bunches or in the form of twists or coils ;

**Explanation.**—The size of tobacco shall be determined for the purposes of this sub-item with reference to the size of the mesh through which it can pass ;

(6) if other than flue cured and One rupee per lb.” ;  
not otherwise specified.

(f) in Item No. 15, for the entry in the third column, the entry “Twenty rupees per ton.” shall be substituted;

(g) for Item No. 21, the following Item shall be substituted, namely:—

“21. PAPER, all sorts (including pasteboard, millboard, strawboard and cardboard), in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power—

(1) blotting, toilet, target, tissue other than cigarette tissue, teleprinter, typewriting, manifold, bank, bond, art paper, chrome paper, tubsized paper, cheque paper, stamp paper, cartridge paper and parchment. Fifteen naye paise per lb.

(2) cigarette tissue. . . . . Thirty naye paise per lb.

(3) printing and writing paper, other sorts. Ten naye paise per lb.

(4) packing and wrapping paper, other sorts. Ten naye paise per lb.

(5) millboard and strawboard other than corrugated board. Five naye paise per lb.

(6) duplex and triplex board. . . . . Ten naye paise per lb.

(7) pulp board. . . . . Ten naye paise per lb.

(8) manilla and corrugated board. Ten naye paise per lb.

(9) coated board (including art, chrome and board for playing cards). Fifteen naye paise per lb.

(10) paper and paper board, all sorts, not otherwise specified. Fifteen naye paise per lb.”;

(h) in Item No. 23, for the entry in the third column, the entry “One hundred and twelve rupees per ton.” shall be substituted;

(i) in Item No. 24, for the entry in the third column, the entry "Forty naye paise per imperial gallon." shall be substituted;

(j) in Item No. 25, in sub-item (a), for the entry in the third column, the entry "Forty rupees per ton." shall be substituted;

Amendment  
of Act 6 of  
1898.

14. The First Schedule to the Indian Post Office Act, 1898, shall be amended as follows, namely:—

(i) for the heading Letters and the entries thereunder, the following headings and entries shall be substituted, namely:—

*Letters*

For a weight not exceeding one and a half tolas.	15 naye paise.
For every one and a half tolas, or fraction thereof, exceeding one and a half tolas.	10 naye paise.

*Letter-cards*

For a letter-card.	10 naye paise.
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(ii) in column 2 of the entries under the heading Book, Pattern and Sample Packets, for the figure and words "6 naye paise" the figure and words "8 naye paise" shall be substituted.

Repeals.

15. (1) Sections 31 and 37 of, and the Third and Fourth Schedules to, the Finance Act, 1956, and section 5 of the Finance Act, 1957, are hereby repealed. 18 of 1956.  
5 of 1957.

(2) Section 8 of the Finance (No. 3) Act, 1956, and section 2 of the Finance Act, 1957, are hereby repealed and shall be deemed never to have been enacted. 77 of 1956  
5 of 1957.

Excise and  
customs  
duties  
collected  
before com-  
mencement  
of Act not  
to be re-  
funded.

16. Notwithstanding anything contained in the Provisional Collection of Taxes Act, 1931, no refund shall be made of any duties of excise or customs collected before the commencement of this Act by virtue of a declared provision within the meaning of that Act contained in the Finance (No. 2) Bill, 1957. 16 of 1931



THE FIRST SCHEDULE

(See section 2)

PART I

Income-tax and surcharge on income-tax

Paragraph A

(i) In the case of every individual who is married and every Hindu undivided family whose total income does not exceed Rs. 20,000 in either case.

Rates of Income-tax

	Where the individual has no child wholly or mainly dependent on him or where the Hindu undivided family has no minor coparcener	Where the individual has one child wholly or mainly dependent on him or where the Hindu undivided family has one minor coparcener	Where the individual has more than one child wholly or mainly dependent on him or where the Hindu undivided family has more than one minor coparcener	
	Rs.	Rs.	Rs.	
(1) On the first	3,000 of total income	3,300 of total income	3,600 of total income	Nil
(2) On the next	2,000 "	1,700 "	1,400 "	3%
(3) On the next	2,500 "	2,500 "	2,500 "	6%
(4) On the next	2,500 "	2,500 "	2,500 "	9%
(5) On the next	2,500 "	2,500 "	2,500 "	11%
(6) On the next	2,500 "	2,500 "	2,500 "	14%
(7) On the next	5,000 "	5,000 "	5,000 "	18%

(ii) In the case of every individual who is not married and every individual or Hindu undivided family whose total income in either case exceeds Rs. 20,000 and in the case of every unregistered firm or other association of persons, not being a case to which Paragraph B or Paragraph C or Paragraph D of this Part applies :—

	Rs.	
(1) On the first	1,000 of total income	Nil
(2) On the next	4,000 "	3%
(3) On the next	2,500 "	6%
(4) On the next	2,500 "	9%
(5) On the next	2,500 "	11%
(6) On the next	2,500 "	14%
(7) On the next	5,000 "	18%
(8) On the balance of total income	..	25%

Provided that for the purposes of this Paragraph—

(i) no income-tax shall be payable on a total income which does not exceed the limit specified below;

(ii) the income-tax payable shall in no case exceed half the amount by which the total income exceeds the said limit;

(iii) the income-tax payable by an individual who is married or a Hindu undivided family whose total income exceeds in either case Rs. 20,000 shall not exceed the aggregate of—

(a) the income-tax which would have been payable if the total income had been Rs. 20,000;

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

The limit aforesaid shall be—

(i) Rs. 6,000 in the case of every Hindu undivided family which as at the end of the previous year satisfies either of the following conditions, namely:—

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

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

(ii) Rs. 3,000 in every other case.

#### *Surcharges on Income-tax.*

The amount of income-tax computed at the rates hereinbefore specified shall be increased by the aggregate of the surcharges calculated as under:—

(a) A surcharge for purposes of the Union equal to the sum of—

(i) five per cent. of the amount of income-tax; and

(ii) where the earned income included in the total income exceeds Rs. 1,00,000, five per cent. of the difference between the amount of income-tax which would have been payable on the whole of the earned income included in the total income if such earned income had been the total income and the amount of income-tax payable on a total income of Rs. 1,00,000;

(b) A special surcharge on unearned income at fifteen per cent. of the difference between the amount of income-tax on the

total income and the amount of income-tax on the whole of the earned income, if any, included in the total income of such earned income had been the total income:

Provided that—

(i) no surcharge for purposes of the Union shall be payable where the total income does not exceed the limit specified below;

(ii) no special surcharge on unearned income shall be payable in the case of an assessee whose total income does not include any income from dividend on ordinary shares if his total income does not exceed the limit specified below, and where the total income includes any dividends on ordinary shares, such limit shall be increased by Rs. 1,500 or the amount of the said dividends, whichever is less:

Provided further that—

(a) where the total income includes any dividends on ordinary shares, the surcharge for purposes of the Union and the special surcharge on unearned income shall not in each case exceed half the amount by which the total income exceeds the respective limits applicable in either case;

(b) the surcharge for purposes of the Union and the special surcharge on unearned income, both together, shall not exceed half the amount by which the total income exceeds the limit specified below;

The limit aforesaid shall be—

(i) Rs. 15,000 in the case of every Hindu undivided family which satisfies as at the end of the previous year either of the following conditions, namely:—

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

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

(ii) Rs. 7,500 in every other case.

*Explanation.*—For the purposes of this paragraph, in the case of every Hindu undivided family governed by the Mitakshara law, a son shall be deemed to be entitled to claim partition of the coparcenary property against his father, or grand-father notwithstanding any custom to the contrary.

## Paragraph B

In the case of every company and local authority,—

*Rates of income-tax*

On the whole of the total income 30%

*Surcharge on income-tax*

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge of 5 per cent. thereon.

## Paragraph C

(1) In every case in which under the provisions of the Income-tax Act, income-tax is to be charged at the maximum rate,—

*Rates of income-tax*

On the whole of the total income. 25%

*Surcharge on income-tax*

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge of 20 per cent. thereon.

(2) In every case in which under the provisions of the Income-tax Act, income-tax is to be deducted at the maximum rate, deduction shall be made from the whole income which is to be subjected to such deduction at the following rates, namely:—

	Rate of income-tax on the whole income	Rate of surcharge on the whole income
In the case of every company	30%	1.5%
In any other case	25%	5%

## Paragraph D

In the case of every registered firm,—

*Rates of income-tax*

(1) On the first Rs. 40,000 of the total income	...	Nil
(2) On the next Rs. 35,000 of total income	...	5%
(3) On the next Rs. 75,000 of total income	...	6%
(4) On the balance of total income	...	9%

## PART II

*Super-tax and surcharge on super-tax*

## Paragraph A

In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which any other paragraph of this Part applies,—

*Rates of super-tax*

(1) On the first Rs. 20,000 of total income	...	Nil
(2) On the next Rs. 5,000 of total income	...	5%

(3) On the next Rs. 5,000 of total income	...	15%
(4) On the next Rs. 10,000 of total income	...	20%
(5) On the next Rs. 10,000 of total income	...	30%
(6) On the next Rs. 10,000 of total income	...	35%
(7) On the next Rs. 10,000 of total income	...	40%
(8) On the balance of total income	...	45%

*Surcharges on super-tax*

The amount of super-tax computed at the rates hereinbefore specified shall be increased by the aggregate of the surcharges calculated as under:—

(a) A sur-charge for purposes of the Union equal to the sum of,—

(i) five per cent, of the amount of super-tax; and

(ii) where the earned income included in the total income exceeds Rs. 1,00,000, five per cent. of the difference between the amount of super-tax which would have been payable on the whole of the earned income included in the total income, if such earned income had been the total income and the amount of super-tax payable on a total income of Rs. 1,00,000;

(b) A special surcharge on unearned income at fifteen per cent. of the difference between the amount of super-tax on the total income and the amount of super-tax on the whole of the earned income, if any, included in the total income, if such earned income has been the total income.

*Paragraph B*

In the case of every local authority,—

*Rate of super-tax*

On the whole of the total income ... 16%

*Surcharge on super-tax*

The amount of super-tax computed at the rate hereinbefore specified shall be increased by a surcharge of 12½% thereon.

*Paragraph C*

In the case of every association of persons being a co-operative society as defined in clause (5B) of section 2 of the Income-tax Act,—

*Rates of super-tax*

(1) On the first Rs. 25,000 of total income	...	Nil
(2) On the balance of total income	...	16%

*Surcharge on super-tax*

The amount of super-tax computed at the rates hereinbefore specified shall be increased by a surcharge of 12½% thereon.

*Paragraph D*

In the case of every company,—

*Rates of super-tax*

On the whole of the total income 50%

Provided that,—

(i) a rebate at the rate of 40 per cent. on so much of the total income as consists of dividends from a subsidiary Indian company and a rebate at the rate of 35 per cent. on the balance of the total income shall be allowed in the case of any company which—

(a) in respect of its profits liable to tax under the Income-tax Act for the year ending on the 31st day of March, 1958, has made the prescribed arrangements for the declaration and payment within India of the dividends payable out of such profits and for the deduction of super-tax from dividends in accordance with the provisions of sub-section (3D) of section 18 of that Act; and

(b) is such a company as is referred to in sub-section (9) of section 23A of the Income-tax Act with a total income not exceeding Rs. 25,000;

(ii) a rebate at the rate of 40 per cent. on so much of the total income as consists of dividends from a subsidiary Indian company and a rebate at the rate of 30% on the balance of the total income shall be allowed in the case of any company which satisfies condition (a) but not condition (b) of the preceding clause;

(iii) a rebate at the rate of 40% on so much of the total income as consists of dividends from a subsidiary Indian company and a rebate at the rate of 20% on the balance of the total income shall be allowed in the case of any company not entitled to a rebate under either of the preceding clauses;

Provided further that,—

(i) the amount of the rebate under clause (i) or clause (ii) shall be reduced by the sum, if any, equal to the amount or the

aggregate of the amounts, as the case may be, computed as hereunder:—

- (a) on that part of the sum arrived at in accordance with clause (i) of the second proviso to paragraph D of Part II of the First Schedule to the Finance Act, 1956, as is referable to that amount of bonus shares, bonus or dividends, as the case may be, which has not been deemed to have been taken into account, in accordance with clause (ii) of the said proviso, for the purpose of reducing the rebate mentioned therein to nil. The whole amount of such part.
- (b) on the amount representing the face value of any bonus shares or the amount of any bonus issued to its shareholders during the previous year with a view to increasing the paid-up capital except to the extent to which such bonus shares or bonus have been issued out of premiums received in cash on the issue of its shares; and at the rate of 30%.
- (c) in addition, in the case of a company referred to in clause (ii) of the preceding proviso which has distributed to its shareholders during the previous year dividends in excess of six per cent. of its paid-up capital, not being dividends payable at a fixed rate—
- on that part of the said dividends which exceeds 6 per cent. but does not exceed 10 per cent. of the paid-up capital; at the rate of 10%.
  - on that part of the said dividends which exceeds 10 per cent. but does not exceed 18 per cent. of the paid-up capital; at the rate of 20%.
  - on that part of the said dividends which exceeds 18 per cent. of the paid-up capital. at the rate of 30%.

- (ii) where the sum arrived at in accordance with clause (i) of this proviso exceeds the amount of the rebate arrived at in accordance with clause (i) or clause (ii), as the case may be, of the preceding proviso, only so much of the amounts of reduction mentioned in sub-clauses (a), (b) and (c) of clause (i) of this proviso as is sufficient, in that order, to reduce the rebate to *nil* shall be deemed to have been taken into account for the purpose:

Provided further that the super-tax payable by a company, the total income of which exceeds rupees twenty-five thousand shall not exceed the aggregate of—

- (a) the super-tax which would have been payable by the company if its total income had been rupees twenty-five thousand, and
- (b) half the amount by which its total income exceeds rupees twenty-five thousand.

*Explanation.*—For the purposes of this paragraph—

- (i) the expression “paid-up capital” means the paid-up capital (other than capital entitled to a dividend at a fixed rate) of the company as on the first day of the previous year relevant to the assessment for the year ending on the 31st day of March, 1958, increased by any premiums received in cash by the company on the issue of its shares, standing to the credit of the share premium account as on the first day of the previous year aforesaid;
- (ii) the expression “dividend” shall be deemed to include any distribution included in the expression “dividend” as defined in clause (6A) of section 2 of the Income-tax Act;
- (iii) where any portion of the profits and gains of the company is not included in its total income by reason of such portion being exempt from tax under any provision of the Income-tax Act, the “paid-up capital” of the company, the amount distributed as dividends (not being dividends payable at a fixed rate), the amount representing the face value of any bonus shares and the amount of any bonus issued to the share-holders shall each be deemed to be such proportion thereof as the total income of the company for the previous year bears to its total profits and gains for that year other than capital receipts, reduced by such allowances as may be admissible under the Income-tax Act which have not been taken into account by the company in its profit and loss account for that year.



## THE SECOND SCHEDULE

(See section 12)

## PART I

In the First Schedule to the Tariff Act,—

(i) in Items Nos. 3, 3(4), 4, 5(1), 11, 11(2), 11(4), 11(5), 12, 15, 15(1), 15(2), 15(4), 15(8), 16(2), 21(2), 23, 25(7), 27(2), 28(5), 28(6)(a), 28(6)(b), 28(7), 28(8), 28(16), 28(17), 28(19), 30(8), 30(10), 32(4), 34(1), 34(2), 36, 39(1), 40, 40(3), 40(4), 40(5), 46(1), 47(1), 47(3), 47(4), 47(5), 47(7), 50, 50(1), 50(2), 50(4), 50(6), 50(7), 52(1), 58, 58(2), 59(6), 63(18)(b), 63(28), 64(4)(b), 65(a), 65(b), 66(a), 66(b), 66(1), 67, 67(1), 68, 69(2), 70, 70(1), 70(3), 70(6), 70(9), 71(1), 71(11), 72(6), 72(12), 73(2), 73(6), 74(1), 75, 75(4), 76(3), 82 and 82(3), for the existing entries against each of them in the fourth column, the entry "35 per cent. *ad valorem*" shall be substituted;

(ii) in Item No. 3(1), for the existing entry in the fourth column, the entry "One rupee per Indian maund of 82-2/7 lbs. plus 10 per cent. *ad valorem*" shall be substituted;

(iii) in Items Nos. 3(2), 43, 63, 63(1), 63(4), 63(5), 63(7), 63(11), 63(13), 63(22), 63(23), 63(26), 63(35), 73(3), 74(2), 74(3) and 76(1), for the existing entries against each of them in the fourth column, the entry "20 per cent. *ad valorem*" shall be substituted;

(iv) in Items Nos. 3(3), 5(2), 11(3), 12(2), 13(2), 13(4), 30(5) and 50(8), for the existing entries against each of them in the fourth and sixth columns, the entries "40 per cent. *ad valorem*" and "30 per cent. *ad valorem*" respectively shall be substituted;

(v) Item No. 4(3) shall be omitted;

(vi) in Items Nos. 5, 14, 28(31)(a), 28(34)(a), 30(9)(a) and 64(a), for the existing entries against each of them in the fourth column, the entry "30 per cent. *ad valorem*" shall be substituted;

(vii) in Items nos. 7 and 8, for the existing entries against each of them in the fourth and sixth columns, the entries "45 per cent. *ad valorem*" and "35 per cent. *ad valorem*" respectively shall be substituted;

(viii) in Items Nos. 8(3), 11(6)(b), 20(4), 21(1), 22, 25(3), 33, 33(1), 45(b), 45(c), 53, 55, 58(1), 59(1), 63(16), 64(3)(b) and 71(7), for the existing entries against each of them in the fourth column, the entry "50 per cent. *ad valorem*" shall be substituted;

(ix) in Item No. 9, for the existing entries in the fourth and sixth columns, the entries "40 per cent. *ad valorem* plus six naye paise per lb." and "40 per cent. *ad valorem*" respectively shall be substituted;

(x) in Item No. 9(1), for the existing entries in the fourth and sixth columns, the entries "50 per cent. *ad valorem*" and "40 per cent. *ad valorem*" respectively shall be substituted;

(xi) in Item No. 9(2), for the existing entries in the fourth and sixth columns, the entries "Sixty naye paise per lb." and "Forty-eight naye paise per lb." respectively shall be substituted;

(xii) in Items Nos. 9(3) and 9(4), for the existing entries against each of them in the fourth and sixth columns, the entries "82½ per cent. *ad valorem*" and "75 per cent. *ad valorem*" respectively shall be substituted;

(xiii) in Item No. 9(5), for the existing entry in the fourth column, the entry "Rs. 1.03 per lb." shall be substituted;

(xiv) in Items Nos. 11(6)(a), 17(1), 28(11), 28(12), 28(31)(b), 28(34)(b), 30(9)(b), 64(b), 64(3)(a), 70(5) and 72(33), for the existing entries against each of them in the fourth column, the entry "40 per cent. *ad valorem*" shall be substituted;

(xv) in Items Nos. 12(5), 13(1), 22(7), 40(1) and 71(6), for the existing entries against each of them in the fourth column, the entry "5 per cent. *ad valorem*" shall be substituted;

(xvi) in Item No. 13(6), for the existing entry in the fourth column, the entry "Rs. 40 per seer of 80 tolas or 25 per cent. *ad valorem*, whichever is higher" shall be substituted;

(xvii) in Items Nos. 15(6) and 15(7), for the figures "35" and "25" against each of them in the fourth and sixth columns, the figures "45" and "35" respectively shall be substituted;

(xviii) in Items Nos. 17 and 17(3), for the existing entries against each of them in the fourth column, the entry "The rate at which excise duty is for the time being leviable on sugar, other than *khandsari* or palmyra sugar, produced in India plus Rs. 10 per cwt." shall be substituted;

(xix) in Items Nos. 17(2), 19, 31(5), 36(2), 45(a), 45(5), 45(6), 59(2), 59(3), 59(5), 60(1)(a), 60(1)(b), 60(3), 75(6)(b), 75(7)(b), 75(7A)(b), 75(8)(b), 82(2) and 83, for the existing entries against each of them in the fourth column, the entry "75 per cent. *ad valorem*" shall be substituted;

(xx) in Item No. 20(2), for the existing entries in the fourth and sixth columns, the entries "75 per cent. *ad valorem*" and "65 per cent. *ad valorem*" respectively shall be substituted;

(xxi) in Items Nos. 20(5)(a) and 20(8)(a), for the existing entries against each of them in the fourth column, the entry "39 per cent. *ad valorem*" shall be substituted;

(xxii) in Items Nos. 20(5)(b), 20(8)(b) and 20(9)(b), for the existing entries against each of them in the fourth column, the entry "45 per cent. *ad valorem*" shall be substituted;

(xxiii) in Item No. 20(9)(a), for the existing entry in the fourth column, the entry "37 per cent. *ad valorem*" shall be substituted;

(xxiv) in Item No. 22(1), for the existing entries in the fourth column against sub-items (a), (b), (c) and (d), the entries "Rs. 4.50 per Imperial gallon", "75 naye paise per bottle", "40 naye paise per bottle" and "20 naye paise per bottle" respectively shall be substituted;

(xxv) in Item No. 22(2), for the existing entries in the fourth column against sub-Items (b), (c) and (d), the entries "Rs. 1.50 per bottle", "75 naye paise per bottle" and "40 naye paise per bottle" respectively shall be substituted;

(xxvi) in Item No. 22(4)—

(1) for the existing entries in the fourth column against each of the sub-items (a) and (b)(ii), the entry "Rs. 120 per Imperial gallon of the strength of London proof or 100 per cent. *ad valorem*, whichever is higher" shall be substituted;

(2) for the existing entry in the fourth column against sub-item (b)(i), the entry "Rs. 150 per Imperial gallon or 100 per cent. *ad valorem* whichever is higher" shall be substituted; and

(3) proviso (a) shall be omitted;

(xxvii) in Item No. 22(5)—

(1) for the existing entries in the fourth and sixth

columns against sub-item (a) (i), the entries "Rs. 73 per Imperial gallon or 45 per cent. *ad valorem*, whichever is higher" and "Rs. 68 per Imperial gallon or 35 per cent. *ad valorem*, whichever is higher" respectively shall be substituted;

(2) for the existing entries in the fourth and sixth columns against each of the sub-items (a)(ii) and (d), the entries "Rs. 55.25 per Imperial gallon of the strength of London proof or 45 per cent. *ad valorem*, whichever is higher" and "Rs. 51.50 per Imperial gallon of the strength of London proof or 35 per cent. *ad valorem*, whichever is higher" respectively shall be substituted;

(3) for the existing entries in the fourth, fifth and sixth columns against sub-item (b)(i), the entries "Rs. 48 per Imperial gallon or 45 per cent. *ad valorem*, whichever is higher", "Rs. 44 per Imperial gallon or 35 per cent. *ad valorem*, whichever is higher" and "Rs. 44 per Imperial gallon or 35 per cent. *ad valorem*, whichever is higher" respectively shall be substituted;

(4) for the existing entries in the fourth, fifth and sixth columns against sub-item (b)(ii), the entries "Rs. 35 per Imperial gallon of the strength of London proof or 45 per cent. *ad valorem*, whichever is higher", "Rs. 32 per Imperial gallon of the strength of London proof or 35 per cent. *ad valorem*, whichever is higher" and "Rs. 32 per Imperial gallon of the strength of London proof or 35 per cent. *ad valorem*, whichever is higher" respectively shall be substituted; and

(5) proviso (a) shall be omitted;

(xxviii) in Item No. 22(6), for the existing entry in the fourth column, the entry "15 per cent. *ad valorem*" shall be substituted;

(xxix) in Item No. 24, for the existing entry in the fourth column, the entry "Rs. 17 per lb." shall be substituted;

(xxx) in Item No. 24(1), for the existing entry in the fourth column, the entry "40 per cent. *ad valorem* plus Rs. 16.50 per lb." shall be substituted;

(xxxi) in Item No. 24(2), for the existing entry in the fourth column, the entry "40 per cent. *ad valorem*, plus Rs. 41 per thousand or Rs. 16.50 per lb. whichever is higher" shall be substituted;

(xxxii) in Item No. 24(3), for the existing entries in the fourth and sixth columns, the entry "Rs. 10 per lb." shall be substituted;

(xxxiii) in Item No. 25—

(a) in the third column, the word "revenue" shall be inserted, and

(b) for the existing entry in the fourth column, the entry "10 per cent. *ad valorem*" shall be substituted;

(xxxiv) in Item No. 25(4), for the existing entries in the fourth and fifth columns, the entries "50 per cent. *ad valorem*" and "40 per cent. *ad valorem*" respectively shall be substituted;

(xxxv) in Item No. 25(5), for the existing entry in the fourth column, the entry "Rs. 30 per ton" shall be substituted;

(xxxvi) in Item No. 27, for the existing entry in the fourth column, the entry "Eighty naye paise per ton" shall be substituted;

(xxxvii) in Items Nos. 27(4)(a) and 27(4)(b), for the existing entry against each of them in the fourth column, the entry "18.75 naye paise per Imperial gallon" and "20 naye paise per Imperial gallon" shall respectively be substituted;

(xxxviii) in Item No. 27(5), in the fourth column, for the words and figures "Three annas per Imperial gallon or 15 per cent. *ad valorem*", the words and figures "Twenty naye paise per Imperial gallon or 16 per cent. *ad valorem*" shall be substituted;

(xxxix) in Item No. 27(7) (a), for the existing entry in the fourth column, the entry "Rs. 20 per ton or 16 per cent. *ad valorem*, whichever is higher" shall be substituted;

(xl) in Items Nos. 27(7) (b) (1) and 27(7) (b) (2), for the figures "15" against each of them in the fourth column, the figures "16" shall be substituted;

(xli) in Item No. 27(8), for the existing entry in the fourth column, the entry "Twenty naye paise per Imperial gallon or 16 per cent. *ad valorem*, whichever is higher" shall be substituted;

(xlii) in Items Nos. 28, 28(18)(a), 28(18)(b), 28(18)(c) and 28(18)(d), for the existing entries against each of them in the fourth, fifth and sixth columns, the entries "40 per cent. *ad valorem*", "30 per cent. *ad valorem*" and "30 per cent. *ad valorem*" respectively shall be substituted;

(xl<sup>iii</sup>) Item No. 28(2) shall be omitted;

(xl<sup>iv</sup>) in Items Nos. 28(3) and 39—

(a) in the third column against each of them, the word "revenue" shall be inserted, and

(b) for the existing entries against each of them in the fourth column, the entry "5 per cent. *ad valorem*" shall be substituted;

(xl<sup>v</sup>) in Item No. 28(4)(a), for the existing entry in the fourth column, the entry "Rs. 4.25 per cwt." shall be substituted;

(xl<sup>vi</sup>) in Item No. 28(4)(b), for the existing entry in the fourth column, the entry "Rs. 5.75 per cwt." shall be substituted;

(xl<sup>vii</sup>) in Items Nos. 28(7A), 61(7), 75(6)(a), 75(7)(a), 75(7A)(a) and 75(8)(a), for the existing entries against each of them in the fourth column, the entry "65 per cent. *ad valorem*" shall be substituted;

(xl<sup>viii</sup>) in Item No. 28(8), for the words "magnesium and zinc compounds not otherwise specified" appearing in the second column, the words "magnesium and zinc compounds not otherwise specified, green copperas (ferrous sulphate)" shall be substituted;

(xl<sup>ix</sup>) in Item No. 28(9), for the existing entry in the fourth column, the entry "Rs. 8 per lb." shall be substituted;

(l) in Item No. 28(10), for the existing entry in the fourth column, the entry "25 per cent. *ad valorem* or Rs. 8 per pound of saccharine content, whichever is higher" shall be substituted;

(li) in Item No. 28(15)(a), for the existing entry in the fourth column, the entry "Rs. 3.50 per cwt." shall be substituted;

(lii) in Item No. 28(15)(b), for the existing entry in the fourth column, the entry "Rs. 5 per cwt." shall be substituted;

(liii) in Item No. 28(20), for the figures and words "31½" and "8 annas" in the fourth column against each of the sub-items, the figures and words "35" and "50 naye paise" respectively shall be substituted;

(liv) in Item No. 28(26), for the existing entries in the fourth, fifth and sixth columns, the entries "26 per cent. *ad valorem*", "20 per cent. *ad valorem*" and "20 per cent. *ad valorem*" respectively shall be substituted;

(lv) in Item No. 28(32), for the existing entries in the fourth column against sub-items (a) and (b), the entries "50 per cent. *ad valorem*" and "60 per cent. *ad valorem*" respectively shall be substituted;

(lvi) in Item No. 29, for the existing entry in the fourth column, the entry "Rs. 1.75 per 100 linear feet" shall be substituted;

(lvii) in Item No. 29(1), for the existing entry in the fourth column, the entry "50 naye paise per linear foot" shall be substituted;

(lviii) in Item No. 30, for the figures "36" and "24" in the fourth and fifth columns, the figures "40" and "30" respectively shall be substituted;

(lix) in Item No. 30(2)—

(1) for the figures and words "30 per cent. *ad valorem* or Rs. 4-12 per cwt., whichever is higher, plus one-fifth of the total duty" in the fourth column against sub-item (a), the figures and words "40 per cent. *ad valorem*" shall be substituted;

(2) for the figures and words "30 per cent. *ad valorem* or Rs. 5-12 per cwt., whichever is higher, plus one-fifth of the total duty" in the fourth column against sub-item (b), the figures and words "40 per cent. *ad valorem*" shall be substituted;

(3) for the figures and words "30 per cent. *ad valorem* or Rs. 6 per cwt., whichever is higher, plus one-fifth of the total duty" in the fourth column against sub-item (c), the figures and words "40 per cent. *ad valorem*" shall be substituted;

(4) for the word and figures "Rs. 8-8" in the fourth column against sub-item (cc) (i), the word and figures "Rs. 8.50" shall be substituted;

(5) for the word and figures "Rs. 11-4" in the fourth column against sub-item (cc) (ii), the word and figures "Rs. 11.25" shall be substituted; and

(6) for the figures "24" in the fifth column against each of the sub-items (a), (b) and (c), the figures "30" shall be substituted;

(lx) in Item No. 30(3), for the existing entries in the fourth column against each of the sub-items (a), (b), (c) and (d), the entry "35 per cent. *ad valorem* plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty" shall be substituted;

(lxi) in Item No. 30(4), for the figures "25" in the fourth column, the figures "35" shall be substituted;

(lxii) in Items Nos. 30(7) and 45(4), for the existing entries against each of them in the fourth column, the entry "15 naye paise for every length of  $7\frac{1}{2}$  inches or part thereof or 75 per cent. *ad valorem*, whichever is higher" shall be substituted;

(lxiii) in Item No. 30(14)(a), for the figures "34" in the fourth column, the figures "35" shall be substituted;

(lxiv) in Item No. 30(14)(b), for the figures "44" in the fourth column, the figures "45" shall be substituted;

(lxv) in Items Nos. 32, 32(1), 32(2), 37, 37(1), 37(2), 38, 40(2), 42, 50(5), 61(4), 61(6), 61(9), 61(10), 70(10), 70(11), 71(2), 71(3), 82(1) and 85(2), for the existing entries against each of them in the fourth column, the entry "100 per cent. *ad valorem*" shall be substituted;

(lxvi) in Items Nos. 34, 34(3), 61(5), 61(8), 80, 80(1), 80(2)(a), 80(2)(b), 80(2)(c), 80(2)(d), 80(2)(e), 80(2)(f), 80(2)(g), 80(4), 81, 84(a) and 85(1), for the existing entries against each of them in the fourth column, the entry "80 per cent. *ad valorem*" shall be substituted;

(lxvii) in Item No. 44, for the figures "37 $\frac{1}{2}$ " in the fourth column, the figures "40" shall be substituted;

(lxviii) in Items Nos. 44(4) and 44(7), for the figures "66- $\frac{2}{3}$ " against each of them in the fourth column, the figures "75" shall be substituted;

(lxix) in Item No. 46, for the existing entry in the fourth column, the entry "35 per cent. *ad valorem* plus Rs. 4 per lb." shall be substituted;

(lxx) in Item No. 46(3), for the existing entry in the fourth column the entry "12 naye paise per lb." shall be substituted;

(lxxi) in Item No. 47(6)(a), for the figures "5" and "6 $\frac{1}{2}$ " in the fourth column against sub-items (i) and (ii), the figures "6 $\frac{1}{2}$ " and "7 $\frac{1}{2}$ " respectively shall be substituted;

(lxxii) in Item No. 47(6)(b)(i), for the existing entry in the fourth column, the entry "6 $\frac{1}{2}$  per cent. *ad valorem* or 10 naye paise per lb., whichever is higher" shall be substituted;

(lxxiii) in Item No. 47(6)(b)(ii), for the existing entry in the fourth column, the entry "7 $\frac{1}{2}$  per cent. *ad valorem* or 15 naye paise per lb., whichever is higher" shall be substituted;



(lxxiv) in Items Nos. 47(8), 71(5), 72(34), 72(40) (a) and 72(40)(b), for existing entries against each of them in the fourth column, the entry "10 per cent. *ad valorem*" shall be substituted;

(lxxv) in Item No. 48—

(1) for the existing entries in the fourth column against each of the sub-items (a) and (b), the entry "120 per cent. *ad valorem* plus Rs. 8·50 per lb." shall be substituted; and

(2) for the existing entry in the fourth column against sub-item (c) the entry "120 per cent. *ad valorem* plus Rs. 6·25 per lb." shall be substituted;

(lxxvi) in Items Nos. 48(1)(a) and 48(5)(b)(i), for the figure and words "7 annas per square yard" against each of them in the fourth column, the figures and words "45 naye paise per square yard" shall be substituted;

(lxxvii) in Items Nos. 48(1)(b) and 48(5)(b)(ii), for the figures and words "14 annas per square yard" against each of them in the fourth column, the figures and words "90 naye paise per square yard" shall be substituted;

(lxxix) in Item No. 48(5)(a)(ii), for the figures and words "5½ annas per square yard" in the fourth column, the figures and words "35 naye paise per square yard" shall be substituted;

(lxxix) in Item No. 48 (5) (a) (ii), for the figures and words "11 annas per square yard" in the fourth column, the figures and words "70 naye paise per square yard" shall be substituted;

(lxxx) in Items Nos. 49(a) and 49(b), for the words "The *ad valorem* rates of duty" against each of them in the fourth column, the figures and words "1½ times the *ad valorem* rates of duty" shall be substituted;

(lxxxii) in Item No. 49(5), for the existing entry in the fourth column, the entry "50 naye paise per lb." shall be substituted;

(lxxxii) in Item No. 54(2), for the existing entry in the fourth column, the entry "35 per cent. *ad valorem* or 25 naye paise per pair, whichever is higher" shall be substituted;

(lxxxiii) in Item No. 59(4), for the existing entry in the fourth column, the entry "75 per cent. *ad valorem* or 80 naye paise per square foot, whichever is higher" shall be substituted;

(lxxxiv) in Items Nos. 60, 60(6) and 60(7), for the existing entry in the fourth column, the entry "70 per cent. *ad valorem*" shall be substituted;

(lxxxv) in Item No. 60(8)(a), for the existing entry in the fourth column, the entry "75 per cent. *ad valorem* or Rs. 4.50 per flash, whichever is higher" shall be substituted;

(lxxxvi) in Item No. 60(8)(b), for the existing entry in the fourth column, the entry "75 per cent. *ad valorem* or Rs. 3.50 per refill or inner, whichever is higher" shall be substituted;

(lxxxvii) in Items Nos. 61(2) and 62(1), for the existing entries against each of them in the fourth column, the entry "50 naye paise per ounce" shall be substituted;

(lxxxviii) in Items Nos. 61(3) and 62(2), for the existing entries against each of them in the fourth column, the entry "Rs. 30 per tola of 180 grains fine" shall be substituted;

(lxxxix) in Item No. 63(3)—

(1) for the existing entry in the fourth column against sub-item (i), the entry "Rs. 31 per ton or 10 per cent. *ad valorem* whichever is higher", shall be substituted; and

(2) for the existing entry in the fourth column against sub-item (ii), the entry "Rs. 60 per ton or 20 per cent. *ad valorem*, whichever is higher", shall be substituted;

(xc) in Item No. 63(6), for the existing entry in the fourth column against sub-item (ii), the entry "Rs. 75 per ton" shall be substituted;

(xci) in Item No. 63(8), for the existing entry in the fourth column, the entry "Rs. 5 per ton or 20 per cent. *ad valorem*, whichever is higher" shall be substituted;

(xcii) in Item No. 63(10), for the existing entries in the fourth column against sub-items (i) and (ii), the entries "Rs. 60 per ton" and "Rs. 81 per ton" respectively shall be substituted;

(xciii) in Items Nos. 63(14), 63(24), 63(34)(a), 63(34)(b) and 63(34)(c), for the existing entries against each of them in the fourth and fifth columns, the entries "25 per cent. *ad valorem*" and "15 per cent. *ad valorem*" respectively shall be substituted;

(xciv) in Item No. 63(17), for the existing entries in the fourth column against sub-items (i) and (ii), the entries "Rs. 32 per ton or 10 per cent. *ad valorem*, whichever is higher" and "Rs. 55 per ton" respectively shall be substituted;

(xcv) in Item No. 63(20)—

(1) for the existing entry in the fourth column against sub-item (a) (1) (i), the entry "Rs. 29 per ton or 10 per cent. *ad valorem*, whichever is higher" shall be substituted;

(2) for the existing entry in the fourth column, against sub-item (a) (1) (ii), the entry "Rs. 50 per ton" shall be substituted;

(3) for the existing entry in the fourth column against sub-item (a) (2) (i), the entry "Rs. 30 per ton or 10 per cent. *ad valorem*, whichever is higher" shall be substituted;

(4) for the existing entry in the fourth column against sub-item (a) (2) (ii), the entry "Rs. 60 per ton" shall be substituted;

(5) for the existing entries in the fourth column against each of the sub-items (b) (1) (i) and (b) (2) (i), the entry "Rs. 32 per ton or 10 per cent. *ad valorem*, whichever is higher" shall be substituted;

(6) for the existing entry in the fourth column against sub-item (b) (1) (ii), the entry "Rs. 55 per ton" shall be substituted; and

(7) for the existing entry in the fourth column against sub-item (b) (2) (ii), the entry "Rs. 65 per ton" shall be substituted;

(xcvi) in Item No. 63(21)—

(1) for the existing entries in the fourth column against each of the sub-items A(a) (i) and B(a) (i), the entry "Rs. 10 per ton or 15 per cent *ad valorem*, whichever is higher" shall be substituted;

(2) for the existing entries in the fourth column against each of the sub-items A(a)(ii) and B(a)(ii), the entry "Rs. 10 per ton or 25 per cent. *ad valorem*, whichever is higher" shall be substituted;

(3) for the existing entries in the fourth column against each of the sub-items A(b)(i) and D(i), the entry "Rs. 31

per ton or 10 per cent. *ad valorem*, whichever is higher" shall be substituted;

(4) for the existing entries in the fourth column against each of the sub-items A(b) (ii) and D(ii), the entry "Rs. 60 per ton" shall be substituted;

(5) for the existing entry in the fourth column against sub-item B(b) (i), the entry "Rs. 33 per ton or 10 per cent. *ad valorem*, whichever is higher" shall be substituted;

(6) for the existing entry in the fourth column against sub-item B(b) (ii), the entry "Rs. 65 per ton" shall be substituted;

(7) for the existing entry in the fourth column against sub-item C(i), the entry "Rs. 10 per ton or 10 per cent. *ad valorem*, whichever is higher" shall be substituted;

(8) for the existing entry in the fourth column against sub-item C(ii), the entry "Rs. 10 per ton or 20 per cent. *ad valorem*, whichever is higher" shall be substituted;

(9) for the existing entries in the fourth column against each of the sub-items E(ii) and F(ii), the entry "Rs. 80 per ton or 10 per cent. *ad valorem*, whichever is higher" shall be substituted; and

(10) for the existing entries in the fourth column against each of the sub-items E(ii) and F(ii), the entry "Rs. 80 per ton" shall be substituted;

(xcvii) in item No. 63(25), for the existing entries in the fourth column against sub-items (i) and (ii), the entries "25 per cent. *ad valorem*" and "25 per cent. *ad valorem* plus Rs. 35 per ton" respectively shall be substituted;

(xcviii) in Item No. 63(27), for the existing entries in the fourth column against sub-items (i) and (ii), the entries "Rs. 15 per ton or 15 per cent. *ad valorem*, whichever is higher" and "Rs. 42.50 per ton or 25 per cent. *ad valorem*, whichever is higher" respectively shall be substituted;

(xcix) in Item No. 63(30), for the existing entries in the fourth column against sub-items (a) and (b), the entries "35 per cent. *ad valorem*" and "45 per cent. *ad valorem*" respectively shall be substituted;

(c) in Item No. 63(31), for the existing entries in the fourth column against sub-items (a) and (b), the entries "Rs. 29 per ton or 10 per cent. *ad valorem*, whichever is higher" and "Rs. 50 per ton" respectively shall be substituted;

(ci) in Item No. 63(32), for the existing entries in the fourth column against sub-items (a) and (b), the entries "Rs. 50 per ton" and "Rs. 85 per ton" respectively shall be substituted;

(cii) in Item No. 63(33) (a), for the existing entry in the fourth column, the entry "35 per cent. *ad valorem* or 35 naye paise per gross, whichever is higher" shall be substituted;

(ciii) in Item No. 63(33)(b); for the existing entry in the fourth column, the entry "50 per cent. *ad valorem* or 60 naye paise per gross, whichever is higher" shall be substituted;

(civ) in Items Nos. 64(4)(a), 67(2), 68(2) and 70(2), for the existing entries against each of them in the fourth column, the entry "25 per cent. *ad valorem*" shall be substituted;

(cv) in Item No. 71(4), for the existing entry in the fourth column, the entry "Ten naye paise per lb." shall be substituted;

(cvi) in Item No. 71(10) (b), for the figure and words "3 annas per dozen" in the fourth column, the words and figures "Rs. 2.25 per gross" shall be substituted;

(cvii) in Item No. 71(13), for the figures and words "15 annas per foot" in the fourth column against each of the sub-items (a), (b) and (c), the words "one rupee per foot" shall be substituted;

(cviii) in Item No. 72(10), for the existing entries in the fourth and fifth columns, the entries "40 per cent. *ad valorem*" and "30 per cent. *ad valorem*" respectively shall be substituted;

(cix) in Items Nos. 72(35), 72(36) and 72(37), for the existing entries against each of them in the fourth column, the entry "95 per cent. *ad valorem*" shall be substituted;

(cx) in Item No. 73(1), for the words "and wires and cables of other metals of not more than equivalent conductivity" in the second column, the words "and wires and cables of other metals and alloys of not more than equivalent conductivity" shall be substituted;

(cxi) in Item No. 73(7)(b), for the figures "31½" in the fourth column, the figures "35" shall be substituted;

(cxii) in Item No. 73(15), for the figures "45½" in the fourth column, the figures "50" shall be substituted;

(cxiii) in Item No. 74, for the existing entries in the fourth column against sub-items (a) and (b), the entries "Rs. 20 per ton or 15 per cent. *ad valorem*, whichever is higher" and "Rs. 60 per ton or 25 per cent. *ad valorem*, whichever is higher" respectively shall be substituted;

(cxiv) in Item No. 75(2), for the existing entries in the fourth and fifth columns, the entries "47½ per cent. *ad valorem*" and "40 per cent. *ad valorem*" shall be substituted;

(cxv) in Items Nos. 75(3) and 75(13), for the existing entries against each of them in the fourth and fifth columns, the entries "32½ per cent. *ad valorem*" and "25 per cent. *ad valorem*" respectively shall be substituted;

(cxvi) in Item No. 75(5)(a), for the existing entry in the fourth column, the entry "65 per cent. *ad valorem* or Rs. 80 per cycle whichever is higher" shall be substituted;

(cxvii) in Item No. 75(5)(b), for the existing entry in the fourth column, the entry "Rate of duty actually charged at the time for such products of the United Kingdom origin plus 10 per cent. *ad valorem*" shall be substituted;

(cxviii) in Item No. 76, for the existing entry in the fourth column, the entry "3 per cent. *ad valorem*" shall be substituted;

(cxix) in Item No. 77(3), for the existing entries in the fourth and sixth columns, the entries "30 per cent. *ad valorem*" and "20 per cent. *ad valorem*" respectively shall be substituted.

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PART II

In the First Schedule to the Tariff Act, for Items Nos. 18, 21, 30(2)(d), 34(4), 45(4), 47, 63(2), 63(9), 63(19), 63(29), 72(4), 73(5) and 87, the following Items shall respectively be substituted, namely:—

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of	A British Colony	Duration of protective rates of duty
I	2	3	4	5	6	7
18	Cocoa and chocolate other than confectionery—					December 31st, 1957.
	(a) cocoa powder	Protective	35 per cent <i>ad valorem</i> .	..	..	
	(b) Chocolate other than confectionery.	Protective	50 per cent <i>ad valorem</i> or Re. 1 per lb., whichever is higher.	..	..	December 31st, 1957.
21	Provisions canned, bottled or otherwise packed for retail sale, not otherwise specified.	Revenue	75 per cent <i>ad valorem</i> .	..	..	..
30(2)(d)	Paints, other sorts, coloured, moist.	Preferential revenue.	40 per cent <i>ad valorem</i> plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.	30 per cent <i>ad valorem</i> plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.	..	..

1	2	3	4	5	6	7
34(4)	Matches, undipped splints and veneers—					
	(a) Matches . . . . .	Protective	. One naya paisa for every 10 matches or part thereof. .	..	..	..
	(b) Undipped splints such as are ordinarily used for match-making.	Protective	. 50 naye paise per lb.	..	..	..
	(c) Veneers such as are ordinarily used for making boxes including boxes and parts of boxes made of such veneers.	Protective	. 60 naye paise per lb.	..	..	..
46(4)	Textile materials, the following—					
	(a) Raw hemp . . . . .	Revenue	. 25 per cent <i>ad valorem</i> .	..	..	..
	(b) Raw flax jute and all other unmanufactured Textile materials not otherwise specified.	Revenue	. 35 per cent <i>ad valorem</i> .	..	..	..
47	Silk yarn including thrown silk warps and yarn spun from silk waste or noils, but excluding sewing thread—					
	(a) Silk yarn including thrown silk warps.	Protective	. 35 per cent <i>ad valorem</i> plus Rs. 4 per lb.	..	..	December 31st, 1958.
	(b) Yarn spun from silk waste.	Protective	. 35 per cent <i>ad valorem</i> plus Rs. 5.25 per lb.	..	..	December 31st, 1958.



(c) Yarn spun from noils . . . Protective . . . 35 per cent *ad valorem* . . .

63(2) Iron or steel angle, channel tee, flat [other than alloy, tool or special steel specified in Item No. 63 (30)], beam, zed, trough and piling—

(a) not fabricated—	Rs. 22 per ton or 10 per cent <i>ad valorem</i> , whichever is higher.	..	..
(i) of British manufacture	Revenue	..	..
(ii) not of British manufacture.	Revenue	..	..
(b) fabricated	[Revenue]	..	..

63(9) Iron or steel structures, fabricated partially or wholly, not otherwise specified, if made mainly or wholly of iron or steel bars, sections, plates or sheets, for the construction of buildings, bridges, tanks, wells, curbs, trestles, towers and similar structures, or for parts thereof, but not including builders' hardware or any of the articles specified in Items Nos. 72, 72(3), 74(1), 75(3), 75(4) or 76(1).

1	2	3	4	5	6	7
63(19) Iron or steel plates excluding cast iron plates—	(a) not fabricated—	Revenue	Rs. 15 per ton or 10 per cent <i>ad valorem</i> , whichever is higher.	..	..	..
	(ii) not of British manufacture.	Revenue	Rs. 40 per ton	..	..	..
	(b) fabricated	Revenue	Rs. 60 per ton	..	..	..
63(29) Enamelled ironware, the following, namely:—	(a) Sign-boards	Revenue	50 per cent <i>ad valorem</i> .	..	..	..
	(b) Domestic hollow-ware, the following, namely, basins, bowls, dishes, plates and thalas, including rice-cups, rice-bowls and rice-plates.	Revenue	50 per cent <i>ad valorem</i> .	..	..	..
72(4) Passenger lifts and escalators, and component parts and accessories thereof—	(a) passenger lifts and component parts and accessories thereof.	Revenue	25 per cent <i>ad valorem</i> .	..	..	..

	(b) escalators and component parts and accessories thereof.	Revenue	.	.	35 per cent <i>ad valorem.</i>	..	..	..
73(5)	Electrical earthenware and procelain, the following, namely :—							
	(a) Insulators, Shackle, Sinclair, Cordeaux or Pin-type, not otherwise specified.	Revenue	.	.	60 per cent <i>ad valorem.</i>	..	..	..
	(b) Two-way cleats	Revenue]	.	.	60 per cent <i>ad valorem.</i>	..	..	..
	(c) Spacing insulators	Revenue	.	.	60 per cent <i>ad valorem.</i>	..	..	..
	(d) Ceiling roses	Revenue	.	.	60 per cent <i>ad valorem.</i>	..	..	..
	(e) Joint-box-cut-outs.	Revenue	.	.	60 per cent <i>ad valorem.</i>	..	..	..
87	All other articles not otherwise specified.	Revenue	.	.	40 per cent <i>ad valorem.</i>	..	..	..

PART III

In the First Schedule to the Tariff Act, after Item No. 82 (4), the following Item shall be inserted :—

**82(5)	Adhesive tape, all sorts, including cellulose adhesive tape and paper-backed adhesive tape.	Revenue	.	.	75 per cent <i>ad valorem.</i>	..	..	..
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## PART IV

For the Second Schedule to the Tariff Act, the following shall be substituted, namely :—

## "THE SECOND SCHEDULE—EXPORT TARIFF

Item No.	Name of article	Rate of duty
1	Raw Jute (including Bimlipatam jute and mesta fibre)—	
	(1) Cuttings . . . . .	Rs. 4.50 per bale of 400 lbs.
	(2) All other descriptions . . . . .	Rs. 15 per bale of 400 lbs.
2	Jute Manufactures (including manufactures of Bimlipatam jute or of mesta fibre), when not in actual use as coverings, receptacles or bindings, for other goods—	
	(i) Sacking (cloth, bags, twist, yarn, rope and twine)	Rs. 350 per ton of 2,240 lbs.
	(ii) Hessians . . . . .	Rs. 1,500 per ton of 2,240 lbs.
	(iii) All other descriptions of Jute Manufactures not otherwise specified.	Rs. 80 per ton of 2,240 lbs.
3	Raw Cotton . . . . .	Rs. 400 per bale of 400 lbs.
3(1)	Cotton waste (all sorts) . . . . .	50 per cent <i>ad valorem</i> .
4	Rice, husked or unhusked, including rice flour but excluding rice bran and rice dust.	20 per cent <i>ad valorem</i> .
5	Tea—	
	When the price of tea :—	
	(i) does not exceed Rs. 2.50 per lb.	25 naye paise per lb.
	(ii) exceeds Rs. 2.50 per lb. but does not exceed Rs. 3.25 per lb.	38 naye paise per lb.

Item No.	Name of article	Rate of duty
	(iii) exceeds Rs. 3.25 per lb. but does not exceed Rs. 4.00 per lb.	50 naye paise per lb.
	(iv) exceeds Rs. 4.00 per lb. but does not exceed Rs. 4.75 per lb.	63 naye paise per lb.
	(v) exceeds Rs. 4.75 per lb.	75 naye paise per lb.

*Explanation* :—“Price of tea” means the price which the Central Government may, having regard to world prices of tea, fix for this purpose from time to time by notification in the Official Gazette.

6 Cloth— 25 per cent *ad valorem*.

“Cloth” means cloth of any description manufactured either wholly from cotton or partly from cotton and partly from any other substance and containing not less than ten per cent of cotton by weight, but does not include—

- (i) Cloth of handloom manufacture ;
- (ii) Cloth in which the average count of yarn, determined in the manner herein described, is 17s or finer.

*Explanation* :—

- (a) “Count” means count of grey yarn ;
- (b) For the purpose of determining the average count of yarn, the following rules shall apply, namely :—
  - (i) yarn used in the borders or selvages shall be ignored ;
  - (ii) for multiple-fold yarn, the count of the basic single yarn shall be taken and the number of ends per inch in the reed or the number

Item No.	Name of article	Rate of duty
	of picks per inch, as the case may be, shall be multiplied by the number of plies in the yarn ;	
	(iii) the average count shall be obtained by applying the following formula, namely :—	
	“(Count of warp × number of ends per inch in the reed)+(count of weft × number of picks per inch).	
	(Number of ends per inch in the reed)+(Number of picks per inch) the result being rounded off, wherever necessary, by treating any fraction which is one-half or more as one, and disregarding any fraction which is less than one-half.”	
	(iii) Furnishing fabrics, hosiery, apparel, blankets, bed-covers, towels, dusters and napkins.	
7	Manganese ore . . . . .	25 per cent <i>ad valorem</i> .
8	Cigarettes, Cigars and Cheroots . . . . .	15 per cent <i>ad valorem</i> .
9	Mustard Oil . . . . .	50 naye paise per lb.
9(I)	Groundnut Oil . . . . .	Rs. 350 per ton of 2,240 lbs.
10(a)	Iron and steel, other than sheets, the following :—	45 per cent <i>ad valorem</i> .
	Ingots ; blooms ; billets ; tinbars ; sheet bars and slabs ; steel castings ; heavy structurals (including heavy sections of joists, channels and angles) ; light structurals (including light sections of joists, channels, angles, tees and light rails of 30 lbs. and under) ; tyres, wheels and axles ; shell steel ingots, blooms, billets, and bars ;	

Item No.	Name of article	Rate of duty
	heavy rails (over 30 lbs.) ; fish plates ; dog-spikes ; chair-spikes ; screw-spikes ; tinplate ; terneplate ; plates (ship-building) ; plates (ordinary mild steel and tensile) ; plates (bullet proof) ; bars (including flats, squares, rounds, hexagons and rods) ; bolts (including fish bolts), nuts and rivets ; black or galvanised wire, whether plain or barbed ; wire nails ; wire (miscellaneous) ; hoops and strips ; spring steel in any unfabricated or semi-fabricated form ; tool steel in any unfabricated or semi-fabricated form ; steel pressure pipes ; tubes and fittings, coated or uncoated, excluding electrical conduit pipes ; cast iron pressure pipes and specials ; pressure pipes made of any substance reinforced with iron and steel ; and wire ropes.	
10(b)	Iron and steel black sheets and galvanised sheets (plain and corrugated).	30 per cent <i>ad valorem</i> .
11	Black pepper . . . . .	30 per cent <i>ad valorem</i> .
12	Raw wool . . . . .	30 per cent <i>ad valorem</i> .
13	Groundnuts . . . . .	Rs. 300 per ton of 2,240 lbs.
14	Oilseeds, not otherwise specified . . . . .	Rs. 150 per ton of 2,240 lbs.
15	Vegetable Oils, not otherwise specified . . . . .	Rs. 300 per ton of 2,240 lbs.
16	Mercury . . . . .	Rs. 300 per flask of 75 lbs.
17	Coffee . . . . .	Rs. 62.50 per cwt.
18	Groundnut oilcake . . . . .	Rs. 230 per ton of 2,240 lbs.
19	De-oiled groundnut meal (solvent extracted variety containing less than 1 per cent oil).	Rs. 175 per ton of 2,240 lbs.
20	Decorticated cotton seed oilcake . . . . .	Rs. 100 per ton of 2,240 lbs.

Item No.	Name of article	Rate of duty
21	All oilcakes other than the following, namely, groundnut, copra, mowha, tobacco seed, neem seed, and decorticated cotton seed oilcakes,	Rs. 50 per ton of 2,240 lbs."



# THE WEALTH-TAX ACT, 1957

No. 27 OF 1957

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- 45. Act not to apply in certain cases.
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THE SCHEDULE

See India Code,  
Vol. VII B.

THE WEALTH-TAX ACT, 1957

NO. 27 OF 1957

[12th September, 1957]

An Act to provide for the levy of wealth-tax.

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

CHAPTER I

PRELIMINARY

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Wealth-tax Act, 1957.
- (2) It extends to the whole of India.
- (3) It shall be deemed to have come into force on the 1st day of April, 1957.

Definitions.

2. In this Act, unless the context otherwise requires,—
  - (a) "Appellate Assistant Commissioner" means a person empowered to exercise the functions of an Appellate Assistant Commissioner of Wealth-tax under section 9;
  - (b) "Appellate Tribunal" means the Appellate Tribunal appointed under section 5A of the Income-tax Act;
  - (c) "assessee" means a person by whom wealth-tax or any other sum of money is payable under this Act, and includes every person in respect of whom any proceedings under this Act has been taken for the assessment of the value of his assets;
  - (d) "assessment year" means the year for which tax is chargeable under section 3;
  - (e) "assets" includes property of every description, movable or immovable, but does not include—
    - (i) agricultural land and growing crops, grass or standing trees on such land;

(ii) any building owned or occupied by a cultivator or receiver of rent or revenue out of agricultural land:

Provided that the building is on or in the immediate vicinity of the land and is a building which the cultivator or the receiver of rent or revenue by reason of his connection with the land requires as a dwelling-house or a store-house or an outhouse;

(iii) animals;

(iv) a right to any annuity in any case where the terms and conditions relating thereto preclude the commutation of any portion thereof into a lump sum grant;

(v) any interest in property where the interest is available to an assessee for a period not exceeding six years;

(f) "Board" means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924;

4 of 1924.

(g) "Commissioner" means a person empowered to exercise the functions of a Commissioner of Wealth-tax under section 10;

~~(h) "company" means a company as defined in section 3 of the Companies Act, 1956, and includes a foreign company within the meaning of section 591 of that Act;~~

~~1 of 1956~~

(i) "executor" means an executor or administrator of the estate of a deceased person;

(j) "Income-tax Act" means the Indian Income-tax Act, 1922;

11 of 1922.

(k) "Income-tax Officer" means a person appointed to be an Income-tax Officer under the Income-tax Act;

(l) "Inspecting Assistant Commissioner of Wealth-tax" means a person empowered to exercise the functions of an Inspecting Assistant Commissioner of Wealth-tax under section 11;

(m) "net wealth" means the amount by which the aggregate value computed in accordance with the provisions of this Act of all the assets, wherever located, belonging to the assessee on the valuation date, including assets required to be included in his net wealth as on that date under this Act, is in excess of

*Subs. by Act 11 of 1958, s. 14.*

the aggregate value of all the debts owed by the assessee on the valuation date other than,—

(i) debts which under section 6 are not to be taken into account; and

(ii) debts which are secured on, or which have been incurred in relation to, any asset in respect of which wealth-tax is not payable under this Act;

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

(o) "principal officer", used with reference to a company, means the secretary, manager, managing agent or managing director of the company, and includes any person connected with the management of the affairs of the company upon whom the Wealth-tax Officer has served a notice of his intention of treating him as the principal officer thereof;

(p) "Ruler" means a Ruler as defined in clause (22) of article 366 of the Constitution;

(q) "valuation date", in relation to any year for which an assessment is to be made under this Act, means the last day of the previous year as defined in clause (11) of section 2 of the Income-tax Act if an assessment were to be made under that Act for that year:

Provided that where in the case of an assessee there are different previous years under the Income-tax Act for different sources of income, the valuation date for the purposes of this Act shall be the last day of the last of the previous years aforesaid;

(r) "valuer" means a valuer appointed under section 4 of the Estate Duty Act, 1953;

34 of 1953.

(s) "Wealth-tax Officer" means the Income-tax Officer authorised to perform the functions of a Wealth-tax Officer under section 8:

## CHAPTER II

### CHARGE OF WEALTH-TAX AND ASSETS SUBJECT TO SUCH CHARGE

Charge of wealth-tax. 3. Subject to the other provisions contained in this Act, there shall be charged for every financial year commencing on and from the first day of April, 1957, a tax (hereinafter referred to as wealth-tax) in respect of the net wealth on the corresponding valuation

date of every individual, Hindu undivided family and company at the rate or rates specified in the Schedule.

4. (1) In computing the net wealth of an individual, there shall be included, as belonging to him—

Net wealth to include certain assets.

(a) the value of assets which on the valuation date are held—

(i) by his wife to whom such assets have been transferred by the individual, directly or indirectly, otherwise than for adequate consideration or in connection with an agreement to live separately, or

(ii) by a minor child not being a married daughter to whom such assets have been transferred by the individual otherwise than for adequate consideration, or

(iii) by a person or association of persons to whom such assets have been transferred by the individual otherwise than for adequate consideration for the benefit of the individual or his wife or minor child, or

(iv) by a person or association of persons to whom such assets have been transferred by the individual otherwise than under an irrevocable transfer,

whether the assets referred to in any of the sub-clauses aforesaid are held in the form in which they were transferred or otherwise;

(b) where the assessee is a partner in a firm or a member of an association of persons, the value of his interest in the firm or association determined in the prescribed manner.

(2) In making any rules with reference to the valuation of the interest referred to in clause (b) of sub-section (1), the Board shall have regard to the law for the time being in force relating to the manner in which accounts are to be settled between partners of a firm and members of an association on the dissolution of a firm or association, as the case may be.

(3) Where the value of any assets is to be included in the net wealth of an assessee in accordance with clause (a) of sub-section (1), there shall be deducted from such value any debts owing on the valuation date by the transferee mentioned in that sub-section in so far as such debts are referable to the assets.

(4) Nothing contained in clause (a) of sub-section (1) shall apply to any such transfer as is referred to therein made by an individual before the 1st day of April, 1956, and the value of any assets so transferred shall not be included in the computation of his net wealth.

(5) The value of any assets transferred under an irrevocable transfer shall be liable to be included in computing the net wealth of the transferor as and when the power to revoke arises to him.

*Explanation.*—For the purposes of this section the expression “transfer” includes any disposition, trust, covenant, agreement or arrangement, and “an irrevocable transfer” includes a transfer of assets which, by the terms of the instrument effecting it, is not revocable for a period exceeding six years or during the lifetime of the transferee.

Exemptions  
in respect of  
certain  
assets.

5. (1) Wealth-tax shall not be payable by an assessee in respect of the following assets, and such assets shall not be included in the net wealth of the assessee—

(i) any property held by him under trust or other legal obligation for any public purpose of a charitable or religious nature in India;

(ii) the interest of the assessee in the coparcenary property of any Hindu undivided family of which he is a member;

(iii) any one building in the occupation of a Ruler declared by the Central Government as his official residence under Paragraph 13 of the Merged States (Taxation Concessions) Order, 1949, or Paragraph 15 of the Part B States (Taxation Concessions) Order, 1950;

(iv) one house belonging to the assessee exclusively used by him for residential purposes and situate in any place with a population not exceeding ten thousand and which is more than five miles distant from any area for which there is a municipality the population whereof exceeds ten thousand;

(v) the rights under any patent or copyright belonging to the assessee:

Provided that they are not held by him as assets of a business, profession or vocation and no income or benefit accrues to him therefrom;

(vi) the right or interest of the assessee in any policy of insurance before the moneys covered by the policies become due and payable to the assessee;



(vii) the right of the assessee to receive a pension or other life annuity in respect of past services under an employer;

(viii) furniture, household utensils, wearing apparel, provisions and other articles intended for the personal or household use of the assessee;

(ix) the tools and implements used by the assessee for the raising of agricultural produce;

*Explanation.*—For the purposes of this clause, tools and implements do not include any plant or machinery used in any tea or other plantation in connection with the processing of any agricultural produce or in the manufacture of any article from such produce;

(x) the tools and instruments necessary to enable the assessee to carry on his profession or vocation, subject to a maximum of twenty thousand rupees in value;

(xi) instruments and other apparatus used by the assessee for purposes of scientific research;

(xii) any works of art, archaeological, scientific or art collections, books or manuscripts belonging to the assessee and not intended for sale;

(xiii) any drawings, paintings, photographs, prints and any other heirloom not falling within clause (xii) and not intended for sale, but not including jewellery;

(xiv) jewellery in the possession of any Ruler, not being his personal property, which has been recognised before the commencement of this Act by the Central Government as his heirloom or, where no such recognition exists, which the Board may, subject to any rules that may be made by the Central Government in this behalf, recognise as his heirloom at the time of his first assessment to wealth-tax under this Act;

(xv) jewellery belonging to the assessee, subject to a maximum of twenty-five thousand rupees in value;

(xvi) ten year treasury savings deposit certificates, fifteen year annuity certificates, deposits in post office savings banks post office cash certificates and ~~post office national savings certificates~~ held by the assessee;

((xvii) the amount standing to the credit of an assessee, being a salaried employee, in any provident fund maintained by his employer to which the Provident Funds Act, 1925, <sup>19 of 1925.</sup> applies or which is a recognised provident fund within the meaning of Chapter IXA of the Income-tax Act;

(xviii) the property received by an assessee from Government in pursuance of any gallantry or merit award instituted or approved by the Central Government;

(xix) the value of any shares held by the assessee in any other company in any case where the assessee is a company;

(xx) the value of any shares held by the assessee in any company referred to in clause (d) of section 45, if on the relevant valuation date the provisions of this Act are not applicable to the company by reason of the provisions contained in that section;

(xxi) that portion of the net wealth of a company established with the object of carrying on an industrial undertaking in India within the meaning of the *Explanation* to clause (d) of section 45, as is employed by it in a new and separate unit set up after the commencement of this Act by way of substantial expansion of its undertaking:

Provided that—

(a) separate accounts are maintained in respect of such unit; and

(b) the conditions specified in clause (d) of section 45 are complied with in relation to the establishment of such unit:

Provided further that this exemption shall apply to any such company only for a period of five successive assessment years commencing with the assessment year next following the date on which the company commences operations for the establishment of such unit.

(2) Wealth-tax shall not be payable by an assessee in respect of any deposit made by the assessee with the Government or in any security of the Government or of a local authority not specified in clause (xvi) of sub-section (1) which the Central Government may, by notification in the Official Gazette, exempt from wealth-tax; but the value of any deposit or security so exempted shall be included in computing the net wealth of the assessee.

(3) Notwithstanding anything contained in sub-section (1), wealth-tax shall be payable by an assessee in respect of the assets referred to in clause (xvi), clause (xix), clause (xx) of sub-section (1) or in sub-section (2) for any assessment year unless the assets are held by him—

(a) in the case of shares in a company, from the date on which the shares were first issued by the company, or for a period of at least six months ending with the relevant valuation date, whichever is shorter; and

(b) in the case of other assets, for a period of at least six months ending with the relevant valuation date.

6. ~~In computing the net wealth of an individual~~ or a Hindu undivided family not resident in India or resident but not ordinarily resident in India, or of a company not resident in India during the year ending on the valuation date—

Exclusion of assets and debts outside India.

(i) the value of the assets and debts located outside India; and

(ii) the value of the assets in India represented by any loans or debts owing to the assessee in any case where the interest, if any, payable on such loans or debts is not to be included in the total income of the assessee under sub-section (3) of section 4 of the Income-tax Act;

shall not be taken into account.

*Explanation 1.*—An individual or a Hindu undivided family shall be deemed to be not resident in India or resident but not ordinarily resident in India during the year ending on the valuation date if in respect of that year the individual or the Hindu undivided family, as the case may be, is not resident in India or resident but not ordinarily resident in India within the meaning of the Income-tax Act.

*Explanation 2.*—A company shall be deemed to be resident in India during the year ending on the valuation date, if—

(a) it is a company formed and registered under the Companies Act, 1956, or is an existing company within the meaning of that Act; or

(b) during that year the control and management of its affairs is situated wholly in India.

7. (1) The value of any asset, other than cash, for the purposes of this Act, shall be estimated to be the price which in the opinion of the Wealth-tax Officer it would fetch if sold in the open market on the valuation date.

Value of assets how to be determined.

of 1956.

↓ Subs. by Act 11 of 1958, s. 14.

(2) Notwithstanding anything contained in sub-section (1),—

(a) where the assessee is carrying on a business for which accounts are maintained by him regularly, the Wealth-tax Officer may, instead of determining separately the value of each asset held by the assessee in such business, determine the net value of the assets of the business as a whole having regard to the balance-sheet of such business as on the valuation date and making such adjustments therein as the circumstances of the case may require;

(b) where the assessee carrying on the business, is a company not resident in India and a computation in accordance with clause (a) cannot be made by reason of the absence of any separate balance-sheet drawn up for the affairs of such business in India, the Wealth-tax Officer may take the net value of the assets of the business in India to be that proportion of the net value of the assets of the business as a whole wherever carried on determined as aforesaid as the income arising from the business in India during the year ending with the valuation date bears to the aggregate income from the business wherever arising during that year.

### CHAPTER III

#### WEALTH-TAX AUTHORITIES

Wealth-tax  
Officers.

8. Every Income-tax Officer having jurisdiction or exercising powers as such under the Income-tax Act in respect of any individual, Hindu undivided family or company shall perform the functions of a Wealth-tax Officer under this Act in respect of such individual, Hindu undivided family or company.

Appellate  
Assistant  
Commission-  
ers of  
Wealth-tax.

9. The Board may empower as many persons as it thinks fit to exercise under this Act the functions of an Appellate Assistant Commissioner of Wealth-tax, and on being so empowered the Appellate Assistant Commissioners shall perform their functions in respect of such areas or such persons or such classes of persons as the Board may direct, and where such directions have assigned to two or more Appellate Assistant Commissioners the same area or the same persons or the same classes of persons they shall perform their functions in accordance with such orders as the Board may make for the distribution and allocation of the work to be performed.

Commission-  
ers  
of  
Wealth-tax.

10. The Board may empower as many persons as it thinks fit to exercise under this Act the functions of a Commissioner of Wealth-tax, and on being so empowered the Commissioners of Wealth-tax shall perform their functions in respect of such areas or such per-

sons or such classes of persons as the Board may direct and where such directions have assigned to two or more Commissioners the same area or the same persons or the same classes of persons they shall have concurrent jurisdiction subject to such orders, if any, as the Board may make for the distribution and allocation of the work to be performed.

11. The Commissioner of Wealth-tax may empower as many persons as he thinks fit to exercise under this Act the functions of an Inspecting Assistant Commissioner of Wealth-tax, and on being so empowered the Inspecting Assistant Commissioners of Wealth-tax shall perform their functions in respect of such areas or such persons or such classes of persons as the Commissioner may direct, and where such directions have assigned to two or more Inspecting Assistant Commissioners the same area or the same persons or the same classes of persons they shall perform their functions in accordance with such orders as the Commissioner may make for the distribution and allocation of the work to be performed.

Inspecting  
Assistant  
Commission-  
ers of  
Wealth-tax.

12. The Wealth-tax Officers shall be subordinate to the Commissioner of Wealth-tax and the Inspecting Assistant Commissioner of Wealth-tax within whose jurisdiction they perform their functions.

Wealth-tax  
Officers to be  
subordinate  
to the Com-  
missioner  
of Wealth-  
tax and the  
Inspecting  
Assistant  
Commis-  
sioner of  
Wealth-tax.

13. All officers and other persons employed in the execution of this Act shall observe and follow the orders, instructions and directions of the Board:

Wealth-tax  
authorities to  
follow orders,  
etc., of the  
Board.

Provided that no orders, instructions or directions shall be given by the Board so as to interfere with the discretion of the Appellate Assistant Commissioner of Wealth-tax in the exercise of his appellate function.

#### CHAPTER IV

##### ASSESSMENT

14. (1) Every person whose net wealth on the valuation date was of such an amount as to render him liable to wealth-tax under this Act shall, before the thirtieth day of June of the corresponding assessment year, furnish to the Wealth-tax Officer a return in the prescribed form and verified in the prescribed manner setting forth his net wealth as on that valuation date:

Return  
wealth. of

Provided that for the assessment year commencing on the first day of April, 1957, the return may be made at any time before the thirty-first day of December, 1957.

(2) If the Wealth-tax Officer is of the opinion that the net wealth of any person is of such an amount as to render him liable to wealth-tax under this Act, then, notwithstanding anything contained in sub-section (1), he may serve a notice upon such person requiring him to furnish within such period, not being less than thirty days, as may be specified in the notice, a return in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be required in the notice, the net wealth of such person as on the valuation date mentioned in the notice.

(3) The Wealth-tax Officer may, if he is satisfied that it is necessary so to do, extend the date for the delivery of the return under this section.

Return after  
due date and  
amendment  
of return.

15. If any person has not furnished a return within the time allowed under section 14, or having furnished a return under that section discovers any omission or a wrong statement therein, he may furnish a return or a revised return, as the case may be, at any time before the assessment is made.

Assessment

16. (1) If the Wealth-tax Officer is satisfied without requiring the presence of the assessee or production by him of any evidence that a return made under section 14 is complete, he shall assess the net wealth of the assessee and determine the amount payable by him as wealth-tax.

(2) If the Wealth-tax Officer is not so satisfied, he shall serve a notice on the assessee either to attend in person at his office on a date to be specified in the notice or to produce or cause to be produced on that date any evidence on which the assessee may rely in support of his return.

(3) The Wealth-tax Officer, after hearing such evidence as the person may produce and such other evidence as he may require on any specified points, shall, by order in writing, assess the net wealth of the assessee and determine the amount payable by him as wealth-tax.

(4) For the purpose of making an assessment under this Act the Wealth-tax Officer may serve, on any person who has made a return under sub-section (1) of section 14 or upon whom a notice has been served under sub-section (2) of that section, a notice requiring him to produce or cause to be produced on a date specified in the notice such accounts, records or other documents as the Wealth-tax Officer may require.

(5) If any person fails to make a return in response to any notice under sub-section (2) of section 14, or fails to comply with the terms of any notice issued under sub-section (2) or sub-section (4), the Wealth-tax Officer shall make the assessment to the best of his judgment and determine the amount payable by the person as wealth-tax on the basis of such assessment.

17. If the Wealth-tax Officer—

Wealth  
escaping  
assessment.

(a) has reason to believe that by reason of the omission or failure on the part of the assessee to make a return of his net wealth under section 14 for any assessment year or to disclose fully and truly all material facts necessary for his assessment for that year, the net wealth chargeable to tax has escaped assessment for that year, whether by reason of under-assessment or assessment at too low a rate or otherwise; or

(b) has, in consequence of any information in his possession, reason to believe, notwithstanding that there has been no such omission or failure as is referred to in clause (a), that the net wealth chargeable to tax has escaped assessment for any year, whether by reason of under-assessment or assessment at too low a rate or otherwise;

he may, in cases falling under clause (a) at any time within eight years and in cases falling under clause (b) at any time within four years of 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 sub-section (2) of section 14, and may proceed to assess or reassess such net wealth, and the provisions of this Act shall, so far as may be, apply as if the notice had issued under that sub-section.

18. (1) If the Wealth-tax Officer, Appellate Assistant Commissioner, Commissioner or Appellate Tribunal in the course of any proceedings under this Act is satisfied that any person—

Penalty for  
concealment.

(a) has without reasonable cause failed to furnish the return of his net wealth which he is required to furnish under sub-section (1) or sub-section (2) of section 14 or section 17 or has without reasonable cause failed to furnish it within the time allowed and in the manner required; or

(b) has without reasonable cause failed to comply with a notice under sub-section (2) or sub-section (4) of section 16; or

(c) has concealed the particulars of his assets or deliberately furnished inaccurate particulars of his assets or debts;

he or it may, by order in writing direct that such person shall pay by way of penalty—

(i) in the case referred to in clause (a), in addition to the amount of wealth-tax payable by him, a sum not exceeding one-and-a-half times the amount of such tax, and

(ii) in the case referred to in clause (b) or clause (c), in addition to the amount of wealth-tax payable by him, a sum not exceeding one-and-a-half times the amount of the tax, if any, which would have been avoided if the net wealth returned by such person had been accepted as correct.

(2) No order shall be made under sub-section (1) unless the person concerned has been given a reasonable opportunity of being heard.

(3) No prosecution for an offence under this Act shall be instituted in respect of the same facts in relation to which a penalty has been imposed under this section.

(4) The Wealth-tax Officer shall not impose any penalty under this section without the previous approval of the Inspecting Assistant Commissioner of Wealth-tax.

## CHAPTER V

### LIABILITY TO ASSESSMENT IN SPECIAL CASES

Tax of deceased person payable by legal representative. 19. (1) Where a person dies, his executor, administrator or other legal representative shall be liable to pay out of the estate of the deceased person, to the extent to which the estate is capable of meeting the charge, the wealth-tax assessed as payable by such person, or any sum, which would have been payable by him under this Act if he had not died.

(2) Where a person dies without having furnished a return under the provisions of section 14 or after having furnished a return which the Wealth-tax Officer has reason to believe to be incorrect or incomplete, the Wealth-tax Officer may make an assessment of the net wealth of such person and determine the wealth-tax payable by the person on the basis of such assessment, and for this purpose may, by the issue of the appropriate notice which would have had to be served upon the deceased person if he had survived, require from the executor, administrator or other legal representative of the deceased person any accounts, documents or other evidence which might under the provisions of section 16 have been required from the deceased person.



(3) The provisions of sections 14, 15 and 17 shall apply to an executor, administrator or other legal representative as they apply to any person referred to in those sections.

20. (1) Where, at the time of making an assessment, it is brought to the notice of the Wealth-tax Officer that a partition has taken place among the members of a Hindu undivided family, and the Wealth-tax Officer, after inquiry, is satisfied that the joint family property has been partitioned as a whole among the various members or groups of members in definite portions, he shall record an order to that effect and shall make assessments on the net wealth of the undivided family as such for the assessment year or years, including the year relevant to the previous year in which the partition has taken place, if the partition has taken place on the last day of the previous year and each member or group of members shall be liable jointly and severally for the tax assessed on the net wealth of the joint family as such.

Assessment after partition of a Hindu undivided family.

(2) Where the Wealth-tax Officer is not so satisfied, he may, by order, declare that such family shall be deemed for the purposes of this Act to continue to be a Hindu undivided family liable to be assessed as such.

21. (1) In the case of assets chargeable to tax under this Act which are held by a court of wards or an administrator-general or an official trustee or any receiver or manager or any other person, by whatever name called, appointed under any order of a court to manage property on behalf of another, or any trustee appointed under a trust declared by a duly executed instrument in writing, whether testamentary or otherwise (including a trustee under a valid deed of wakf), the wealth-tax shall be levied upon and recoverable from the court of wards, administrator-general, official trustee, receiver, manager or trustee, as the case may be, in the like manner and to the same extent as it would be leviable upon and recoverable from the person on whose behalf the assets are held, and the provisions of this Act shall apply accordingly.

Assessment when assets are held by courts of wards, administrators-general, etc.

(2) Nothing contained in sub-section (1) shall prevent either the direct assessment of the person on whose behalf the assets above referred to are held, or the recovery from such person of the tax payable in respect of such assets.

(3) Where the guardian or trustee of any person being a minor, lunatic or idiot (all of which persons are hereinafter in this sub-section included in the term "beneficiary") holds any assets on behalf of such beneficiary, the tax under this Act shall be levied upon and recoverable from such guardian or trustee, as the case may be, in the like manner and to the same extent as it would be leviable

639 M. of Law—25

upon and recoverable from any such beneficiary if of full age or sound mind and in direct ownership of such assets.

(4) Notwithstanding anything contained in this section, where the shares of the persons on whose behalf any such assets are held are indeterminate or unknown, the wealth-tax may be levied upon and recovered from the court of wards, administrator-general, official trustee, receiver, manager or other person aforesaid as if the persons on whose behalf the assets are held were an individual for the purposes of this Act.

Assessment  
of persons  
residing  
outside  
India.

22. (1) Where the person liable to tax under this Act resides outside India, the tax may be levied upon and recovered from his agent, and the agent shall be deemed to be, for all the purposes of this Act, the assessee in respect of such tax.

(2) Any person employed by or on behalf of a person referred to in sub-section (1) or through whom such person is in the receipt of any income, profits or gains, or who is in possession or has custody of any asset of such person and upon whom the Wealth-tax Officer has caused a notice to be served of his intention of treating him as the agent of such person shall, for the purposes of sub-section (1), be deemed to be the agent of such person:

Provided that—

(1) no person shall be deemed to be the agent of another under this section unless he has had an opportunity of being heard by the Wealth-tax Officer as to his being treated as such; and

(2) no agent shall be liable to pay any amount by way of wealth-tax under sub-section (1) in excess of the amount belonging to the person residing outside India and in the hands of the agent at the time the notice of demand is served on him.

## CHAPTER VI

### APPEALS, REVISIONS AND REFERENCES

Appeal to  
the Appellate  
Assistant  
Commissioner  
from  
orders of  
Wealth-tax  
Officers.

23. (1) Any person,—

(a) objecting to the amount of his net wealth determined under this Act; or

(b) objecting to the amount of wealth-tax determined as payable by him under this Act; or

(c) denying his liability to be assessed under this Act; or

(d) objecting to any penalty imposed by the Wealth-tax Officer under section 18; or

(e) objecting to any order of the Wealth-tax Officer under sub-section (2) of section 20; or

(f) objecting to any penalty imposed by the Wealth-tax Officer under the provisions of sub-section (1) of section 46 of the Income-tax Act as applied under section 32 for the purposes of wealth-tax;

may appeal to the Appellate Assistant Commissioner against the assessment or order, as the case may be, in the prescribed form and verified in the prescribed manner.

(2) An appeal shall be presented within thirty days of the receipt of the notice of demand relating to the assessment or penalty objected to, or the date on which any order objected to, is communicated to him, but the Appellate Assistant Commissioner may admit an appeal after the expiration of the period aforesaid if he is satisfied that the appellant had sufficient cause for not presenting the appeal within that period.

(3) The Appellate Assistant Commissioner shall fix a day and place for the hearing of the appeal and may, from time to time, adjourn the hearing.

(4) The Appellate Assistant Commissioner may—

(a) at the hearing of an appeal, allow an appellant to go into any ground of appeal not specified in the grounds of appeal;

(b) before disposing of an appeal, make such further inquiry as he thinks fit or cause further inquiry to be made by the Wealth-tax Officer.

(5) In disposing of an appeal, the Appellate Assistant Commissioner may pass such order as he thinks fit which may include an order enhancing the assessment or penalty:

Provided that no order enhancing the assessment or penalty shall be made unless the person affected thereby has been given a reasonable opportunity of showing cause against such enhancement.

(6) A copy of every order passed by the Appellate Assistant Commissioner under this section shall be forwarded to the Appellant and the Commissioner.

24. (1) Any assessee objecting to an order passed by an Appellate Assistant Commissioner under section 23 may appeal to the Appellate Tribunal within sixty days of the date on which he is served with notice of such order.

(2) The Commissioner may, if he is not satisfied as to the correctness of any order passed by an Appellate Assistant Commissioner

Appeal to the Appellate Tribunal from orders of the Appellate Assistant Commissioners.

under section 23, direct the Wealth-tax Officer to appeal to the Appellate Tribunal against such order, and such appeal may be made at any time before the expiry of sixty days of the date on which the order is communicated to the Commissioner.

(3) The Tribunal may admit an appeal after the expiry of the sixty days referred to in sub-sections (1) and (2) if it is satisfied that there was sufficient cause for not presenting it within that period.

(4) 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), be accompanied by a fee of one hundred rupees.

(5) The Appellate Tribunal may, after giving both parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, and any such orders may include an order enhancing the assessment or penalty:

Provided that no order enhancing an assessment or penalty shall be made unless the person affected thereby has been given a reasonable opportunity of showing cause against such enhancement.

(6) Where the appellant objects to the valuation of any property, the Appellate Tribunal may, and if the appellant so requires shall, refer the question of the disputed value to the arbitration of two valuers, one of whom shall be nominated by the appellant and the other by the respondent, and the Tribunal shall, so far as that question is concerned, pass its orders under sub-section (4) conformably to the decision of the valuers:

Provided that if there is a difference of opinion between the two valuers, the matter shall be referred to a third valuer nominated by agreement, or failing agreement, by the Appellate Tribunal, and the decision of that valuer on the question of valuation shall be final.

(7) The costs of any arbitration proceeding under sub-section (6) shall be borne by the Central Government or the assessee as the case may be, at whose instance the question was referred to the valuers:

Provided that where the assessee has been wholly or partially successful in any reference made at his instance, the extent to which the costs should be borne by the assessee shall be at the discretion of the Appellate Tribunal.

(8) The valuers may, in disposing of any matter referred to them for arbitration under sub-section (6), hold or cause to be

held such inquiry as they think fit, and after giving the appellant and the respondent an opportunity of being heard, pass such orders thereon as they think fit and shall send a copy of such order to the Appellate Tribunal.

(9) A copy of every order passed by the Appellate Tribunal under this section shall be forwarded to the assessee and the Commissioner.

(10) Save as provided in section 27, any order passed by the Appellate Tribunal on appeal shall be final.

(11) The provisions of sub-sections (5), (7) and (8) of section 5A of the Income-tax Act shall apply to the Appellate Tribunal in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Income-tax Act.

25. (1) The Commissioner may, either of his own motion or on application made by an assessee in this behalf, call for the record of any proceeding under this Act in which an order has been passed by any authority subordinate to him, and may make such inquiry, or cause such inquiry to be made, and, subject to the provisions of this Act, pass such order thereon, not being an order prejudicial to the assessee, as the Commissioner thinks fit:

Powers of Commissioner to revise orders of subordinate authorities.

Provided that the Commissioner shall not revise any order under this sub-section in any case—

(a) where an appeal against the order lies to the Appellate Assistant Commissioner or to the Appellate Tribunal, the time within which such appeal can be made has not expired or in the case of an appeal to the Appellate Tribunal the assessee has not waived his right of appeal;

(b) where the order is the subject of an appeal before the Appellate Assistant Commissioner or the Appellate Tribunal;

(c) where the application is made by the assessee for such revision, unless—

(i) the application is accompanied by a fee of twenty-five rupees; and

(ii) the application is made within one year from the date of the order sought to be revised or within such further period as the Commissioner may think fit to allow on being satisfied that the assessee was prevented by sufficient cause from making the application within that period; and

(d) where the order is sought to be revised by the Commissioner of his own motion, if such order is made more than one year previously.

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

(a) the Appellate Assistant Commissioner shall be deemed to be an authority subordinate to the Commissioner; and

(b) an order by the Commissioner declining to interfere shall be deemed not to be an order prejudicial to the assessee.

(2) Without prejudice to the provisions contained in sub-section (1), the Commissioner may call for and examine the record of any proceeding under this Act, and if he considers that any order passed therein by a Wealth-tax Officer is erroneous in so far as it is prejudicial to the interests of revenue, he may, after giving the assessee an opportunity of being heard, and after making or causing to be made such inquiry as he deems necessary pass such order thereon as the circumstances of the case justify, including an order enhancing or modifying the assessment or cancelling it and directing a fresh assessment.

Appeal to the  
Appellate  
Tribunal  
from orders  
of enhance-  
ment by  
Commis-  
sioners.

26. (1) Any assessee objecting to an order of enhancement made by the Commissioner under section 25 may appeal to the Appellate Tribunal within sixty days of the date on which the order is communicated to him.

(2) An appeal to the Appellate Tribunal under sub-section (1) shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by a fee of rupees one hundred.

(3) The provisions of sub-sections (3) and (5) to (10) inclusive of section 24 shall apply in relation to any appeal under this section as they apply in relation to any appeal under that section.

Reference to  
High Court.

27. (1) Within ninety days of the date upon which he is served with an order under section 24 or section 26, the assessee or the Commissioner may present an application in the prescribed form and, where the application is by the assessee, accompanied by a fee of one hundred rupees to the Appellate Tribunal requiring the Appellate Tribunal to refer to the High Court any question of law arising out of such order, and the Appellate Tribunal shall, if in its opinion a question of law arises out of such order, state the case for the opinion of the High Court.

(2) An application under sub-section (1) may be admitted after the expiry of the period of ninety days aforesaid if the Tribunal is satisfied that there was sufficient cause for not presenting it within the said period.

(3) If, on an application made under sub-section (1), the Appellate Tribunal,—

(a) refuses to state a case on the ground that no question of law arises; or

(b) rejects it on the ground that it is time barred;

the applicant may, within three months from the date on which he is served with a notice of refusal or rejection, as the case may be, apply to the High Court, and the High Court may, if it is not satisfied with the correctness of the decision of the Appellate Tribunal, require the Appellate Tribunal to state the case to the High Court, and on receipt of such requisition the Appellate Tribunal shall state the case:

Provided that, if in any case where the Appellate Tribunal has been required by an assessee to state a case the Appellate Tribunal refuses to do so on the ground that no question of law arises, the assessee may, within thirty days from the date on which he receives notice of refusal to state the case, withdraw his application, and if he does so, the fee paid by him under sub-section (1) shall be refunded to him.

(4) The statement to the High Court shall set forth the facts, the determination of the Appellate Tribunal and the question of law which arises out of the case.

(5) If the High Court is not satisfied that the case as stated is sufficient to enable it to determine the question of law raised thereby, it may require the Appellate Tribunal to make such modifications therein as it may direct.

(6) The High Court, upon hearing any such case, shall decide the question of law raised therein, and in doing so, may, if it thinks fit, alter the form of the question of law and shall deliver judgment thereon containing the ground on which such decision is founded and shall send a copy of the judgment under the seal of the Court and the signature of the Registrar to the Appellate Tribunal and the Appellate Tribunal shall pass such orders as are necessary to dispose of the case conformably to such judgment.

(7) Where the amount of any assessment is reduced as a result of any reference to the High Court, the amount, if any, overpaid as wealth-tax shall be refunded with such interest as the Commissioner may allow, unless the High Court, on intimation given by the Commissioner within thirty days of the receipt of the result of such reference that he intends to ask for leave to appeal to the Supreme Court makes an order authorising the Commissioner to postpone payment of such refund until the disposal of the appeal in the Supreme Court.

(8) The costs of any reference to the High Court shall be in the discretion of the Court.

(9) Section 5 of the Indian Limitation Act, 1908, shall apply to an application to the High Court under this section.

Hearing by High Court.

28. When a case has been stated to the High Court under section 27, it shall be heard by a Bench of not less than two Judges of the High Court and shall be decided in accordance with the opinion of such Judges or of the majority of such Judges, if any:

Provided that where there is no such majority, the Judges shall state the point of law upon which they differ and the case shall then be heard upon that point only by one or more of the Judges of the High Court, and such point shall be decided according to the opinion of the majority of the Judges who have heard the case, including those who first heard it.

Appeal to Supreme Court.

29. (1) An appeal shall lie to the Supreme Court from any judgment of the High Court delivered on a case stated under section 27 in any case which the High Court certifies as a fit case for appeal to the Supreme Court.

(2) Where the judgment of the High Court is varied or reversed on appeal under this section, effect shall be given to the order of the Supreme Court in the manner provided in sub-section (6) of section 27.

(3) The High Court may, on application made to it for the execution of any order of the Supreme Court in respect of any costs awarded by it, transmit the order for execution to any court subordinate to the High Court.

## CHAPTER VII

### PAYMENT AND RECOVERY OF WEALTH-TAX

Notice of demand.

30. When any tax or penalty is due in consequence of any order passed under this Act, the Wealth-tax Officer shall serve upon the assessee or other person liable to pay such tax or penalty a notice of demand in the prescribed form specifying the sum so payable and the time within which it shall be payable.

Recovery of tax and penalties.

31. (1) Any amount specified as payable in a notice of demand issued under section 30 shall be paid within the time, at the place, and to the person mentioned in the notice, or if no time is so mentioned, then on or before the first day of the second month following the date of service of the notice, and any assessee failing so to pay shall be deemed to be in default.



(2) Where an assessee has been assessed in respect of assets located in a country outside India, the laws of which prohibit or restrict the remittance of money to India, the Wealth-tax Officer shall not treat the assessee as in default in respect of that part of the tax which is attributable to the assets in that country, and shall continue to treat the assessee as not in default in respect of that part of the tax until the prohibition or restriction of remittance is removed.

(3) Notwithstanding anything contained in this section, where an assessee has presented an appeal under section 23, the Wealth-tax Officer may in his discretion treat the assessee as not being in default as long as such appeal is undisposed of.

32. The provisions of sub-sections (1), (1A), (2), (3), (4), (5), (5A), (6) and (7) of section 46 and section 47 of the Income-tax Act shall apply as if the said provisions were provisions of this Act and referred to wealth-tax and sums imposed by way of penalty under this Act instead of to income-tax and sums imposed by way of penalty under that Act, and to Wealth-tax Officer and Commissioner of Wealth-tax instead of to Income-tax Officer and Commissioner of Income-tax. Mode of recovery.

33. (1) Where by reason of the provisions contained in section 4, the value of any assets transferred to any of the persons mentioned in that section have to be included in the net wealth of an individual, the person in whose name such assets stand shall, notwithstanding anything contained in any law to the contrary, be liable, on the service of a notice of demand by the Wealth-tax Officer in this behalf, to pay that portion of the tax assessed on the assessee as is attributable to the value of the asset standing in his name as aforesaid: Liability of transferees of properties in certain cases.

Provided that where any such asset is held jointly by more than one person, they shall be jointly and severally liable to pay the tax as is attributable to the value of the asset so jointly held.

(2) Where any such person as is referred to in sub-section (1) defaults in making payment of any tax demanded from him, he shall be deemed to be an assessee in default in respect of such sum, and all the provisions of this Act relating to recovery shall apply accordingly.

34. Where any document required to be registered under the provisions of clause (a), clause (b), clause (c) or clause (e) of sub-section (1) of section 17 of the Indian Registration Act, 1908, purports to transfer, assign, limit or extinguish the right, title or interest of any person to or in any property other than agricultural land valued at more than one lakh of rupees, no registering officer Restrictions on registration of transfers of immovable property in certain cases

appointed under that Act shall register any such document, unless the Wealth-tax Officer certifies that—

- (a) such person has either paid or made satisfactory provision for the payment of all existing liabilities under this Act, or
- (b) the registration of the document will not prejudicially affect the recovery of any existing liability under this Act.

## CHAPTER VIII

### MISCELLANEOUS

Rectification  
of mistakes.

35. At any time within four years from the date of any order passed by him, or it, the Commissioner, the Wealth-tax Officer, the Appellate Assistant Commissioner and the Appellate Tribunal may, on his, or its, own motion rectify any mistake apparent from the record and shall, within a like period, rectify any such mistake which has been brought to the notice of the Commissioner, the Wealth-tax Officer, the Appellate Assistant Commissioner or the Appellate Tribunal, as the case may be, by an assessee:

Provided that no such rectification shall be made which has the effect of enhancing the assessment unless the assessee has been given a reasonable opportunity of being heard in the matter.

Prosecutions.

36. (1) If a person fails without reasonable cause—

(a) to furnish in due time any return mentioned in section 14;

(b) to produce, or cause to be produced, on or before the date mentioned in any notice under sub-section (2) or sub-section (4) of section 16 such accounts, records and documents as are referred to in the notice;

(c) to furnish within the time specified any statement or information which such person is bound to furnish to the Wealth-tax Officer under section 38;

he shall, on conviction before a magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(2) If a person makes a statement in a verification mentioned in section 14 or section 23 or section 24 or section 26 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 simple imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(3) A person shall not be proceeded against for an offence under this section except at the instance of the Commissioner.

(4) The Commissioner may either before or after the institution of proceedings compound any such offence.

*Explanation.*—For the purposes of this section, “magistrate” means a presidency magistrate, a magistrate of the first class or a magistrate of the second class specially empowered by the Central Government to try offences under this Act.

37. The Commissioner, the Wealth-tax Officer, the Appellate Assistant Commissioner and the Appellate Tribunal shall, for the purposes of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:—

5 of 1908.

Power to take evidence on oath, etc.

(a) enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses;

and any proceeding before the Commissioner, the Wealth-tax Officer, the Appellate Assistant Commissioner or the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

45 of 1860.

38. Where, for the purposes of determining the wealth-tax payable by any person, it appears necessary for the Wealth-tax Officer to obtain any statement or information from any individual, company, firm, Hindu undivided family or other person, the Wealth-tax Officer may serve a notice requiring such individual, company, firm, Hindu undivided family or other person, on or before a date to be therein specified, to furnish such statement or information on the points specified in the notice, and the individual or the principal officer concerned or the manager of the Hindu undivided family, as the case may be, shall, notwithstanding anything in any law to the contrary, be bound to furnish such statement or information to the Wealth-tax Officer:

Information, returns and statements.

Provided that no legal practitioner shall be bound to furnish any statement or information under this section based on any professional communications made to him otherwise than as permitted by section 126 of the Indian Evidence Act, 1872.

of 1872.

Effect of transfer authorities on pending proceedings.

39. Whenever in respect of any proceeding under this Act any wealth-tax authority ceases to exercise jurisdiction and is succeeded by another who has and exercises such jurisdiction, the authority so succeeding may continue the proceeding from the stage at which the proceeding was left by his predecessor.

Computation of periods of limitation.

40. In computing the period of limitation prescribed for an appeal under this Act or for an application under section 27, the day on which the order complained of was made and the time requisite for obtaining a copy of such order shall be excluded.

Service of notice.

41. (1) A notice or a requisition under this Act may be served on the person therein named either by post or as if it were a summons issued by a court under the Code of Civil Procedure, 1908. 5 of 1908.

(2) Any such notice or requisition may, in the case of a firm or a Hindu undivided family, be addressed to any member of the firm or to the manager or any adult male member of the family, and in the case of any other association of persons be addressed to the principal officer thereof.

Prohibition of disclosure of information.

42. (1) Subject to the provisions contained in sub-section (2), the provisions of section 54 of the Income-tax Act shall apply to all accounts or in relation to statements, documents, evidence or affidavits given, produced or obtained in connection with or in the course of any proceeding under this Act as they apply to or in relation to similar particulars under that Act subject to the modification that the reference to "any income-tax authority" in clause (d) of sub-section (2) and to the "Commissioner" in sub-section (5) of that Act shall be construed as a reference to "any wealth-tax authority" and to the "Commissioner of Wealth-tax" respectively.

(2) Nothing contained in section 54 of the Income-tax Act shall apply to the disclosure of any such particulars as are referred to in sub-section (1) to any person acting in the execution of this Act or the Income-tax Act or the Estate Duty Act, 1953, where it is necessary or desirable to disclose the same to him for the purpose of this Act or any of the other Acts aforesaid. 34 of 1953.

Bar of jurisdiction.

43. No suit shall lie in any civil court to set aside or modify any assessment made under this Act, and no prosecution, suit or other legal proceeding shall lie against any officer of the Government for anything in good faith done or intended to be done under this Act.

44. Any assessee who is entitled to or required to attend before any wealth-tax authority or the Appellate Tribunal in connection with any proceeding or inquiry under this Act, except where he is required under this Act to attend in person, may attend by a person authorised by him in writing in this behalf, being a relative of, or a person regularly employed by, the assessee or a legal practitioner or a chartered accountant or any other person having such qualifications as may be prescribed.

Appearance before wealth-tax authorities by authorised representatives.

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

(a) the expression, “a person regularly employed by the assessee” includes any officer of a Scheduled Bank with which the assessee maintains a current account or has other regular dealings;

(b) “chartered accountant” means a chartered accountant as defined in the Chartered Accountants Act, 1949.

45. The provisions of this Act shall not apply to—

(a) a banking company as defined in section 5 of the Banking Companies Act, 1949;

(b) an insurer within the meaning of the Insurance Act, 1938;

(c) any company established with the object of financing, whether by way of making loans or advances to, or subscribing to the capital of, private industrial enterprises in India, in any case where the Central Government has made or agreed to make to the company a special advance for the purpose or has guaranteed or agreed to guarantee the payment of moneys borrowed by the company from any institution outside India;

(d) any company established with the object of carrying on an industrial undertaking in India in any case where the company is not formed by the splitting up, or the reconstruction of a business already in existence or by the transfer to a new business of any building, machinery or plant used in a business which was being previously carried on:

Act not to apply in certain cases.

Provided that the exemption granted by clause (d) shall apply to any such company as is referred to therein only for a period of five successive assessment years commencing with the assessment year next following the date on which the company is established, which period shall, in the case of a company established before the commencement of this Act, be computed in accordance with this Act from the date of its establishment as if this Act had been in force on and from the date of its establishment;

*Explanation.*—For the purposes of clause (d), “industrial undertaking” means an undertaking engaged in the manufacture, production or processing of goods or articles or in mining or in the generation or distribution of electricity or any other form of power;

(e) any company solely engaged in the business of transporting goods or passengers by ships;

(f) any company registered under section 25 of the Companies Act, 1956;

1 of 1956.

Power to  
make rules.

46. (1) The Board may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

(a) the manner in which the market value of any asset may be determined;

(b) the form in which returns under this Act shall be made and the manner in which they shall be verified;

(c) the form in which appeals and applications under this Act may be made, and the manner in which they shall be verified;

(d) the form of any notice of demand under this Act;

(e) the areas for which lists of valuers may be drawn up;

(f) any other matter which has to be, or may be, prescribed for the purposes of this Act.

(3) The powers 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) All rules made under this Act shall be laid before each House of Parliament, as soon as may be, after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

## THE SCHEDULE

(See section 3)

## RATES OF WEALTH-TAX

## PART I

## RATE OF TAX

(a) In the case of every individual:—

(i) on the first rupees two lakhs of net wealth	..	Nil
(ii) on the next rupees ten lakhs of net wealth	..	$\frac{1}{2}\%$
(iii) on the next rupees ten lakhs of net wealth	..	1%
(iv) on the balance of net wealth	..	$1\frac{1}{2}\%$

(b) In the case of every Hindu undivided family:—

(i) on the first rupees four lakhs of net wealth	..	Nil
(ii) on the next rupees nine lakhs of net wealth	..	$\frac{1}{2}\%$
(iii) on the next rupees ten lakhs of net wealth	..	1%
(iv) on the balance of net wealth	..	$1\frac{1}{2}\%$

## PART II

In the case of every company:—

(i) on the first rupees five lakhs of net wealth	..	Nil
(ii) on the balance of net wealth	..	$\frac{1}{2}\%$

Provided that in the case of a company which has incurred a net loss in any year computed in the manner hereinafter provided and which has not declared any dividend on its equity capital in respect of that year, the rate of tax for the relevant year shall be *nil*.

The loss referred to in the above proviso shall be computed in accordance with the provisions of sections 8, 9, 10 and 12 of the Income-tax Act but without deducting the allowances referred to in paragraph (b) of the proviso to clause (vi) of sub-section (2) of section 10, sub-clause (via) and sub-clause (vib) of sub-section (2) of section 10 of that Act or the allowance in respect of any losses brought forward from earlier years.

**Rule 1.**—Where the net wealth of an assessee includes the value of any asset on which wealth-tax is not payable under sub-section (2) of section 5, the amount of tax payable by the assessee shall be an amount bearing to the total amount of wealth-tax which would have been payable on the net wealth had no property been exempt the same proportion as the unexempted portion of net wealth bears to the net wealth.

**Rule 2.**—Where the net wealth of an assessee not being a company, in respect of any assessment year includes the value of any shares in a company as defined in section 3 of the Companies

Act, 1956, the wealth-tax payable by the assessee on his net wealth for that assessment year, computed in accordance with the rates specified above, shall be reduced by the amount, if any, by which the sum of the following, namely:—

(a) that portion of the wealth-tax payable by the assessee computed as aforesaid as bears to the whole amount of the tax, the same proportion as the value of the shares aforesaid included in his net wealth bears to his net wealth.

(b) that portion of the wealth-tax, if any, paid by the company in respect of the same assessment year, as bears to the whole amount of the said tax, the same proportion as the paid up value of the shares included in the assessment of the assessee aforesaid bears to the aggregate paid-up value of the share capital of the company as on the relevant valuation date,

exceeds the amount calculated at the rate of 1·5 per cent. on the value of the shares included in his net wealth.

*Rule 3.*—Where an assessee is an individual who is not a citizen of India and who is not resident in India, the wealth-tax payable by him in respect of any assessment year computed in accordance with the rates specified in this Schedule shall be reduced by an amount equal to 50 per cent. thereof.

*Rule 4.*—Where the net wealth of an assessee, being an individual who is a citizen of India, or a Hindu undivided family, includes any assets located outside India, the wealth-tax payable by the assessee in respect of any assessment year shall be reduced by an amount which bears to the amount of tax that would have been payable by the assessee if the rates of tax had been reduced to one-half of the rates specified in this Schedule the same proportion as the value of the assets located outside India as reduced by the debts located outside India bears to the net wealth of the assessee.

*Rule 5.*—Where the profits of a company in respect of any year, before deducting any of the allowances referred to in the second paragraph of the proviso to Part II, are less than the amount of wealth-tax payable by it in respect of the relevant assessment year, the wealth-tax payable by the company for such assessment year shall be limited to the amount of such profits :

Provided that the company has not declared any dividend on its equity capital in respect of that year.

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Rep. No. 58 of 1960, s. 28 Sub. (wef 26.12.60)

THE ESSENTIAL COMMODITIES (SECOND AMEND-  
MENT) ACT, 1957

No. 28 OF 1957

[17th September, 1957]

An Act further to amend the Essential Commodities Act, 1955.

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

1. This Act may be called the Essential Commodities (Second Short title, Amendment) Act, 1957.

2. In sub-section (2) of section 3 of the Essential Commodities Act, 1955, for clause (f), the following clause shall be substituted and shall be deemed always to have been substituted, namely:—

“(f) for requiring any person holding in stock any essential commodity to sell the whole or a specified part of the stock to the Central Government or a State Government or to an officer or agent of such Government or to such other person or class of persons and in such circumstances as may be specified in the order;”.

*Sec India Code,*  
*Vol. VII B.*  
**THE EXPENDITURE-TAX ACT, 1957**  
**No. 29 OF 1957**

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41. Power to make rules.

**THE SCHEDULE.**

THE EXPENDITURE-TAX ACT, 1957

No. 29 OF 1957

[17th September, 1957]

An Act to provide for the levy of a tax on expenditure.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Expenditure-tax Act, 1957.

Short title,  
extent and  
commence-  
ment.

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

(3) It shall come into force on the 1st day of April, 1958.

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

Definitions.

(a) "Appellate Assistant Commissioner" means a person empowered to exercise the functions of an Appellate Assistant Commissioner of Expenditure-tax under section 8;

(b) "Appellate Tribunal" means the Appellate Tribunal appointed under section 5A of the Income-tax Act;

(c) "assessee" means an individual or a Hindu undivided family by whom expenditure-tax or any other sum of money is payable under this Act, and includes every individual or Hindu undivided family against whom any proceeding under this Act has been taken for the assessment of his expenditure;

(d) "assessment year" means the year for which tax is chargeable under section 3;

(e) "Board" means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924;

(f) "Commissioner" means a person empowered to exercise the functions of a Commissioner of Expenditure-tax under section 9;

*see India Code  
Vol. VII-B.*

(g) "dependant" means—

(i) where the assessee is an individual, his or her spouse or child wholly or mainly dependent on the assessee for support and maintenance;

(ii) where the assessee is a Hindu undivided family—

(a) every coparcener other than the *karta*; and

(b) any other member of the family who under any law or order or decree of a court, is entitled to maintenance from the joint family property;

(h) "expenditure" means any sum in money or money's worth, spent or disbursed or for the spending or disbursing of which a liability has been incurred by an assessee, and includes any amount which under the provisions of this Act is required to be included in the taxable expenditure;

(i) "Expenditure-tax Officer" means the Income-tax Officer authorised to perform the functions of an Expenditure-tax Officer under section 7;

(j) "Income-tax Act" means the Indian Income-tax Act, 1922;

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(k) "Income-tax Officer" means a person appointed to be an Income-tax Officer under the Income-tax Act;

(l) "Inspecting Assistant Commissioner of Expenditure-tax" means a person empowered to exercise the functions of an Inspecting Assistant Commissioner of Expenditure-tax under section 10;

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

(n) "previous year" in relation to any assessment year, means the previous year as defined in clause (11) of section 2 of the Income-tax Act if an assessment were to be made under the said Act for that year:

Provided that where in the case of an assessee there are different previous years under the Income-tax Act for different sources of income, the previous year shall be that previous year which expired last;

(o) "taxable expenditure" means the total expenditure of an assessee liable to tax under this Act.

CHAPTER II

CHARGE OF EXPENDITURE-TAX AND EXPENDITURE SUBJECT TO SUCH CHARGE

3. (1) Subject to the other provisions contained in this Act, there shall be charged for every financial year commencing on and from the first day of April, 1958, a tax (hereinafter referred to as expenditure-tax) at the rate or rates specified in the Schedule in respect of the expenditure incurred by any individual or Hindu undivided family in the previous year:

Charge of  
expendi-  
ture-tax.

Provided that no expenditure-tax shall be payable by an assessee for any assessment year if his income from all sources during the relevant previous year as reduced by the amount of taxes to which such income may be liable under any other law for the time being in force does not exceed rupees thirty-six thousand.

(2) For the removal of doubts, it is hereby declared that nothing contained in this Act shall require the inclusion in the taxable expenditure of an assessee for any year of expenditure for the spending or disbursing of which a liability has already been incurred and which has been included in the taxable expenditure for any earlier year.

4. Unless otherwise provided in section 5, the following amounts shall be included in computing the expenditure of an assessee liable to tax under this Act, namely:—

Amounts to  
be included  
in taxable  
expenditure.

(i) any expenditure incurred, whether directly or indirectly, by any person other than the assessee in respect of any obligation or personal requirement of the assessee or any of his dependants which, but for the expenditure having been incurred by that other person, would have been incurred by the assessee, to the extent to which the amount of all such expenditure in the aggregate exceeds Rs. 5,000 in any year;

(ii) any expenditure incurred by any dependant of the assessee for the benefit of the assessee or of any of his dependants out of any gift, donation or settlement on trust or out of any other source made or created by the assessee, whether directly or indirectly.

*Explanation.*—For the removal of doubts it is hereby declared that nothing contained in this section shall be deemed to require the inclusion in the expenditure of the assessee of any expenditure incurred by any other person for or on behalf of the assessee by way of customary hospitality or which is of a trivial or inconsequential nature.

Exemption  
from ex-  
penditure-tax  
in certain  
cases.

5. No expenditure-tax shall be payable under this Act in respect of any such expenditure as is referred to in the following clauses, and such expenditure shall not be included in the taxable expenditure of an assessee—

(a) any expenditure, whether in the nature of revenue expenditure or capital expenditure incurred by the assessee wholly and exclusively for the purpose of the business, profession, vocation or occupation carried on by him or for the purpose of earning income from any other source;

(b) any expenditure incurred by the assessee, or on his behalf by his employer, wholly and necessarily in connection with the discharge of duties arising out of the assessee's employment;

(c) any expenditure incurred by or on behalf of the assessee wholly and necessarily in connection with the discharge of any duties assigned to him by the Government;

(d) any expenditure incurred on behalf of the assessee by way of any such passage concessions as are referred to in clause (via) of sub-section (3) of section 4 of the Income-tax Act;

(e) any expenditure incurred by the assessee in connection with the acquisition of any immovable property or in the construction, repair, maintenance or improvement of any immovable property belonging to him;

(f) any expenditure incurred by the assessee by way of investment in deposits, loans, shares and securities, or in bullion, precious stones or jewellery;

(g) subject to such rules as the Central Government may make in this behalf any expenditure incurred by the assessee in the purchase of products of any cottage industry in India, books or any work of art;

(h) any expenditure incurred by the assessee by way of contribution as capital to a firm or other association of persons in consideration of a share in the profits of the firm or association;

(i) any expenditure incurred by the assessee by way of repayment of loan or other borrowing, or by way of payment of interest thereon, not being interest on any loan or other borrowing utilised for incurring expenditure liable to tax under this Act;



(j) any expenditure incurred by the assessee by way of, or in respect of, any gift, donation or settlement on trust or otherwise for the benefit of an other person;

(k) any expenditure incurred by the assessee for paying premiums in respect of any policy of insurance—

(i) on the life of the assessee or any of his dependants; or

(ii) for the education or marriage of any of his dependants; or

(iii) for insuring the health of the assessee or covering any accident which may befall him or any disability to which he may become subject; or

(iv) covering any property (other than aircraft, motor vehicles or other transport vehicles) against loss or damage due to fire or theft;

(l) any expenditure incurred by the assessee in the purchase or maintenance of live-stock;

(m) any expenditure incurred by the assessee for any public purpose of a charitable or religious nature:

Provided that this clause shall not apply in the case of any expenditure incurred outside India for any such purpose unless the Board, having regard to the circumstances relating thereto, otherwise directs;

(n) any expenditure incurred by the assessee out of any allowance in the nature of an entertainment allowance referred to in clause (ii) of sub-section (2) of section 7 of the Income-tax Act in respect of which income-tax is not payable;

(o) any expenditure incurred outside India—

(i) from any source, by an assessee who is not a citizen of India and is not resident in India; or

(ii) from any income or capital accrued or realised outside India by an assessee who is not a citizen of India but is resident in India or, being a citizen of India or a Hindu undivided family, is not resident or not ordinarily resident in India;

*Explanation.*—For the purpose of this clause, an individual or a Hindu undivided family shall be deemed to be not resident or not ordinarily resident in India during any year, if in respect of the corresponding assessment year he or it, as the case may be, is not resident or not ordinarily resident in India within the meaning of the Income-tax Act.

(p) any expenditure incurred by way of contribution to a provident, thrift or superannuation fund;

(q) any expenditure, not being personal expenditure, incurred by the assessee out of the sums, if any, guaranteed or assured by the Central Government as his privy purse for meeting any expenses in respect of—

(i) the maintenance of any member of his retinue and the payment of salaries, allowances and pensions to members of his staff or to persons who have retired from his service;

(ii) the maintenance of any one building declared by the Central Government as his official residence under paragraph 13 of the Merged States (Taxation Concessions) Order, 1949, or paragraph 15 of the Part B States (Taxation Concessions) Order, 1950;

(iii) the maintenance of any conveyances or animals for official purposes;

(iv) the maintenance of any relatives dependent on him for maintenance;

(v) the performance of any official ceremonies;

which expenses, having regard to the status of the assessee or to the practice of the family to which the assessee belongs, have to be or are being incurred by him and are, in the opinion of the Expenditure-tax Officer, reasonable:

Provided that the Expenditure-tax Officer shall not fix the amount of such expenditure without the previous approval of the Commissioner;

(r) any expenditure incurred by the assessee or any of his dependants, and where the assessee is a Hindu undivided family by any member of the family, in connection with any election to any legislative, municipal or other public authority in India for which the assessee, dependent or member, as the case may be, is a candidate, to the extent to which such expenditure is not in excess of the limits, if any, fixed under any law for the time being in force relating to such elections.

Deductions to be made in computing the taxable expenditure.

6. (1) The taxable expenditure of an assessee for any year shall be computed after making the following deductions and allowances, namely:—

(a) any taxes, including the expenditure-tax payable under this Act, duties cesses, rates or fees paid to the Government or a local authority, but not including—

(i) taxes or fees in respect of any conveyance or other movable asset intended for the personal use of the assessee or any of his dependants;

(ii) customs duties on, or taxes on the purchase of, articles imported or purchased for the personal use of the assessee or any of his dependants;

(b) any expenditure lawfully incurred by the assessee in respect of any civil or criminal proceedings to which he is a party;

(c) any expenditure incurred by the assessee—

(i) if an individual, in respect of his own marriage or the marriage of any of his dependants, and

(ii) if a Hindu undivided family, in respect of the marriage of the *karta* or any other member of the family, subject to a maximum of Rs. 5,000 in each marriage;

(d) four-fifths of any expenditure incurred by way of capital expenditure on the purchase of furniture and other household goods, motor-cars and other conveyances or any other articles for the personal use of the assessee or any of his dependants:

Provided that where a deduction as aforesaid is made, one-fifth of the said capital expenditure shall be deemed to be incurred by the assessee in each of the four years succeeding the previous year in which the expenditure was incurred and no deduction shall be made under this clause in the assessment for any succeeding year in respect of expenditure so deemed to have been incurred in any earlier year;

(e) any expenditure incurred by the assessee on the maintenance of his parents subject to a maximum of Rs. 4,000;

(f) any expenditure incurred by the assessee—

(i) if an individual, in respect of his own medical treatment or the medical treatment of any of his dependants or parents, and

(ii) if a Hindu undivided family, in respect of the medical treatment of the *karta* or any other member of the family,

subject to a maximum of Rs. 5,000 in the case of an individual or a Hindu undivided family which consists only of the *karta*, his wife and children, and Rs. 10,000 in the case of any other Hindu undivided family:

Provided that the assessee may carry forward to the next year and the year immediately following any portion of the said sum of Rs. 5,000 or Rs. 10,000 as the case may be, unexpended during any year:

Provided further that in the case of an assessee who immediately before the commencement of this Act has been incurring a higher expenditure on the medical treatment of himself or any of his dependants or his parents, the Expenditure-tax Officer may, in any of the five years commencing from the 1st day of April, 1958, increase the allowance specified in this clause to such extent as he may think reasonable for that year, but so as not to exceed Rs. 20,000;

(g) any expenditure incurred by the assessee in respect of the education of himself or any of his dependants and where the assessee is a Hindu undivided family, of any member of the family, in any country outside India, subject to a maximum of of Rs. 8,000 per year;

(h) a basic allowance—

(i) where the assessee is an individual, of Rs. 30,000; and

(ii) where the assessee is a Hindu undivided family, of Rs. 30,000, in respect of the *karta* and his wife and children, and a further allowance of Rs. 3,000 for every additional coparcener, provided that the basic allowance for the Hindu undivided family as a whole shall not exceed Rs. 60,000 in any case;

(i) any expenditure incurred by the assessee in any country outside India in any case where he is not a citizen of India but is resident in India, to the extent to which such expenditure is not admissible under clause (c) or clause (e) or clause (f) or clause (g), subject to a maximum of Rs. 10,000.

(2) If the assessee claims on or before making a return for the assessment year commencing on the 1st day of April, 1958, that instead of the deductions permissible under clauses (b), (c), (d), (e), (f), (g), (h) and (i) of sub-section (1), the deductions and allowances permissible in his case shall be determined having regard to his actual expenditure in the last three previous years immediately preceding the previous year relevant to the assessment year commencing on the 1st day of April, 1958, then, notwithstanding anything contained in sub-section (1), instead of the deductions and allowances permissible under the clauses aforesaid, there shall be allowed—

(a) a sum equal to 75 per cent. of the average annual expenditure of the assessee for the said three years computed

after taking into account the exemptions mentioned in section 5 and the deduction permissible under clause (a) of sub-section (1) of this section; or

(b) Rs. 75,000;

whichever is less.

(3) The limit of Rs. 75,000 referred to in sub-section (2) shall be progressively reduced by a sum of Rs. 5,000 every year commencing from the assessment year ending on the 31st day of March, 1960:

Provided that this sub-section shall cease to apply to an assessee in relation to and from the year in which the progressive reduction, if allowed, would have the effect of bringing the limit so reduced to a figure below the aggregate amount of the allowances and deductions permissible under clauses (b) to (i) inclusive of sub-section (1).

(4) If the assessee proves in any year that in respect of any sum out of which any expenditure incurred is chargeable to tax under this Act he has paid in any foreign country any tax under any law for the time being in force in that country relating to taxes on income, wealth or expenditure, he shall be entitled to a deduction from the expenditure chargeable to tax under this Act of that portion of the tax paid in the foreign country as is attributable to the amount of such expenditure.

### CHAPTER III

#### EXPENDITURE-TAX AUTHORITIES

7. Every Income-tax Officer having jurisdiction or exercising powers as such under the Income-tax Act in respect of any individual or Hindu undivided family shall perform the functions of an Expenditure-tax Officer under this Act in respect of such individual or Hindu undivided family.

Expenditure-tax Officers.

8. The Board may empower as many persons as it thinks fit to exercise under this Act the functions of an Appellate Assistant Commissioner of Expenditure-tax, and on being so empowered the Appellate Assistant Commissioners of Expenditure-tax shall perform their functions in respect of such areas or such persons or such classes of persons as the Board may direct, and where such directions have assigned to two or more Appellate Assistant Commissioners the same area or the same persons or the same classes of persons, they shall perform their functions in accordance with such orders as the Board may make for the distribution and allocation of the work to be performed.

Appellate Assistant Commissioners of Expenditure-tax.

Commissioners of Expenditure-tax.

9. The Board may empower as many persons as it thinks fit to exercise under this Act the functions of a Commissioner of Expenditure-tax, and on being so empowered the Commissioners of Expenditure-tax shall perform their functions in respect of such areas or such persons or such classes of persons as the Board may direct, and where such directions have assigned to two or more Commissioners of Expenditure-tax the same area or the same person or the same classes of persons, they shall have concurrent jurisdiction subject to such orders, if any, as the Board may make for the distribution and allocation of the work to be performed.

Inspecting Assistant Commissioner of Expenditure-tax.

10. The Commissioner of Expenditure-tax may empower as many persons as he thinks fit to exercise under this Act the functions of an Inspecting Assistant Commissioner of Expenditure-tax and on being so empowered the Inspecting Assistant Commissioners of Expenditure-tax shall perform their functions in respect of such areas or such persons or such classes of persons as the Commissioner of Expenditure-tax may direct, and where such directions have assigned to two or more Inspecting Assistant Commissioners of Expenditure-tax the same area or the same persons or the same classes of persons they shall perform their functions in accordance with such orders as the Commissioner of Expenditure-tax may make for the distribution and allocation of the work to be performed.

Expenditure-tax Officers to be subordinate to the Commissioner of Expenditure-tax and the Inspecting Assistant Commissioner of Expenditure-tax.

11. The Expenditure-tax Officers shall be subordinate to the Commissioner of Expenditure-tax and the Inspecting Assistant Commissioner of Expenditure-tax within whose jurisdiction they perform their functions.

Expenditure-tax authorities to follow orders, etc., of the Board.

12. All officers and other persons employed in the execution of this Act shall observe and follow the orders, instructions and directions of the Board:

Provided that no orders, instructions, or directions shall be given by the Board so as to interfere with the discretion of the Appellate Assistant Commissioner of Expenditure-tax in the exercise of his appellate functions.

CHAPTER IV

ASSESSMENT

13. (1) Every person whose expenditure for the previous year was of such an amount as to render him liable to expenditure-tax under this Act shall, before the thirtieth day of June of the corresponding assessment year, furnish to the Expenditure-tax Officer a return in the prescribed form and verified in the prescribed manner setting forth his expenditure for the previous year. Return of expenditure.

(2) If the Expenditure-tax Officer is of opinion that the expenditure of any person for any year is of such an amount as to render him liable to expenditure-tax, then, notwithstanding anything contained in sub-section (1), he may serve a notice upon such a person requiring him to furnish within such period, not being less than thirty days, as may be specified in the notice, a return in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be required in the notice relating to the expenditure of such person for the previous year mentioned in the notice.

(3) The Expenditure-tax Officer may, if he is satisfied that it is necessary to do so, extend the date for the delivery of the return under this section.

14. If any person has not furnished a return within the time allowed under section 13, or having furnished a return under that section discovers any omission or a wrong statement therein, he may furnish a return or a revised return, as the case may be, at any time before the assessment is made. Return after the due date and amendment of return.

15. (1) If the Expenditure-tax Officer is satisfied without requiring the presence of the assessee or production by him of any evidence that a return made under section 13 or section 14 is correct and complete, he shall assess the taxable expenditure of the assessee and determine the amount payable by him as expenditure-tax. Assessment.

(2) If the Expenditure-tax Officer is not so satisfied, he shall serve a notice on the assessee, requiring him either to attend in person at his office on a date to be specified in the notice, or to produce or cause to be produced on that date any evidence on which the assessee may rely in support of his return.

(3) The Expenditure-tax Officer, after hearing such evidence as the person may produce and such other evidence as he may require on any specified points, shall, by order in writing, assess the taxable expenditure of the assessee and determine the amount payable by him as expenditure-tax.

(4) For the purpose of making an assessment under this Act, the Expenditure-tax Officer may serve on any person who has made a return under sub-section (1) of section 13 or upon whom a notice has been served under sub-section (2) of that section, a notice requiring him to produce or cause to be produced on a date specified in the notice such accounts, records or other documents as the Expenditure-tax Officer may require.

(5) If any person fails to make a return in response to any notice under sub-section (2) of section 13 or fails to comply with the terms of any notice issued under sub-section (2) or sub-section (4), the Expenditure-tax Officer shall make the assessment to the best of his judgment and determine the amount payable by the person as expenditure-tax on the basis of such assessment.

Expenditure  
escaping as-  
sessment.

**16. If the Expenditure-tax Officer—**

(a) has reason to believe that by reason of the omission or failure on the part of the assessee to make a return of his expenditure under section 13 for any assessment year, or to disclose fully and truly all material facts necessary for his assessment for that year, the expenditure chargeable to tax has escaped assessment for that year, whether by reason of under-assessment or assessment at too low a rate or otherwise; or

(b) has in consequence of any information in his possession reason to believe, notwithstanding that there has been no such omission or failure as is referred to in clause (a), that the expenditure chargeable to tax has escaped assessment for any assessment year, whether by reason of under-assessment or assessment at too low a rate or otherwise;

he may, in cases falling under clause (a) at any time within eight years and in cases falling under clause (b) at any time within four years of 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 sub-section (2) of section 13, and may proceed to assess or reassess such expenditure, and the provisions of this Act shall, so far as may be, apply as if the notice had issued under that sub-section.

Penalty for  
concealment.

**17. (1) If the Expenditure-tax Officer, Appellate Assistant Commissioner, Commissioner or Appellate Tribunal in the course of any proceedings under this Act is satisfied that any person—**

(a) has without reasonable cause failed to furnish the return of his expenditure which he is required to furnish under sub-section (1) or sub-section (2) of section 13 or section 16, or has without reasonable cause failed to furnish it within the time allowed and in the manner required; or



(b) has without reasonable cause failed to comply with a notice under sub-section (2) or sub-section (4) of section 15; or

(c) has concealed the particulars of any expenditure or deliberately furnished inaccurate particulars thereof, he or it may by order in writing, direct that such person shall pay by way of penalty—

(i) in the case referred to in clause (a), in addition to the amount of expenditure-tax payable by him a sum not exceeding one-and-a-half times the amount of such tax, and

(ii) in the case referred to in clause (b) or clause (c), in addition to the amount of expenditure-tax payable by him a sum not exceeding one-and-a-half times the amount of the tax, if any, which would have been avoided if the expenditure returned by such person had been accepted as correct.

(2) No order shall be made under sub-section (1) unless the person concerned has been given a reasonable opportunity of being heard.

(3) No prosecution for an offence under this Act shall be instituted in respect of the same facts in relation to which a penalty has been imposed under this section.

(4) The Expenditure-tax Officer shall not impose any penalty under this section without the previous approval of the Inspecting Assistant Commissioner of Expenditure-tax.

#### CHAPTER V

##### LIABILITY TO ASSESSMENT IN SPECIAL CASES

18. (1) Where a person dies, his executor, administrator or other legal representative shall be liable to pay out of the estate of the deceased person to the extent to which the estate is capable of meeting the charge, the expenditure-tax assessed as payable by such person, or any sum which would have been payable by him under this Act if he had not died.

Tax of deceased persons payable by legal representative.

(2) Where a person dies without having furnished a return under the provisions of section 13 or after having furnished a return which the Expenditure-tax Officer has reason to believe to be incorrect or incomplete, the Expenditure-tax Officer may make an assessment of the expenditure of such person and determine the expenditure-tax payable by the person on the basis of such assessment, and for this purpose may, by the issue of the appropriate notice which would have had to be served upon the deceased person if he had survived, require from the executor, administrator or other legal representative of the deceased person any accounts, documents or other evidence which might under the provisions of section 15 have been required from the deceased person.

(3) The provisions of section 13, section 14 and section 15 shall apply to an executor, administrator or other legal representative as they apply to any person referred to in those sections.

Assessment after partition of a Hindu undivided family.

19. (1) Where, at the time of making an assessment, it is brought to the notice of the Expenditure-tax Officer that a partition has taken place among the members of a Hindu undivided family, and the Expenditure-tax Officer, after inquiry, is satisfied that the joint family property has been partitioned as a whole among the various members or groups of members in definite portions he shall record an order to that effect, and make assessments on the expenditure of the undivided family as such for the assessment year or years including the year relevant to the previous year in which the partition has taken place, and each member or group of members shall be liable jointly and severally for the tax assessed on the expenditure of the joint family as such.

(2) Where the Expenditure-tax Officer is not so satisfied, he may, by order, declare that such family shall be deemed for the purposes of this Act to continue to be a Hindu undivided family liable to be assessed as such.

Settlement of tax payable in certain cases.

20. (1) Where an assessee who is in receipt of sums guaranteed or assured by the Central Government as his privy purse applies to the Central Government in the prescribed manner and within the prescribed time for the settlement of the expenditure-tax payable by him under this Act for any assessment year, then, notwithstanding anything contained in Chapter IV, the Central Government may, having regard to the obligations which according to the practice, usage or tradition of the family to which the assessee belongs have to be or are being discharged by him, assess the expenditure-tax payable by him for the assessment year, to be such sum as to the Central Government appears proper.

(2) Any order assessing any sum as being payable for any assessment year under sub-section (1) may, if the Central Government so directs, have effect for any subsequent assessment year or years.

## CHAPTER VI

### APPEALS, REVISIONS AND REFERENCES

Appeal to the Appellate Assistant Commissioner from orders of Expenditure-tax Officers.

21. (1) Any person—
- (a) objecting to the amount of his taxable expenditure determined under this Act; or
  - (b) objecting to the amount of expenditure-tax determined as payable by him under this Act; or
  - (c) denying his liability to be assessed under this Act; or

(d) objecting to any penalty imposed by the Expenditure-tax Officer under section 17; or

(e) objecting to any order of the Expenditure-tax Officer under sub-section (2) of section 19; or

(f) objecting to any penalty imposed by the Expenditure-tax Officer under the provisions of sub-section (1) of section 46 of the Income-tax Act as applied under section 30 for the purpose of expenditure-tax;

may appeal to the Appellate Assistant Commissioner against the assessment or order, as the case may be, in the prescribed form and verified in the prescribed manner.

(2) An appeal shall be presented within thirty days of the receipt of the notice of demand relating to the assessment or penalty objected to, or the date on which any order objected to is communicated to him, but the Appellate Assistant Commissioner may admit an appeal after the expiration of the period aforesaid if he is satisfied that the appellant had sufficient cause for not presenting the appeal within that period.

(3) The Appellate Assistant Commissioner shall fix a day and place for the hearing of the appeal and may from time to time adjourn the hearing.

(4) The Appellate Assistant Commissioner may—

(a) at the hearing of an appeal, allow an appellant to go into any ground of appeal not specified in the grounds of appeal;

(b) before disposing of an appeal, make such further inquiry as he thinks fit or cause further inquiry to be made by the Expenditure-tax Officer.

(5) In disposing of an appeal, the Appellate Assistant Commissioner may pass such order as he thinks fit which may include an order enhancing the assessment or penalty:

Provided that no order enhancing an assessment or penalty shall be made unless the person affected thereby has been given a reasonable opportunity of showing cause against such enhancement.

(6) A copy of every order passed by the Appellate Assistant Commissioner under this section shall be forwarded to the appellant and the Commissioner.

22. (1) Any assessee objecting to an order passed by an Appellate Assistant Commissioner under section 21 may appeal to the Appellate Tribunal within sixty days of the date on which he is served with notice of such order.

(2) The Commissioner may, if he is not satisfied as to the correctness of any order passed by an Appellate Assistant Commissioner

Appeal to the Appellate Tribunal from orders of the Appellate Assistant Commissioners.

under section 21, direct the Expenditure-tax Officer to appeal to the Appellate Tribunal against such order, and such appeal may be made at any time before the expiry of sixty days of the date on which the order is communicated to the Commissioner.

(3) The Tribunal may admit an appeal after the expiry of the sixty days referred to in sub-sections (1) and (2) if it is satisfied, that there was sufficient cause for not presenting it within that period.

(4) 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), be accompanied by a fee of one hundred rupees.

(5) The Appellate Tribunal may, after giving both parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, and any such orders may include an order enhancing the assessment or penalty:

Provided that no order enhancing an assessment or penalty shall be made unless the person affected thereby has been given a reasonable opportunity of showing cause against such enhancement.

(6) A copy of every order passed by the Appellate Tribunal under this section shall be forwarded to the assessee and the Commissioner.

(7) Save as provided in section 25 any order passed by the Appellate Tribunal on appeal shall be final.

(8) The provisions of sub-sections (5), (7), and (8) of section 5A of the Income-tax shall apply to the Appellate Tribunal in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Income-tax Act.

Power of  
Commissioner to  
revise orders  
of Expendi-  
ture-tax  
Officers, etc.

23. (1) The Commissioner may, either of his own motion or on application made by an assessee in this behalf, call for the record of any proceeding under this Act in which an order has been passed by any authority subordinate to him, and may make such inquiry or cause inquiry to be made and, subject to the provisions of this Act, pass such order thereon, not being an order prejudicial to the assessee, as the Commissioner thinks fit:

Provided that the Commissioner shall not revise any order under this sub-section in any case—

(a) where an appeal against the order lies to the Appellate Assistant Commissioner or to the Appellate Tribunal, the time within which such appeal can be made has not expired or the assessee has not waived his right of appeal to the Appellate Tribunal;

(b) where the order is the subject of an appeal before the Appellate Assistant Commissioner or the Appellate Tribunal;

(c) where the application is made by the assessee for such revision unless—

(i) the application is accompanied by a fee of twenty-five rupees;

(ii) the application is made within one year from the date of the order sought to be revised or within such further period as the Commissioner may think fit to allow on being satisfied that the assessee was prevented by sufficient cause from making the application within that period; and

(d) where the order is sought to be revised by the Commissioner of his own motion, if such order is made more than one year previously.

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

(a) the Appellate Assistant Commissioner shall be deemed to be an authority subordinate to the Commissioner; and

(b) an order by the Commissioner declining to interfere shall be deemed not to be an order prejudicial to the assessee.

(2) Without prejudice to the provisions contained in sub-section (1), the Commissioner may call for and examine the record of any proceeding under this Act and if he considers that any order passed therein by an Expenditure-tax Officer is erroneous in so far as it is prejudicial to the interests of revenue, he may, after giving to the assessee an opportunity of being heard, and after making or causing to be made such inquiry as he deems necessary, pass such order thereon as the circumstances of the case justify, including an order enhancing or modifying the assessment or cancelling it and directing a fresh assessment.

(3) No order shall be made under sub-section (2) after the expiry of two years from the date of the order sought to be revised.

24. (1) Any assessee objecting to an order of enhancement made by the Commissioner under section 23 may appeal to the Appellate Tribunal within sixty days of the date on which the order is communicated to him.

Appeal to the Appellate Tribunal from orders of enhancement by Commissioner.

(2) An appeal to the Appellate Tribunal under sub-section (1) shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by a fee of rupees one hundred.

(3) The provisions of sub-sections (3), (5), (6) and (7) of section 22 shall apply in relation to any appeal under this section as they apply in relation to any appeal under that section.

25. (1) Within ninety days of the date upon which he is served

Reference to High Court.

with an order under section 22 or section 24, the assessee or the Commissioner may present an application in the prescribed form and where the application is by the assessee, accompanied by a fee of one hundred rupees, to the Appellate Tribunal requiring the Appellate Tribunal to refer to the High Court any question of law arising out of such order, and the Appellate Tribunal shall, if in its opinion a question of law arises out of such order, state the case for the opinion of the High Court.

(2) An application under sub-section (1) may be admitted after the expiry of the period of ninety days aforesaid if the Tribunal is satisfied that there was sufficient cause for not presenting it within the said period.

(3) If on an application made under sub-section (1) the Appellate Tribunal—

(a) refuses to state a case on the ground that no question of law arises; or

(b) rejects it on the ground that it is time-barred;

the applicant may, within three months from the date on which he is served with a notice of refusal or rejection, as the case may be, apply to the High Court, and the High Court may, if it is not satisfied with the correctness of the decision of the Appellate Tribunal, require the Appellate Tribunal to state the case to the High Court, and on receipt of such requisition the Appellate Tribunal shall state the case:

Provided that if in any case where the Appellate Tribunal has been required by an assessee to state a case the Appellate Tribunal refuses to do so on the ground that no question of law arises, the assessee may, within thirty days from the date on which he receives notice of refusal to state the case, withdraw his application, and if he does so, the fee paid by him under sub-section (1) shall be refunded to him.

(4) The statement to the High Court shall set forth the facts, the determination of the Appellate Tribunal and the question of law which arises out of the case.

(5) If the High Court is not satisfied that the case as stated is sufficient to enable it to determine the question of law raised thereby, it may require the Appellate Tribunal to make such modifications therein as it may direct.

(6) The High Court, upon hearing any such case, shall decide the question of law raised therein, and in doing so may, if it thinks fit, alter the form of the question of law and shall deliver judgment thereon containing the ground on which such decision is founded and shall send a copy of the judgment under the seal of the Court and the signature of the Registrar to the Appellate Tribunal and

the Appellate Tribunal shall pass such orders as are necessary to dispose of the case conformably to such judgment.

(7) Where the amount of any assessment is reduced as a result of any reference to the High Court, the amount, if any, over-paid as expenditure-tax shall be refunded with such interest as the Commissioner may allow, unless the High Court, on intimation given by the Commissioner within thirty days of the result of such reference that he intends to ask for leave to appeal to the Supreme Court, makes an order authorising the Commissioner to postpone payment of such refund until the disposal of the appeal in the Supreme Court.

(8) The costs of any reference to the High Court shall be in the discretion of the Court.

of 1908.

(9) Section 5 of the Indian Limitation Act, 1908, shall apply to an application to the High Court under this section.

26. Where a case has been stated to the High Court under section 25, it shall be heard by a Bench of not less than two Judges of the High Court and shall be decided in accordance with the opinion of such Judges or of the majority of such Judges: Hearing by High Court.

Provided that where there is no such majority, the Judges shall state the point of law upon which they differ and the case shall then be heard upon that point only by one or more of the Judges of the High Court, and such point shall be decided according to the opinion of the majority of the Judges who have heard the case, including those who first heard it.

27. (1) An appeal shall lie to the Supreme Court from any judgment of the High Court delivered on a case stated under section 25 in any case which the High Court certifies as a fit case for appeal to the Supreme Court. Appeal to the Supreme Court.

(2) Where the judgment of the High Court is varied or reversed on appeal under this section, effect shall be given to the order of the Supreme Court in the manner provided in sub-section (6) of section 25.

(3) The High Court may, on application made to it for the execution of any order of the Supreme Court in respect of any costs awarded by it, transmit the order for execution to any court subordinate to the High Court.

## CHAPTER VII

### PAYMENT AND RECOVERY OF EXPENDITURE-TAX

28. When any tax or penalty is due in consequence of any order passed under this Act, the Expenditure-tax Officer shall serve upon Notice of demand.

the assessee or other person liable to pay such tax or penalty a notice of demand in the prescribed form specifying the sum so payable and the time within which it shall be paid.

Recovery of  
tax and  
penalties.

29. (1) Any amount specified as payable in a notice of demand issued under section 28 shall be paid within the time, at the place, and to the person mentioned in the notice, or if no time is so mentioned, then on or before the first day of the second month following the day of service of the notice and any assessee failing so to pay shall be deemed to be in default.

(2) Notwithstanding anything contained in this section where an assessee has presented an appeal under section 21, the Expenditure-tax Officer may in his discretion treat the assessee as not being in default as long as such appeal is undisposed of.

Mode of  
recovery

30. The provisions of sub-sections (1), (1A), (2), (3), (4), (5), (5A), (6) and (7) of section 46 and section 47 of the Income-tax Act shall apply as if the said provisions were provisions of this Act and referred to expenditure-tax and sums imposed by way of penalty under this Act instead of to income-tax and sums imposed by way of penalty under that Act and to Expenditure-tax Officer and Commissioner of Expenditure-tax instead of to Income-tax Officer and Commissioner of Income-tax.

## CHAPTER VIII

### MISCELLANEOUS

Rectification  
of mistakes.

31. At any time within four years from the date of any order passed by him, or it, the Commissioner, the Expenditure-tax Officer, the Appellate Assistant Commissioner or the Appellate Tribunal may on his or its own motion rectify any mistake apparent from the record and shall, within a like period, rectify any such mistake which has been brought to the notice of the Commissioner, the Expenditure-tax Officer, the Appellate Assistant Commissioner or the Appellate Tribunal, as the case may be, by an assessee:

Provided that no such rectification shall be made which has the effect of enhancing an assessment unless the assessee has been given a reasonable opportunity of being heard in the matter.

Prosecutions.

32. (1) If a person fails without reasonable cause—

(a) to furnish in due time any return mentioned in section 13;

(b) to produce, or cause to be produced on or before the date mentioned in any notice under sub-section (2) or sub-section (4)



of section 15 such accounts, records and documents as are referred to in the notice;

(c) to furnish within the time specified any statement or information which such person is bound to furnish to the Expenditure-tax Officer under section 34;

he shall, on conviction before a magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(2) If a person makes a statement in a verification mentioned in section 13, section 21, section 22, or section 24, 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 simple imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

(3) A person shall not be proceeded against for an offence under this section except at the instance of the Commissioner.

(4) The Commissioner may either before or after the institution of proceedings compound any such offence.

*Explanation.*—For the purposes of this section “magistrate” means a presidency magistrate, a magistrate of the first class, or a magistrate of the second class specially empowered by the Central Government to try offences under this Act.

33. The Commissioner, the Expenditure-tax Officer, the Appellate Assistant Commissioner and the Appellate Tribunal shall, for the purposes of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:—

Power to take evidence on oath, etc.

(a) enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses; and any proceeding before the Commissioner, the Expenditure-tax Officer, the Appellate Assistant Commissioner or the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

34. Where, for the purposes of determining the expenditure-tax payable by any person, it appears necessary for the Expenditure-tax Officer to obtain any statement or information from any individual,

Information, returns and statements.

Hindu undivided family, company or any other person, the Expenditure-tax Officer may serve a notice requiring such individual, Hindu undivided family, company or other person on or before a date to be therein specified, to furnish such statement or information on the points specified in the notice, and the individual, the manager of the Hindu undivided family, the principal officer of the company or other person, as the case may be, shall, notwithstanding anything in any law to the contrary, be bound to furnish such statement or information to the Expenditure-tax Officer:

Provided that no legal practitioner shall be bound to furnish any statement or information under this section based on any professional communications made to him otherwise than as permitted by section 126 of the Indian Evidence Act, 1872.

1 of 1872.

Effect of transfer of authorities on pending proceedings.

35. Whenever in respect of any proceeding under this Act any Expenditure-tax authority ceases to exercise jurisdiction and is succeeded by another who has and exercises such jurisdiction, the authority so succeeding may continue the proceedings from the stage at which the proceeding was left by his predecessor.

Computation of periods of limitation.

36. In computing the period of limitation prescribed for an appeal under this Act or for an application under section 25, the day on which the order complained of was made and the time requisite for obtaining a copy of such order shall be excluded.

Service of notice.

37. (1) A notice or a requisition under this Act may be served on the person therein named either by post or as if it were a summons issued by a court under the Code of Civil Procedure, 1908.

3 of 1908.

(2) Any such notice or requisition may, in the case of a Hindu undivided family be addressed to the manager or any adult male member of the family.

Prohibition of disclosure of information.

38. (1) Subject to the provisions contained in sub-section (2), the provisions of section 54 of the Income-tax Act shall apply to all accounts or in relation to statements, documents, evidence or affidavits given, produced or obtained in connection with or in the course of any proceeding under this Act, as they apply to or in relation to similar particulars under that Act, subject to the modification that the reference to any Income-tax authority in clause (d) of sub-section (2) and to the Commissioner in sub-section (5) of section 54 of that Act shall be construed as a reference to any Expenditure-tax authority and to the Commissioner of Expenditure-tax respectively.

(2) Nothing contained in section 54 of the Income-tax Act shall apply to the disclosure of any such particulars as are referred to in sub-section (1) to any person acting in the execution of this Act or

14 of 1953.  
7 of 1957. the Income-tax Act or the Estate Duty Act, 1953, or the Wealth-tax Act, 1957, where it is necessary or desirable to disclose the same to him for the purpose of this Act or any of the other Acts aforesaid.

39. No suit shall lie in any civil court to set aside or modify any assessment made under this Act, and no prosecution, suit or other legal proceeding shall lie against any officer of the Government for anything in good faith done or intended to be done under this Act. Bar of jurisdiction.

40. Any assessee who is entitled to or required to attend before any Expenditure-tax authority or the Appellate Tribunal in connection with any proceeding or inquiry under this Act, except where he is required under this Act to attend in person, may attend by a person authorised by him in writing in this behalf, being a relative of, or a person regularly employed by, the assessee, or a legal practitioner or a chartered accountant, or any other person having such qualifications as may be prescribed. Appearance before Expenditure-tax authorities by authorised representatives.

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

(a) the expression “a person regularly employed by the assessee” includes any officer of a Scheduled Bank with which the assessee maintains a current account or has other regular dealings;

(b) “chartered accountant” means a chartered accountant as defined in the Chartered Accountants Act, 1949.

7 of 1949. 41. (1) The Board may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

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

(a) the form in which returns under this Act shall be made, and the manner in which they shall be verified;

(b) the form in which appeals and applications under this Act may be made, and the manner in which they shall be verified;

(c) the form of any notice of demand under this Act;

(d) any other matter which has to be or may be prescribed for the purposes of this Act.

(3) All rules made under this Act shall be laid before each House of Parliament, as soon as may be, after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

**Not Corrected; See India Code**

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*Expenditure-tax*

[ACT 29 OF 1957]

**THE SCHEDULE**

(See section 3)

**RATES OF EXPENDITURE-TAX**

In the case of every individual and Hindu undivided family, on that portion of the taxable expenditure—

(i) which does not exceed Rs. 10,000 .. .. .	10%
(ii) which exceeds Rs. 10,000 but does not exceed Rs. 20,000 .. .. .	20%
(iii) which exceeds Rs. 20,000 but does not exceed Rs. 30,000 .. .. .	40%
(iv) which exceeds Rs. 30,000 but does not exceed Rs. 40,000 .. .. .	60%
(v) which exceeds Rs. 40,000 but does not exceed Rs. 50,000 .. .. .	80%
(vi) which exceeds Rs. 50,000 .. .. .	100%

*Rep. by Act 58 of 1960, s. 2 & Sch I (wef 26.12.60)*

THE MINIMUM WAGES (AMENDMENT) ACT, 1957

No. 30 OF 1957

[17th September, 1957]

An Act further to amend the Minimum Wages Act, 1948.

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

1. This Act may be called the Minimum Wages (Amendment) Act, 1957. Short title.

11 of 1948. 2. In section 2 of the Minimum Wages Act, 1948 (hereinafter referred to as the principal Act),— Amendment of section 2.

(i) in clause (b) (i), for the words “Central Government, by a railway administration”, the words “Central Government or a railway administration” shall be substituted;

(ii) in clause (h), after the words “or of work done in such employment”, the words “and includes house rent allowance” shall be inserted.

3. In section 3 of the principal Act,—

Amendment of section 3.

(a) in sub-section (1),—

(i) in clause (a), for the figures “1954” wherever they occur, the figures “1959” shall be substituted;

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

“Provided that where for any reason the appropriate Government has not reviewed the minimum rates of wages fixed by it in respect of any scheduled employment within any interval of five years, nothing contained in this clause shall be deemed to prevent it from reviewing the minimum rates after the expiry of the said period of five years and revising them, if necessary, and until they are so revised the minimum

rates in force immediately before the expiry of the said period of five years shall continue in force.”;

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

“(b) minimum rates of wages may be fixed by any one or more of the following wage periods, namely:—

(i) by the hour,

(ii) by the day,

(iii) by the month, or

(iv) by such other larger wage period as may be prescribed;

and where such rates are fixed by the day or by the month, the manner of calculating wages for a month or for a day, as the case may be, may be indicated:”.

Substitution  
of new section  
for section 5.

4. For section 5 of the principal Act, the following section shall be substituted, namely:—

Procedure  
for fixing and  
revising  
minimum  
wages.

“5. (1) In fixing minimum rates of wages in respect of any scheduled employment for the first time under this Act or in revising minimum rates of wages so fixed, the appropriate Government shall either—

(a) appoint as many committees and sub-committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision, as the case may be,  
or

(b) by notification in the Official Gazette, publish its proposals for the information of persons likely to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposals will be taken into consideration.

(2) After considering the advice of the committee or committees appointed under clause (a) of sub-section (1), or as the case may be, all representations received by it before the date specified in the notification under clause (b) of that sub-section, the appropriate Government shall, by notification in the Official Gazette, fix, or, as the case may be, revise the minimum rates of wages in respect of each scheduled employment, and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue:

Provided that where the appropriate Government proposes to revise the minimum rates of wages by the mode specified in clause (b) of sub-section (1), the appropriate Government shall consult the Advisory Board also."

5. Section 6 of the principal Act shall be omitted.

Omission of section 6.

6. In section 7 of the principal Act, for the words and figures "committees, sub-committees, advisory committees and advisory sub-committees appointed under sections 5 and 6", the words and figure "committees and sub-committees appointed under section 5" shall be substituted.

Amendment of section 7.

7. In section 9 of the principal Act, the words "advisory committees, advisory sub-committees" shall be omitted.

Amendment of section 9.

8. For section 10 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 10.

"10. (1) The appropriate Government may, at any time, by notification in the Official Gazette, correct clerical or arithmetical mistakes in any order fixing or revising minimum rates of wages under this Act, or errors arising therein from any accidental slip or omission.

Correction of errors.

(2) Every such notification shall, as soon as may be after it is issued, be placed before the Advisory Board for information."

9. In section 12 of the principal Act, the words and figures "or section 10" shall be omitted.

Amendment of section 12.

10. Section 13 of the principal Act shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered, the following sub-sections shall be added, namely:—

Amendment of section 13.

"(2) The provisions of sub-section (1) shall, in relation to the following classes of employees, apply only to such extent and subject to such conditions as may be prescribed:—

(a) employees engaged on urgent work, or in any emergency which could not have been foreseen or prevented;

(b) employees engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned;

(c) employees whose employment is essentially intermittent;

(d) employees engaged in any work which for technical reasons has to be completed before the duty is over;

(e) employees engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces.

(3) For the purposes of clause (c) of sub-section (2), employment of an employee is essentially intermittent when it is declared to be so by the appropriate Government on the ground that the daily hours of duty of the employee, or if there be no daily hours of duty as such for the employee, the hours of duty, normally include periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attention."

Amendment  
of section 19.

11. In section 19 of the principal Act,—

(1) for clause (d) of sub-section (2), the following clause shall be substituted, namely:—

"(d) seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer; and";

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

"(4) Any person required to produce any document or thing or to give any information by an Inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code."

45 of 1860.

Amendment  
of section 20.

12. In section 20 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "any Commissioner for Workmen's Compensation or", the words "any Commissioner for Workmen's Compensation or any officer of the Central Government exercising functions as a Labour Commissioner for any region, or any officer of the State Government not below the rank of Labour Commissioner or any" shall be substituted;

(ii) after the words "less than the minimum rates of wages", the following shall be inserted, namely:—

"or in respect of the payment of remuneration for days of rest or for work done on such days under clause (b) or clause (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14,";



(b) in sub-section (2),—

(i) for the words "Where an employee is paid less than the minimum rates of wages fixed for his class of work under this Act", the following shall be substituted, namely:—

"Where an employee has any claim of the nature referred to in sub-section (1)";

(ii) in the first proviso, after the words "minimum wages", the words "or other amount" shall be inserted;

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

"(3) When any application under sub-section (2) is entertained, the Authority shall hear the applicant and the employer, or give them an opportunity of being heard, and after such further inquiry, if any, as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under this Act, direct—

(i) in the case of a claim arising out of payment of less than the minimum rates of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess;

(ii) in any other case, the payment of the amount due to the employee, together with the payment of such compensation as the Authority may think fit, not exceeding ten rupees,

and the Authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application."

13. In sub-section (1) of section 21 of the principal Act,—

(i) for the words "A single application", the words "Subject to such rules as may be prescribed, a single application" shall be substituted;

(ii) after the words "such excess", the words "or ten rupees per head, as the case may be" shall be added.

Amendment  
of section 21.

Substitution of new sections for section 22 and insertion of new sections 22C to 22F.

Penalties for certain offences.

General provision for punishment of other offences.

Cognizance of offences.

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

“22. Any employer who—

(a) pays to any employee less than the minimum rates of wages fixed for that employee's class of work, or less than the amount due to him under the provisions of this Act, or

(b) contravenes any rule or order made under section 13,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both:

Provided that in imposing any fine for an offence under this section, the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 20.

22A. Any employer who contravenes any provision of this Act or of any rule or order made thereunder shall, if no other penalty is provided for such contravention by this Act, be punishable with fine which may extend to five hundred rupees.

22B. (1) No Court shall take cognizance of a complaint against any person for an offence—

(a) under clause (a) of section 22 unless an application in respect of the facts constituting such offence has been presented under section 20 and has been granted wholly or in part, and the appropriate Government or an officer authorised by it in this behalf has sanctioned the making of the complaint;

(b) under clause (b) of section 22 or under section 22A, except on a complaint made by, or with the sanction of, an Inspector.

(2) No Court shall take cognizance of an offence—

(a) under clause (a) or clause (b) of section 22, unless complaint thereof is made within one month of the grant of sanction under this section;

(b) under section 22A, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

22C. (1) If the person committing any offence under this Act is a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

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

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

22D. All amounts payable by an employer to an employee as the amount of minimum wages of the employee under this Act or otherwise due to the employee under this Act or any rule or order made thereunder shall, if such amounts could not or cannot be paid to the employee on account of his death before payment or on account of his whereabouts not being known, be deposited with the prescribed authority who shall deal with the money so deposited in such manner as may be prescribed.

Payment of undisbursed amounts due to employees.

22E. Any amount deposited with the appropriate Government by an employer to secure the due performance of a contract with that Government and any other amount due to such employer from that Government in respect of such contract shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the employer other than any debt or liability incurred by the employer towards any employee employed in connection with the contract aforesaid.

Protection against attachment of assets of employer with Government.

Application  
of Payment  
of Wages  
Act, 1936, to  
scheduled  
employ-  
ments.

22F. (1) Notwithstanding anything contained in the Payment of Wages Act, 1936, the appropriate Government may, by 4 of 1936 notification in the Official Gazette, direct that, subject to the provisions of sub-section (2), all or any of the provisions of the said Act shall with such modifications, if any, as may be specified in the notification, apply to wages payable to employees in such scheduled employments as may be specified in the notification.

(2) Where all or any of the provisions of the said Act are applied to wages payable to employees in any scheduled employment under sub-section (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of enforcement of the provisions so applied within the local limits of his jurisdiction."

Amendment  
of section 26.

15. In section 26 of the principal Act,—

(1) in sub-section (2), after the words "direct that", the words "subject to such conditions and" shall be inserted;

(2) in sub-section (2A),—

(i) after the words "in a local area", the words "or to any establishment or a part of any establishment in a scheduled employment" shall be inserted;

(ii) after the words "in respect of such employees of that class", the words "or in respect of employees in such establishment or such part of any establishment" shall be inserted.

Amendment  
of section 30.

16. In section 30 of the principal Act, in clauses (a) and (b) of sub-section (2), the words "advisory committees, advisory sub-committees" shall be omitted.

Amendment  
of section 31.

17. Section 31 of the principal Act shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered, the following sub-section shall be added, namely:—

"(2) The provisions of sub-section (1) shall apply in relation to minimum rates of wages fixed by an appropriate Government during the period commencing on the 31st day of December, 1954, and ending with the date of commencement of the Minimum Wages (Amendment) Act, 1957, as they apply in relation to minimum rates of wages fixed by an appropriate Government during the period commencing on the 1st day of April, 1952, and ending with the date of commencement of the

*Rep. by Act 58 of 1960.*

OF 1957]

*Minimum Wages (Amendment)*

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Minimum Wages (Amendment) Act, 1954, subject to the modification that for the words, figures, brackets and letter 'employment specified in Part I of the Schedule in the belief or purported belief that such rates were being fixed under sub-clause (i) of clause (a) of sub-section (1) of section 3,' the words, figures, brackets and letter 'employment specified in Part I or Part II of the Schedule in the belief or purported belief that such rates were being fixed under sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (1) of section 3' shall be substituted."

18. In the Schedule to the principal Act, for item 7 under Part I, Amendment the following item shall be substituted and shall be deemed always of the Schedule to have been substituted, namely:—

"7. Employment on the construction or maintenance of roads or in building operations."

*Rep. by Act 58 of 1960, S. 2 Sec. I (wef. 26.12.60)*

**THE DHOTIES (ADDITIONAL EXCISE DUTY)  
AMENDMENT ACT, 1957**

No. 31 OF 1957

[17th September, 1957]

An Act to amend the Dhoties (Additional Excise Duty) Act, 1953.

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

Short title. 1. This Act may be called the Dhoties (Additional Excise Duty) Amendment Act, 1957.

Amendment of section 1. 2. In section 1 of the Dhoties (Additional Excise Duty) Act, 1953<sup>39 of 1953</sup> (hereinafter referred to as the principal Act), in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted.

Amendment of section 2. 3. In section 2 of the principal Act, after clause (a), the following clause shall be inserted, namely:—

"(aa) 'group of mills' means two or more mills under common ownership or management;"

Amendment of section 3. 4. In section 3 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

"(3) The permissible quota of dhoties which may be issued out of any group of mills as a whole during any quarter in any case where an application is made in that behalf by that group, shall be such as the Textile Commissioner to the Government of India may fix, but such permissible quota shall in no case exceed the total of the permissible quotas under sub-section (1) or, as the case may be, under sub-section (2), for all the mills included in that group.

[ACT 31 OF 1957] Dhoties (Additional Excise Duty) Amendment 247

(4) Where an application for the fixation of a permissible quota under sub-section (3) is rejected, the Textile Commissioner shall record in writing a brief statement of his reasons for such rejection."

5. In section 4 of the principal Act,—

Amendment  
of section 4.

(a) in sub-section (1), after the figures "1953", the words "or out of any group of mills," shall be inserted;

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

"(1A) For the removal of doubts it is hereby declared that where a duty of excise has been levied under sub-section (1) on any quantity of dhoties issued in excess of the permissible quota fixed under sub-section (3) of section 3 for any group of mills, no duty of excise shall be levied separately under the said sub-section (1) on any quantity of dhoties issued out of any mill included in that group on the ground that such quantity is in excess of the permissible quota for that mill."

6. Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

Amendment  
of section 5.

(a) in sub-section (1) as so re-numbered, after the words "in particular", the words "the form and manner of applications for fixation of permissible quotas for groups of mills, the procedure to be followed in relation to such fixation and" shall be inserted;

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

"(2) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."

7. In the Schedule to the principal Act, after the words "any mill", the words "or any group of mills" shall be inserted.

Amendment  
of the Schedule.

THE FORWARD CONTRACTS (REGULATION)  
AMENDMENT ACT, 1957

No. 32 OF 1957

[17th September, 1957]

An Act further to amend the Forward Contracts (Regulation) Act, 1952.

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

Short title.

1. This Act may be called the Forward Contracts (Regulation) Amendment Act, 1957.

100X  
Insertion of new section 9A.

2. After section 9 of the Forward Contracts (Regulation) Act, 1952, the following section shall be inserted, namely:—

Power of recognised association to make rules respecting grouping of members, restricting voting rights, etc., in special cases.

“9A. (1) A recognised association may make rules or amend any rules made by it to provide for all or any of the following matters, namely:—

(a) the grouping of the members of the association according to functional or local interests, the reservation of seats on its governing body for members belonging to each group and appointment of members to such reserved seats—

(i) by election exclusively by the members belonging to the group concerned;

(ii) by election by all the members of the association;

(iii) by election by all the members of the association from among persons chosen by the members belonging to the group concerned for the purpose;

(b) the restriction of voting rights in respect of any matter placed before the association at any meeting to those members only who, by reason of their functional or local interests, are actually interested in such matter;



(c) the regulation of voting rights in respect of any matter placed before the association at any meeting so that each member may be entitled to have one vote only, irrespective of his share of the paid-up equity capital of the association;

(d) the restriction on the right of a member to appoint another person as his proxy to attend and vote at a meeting of the association;

(e) such incidental, consequential and supplementary matters as may be necessary to give effect to any of the matters specified in clauses (a), (b), (c) and (d).

(2) No rules of a recognised association made or amended in relation to any matter referred to in clauses (a) to (e) of sub-section (1) shall have effect until they have been approved by the Central Government and published by that Government in the Official Gazette and, in approving the rules so made or amended, the Central Government may make such modifications therein as it thinks fit, and on such publication, the rules as approved by the Central Government shall be deemed to have been validly made, notwithstanding anything to the contrary contained in the Companies Act, 1956.

(3) Where, before the commencement of the Forward Contracts (Regulation) Amendment Act, 1957, any rules have been made or amended in relation to any matter referred to in clauses (a) to (e) of sub-section (1), the rules so made or amended shall not be deemed to be invalid or ever to have been invalid merely by reason of the fact that the rules so made or amended are repugnant to any of the provisions of the Companies Act, 1956."

3. Where any recognised association which has been granted an extension of time for holding its annual general meeting under the proviso to clause (c) of sub-section (1) of section 166 of the Companies Act, 1956, is desirous of making or amending rules in relation to the matters referred to in clause (a) of sub-section (1) of section 9A of the Forward Contracts (Regulation) Act, 1952, and reconstituting its governing body in accordance with such rules, and the Central Government, on an application made to it by the recognised association, is satisfied that it would not be possible for the association so to reconstitute its governing body within the extended time granted to it, the Central Government may, notwithstanding anything to the contrary contained in the Companies Act, 1956, extend the time within which the said annual general meeting shall be held by a further period not exceeding six months.

Transitional provisions respecting recognised associations in certain cases.

THE COTTON FABRICS (ADDITIONAL EXCISE DUTY)

See India Code,  
Vol. VII B.

ACT, 1957

No. 33 OF 1957

[17th September, 1957]

An Act to provide for the levy and collection in certain circumstances of an additional duty of excise on cotton fabrics issued out of mills.

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

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Cotton Fabrics (Additional Excise Duty) Act, 1957.

(2) It extends to the whole of India.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act,—

(a) "cotton fabrics" has the meaning assigned to it in the First Schedule to the Central Excises and Salt Act, 1944;

1 of 1944

(b) "export" means taking out of India by sea, land or air;

(c) "export quota" means the export quota referred to in section 3;

(d) "mill" means any building or place in which cotton yarn is spun and cotton fabrics are manufactured by machinery moved otherwise than by manual labour, and includes every part of such building or place;

(e) "owner"—

(i) with reference to any mill or group of mills the possession of which has been transferred by lease, mortgage or otherwise, means the transferee so long as his right to possession subsists; and

<sup>1</sup> 15th January 1958. See Notification No. S.R.O. 201, dated 10th January 1958, Part II Section 3, page 138.

(ii) with reference to any mill or group of mills for which an agent is employed, means the agent if, and in so far as, he has been duly authorised by the owner in that behalf;

(f) "year" means the year beginning on the 1st day of April.

3. (1) The export quota in respect of all cotton fabrics manufactured by any mill, or by any group of mills under a common owner, for any year shall be such quantity as the Central Government may, by notification in the Official Gazette, fix, and in fixing any such export quota the Central Government shall have regard to—

(a) the quantity of cotton fabrics exported by such mill or group of mills during the relevant period;

(b) the additional quantity of cotton fabrics that such mill or group of mills may normally be expected to produce on the new looms installed therein after the 1st day of April, 1957, in pursuance of any licence or permission granted under the Industries (Development and Regulation) Act, 1951; and

(c) where the quota is to be fixed for any year subsequent to the quota first fixed for any mill or group of mills, the actual quantity of cotton fabrics produced in that mill or group of mills during any previous year for which an export quota has been fixed.

(2) The owner of any mill or group of mills shall, within such time as the Central Government may fix in this behalf, intimate to the Central Government the relevant period chosen by him for the purpose of his mill or group of mills, and such relevant period shall be any such year, out of the three years commencing on the 1st day of April, 1953, and ending with the 31st day of March, 1956, as he may choose for the purpose:

Provided that if within the time fixed in this behalf no such intimation is received from any such owner, the relevant period shall be such as the Central Government may fix in this behalf having regard to the cotton fabrics exported by that mill or group of mills during the said period of three years.

(3) Notwithstanding anything contained in sub-section (2),—

(i) where in the case of any mill or group of mills the relevant period cannot be chosen or fixed by reason of the fact that it came into existence or commenced working only during

or after the expiry of the three years referred to in sub-section (2), or

(ii) where the mill or group of mills, during the said period of three years, has not issued cotton fabrics for export, or

(iii) where any mill out of a group of mills has been transferred during any year and by reason of such transfer it is necessary to fix the export quota for the mill so transferred,

the Central Government may, by notification in the Official Gazette, fix the export quota in respect of the mill or group of mills, as the case may be, to be such quantity as in its opinion is reasonable, having regard to the capacity of the mill or group of mills, the export quota fixed for mills of a similar description and to the other circumstances of the case.

(4) The export quota fixed for any mill or group of mills for any year may be revised at any time during that year if the Central Government is of opinion that due to increased production, or to unforeseen causes adversely affecting production or for any other reason it is necessary to increase or diminish the export quota for that year.

4. (1) Where the quantity of cotton fabrics exported by any mill or group of mills in any year (whether the cotton fabrics were manufactured during that year or at any time previous thereto) falls short of the export quota for that year by any quantity (hereinafter referred to as the said quantity), there shall be levied and collected on so much of the cotton fabrics issued by the said mill or group of mills during that year for consumption in India as is equal to the said quantity a duty of excise at the rates applicable thereto as specified in the Schedule.

(2) The duty of excise referred to in sub-section (1) shall be in addition to the duty of excise chargeable on cotton fabrics under any other law for the time being in force and shall be paid by the owner of the mill or group of mills concerned to such authority as may be specified in the notice demanding payment of the duty and within such period, not exceeding ninety days, as may be specified in such notice.

(3) If any such owner does not pay the whole or any part of the duty payable by him within the period referred to in sub-section (2), he shall be liable to pay in respect of every period of thirty days or part thereof during which the default continues a penalty which may extend to ten per cent. of the duty outstanding from time to

Levy of  
additional  
excise duty  
on cotton  
fabrics.

time, the penalty being adjudged in the same manner as the penalty to which a person is liable under the rules made under the Central Excises and Salt Act, 1944, is adjudged.

of 1944.

of 1944.

(4) The provisions of the Central Excises and Salt Act, 1944, and the rules made thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of the duty of excise or any other sum referred to in this section as they apply in relation to the levy and collection of the duty on cotton fabrics or other sums of money payable to the Central Government under that Act or the rules made thereunder.

5. The Central Government may, by notification in the Official Gazette, direct that any power conferred on it by this Act shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Central Government as may be specified in the direction.

Delegation of powers.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act, including, in particular, the submission by mills to such authority as may be specified in this behalf of returns or other information relating to the manufacture or issue of cotton fabrics.

Power to make rules.

(2) All rules made under this section shall be laid for not less than thirty days before each House of Parliament, as soon as may be, after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

THE SCHEDULE

[See section 4(1)]

Rate of duty

The duty leviable under section 4 shall be—

(a) where the said quantity does not exceed 5 per cent. of the export quota . . . Six naye paise per square yard.

(b) where the said quantity exceeds 5 per cent. of the export quota but does not exceed 10 per cent. thereof :

(i) on the quantity which does not exceed 5 per cent. of the export quota . . . . . Six naye paise per square yard.

(a) on the balance . . . . . Nine *naye paise* per square yard.

(c) where the said quantity exceeds 10 per cent. of the export quota :

(i) on the quantity which does not exceed 5 per cent. of the export quota . . . . . Six *naye paise* per square yard.

(ii) on the quantity which exceeds 5 per cent. of the export quota but does not exceed 10 per cent. thereof . . . . . Nine *naye paise* per square yard.

(iii) on the balance . . . . . Twelve *naye paise* per square yard.

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Rep. Law Act 58 of 1960, s. 2 & sch I (w/ 28.12.60)

THE INDIAN SUCCESSION (AMENDMENT) ACT, 1957

No. 34 OF 1957

[17th September, 1957]

An Act further to amend the Indian Succession Act, 1925.

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

1. This Act may be called the Indian Succession (Amendment) Act, 1957. Short title.

of 1925.

2. For section 382 of the Indian Succession Act, 1925, the following section shall be substituted, namely:— Substitution of new section for section 382.

“382. Where a certificate in the form, as nearly as circumstances admit, of Schedule VIII—

(a) has been granted to a resident within a foreign State by an Indian representative accredited to that State, Effect of certificate granted or extended by Indian representative in foreign State and in certain other cases.

or

of 1951.

(b) has been granted before the commencement of the Part B States (Laws) Act, 1951, to a resident within any Part B State by a district judge of that State or has been extended by him in such form, or

(c) has been granted after the commencement of the Part B States (Laws) Act, 1951, to a resident within the State of Jammu and Kashmir by the district judge of that State or has been extended by him in such form,

of 1870.

the certificate shall, when stamped in accordance with the provisions of the Court-fees Act, 1870, with respect to certificates under this Part, have the same effect in India as a certificate granted or extended under this Part.”

*Dep. Leg. Act 58 of 1960, S. 2 & Sch I (orig 26.12.60)*

THE INSURANCE (AMENDMENT) ACT, 1957

No. 35 OF 1957

[17th September, 1957]

An Act further to amend the Insurance Act, 1938.

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

Short title  
and com-  
mencement.

1. (1) This Act may be called the Insurance (Amendment) Act, 1957.

(2) It shall be deemed to have come into force on the 1st day of September, 1957.

Amendment  
of section 2.

2. In section 2 of the Insurance Act, 1938 (hereinafter referred to as the principal Act), in clause (10), the words "being an individual" shall be omitted.

Amendment  
of section 42.

3. In section 42 of the principal Act—

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

"(1) The Controller or an officer authorised by him in this behalf shall, in the prescribed manner and on payment of the prescribed fee which shall not be more than ten rupees, issue to any person making an application in the prescribed manner a licence to act as an insurance agent for the purpose of soliciting or procuring insurance business:

Provided that—

(a) in the case of an individual, he does not suffer from any of the disqualifications mentioned in sub-section (4), and

(b) in the case of a company or firm, any of its directors or partners does not suffer from any of the said disqualifications, and the company or firm was immediately before the 1st day of August, 1957, holding a certificate issued under section 42A entitling it to act



as a principal agent for the purpose of procuring insurance business:

Provided further that in the case of a company or firm, the licence under this sub-section shall be issued only for the purpose of soliciting or procuring general insurance business.”;

(ii) in sub-section (3), for the words, letters, figure and brackets “if the applicant does not suffer from any of the disqualifications mentioned in items (b), (c) and (d) of sub-section (4)”, the following shall be substituted, namely:—

“if the applicant, being an individual does not, or being a company or firm any of its directors or partners does not, suffer from any of the disqualifications mentioned in clauses (b), (c) and (d) of sub-section (4)”;

(iii) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If it be found that an insurance agent being an individual is, or being a company or firm contains a director or partner who is, suffering from any of the disqualifications mentioned in sub-section (4), then, without prejudice to any other penalty to which he may be liable, the Controller shall, and if the insurance agent has knowingly contravened any of the provisions of this Act may, cancel the licence issued to the agent under this section.”;

(iv) after sub-section (6), the following sub-sections shall be inserted, namely:—

“(7) Any person who acts as an insurance agent without holding a licence issued under this section to act as such shall be punishable with fine which may extend to fifty rupees, and any insurer or any person acting on behalf of an insurer, who appoints as an insurance agent any person not licensed to act as such or transacts any insurance business in India through any such person, shall be punishable with fine which may extend to one hundred rupees.

(8) Where the person contravening sub-section (7) is a company or a firm, then, without prejudice to any other proceedings which may be taken against the company or firm, every director, manager, secretary or other officer of the company, and every partner of the firm who is knowingly a party to such contravention shall be punishable with fine which may extend to fifty rupees.”.

Rep. by Act 58 of 1960

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Insurance (Amendment)

[ACT 35 OF 1957]

Amendment of section 43. 4. In section 43 of the principal Act, sub-sections (2) and (3) shall be omitted.

Substitution of new section for section 118. 5. For section 118 of the principal Act, the following section shall be substituted, namely:—

Exemptions.

“118. Nothing in this Act shall apply—

(a) to any trade union registered under the Indian Trade Unions Act, 1926; or 16 of 1926.

(b) to any provident fund to which the provisions of the Provident Funds Act, 1925, apply; or 19 of 1925.

(c) if the Central Government so orders in any case, and to such extent or subject to such conditions or modifications as may be specified in the order, to any insurance business carried on by the Central Government or a State Government or a Government company as defined in section 617 of the Companies Act, 1956; or 1 of 1956.

(d) if the Controller so orders in any case, and to such extent or subject to such conditions or modifications as may be specified in the order, to—

(i) any approved superannuation fund as defined in clause (a) of section 58N of the Indian Income-tax Act, 1922; or 11 of 1922.

(ii) any fund in existence and officially recognised by the Central Government before the 27th day of January, 1937, maintained by or on behalf of Government servants or Government pensioners for the mutual benefit of contributors to the fund and of their dependents; or

(iii) any mutual or provident insurance society composed wholly of Government servants or of railway servants which has been exempted from any or all of the provisions of the Provident Insurance Societies Act, 1912.” 5 of 1912.

Rep. by Act 56 of 1960, S. 28 Ser. I (orig 26.12.60)

**THE REPEALING AND AMENDING ACT, 1957**

**No. 36 OF 1957**

[17th September, 1957]

**An Act to repeal certain enactments and to amend certain other enactments.**

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

1. This Act may be called the Repealing and Amending Act, Short title 1957.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

4. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; Savings.

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

### THE FIRST SCHEDULE

#### REPEALS

(See section 2)

Year	No.	Short title	Extent of repeal
1	2	3	4
<i>Central Acts</i>			
1848	15	The Supreme Courts' Officers Trading Act, 1848.	The whole.
1864	8	The Comptoir d'Escompte de Paris Act, 1864.	The whole.
1867	9	The Comptoir d'Escompte de Paris Act, 1867.	The whole.
1876	9	The Native Coinage Act, 1876	The whole.
1890	7	The Comptoir National d'Escompte de Paris Act, 1890.	The whole.
1894	15	The Engineers' Certificates Validation Act, 1894.	The whole.
1926	20	The Cotton Industry (Statistics) Act, 1926.	The whole.
1932	13	The Sugar Industry (Protection) Act, 1932.	The whole.
1937	24	The Rules and Regulations Continuance Act, 1937.	The whole.
1938	4	The Insurance Act, 1938	Sections 121 to 123
1939	23	The Indian Soft Coke Cess Committee (Reconstitution and Incorporation) Act, 1939.	The whole.
1941	1	The Insurance Deposits (Temporary Reduction) Act, 1941.	The whole.

*Rep. by Act 58 of 1960*

of 1957]

**Repealing and Amending**

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Year	No.	Short title	Extent of repeal
I	2	3	4
<i>Central Acts—contd.</i>			
1946	17	The Protective Duties Act, 1946 . . . . .	The whole.
1946	24	The Essential Supplies (Temporary Powers) Act, 1946.	The whole.
1947	9	The Sugar (Temporary Excise Duty) Act, 1947.	The whole.
1947	12	The Railways (Transport of Goods) Act, 1947.	The whole.
1947	39	The Press (Special Powers) Act, 1947 . . . . .	The whole.
1948	3	The Armed Forces (Special Powers) Act, 1947.	The whole.
1948	37	The Census Act, 1948 . . . . .	Section 2.
1948	67	The Indian Tariff (Amendment) Act, 1948 . . . . .	The whole.
1949	10	The Banking Companies Act, 1949 . . . . .	Section 56 and the Second Schedule.
1949	60	The Delhi Premises (Requisition and Eviction) Amendment and Validation Act, 1949.	The whole.
1950	1	The Rehabilitation Finance Administration, (Amendment) Act, 1950.	The whole.
1950	2	The Patents and Designs (Extension of Time) Act, 1950.	The whole.
1950	3	The Insolvency Law (Amendment) Act, 1950.	The whole.
1950	5	The Indian Tariff (Amendment) Act, 1950 . . . . .	The whole.
1950	6	The Imports and Exports (Control) Amendment Act, 1950.	The whole.
1950	7	The High Courts (Sales) Act, 1950 . . . . .	Section 3.
1950	8	The Control of Shipping (Amendment) Act, 1950.	The whole.
1950	10	The Immigrants (Expulsion from Assam) Act, 1950.	Section 7.
1950	11	The Indian Railways (Amendment) Act, 1950 . . . . .	The whole.
1950	14	The Criminal Law Amendment Act, 1950 . . . . .	The whole.
1950	16	The Prevention of Corruption (Amendment) Act, 1950.	The whole.
1950	20	The Banking Companies (Amendment) Act, 1950.	The whole.

Year	No.	Short title	Extent of repeal
1	2	3	4
<i>Central Acts—contd.</i>			
1950	21	The Indian Tariff (Second Amendment) Act, 1950.	The whole.
1950	22	The Capital Issues (Continuance of Control) Amendment Act, 1950.	The whole.
1950	26	The Drugs (Control) Act, 1950 . . . . .	Section 20.
1950	28	The Sholapur Spinning and Weaving Company (Emergency Provisions) Act, 1950.	The whole.
1950	29	The Transfer of Prisoners Act, 1950 . . . . .	Section 4.
1950	32	The Indian Patents and Designs (Amendment) Act, 1950.	The whole.
1950	34	The Foreign Exchange Regulation (Amendment) Act, 1950.	The whole.
1950	35	The Repealing and Amending Act, 1950 . . . . .	The whole.
1950	36	The Nawab Salar Jung Bahadur (Administration of Assets) Act, 1950.	Section 11.
1950	37	The Indian Tariff (Third Amendment) Act, 1950.	The whole.
1950	38	The Inland Steam-vessel (Amendment) Act, 1950.	The whole.
1950	40	The Army and Air Force (Disposal of Private Property) Act, 1950.	Section 17.
1950	45	The Air Force Act, 1950 . . . . .	Section 192.
1950	46	The Army Act, 1950 . . . . .	Section 194 and the Schedule.
1950	47	The Insurance (Amendment) Act, 1950 . . . . .	The whole.
1950	51	The Census (Amendment) Act, 1950 . . . . .	The whole.
1950	53	The Cantonment Laws (Extension and Amendment) Act, 1950.	The whole.
1950	54	The Finance Laws (Amendment) Act, 1950 . . . . .	The whole.
1950	56	The Minimum Wages (Amendment) Act, 1950	The whole.
1950	57	The Naval Forces (Miscellaneous Provisions) Act, 1950.	Section 5.
1950	58	The Dentists (Amendment) Act, 1950 . . . . .	The whole.
1950	59	The Salaries of Ministers (Amendment) Act, 1950.	The whole.
1950	64	The Road Transport Corporations Act, 1950 . . . . .	Section 48.

Rep. leg. Act 55 of 1960

of 1957]

Repealing and Amending

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Year	No.	Short title	Extent of repeal
1	2	3	4
<i>Central Acts—contd.</i>			
1950	66	The Administration of Evacuee Property (Amendment) Act, 1950.	The whole.
1950	68	The Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950.	The whole.
1950	69	The Indian Tariff (Fourth Amendment) Act, 1950.	The whole.
1950	70	The Supply and Prices of Goods Act, 1950 .	The whole.
1950	73	The Representation of the People (Amendment) Act, 1950.	The whole.
1950	75	The Indian Nursing Council (Amendment) Act, 1950.	The whole.
1950	76	The State Railway Provident Fund (Temporary Provisions) Act, 1950.	The whole.
1950	78	The Khaddar (Protection of Name) Act, 1950.	Section 3.
1950	80	The Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1950.	The whole.
1951	5	The Employers' Liability (Amendment) Act, 1951.	The whole.
1951	11	The Taxation on Income (Investigation Commission) Amendment Act, 1951.	The whole.
1951	23	The Indian Tariff (Amendment) Act, 1951 .	The whole.
1951	16	The Minimum Wages (Amendment) Act, 1951.	The whole.
1951	17	The Coal Mines Safety (Stowing) Amendment Act, 1951.	The whole.
1951	19	The Code of Civil Procedure (Second Amendment) Act, 1951.	The whole.
1951	20	The Indian Tariff (Second Amendment) Act, 1951.	The whole.
1951	21	The Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1951.	The whole.
1951	22	The Administration of Evacuee Property (Amendment) Act, 1951.	The whole.
1951	24	The Codes of Civil and Criminal Procedure (Amendment) Act, 1951.	The whole.
1951	26	The Inland Steam-vessels (Amendment) Act, 1951.	The whole.

Year	No.	Short title	Extent of repeal
1	2	3	4
<i>Central Acts—contd.</i>			
1951	27	The Representation of the People (Amendment) Act, 1951.	The whole.
1951	28	The Tax on Newspapers (Sales and Advertisements) Repeal Act, 1951.	The whole.
1951	31	The Hyderabad Public Companies (Limitation of Dividends) Repealing Act, 1951.	The whole.
1951	32	The Reserve Bank of India (Amendment) Act, 1951.	The whole.
1951	34	The Assam Rifles (Amendment) Act, 1951 .	The whole.
1951	35	The Port Trusts and Ports (Amendment) Act, 1951.	The whole.
1951	36	The Delhi Laws (Amendment) Act, 1951 .	The whole.
1951	38	The Indian Boilers (Amendment) Act, 1951 .	The whole.
1951	40	The Industrial Disputes (Amendment and Temporary Provisions) Act, 1951.	Sections 3 to 6.
1951	43	The Representation of the People Act, 1951 .	Sections 138 and 171.
1951	44	The Opium and Revenue Laws (Extension of Application) Amendment Act, 1951.	The whole.
1951	45	The Sea Customs and the Central Excises and Salt (Amendment) Act, 1951.	The whole.
1951	48	The Employment of Children (Amendment) Act, 1951.	The whole.
1951	53	The Employee's State Insurance (Amendment) Act, 1951.	The whole.
1951	54	The Companies (Donations to National Funds) Act, 1951.	Section 4.
1951	55	The Benares Hindu University (Amendment) Act, 1951.	The whole.
1951	56	The Press (Objectionable Matter) Act, 1951 .	The whole.
1951	62	The Aligarh Muslim University (Amendment) Act, 1951.	The whole.
1951	65	The Industries (Development and Regulation) Act, 1951.	Section 32.
1951	67	The Representation of the People (Second Amendment) Act, 1951.	The whole.
1952	2	The Prevention of Corruption (Amendment) Act, 1952.	The whole.
1952	3	The Indian Explosives (Amendment) Act, 1952.	The whole.



Rep. by Act 58 of 1960

OF 1957]

Repealing and Amending

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Year	No.	Short title	Extent of repeal
1	2	3	4
<i>Central Acts—contd.</i>			
1952	4	The Madras Port Trust (Amendment) Act, 1952.	The whole.
1952	5	The Delhi University (Amendment) Act, 1952.	The Whole
1952	6	The Capital Issues (Continuance of Control) Amendment Act, 1952.	The whole.
1952	7	The Abducted Persons (Recovery and Restoration) Amendment Act, 1952.	The whole.
1952	8	The Foreign Exchange Regulation (Amendment) Act, 1952.	The whole.
1952	9	The Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952.	Section 5.
1952	10	The Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952.	Section 24.
1952	11	The Bombay Port Trust (Amendment) Act, 1952.	The whole.
1952	12	The Coal Mines (Conservation and Safety) Act, 1952.	Section 19.
1952	17	The Control of Shipping (Amendment) Act, 1952.	The whole.
1952	18	The Industrial Disputes (Amendment) Act, 1952.	The whole.
1952	19	The Employees' Provident Funds Act, 1952 .	Section 20.
1952	20	The Inflammable Substances Act, 1952 .	Section 7.
1952	22	The Bombay Coasting-vessels (Amendment) Act, 1952.	The whole.
1952	23	The Code of Criminal Procedure (Amendment) Act, 1952.	The whole.
1952	24	The Criminal Tribes Laws (Repeal ) Act, 1952.	The whole.
1952	25	The Indian Boilers (Amendment) Act, 1952 .	The whole.
1952	26	The Delhi Special Police Establishment (Amendment) Act, 1952	The whole.
1952	27	The Indian Tariff (Amendment) Act, 1952 .	The whole.
1952	32	The Contempt of Courts Act, 1952 . .	Section 6 and the Schedule
1952	33	The Territorial Army (Amendment) Act, 1952	The whole.

Year	No.	Short title	Extent of repeal
1	2	3	4
		<i>Central Acts—contd.</i>	
1952	35	The Mines Act, 1952	Section 88.
1952	39	The Saurashtra (Abolition of Local Sea Customs Duties and Imposition of) Port Development Levy Repealing Act, 1952.	The whole.
1952	41	The Calcutta Port (Amendment) Act, 1952	The whole.
1952	42	The Indian Tariff (Second Amendment) Act, 1952.	The whole.
1952	45	The Indian Tariff (Third Amendment) Act, 1952.	The whole.
1952	46	The Criminal Law (Amendment) Act, 1952	Sections 2, 3, 4 and 5.
1952	47	The Maintenance Orders Enforcement (Amendment) Act, 1952.	The whole.
1952	48	The Repealing and Amending Act, 1952	The whole.
1952	50	The Rubber (Production and Marketing) Amendment Act, 1952.	The whole.
1952	53	The Notaries Act, 1952	Section 16.
1952	55	The Indian Ports (Amendment) Act, 1952	The whole.
1952	56	The Central Silk Board (Amendment) Act, 1952.	The whole.
1952	57	The National Cadet Corps (Amendment) Act, 1952.	The whole.
1952	58	The Salaries and Allowances of Ministers Act, 1952.	Section 13.
1952	59	The Prevention of Corruption (Second Amendment) Act, 1952.	The whole.
1952	62	The Reserve and Auxiliary Air Forces Act, 1952.	Sections 35 and 36.
1952	63	The State Armed Police Forces (Extension of Law) Act, 1952.	Section 5.
1952	64	The Code of Criminal Procedure (Second Amendment) Act, 1952.	The whole.
1952	66	The Indian Tariff (Fourth Amendment) Act, 1952.	The whole.
1952	67	The Sugar (Temporary Additional Excise Duty) Act, 1952.	The whole.
1952	68	The Indian Oilseeds Committee (Amendment) Act, 1952.	The whole.
1952	69	The Indian Coconut Committee (Amendment) Act, 1952.	The whole.

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Year	No.	Short title	Extent of repeal
1	2	3	4
<i>Central Acts—contd.</i>			
1952	70	The Indian Patents and Designs (Amendment) Act, 1952.	The whole.
1952	71	The Code of Civil Procedure (Amendment) Act, 1952.	The whole.
1952	73	The Indian Power Alcohol (Amendment) Act, 1952.	The whole.
1952	77	The Abducted Persons (Recovery and Restoration) Amendment Act, 1952.	The whole.
1952	78	The Industrial Finance Corporation (Amendment) Act, 1952.	The whole.
1952	79	The Iron and Steel Companies Amalgamation Act, 1952.	Section 15.
1953	2	The Indian Tariff (Amendment) Act, 1953.	The whole.
1953	10	The Hyderabad Coinage and Paper Currency (Miscellaneous Provisions) Act, 1953.	The whole.
1953	15	The Central Excises and Salt (Amendment) Act, 1953.	The whole.
1953	18	The Indian Lighthouse (Amendment) Act, 1953.	The whole.
1953	19	The Cinematograph (Amendment) Act, 1953.	The whole.
1953	22	The Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953.	The whole.
1953	24	The Delhi Road Transport Authority (Amendment) Act, 1953.	The whole.
1953	26	The Industries (Development and Regulation) Amendment Act, 1953.	The whole.
1953	31	The Central Silk Board (Amendment) Act, 1953.	The whole.
1953	32	The Collection of Statistics Act, 1953.	Section 15.
1953	35	The Sea Customs (Amendment) Act, 1953.	The whole.
1953	36	The Rehabilitation Finance Administration (Amendment) Act, 1953.	The whole.
1953	37	The Employees' Provident Funds (Amendment) Act, 1953.	The whole.
1953	39	The Dhoties (Additional Excise Duty) Act, 1953.	Section 6.

Year	No.	Short title	Extent of repeal
1	2	3	4
<i>Central Acts—concl'd.</i>			
1953	40	The Live-stock Importation (Amendment) Act, 1953.	The whole.
1953	42	The Repealing and Amending Act, 1953.	The whole.
1953	43	The Industrial Disputes (Amendment) Act, 1953.	The whole.
1953	46	The Forward Contracts (Regulation) Amendment Act, 1953.	The whole.
1953	47	The Indian Tariff (Second Amendment) Act, 1953.	The whole.
1953	48	The Indian Tariff (Third Amendment) Act, 1953.	The whole.
1953	52	The Banking Companies (Amendment) Act, 1953.	The whole.
1953	53	The Telegraph Wires (Unlawful Possession) Amendment Act, 1953.	The whole.
1953	54	The Reserve Bank of India (Amendment and Miscellaneous Provisions) Act, 1953.	Section 2 to 8.
1953	55	The Indian Patents and Designs (Amendment) Act, 1953.	The whole.
<i>Ordinances made by the Governor-General</i>			
1940	9	The War Risk (Goods) Insurance Ordinance, 1940.	The whole.
1940	10	The Indian Forces (Transfer) Ordinance, 1940.	The whole.
1941	5	The State Prisoners (Detention of Lunatics) Ordinance, 1941.	The whole.
1942	3	The Penalties (Enhancement) Ordinance, 1942.	The whole.
1942	12	The War Risks (Factories) Insurance Ordinance, 1942.	The whole.
1943	18	The Martial Law (Indemnity) Ordinance, 1943.	The whole.
1943	19	The Special Criminal Court (Repeal) Ordinance, 1943.	The whole.
1943	29	The Criminal Law Amendment Ordinance, 1943.	The whole.
1944	2	The Cotton Cloth and Yarn (Contracts) Ordinance, 1944.	The whole.
1944	32	The Bombay Explosion (Compensation) Ordinance, 1944.	The whole.

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Year 1	No. 2	Short title 3	Extent of repeal 4
<i>Ordinances made by the Governor-General—contd.</i>			
1944	37	The Civilian Personnel (War Department) Transfer Ordinance, 1944.	The whole.
1944	45	The Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1944.	The whole.
1945	5	The Canteen Stores (Exemption from Local Taxation) Ordinance, 1945.	The whole.
1945	23	The Present War (Definition) Ordinance, 1945.	The whole.
1945	29	The War Risks (Factories) Insurance (Termination) Ordinance, 1945.	The whole.
1945	33	The Limitation (War Conditions) Ordinance, 1945.	The whole.
1945	34	The War Risks (Goods) Insurance (Termination) Ordinance, 1945.	The whole.
1945	46	The Pensions Appeal Tribunals (Powers) Ordinance, 1945.	The whole.
1946	5	The National Service (European British Subjects) Termination of Calling-up Ordinance, 1946.	The whole.
<i>Regulations</i>			
1806	11	The Bengal Troops Transport and Travelers' Assistance Regulation, 1806.	The whole.
1825	6	The Bengal Troops Transport Regulation, 1825.	The whole.
1948	1	The Indian Tea Control (Amendment) Darjeeling District Regulation, 1948.	The whole.

THE SECOND SCHEDULE

AMENDMENTS

(See section 3)

Year 1	No. 2	Short title 3	Amendments 4
<i>Central Acts</i>			
1860	45	The Indian Penal Code	(i) In section 4— (a) for the word "Illustrations", the word "Illustration" shall be substituted; (b) in the Illustration, the brackets and letter "(a)" at the commencement shall be omitted.

Year	No.	Short title	Amendments
1	2	3	4
<i>Central Acts—contd.</i>			
			(ii) In sub-section (2) of section 53A for the figures "1954", the figures "1955" shall be substituted.
			(iii) In section 121—
			(a) for the word "Illustrations", the word "Illustration" shall be substituted ;
			(b) in the Illustration, the brackets and letter "(a)" at the commencement shall be omitted.
			(iv) In the third paragraph of section 222 and the fourth paragraph of section 225, the words "or to" occurring after the words "imprisonment for life" shall be omitted.
1881	26	The Negotiable Instruments Act, 1881.	In section 11, for the words "a State" in both places where they occur, the word "India" shall be substituted.
1898	5	The Code of Criminal Procedure, 1898.	(i) In sub-section (3) of section 10, the figures, word and brackets "407, sub-section (2)" shall be omitted.
			(ii) In sub-section (3) of section 106, the words and figures "including a Court hearing appeals under section 407" shall be omitted.
			(iii) In sub-section (12) of section 251A, after the words "pass sentence upon", the word "him" shall be inserted.
			(iv) In sub-section (2) of section 339, the words "with the aid of the assessors" shall be omitted.
			(v) In the table in sub-section (1) of section 345, under the second column, the figures "490" and "492" occurring against the entry "Criminal breach of contract of service" shall be omitted.
			(vi) In the proviso to sub-section (6) of section 401, the words "or whipping" shall be omitted.
			(vii) In sub-section (1) of section 487 for the words and figures "sections 480 and 485", the words, figures and letter "sections 480, 485 and 485A" shall be substituted.
			(viii) Sub-section (3) of section 491 shall be omitted.
			(ix) In Schedule II, in the entry relating to section 165, in column 7, for the words and figure "Simple imprisonment for 2 years", the words and figure "Imprisonment of either description for 3 years" shall be substituted.

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Year	No.	Short title	Amendments
1	2	3	4
<i>Central Acts—contd.</i>			
1912	4	The Indian Lunacy Act, 1912.	In section 98, for the words "in the exercise of jurisdiction conferred by Government or the Central Government or the Crown Representative or by the law of Burma", the words "established or continued by the Central Government" shall be substituted.
1923	8	The Workmen's Compensation Act, 1923.	In sub-section (1) of section 35, the word "or" occurring after the word "compensation" shall be omitted.
1936	3	The Parsi Marriage and Divorce Act, 1936.	In section 51, for the words "that section", the words "that article" shall be substituted.
1948	12	The Rehabilitation Finance Administration Act, 1948.	In sub-section (2) of section 13, the words "or a State" shall be omitted.
1948	16	The Dentists Act, 1948.	In clause (a) of sub-section (2) of section 34, for the figures "1954," the figures "1955" shall be substituted.
1949	46	The Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949.	In clause (a) of section 2, for the words "Imperial Bank of India" the words "State Bank of India" shall be substituted.
1951	3	The Part B States (Laws) Act, 1951.	In the Schedule— (i) the direction relating to section 75B of the Negotiable Instruments Act, 1881, shall be omitted; (ii) the entries relating to the Protective Duties Act, 1946, shall be omitted.
1951	65	The Industries (Development and Regulation) Act, 1951.	In sub-section (4) of section 18B, for the figures "18", the figures and letter "18A" shall be substituted.
1952	36	The Indian Standards Institution (Certification Marks) Act, 1952.	In sub-section (1) of section 10, the words "by or" shall be omitted.
1952	37	The Cinematograph Act, 1952.	In section 6, at the end of clause (b), the word "or" shall be inserted.
1953	34	The Estate Duty Act, 1953.	In sub-section (4) of section 19, for the figure "16", the figure "17" shall be substituted.
1953	45	The Coir Industry Act, 1953.	In sub-section (1) of section 11, the words "or fails to act" shall be omitted.
1955	26	The Code of Criminal Procedure (Amendment) Act, 1955.	(i) Section 74 shall be omitted.

Year	No.	Short title	Amendments
1	2	3	4
<i>Central Acts—contd.</i>			
			(ii) For clause (b) of section 115, the following shall be substituted, namely :— “(b) in Form XXXIII, the words “ASSESSOR OR” in the heading shall be omitted; and for the words and brackets “an Assessor (or a Juror)”, the words “a juror” shall be substituted;”
			(iii) In the Schedule, under the heading “C. AMENDMENT TO THE INDIAN LIMITATION ACT, 1908”, for the word “Third”, the word “Second” shall be substituted.
1956	1	The Companies Act, 1956.	(i) In section 258, the brackets and figure “(1)” occurring before the words “Subject to the provisions of” shall be omitted.  (ii) In section 605— (a) before the words “No person shall issue”, the brackets and figure “(r)” shall be inserted; (b) In sub-section (2), for the word “contractor”, the word “contract” shall be substituted.
1956	28	The Agricultural Produce (Development and Warehousing) Corporations Act, 1956.	(i) In sub-section (2) of section 40, for the word and figures “the Indian Companies Act, 1913”, the words and figures “the Companies Act, 1956” shall be substituted.  (ii) In sub-section (2) of section 42, for the words, brackets and figures “under sub-section (r) of section 144 of the Indian Companies Act, 1913”, the words and figures “under section 226 of the Companies Act, 1956” shall be substituted.
1956	31	The Life Insurance Corporation Act, 1956.	In sub-section (2) of section 11, for the words “vested in it”, the words “vested in the Corporation” shall be substituted.
1956	33	The Inter-State Water Disputes Act, 1956.	In section 8, for the figures “1955”, the figures “1956” shall be substituted.
1956	35	The Indian Lac Cess (Amendment) Act, 1956.	In section 5, for the word and figure “section 4”, the word and figure “section 3” shall be substituted.
1956	61	The Khadi and Village Industries Commission Act, 1956.	In clause (a) of section 2, for the word and figure “section 9”, the word and figures “section 10” shall be substituted.



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Repealing and Amending

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Year	No.	Short title	Amendments
1	2	3	4
<i>Central Acts—contd.</i>			
1956	62	The Jammu and Kashmir (Extension of Laws) Act, 1956.	<p>In the Schedule, in the directions relating to the Government Premises (Eviction) Act, 1950 (27 of 1950), the following amendments shall be made, and shall be deemed to have been made with effect on and from the 25th September, 1956, namely :—</p> <p>(i) for the words "Government premises" wherever they occur, the words "public premises" shall be substituted;</p> <p>(ii) In the direction relating to section 2—</p> <p>(a) the words "or land" wherever they occur, shall be omitted;</p> <p>(b) for the words "belonging to any municipality in Delhi or and land belonging to the Improvement Trust, Delhi, whether such land is in the possession of, or leased out by, the Improvement Trust", the words "vested in the Delhi Improvement Trust or a local authority in that territory, whether such premises are in the possession of, or have been leased out by, the Trust or local authority, as the case may be" shall be substituted.</p>

*See India Code  
Volume II B.*

THE LEGISLATIVE COUNCILS ACT, 1957

No. 37 OF 1957

[18th September, 1957]

An Act to provide for the creation of a Legislative Council for the State of Andhra Pradesh and the increasing of the strength of the Legislative Councils of the States having such Councils and for matters connected therewith.

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

Short title.

1. This Act may be called the Legislative Councils Act, 1957.

Definitions.

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

(a) each of the words and expressions defined in the Representation of the People Act, 1950, but not defined in this Act, shall have the same meaning as in that Act; 43 of 1950

(b) "sitting member" means a person who immediately before the commencement of this Act is a member of a Legislative Council.

Creation of  
a Legislative  
Council for  
Andhra  
Pradesh.

3. (1) As from such date<sup>\*</sup> as the President may by order appoint, there shall be a Legislative Council for the State of Andhra Pradesh; and as from that date, in sub-clause (a) of clause (1) of article 168 of the Constitution, after the words "States of", the words "Andhra Pradesh" shall be inserted.

(2) In the said Council, there shall be 90 seats of which—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 31, 8 and 8 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Andhra Pradesh in accord-



ance with the provisions of sub-clause (d) of the said clause shall be 31; and

(c) the number to be filled by persons nominated by the Governor of Andhra Pradesh in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(3) As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall by order, determine—

(a) the constituencies into which the State of Andhra Pradesh shall be divided for the purpose of elections to the said Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;

(b) the extent of each constituency; and

(c) the number of seats to be allotted to each constituency.

(4) As soon as may be after such determination, steps shall be taken to constitute the said Council in accordance with the provisions of this Act and of the Representation of the People Act, 1950, and the Representation of the People Act, 1951.

43 of 1950.  
43 of 1951.

4. (1) The total number of seats in the Legislative Council of Bihar shall be increased from 72 to 96 and of those seats—

Increase in  
the strength  
of the Bihar  
Legislative  
Council.

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 34, 8 and 8 respectively;

(b) the number to be filled by persons elected by members of the Legislative Assembly of Bihar in accordance with the provisions of sub-clause (d) of the said clause shall be 34; and

(c) the number to be filled by persons nominated by the Governor of Bihar in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(2) The Delimitation of Council Constituencies (Bihar) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the First Schedule.

(3) As soon as may be after the commencement of this Act, elections shall be held to fill—

(a) the additional seats allotted to the several council constituencies by the said Orders as modified by this Act; and

(b) the additional seats to be filled by the persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant.

(4) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 6th May, 1958, and on the expiration of every second year thereafter, the Governor of Bihar shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members to be elected to fill the additional seats under sub-section (3).

Increase in the strength of the Bombay Legislative Council.

5. (1) The total number of seats in the Legislative Council of Bombay shall be increased to 108 and of those seats—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 36, 9 and 9, respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Bombay in accordance with the provisions of sub-clause (d) of the said clause shall be 42; and

(c) the number to be filled by persons nominated by the Governor of Bombay in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Bombay) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Second Schedule and in the said Order as so modified, any reference to the State of Bombay shall be construed as a reference to that State as formed by section 8 of the States Reorganisation Act, 1956.

37 of 1956.

(3) As from the commencement of this Act—

(a) every sitting member of the said Council representing immediately before such commencement any council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the

said Table if immediately before such commencement, he is an elector for an assembly constituency in the State of Bombay:

TABLE

1	2
Bombay City (Graduates)	Greater Bombay (Graduates).
Ahmedabad City (Graduates)	} Gujarat (Graduates).
Northern Division (Graduates)	
Poona City (Graduates)	} Maharashtra (Graduates).
Southern Division (Graduates)	
Bombay City (Teachers)	} Greater Bombay-cum-Maharashtra (Teachers).
Poona City (Teachers)	
Central Division (Teachers)	
Southern Division (Teachers)	
Ahmedabad City (Teachers)	} Gujarat (Teachers).
Northern Division (Teachers)	
Bombay City (Local Authorities)	Greater Bombay-cum-Maharashtra West (Local Authorities).
Ahmedabad City (Local Authorities)	} Gujarat North (Local Authorities).
Ahmedabad District (Local Authorities)	
Mehsana-cum-Banas Kantha (Local Authorities)	
Baroda-cum-Amreli (Local Authorities)	} Gujarat South (Local Authorities).
Broach-cum-Panch Mahals (Local Authorities)	
Kaira (Local Authorities)	
Surat (Local Authorities)	} Maharashtra North (Local Authorities).
East Khandesh (Local Authorities)	
Nasik (Local Authorities)	
Ahmednagar-cum-West Khandesh (Local Authorities)	
Poona City (Local Authorities)	} Maharashtra South (Local Authorities).
Poona (Local Authorities)	
Sholapur (Local Authorities)	
North Satara (Local Authorities)	
Kolaba-cum-Thana (Local Authorities)	} Maharashtra North (Local Authorities);
Ratnagiri-cum-Kanara (Local Authorities)	
Kolhapur-cum-South Satara (Local Authorities)	

(b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Bombay and every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Bombay if immediately before such commencement he is an elector for an assembly constituency in the State of Bombay.

(4) Every sitting elected member of the said Council who is not deemed to have been elected thereto by virtue of clause (a) or clause (b) of sub-section (3) shall, as from the commencement of this Act, cease to be a member of the said Council.

(5) As soon as may be after such commencement, elections shall be held to fill such of the seats allotted to the several Council constituencies by the Delimitation of Council Constituencies (Bombay) Order, 1951, as modified by this Act and such of the seats to be filled by persons referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had then become vacant.

(6) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Bombay was first constituted.

(7) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 24th April, 1958, and on the expiration of every second year thereafter, the Governor of Bombay shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956, and of the members to be elected under sub-section (5) of this section.

(8) Section 34 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed always to have been amended, as follows:—

(a) in sub-section (2), for the words, brackets and figures 'Until the said Council has been reconstituted in accordance with the provisions of sub-sections (4) and (5) of this section and summoned to meet for the first time', the words 'Until otherwise provided by law' shall be substituted;

(b) sub-sections (3), (4) and (5) shall be omitted.

(9) In this section, the expression 'the former State of Bombay' means the State of Bombay as it existed immediately before the 1st day of November, 1956.

6. (1) The total number of seats in the Legislative Council for the State of Madhya Pradesh to be constituted under section 33 of the States Reorganisation Act, 1956, shall be increased from 72 as fixed by sub-section (2) of that section to 90.

(2) The said section shall be amended as follows:—

(a) in sub-section (2),—

(i) for the figures "72", the figures "90" shall be substituted;

(ii) in clause (a), for the figures and word "24, 6 and 6", the figures and word "31, 8 and 8" shall be substituted;

Increase in  
the strength  
of the  
Madhya  
Pradesh  
Legislative  
Council.

(iii) in clause (b), for the figures "24", the figures "31" shall be substituted;

(b) in sub-section (3), for the words "this Act", the words and figures "the Legislative Councils Act, 1957" shall be substituted; and

(c) in sub-section (4),—

(i) for the words "the appointed day", the words "such commencement" shall be substituted; and

(ii) the proviso shall be omitted.

7. (1) The total number of seats in the Legislative Council of Madras shall be increased from 50 to 63 and of those seats—

Increase in the strength of the Madras Legislative Council.

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 21, 6 and 6 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Madras in accordance with the provisions of sub-clause (d) of the said clause shall be 21; and

(c) the number to be filled by persons nominated by the Governor of Madras in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(2) The Delimitation of Council Constituencies (Madras) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Third Schedule.

(3) As soon as may be after the commencement of this Act,—

(a) elections shall be held to fill—

(i) the additional seats allotted to the local authorities' constituencies and the teachers' constituency by the said Order as modified by this Act; and

(ii) the additional seats to be filled by the persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant;

(b) one person shall be nominated by the Governor of Madras to fill the additional seat under clause (c) of the said sub-section.

(4) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 20th April, 1958, and on the expiration of every second year thereafter, the Governor of Madras shall, after consultation with the Election Commission, make by order, such provisions as he thinks fit in regard to the terms of office

of the members to be elected under clause (a) of sub-section (3) and of the member to be nominated under clause (b) of that sub-section.

Increase  
in the  
strength of  
the Mysore  
Legislative  
Council.

8. (1) The total number of seats in the Legislative Council of Mysore shall be increased to 63 and of those seats—

(a) the numbers to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 21, 6 and 6 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Mysore in accordance with the provisions of sub-clause (d) of the said clause shall be 21; and

(c) the number to be filled by persons nominated by the Governor of Mysore in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Mysore) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Fourth Schedule, and in the said Order as so modified, a reference to the State of Mysore shall be construed as a reference to that State as formed by section 7 of the States Reorganisation Act, 1956.

37 of 1956.

(3) As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement a council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table:—

TABLE

1	2
Mysore (Graduates) constituency	Mysore South (Graduates) constituency.
Mysore (Teachers) constituency	Mysore South (Teachers) constituency.
Kolar (Local Authorities) constituency	} Mysore South East (Local Authorities) constituency.
Tumkur (Local Authorities) constituency	
Bangalore (Local Authorities) constituency	
Hassan (Local Authorities) constituency	} Mysore South (Local Authorities) constituency.
Mandya (Local Authorities) constituency	
Mysore (Local Authorities) constituency	
Chickmagalur (Local Authorities) constituency.	} Mysore South West (Local Authorities) constituency.
Shimoga (Local Authorities) constituency	
Chitaldrug-cum-Bellary (Local Authorities) constituency.	



(b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Mysore, every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and the sitting member of the said Council specified by the Chairman of the Legislative Council of Madras under sub-rule (7) of rule 4 of the States Reorganisation (Elections to Provisional State Legislatures) Rules, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Mysore; and

(c) every sitting member of the said Council nominated by the Rajpramukh of the former State of Mysore shall be deemed to have been nominated to the said Council by the Governor of the present State of Mysore.

(4) The three members who, immediately before the 1st November, 1956, were members of the Legislative Council of Bombay and became on that date members of the Legislative Council of Mysore by virtue of sub-rule (7) of rule 4 of the States Reorganisation (Elections to Provisional State Legislatures) Rules, 1956, shall be deemed to have been elected to the Legislative Council of Mysore by the Mysore North West (Local Authorities) constituency.

(5) As soon as may be after the commencement of this Act, elections shall be held to fill such of the seats allotted to the several council constituencies by the Delimitation of Council Constituencies (Mysore) Order, 1951, as modified by this Act and such of the seats to be filled by persons referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had then become vacant.

(6) As soon as may be after such commencement, the vacancies in the seats allotted under clause (c) of sub-section (1) shall be filled by nomination by the Governor.

(7) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Mysore was first constituted.

(8) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 26th April, 1958, and on the expiration of every second year thereafter, the Governor of Mysore shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956, and of the members to be elected and nominated under sub-sections (5) and (6) of this section.

(9) Section 36 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed always to have been amended, as follows:—

(a) in sub-section (2) for the words, brackets and figures "Until the said Council has been reconstituted in accordance with the provisions of sub-sections (3) and (4) of this section and summoned to meet for the first time", the words "Until otherwise provided by law" shall be substituted; and

(b) sub-sections (3) and (4) shall be omitted.

(10) In this section, the expression 'the former State of Mysore' means the State of Mysore as it existed immediately before the 1st day of November, 1956.

Increase in  
the strength  
of the  
Punjab  
Legislative  
Council.

9. (1) The total number of seats in the Legislative Council of Punjab shall be increased to 51 and of those seats—

(a) the numbers to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 17, 4 and 4 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Punjab in accordance with the provisions of sub-clause (d) of the said clause shall be 18; and

(c) the number to be filled by persons nominated by the Governor of Punjab in accordance with the provisions of sub-clause (e) of that clause shall be 8.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Punjab) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Fifth Schedule, and in the said Order as so modified, any reference to the State of Punjab shall be construed as a reference to that State as formed by section 11 of the States Reorganisation Act, 1956.

(3) As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement any local authorities' constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the local

authorities' constituency specified against that constituency in column 2 of the said Table:—

TABLE

1	2
Ambala-cum-Karnal (Local Authorities) constituency.	Punjab South (Local Authorities) constituency.
Gurgaon-cum-Rohtak-cum-Hissar-cum-Simla (Local Authorities) constituency.	Punjab South (Local Authorities) constituency.
Hoshiarpur-cum-Kangra-cum-Gurdaspur (Local Authorities) constituency.	Punjab North (Local Authorities) constituency.
Jullundur-cum-Ferozepur-cum-Amritsar-cum-Ludhiana (Local Authorities) constituency.	Punjab North (Local Authorities) constituency;

(b) every sitting member of the said Council representing immediately before such commencement the graduates' constituency or the teachers' constituency shall be deemed to have been elected to the said Council by that constituency as altered by virtue of sub-section (2);

(c) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Punjab and every sitting member of the said Council elected under clause (b) of sub-section (2) of section 37 of the States Reorganisation Act, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Punjab.

of 1956.

(4) As soon as may be after such commencement, elections shall be held to fill—

(a) the additional seats allotted to the several council constituencies by the Delimitation of Council Constituencies (Punjab) Order, 1951, as modified by this Act;

(b) the additional seats to be filled by persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant.

(5) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Punjab was first constituted.

(6) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 26th April, 1958, and on the

expiration of every second year thereafter the Governor of Punjab shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members elected under clause (b) of sub-section (2) of section 37 of the States Reorganisation Act, 1956, and of the members 37 of 1956 to be elected under sub-section (4) of this section.

(7) Section 37 of the States Reorganisation Act, 1956, shall be 37 of 1956 amended, and shall be deemed always to have been amended, as follows:—

(a) in sub-section (2), for the words, brackets and figures “Until the said Council has been reconstituted in accordance with the provisions of sub-sections (3) and (4) of this section and of any other law for the time being in force and has been summoned to meet for the first time”, the words “Until otherwise provided by law” shall be substituted;

(b) sub-sections (3) and (4) shall be omitted.

(8) In this section, the expression “the former State of Punjab” means the State of Punjab as it existed immediately before the 1st day of November, 1956.

10. (1) The total number of seats in the Legislative Council of Uttar Pradesh shall be increased from 72 to 108 and of those seats—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 39, 9 and 9 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Uttar Pradesh in accordance with the provisions of sub-clause (d) of the said clause shall be 39; and

(c) the number to be filled by persons nominated by the Governor of Uttar Pradesh in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(2) The Delimitation of Council Constituencies (Uttar Pradesh) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Sixth Schedule.

(3) As from the commencement of this Act—

(a) every sitting member of the said Council representing immediately before such commencement a graduates' constituency or a teachers' constituency the extent of which is altered by virtue of sub-section (2) shall be deemed to have been elected to the said Council by that constituency as so altered;

Increase  
in the  
strength of  
the Uttar  
Pradesh  
Legislative  
Council.

(b) every sitting member of the said Council representing immediately before such commencement any local authorities' constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the local authorities' constituency specified against that constituency in column 2 of the said Table:—

TABLE

1	2
Uttar Pradesh North-West (Local Authorities) constituency.	Meerut (Local Authorities) constituency.
Uttar Pradesh North-East (Local Authorities) constituency.	Rohilkhand (Local Authorities) constituency.
Uttar Pradesh West (Local Authorities) constituency.	Agra (Local Authorities) constituency.
Uttar Pradesh Central (Local Authorities) constituency.	Lucknow (Local Authorities) constituency.
Uttar Pradesh South (Local Authorities) constituency.	Allahabad (Local Authorities) constituency.
Uttar Pradesh East (Local Authorities) constituency.	Varanasi (Local Authorities) constituency.

(4) As soon as may be after such commencement, elections shall be held to fill—

(a) the additional seats allotted to the several council constituencies by the said Order as modified by this Act; and

(b) the additional seats to be filled by persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant.

(5) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 5th May, 1958, and on the expiration of every second year thereafter the Governor of Uttar Pradesh shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members to be elected under sub-section (4).

11. (1) The total number of seats in the Legislative Council of West Bengal shall be increased from 51 to 75 and of those seats—

Increase  
in the  
strength of  
the West  
Bengal  
Legislative  
Council.

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 27, 6 and 6 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of West Bengal in accordance with the provisions of sub-clause (d) of the said clause shall be 27; and

(c) the number to be filled by persons nominated by the Governor of West Bengal in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(2) The Delimitation of Council Constituencies (West Bengal) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Seventh Schedule.

(3) As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement the Calcutta (Graduates) constituency and every such member representing the Calcutta (Teachers) constituency, the extent of which is altered by virtue of sub-section (2) shall be deemed to have been elected to the said Council respectively by the Calcutta (Graduates) constituency and the Calcutta (Teachers) constituency as so altered;

(b) every sitting member of the said Council representing immediately before such commencement any of the council constituencies specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table:—

TABLE

1	2
West Bengal South (Graduates) constituency.	West Bengal (Graduates) constituency.
West Bengal West (Graduates) constituency	West Bengal (Graduates) constituency.
West Bengal North (Graduates) constituency.	West Bengal (Graduates) constituency.
Burdwan Division (Teachers) constituency.	West Bengal (Teachers) constituency.
Presidency Division South (Teachers) constituency.	West Bengal (Teachers) constituency.
Presidency Division North (Teachers) constituency.	West Bengal (Teachers) constituency.

1	2
Darjeeling (Local Authorities) constituency.	West Bengal North (Local Authorities) constituency.
West Bengal North (Local Authorities) constituency.	West Bengal North (Local Authorities) constituency.
Nadia-Murshidabad (Local Authorities) constituency.	West Bengal East (Local Authorities) constituency.
Calcutta-24-Parganas (Local Authorities) constituency.	West Bengal South (Local Authorities) constituency.
Hoogly-Howrah (Local Authorities) constituency.	West Bengal Central (Local Authorities) constituency.
Burdwan Division North (Local Authorities) constituency.	West Bengal West (Local Authorities) constituency.

(4) As soon as may be after such commencement, elections shall be held to fill—

(a) the additional seats allotted to the several council constituencies by the said Order as modified by this Act; and

(b) the additional seats to be filled by persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant.

(5) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 4th June, 1958, and on the expiration of every second year thereafter the Governor of West Bengal shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members elected under sub-section (4).

12. In the Representation of the People Act, 1950,—

(a) in section 10, sub-section (3) shall be omitted;

Amendment  
Act 43 of  
1950.

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

“THE THIRD SCHEDULE

(See section 10)

Allocation of seats in the Legislative Councils

Name of State	Total number of seats	Number to be elected or nominated under article 171 (3)				
		Sub-clause (a)	Sub-clause (b)	Sub-clause (c)	Sub-clause (d)	Sub-clause (e)
I	2	3	4	5	6	7
1. Andhra Pradesh . . . .	90	31	8	8	31	12
2. Bihar . . . . .	96	34	8	8	34	12
3. Bombay . . . . .	108	36	9	9	42	12
4. Madhya Pradesh . . . .	90	31	8	8	31	12
5. Madras . . . . .	63	21	6	6	21	9
6. Mysore . . . . .	63	21	6	6	21	9
7. Punjab . . . . .	51	17	4	4	18	8
8. Uttar Pradesh . . . . .	108	39	9	9	39	12
9. West Bengal . . . . .	75	27	6	6	27	9”;

(c) in the Fourth Schedule,—

(i) before the heading “BIHAR”, the following heading and the entries thereunder shall be inserted, namely:—

“ANDHRA PRADESH

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. City and Town Committees.

5. Class I Panchayats, that is to say, Panchayats notified by the State Government in the Official Gazette as Panchayats which exercise jurisdiction over an area containing a population of not less than five thousand and whose income for the financial year immediately preceding the date of the notification was not less than ten thousand rupees.



6. Class II Panchayats which have been notified for the appointment of whole-time executive officers.”;

(ii) under the heading “BOMBAY”, the following entries shall be added at the end, namely:—

- “4. District Boards.
5. District Panchayats.
6. Town Committees.
7. Janpada Sabhas (Rural Circle).”;

(iii) under the heading “MADHYA PRADESH”, for the entries, the following entries shall be substituted, namely:—

- “1. Municipalities.
2. Janapada Sabhas.
3. Mandal Panchayats.
4. Cantonment Boards.
5. Notified Area Committees.
6. Town Area Committees.”;

(iv) under the heading “MYSORE”, the following entries shall be added at the end, namely:—

- “4. Notified Area Committees.
5. Village Panchayats with a population of not less than five thousand.”.

13. In the Representation of the People Act, 1951,—

Amendment  
of Act 43 of  
1951.

(a) after section 15, the following section shall be inserted, namely:—

“15A. For the purpose of constituting the Legislative Council of the State of Madhya Pradesh under the States Reorganisation Act, 1956, and constituting the Legislative Council of the State of Andhra Pradesh under the Legislative Councils Act, 1957, the Governor of each of the aforesaid States shall by one or more notifications published in the Official Gazette of the State on such date or dates as may be recommended by the Election Commission, call upon the members of the Legislative Assembly of the State and all the council constituencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder.”;

Notification  
for certain  
elections to  
Legislative  
Councils.

(b) in section 74, after the words “elections held”, the words, figures and letter “in pursuance of the notifications issued under section 15A or” shall be inserted.

## THE FIRST SCHEDULE

[See section 4 (2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES  
(BIHAR) ORDER, 1951

In the Table,—

(a) in the third column relating to graduates' constituencies, for the figures "2", "2", "1" and "1", the figures "3", "2", "2" and "1" shall respectively be substituted;

(b) in the third column relating to teachers' constituencies, for the figures "1", "1", "2" and "2", the figures "2", "1", "3" and "2" shall respectively be substituted;

(c) in the third column relating to local authorities' constituencies, for the figures "6", "6", "6" and "6", the figures "8", "8", "9" and "9" shall respectively be substituted.

## THE SECOND SCHEDULE

[See section 5 (2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES  
(BOMBAY) ORDER, 1951

For the Table appended to the said Order, the following Table shall be substituted, namely:—

"TABLE"

Name of constituency	Extent of constituency	No. of seats
<i>Graduates' Constituencies</i>		
Greater Bombay (Graduates).	Greater Bombay . . . . .	2
Gujarat (Graduates)	Kutch, Halar, Sorath, Gohilwad, Madhya Saurashtra, Zalawad, Amreli, Ahmedabad, Mehsana, Banaskantha, Sabarkantha, Kaira, Panch Mahals, Baroda, Broach and Surat districts . . . . .	2
Maharashtra (Graduates)	Thana, Kolaba, Ratnagiri, Kolhapur, South Satara, North Satara, Sholapur, Poona, Ahmednagar, Nasik, Dangs, West Khandesh, East Khandesh, Aurangabad, Parbhani, Bhir, Osmanabad and Nanded districts . . . . .	2
Vidarbha (Graduates)	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts . . . . .	3

Name of constituency	Extent of constituency	No. of seats
<i>Teachers' Constituencies</i>		
Gujarat (Teachers)	Kutch, Halar, Sorath, Gohilwad, Madhya Saurashtra, Zalawad, Amreli, Ahmedabad, Mehsana, Banaskantha, Sabarkantha, Kaira, Panch Mahals, Baroda, Broach and Surat districts	2
Greater Bombay-cum-Maharashtra (Teachers).	Greater Bombay, Thana, Kolaba, Ratnagiri, Kolhapur, South Satara, North Satara, Sholapur, Poona, Ahmednagar, Nasik, Dangs, West Khandesh and East Khandesh districts	4
Vidarbha (Teachers)	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara, Chanda, Nanded, Osmanabad, Bhir, Parbhani and Aurangabad districts.	3
<i>Local Authorities' Constituencies</i>		
Saurashtra (Local Authorities).	Halar, Sorath, Gohilwad, Madhya Saurashtra, Zalawad and Amreli districts	5
Gujarat North (Local Authorities).	Ahmedabad, Mehsana, Banaskantha, Sabarkantha and Kutch districts	4
Gujarat South (Local Authorities).	Surat, Broach, Baroda, Kaira and Panch Mahals districts	5
Greater Bombay-cum-Maharashtra West (Local Authorities).	Greater Bombay, Thana, Kolaba, Ratnagiri and Kolhapur districts	4
Maharashtra South (Local Authorities).	Poona, North Satara, South Satara and Sholapur districts	5
Maharashtra North (Local Authorities).	Ahmednagar, Nasik, Dangs, West Khandesh and East Khandesh districts	5
Vidarbha (Local Authorities)	Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda districts	5
Marathwada (Local Authorities).	Aurangabad, Bhir, Parbhani, Nanded and Osmanabad districts	3

THE THIRD SCHEDULE

[See section 7(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES  
(MADRAS) ORDER, 1951

In the Table,—

(a) in the third column relating to the teachers' constituency, for the figure "4", the figure "6" shall be substituted;

(b) in the third column relating to the local authorities' constituencies, for the figures "4", "4", "4" and "4", the figures "5", "5", "6" and "5" shall respectively be substituted.

### THE FOURTH SCHEDULE

[See section 8(2)]

#### MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES (MYSORE) ORDER, 1951

For the Table appended to the said Order, the following Table shall be substituted, namely:—

"TABLE

Name of constituency	Extent of constituency	No. of seats
<i>Graduates' Constituencies</i>		
Mysore North (Graduates)	Bidar, Gulbarga, Raichur, Dharwar, Bijapur, Belgaum, North Kanara and Bellary districts	2
Mysore South (Graduates)	Chitaldrug, Tumkur, Mandya, Mysore, Hassan, Chikmagalur, Shimoga, Bangalore, Kolar, South Kanara and Coorg districts	4
<i>Teachers' Constituencies</i>		
Mysore North (Teachers)	Bidar, Gulbarga, Raichur, Dharwar, Bijapur, Belgaum, North Kanara, Bellary districts	2
Mysore South (Teachers)	Chitaldrug, Tumkur, Mandya, Mysore, Hassan, Chikmagalur, Shimoga, Bangalore, Kolar, South Kanara and Coorg districts	4
<i>Local Authorities' Constituencies</i>		
Mysore North West (Local Authorities).	Belgaum, North Kanara, Dharwar and Bijapur districts	6
Mysore North East (Local Authorities).	Bidar, Gulbarga, Raichur and Bellary districts	3
Mysore South West (Local Authorities).	Chitaldrug, South Kanara, Shimoga and Chikmagalur districts	4
Mysore South (Local Authorities).	Hassan, Mandya, Coorg and Mysore districts	4
Mysore South East (Local Authorities).	Tumkur, Bangalore and Kolar districts	4".

## THE FIFTH SCHEDULE

[See section 9 (2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES  
(PUNJAB) ORDER, 1951

In the Table,—

(a) in the third column relating to graduates' constituency, for the figure "3", the figure "4" shall be substituted;

(b) in the third column relating to teachers' constituency, for the figure "3", the figure "4" shall be substituted;

(c) for the entries under the heading "Local Authorities' Constituencies", the following entries shall be substituted, namely:—

"Punjab North (Local Authorities).	Amritsar, Gurdaspur, Kangra, Hoshiarpur, Kapurthala, Jullundur, Ludhiana and Ferozepur districts	8
Punjab Central (Local Authorities).	Patiala, Bhatinda and Sangrur districts	3
Punjab South (Local Authorities).	Simla, Ambala, Karnal, Rohtak, Gurgaon, Mohindergarh and Hissar districts	6"

## THE SIXTH SCHEDULE

[See section 10(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES  
(UTTAR PRADESH) ORDER, 1951

For the Table appended to the Order, the following Table shall be substituted, namely:—

"TABLE

Name of constituency	Extent of constituency	No. of seats
<i>Graduates' Constituencies</i>		
Uttar Pradesh (Graduates).	West Meerut, Agra, Jhansi and Allahabad Divisions	5
Uttar Pradesh (Graduates).	East Kumaon, Rohilkhand, Lucknow, Faizabad, Gorakhpur and Varanasi Divisions	4

Name of constituency	Extent of constituency	No. of seats
<i>Teachers' Constituencies</i>		
Uttar Pradesh (Teachers) West	Meerut, Agra, Jhansi and Allahabad Divisions .	4
Uttar Pradesh (Teachers) East	Kumaon, Rohilkhand, Lucknow, Faizabad, Gorakhpur and Varanasi Divisions.	5
<i>Local Authorities' Constituencies.</i>		
Meerut (Local Authorities)	Meerut Division . . . . .	6
Agra (Local Authorities)	Agra Division. . . . .	5
Allahabad (Local Authorities)	Allahabad and Jhansi Divisions . . . . .	6
Varanasi (Local Authorities)	Varanasi and Gorakhpur Divisions . . . . .	6
Lucknow (Local Authorities)	Lucknow and Faizabad Divisions . . . . .	8
Rohilkhand (Local Authorities).	Rohilkhand and Kumaon Divisions . . . . .	8 <sup>2</sup> .

### THE SEVENTH SCHEDULE

[See section 11 (2)]

#### MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES (WEST BENGAL) ORDER, 1951

For the Table appended to the said Order, the following Table shall be substituted, namely:—

"TABLE

Name of constituency	Extent of constituency	No. of seats
<i>Graduates' Constituencies</i>		
Calcutta (Graduates)	Calcutta as defined in clause (II) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William, and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank . . . . .	3
West Bengal (Graduates)	Burdwan division; and Presidency Division [excluding Calcutta as defined in clause (II) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William, and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank.] . . . . .	3

Name of constituency	Extent of constituency	No. of seats
<i>Teachers' Constituencies</i>		
Calcutta (Teachers)	24-Parganas district ; and Calcutta as defined in clause (II) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William, and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank	3
West Bengal (Teachers)	Burdwan division ; and Presidency division [excluding 24-Parganas district and Calcutta as defined in clause (II) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank]	3
<i>Local Authorities' Constituencies</i>		
West Bengal North (Local Authorities).	Darjeeling, Jalpaiguri and Cooch-Bihar districts	3
West Bengal East (Local Authorities).	West Dinajpur, Malda, Murshidabad and Nadia districts.	5
West Bengal West (Local Authorities).	Burdwan division (excluding Howrah and Hoogly districts)	7
West Bengal Central (Local Authorities).	Howrah and Hoogly districts	5
West Bengal South (Local Authorities).	24-Parganas district ; and Calcutta as defined in clause (II) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank	7"

*See India Code  
Volume II B.*

## THE INTER-STATE CORPORATIONS ACT, 1957

No. 38 OF 1957

[20th September, 1957]

An Act to provide for the reorganisation of certain corporations functioning in two or more States by virtue of section 109 of the States Reorganisation Act, 1956, and for matters connected therewith.

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

Short title.

1. This Act may be called the Inter-State Corporations Act, 1957.

Definition.

2. In this Act, "inter-State corporation" means any body corporate constituted under any of the Acts specified in the Schedule and functioning in two or more States by virtue of section 109 of the States Reorganisation Act, 1956.

Power of State Governments to frame schemes.

3. If it appears to the Government of a State in any part of which an inter-State corporation is functioning that the inter-State corporation should be reconstituted and reorganised as one or more intra-State corporations or that it should be dissolved, the State Government may frame a scheme for such reconstitution and reorganisation or such dissolution, as the case may be, including proposals regarding the transfer of the assets, rights and liabilities of the inter-State corporation to any other corporations or State Governments and the transfer or re-employment of employees of the inter-State corporation and forward the scheme to the Central Government. 37 of 1956.

Reorganisation of certain inter-State corporations.

4. (1) On receipt of a scheme forwarded to it under section 3, the Central Government may, after consulting the State Governments concerned, approve the scheme with or without modifications and give effect to the scheme so approved by making such order as it thinks fit.

(2) An order made under sub-section (1) may provide for all or any of the following matters, namely:—

(a) the dissolution of the inter-State corporation;



(b) the reconstitution and reorganisation in any manner whatsoever of the inter-State corporation including the constitution, where necessary, of new corporations;

(c) the area in respect of which the reconstituted corporation or new corporation shall function and operate;

(d) the transfer, in whole or in part, of the assets, rights and liabilities of the inter-State corporation (including the rights and liabilities under any contract made by it) to any other corporations or State Governments and the terms and conditions of such transfer;

(e) the substitution of any such transferee for the inter-State corporation, or the addition of any such transferee, as a party to any legal proceeding to which the inter-State corporation is a party; and the transfer of any proceedings pending before the inter-State corporation to any such transferee;

(f) the transfer or re-employment of any employees of the inter-State corporation to, or by, any such transferee and subject to the provisions of section 111 of the States Reorganisation Act, 1956, the terms and conditions of service applicable to such employees after such transfer or re-employment;

(g) the adaptations or modifications of the Act under which the inter-State corporation was constituted, whether by way of repeal or amendment, as may be necessary or expedient to give effect to the approved scheme;

(h) such incidental, consequential and supplementary matters as may be necessary to give effect to the approved scheme.

(3) Where an order is made under this section transferring the assets, rights and liabilities of any inter-State corporation, then, by virtue of that order, such assets, rights and liabilities of the inter-State corporation shall vest in, and be the assets, rights and liabilities of, the transferee.

(4) Every order made under this section shall be published in the Official Gazette and the Act under which the inter-State corporation was constituted shall have effect subject to the provisions of the order and the adaptations and modifications made thereby until altered, repealed or amended by the competent Legislature of a State.

(5) Every order made under this section shall be laid before each House of Parliament, as soon as may be, after it is made.

Power of  
Central Go-  
vernment to  
add to the  
Schedule.

5. The Central Government may, by notification in the Official Gazette, specify in the Schedule any Act under which a body corporate constituted for a State is functioning in two or more States by virtue of section 109 of the States Reorganisation Act, 1956, and on the issue of such notification, the Schedule shall be deemed to be amended by the inclusion of the said Act therein.

### THE SCHEDULE

(See sections 2 and 5)

1. The Bombay Medical Practitioners Act, 1938 (Bom. XXVI of 1938).
2. The Bombay Secondary School Certificate Examination Act, 1948 (Bom. XLIX of 1948).
3. The Bombay Housing Board Act, 1948 (Bom. LXIX of 1948).
4. The Bombay Khar Lands Act, 1948 (Bom. LXXII of 1948).
5. The Bombay Public Trust Act, 1950 (Bom. XXIX of 1950).
6. The Bombay Labour Welfare Fund Act, 1953 (Bom. XL of 1953).
7. The Bombay Nurses, Midwives and Health Visitors Act, 1954 (Bom. XIV of 1954).
8. The Bombay Village Industries Act, 1954 (Bom. XLI of 1954).
9. The Hyderabad Nurses, Midwives and Health Visitors' Registration Act, 1951 (Hyd. XIX of 1951).
10. The Hyderabad Khadi and Village Industries Board Act, 1955 (Hyd. XII of 1955).
11. The Madhya Pradesh Bhudan Yagna Act, 1953 (M. P. XV of 1953).

*Rep. by Act 58 of 1960, s. 2 & 3 ch I (w/ 26.12.60)*

**THE FOREIGN EXCHANGE REGULATION  
(AMENDMENT) ACT, 1957**

NO. 39 OF 1957

[20th September, 1957]

An Act further to amend the Foreign Exchange Regulation Act, 1947.

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

1. This Act may be called the Foreign Exchange Regulation Short title. (Amendment) Act, 1957.

7 of 1947.

2. In section 1 of the Foreign Exchange Regulation Act, 1947 Amendment of section 1. (hereinafter referred to as the principal Act), sub-section (4) shall be omitted.

3. In section 2 of the principal Act,—

Amendment of section 2

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

‘(a) “Appellate Board” means the Foreign Exchange Regulation Appellate Board constituted by the Central Government under sub-section (1) of section 23E;

(ai) “authorised dealer” means a person for the time being authorised under section 3 to deal in foreign exchange;

(aii) “bearer certificate” means a certificate of title to securities by the delivery of which (with or without endorsement) the title to the securities is transferable;

(aiii) “certificate of title to a security” means any document used in the ordinary course of business as proof of the possession or control of the security, or authorising or purporting to authorise, either by an endorsement or by delivery, the possessor of the document to transfer or receive the security thereby represented;

(*iv*) "coupon" means a coupon representing dividends or interest on a security;";

(*ii*) in clause (b), after the words "postal notes", the words "postal orders" shall be inserted;

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

'(*bb*) "Director of Enforcement" means the Director of Enforcement of Foreign Exchange Regulation appointed by the Central Government for the purpose of enforcing the provisions of this Act;";

(*iv*) in clause (e), for the word "issued", the words "created or issued" shall be substituted;

(*v*) in clause (f), after the words "refined or not", the words "and jewellery or articles made wholly or mainly of gold" shall be inserted;

(*vi*) in clause (k), after the words "sub-units of unit trusts", the words "and includes certificates of title to securities" shall be inserted;

(*vii*) in clause (l),—

(a) for the word "means", the word "includes" shall be substituted; and

(b) after the words "or elsewhere", the words "and jewellery or articles made wholly or mainly of silver" shall be inserted.

**Amendment of section 3.** 4. In section 3 of the principal Act, in sub-section (2), after the words "under this section", the words "shall be in writing and" shall be inserted.

**Amendment of section 8.** 5. In sub-section (2) of section 8 of the principal Act, for the words "jewellery or precious stones, or Indian currency notes, bank notes or coin", the words "or precious stones or Indian currency" shall be substituted.

**Amendment of section 9.** 6. In section 9 of the principal Act, in clause (a), for the word "owns", the words "owns or holds" shall be substituted.

**Amendment of section 13.** 7. In section 13 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "No person shall", the words and figures "Notwithstanding anything contained in section 81 of the Companies Act, 1956, no person shall" shall be substituted;

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

“(e) acquire, hold or dispose of any foreign security.”;

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

“(4A) Notwithstanding anything contained in any other law, no transfer of any share of a company registered in India made by a person resident outside India to another person also resident outside India shall be valid unless such transfer is confirmed by the Reserve Bank on an application made to it in this behalf by the transferor or the transferee.”.

8. After section 13 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 13A.

‘13A. (1) Notwithstanding anything contained in any other law or in any contract, agreement or other instrument, the holder of any security or class of securities notified in this behalf by the Central Government in respect of which the principal or interest or both is for the time being payable outside India in any country or place so notified shall not be entitled, except with the general or special permission of the Reserve Bank, to have any such payment made at any place in India.

Restrictions on payment in respect of certain securities.

(2) In this section, the expressions “holder” and “security” shall have the same meanings as in sub-section (5) of section 13’.

9. In section 14 of the principal Act, for the words “document of title” wherever they occur, the words “certificate of title” shall be substituted.

Amendment of section 14.

10. In section 15 of the principal Act, for the words “no person shall in India issue any bearer security or coupon or so alter any document that it becomes a bearer security or coupon”, the words “no person shall, in India, and no person resident in India shall, outside India, create or issue any bearer certificate or coupon or so alter any document that it becomes a bearer certificate or coupon” shall be substituted.

Amendment of section 15.

11. In sub-section (2) of section 16 of the principal Act, in sub-clause (i) of clause (b), for the words “documents of title”, the words “certificates of title” shall be substituted.

Amendment of section 16.

Amendment  
of section  
17.

12. In sub-section (1) of section 17 of the principal Act, for the words "upon any trust under which", the words "so that" shall be substituted.

Amendment  
of section  
18.

13. In section 18 of the principal Act,—

(a) in sub-section (3), for the words "a company", the words "any business" shall be substituted;

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

"(3A) Notwithstanding anything contained in any other law, no transfer of an interest in any business in India made by a person resident outside India to any person also resident outside India shall be valid unless such transfer is confirmed by the Reserve Bank on an application made to it in this behalf by the transferor or the transferee.

(3B) Except with the general or special permission of the Reserve Bank, no person resident in India shall transfer any interest in any business in India, or create any interest in such business, to or in favour of a national of a foreign State.":

(c) in sub-section (4),—

(i) for the words "any company", the words "any firm or company" shall be substituted;

(ii) for the words "any such person", the words "any person controlling such firm or company" shall be substituted.

Insertion of  
new sections  
19A and  
19B.

14. After section 19 of the principal Act, the following sections shall be inserted, namely:—

Custody of  
documents

"19A. Where, in pursuance of an order made under sub-section (2) of section 19 or of a search-warrant issued under sub-section (3) of the said section, any book or other document is furnished or seized, and the Director of Enforcement has reasons to believe that the said document would be evidence of the contravention of any of the provisions of this Act or of any rule, direction or order made thereunder, and that it would be necessary to retain the document in his custody, he may so retain the said document for a period not exceeding four

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months or if, before the expiry of the said period of four months, any proceedings under section 23—

(a) have been commenced before him, until the disposal of those proceedings, including the proceedings before the Appellate Board, if any, or

(b) have been commenced before a Court, until the document has been filed in that Court.

19B. (1) The Central Government or the Reserve Bank Inspection. may, at any time cause an inspection to be made by one or more of its officers, of the books and accounts and other documents of any authorised dealer.

(2) It shall be the duty of every authorised dealer and, where the authorised dealer is a company or a firm, of every director, partner or other officer of the authorised dealer 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 him with any statement or information relating to the affairs of the authorised dealer as the said officer may require of him within such time as the said officer may specify.

(3) Any person making an inspection under sub-section (1) may examine on oath any authorised dealer or his agent or, where the authorised dealer is a company or a firm, any director, partner or other officer of the authorised dealer in relation to its business.

(4) If any person fails to produce any book, account or other document or to furnish any statement or information relating to the authorised dealer which, under sub-section (2) it is his duty to produce or furnish, or to answer any question relating to the business of the authorised dealer which he is asked by an officer making an inspection under this section, he shall be deemed to have contravened the provisions of this Act.”

15. In section 22 of the principal Act, after the words and figures “under section 19”, the words, figures and letter “or with any requirement under section 19B” shall be inserted. Amendment  
of section  
22.

16. In section 23 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:— Amendment  
of section  
23.

“(1) If any person contravenes the provisions of section 4, section 5, section 9 or sub-section (2) of section 12

or of any rule, direction or order made thereunder, he shall—

(a) be liable to such penalty not exceeding three times the value of the foreign exchange in respect of which the contravention has taken place, or five thousand rupees, whichever is more, as may be adjudged by the Director of Enforcement in the manner hereinafter provided, or

(b) upon conviction by a Court, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(1A) Whoever contravenes—

(a) any of the provisions of this Act or of any rule, direction or order made thereunder, other than those referred to in sub-section (1) of this section and section 19 shall, upon conviction by a Court, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both;

(b) any direction or order made under section 19 shall, upon conviction by a Court, be punishable with fine which may extend to two thousand rupees.

(1B) Any Court trying a contravention under sub-section (1) or sub-section (1A) and the authority adjudging any contravention under clause (a) of sub-section (1) may, if it thinks fit, and in addition to any sentence or penalty which it may impose for such contravention, direct that any currency, security, gold or silver, or goods or any other money or property, in respect of which the contravention has taken place, shall be confiscated to the Central Government and further direct that the foreign exchange holdings, if any, of the person committing the contravention or any part thereof shall be brought back into India or shall be retained outside India in accordance with the directions made in this behalf.

*Explanation.*—For the purposes of this sub-section, property in respect of which contravention has taken place shall include deposits in a bank, where the said property is converted into such deposits.”;

(b) in sub-section (2), for the words “one thousand”, the words “two thousand” shall be substituted;



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(c) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

“(3) No Court shall take cognizance—

(a) of any offence punishable under sub-section (1) except upon complaint in writing made by the Director of Enforcement, or

(b) of any offence punishable under sub-section (1A) of this section or under section 54 of the Indian Income-tax Act, 1922, as applied by section 19 of this Act, except upon complaint in writing made by the Director of Enforcement or any officer authorised in this behalf by the Central Government or the Reserve Bank by a general or special order:

11 of 1921.

Provided that where any such offence is the contravention of any of the provisions of this Act or any rule, direction or order made thereunder which prohibits the doing of an act without permission, no such complaint shall be made unless the person accused of the offence has been given an opportunity of showing that he had such permission.

(4) Nothing in the first proviso to section 188 of the Code of Criminal Procedure, 1898, shall apply to any offence punishable under this section.”

5 of 1898.

17. After section 23B of the principal Act, the following sections shall be inserted, namely:—

Insertion of  
new sections  
23C to 23F.

“23C. (1) If the person committing a contravention is a company, every person who, at the time the contravention 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 contravention and shall be liable to be proceeded against and punished accordingly: Offences by  
companies.

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention under this Act has been committed by a company and it is proved that the contravention has taken place 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.

Power to  
adjudicate.

23D. (1) For the purpose of adjudging under clause (a) of sub-section (1) of section 23 whether any person has committed a contravention, the Director of Enforcement shall hold an inquiry in the prescribed manner after giving that person a reasonable opportunity of being heard and if, on such inquiry, he is satisfied that the person has committed the contravention, he may impose such penalty as he thinks fit in accordance with the provisions of the said section 23:

Provided that if, at any stage of the inquiry, the Director of Enforcement is of opinion that having regard to the circumstances of the case, the penalty which he is empowered to impose would not be adequate, he shall, instead of imposing any penalty himself, make a complaint in writing to the Court.

(2) While holding an inquiry under this section, the Director of Enforcement shall have power to summon and enforce the attendance of any person to give evidence or to produce a document or any other thing which, in the opinion of the Director of Enforcement, may be useful for, or relevant to, the subject-matter of the inquiry.

(3) Any sum paid by way of penalty or any currency, security, gold or silver or goods or money or any other property confiscated under section 23 shall vest in the Central Government.

Appeals.

23E. (1) The Central Government may, by notification in the Official Gazette, constitute an Appellate Board to be called the Foreign Exchange Regulation Appellate Board consisting of a Chairman and another member to be appointed by the Central Government for hearing appeals against the orders of the Director of Enforcement made under section 23.

(2) Any person aggrieved by such an order may, after depositing the sum imposed by way of penalty under section 23,

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and within thirty days from the date of the order, prefer an appeal to the Appellate Board:

Provided that the Appellate Board may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) On receipt of an appeal under sub-section (2), the Appellate Board may, after calling for a report from the Director of Enforcement and after making such further inquiry as it thinks fit, confirm, modify or set aside the order appealed against, and the decision of the Appellate Board shall be final, and if the sum deposited by way of penalty under sub-section (2) exceeds the amount directed to be paid by the Appellate Board, the excess amount shall be refunded.

(4) The Appellate Board may call for the records of any proceeding in which the Director of Enforcement has made an order under clause (a) of sub-section (1) of section 23 and make such order in the case as it thinks fit.

(5) No order of the Director of Enforcement made under section 23 shall be varied by the Appellate Board so as to prejudicially affect any person without giving him reasonable opportunity of being heard; and subject thereto, the Appellate Board shall follow such procedure in respect of the proceedings before it as may be prescribed.

23F. If any person fails to pay the penalty imposed by the Director of Enforcement or the Appellate Board, or fails to comply with any of their directions or orders, he shall, on conviction before a Court, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both."

Penalty for contravention of order made by Director of Enforcement and Appellate Board.

18. In sub-section (1) and sub-section (2) of section 24 of the principal Act, after the words "is prosecuted", the words "or proceeded against" shall be inserted.

Amendment of section 24.

19. In section 27 of the principal Act,—

Amendment of section 27.

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

"(bb) prescribe the manner in which inquiries may be held under this Act and the procedure to be followed in respect of the proceedings before the Director of Enforcement or the Appellate Board.";

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

“(3) All rules made under this Act shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.”

Dep. by Act 58 of 1960, s. 2 & Sch I (wef 28.12.60)

THE INDUSTRIAL DISPUTES (BANKING COMPANIES)  
DECISION AMENDMENT ACT, 1957

No. 40 OF 1957

[17th November, 1957.]

An Act to amend the Industrial Disputes (Banking Companies)  
Decision Act, 1955.

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

1. This Act may be called the Industrial Disputes (Banking Companies) Decision Amendment Act, 1957. Short title.

2. In the Industrial Disputes (Banking Companies) Decision Act, Amendment  
of 1955, section 3 shall be re-numbered as sub-section (1) of that section, of section 3.  
and after that sub-section as so re-numbered, the following sub-  
sections shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section  
(1), the recommendations in Chapter XI of the Report of the  
Bank Award Commission in relation to the banking companies  
incorporated in the former State of Travancore-Cochin specified  
in that Chapter shall be modified and shall be deemed to have  
been modified—

(a) with effect from the 1st January, 1955, in relation  
to the C Class banks known as the South Indian Bank  
Limited, Trichur, and the Catholic Syrian Bank Limited,  
Trichur, as if—

(1) in clause (1) of the said recommendations—

(i) under the heading ‘C Class’, after the entry  
‘(viii), Travancore Bank’, the entries ‘(ix), South  
Indian Bank, Trichur’ and ‘(x), Catholic Syrian  
Bank, Trichur’, had been inserted;

(ii) items (i) and (ii) under sub-clause (b)  
had been omitted; and

(2) in clause (2) thereof, after the words 'Travancore Bank', the words 'the South Indian Bank, Trichur, and the Catholic Syrian Bank, Trichur' had been inserted; and

(b) with effect from the 1st January, 1956, in relation to the C Class banks known as the Palai Central Bank Limited, Palai, and the Travancore Forward Bank Limited, Kottayam, and the D Class banks, as if in clause (1) of the said recommendations, items (i) and (ii) under sub-clause (b) had been omitted.

(3) The arrears of emoluments payable to the workmen of the banking companies specified in sub-section (2) by reason of the modifications effected by that sub-section shall be paid as follows:—

(a) in the case of the banking companies specified in clause (a) of that sub-section—

(i) the arrears for the year 1955 shall be paid in two equal instalments of which the first shall be paid within thirty days from the commencement of the Industrial Disputes (Banking Companies) Decision Amendment Act, 1957, and the second within six months after such commencement; and

(ii) the arrears for the period from the 1st January, 1956, to such commencement shall be paid within thirty days thereof;

(b) in the case of the banking companies specified in clause (b) of that sub-section, the arrears for the period from the 1st January, 1956, to such commencement shall be paid within thirty days thereof.

(4) For the purposes of this section, the expression 'the former State of Travancore-Cochin' means the State of Travancore-Cochin as it existed immediately before the 1st November, 1956."

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Rep. by Act 58 of 1960, s. 2 & Sch I. (w/ 26.12.60)

**THE INDIAN TARIFF (AMENDMENT) ACT, 1957**

No. 41 OF 1957

[29th November, 1957]

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

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

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1957. Short title and commencement.

(2) The provisions of clause (vi) of section 2 [relating to Item No. 73(17)] shall come into force on the first day of January, 1958; and the remaining provisions shall come into force at once.

2. In the First Schedule to the Indian Tariff Act, 1934,—

Amendment of the First Schedule.

(i) in Item No. 18, in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1957", wherever they occur, the word, figures and letters "December 31st, 1958" shall be substituted;

(ii) in Item No. 28(31), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1957", wherever they occur, the word, figures and letters "December 31st, 1960" shall be substituted;

(iii) in Item No. 50(3), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1957", the word, figures and letters "December 31st, 1959" shall be substituted;

(iv) in Item No. 63(33) (a), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1957", the word, figures and letters "December 31st, 1960" shall be substituted;

(v) in each of the Items Nos. 70(2) and 70(3), in the last column headed "Duration of protective rates of duty", for the

word, figures and letters "December 31st, 1957", the word, figures and letters "December 31st, 1958" shall be substituted;

(vi) for Item No. 73(17), the following Item shall be substituted, namely:—

"73(17)	Electrical brass lamp holders, excluding miniature brass lamp holders adapted for use in automobiles.	Preferential Revenue.	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	.. ..";
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(vii) in Item No. 75(9),—

(a) in the third column headed "Nature of duty", for the word "Revenue", the word "Protective" shall be substituted,

(b) in the fourth column headed "Standard rate of duty", for the figures and words "60 per cent *ad valorem*", the figures and words "50 per cent *ad valorem*" shall be substituted, and

(c) in the last column headed "Duration of protective rates of duty", the word, figures and letters "December 31st, 1967" shall be inserted;

(viii) in Item No. 75(10),—

(a) in the third column headed "Nature of duty", for the word "Revenue", the word "Protective" shall be substituted,

(b) in the fourth column headed "Standard rate of duty", for the figures and words "90 per cent *ad valorem*", the figures and words "50 per cent *ad valorem*" shall be substituted, and

(c) in the last column headed "Duration of protective rates of duty", the word, figures and letters "December 31st, 1967" shall be inserted;

(ix) in each of the Items Nos. 75(11) and 75(12),—

(a) in the third column headed "Nature of duty", for the word "Revenue", the word "Protective" shall be substituted,



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(b) in the fourth column headed "Standard rate of duty", for the figures and words "30 per cent *ad valorem*", the figures and words "25 per cent *ad valorem*" shall be substituted, and

(c) in the last column headed "Duration of protective rates of duty", the word, figures and letters "December 31st, 1967" shall be inserted;

(x) in Item No. 75(14),—

(a) in the third column headed "Nature of duty", for the word "Revenue", the word "Protective" shall be substituted, and

(b) in the last column headed "Duration of protective rates of duty", the word, figures and letters "December 31st, 1967" shall be inserted.

*See India Code,  
Volume II B.*

## THE NAGA HILLS-TUENSANG AREA ACT, 1957

No. 42 OF 1957

[29th November, 1957]

An Act to provide for the formation of the Naga Hills-Tuensang Area of Assam as an administrative unit.

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

Short title  
and com-  
mencement.

1. (1) This Act may be called the Naga Hills-Tuensang Area Act, 1957.

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

Formation of  
Naga Hills  
Tuensang  
Area.

2. As from the commencement of this Act, there shall be formed a new administrative unit in the State of Assam by the name of Naga Hills-Tuensang Area comprising the tribal areas which at such commencement were known as the Naga Hills District and Tuensang Frontier Division of the North East Frontier Agency.

Amendment  
of the Sixth  
Schedule to  
the Consti-  
tution.

3. In the Sixth Schedule to the Constitution, in paragraph 20,—

(a) after sub-paragraph (2A), the following sub-paragraph shall be inserted, namely:—

“(2B) The Naga Hills-Tuensang Area shall comprise the areas which at the commencement of this Constitution were known as the Naga Hills District and the Naga Tribal Area.”;

(b) in sub-paragraph (3), after the words “Administrative area”, the brackets and words “(other than the Naga Hills-Tuensang Area)” shall be inserted;

(c) in Part A of the Table, item 4 shall be omitted; and

(d) in Part B of the Table, for item 2, the following item shall be substituted, namely:—

“2. The Naga Hills-Tuensang Area.”.

<sup>1</sup> 1st December, 1957, *vide* notification No. S.R.O. 3843, dated 30-11-1957 Gazette of India, Extraordinary, Part II—Section 3, page 2877.

4. In the Delimitation of Parliamentary and Assembly Constituencies Order, 1956,—

Amendment of the Delimitation Order.

(a) in the First Schedule, in the entry in column 3 against serial No. 37, the words "Naga Hills", shall be omitted; and

(b) in the Second Schedule, in the Part relating to Assam, the heading "Naga Hills District" and all entries against serial Nos. 16, 17 and 18 shall be omitted.

43 of 1950.

5. In the Representation of the People Act, 1950,—

Amendment of the Representation of the People Act, 1950.

(a) in Part II of the First Schedule—

(i) for the entry—

"21. Part B Tribal areas .. 1",  
the following entries shall be substituted, namely:—

"21. North East Frontier Tract .. 1

22. Naga Hills-Tuensang Area .. 1";

(ii) for the figure "503", the figure "504" shall be substituted;

(b) in the Second Schedule, for the entry in column 3 against "2. Assam", the entry "105" shall be substituted.

6. Notwithstanding the alteration in the extent of the Autonomous Districts Parliamentary constituency in Assam effected by section 4, the sitting member of the House of the People representing that constituency shall be deemed to have been elected to the House of the People by that constituency as so altered.

Provision as to the sitting member of Parliament.

7. The provisions of section 2 shall not be deemed to have effected any change in the areas to which any law in force immediately before the commencement of this Act extends or applies; and territorial references in any such law to the Naga Hills District, the Naga Tribal Area or the Tuensang Frontier Division shall, until otherwise provided by a competent legislature or other competent authority, continue to have the same meaning.

Territorial extent of laws not to be affected.

*Explanation.*—In this section, law means any law, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in India or any part thereof.

Rep. by Act 58 of 1960, S. 2 & Sch I (wef 26.12.60)

**THE INDUSTRIAL FINANCE CORPORATION  
(AMENDMENT) ACT, 1957**

No. 43 OF 1957

[30th November, 1957]

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

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

Short title  
and com-  
mencement.

1. (1) This Act may be called the Industrial Finance Corporation (Amendment) Act, 1957.

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

Amendment  
of section 2.

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

15 of 1948

(i) after the words "in mining", the words "or in hotel industry" shall be inserted; and

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

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

Amendment  
of section 17.

3. In section 17 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

"(6) If, for any reason, a Director nominated under clause (aa) or clause (b) of section 10 is unable to attend any meeting of the Board, the Central Government or the Reserve Bank, as the case may be, may depute any other person to attend the said meeting and such person shall, for all purposes of

<sup>1</sup> 21st December, 1957, *vide* notification No. S. R. O. 4028, dated 30-12-1957 Gazette of India, Part II—Section 3, page 2869.

Rep. Law Act 58 of 1960

[Act 43 of 1957] Industrial Finance Corporation (Amendment) 317

the said meeting, be deemed to be a Director nominated under clause (aa) or clause (b), as the case may be, of the said section."

4. In the proviso to sub-section (1) and the proviso to sub-section (4) of section 21 of the principal Act, for the words "five times", the words "ten times" shall be substituted. Amendment of section 21.

5. In section 22 of the principal Act, for the words "deposits from the public", the words "from any State Government or local authority, or any person deposits" shall be substituted. Amendment of section 22.

6. In section 23 of the principal Act,—

Amendment of section 23.

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

"(aa) guaranteeing on such terms and conditions as may be agreed upon, deferred payments due from any industrial concern in connection with its import of capital goods from outside India:

Provided that no such guarantee shall be given without the prior approval of the Central Government;" and

(ii) in sub-section (2), after the words "prescribed by regulations", the words "or unless it is guaranteed as to the repayment of principal and the payment of interest by the Central Government, State Government, a scheduled bank or a State co-operative bank" shall be inserted.

7. In sub-section (2) of section 25 of the principal Act,—

Amendment of section 25.

(i) for the words, figures and brackets "the Indian Companies Act, 1913 (VII of 1913)", the words and figures "the Companies Act, 1956" shall be substituted; and

of 1956.

(ii) after the words "any instrument relating to the industrial concern", the words "and nothing in the said Act or in any such law or instrument in so far as it makes, in relation to a director, any provision for the holding of any share qualification, age limit, restrictions on the number of directorships, retirement by rotation or removal from office shall apply to any Director appointed by the Corporation in pursuance of this section" shall be inserted.

8. In section 27 of the principal Act,—

Amendment of section 27.

(i) in sub-section (1), after the words "International Bank for Reconstruction and Development", the words "or any bank or financial institution in India or in any foreign country" shall be inserted; and

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

“(4) Any loss or profit accruing in connection with any borrowing of foreign currency under sub-section (1) for the purpose of granting loans or advances to any industrial concern or concerns or its repayment on account of any fluctuations in the rates of exchange shall be reimbursed by, or paid to, the industrial concern or concerns, as the case may be.”.

Amendment  
of section 28.

9. In section 28 of the principal Act,—

(i) in sub-section (1), after the words “default in repayment”, the words “of any loan or advance or any instalment thereof” shall be inserted;

(ii) in sub-section (3A), for the words “properly incurred by it”, the words “which, in the opinion of the Corporation, have been properly incurred by it” shall be substituted; and

(iii) in sub-section (4), the words “of the owner” shall be omitted.

Amendment  
of section 30.

10. For sub-section (13) of section 30 of the principal Act, the following sub-section shall be substituted, namely:—

“(13) The functions of a District Judge under this section shall be exercisable—

(a) in a presidency-town, by the High Court; and

(b) elsewhere, also by an Additional District Judge.”.

Amendment  
of section  
30A.

11. In sub-section (1) of section 30A of the principal Act, after the words “Directors of that industrial concern”, the following shall be inserted, namely:—

“and nothing in the Companies Act, 1956, or in any such law or instrument relating to the industrial concern in so far as it makes, in relation to a director, any provision for the holding of any share qualification, age limit, restrictions on the number of directorships, retirement by rotation or removal from office shall apply to any Director appointed by the Corporation under this section.”

Amendment  
of sections  
30B and 30E.

12. In sections 30B and 30E of the principal Act, for the words, figures and brackets “Indian Companies Act, 1913 (VII of 1913)”, wherever they occur in those sections, the words and figures “Companies Act, 1956” shall be substituted.

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13. In sub-section (1) of section 34 of the principal Act,—

Amendment  
of section 34.

(i) for the words, figures and brackets "section 144 of the Indian Companies Act, 1913 (VII of 1913)", the words and figures "section 226 of the Companies Act, 1956" shall be substituted; and

/of 1956.

(ii) for the words "the other", the words "the other auditor or auditors" shall be substituted.

14. In sub-section (3) of section 35 of the principal Act, for the words "three months", the words "four months" shall be substituted.

Amendment  
of section 35.

15. After section 38 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
38A.

"38A. No suit, prosecution or other legal proceeding shall lie against any Director of an industrial concern appointed by the Corporation under section 25 or section 30A for anything which is in good faith done or intended to be done by him as such Director."

Protection of  
action taken  
by Directors  
appointed  
under sec-  
tions 25 and  
30A.

*Sec India Code,  
Vol VI-B.*

THE PUBLIC EMPLOYMENT (REQUIREMENT AS TO  
RESIDENCE) ACT, 1957

No. 44 OF 1957

[7th December, 1957]

An Act to make in pursuance of clause (3) of article 16 of the Constitution special provisions for requirement as to residence in regard to certain classes of public employment in certain areas and to repeal existing laws prescribing any such requirement.

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

Short title  
and com-  
mencement.

1. (1) This Act may be called the Public Employment (Requirement as to Residence) Act, 1957.

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

Repeal of  
existing laws  
prescribing  
requirements  
as to resi-  
dence.

2. Upon the commencement of this Act, any law then in force in any State or Union territory by virtue of clause (b) of article 35 of the Constitution prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, that State or Union territory, any requirement as to residence therein prior to such employment or appointment shall cease to have effect and is hereby repealed.

Power to  
make rules  
in respect  
of certain  
classes of  
public em-  
ployment  
in certain  
areas.

3. (1) The Central Government may, by notification in the Official Gazette, make rules prescribing, in regard to appointments to—

(a) any subordinate service or post under the State Government of Andhra Pradesh, or

(b) any subordinate service or post under the control of the Administrator of Himachal Pradesh, Manipur or Tripura, or

(c) any service or post under a local authority (other than a cantonment board) within the Telangana area of Andhra



Pradesh or within the Union territory of Himachal Pradesh, Manipur or Tripura,

any requirement as to residence within the Telangana area or the said Union territory, as the case may be, prior to such appointment.

(2) In this section.—

(a) "subordinate service or post" means any service or post appointments to which are not notified in the Official Gazette but includes any service of tehsildars;

(b) "Telangana area" comprises all the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956.

37 of 1956.

4. All rules made under section 3 shall, as soon as may be after they are made, be laid for not less than thirty days before each House of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid, or in the session immediately following.

Parliamentary scrutiny of rules.

5. Section 3 and all rules made thereunder shall cease to have effect on the expiration of five years from the commencement of this Act, but such cesser shall not affect the validity of any appointment previously made in pursuance of the said rules.

Duration of section 3 and rules.

*Rep. Reg. Act 58 of 1960, s. 2 & Sch. I (w.r. 28 12/60)*

THE INDIAN NURSING COUNCIL (AMENDMENT)  
ACT, 1957

No. 45 OF 1957

[14th December, 1957]

An Act further to amend the Indian Nursing Council Act, 1947.

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

Short title  
and com-  
mencement.

1. (1) This Act may be called the Indian Nursing Council (Amendment) Act, 1957.

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

Amendment  
of section 1.

2. In section 1 of the Indian Nursing Council Act, 1947 (herein- 48 of 1947. after referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of India except the State of Jammu and Kashmir.”

Amendment  
of section 2.

3. In section 2 of the principal Act,—

(a) in clause (a), for the words “Indian Council of Nursing”, the word “Council” shall be substituted;

(b) clause (e) shall be omitted.

Amendment  
of section 3.

4. In sub-section (1) of section 3 of the principal Act,—

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

“(b) two members elected from among themselves by the heads of institutions recognised by the Council for the purpose of this clause in which training is given—

(i) for obtaining a University degree in nursing; or

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(ii) in respect of a post-certificate course in the teaching of nursing and in nursing administration;";

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

"(g) one midwife or auxiliary nurse-midwife enrolled in a State register, elected by each of the State Councils in the four groups of States mentioned below, each group of States being taken in rotation in the following order, namely:—

- (i) Kerala, Madhya Pradesh and Uttar Pradesh,
- (ii) Andhra Pradesh, Bihar, Bombay and Rajasthan,
- (iii) Mysore, Punjab and West Bengal,
- (iv) Assam, Madras and Orissa;";

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

"(l) the Chief Administrative Medical Officer (by whatever name called) of each State other than a Union territory, *ex officio*;"

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

"(m) the Superintendent of Nursing Services (by whatever name called), *ex officio*, from each of the States in the two groups mentioned below, each group of States being taken in rotation in the following order, namely:—

- (i) Andhra Pradesh, Assam, Bombay, Madhya Pradesh, Madras, Uttar Pradesh and West Bengal;
- (ii) Bihar, Kerala, Mysore, Orissa, Punjab and Rajasthan;";

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

"(o) three members elected by Parliament, two by the House of the People from among its members and the other by the Council of States from among its members."

5. Sub-section (6) of section 6 of the principal Act shall be omitted. Amendment of section 6.

6. In section 10 of the principal Act,—

Amendment of section 10.

(a) in sub-section (1), after the words "For the purposes of this Act, the qualifications included in", the words and figure "Part I of" shall be inserted;

(b) in sub-section (2),—

(i) after the words “recognised by the State Government”, the words “in consultation with the State Council, if any,” shall be inserted;

(ii) after the word “midwifery”, the words “auxiliary nursing-midwifery” shall be inserted;

(c) in the second proviso to sub-section (3), for clause (ii), the following clause shall be substituted, namely:—

“(ii) any qualification granted by an authority in a territory of India to which this Act did not extend at the date of its commencement, and recognised on the said date by the State Council of a State to which this Act then extended, shall continue to be a recognised qualification for the purpose of registration in that State.”

Amendment  
of section 11.

7. (1) Section 11 of the principal Act shall be re-numbered as sub-section (1) thereof, and in clause (b) of sub-section (1) as so re-numbered, after the word “midwife”, the words “auxiliary nurse-midwife” shall be inserted.

(2) After sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in clause (b) of sub-section (1)—

(a) a citizen of India holding a qualification which entitles him or her to be registered with any Council of Nursing or Midwifery (by whatever name called) in any foreign country, may, with the approval of the Council, be enrolled in any State register; and where approval has been accorded by the Council in respect of such qualification in one case, the approval of the Council for enrolment in a State register in the case of any other citizen of India holding the same qualification shall not be necessary;

(b) a person not being a citizen of India who is employed as a nurse, midwife, auxiliary nurse-midwife, teacher or administrator in any hospital or institution situated in any State for purposes of teaching, research or charitable work may, with the approval of the President of the Council, be enrolled temporarily in the State register for such period as may be specified in this behalf in the order issued by the said President:

Provided that practice by such person shall be limited to the hospital or institution to which he or she is attached.”

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8. In sub-section (1) of section 13 of the principal Act, after the words "such number of inspectors", the words ", whether from among members of the Council or otherwise," shall be inserted.

Amendment of section 13.

9. In clause (b) of sub-section (1) of section 14 of the principal Act, after the word "midwives", the words "auxiliary nurse-midwives" shall be inserted.

Amendment of section 14.

10. Section 15 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment of section 15.

"(2) The Central Government shall, from time to time, by notification in the Official Gazette, amend the Schedule so as to bring it into accord with any declaration under section 10 or section 14."

11. After section 15 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 15A and 15B.

"15A. (1) The Council shall cause to be maintained in the prescribed manner a register of nurses, midwives, auxiliary nurse-midwives and health visitors to be known as the Indian Nurses Register, which shall contain the names of all persons who are for the time being enrolled on any State register.

Indian Nurses Register.

(2) It shall be the duty of the Secretary of the Council to keep the Indian Nurses Register in accordance with the provisions of this Act, and from time to time, to revise the register and publish it in the Gazette of India and in such other manner as may be prescribed.

(3) Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a copy published in the Gazette of India.

1 of 1872.

15B. Each State Council shall supply to the Council twenty printed copies of the State register as soon as may be after the 1st day of April of each year and inform the Council without delay of all additions to, and other amendments in, the State register made from time to time."

Supply of copies of State registers.

12. In sub-section (1) of section 16 of the principal Act, for clause (f), the following clauses shall be substituted, namely:—

Amendment of section 16.

"(f) prescribing the tenure of office and the powers and duties of the Secretary and other officers and servants of the Council;

(ff) prescribing the powers and duties of inspectors;"

Omission  
of section 17.

13. Section 17 of the principal Act shall be omitted.

Substitution  
of new  
Schedule for  
the Schedule.

14. For the Schedule to the principal Act, the following Schedule shall be substituted, namely:—

“THE SCHEDULE

(See sections 10 and 11)

PART I

*Recognised qualifications*

A.—*General Nursing*—

Certificates (including senior and junior certificates), Diplomas or Degrees in Nursing issued by any of the following authorities, namely:—

1. The Examination Board appointed by the Government of Madras.
2. The Bombay Nurses, Midwives and Health Visitors Council.
3. The Bombay Presidency Nursing Association (when issued before the 1st day of January, 1936).
4. The Bengal Nursing Council (when issued before the 15th day of August, 1947).
5. The Uttar Pradesh State Medical Faculty.
6. The Uttar Pradesh Nurses and Midwives Council.
7. The State Board of Medical Examinations, Uttar Pradesh (when issued before the 1st day of January, 1927).
8. (a) The Punjab Nurses Registration Council (when issued before the 15th day of August, 1947 or after the 26th day of January, 1950).  
(b) The East Punjab Nurses Registration Council (when issued before the 26th day of January, 1950).
9. The Bihar Medical Examination Board (when issued before the 1st day of January, 1938).
10. The Bihar Nurses Registration Council.
11. The Madhya Pradesh Medical Examination Board (when issued before the 1st day of April, 1950).
12. The Assam Nurses, Midwives and Health Visitors Council.
13. The Orissa Medical Examination Board.
14. The Mid-India (United) Board of Examiners for Nurses (when issued before the 1st day of January, 1947).

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15. The Joint Missionary Board for Examination of Nurses (Marathi area) (when issued before the 1st day of January, 1934).
16. The North-India United Board of Examiners for Mission and other Hospitals (when issued before the 1st day of January, 1940).
17. The Examining Board of the Nurses Auxiliary of the Christian Medical Association of India (South India Branch).
18. The Sind Nurses and Midwives Council (when issued before the 15th day of August, 1947).
19. The West Bengal Nursing Council.
20. The University of Delhi.
21. The University of Madras.
22. The Bengal State Medical Faculty (when issued before the 1st day of January, 1942).
23. The Mid-India Board of Examiners of Nurses Auxiliary of Christian Medical Association of India.
24. The Examination Board of Military Medical Services (when issued before the 18th day of August, 1955).
25. The Armed Forces Medical Services Examination Board.
26. The Madhya Pradesh State Nurses Registration Council.
27. The Board of Examiners appointed by the Government of Mysore.
28. The Board of Examiners appointed by the Government of Hyderabad (when issued before the 1st day of November, 1956).
29. The Board of Examiners appointed by the Government of Andhra (when issued before the 1st day of November, 1956) or by the Government of Andhra Pradesh (when issued on or after the 1st day of November, 1956).
30. The Travancore-Cochin Nurses' and Midwives' Council.
31. The Vidarbha Nurses Registration Council.

*B.—Midwifery—*

Certificates, Diplomas or Degrees in Midwifery issued by any of the following authorities, namely:—

1. Any of the authorities mentioned in section A except the authority at item No. 17 thereof.

2. The Punjab Central Midwives Board (when issued before the 15th day of August, 1947).
3. The Mid-India (United) Board of Examiners for Midwifery (when issued before the 1st day of January, 1947).
4. The National Association for supplying female medical aid to the women of India (when issued before the 1st day of October, 1949).
5. The North-West Frontier Province Central Midwives Board (when issued before the 15th day of August, 1947).
6. The Kasturba Gandhi National Memorial Trust.
7. The Health Department, Madras (when issued before the 31st day of December, 1952).

*C.—Auxiliary Nursing-Midwifery—*

Certificates issued by any of the following authorities, namely:—

1. Any of the authorities mentioned in section A except items Nos. 3, 4, 7, 9, 11, 14, 15, 16, 18, 20, 21, 22, 24 and 25.
2. The Examination Board appointed by the Himachal Pradesh Administration.

*D.—Health Visitors—*

Health Visitors Certificates or Diplomas issued by any of the following authorities, namely:—

1. The Government Training School for Health Visitors, Madras.
2. The Sir John Anderson Health School, Calcutta.
3. The Uttar Pradesh State Medical Faculty.
4. The Uttar Pradesh Nurses and Midwives Council.
5. The Government Health School, Nagpur.
6. The Assam Nurses, Midwives and Health Visitors Council.
7. The Lady Reading Health School, Delhi.
8. The Bombay Nurses, Midwives and Health Visitors Council.
9. The Bengal Nursing Council (when issued before the 15th day of August, 1947).
10. The Punjab Health School (when issued before the 15th day of August, 1947).
11. The West Bengal Nursing Council.
12. The Punjab State Medical Faculty.
13. The Bengal State Medical Faculty (when issued before the 1st day of January, 1942).
14. The Bihar Nurses Registration Council.



## Recognised higher qualifications

## PART II

Name of the authority issuing the qualification	Qualifications
1. The Examination Board appointed by the Government of Madras.	1. Diploma in Nursing— Sister Tutor Course.
2. College of Nursing, New Delhi.	2. Diploma in Nursing— Nursing Administration Course.
	1. Post-certificate course in Public Health Nursing (when issued before the 31st day of December, 1953).
	2. Combined post-certificate course in Teaching and Nursing Administration (when issued before the 31st day of August, 1957).
	3. Certificate of Examination in Ward Sisters course.
	4. Certificate of Examination in Nursing Administration course.
	5. Certificate of Examination in Sister Tutor Course.
	6. Certificate of Examination in Midwife Tutor Course.
3. The (Missionary Christian Medical College, School of Nursing, Vellore.	Diploma in Teaching and Supervision (Sister Tutor Course).
4. The School of Nursing, Christian Medical College, Vellore.	Diploma in Teaching and Supervision (Sister Tutor Course).
5. The Indian Psychiatric Society.	Diploma in Psychiatric Nursing.
6. The All India Institute of Mental Health Bangalore.	Diploma in Psychiatric Nursing.
7. The All India Institute of Hygiene and Public Health, Calcutta.	Certificate in Public Health Nursing.
8. The Public Health Department, Madras.	Diploma in Public Health Nursing.
9. The Tuberculosis Association of India.	Diploma in Tuberculosis Nursing.

15. The Council to be constituted under section 3 of the principal Act as amended by section 4 of this Act, may be constituted at any time after the passing, and before the coming into force, of this Act, but the Council so constituted shall not begin to function till the coming into force of this Act, and on the coming into force of this Act the term of office of the members of the Council then existing shall expire.

Transition  
from existing  
constitution  
to new  
constitution.

Not Corrected: See India Code vol: I-B, Pt. IV.

THE CANTONMENTS (EXTENSION OF RENT  
CONTROL LAWS) ACT, 1957

No. 46 OF 1957

[18th December, 1957]

An Act to provide for the extension to cantonments of laws relating to the control of rent and regulation of house accommodation.

Enacted by Parliament in the Eighth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Cantonments (Extension of Rent Control Laws) Act, 1957.

Definition. 2. In this Act, "cantonment" means any place declared to be a <sup>2</sup> of 1924. cantonment under section 3 of the Cantonments Act, 1924.

Power to extend to cantonments laws relating to control of rents and regulation of house accommodation. 3. The Central Government may, by notification in the Official Gazette, extend to any cantonment with such restrictions and modifications as it thinks fit, any enactment relating to the control of rent and regulation of house accommodation which is in force on the date of the notification in the State in which the cantonment is situated:

Provided that nothing contained in any enactment so extended shall apply to—

(a) any premises within the cantonment belonging to the Government;

(b) any tenancy or other like relationship created by a grant from the Government in respect of premises within the cantonment taken on lease or requisitioned by the Government; or

(c) any house within the cantonment which is, or may be, appropriated by the Central Government on lease under the Cantonments (House Accommodation) Act, 1923.

6 of 1923.

I. B. Act 23  
1955.

4. The Madhya Bharat Accommodation Control Act, 1955, as in force in that part of the State of Madhya Pradesh which immediately before the 1st day of November, 1956, formed the State of Madhya Bharat is hereby extended to, and brought into force in, the cantonment of Mhow with the following modifications, namely:—

Extension of  
the Madhya  
Bharat Ac-  
commodation  
Control Act,  
1955 to the  
cantonment  
of Mhow.

In the said Act,—

(a) for the words "commencement of this Act" wherever they occur, the words "extension of this Act to the cantonment" shall be substituted;

(b) in section 1, for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:—

"(2) It extends to the Cantonment of Mhow.

(3) It shall remain in force upto the 31st day of December, 1957; but the Central Government may, by notification in the Official Gazette, direct from time to time that it shall remain in force for such further period as may be specified in the notification so, however, that the total period for which it may remain in force shall not exceed two years from the 31st day of December, 1957."

(c) in section 2, in clause (b) of sub-section (1), for the words "a Municipality", the words "the Cantonment Board" shall be substituted;

(d) in section 3, in clause (e), for the word "Municipal", the words "Cantonment Board" shall be substituted;

(e) in section 4,—

(i) in clause (g), for the words "city or town concerned", the word "cantonment" shall be substituted;

(ii) in clause (h), for the words "city or town for that purpose and if he was in occupation, has for sufficient reasons vacated it after the Act has been extended to that city or town", the words "cantonment for that purpose or if he was in occupation, has for sufficient reasons vacated it after the extension of this Act there-to" shall be substituted;

(f) in section 6,—

(i) in sub-section (1), the words and brackets "situated in the city of Lashkar (including Gwalior and Morar), Indore, Ujjain or Ratlam" shall be omitted;

(ii) sub-section (2) shall be omitted;

Not Corrected: See India Code

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(g) in section 14, the words "the provisions of this Act cease to be applicable to any town, or" shall be omitted;

(h) in section 15, after the word "instituted", the words "or if instituted, continued," shall be inserted;

(i) in section 18, sub-section (4) shall be omitted;

(j) in section 21, the words "or deemed to have been passed" shall be omitted;

(k) in section 22, the words "or deemed to have been made" shall be omitted;

(l) section 23, section 27 and the Schedule shall be omitted;

(m) in sections 24 and 25, the words "or deemed to have been made" shall be omitted.

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THE INDIAN TELEGRAPH (AMENDMENT) ACT, 1957

No. 47 OF 1957

[18th December, 1957]

An Act further to amend the Indian Telegraph Act, 1885.

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

1. (1) This Act may be called the Indian Telegraph (Amendment) Act, 1957. 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.

13 of 1885. 2. In section 7 of the Indian Telegraph Act, 1885 (hereinafter referred to as the principal Act),— Amendment of section 7.

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

“(e) the conditions and restrictions subject to which any telegraph line, appliance or apparatus for telegraphic communication shall be established, maintained, worked, repaired, transferred, shifted, withdrawn or disconnected;

(f) the charges in respect of—

(i) the establishment, maintenance, working, repair, transfer or shifting of any telegraph line, appliance or apparatus;

(ii) the services of operators operating such line, appliance or apparatus;

(g) the matters in connection with the transition from a system whereunder rights and obligations relating to the establishment, maintenance, working, repair, transfer or shifting of any telegraph line, appliance or apparatus for telegraphic communication attach by virtue of any agreement to a system whereunder such rights and obligations attach by virtue of rules made under this section;

(h) the time at which, the manner in which, the conditions under which and the persons by whom the rates, charges and fees mentioned in this sub-section shall be paid and the furnishing of security for the payment of such rates, charges and fees;

(i) the payment of compensation to the Central Government for any loss incurred in connection with the provision of any telegraph line, appliance or apparatus for the benefit of any person—

(a) where the line, appliance or apparatus is, after it has been connected for use, given up by that person before the expiration of the period fixed by these rules, or

(b) where the work done for the purpose of providing the line, appliance or apparatus is, before it is connected for use, rendered abortive by some act or omission on the part of that person;

(j) the principles according to which and the authority by whom the compensation referred to in clause (i) shall be assessed;

(k) any other matter for which provision is necessary for the proper and efficient conduct of all or any telegraphs under this Act.”; and

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

“(4) Nothing in this section or in any rules made hereunder shall be construed as—

(a) precluding the Central Government from entering into an agreement with a person for the establishment, maintenance and working by that Government on terms and conditions specified in the agreement, of any telegraph line, appliance or apparatus for the purpose of affording means of telegraphic communication, where having regard to the number of the lines, appliance or apparatus required by that person for telegraphic communication, it is necessary or expedient to enter into such agreement with him, or

(b) subjecting the Central Government to any obligation to provide any telegraph line, appliance or apparatus for the purpose of affording means of telegraphic communication.

(5) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."

3. After section 7 of the principal Act, the following sections shall be inserted, namely:—

Insertion of  
new sections  
7A and 7B.

"7A. Nothing in section 7 shall authorise the making of any rules determining any agreement entered into by the Central Government with any person before the commencement of the Indian Telegraph (Amendment) Act, 1957, relating to the establishment, maintenance or working of any telegraph line, appliance or apparatus for telegraphic communication; and all rights and obligations thereunder relating to such establishment, maintenance or working shall be determined in accordance with the terms and conditions of such agreement.

Saving of  
existing  
agreements.

7B. (1) Except as otherwise expressly provided in this Act, if any dispute concerning any telegraph line, appliance or apparatus arises between the telegraph authority and the person for whose benefit the line, appliance or apparatus is, or has been, provided, the dispute shall be determined by arbitration and shall, for the purposes of such determination, be referred to an arbitrator appointed by the Central Government either specially for the determination of that dispute or generally for the determination of disputes under this section.

Arbitration  
of disputes.

(2) The award of the arbitrator appointed under sub-section (1) shall be conclusive between the parties to the dispute and shall not be questioned in any court."

*Rep. by Act 58 of 1960, S. 2 & Sec I (w/ 26.12.60)*

**THE RESERVE BANK OF INDIA (SECOND  
AMENDMENT) ACT, 1957**

No. 48 OF 1957

[19th December, 1957]

An Act further to amend the Reserve Bank of India Act, 1934.

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

Short title  
and com-  
mencement.

1. (1) This Act may be called the Reserve Bank of India (Second Amendment) Act, 1957.

(2) It shall be deemed to have come into force on the 31st day of October, 1957.

Amendment  
of section 33.

2. In section 33 of the Reserve Bank of India Act, 1934 (herein- 2 of 1934. after referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The aggregate value of the gold coin, gold bullion and foreign securities held as assets and the aggregate value of the gold coin and gold bullion so held shall not at any time be less than two hundred crores of rupees and one hundred and fifteen crores of rupees, respectively.”

Amendment  
of section 37

3. In section 37 of the principal Act, the proviso shall be omitted.

Repeal.

4. The Reserve Bank of India (Amendment) Ordinance, 1957, is 6 of 1957. hereby repealed.



Dep. by Act 58 of 1960, s. 2 & sel. I (wq 26.12.60)

THE CENTRAL EXCISES AND SALT (AMENDMENT)  
ACT, 1957

No. 49 OF 1957

[20th December, 1957]

An Act further to amend the Central Excises and Salt Act, 1944.

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

1. This Act may be called the Central Excises and Salt (Amendment) Act, 1957. Short title.

2. In sub-section (2) of section 37 of the Central Excises and Amendment Salt Act, 1944 (hereinafter referred to as the principal Act), in clause <sup>of section 37.</sup> (xvi), the proviso shall be omitted. of 1944.

3. In Item No. 12 of the First Schedule to the principal Act, in <sup>Amendment</sup> *Explanation II*, after rule (b), the following rule shall be inserted, <sup>of First</sup> *Schedule.* namely:—

“(bb) In the case of fabrics manufactured from cotton and other yarns, the other yarns shall, for the aforesaid purpose, be deemed to be cotton yarn.”

Rep. by Act 58 of 1960, s. 2 & Sel. I (w/ 26.12.60)

**THE CAPITAL ISSUES (CONTROL) AMENDMENT  
ACT, 1957**

No. 50 OF 1957

[21st December, 1957]

An Act further to amend the Capital Issues (Control) Act, 1947.

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

- Short title.** 1. This Act may be called the Capital Issues (Control) Amendment Act, 1957.
- Substitution of new section for section 2.** 2. In the Capital Issues (Control) Act, 1947 (hereinafter referred to as the principal Act), for section 2, the following section shall be substituted, namely:—
- Definitions and interpretation.** 2. (1) In this Act, unless the context otherwise requires,—
- (a) “company” means a company as defined in section 3 of the Companies Act, 1956, and includes a foreign company within the meaning of section 591 of that Act; 1 of 1956.
- (b) “issue of capital” means the issuing or creation of any securities whether for cash or otherwise, and includes the capitalisation of profits or reserves for the purpose of converting partly paid-up shares into fully paid-up shares or increasing the par value of shares already issued;
- (c) “private company” means a private company as defined in section 3 of the Companies Act, 1956;
- (d) “prospectus” means any prospectus, notice, circular, advertisement or other document inviting offers from the public for the subscription or purchase of any securities of a company;
- (e) “securities” means any of the following instruments issued or to be issued, or created or to be created, by or for the benefit of a company, namely:—
- (i) shares, stocks and bonds;
- (ii) debentures;

(iii) mortgage deeds, instruments of pawn, pledge or hypothecation and any other instruments, creating or evidencing a charge or lien on the assets of the company; and

(iv) instruments acknowledging loan to or indebtedness of the company and guaranteed by a third party or entered into jointly with a third party;

(f) "States" means the territories of India to which this Act extends.

(2) Any reference in this Act to offering securities to the public shall be construed as including a reference to offering them to any section of the public, whether selected as members, debenture-holders or holders of any other securities of the company concerned or as clients of the person issuing any prospectus in relation to such securities, or selected in any other manner:

Provided that the foregoing provisions shall not be taken as requiring any offer to be treated as made to the public if it can properly be regarded, in all the circumstances, as not being calculated to result directly or indirectly in the securities becoming available for the subscription or purchase by persons other than those receiving the offer, or otherwise as being a domestic concern of the persons making or receiving it.

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

"(6) The Central Government may by order at any time—

(a) revoke the consent or recognition accorded under any of the provisions of this section; or

(b) where such consent or recognition has been qualified with any conditions, vary all or any of those conditions:

Provided that before an order under this sub-section is made the company concerned shall be given a reasonable opportunity of showing cause why such order should not be made.

(7) Where an order has been made under sub-section (6), the Central Government shall, upon the request of the company concerned, communicate to it in writing the reasons for such order."

Substitution  
of new  
section for  
section 4.

4. For section 4 of the principal Act, the following section shall be substituted, namely:—

Control of  
advertisement  
of  
offers of  
securities for  
subscription,  
etc.

"4. (1) No person shall circulate any offer, being a public offer, in the States for the subscription, or purchase of any securities unless consent or recognition has been accorded by the Central Government under this Act to the issue or creation of such securities and a statement has been made to that effect in the offer.

(2) No company shall circulate any offer, being an offer to existing holders of the securities of that company or to existing holders of the securities of any other company specified in the offer, in the States for the subscription or purchase of any securities of such company unless recognition has been accorded by the Central Government under this Act to the issue or creation of such securities and a statement has been made to that effect in the offer.

(3) No person shall without the consent of the Central Government circulate any offer, being a public offer, in the States for the sale of any securities issued or created with the consent or recognition of the Central Government if such issue or creation was made by a private company or if the order according consent or recognition contained a condition that the securities should be privately subscribed."

Amendment  
of section 6.

5. In section 6 of the principal Act, in sub-section (2), after the word and figure "section 4" in both the places where they occur, the words and figure "or section 5" shall be inserted.

Substitution  
of new  
section for  
section 7.

6. For section 7 of the principal Act, the following section shall be substituted, namely:—

Power to  
call for in-  
formation.

"7. Any officer authorised in this behalf by the Central Government may, for the purpose of inquiring into the correctness of any statement made in an application for consent or recognition to an issue of capital or for the purpose of ascertaining whether or not the requirements of any condition attached to an order according such consent or recognition have been complied with or for the purpose of obtaining particulars as to the total capital issued or for any other purposes of this Act, require any company or any officer of a company to submit and furnish to him within such time as may be specified in the requisition, such accounts, books or other documents and such information as he may reasonably think necessary."

*Rep. by Act 58 of 1960*

or 1957]

*Capital Issues (Control) Amendment*

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7. In section 8 of the principal Act, after the words "issue of capital", the words "or in connection with any of the other provisions of this Act", shall be inserted. Amendment  
of section 8.

8. Section 12 of the principal Act shall be re-numbered as sub-section (1) of that section and after the said sub-section as so re-numbered, the following sub-section shall be inserted, namely:— Amendment  
of section 12.

"(2) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."

*Dep. by Act 58 of 1960, S. 2 & Sch. I (w.e. 26.12.60)*

**THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) AMENDMENT ACT, 1957**

No. 51 OF 1957

[21st December, 1957]

**An Act to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957.**

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

Short title and commencement.

1. (1) This Act may be called the Coal Bearing Areas (Acquisition and Development) Amendment Act, 1957.

(2) It shall be deemed to have come into force on the 12th day of June, 1957.

Amendment of section 2.

2. In section 2 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter referred to as the principal Act), <sup>20 of 1957.</sup> after clause (c), the following clause shall be inserted, namely:—

“(cc) “mining lease” includes a mining sub-lease, and “lessee” shall be construed accordingly;”

Amendment of section 5.

3. In section 5 of the principal Act,—

(a) in clause (a), for the words “granted to any person under the Mineral Concession Rules which authorises him”, the words “which authorises any person” shall be substituted; and

(b) in clause (b), the words “granted to any person under the Mineral Concession Rules” shall be omitted.

Insertion of new section 9A.

4. After section 9 of the principal Act, the following section shall be inserted, namely:—

Special powers in cases of urgency.

“9A. If the Central Government is satisfied that it is necessary to acquire immediately the whole or any part of the land notified under sub-section (1) of section 4 or any rights in or over such land, the Central Government may direct that the provisions of section 8 shall not apply, and if it does so direct,

*Rep. Reg. Act 58 of 60.*

[Act 51 OF 1957]

Coal Bearing Areas (Acquisition and  
Development) Amendment

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a declaration may be made under section 9 in respect thereof at any time after the issue of the notification under section 7."

5. In section 10 of the principal Act,—

Amendment  
of section 10.

(a) in sub-section (1), after the words "Central Government", the words "free from all encumbrances" shall be inserted; and

(b) in sub-section (2), for the words "granted by a State Government", the words "granted or deemed to have been granted by a State Government" shall be substituted.

6. In clause (iv) of sub-section (2) of section 13 of the principal Act,—

Amendment  
of section  
13.

(a) for the words "during the period commencing from the date of the lease and ending with", the words "up to" shall be substituted;

(b) in the proviso, for the words, brackets and letters "clauses (ii) and (iii)", the words, brackets and letters "clauses (i), (ii) and (iii)" shall be substituted.

7. In sub-section (3) of section 28 of the principal Act, for the words "disposed of by him accordingly", the following words shall be substituted, namely:—

Amendment  
of section  
28.

"disposed of by him as if the objection had been made in relation to a notification issued under section 7 of this Act in respect of such land".

Rep. by Act 58 of 1980 & S. 2 & Sec 1 (wg 26.12.60)

THE OPIUM LAWS (AMENDMENT) ACT, 1957

No. 52 OF 1957

[21st December, 1957]

An Act further to amend the Opium Act, 1878 and the Dangerous Drugs Act, 1930.

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

Short title. 1. This Act may be called the Opium Laws (Amendment) Act, 1957.

Amendment of section 3. 2. In the Opium Act, 1878 (hereinafter referred to as the Opium Act), in the definition of "opium" in section 3, for clause (i), the following clause shall be substituted, namely:—

"(i) the capsules of the poppy (*Papaver somniferum* L.), whether in their original form or cut, crushed or powdered, and whether or not juice has been extracted therefrom;"

Amendment of section 9. 3. In section 9 of the Opium Act, for the words "shall, on conviction before a Magistrate, be punished for each such offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both;" the following words shall be substituted, namely:—

"shall, on conviction before a Magistrate, be punishable for each such offence with imprisonment which may extend to three years, with or without fine;"

Amendment of section 14. 4. In section 14 of the Opium Act, for the words "Any officer of any of the departments of Excise, Police, Customs, Salt, Opium or Revenue, superior in rank to a peon or constable, who may in right of his office be authorized by the State Government in this behalf, and", the following words shall be substituted, namely:—

"Any officer of the department of Central Excise, Narcotics, Drugs Control, Customs, Revenue, Police or Excise, superior in rank to a peon or constable, authorized in this behalf by the Central Government or the State Government,"



2 of 1930.

5. In the Dangerous Drugs Act, 1930 (hereinafter referred to as the Dangerous Drugs Act), in clause (e) of section 2, for sub-clause (i), the following sub-clause shall be substituted, namely:—

Amendment of section 2.

“(i) the capsules of the poppy (*Papaver somniferum* L.), whether in their original form or cut, crushed or powdered, and whether or not juice has been extracted therefrom;”

6. In sections 10, 11, 12, 13, 14 and 15 of the Dangerous Drugs Act, for the words “shall be punished with imprisonment which may extend to two years, or with fine, or with both”, the words “shall be punishable with imprisonment which may extend to three years, with or without fine” shall be substituted.

Amendment of sections 10, 11, 12, 13, 14 and 15.

7. In sections 16 and 17 of the Dangerous Drugs Act, for the words “or to fine, or to both”, the words “with or without fine” shall be substituted.

Amendment of sections 16 and 17.

8. In sub-section (1) of section 23 of the Dangerous Drugs Act, for the words “Any officer of the department of Excise, Police, Customs, Salt, Opium or Revenue, superior in rank to a peon or constable, authorized in this behalf by the State Government”, the following words shall be substituted, namely:—

Amendment of section 23.

“Any officer of the department of Central Excise, Narcotics, Drugs Control, Customs, Revenue, Police or Excise, superior in rank to a peon or constable, authorized in this behalf by the Central Government or the State Government,”

9. Section 31 of the Dangerous Drugs Act shall be omitted.

Omission of section 31.

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1957  
No. 53 OF 1957

[24th December, 1957]

An Act further to amend the Indian Railways Act, 1890.

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

Short title and commencement.

1. (1) This Act may be called the Indian Railways (Amendment) Act, 1957.

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

Amendment of section 27.

~~2. In section 27 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), for sub-section (5), the following sub-section shall be substituted, namely:—~~ 9 of 1890.

“(5) Any decision given by the Central Government under sub-section (4) shall be final and binding on all parties concerned.”

Amendment of section 27A.

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

“(1) The Central Government may, if in its opinion it is necessary in the public interest so to do, by general or special order, direct any railway administration—

(a) to give special facilities for, or preferential treatment in the transport of any such goods or class of goods as may be specified in the order to the Central Government or to the Government of any State or of such other goods or class of goods as may be specified in the order;

(b) to carry any goods or class of goods on any route or routes and at such rates as may be specified in the order.”

## 4. In section 29 of the principal Act,—

Amendment  
of section 29.

(a) in sub-section (1), the words "other than a minor railway" shall be omitted;

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

(2) The Central Government may, by a like order, fix the rates of any other charges for the whole or any part of a railway and prescribe the conditions in which such rates of charges shall apply.

(3) Any complaint that a railway administration is contravening any order issued by the Central Government under sub-section (1) shall be determined by the Central Government."

## 5. Section 32 and section 33 of the principal Act shall be omitted.

Omission of  
sections 32  
and 33.

## 6. In section 34 of the principal Act, for sub-section (2) and sub-section (3), the following sub-sections shall be substituted, namely:—

Amendment  
of section 34.

"(2) The Tribunal shall consist of a Chairman and two other members to be appointed by the Central Government.

(3) A person shall not be qualified for appointment as the Chairman of the Tribunal unless he is, or has been, a Judge of the Supreme Court or of a High Court and the other two members of the Tribunal shall be chosen from among persons who, in the opinion of the Central Government, have special knowledge of commercial, industrial or economic conditions of the country or of the commercial working of the railways.

(4) The Chairman and the other members of the Tribunal shall hold office for such period, not exceeding five years, as may be specified in the order of their appointment; and if the Chairman or any other member 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.

(5) A person who holds office as the Chairman or other member of the Tribunal shall, on the expiration of the term of his office (not being an office to fill a casual vacancy), be ineligible for re-appointment to that office.

(6) Subject to the provisions of sub-section (4) and sub-section (5), the Chairman and other members of the Tribunal shall hold office on such terms and conditions as the Central Government may, by general or special order, prescribe.

(7) No act or proceedings of the Tribunal shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Tribunal."

Omission  
of section 35.

7. Section 35 of the principal Act shall be omitted.

Amendment  
of section  
39.

8. In section 39 of the principal Act, the words and brackets "the State Government (as the case may be)" shall be omitted.

Amendment  
of section 41.

9. In section 41 of the principal Act,—

(i) in sub-section (1), for clauses (b) to (e), the following clauses shall be substituted, namely:—

"(b) is charging for the carriage of any commodity between two stations a rate which is unreasonable, or

(c) is levying any other charge which is unreasonable,";

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

"(3) In the case of a complaint under clause (b) or clause (c) of sub-section (1), the Tribunal may fix such rate or charge as it considers reasonable:

Provided that the rate to be fixed under clause (b) of sub-section (1) shall be within the limit of the maximum and minimum rates fixed by the Central Government under sub-section (1) of section 29."

Insertion of  
new section  
41A.

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

Revision of  
orders by  
Tribunal.

"41A. Where a railway administration, bound by an order of the Tribunal, considers that since the order was made there has been a material change in the circumstances on which it was based, the railway administration may, after the expiry of one year from the date of the order, make an application to the Tribunal for revision of the order and the Tribunal may, after making due inquiry into the matter in accordance with the provisions of this Chapter, vary or revoke the order."

11. For section 42 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 42.

“42. The Central Government alone shall have power—

Power to classify or re-classify commodities or to alter rates.

(a) to classify or re-classify any commodity;

(b) to increase or reduce the level of class rates and other charges.”

12. Section 43 of the principal Act shall be omitted.

Omission of section 43.

13. In section 44 of the principal Act, in sub-section (2),—

Amendment of section 44.

(i) clauses (a) and (b) shall be omitted;

(ii) in clause (f), the words “or as assessors” shall be omitted.

14. For section 45 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 45.

“45. (1) Nothing in this Chapter shall confer jurisdiction on the Tribunal in respect of—

Bar of jurisdiction of the Tribunal.

(a) classification or re-classification of any commodity;

(b) fixation of wharfage and demurrage charges (including conditions attached to such charges);

(c) scales of charges levied by a railway administration for the carriage of passengers and their luggage, parcels, military traffic and traffic in railway materials and stores.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may make a reference to the Tribunal in respect of any of the matters specified in that sub-section and where any such reference is made in respect of any matter, the Tribunal shall make an inquiry into that matter and submit its report thereon to the Central Government.

(3) On receipt of a report under sub-section (2), the Central Government may take such action as it considers suitable in respect of the matters dealt with in the report.”

15. In section 46 of the principal Act,—

Amendment of section 46.

(a) in clause (ii), after the words “or reduce”, the words “or cancel after due notice in the manner prescribed by the Central Government” shall be inserted;

(b) clause (iii) shall be omitted.

16. In section 46A of the principal Act, the proviso shall be omitted.

Amendment of section 46A.

Amendment  
of section  
46C.

17. In section 46C of the principal Act,—

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

‘(a) “classification” means the grouping of commodities into classes (both for smalls and wagon loads) as duly authorised by the Central Government and notified in the Indian Railway Conference Association’s Goods Tariff in force for the time being for the purpose of determining the rate to be charged;’;

(ii) clause (f) shall be omitted;

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

‘(h) “wharfage” means the charge levied on goods for not removing them from the railway premises after the expiry of the free time allowed for such removal.’

Disposal of  
pending pro-  
ceedings.

18. If, immediately before the commencement of this Act, there is pending any proceeding before the Railway Rates Tribunal constituted under the Indian Railways Act, 1890, as in force before such commencement, the proceeding shall stand transferred to the Railway Rates Tribunal constituted after such commencement (hereinafter referred to as the new Tribunal) and the new Tribunal shall decide and dispose of that proceeding in accordance with the provisions of the said Act as in force after such commencement; and for the removal of doubts, it is hereby declared that the proceeding, in so far as it relates to any complaint in respect of which the new Tribunal has no jurisdiction, shall abate.

**THE PREVENTIVE DETENTION (CONTINUANCE)  
ACT, 1957**

No. 54 OF 1957

[24th December, 1957]

**An Act to continue the Preventive Detention Act, 1950, for a further period.**

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

1. This Act may be called the Preventive Detention (Continuance) Act, 1957. Short title.

1950. 2. In sub-section (3) of section 1 of the Preventive Detention Act, 1950, for the figures, letters and words "31st day of December, 1957", Amendment of section 1. the figures, letters and words "31st day of December, 1960" shall be substituted.

See India Code,  
Vol. VIII B.

THE UNION DUTIES OF EXCISE (DISTRIBUTION)

ACT, 1957

No. 55 OF 1957

[24th December, 1957]

An Act to provide for the distribution of a part of the net proceeds of certain Union duties of excise among the States in pursuance of the principles of distribution formulated and the recommendations made by the Finance Commission in its report dated the 30th day of September, 1957.

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

**Short title.** 1. This Act may be called the Union Duties of Excise (Distribution) Act, 1957.

**Definition.** 2. In this Act, the expression "distributable Union duties of excise" means twenty-five per cent. of the net proceeds of the duties of excise levied and collected under the Central Excises and Salt Act, 1944, on matches, sugar, tobacco, vegetable product, coffee, tea, paper and vegetable non-essential oils as defined in Items Nos. 2, 8, 9, 11, 13, 14, 21 and 23, respectively, of the First Schedule to that Act.

**Distribution of a part of the Union duties of excise among the States.** 3. During each financial year commencing on and after the first day of April, 1957, there shall be paid out of the Consolidated Fund of India to each of the States specified in column 1 of the Table below such percentage of the distributable Union duties of excise as is set out against it in column 2:—

TABLE

1	2
State	Percentage
Andhra Pradesh	9·38
Assam	3·46
Bihar	10·57



I	2
Bombay	12·17
Kerala	3·84
Madhya Pradesh	7·46
Madras	7·56
Mysore	6·52
Orissa	4·46
Punjab	4·59
Rajasthan	4·71
Uttar Pradesh	15·94
West Bengal	7·59
Jammu and Kashmir	1·75

4. Any expenditure under the provisions of this Act shall be expenditure charged on the Consolidated Fund of India.

Expenditure to be charged on the Consolidated Fund of India.

5. (1) The Central Government may, by notification in the Official Gazette, make rules providing for the time at which and the manner in which, any payments under this Act are to be made, for the making of adjustments between one financial year and another and for any other incidental or ancillary matters.

Power to make rules.

(2) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

3 of 195.3

6. The Union Duties of Excise (Distribution) Act, 1953, is hereby repealed.

THE APPROPRIATION (No. 5) ACT, 1957

No. 56 OF 1957

[24th December, 1957.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58.

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

Short title. 1. This Act may be called the Appropriation (No. 5) Act, 1957.

Issue of Rs. 33,06,46,000 out of the Consolidated Fund of India for the year 1957-58. 2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty-three crores, six lakhs and forty-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1957-58, 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)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
9	Defence Services — Effective— Army . . . . .	..	8,000	8,000
18	Geological Survey . . . . .	20,65,000	..	20,65,000
23A	Naga Hills—Tuensang Area . . . . .	1,07,21,000	..	1,07,21,000
29	Union Excise Duties . . . . .	..	9,36,29,000	9,36,29,000
30	Taxes on Income including Corporation Tax and Estate Duty . . . . .	..	33,000	33,000
41	Pre-partition payments . . . . .	..	1,33,000	1,33,000
	CHARGED—Grants-in-aid to States . . . . .	..	22,07,76,000	22,07,76,000
88	Aviation . . . . .	..	4,15,000	4,15,000
90	Communications (including National Highways) . . . . .	..	9,000	9,000
93	Supplies . . . . .	3,96,000	6,44,000	10,40,000
	CHARGED—Union Public Ser- vice Commission . . . . .	..	7,38,000	7,38,000
104	Capital Outlay of the Ministry of Commerce and Industry . . . . .	1,000	..	1,000
106	Defence Capital Outlay . . . . .	..	46,000	46,000
117	Purchase of Foodgrains . . . . .	..	18,000	18,000
118	Other Capital Outlay of the Ministry of Food and Agricul- ture . . . . .	..	4,000	4,000
126	Capital Outlay of the Ministry of Steel, Mines and Fuel . . . . .	10,10,000	..	10,10,000
	TOTAL . . . . .	1,41,93,000	31,64,53,000	33,06,46,000

THE ESTATE DUTY AND TAX ON RAILWAY PASSENGER FARES (DISTRIBUTION) ACT, 1957

See India Code,  
Vol. VII, B.

No. 57 OF 1957

[24th December, 1957]

An Act to provide for the distribution of the net proceeds of the estate duty and the tax on railway passenger fares among the States in pursuance of the principles of distribution formulated and the recommendations made by the Finance Commission in its report dated the 30th day of September, 1957.

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

Short title. 1. This Act may be called the Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957.

Definitions. 2. In this Act,—

(a) "estate duty" means the estate duty levied under the Estate Duty Act, 1953, in respect of property other than agricultural land; 34 of 1953.

(b) "State" does not include a Union territory;

(c) "tax on railway passenger fares" means the tax levied under the Railway Passenger Fares Act, 1957. 25 of 1957.

Distribution of net proceeds of estate duty assigned to the States.

3. (1) During each financial year commencing on and after the 1st day of April, 1957, the net proceeds of the estate duty levied and collected during that financial year shall, after deducting therefrom a sum equal to one per cent. of the said proceeds as being attributable to Union territories, be distributed among the States in accordance with the provisions of sub-section (2).

(2) Out of the total amount falling to be distributed in any financial year under sub-section (1),—

(a) the amount attributable to immovable property shall be distributed among the States in proportion to the gross value of

the immovable property situated in the respective States as determined in respect of that financial year;

(b) the balance shall be distributed among the States as follows:—

<i>State</i>	<i>Percentage</i>
Andhra Pradesh	.. 8.76
Assam	.. 2.53
Bihar	.. 10.86
Bombay	.. 13.52
Kerala	.. 3.79
Madhya Pradesh	.. 7.30
Madras	.. 8.40
Mysore	.. 5.43
Orissa	.. 4.10
Punjab	.. 4.52
Rajasthan	.. 4.47
Uttar Pradesh	.. 17.71
West Bengal	.. 7.37
Jammu and Kashmir	.. 1.24

(3) For the purposes of this section,—

(a) “amount attributable to immovable property” means an amount which bears to the total amount distributable in any financial year under sub-section (1) the same proportion which the gross value of all immovable property situated in the States bears to the gross value of all property, movable and immovable, so situated, as determined in respect of that financial year;

(b) “gross value”, in relation to movable or immovable property, means the total value of all movable property or, as the case may be, of all immovable property, passing on the death of any person as determined by the Controller under the Estate Duty Act, 1953;

(c) “immovable property” does not include agricultural land.

4. (1) In respect of each of the financial years commencing on the 1st day of April, 1953, 1954 and 1955, the net proceeds of the estate duty levied and collected during that financial year shall, after deducting therefrom a sum equal to two and three quarter per cent. of the said proceeds as being attributable to Part C States, be distributed among the Part A States and Part B States in the same manner as the percentage of the net proceeds of taxes on income falling to be distributed under clause (2) of article 270 of the Constitution has been distributed among those States in respect of that financial year.

Special provision for distribution of net proceeds of estate duty in respect of financial years 1953-54 to 1956-57.

(2) In respect of the financial year commencing on the 1st day of April, 1956,—

(a) seven-twelfths of the net proceeds of the estate duty levied and collected during the said financial year shall, after deducting therefrom a sum equal to two and three quarter per cent. of the said proceeds as being attributable to Part C States, be distributed among the Part A States and Part B States in respect of the first seven months of the said financial year in the same manner as the percentage of the net proceeds of taxes on income falling to be distributed under clause (2) of article 270 of the Constitution has been distributed among those States in respect of the said seven months, and

(b) five-twelfths of the net proceeds of the estate duty levied and collected during the said financial year shall, after deducting therefrom a sum equal to one per cent. of the said proceeds as being attributable to Union territories, be distributed in respect of the remaining five months of the said financial year, in the same manner as the percentage of the net proceeds of taxes on income falling to be distributed under clause (2) of article 270 of the Constitution has been distributed among the States in respect of the said five months.

(3) The provisions of this section shall be deemed to have had effect from the date on which the Estate Duty Act, 1953, came into force. 34 of 1953.

Distribution of net proceeds of the tax on railway passenger fares assigned to the States.

5. During each financial year commencing on and after the 1st day of April, 1957, the net proceeds of the tax on railway passenger fares levied and collected during that financial year shall, after deducting therefrom a sum equal to one quarter per cent. of the said proceeds as being attributable to Union territories, be distributed among the States as follows:—

State	Percentage
Andhra Pradesh	.. 8.86
Assam	.. 2.71
Bihar	.. 9.39
Bombay	.. 16.28
Kerala	.. 1.81
Madhya Pradesh	.. 8.31
Madras	.. 6.46
Mysore	.. 4.45
Orissa	.. 1.78
Punjab	.. 8.11
Rajasthan	.. 6.77
Uttar Pradesh	.. 18.76
West Bengal	.. 6.31

6. (1) The Central Government may, by notification in the Official Gazette, make rules providing for the manner in which the gross value of property is to be calculated, for the time at which, and the manner in which, any payments under this Act are to be made, for the making of adjustments between one financial year and another and for any other incidental or ancillary matters. Power to make rules.

(2) All rules made under this section shall, as soon as may be after they are made, be laid for not less than thirty days before each House of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

See India Code,  
Vol. VII B.

THE ADDITIONAL DUTIES OF EXCISE (GOODS OF  
SPECIAL IMPORTANCE) ACT, 1957

No. 58 OF 1957

[24th December, 1957]

An Act to provide for the levy and collection of additional duties of excise on certain goods and for the distribution of a part of the net proceeds thereof among the States in pursuance of the principles of distribution formulated and the recommendations made by the Finance Commission in its report dated the 30th day of September, 1957, and to declare those goods to be of special importance in inter-State trade or commerce.

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

Short title  
and extent.

1. (1) This Act may be called the Additional Duties of Excise (Goods of Special Importance) Act, 1957.

(2) It extends to the whole of India.

Definitions.

2. In this Act,—

(a) “additional duties” means the duties of excise levied and collected under sub-section (1) of section 3;

(b) “State” does not include a Union territory;

(c) the words and expressions “sugar”, “tobacco”, “cotton fabrics”, “rayon or artificial silk fabrics” and “woollen fabrics” shall have the meanings respectively assigned to them in Items Nos. 8, 9, 12, 12A and 12B of the First Schedule to the Central Excises and Salt Act, 1944.

I of 1944.

Levy and  
collection of  
additional  
duties.

3. (1) There shall be levied and collected in respect of the following goods, namely, sugar, tobacco, cotton fabrics, rayon or artificial silk fabrics and woollen fabrics produced or manufactured in India and on all such goods lying in stock within the precincts of any factory, warehouse or other premises where the said goods were



[ACT 58 OF 1957] *Additional Duties of Excise (Goods of Special Importance)* 361

manufactured, stored or produced, or in any premises appurtenant thereto, duties of excise at the rate or rates specified in the First Schedule to this Act.

(2) The duties of excise referred to in sub-section (1) in respect of the goods specified therein shall be in addition to the duties of excise chargeable on such goods under the Central Excises and Salt Act, 1944, or any other law for the time being in force.

(3) The provisions of the Central Excises and Salt Act, 1944, and the rules made thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of the additional duties as they apply in relation to the levy and collection of the duties of excise on the goods specified in sub-section (1).

4. During each financial year, there shall be paid out of the Consolidated Fund of India to the States in accordance with the provisions of the Second Schedule such sums, representing a part of the net proceeds of the additional duties levied and collected during that financial year, as are specified in that Schedule.

Distribution of additional duties among States.

5. Any expenditure under the provisions of this Act shall be expenditure charged on the Consolidated Fund of India.

Expenditure to be charged on the Consolidated Fund of India.

6. (1) The Central Government may, by notification in the Official Gazette, make rules providing for the time at which, and the manner in which, any payments under the provisions of this Act are to be made, for the making of adjustments between one financial year and another and for any other incidental or ancillary matters.

Power to make rules.

(2) All rules made under this section shall, as soon as may be after they are made, be laid for not less than thirty days before each House of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

7. It is hereby declared that the following goods namely, sugar, tobacco, cotton fabrics, rayon or artificial silk fabrics and woollen fabrics are of special importance in inter-State trade or commerce and every sales tax law of a State shall, in so far as it imposes or authorises the imposition of a tax on the sale or purchase of the declared goods, be subject as from the 1st day of April, 1958, to the restrictions and conditions specified in section 15 of the Central Sales

Declaration of certain goods to be of special importance in inter-State trade or commerce.

THE FIRST SCHEDULE

[See section 3(1)]

Item No. in the First Schedule to the Central Excises and Salt Act, 1944	Description of goods	Rate of additional duty
(1)	(2)	(3)
8. SUGAR		Three rupees and thirty-one naye paise per cwt.
9. TOBACCO—		
	I. Unmanufactured tobacco—	Per lb.
	(1) if flue cured and used in the manufacture of cigarettes containing—	
	(i) more than 60 per cent. weight of imported tobacco.	Nil.
	(ii) more than 40 per cent. but not more than 60 per cent. weight of imported tobacco.	Nil.
	(iii) more than 20 per cent. but not more than 40 per cent. weight of imported tobacco.	Nil.
	(iv) 20 per cent. or less than 20 per cent. weight of imported tobacco.	Nil.
	(v) no imported tobacco.	Nil.
	(2) if flue cured and used for the manufacture of smoking mixtures for pipes and cigarettes.	Fifty naye paise.
	(3) if flue cured and not otherwise specified.	Twenty naye paise.
	(4) if other than flue cured and used for the manufacture of (a) cigarettes or (b) smoking mixtures for pipes and cigarettes.	Nil.
	(5) if not flue cured and not actually used for the manufacture of (a) cigarettes or (b) smoking mixtures for pipes and cigarettes—	
	(i) stems of tobacco larger than 1/4" and stems of tobacco not larger than 1/16" in size.	} Three naye paise.
	(ii) dust of tobacco.	
	(iii) granule ('rawa') of tobacco not larger than 1/16" square in size.	
	(iv) tobacco cured in whole leaf form and packed or tied in bundles, hanks or bunches or in the form of twists or coils.	

(1)	(2)	(3)
(6) if other than flue cured and not otherwise specified.		Twenty naye paise.
(7) if used for agricultural purposes		<i>Nil.</i>
(8) stalks		One naya paise.

II. *Manufactured tobacco—*

Per hundred.

## (1) Cigars and cheroots of which the value—

(i) exceeds Rs. 30 a hundred.		Three rupees.
(ii) exceeds Rs. 25 a hundred but does not exceed Rs. 30 a hundred.		Two rupees and fifty naye paise.
(iii) exceeds Rs. 20 a hundred but does not exceed Rs. 25 a hundred.		Two rupees.
(iv) exceeds Rs. 15 a hundred but does not exceed Rs. 20 a hundred.		One rupee and fifty naye paise.
(v) exceeds Rs. 10 a hundred but does not exceed Rs. 15 a hundred.		One rupee.
(vi) exceeds Rs. 5 a hundred but does not exceed Rs. 10 a hundred.		Fifty naye paise.
(vii) exceeds Rs. 2-8-0 a hundred but does not exceed Rs. 5 a hundred.		Twenty-five naye paise.
(viii) exceeds Rs. 1-4-0 a hundred but does not exceed Rs. 2-8-0 a hundred.		Ten naye paise.
(ix) exceeds 14 annas a hundred but does not exceed Rs. 1-4-0 a hundred.		Five naye paise.

## (2) Cigarettes of which the value—

Per thousand.

(i) exceeds Rs. 50 a thousand.		Eight rupees and sixty naye paise.
(ii) exceeds Rs. 35 a thousand but does not exceed Rs. 50 a thousand.		Seven rupees and sixty naye paise.
(iii) exceeds Rs. 30 a thousand but does not exceed Rs. 35 a thousand.		Four rupees and twenty naye paise.
(iv) exceeds Rs. 25 a thousand but does not exceed Rs. 30 a thousand.		Three rupees and eighty naye paise.
(v) exceeds Rs. 20 a thousand but does not exceed Rs. 25 a thousand.		Two rupees and sixty naye paise.
(vi) exceeds Rs. 15 a thousand but does not exceed Rs. 20 a thousand.		Two rupees and twenty naye paise.
(vii) exceeds Rs. 10 a thousand but does not exceed Rs. 15 a thousand.		One rupee and ten naye paise.
(viii) exceeds Rs. 7-8-0 a thousand but does not exceed Rs. 10 a thousand.		Sixty naye paise.
(ix) does not exceed Rs. 7-8-0 a thousand		Forty naye paise.

1	2	3
	(3) Goods in the manufacture of which any process has been conducted with the aid of machines operated with or without the aid of power.	Sixty naye paise.
12. COTTON FABRICS—		
	(1) Cotton fabrics, superfine	Thirteen naye paise per square yard.
	(2) Cotton fabrics, fine	Eight naye paise per square yard.
	(3) Cotton fabrics, medium	Four naye paise per square yard.
	(4) Cotton fabrics, coarse	Three naye paise per square yard.
12A.	RAYON OR ARTIFICIAL SILK FABRICS	Three naye paise per square yard.
12B.	WOOLLEN FABRICS	Five per cent. <i>ad valorem</i> .

## THE SECOND SCHEDULE

(See section 4)

### PART I

#### *Distribution of additional duties on sugar*

1. In this Part,—

(a) “net proceeds”, as respects any financial year, means the net proceeds of the additional duties in respect of sugar levied and collected during that financial year;

(b) “Table” means the Table at the end of this Part.

2. During each of the financial years commencing on or after the 1st April, 1958, there shall be paid—

(a) to the State of Jammu and Kashmir a sum equal to 1.25 per cent. of the net proceeds; and

(b) to each of the States specified in the first column of the Table—

(i) a sum equal to such percentage of one-fourth of the net proceeds as is specified against that State in the second column of the Table;

(ii) a sum equal to the difference between the sum specified against that State in third column of the Table and the sum payable to that State under sub-clause (i); and

(iii) if the total of the sums payable to all the States under the preceding provisions of this paragraph is less than 99 per cent. of the net proceeds by any amount, a further sum equal to such percentage of that amount as is specified against that State in the fourth column of the Table:

Provided that if during that financial year there is levied and collected in any State specified in the Table a tax on the sale or purchase of sugar by or under any law of that State, no sums shall be payable to that State under sub-clause (ii) or sub-clause (iii) of clause (b) in respect of that financial year, unless the Central Government by special order otherwise directs.

3. In respect of the financial year ending on the 31st March, 1958, the provisions of paragraph 2 (excluding the proviso) shall apply for the distribution of a part of the net proceeds, subject to the modification that each of the sums specified in the third column of the Table shall be deemed to have been replaced by one-fourth of that sum.

TABLE

1	2	3	4
(Rupees in lakhs)			
Andhra Pradesh . . . . .	9.38	40	6.65
Assam . . . . .	3.46	15	2.55
Bihar . . . . .	10.57	30	8.20
Bombay . . . . .	12.17	245	20.17
Kerala . . . . .	3.84	20	3.03
Madhya Pradesh . . . . .	7.46	40	7.67
Madras . . . . .	7.56	60	7.43
Mysore . . . . .	6.52	25	5.13
Orissa . . . . .	4.46	20	2.87
Punjab . . . . .	4.59	50	7.21
Rajasthan . . . . .	4.71	25	4.81
Uttar Pradesh . . . . .	15.94	112	15.63
West Bengal . . . . .	7.59	36	8.65

PART II

*Distribution of additional duties on tobacco*

4. The provisions of paragraphs 2 and 3 shall apply for the distribution of a part of the net proceeds of the additional duties on tobacco levied and collected during each financial year as they apply

for the distribution of a part of the net proceeds of the additional duties on sugar, subject to the modification that the references therein to the Table shall be construed as references to the Table below:—

TABLE

1	2	3	4
	(Rupees in lakhs)		
Andhra Pradesh	9.38	75	10.47
Assam	3.46	30	2.98
Bihar	10.57	20	8.90
Bombay	12.17	115	17.41
Kerala	3.84	37	3.43
Madhya Pradesh	7.46	32	7.10
Madras	7.56	57	9.53
Mysore	6.52	27	5.58
Orissa	4.46	15	3.21
Punjab	4.59	30	4.36
Rajasthan	4.71	15	3.59
Uttar Pradesh	15.94	63	16.13
West Bengal	7.59	40	7.31

## PART III

*Distribution of additional duties on textiles*

5. In this Part,—

(a) “net proceeds”, as respects any financial year, means the net proceeds of the additional duties in respect of cotton fabrics, rayon or artificial silk fabrics and woollen fabrics levied and collected during that financial year;

(b) “Table” means the Table at the end of this Part.

6. During each of the financial years commencing on or after the 1st April, 1958, there shall be paid—

(a) to the State of Jammu and Kashmir a sum equal to 1.25 per cent. of the net proceeds;

(b) to each of the States specified in the first column of the Table—

(i) such sum as is specified against that State in the second column of the Table; and

(ii) if the total of the sums payable to all the States under the preceding provisions of this paragraph is less than 99 per cent. of the net proceeds by any amount, a further sum equal to such percentage of that amount as is specified against that State in the third column of the Table:

Provided that if during that financial year, there is levied and collected in any State specified in the Table a tax on the sale or purchase of cotton fabrics, rayon or artificial silk fabrics or woollen fabrics by or under any law of that State, no sums shall be payable to that State under clause (b) in respect of that financial year, unless the Central Government by special order otherwise directs.

7. In respect of the financial year ending on the 31st March, 1958, the provisions of paragraph 2 (excluding the proviso) shall apply for the distribution of a part of the net proceeds, subject to the modification that each of the sums specified in the second column of the Table shall be deemed to have been replaced by one-fourth of that sum:

TABLE

I	2	3
		(Rupees in lakhs)
Andhra Pradesh . . . . .	120	7.38
Assam . . . . .	40	2.72
Bihar . . . . .	80	11.19
Bombay . . . . .	600	16.46
Kerala . . . . .	38	3.10
Madhya Pradesh . . . . .	83	6.97
Madras . . . . .	168	7.26
Mysore . . . . .	48	4.98
Orissa . . . . .	50	3.32
Punjab . . . . .	95	5.56
Rajasthan . . . . .	50	4.36
Uttar Pradesh . . . . .	400	18.19
West Bengal . . . . .	204	8.51





**THE INDIAN TARIFF (SECOND AMENDMENT)  
ACT, 1957**

No. 60 OF 1957

[27th December, 1957]

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

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

1. (1) This Act may be called the Indian Tariff (Second Amendment) Act, 1957. Short title and commencement.

(2) The provisions of clauses (iv)(b), (iv)(c), (v), (vi), (vii), (xiii), (xiv) and (xvi) (a) of section 3 [relating to Items Nos. 8 (3), 20 (3), 20 (4), 20 (8), 20 (9), 64, 65 (a), 67, 68, 69 (2), 70, 70 (1), 70 (4), 70 (5A), 70 (6), 70 (9), 71 (11), 72 (1) and 72 (40)] shall come into force on the first day of January, 1958.

32 of 1934.

2. After section 11 of the Indian Tariff Act, 1934 (hereinafter referred to as the principal Act), the following section shall be inserted, namely :— Insertion of new section 11A.

“ 11A. All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.” Rules to be laid before Parliament.

3. In the First Schedule to the principal Act,—

(i) in Items Nos. 11 (6), 28 (20), 63 (33)(b), 64 (3), 67 (1), 67 (2), 68 (2), 71 (8) and 75 (15), in the last column headed “ Duration of protective rates of duty ”, for the word, figures and letters “ December 31st, 1957 ”, wherever they occur, the word, figures and letters “ December 31st, 1959 ” shall be substituted; Amendment of the First Schedule.

(ii) in Items Nos. 40 (4), 40 (5), 60 (7), 64 (4), 72 (34), 75 (5), 75 (6), 75 (7), 75 (8), 75 (12A) and 75 (17), in the last column headed “ Duration of protective rates of duty ”, for the word, figures and letters “ December 31st, 1957 ”, wherever they occur, the word, figures and letters “ December 31st, 1960 ” shall be substituted;

(iii) in Item No. 30 (14), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1957", wherever they occur, the word, figures and letters "December 31st, 1961" shall be substituted;

(iv) in Item No. 8 (3)—

(a) in the second column, for the words "candied and crystallised", the words "candied, crystallised or glazed" shall be substituted,

(b) in the third column, for the word "Protective", the word "Revenue" shall be substituted, and

(c) in the last column headed "Duration of protective rates of duty", the existing entry shall be omitted;

(v) in Items Nos. 20 (4), 65 (a), 67, 68, 69 (2), 70, 70 (1), 70 (4), 70 (6), 70 (9) and 71 (11)—

(a) in the third column headed "Nature of duty", for the word "Protective", wherever it occurs, the word "Revenue" shall be substituted, and

(b) in the last column headed "Duration of protective rates of duty", the existing entries shall be omitted;

(vi) for Items Nos. 20 (3), 20 (8) and 20 (9), the following Items shall respectively be substituted, namely:—

"20 (3)	Fruits, canned or bottled or otherwise packed, not otherwise specified.	Preferential Revenue.	65 per cent <i>ad valorem</i> .	..	55 per cent <i>ad valorem</i> .	..
20 (8)	The following fruits, canned or otherwise packed, namely : Apricots, Berries, Grapes, Plums and Prunes, and fruit salads composed not less than 80 per cent. in quantity and in value of the above named fruits.	Preferential Revenue.	45 per cent <i>ad valorem</i> .	..	39 per cent <i>ad valorem</i> .	..
20 (9)	Pineapples, canned or otherwise packed.	Preferential Revenue.	45 per cent <i>ad valorem</i> .	..	37 per cent <i>ad valorem</i> .	..";

(vii) for Item No. 64, the following Item shall be substituted, namely:—

"64	Copper, wrought and manufactures of copper, all sorts not otherwise specified.	Preferential Revenue.	40 per cent <i>ad valorem</i> .	30 per cent <i>ad valorem</i> .	..	..";
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(viii) after Item No. 64 (4), the following Item shall be inserted, namely :—

“ 64(5) Copper sheets, pipes and tubes—

(a) of British manufacture.	Protective	30 per cent <i>ad valorem</i> .	..	..	December 31st, 1959;
(b) not of British manufacture.	Protective	40 per cent <i>ad valorem</i> .	..	..	December 31st, 1959”;

(ix) after Item No. 67 (3), the following Item shall be inserted, namely :—

“ 67(4) Lead strips	Protective	35 per cent <i>ad valorem</i> .	..	..	December 31st, 1959”
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(x) after Item No. 68 (3), the following Item shall be inserted, namely :—

“ 68(4) Zinc strips	Protective	35 per cent <i>ad valorem</i> .	..	..	December 31st, 1959”;
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(xi) after Item No. 70, the following Item shall be inserted, namely :—

“ 70A Brass sheets, pipes and tubes.	Protective	35 per cent <i>ad valorem</i> .	..	..	December 31st, 1959”;
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(xii) for Item No. 70 (5), the following Item shall be substituted, namely :—

“ 70(5) Brass rods	Protective	40 per cent <i>ad valorem</i> .	..	..	December 31st, 1959”;
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(xiii) after Item No. 70 (5), the following Item shall be inserted, namely :—

“ 70(5A) Brass wires and brass wire-mesh.	Revenue	40 per cent <i>ad valorem</i> .	..	..	..”;
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(xiv) in Item No. 72 (1), in the second column headed “ Name of article ”, for the words “ and roller skins ”, the words “ roller skins and plain looms of all kinds ” shall be substituted;

(xv) for Item No. 72 (12), the following Item shall be substituted, namely :—

"7 (12)	Bare hard drawn or annealed electrolytic copper wires and cables of all sizes, solid or stranded, A.C.S.R. (aluminium conductors steel reinforced) and A.A.C. (all aluminium conductors).	Protective	35 per cent <i>ad valorem</i> .	..	..	December 31st, 1960";
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(xvi) in Item No. 72 (40)—

(a) in the second column headed "Name of article", for the words "Looms of all kinds", the words "Looms of all kinds, other than plain looms" shall be substituted, and

(b) in the last column headed "Duration of protective rates of duty", for the word, figures, and letters "December 31st, 1957", wherever they occur, the word, figures and letters "December 31st, 1960" shall be substituted ;

(xvii) in Item No. 73 (1), in the second column headed "Name of article", for the words "and wires and cables of other metals and alloys of not more than equivalent conductivity", the words "and wires and cables of other metals and alloys of not more than equivalent conductivity, not otherwise specified" shall be substituted;

(xviii) after Item No. 73 (19), the following Item shall be inserted, namely :—

"73(20)	Copper-weld wires .	Revenue .	50 per cent <i>ad valorem</i>	..	..	..";
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(xix) in Item No. 75(7A)—

(a) in the second column headed "Name of article", for the words and figures "Roller chains of size 1/2" x 1/8" ", the words and figures "Roller chains of sizes 1/2" x 1/8" and 1/2" x 3/16" " shall be substituted, and

(b) in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1957", wherever they occur, the word, figures and letters "December 31st, 1960" shall be substituted ;

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(xx) for Item No. 75 (18), the following Item shall be substituted, namely :—

"75(18) (a) Single cylinder fuel injection pumps for stationary diesel engines and component parts of such pumps.	Protective	60 per cent <i>ad valorem</i> .	.. ..	December 31st, 1959.
(b) Nozzleholders with a clamping capacity upto one inch clamping diameter for nozzles (atomisers) for use on stationary or automobile diesel engines and nozzles therefor; and component parts of such nozzles and nozzleholders.	Protective	60 per cent <i>ad valorem</i> .	.. ..	December 31st, 1959".

# THE DELHI DEVELOPMENT ACT, 1957

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# THE DELHI DEVELOPMENT ACT, 1957

No. 61 OF 1957

[27th December, 1957]

An Act to provide for the development of Delhi according to plan and for matters ancillary thereto.

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

## CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Delhi Development Act, 1957. Short title,  
extent and  
commence-  
ment.
- (2) It extends to the whole of the Union territory of Delhi.
- (3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

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

(a) "amenity" includes road, water supply, street lighting, drainage, sewerage, public works and such other convenience as the Central Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;

(b) "building" includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(c) "building operations" includes rebuilding operations, structural alterations of or additions to buildings and other operations normally undertaken in connection with the construction of buildings;

(d) "development" with its grammatical variations means the carrying out of building, engineering, mining or other opera-

<sup>1</sup>30th December, 1957 *vide* Notification No. SRO. 120, dated 30-12-1957 *see* Gazette of India, 1958, Part II, sec. 3, p. 94, dated 11-1-1958.

tions in, on, over or under land or the making of any material change in any building or land and includes redevelopment;

(e) "development area" means any area declared to be a development area under sub-section (1) of section 12;

(f) "engineering operations" includes the formation or laying out of means of access to a road or the laying out of means of water supply;

(g) "means of access" includes any means of access whether private or public, for vehicles or for foot passengers, and includes a road;

(h) "regulation" means a regulation made under this Act by the Delhi Development Authority constituted under section 3;

(i) "rule" means a rule made under this Act by the Central Government;

(j) "to erect" in relation to any building includes—

(i) any material alteration or enlargement of any building,

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation,

(iii) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(iv) the conversion of two or more places of human habitation into a greater number of such places,

(v) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security,

(vi) the addition of any rooms, buildings, houses or other structures to any building, and

(vii) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;

(k) "zone" means any one of the divisions in which Delhi may be divided for the purposes of development under this Act;

~~(l) the expression "land" and the expression "person interested" shall have the meanings respectively assigned to them in section 3 of the Land Acquisition Act, 1894.~~

4 of 1894

↓ Subst. by Act 56 of 1963, S. 2 (Retrospectively)

CHAPTER II

THE DELHI DEVELOPMENT AUTHORITY AND ITS OBJECTS

3. (1) As soon as may be after the commencement of this Act, the Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act an authority to be called the Delhi Development Authority (hereinafter referred to as the Authority). The Delhi Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of the following members, namely:—

(a) a chairman who shall be the Administrator of the Union territory of Delhi, *ex officio*;

(b) a vice-chairman to be appointed by the Central Government;

(c) a finance and accounts member to be appointed by the Central Government;

(d) an engineer member to be appointed by the Central Government;

(e) as and when the Municipal Corporation of Delhi is established, two representatives of that Corporation to be elected by the councillors and aldermen of the Corporation from among themselves;

<sup>3 three</sup>  
(f) ~~two~~ representatives of the Advisory Committee in respect of the Union territory of Delhi constituted by the President by notification of the Government of India in the Ministry of Home Affairs, No. 19/30/56—SRI, dated the 8th November, 1956, to be elected by the members of that Committee from among themselves;

~~(g) two other persons to be nominated by the Central Government; and~~

(h) the Commissioner of the Municipal Corporation of Delhi, *ex officio*.

~~(4) The vice-chairman, the finance and accounts member and the engineer member shall be whole-time paid members of the Authority and shall be entitled to receive from the funds of the Authority~~

↓ Subs. by Act 52 of 1963, s. 3 (wef 20.12.63)  
2 Subs. by Act 52 of 1964, s. 3 & 4 (wef 29-12-64)  
3 Subs. by Act 19 of 1966, s. 26 (wef 7-9-66).

such salaries, and such allowances, if any, and governed by such conditions of service as may be determined by rules made in this behalf.

(5) The members specified in clause (e), clause (f) and clause (g) of sub-section (3) may be paid from the funds of the Authority such allowances, if any, as may be fixed by the Central Government in this behalf.

[Three members] (6) The vice-chairman, the finance and accounts member, the engineer member and the two members referred to in clause (g) of sub-section (3) shall hold office during the pleasure of the Central Government and the two representatives of the Advisory Committee of Delhi referred to in clause (f) of sub-section (3) shall hold office for so long only as they continue to be members thereof. (2xx)

[Three representatives of the Corporation] (7) Save as provided in sub-section (8) a representative of the Municipal Corporation of Delhi shall hold office for a term of four years from the date of his election to the Authority and shall be eligible for re-election:

Provided that such term shall come to an end as soon as he ceases to be a councillor or an alderman of the said Corporation.

(8) A representative of the Municipal Corporation of Delhi elected under clause (e) of sub-section (3) to fill a casual vacancy shall continue in office for the remainder of the term of the member in whose place he is elected.

(9) A member other than an *ex officio* member may resign his office by writing under his hand addressed to the Central Government but shall continue in office until his resignation is accepted by that Government.

(10) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in, or defect in the constitution of, the Authority.

Staff of the Authority.

4. (1) The Central Government may appoint two suitable persons respectively as the secretary and the chief accounts officer of the Authority who shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to them by the Authority or the chairman.

(2) Subject to such control and restrictions as may be prescribed by rules, the Authority may appoint such number of other officers and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designations and grades.

1. Rules by Act 56 of 1963, s. 3 (with 30.12.1963)  
2. Omitted & Subs. by Act 19 of 1966, s. 36 (w.e.f. 7-9-66)

(3) The secretary, chief accounts officer and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and shall be governed by such conditions of service as may be determined by regulations made in this behalf.

5. (1) The Authority shall, as soon as may be, constitute an advisory council for the purpose of advising the Authority on the preparation of the master plan and ~~the zonal development plans and generally on the planning of development of Delhi and on such other matters~~ arising out of, or in connection with, the administration of this Act as may be referred to it by the Authority. Advisory Council.  
for such other matters relating to the planning of development.

(2) The advisory council shall consist of the following members, namely:—

(a) the chairman of the Authority, *ex officio*, who shall be the president;

(b) two persons with knowledge of town planning or architecture to be nominated by the Central Government;

(c) one representative of the Health Services of Delhi administration to be nominated by the Central Government;

(d) four representatives of the Municipal Corporation of Delhi to be elected by the councillors and aldermen from among themselves;

~~(e) three persons representing the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee of the said Corporation, of whom—~~

~~(i) one shall be elected by the members of the Delhi Electric Supply Committee from among themselves;~~

~~(ii) one shall be elected by the members of the Delhi Transport Committee from among themselves; and~~

~~(iii) one shall be elected by the members of the Delhi Water Supply and Sewage Disposal Committee from among themselves;~~

(f) three persons to be nominated by the Central Government of whom one shall represent the interests of commerce and industry and one, the interests of labour, in Delhi;

(g) four persons from the technical departments of the Central Government to be nominated by that Government; and

1. Subs. by Act 56 of 1963, s. 4 (wef 30.12.1963)

2. Subs. by Act 38 of 1984, s. 2 (w.e.f 12.3.1985)

(h) three members of Parliament of whom two shall be members of the House of the People and one shall be a member of the Council of States to be elected respectively by the members of the House of the People and the members of the Council of States.

(3) The Council shall meet as and when necessary and shall have the power to regulate its own procedure.

(4) An elected member shall hold office for a term of four years from the date of his election to the council and shall be eligible for re-election:

Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he was elected.

Objects of  
the Authority.

6. The objects of the Authority shall be to promote and secure the development of Delhi according to plan and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of land and other property, to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage and other services and amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto:

Provided that save as provided in this Act, nothing contained in this Act shall be construed as authorising the disregard by the Authority of any law for the time being in force.

### CHAPTER III

#### MASTER PLAN AND ZONAL DEVELOPMENT PLANS

Civic survey  
of, and  
master plan  
for, Delhi.

7. (1) The Authority shall, as soon as may be, carry out a civic survey of, and prepare a master plan for, Delhi.

(2) The master plan shall—

(a) define the various zones into which Delhi may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and

(b) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

Zonal development  
plans

8. (1) Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a zonal development plan for each of the zones into which Delhi may be divided.

↳ Ins. by Act 50 of 1963, s. 5 (wef 26.12.1963)  
2 Ins. by s. 6, und.

(2) A zonal development plan may—

(a) contain a site-plan and use-plan for the development of the zone and show the approximate locations and extents of land-uses proposed in the zone for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open spaces and other categories of public and private uses;

(b) specify the standards of population density and building density;

(c) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development; and

(d) in particular, contain provisions regarding all or any of the following matters, namely:—

(i) the division of any site into plots for the erection of buildings;

(ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;

(iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;

(iv) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;

(v) the alignment of buildings on any site;

(vi) the architectural features of the elevation or frontage of any building to be erected on any site;

(vii) the number of residential buildings which may be erected on any plot or site;

(viii) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided;

(ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;

(x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;

(xi) the restrictions regarding the use of any site for purposes other than erection of buildings; and

(xii) any other matter which is necessary for the proper development of the zone or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.

Submission of plans to the Central Government for approval.

9. (1) In this section and in sections 10, 11, 12 and 14 the word "plan" means the master plan as well as the zonal development plan for a zone.

(2) Every plan shall, as soon as may be after its preparation, be submitted by the Authority to the Central Government for approval and that Government may either approve the plan without modifications or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.

Procedure to be followed in the preparation and approval of plans.

10. (1) Before preparing any plan finally and submitting it to the Central Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

(2) The Authority shall also give reasonable opportunities to every local authority within whose local limits any land touched by the plan is situated, to make any representation with respect to the plan.

(3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the Central Government for its approval.

(4) Provisions may be made by rules made in this behalf with respect to the form and content of a plan and with respect to the procedure to be followed and any other matter, in connection with the preparation, submission and approval of such plan.

(5) Subject to the foregoing provisions of this section the Central Government may direct the Authority to furnish such information as that Government may require for the purpose of approving any plan submitted to it under this section.

Date of operation of plan.

11. Immediately after a plan has been approved by the Central Government, the Authority shall publish in such manner as may be



prescribed by regulations a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice the plan shall come into operation.

CHAPTER IV

DEVELOPMENT OF LANDS

12. ~~(1) As soon as may be after the commencement of this Act the Central Government after consultation with the Authority may, by notification in the Official Gazette, declare any area in Delhi to be a development area for the purposes of this Act:~~

Declaration of development areas and development of land in those and other areas.

~~Provided that after the establishment of the Municipal Corporation of Delhi no such declaration shall be made except after consultation with that Corporation also.~~

(2) Save as otherwise provided in this Act, the Authority shall not undertake or carry out any development of land in any area which is not a development area.

(3) After the commencement of this Act no development of land shall be undertaken or carried out in any area by any person or body (including a department of Government) unless,—

(i) where that area is a development area, permission for such development has been obtained in writing from the Authority in accordance with the provisions of this Act;

(ii) where that area is an area other than a development area, approval of, or sanction for, such development has been obtained in writing from the local authority concerned or any officer or authority thereof empowered or authorised in this behalf, in accordance with the provisions made by or under the law governing such authority or until such provisions have been made, in accordance with the provisions of the regulations relating to the grant of permission for development made under the Delhi (Control of Building Operations) Act, 1955, and in force immediately before the commencement of this Act:

53 of 1955.

Provided that the local authority concerned may amend those regulations in their application to such area.

[Subject to the provisions of Section 53A] 2

(4) After the coming into operation of any of the plans in any area no development shall be undertaken or carried out in that area unless such development is also in accordance with such plans.

(5) Notwithstanding anything contained in sub-sections (3) and (4) development of any land begun by any department of Government or any local authority before the commencement of this Act may be completed by that department or local authority without compliance with the requirements of those sub-sections.

639-M of Law-49  
 4. Am. by Act 26 of 1963, s. 7 (w.e.f. 30.12.1963)  
 5. Subst. Law by S. S. Act.

Application  
for per-  
mission.

13. (1) Every person or body (including a department of Government) desiring to obtain the permission referred to in section 12 shall make an application in writing to the Authority in such form and containing such particulars in respect of the development to which the application relates as may be prescribed by regulations.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed by rules:

Provided that no such fee shall be necessary in the case of an application made by a department of the Government.

(3) On the receipt of an application for permission under sub-section (1), the Authority after making such inquiry as it considers necessary in relation to any matter specified in clause (d) of sub-section (2) of section 8 or in relation to any other matter, shall, by order in writing, either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission:

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(4) Where permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant in the manner prescribed by regulations.

(5) The Authority shall keep in such form as may be prescribed by regulations a register of applications for permission under this section.

(6) The said register shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed by regulations and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as may be prescribed by regulations.

(7) Where permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, on an application for refund being made within three months of the communication of the grounds of the refusal under sub-section (4) direct refund of such portion of the fee as to it may seem proper in the circumstances of the case.

User of  
land and  
buildings in  
contravention  
of plans.

14. After the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan:

Provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force.

## CHAPTER V

## ACQUISITION AND DISPOSAL OF LAND

15. (1) ~~If in the opinion of the Central Government any land is~~ <sup>Compulsory</sup> ~~required for the purpose of development, or for any other purpose,~~ <sup>acquisition</sup> ~~under this Act, the Central Government may acquire such land by~~ <sup>of Land.</sup> publishing in the Official Gazette a notice specifying the particular purpose for which such land is required and stating that the Central Government has decided to acquire the land in pursuance of this section.

(2) Before publishing a notice under sub-section (1), the Central Government shall by another notice call upon the owner of the land and any other person who in the opinion of the Central Government may be interested therein, to show cause within such time as may be specified in the notice, why the land should not be acquired.

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein and after giving such owner and person an opportunity of being heard, the Central Government may pass such orders as it deems fit.

(4) When a notice under sub-section (1) is published in the Official Gazette, the land shall on and from the date of such publication, vest absolutely in the Central Government free from all encumbrances.

(5) Where any land is vested in the Central Government under sub-section (4), the Central Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to that Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(6) If any person refuses or fails to comply with an order made under sub-section (5) the Central Government may take possession of the land and may for that purpose use such force as may be necessary.

(7) Where the land has been acquired for the Authority or any local authority, the Central Government shall, after it has taken possession of the land and on payment by the Authority or the local authority concerned of the amount of compensation determined

by Sulu. by Act 53 of 1953, S. 9 (Retrospectively)

under section 16 and of the other charges incurred by the Government in connection with the acquisition, transfer the land to the Authority or that local authority for the purpose for which the land has been acquired.

Compensation for compulsory acquisition of land.

16. (1) Where any land is acquired by the Central Government under this Act, the Central Government shall pay for such acquisition, compensation the amount of which shall be determined in accordance with the provisions of this section.

(2) Where the amount of compensation can be determined by agreement between the Central Government and the person to be compensated, it shall be determined in accordance with such agreement.

(3) Where no such agreement can be reached, the Central Government shall refer the case to the collector for determination of the amount of compensation to be paid for such acquisition as also the person or persons to whom such compensation shall be paid.

(4) Before finally determining the amount of compensation, the collector shall give an opportunity to every person to be compensated to state his case as to the amount of compensation.

(5) In determining the amount of compensation, the collector shall be guided by the following principles, namely:—

(a) no allowance shall be made on account of the acquisition being compulsory;

(b) the value of the land shall be taken to be—

(i) the market value of the land on the date on which the notice calling upon the owner to show cause why the land should not be acquired is issued under sub-section (2) of section 15 (hereinafter referred to as 'the date of notice'), such market value being determined on the basis of the use of the land on that date, or

(ii) an amount equal to the sum total of the three following amounts, that is to say, an amount equal to the market value of the land on the 1st day of October, 1955, such market value being determined on the basis of the use of the land on that date, an amount equal to twenty-five per cent. of the increase, if any, (not including, however, any increase consequent on any development carried out on the land) in the market value of the land during the period between the 1st day of October, 1955, and the date of notice, and an amount which in the opinion of the collector represents the reasonable

↳ Section 16 to 20 omitted by Act 55 of 1963, s. 10 (Repealed provision)

cost of development, if any, (including in the case of agricultural land, the cost of any improvement carried out thereon in the course of agricultural operations) carried out on the land during that period, whichever is less;

(c) the special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it would be applied only in pursuance of statutory powers, or for which there is not a market apart from the special needs of a particular purchaser or the requirements of any department of Government or any local or public authority;

(d) where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the inmates of the premises, or to public health, the amount of that increase shall not be taken into account.

(6) For the purpose of determining the amount of compensation—

(a) the collector shall have the power to require any person to deliver to him such returns and assessments as he considers necessary;

(b) the collector shall also have the power to require any person known or believed to be interested in the land to deliver to him a statement containing, as far as may be practicable, the name of every other person having any interest in the land as co-owner, mortgagee, tenant or otherwise, and the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(7) Every person required to deliver a return, assessment or statement under sub-section (6) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.

(8) The collector may hear expert witnesses if it be necessary to do so in any particular case.

(9) The collector shall be entitled to enter on and inspect any land which is the subject of proceedings before him.

(10) The collector shall dispose of every case referred to him under sub-section (3) for determination of compensation as expeditiously as possible and in any case within such time as may be prescribed by rules.

(11) The collector shall determine the amount of costs incurred in any case disposed of by him under the section, and by what persons and in what proportions they are to be paid.

Appeal to the district judge against decision of the collector.

17. (1) Any person aggrieved by the decision of the collector determining the amount of compensation may within sixty days from the date of such decision appeal to the court of the district judge of Delhi.

(2) The decision of the court of the district judge on such appeal, and subject only to such decision, the decision of the collector determining the amount of compensation shall be final and shall not be questioned in any court.

Disputes as to apportionment of the compensation.

18. If any dispute arises as to the apportionment of compensation among persons claiming to be entitled thereto the Central Government shall refer such dispute for the decision of the court of the district judge of Delhi and the decision of that court thereon shall be final.

Payment of compensation or deposit of the same in court.

19. (1) Where the amount of compensation is determined by agreement, the Central Government shall pay such amount to the person or persons entitled thereto.

(2) Where the amount of compensation is determined by the collector under the provisions of section 16, the Central Government shall tender payment of the compensation determined to the persons entitled thereto according to such determination and shall pay to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(3) If the persons entitled to compensation according to the decision of the collector do not consent to receive it, or if there be no person competent to alienate the land or if there be any dispute as to the title to receive the compensation, the Central Government shall deposit the amount of the compensation in the court of the district judge of Delhi:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount of compensation:

Provided further that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation determined under this Act, to pay the same to the person lawfully entitled thereto.

Investment of the amount of compensation deposited in court.

20. Where any amount of compensation has been deposited in court under section 19, the court may either of its own motion or on the application made by or on behalf of any party interested or claiming to be interested in such amount, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as will, in its opinion, give the parties interested therein the same

benefit therefrom as they might have had from the land in respect whereof such amount has been deposited or as near thereto as may be.

21. (1) Subject to any directions given by the Central Government under this Act, the Authority or, as the case may be, the local authority concerned may dispose of—

Disposal of land by the Authority or the local authority concerned.

(a) any land acquired by the Central Government and transferred to it, without undertaking or carrying out any development thereon; or

(b) any such land after undertaking or carrying out such development as it thinks fit,

to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing the development of Delhi according to plan.

(2) The powers of the Authority or, as the case may be, the local authority concerned with respect to the disposal of land under subsection (1) shall be so exercised as to secure, so far as practicable, that persons who are living or carrying on business or other activities on the land shall, if they desire to obtain accommodation on land belonging to the Authority or the local authority concerned and are willing to comply with any requirements of the Authority or the local authority concerned as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them:

Provided that where the Authority or the local authority concerned proposes to dispose of by sale any land without any development having been undertaken or carried out thereon, it shall offer the land in the first instance to the persons from whom it was acquired, if they desire to purchase it subject to such requirements as to its development and use as the Authority or the local authority concerned may think fit to impose.

(3) Nothing in this Act shall be construed as enabling the Authority or the local authority concerned to dispose of land by way of gift, mortgage or charge, but subject as aforesaid reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.

22. (1) The Central Government may, by notification in the Official Gazette and upon such terms and conditions as may be agreed upon between that Government and the Authority, place at the disposal of the Authority all or any developed and undeveloped Nazul lands

lands in Delhi vested in the Union (known and hereinafter referred to as "nazul lands") for the purpose of development in accordance with the provisions of this Act.

(2) No development of any nazul land shall be undertaken or carried out except by, or under the control and supervision of, the Authority after such land has been placed at the disposal of the Authority under sub-section (1).

(3) After any such nazul land has been developed by, or under the control and supervision of, the Authority, it shall be dealt with by the Authority in accordance with rules made and directions given by the Central Government in this behalf.

(4) If any nazul land placed at the disposal of the Authority under sub-section (1) is required at any time thereafter by the Central Government, the Authority shall, by notification in the Official Gazette, replace it at the disposal of that Government upon such terms and conditions as may be agreed upon between that Government and the Authority.

#### CHAPTER VI

##### FINANCE, ACCOUNTS AND AUDIT

Fund of the Authority.

23. (1) The Authority shall have and maintain its own fund to which shall be credited—

(a) all moneys received by the Authority from the Central Government by way of grants, loans, advances or otherwise;

(b) all fees and charges received by the Authority under this Act;

(c) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable; and

(d) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.

(2) The fund shall be applied towards meeting the expenses incurred by the Authority in the administration of this Act and for no other purposes.

(3) The Authority may keep in current account of the State Bank of India or any other bank approved by the Central Government in this behalf such sum of money out of its fund as may be prescribed by rules and any money in excess of the said sum shall be invested in such manner as may be approved by the Central Government.

(4) The Central Government may, after due appropriation made by Parliament by law in this behalf, make such grants, advances and loans to the Authority as that Government may deem necessary

1. S. No. 14 of Act 56 of 1952, S. 11 (Amend. 20.12.1952)

2. S. No. 14 of Act 56 of 1952, S. 11



for the performance of the functions of the Authority under this Act; and all grants, loans and advances made shall be on such terms and conditions as the Central Government may determine.

24. The Authority shall prepare in such form and at such time <sup>Budget of the Authority.</sup> every year as may be prescribed by rules a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Authority and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

25. (1) The Authority shall maintain proper accounts and other <sup>Accounts and audit.</sup> relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may by rules prescribe in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be subject to audit annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of accounts of the Authority shall have the same right, privilege and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.

(4) The accounts of the Authority 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 a copy of the same to be laid before both Houses of Parliament.

26. The Authority shall prepare for every year a report of its <sup>Annual report.</sup> activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules, and that Government shall cause a copy of the report to be laid before both Houses of Parliament.

27. (1) The Authority shall constitute for the benefit of its whole- <sup>Pension and provident funds.</sup> time paid members and of its officers and other employees in such manner and subject to such conditions, as may be prescribed by rules, such pension and provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were 19 of 1925, a Government Provident Fund.

## CHAPTER VII

### SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

Powers of entry.

28. The Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of—

- (a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;
- (b) examining works under construction and ascertaining the course of sewers and drains;
- (c) digging or boring into the sub-soil;
- (d) setting out boundaries and intended lines of work;
- (e) making such levels, boundaries and lines by placing marks and cutting trenches;
- (f) ascertaining whether any land is being or has been developed in contravention of the master plan or zonal development plan or without the permission referred to in section 12 or in contravention of any condition subject to which such permission has been granted; or
- (g) doing any other thing necessary for the efficient administration of this Act:

Provided that—

- (i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;
- (ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;
- (iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

Penalties.

29. (1) Any person who whether at his own instance or at the instance of any other person or any body (including a department of Government) undertakes or carries out development of any land in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 12 or

3. Subs. by Act 38 of 1984, S. 3 (w.e.f. 12.3.1985)  
4. Omitted and subs. by S. 4, ibid. (w.e.f. ---)

of 1957]

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in contravention of any condition subject to which such permission, approval or sanction has been granted, ~~shall be punishable with fine which may extend to ten thousand rupees, and in the case of a continuing offence, with further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.~~

(2) Any person who uses any land or building in contravention of the provisions of section 14 or in contravention of any terms and conditions prescribed by regulations under the proviso to that section shall be punishable with fine which may extend to five thousand rupees.

(3) Any person who obstructs the entry of a person authorised under section 28 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

30. ~~(1) Where the erection of any building in any development area has been commenced, or is being carried on, or has been completed in contravention of the master plan or zonal development plan or without the permission referred to in section 12 or in contravention of any condition subject to which such permission has been granted, any officer of the Authority empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order directing that such erection shall be demolished by the owner thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the officer may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable from the owner as arrears of land revenue:~~ Order of demolition of building.

Provided that no such order shall be made unless the owner has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal to the chairman of the Authority against that order within thirty days from the date thereof; and the chairman may after hearing the parties to the appeal either allow or dismiss the appeal or may reverse or vary any part of the order.

~~(3) The decision of the chairman on the appeal and subject only to such decision the order under sub-section (1), shall be final and shall not be questioned in any court.~~

31. ~~(1) Where the erection of any building in any area has been commenced in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 12 or in contravention of any condition subject to which~~ Power to stop building operations.

~~of the Authority empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order directing that such erection shall be demolished by the owner thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the officer may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable from the owner as arrears of land revenue:~~

For A. 31 please see next page

4. Subs. by Act 56 of 1963, S. 13 (w.e.f. 30.12.1963)  
2. Subs. 2 sub by S. 14, ibid.

such permission, approval or sanction has been granted, but such erection has not been completed, the Authority in relation to a development area and the local authority concerned or any officer or authority thereof empowered or authorised in this behalf, in relation to an area other than a development area, may, in addition to any prosecution that may be instituted under this Act, make an order requiring the building operations in relation to such erection to be discontinued on and from the date of the service of the order.

(2) Where such building operations are not discontinued in pursuance of the requisition under sub-section (1), the Authority or, as the case may be, the local authority concerned or the officer or authority thereof authorised or empowered as aforesaid, may require any police officer to remove the person by whom the erection of the building has been commenced and all his assistants and workmen from the place of the building within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) After a requisition under sub-section (2) has been complied with, the Authority or, as the case may be, the local authority concerned or the officer or authority thereof authorised or empowered as aforesaid may, depute by a written order a police officer or an officer or employee of the Authority or local authority concerned, to watch the place in order to ensure that the erection of the building is not continued.

(4) Any person failing to comply with an order under sub-section (1) shall be punishable with fine which may extend to two hundred rupees for every day during which the non-compliance continues after the service of the order.

(5) No compensation shall be claimable by any person for any damage which he may sustain ~~in consequence of the discontinuance of the erection of any building.~~

Offences by companies.

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

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

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or

*of Rules by Act 56 of 1963, s. 15 (w.e.f. 12.3.1963)*  
*2nd by Act 38 of 1984, s. 5 (w.e.f. 12.3.1985)*  
*omitted by S. 5 (c) ibid, (w.e.f. 12.3.1985)*  
*2nd by S. 6, ibid. (w.e.f. 12.3.1985)*

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.

33. All fines realised in connection with prosecutions under this Act shall be paid to the Authority or, as the case may be, the local authority concerned.

Fines when realised to be paid to Authority or local authority concerned.  
Composition of offences.

~~34. (1) The Authority or as the case may be, the local authority concerned or any person authorised by the Authority or such local authority by general or special order in this behalf may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.~~

(2) Where an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

~~35. (1) If the Authority after holding a local inquiry or upon report from any of its officers or other information in its possession, is satisfied that the owner of any land in a development area has failed to provide any amenity in relation to the land which in the opinion of the Authority ought to be provided or to carry out any development of the land for which permission has been obtained under this Act, it may serve upon the owner a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.~~

Default powers of Authority.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then, the Authority may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that before taking any action under this sub-section the Authority shall afford reasonable opportunity to the owner of the land to show cause as to why such action should not be taken.

(3) All expenses incurred by the Authority or the agency employed by it in providing the amenity or carrying out the development together with interest at such rate as the Central Government may by order fix, from the date when a demand for the expenses is made until payment may be recovered by the Authority from the owner as arrears of land revenue.

4. Amended by Act 26 of 1958, s. 6 (w.e.f. 30.12.1958)

2. Amended by S.O. 11, 1959

2. Amended by Act 38 of 1959, s. 7 (w.e.f. 12.2.1959)

Power of Authority to require local authority to assume responsibility for amenities in certain cases.

36. Where any area has been developed by the Authority, the Authority may require the local authority within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided by the Authority but which in its opinion should be provided in the area, on terms and conditions agreed upon between the Authority and that local authority; and where such terms and conditions cannot be agreed upon, on terms and conditions settled by the Central Government in consultation with the local authority on a reference of the matter to that Government by the Authority.

Power of Authority to levy betterment charges.

37. (1) Where as a consequence of any development scheme having been executed by the Authority in any area, the value of any property in that area, in the opinion of the Authority, has increased or will increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development scheme.

(2) Such betterment charge shall be an amount equal to one-third of the amount by which the value of the property on the completion of the execution of the development scheme estimated as if the property were clear of buildings exceeds the value of the property prior to such execution estimated in like manner.

Assessment of betterment charge by Authority.

38. (1) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or any person having an interest therein that the Authority proposes to assess the amount of the betterment charge in respect of the property under section 37.

(2) The Authority shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Authority, inform the Authority by a declaration in writing that he accepts the assessment or dissents from it.

(3) When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section

(2) such assessment shall be final.

L. Sub. (a) Act 56 of 1957 (1957, 12, 1563)

(4) If the person concerned dissents from the assessment or fails to give the Authority the information required by sub-section (2) within the period specified therein the matter shall be determined by arbitrators in the manner provided in section 39.

39. (1) For the determination of the matter referred to in sub-section (4) of section 38, the Central Government shall appoint three arbitrators of whom one at least shall have special knowledge of the valuation of land. Settlement of betterment charge by arbitrators.

(2) The arbitrators shall follow such procedure as may be prescribed by rules made in this behalf.

(3) In the event of any difference of opinion among the arbitrators the decision of the majority shall prevail and that decision shall be the award of the arbitrators.

(4) If any arbitrator dies, resigns, or is removed under sub-section (5) or refuses, or neglects in the opinion of the Central Government, to perform his duties or becomes incapable of performing the same, then the Central Government shall forthwith appoint another fit person to take the place of such arbitrator.

(5) If the Central Government is satisfied after such inquiry as it thinks fit—

(a) that an arbitrator has misconducted himself, the Central Government may remove him from his office;

(b) that the award of the arbitrators has been improperly procured or that any arbitrator has misconducted himself in connection with such award, the Central Government may set aside the award.

(6) An award which has not been set aside by the Central Government under clause (b) of sub-section (5) shall be final and shall not be questioned in any court.

10 of 1940.

(7) The provisions of the Arbitration Act, 1940, shall not apply to arbitration under this section.

40. (1) The betterment charge levied under this Act shall be payable in such number of instalments and each instalment shall be payable at such time and in such manner as may be fixed by regulations made in this behalf. Payment of betterment charge.

(2) Any arrear of betterment charge shall be recoverable as an arrear of land revenue.

1. Ins. by Act 50 of 1963, s. 19 (w.e.f. 30.12.1963)  
2. Ins. by s. 20, ibid.

Control by  
Central Gov-  
ernment.

41. (1) The Authority shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by the Authority under this Act, any dispute arises between the Authority and the Central Government the decision of the Central Government on such dispute shall be final.

Returns and  
information.

42. The Authority shall furnish to the Central Government such reports, returns and other information as that Government may from time to time require.

Service of  
notices, etc.

43. (1) All notices, orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served—

(a) where the person to be served is a company if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either—

(i) sent by registered post, or

(ii) delivered at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(i) sent by registered post, or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body or a corporation or society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

(i) sent by registered post, or

(ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served and—

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or

1. In. Imp. Act 156 of 1963, s. 21 (Cl. 30, 12. (3))  
2. In. Imp. s. 22, (ii)



business, if within the Union territory of Delhi or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property the secretary to the Authority may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) A servant is not a member of the family within the meaning of this section.

44. Every public notice given under this Act shall be in writing over the signature of the secretary to the Authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspaper or by any two or more of these means, and by any other means that the secretary may think fit.

Public notice  
how to be  
made known.

45. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable time for doing the same.

Notices, etc.,  
to fix  
reasonable  
time.

4 Subs. by Act 38 of 1984, s. 8 (w.e.f. 12.3.1985)  
 5 Subs. by s. 9, ibid. (w.e.f. 12-3-1985).  
 6 Subs. by s. 10, ibid. (w.e.f. — )

Authenti-  
 cation of  
 orders and  
 documents  
 of the  
 Authority.

46. All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the secretary to the Authority or any other officer authorised by the Authority in this behalf.

Members  
 and officers  
 to be public  
 servants.

47. Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Jurisdiction  
 of courts.

48. No court inferior to that of a <sup>Metropolitan Magistrate</sup> magistrate of the first class shall try an offence punishable under this Act.

[Other than an offence referred to in sub-section (2)]

Sanction of  
 prosecution.

49. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority or as the case may be, the local authority concerned or any officer authorised by the Authority or such local authority in this behalf.

Magistrate's  
 power to  
 impose  
 enhanced  
 penalties.

50. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any court of a <sup>Magistrate</sup> ~~magistrate of the first class~~ to pass any sentence authorised by this Act in excess of its powers under the said section.

Protection  
 of action  
 taken in  
 good faith.

51. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

Power to  
 delegate.

52. The Authority may, by notification in the Official Gazette, direct that any power exercisable by it under this Act except the power to make regulations may also be exercised by such officer or local authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

2  
 to be removed  
 as per section 5A

Effect of  
 other laws.

53. (1) Nothing in this Act shall affect the operation of the Slum Areas (Improvement and Clearance) Act, 1956.

6 of 1956.

(2) Save as aforesaid, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(3) Notwithstanding anything contained in any such other law—

(a) when permission for development in respect of any land has been obtained under this Act such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained;

1. Re-numbered sub. by Act 56 of 1963, s. 23 (w.e.f. 30.12.1963)  
 2. Re-numbered as sub. by s. 24, ibid.  
 3. Subs. by s. 25, ibid.

(b) when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

54. Nothing in this Act shall apply to—

Savings.

(a) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

(b) the carrying out by any local authority or by any department of Government of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;

(c) the erection of a building, not being a dwelling house if such building is required for the purposes subservient to agriculture;

(d) the erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or *samadhi* on land which at the commencement of this Act is occupied by or for the purpose of such worship, tomb, cenotaph, graveyard or *samadhi*;

(e) the excavations (including wells) made in the ordinary course of agricultural operations; and

(f) the construction of unmetalled road intended to give access to land solely for agricultural purposes.

55. (1) Where any land situated in any area in Delhi is required by the master plan or a zonal development plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of operation of the plan under section 11 or where such land has been so required or designated by any amendment of such plan, from the date of operation of such amendment, the land is not compulsorily acquired under the provisions of this Act or, as the case may be, of any other law relating to acquisition of immovable property, by the authority for the time being charged with the development of the area in which the land is situated, the owner of the land may serve on the authority a notice requiring his interest in the land to be so acquired.

Plans to stand modified in certain cases.

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serve on the Central Government a notice) 3

1. Ins. by Act 56 of 1963, s. 26 (wef 30.12.1963)  
 2. omitted by s. 27, *ibid.* (Retrospective)  
 3. Subs. by s. 27, *ibid.* (wef 30.12.1963)

[ If the Central Government ]

(2) If the authority for the time being charged with the development of the area fails to acquire the land within a period of six months from the date of receipt of the notice, the master plan or, as the case may be, the zonal development plan shall have effect, after the expiration of the said six months as if the land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition.

Power to make rules.

56. (1) The Central Government, after consultation with the Authority, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that consultation with the Authority shall not be necessary on the first occasion of the making of rules under this section, but the Central Government shall take into consideration any suggestions which the Authority may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of election of representatives of the Municipal Corporation of Delhi under clause (e) of sub-section (3) of section 3;

(b) the qualifications and disqualifications for being chosen as, and for being, members of the Authority or the Advisory Council;

(c) the salaries, allowances and conditions of service of the whole-time paid members of the Authority;

(d) the control and restrictions in relation to appointment of officers and other employees;

(e) the form and content of the master plan and a zonal development plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form, and the manner of publication, of the notice relating to any such plan in draft;

(f) the local inquiries and other hearings that may be held before a plan is approved;

~~(g) the periodical amendment of the master plan and a zonal development plan, the period at the expiration of which such amendment may be taken up, the procedure to be followed in making such amendment and the date of operation of such amendment;~~

1. Ins. by Act 56 of 1963, s. 27 (w.e.f. 30.12.63)

2. Ins. Delhi. by s. 28, 21/1/64.

3. Ins. by Act 4 of 1976, s. 2 (w.r.s. 24.1.76)

§ 20. 1, Act 38 of 1924, S. 11 (w.e.f. ...)

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(h) the fee to be paid on an application for permission under sub-section (1) of section 13 and the factors and circumstances to be taken into consideration in determining such fee;

~~(i) the time within which cases referred to the collector under sub-section (3) of section 16 for determination of compensation shall be disposed of;~~ xxx

(j) the manner in which nazul lands shall be dealt with after development;

(k) the procedure for referring any matter to the Central Government under section 36 for settlement of terms and conditions subject to which a local authority may be required to assume responsibility for amenities in any area;

(l) the procedure to be followed by arbitrators in the determination of betterment charge;

(m) the sum of money that may be kept in current account;

(n) the form of the budget of the Authority and the manner of preparing the same;

(o) the form of the balance-sheet and statement of accounts;

(p) the form of the annual report and the date on or before which it shall be submitted to the Central Government;

(q) the manner of constitution of the pension and provident funds for whole-time paid members and officers and other employees of the Authority and the conditions subject to which such funds may be constituted;

(r) any other matter which has to be, or may be, prescribed by rules.

57. (1) ~~The Authority may, with the previous approval of the Central Government, make regulations~~ consistent with this Act and the rules made thereunder, to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

(a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum thereat;

(b) the powers and duties of the secretary and chief accounts officer of the Authority;

(c) the salaries, allowances and conditions of service of the secretary, chief accounts officer and other officers and employees;

4 omitted by Act 56 of 1963, S. 28 (Retrospectively)

2 Ins. by S. 28, ibid (w.e.f. 30.12.1963)

3 Ins. by S. 29, ibid

4 Ins. by Act 4 of 1976, S. 3 (w.e.f. 24.1.1976)

power to  
make  
regulations.

(d) the procedure for the carrying out of the functions of the Authority under Chapter III;

(e) the form in which any application for permission under sub-section (1) of section 13 shall be made and the particulars to be furnished in such application;

(f) the terms and conditions subject to which user of lands and buildings in contravention of plans may be continued;

<sup>10610</sup> (g) ~~the manner of publication of the notice under section 15;~~

(h) the manner of communicating the grounds of refusal of permission for development;

(i) the form of the register of applications for permission and the particulars to be contained in such register;

(j) the management of the properties of the Authority;

(k) the time and manner of payment of betterment charge; and

(l) any other matter which has to be, or may be, prescribed by regulations.

(2) Until the Authority is established under this Act, any regulation which may be made under sub-section (1) may be made by the Central Government; and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1).

Laying of rules and regulations before Parliament.

~~58. All rules and regulations made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.~~

Dissolution of the Authority.

59. (1) Where the Central Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the Central Government unnecessary, that Government may by notification in the Official Gazette declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.

(2) From the said date—

(a) all properties, funds and dues which are vested in, or realisable by, the Authority shall vest in, or be realisable by the Central Government;

*1. Amended by Act 56 of 1963, s. 29 (Retrospective).*

*2. Subs by Act 4 of 1976, s. 4 (w.e.f. 24.1.1976)*

(b) all nazul lands placed at the disposal of the Authority shall revert to the Central Government;

(c) all liabilities which are enforceable against the Authority shall be enforceable against the Central Government; and

(d) for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the Central Government.

60. (1) As from the date of the constitution of the Authority,—

Repeal, etc.,  
and savings.

(a) the United Provinces Town Improvement Act, 1919, shall cease to have effect in the Union territory of Delhi; and

(b) the Delhi (Control of Building Operations) Act, 1955, shall stand repealed.

(2) Notwithstanding the provisions of sub-section (1)—

(a) every officer and other employee serving under the Delhi Improvement Trust or the Delhi Development (Provisional) Authority immediately before the date of the constitution of the Authority shall, on and from such date, be transferred to and become an officer or other employee of the Authority with such designations as the Authority may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority:

Provided that any service rendered by any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under it:

Provided further that the Authority may employ any such officer or other employee in the discharge of such functions under this Act as it may think proper and every such officer or other employee shall discharge those functions accordingly;

(b) anything done or any action taken (including any appointment, delegation, notification, order, scheme, permission, rule, bye-law, regulation or form made, granted or issued) under any of the aforesaid Acts, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action taken under the said provisions;

(c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Delhi Improvement Trust or the Delhi Development (Provisional) Authority shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Authority;

(d) all properties movable and immovable vested in the Delhi Improvement Trust or the Delhi Development (Provisional) Authority shall vest in the Authority;

(e) all rents, fees and other sums of money due to the Delhi Improvement Trust or the Delhi Development (Provisional) Authority shall be deemed to be due to the Authority;

(f) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by, for or against the Delhi Improvement Trust or the Delhi Development (Provisional) Authority may be continued or instituted by, for or against the Authority.



Not Corrected: See India Code Vol: I-A.

## THE NAVY ACT, 1957

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Not Corrected: See India Code Vol: I A.

## THE NAVY ACT, 1957

No. 62 OF 1957

[27th December, 1957]

An Act to consolidate and amend the law relating to the government of the Indian Navy.

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

### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Navy Act, 1957. Short title and commencement.
- (2) It shall come into force on such date<sup>x</sup> as the Central Government may, by notification in the Official Gazette, appoint.
2. (1) The following persons shall be subject to naval law<sup>Persons subject to naval law.</sup> wherever they may be, namely:—
  - (a) every person belonging to the Indian Navy during the time that he is liable for service under this Act;
  - (b) every person belonging to the Indian Naval Reserve Forces when he is—
    - (i) on active service; or
    - (ii) in or on any property of the naval service including naval establishments, ships and other vessels, aircraft, vehicles and armouries; or
    - (iii) called up for training or undergoing training in pursuance of regulations made under this Act, until he is duly released from his training; or

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639 M of Law—53.

\* 1.1.1958 vide S.R.O. 11E, dated 31.12.1957, Gazette of India, Pt. II—Sec. 4, Ext., page 81.

(iv) called up into actual service in the Indian Navy in pursuance of regulations made under this Act, until he is duly released therefrom; or

(v) in uniform;

(c) members of the regular Army and the Air Force when embarked on board any ship or aircraft of the Indian Navy, to such extent and subject to such conditions as may be prescribed;

(d) every person not otherwise subject to naval law, who enters into an engagement with the Central Government under section 6;

(e) every person belonging to any auxiliary forces raised under this Act, to such extent and subject to such conditions as may be prescribed; and

(f) every person who, although he would not otherwise be subject to naval law, is by any other Act or during active service by regulations made under this Act in this behalf made subject to naval law, to such extent and subject to such conditions as may be prescribed.

(2) The following persons shall be deemed to be persons subject to naval law, namely:—

(a) every person ordered to be received, or being a passenger, on board any ship or aircraft of the Indian Navy, to such extent and subject to such conditions as may be prescribed;

(b) every person sentenced under this Act to imprisonment or detention, during the term of his sentence, notwithstanding that he is discharged or dismissed with or without disgrace from the naval service or would otherwise but for this provision cease to be subject to naval law.

Definitions.

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

(1) "active service" means service or duty—

(a) during the period of operation of a Proclamation of Emergency issued under clause (1) of article 352 of the Constitution; or

(b) during any period declared by the Central Government by notification in the Official Gazette as a period of active service with reference to any area in which any person or class of persons subject to naval law may be serving;

(2) "Chief of the Naval Staff" means the flag officer appointed by the President as Chief of the Naval Staff or in his absence on leave or otherwise an officer appointed by the Central Government to officiate as such or in the absence of such officiating appointment the officer on whom the command devolves in accordance with regulations made under this Act;

(3) "civil offence" means an offence triable by a court of ordinary criminal jurisdiction in India;

(4) "civil prison" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894, or under any other law for the time being in force;

(5) "commissioned officer" means a person holding a commission from the President in the Indian Navy or the Indian Naval Reserve Forces;

(6) "court-martial" means a court-martial constituted under this Act;

(7) "enemy" includes all armed rebels, armed mutineers, armed rioters and pirates and any person in arms against whom it is the duty of any person subject to naval law to act;

(8) "flag officer" means an officer of the rank of Admiral of the Fleet, Admiral, Vice-Admiral or Rear-Admiral;

(9) "Indian Naval Reserve Forces" mean the naval reserve forces raised and maintained by the Central Government;

(10) "Indian Navy" means the regular naval forces raised and maintained by the Central Government;

(11) "Indian waters", for the purposes of sections 31, 97 and 99, means the seas extending from the shores of India to such limits as may be prescribed;

(12) "naval custody" means the arrest or confinement of a person in the prescribed manner or in accordance with the usages of the naval service, and includes military or air force custody;

(13) "naval offence" means any of the offences under sections 34 to 76;

(14) "naval service" means the naval organisation of India;

(15) "naval tribunal" means a court-martial constituted under section 97 and includes a disciplinary court constituted under section 96, a commanding officer or other officer or authority exercising powers of punishment under this Act;

(16) "officer" means a commissioned officer and includes a subordinate officer but does not include a petty officer;

(17) "petty officer" means a seaman rated as such and includes a chief petty officer;

(18) "prescribed" means prescribed by regulations made under this Act;

(19) "provost-marshal" means a person appointed as such under section 89 and includes any of his deputies or assistants or any other person lawfully exercising authority under him or on his behalf;

(20) "seaman" means a person in the naval service other than an officer;

(21) "ship", except in the expression "on board a ship", includes an establishment of the Indian Navy commissioned as a ship in accordance with the custom of the navy;

(22) "subject to naval law" means liable to be arrested and tried under this Act for any offence;

(23) "subordinate officer" means a person appointed as an acting sub-lieutenant, a midshipman or a cadet in any branch of the Indian Navy or the Indian Naval Reserve Forces, but does not include a cadet whilst under training in a joint service institution;

(24) "superior officer", when used in relation to a person subject to naval law, means any officer or petty officer who is senior to that person under regulations made under this Act and any officer or petty officer, who though not so senior to that person, is entitled under this Act or the regulations made thereunder to give a command to that person, and includes, when such person is serving under prescribed conditions, an officer, junior commissioned officer, warrant officer, non-commissioned officer of the regular Army or the Air Force of higher relative rank to that person or entitled under this Act or the regulations made thereunder to give a command to that person;

(25) all words and expressions used but not defined in this Act but defined in the Indian Penal Code, shall have the meanings respectively assigned to them in that Code. 45 of 1860.

4. The rights conferred by Part III of the Constitution in their application to persons subject to naval law shall be restricted or abrogated to the extent provided in this Act.

Fundamental rights to apply to persons subject to naval law with modifications.

## CHAPTER II

### THE NAVAL FORCES

5. The Central Government may raise and maintain a regular naval force and also reserve and auxiliary naval forces.

Power of Central Government to raise and maintain naval forces.

## CHAPTER III

### SPECIAL PROVISIONS RELATING TO DISCIPLINE IN CERTAIN CASES

6. (1) If any person not otherwise subject to naval law enters into an engagement with the Central Government to serve,—

Provision respecting discipline of persons under engagement to serve Central Government.

(a) in a particular ship; or

(b) in such particular ship or in such ships as the Central Government, the Chief of the Naval Staff, or the prescribed officer may, from time to time, determine;

and agrees to become subject to naval law upon entering into the engagement, that person shall, so long as the engagement remains in force and notwithstanding that for the time being he may not be serving in any ship, be subject to naval law.

(2) The Central Government may, by order, direct that, subject to such exceptions as may in particular cases be made by or on behalf of the Chief of the Naval Staff, persons of any such class as may be specified in the order shall, while being subject to naval law by virtue of this section, be deemed to be officers, petty officers or other seamen, as the case may be, for the purposes of this Act or of such provisions of this Act as may be so specified.

7. (1) When members of the regular Army and the Air Force or of either of these forces are serving with members of the Indian Navy or Indian Naval Reserve Forces under prescribed conditions, then those members of the regular Army or the Air Force shall exercise such command, if any, and be subject to such discipline as may be prescribed.

Relations between the members of the Navy, Army and Air Force acting together.

(2) Nothing in sub-section (1) shall be deemed to authorise the exercise of powers of punishment by members of the regular Army or the Air Force over members of the Indian Navy or the Indian Naval Reserve Forces, except as provided in clause (e) of sub-section (3) of section 93.

Provision respecting discipline of master of merchant vessel under convoy.

8. (1) Every master or other person for the time being in command of any merchant or other vessel comprised in a convoy under the command of an officer of the Indian Navy shall obey, in all matters relating to the navigation or security of the convoy, any directions which may be given by such officer, and shall take such precautions for avoiding the enemy as may be required by any such directions.

(2) If any such directions are not obeyed, any such officer or any person acting under his orders may compel obedience by force of arms without being liable for any injury or loss of life or any danger to or loss of property resulting therefrom.

#### CHAPTER IV

##### COMMISSIONS, APPOINTMENTS AND ENROLMENTS

Eligibility for appointment or enrolment.

9. (1) No person who is not a citizen of India shall be eligible for appointment or enrolment in the Indian Navy or the Indian Naval Reserve Forces except with the consent of the Central Government:

Provided that nothing in this section shall render a person ineligible for appointment or enrolment in the Indian Navy or the Indian Naval Reserve Forces on the ground that he is a subject of Nepal.

(2) No woman shall be eligible for appointment or enrolment in the Indian Navy or the Indian Naval Reserve Forces except in such department, branch or other body forming part thereof or attached thereto and subject to such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf.

Commissions and appointments.

10. (1) Officers other than subordinate officers shall be appointed by commission granted by the President.

(2) The grant of the commission shall be notified in the Official Gazette and such notification shall be conclusive proof of the grant of such commission.

(3) Subordinate officers shall be appointed in such manner and shall hold such rank as may be prescribed.

11. (1) Save as otherwise provided in this Act, the terms and Enrolment. conditions of service of seamen, the person authorised to enrol for service as seamen and the manner and procedure of such enrolment shall be such as may be prescribed.

(2) No person shall be enrolled as a seaman in the Indian Navy for a period exceeding fifteen years in the first instance:

Provided that in the case of a minor the said period of fifteen years shall be reckoned from the date on which he attains the age of seventeen.

(3) Notwithstanding anything contained in any other law for the time being in force,—

(a) the enrolment of any person under this Act shall be binding on him both during his minority and after he attains majority;

(b) neither the parent or guardian of a minor duly enrolled under this Act nor any other person shall be entitled to claim custody of the said minor as against the Central Government or any of its officers or other persons set over him.

12. Where a person after his enrolment has for a period of three months from the date of such enrolment been in receipt of pay as a seaman, he shall be deemed to have been duly enrolled and shall not thereafter be entitled to claim his discharge on the ground of any irregularity or illegality in his engagement or any other ground whatsoever; and if within the said three months such person claims his discharge, no such irregularity or illegality or other ground shall, until such person is discharged in pursuance of his claim, affect his position as a seaman in the naval service or invalidate any proceedings, act or thing taken or done prior to his discharge. Validity of enrolment.

13. Every officer and every seaman shall, as soon as may be, after appointment or enrolment make and subscribe before the commanding officer of the ship to which he belongs, or the prescribed officer an oath or affirmation in the following form, that is to say:— Oath of allegiance.

“I.....do swear in the name of God that I will solemnly affirm bear true faith and allegiance to the Constitution of India as by law established and that I will, as in duty bound, honestly and faithfully serve in the naval service and go wherever ordered by sea, land or air, and that I will observe and obey all commands of the President and the commands of any superior officer set over me, even to the peril of my life.”

## CHAPTER V.

## CONDITIONS OF SERVICE

Liability or service of officers and seamen. 14. (1) Subject to the provisions of sub-section (4), officers and seamen shall be liable to serve in the Indian Navy or the Indian Naval Reserve Forces, as the case may be, until they are duly discharged, dismissed, dismissed with disgrace, retired, permitted to resign, or released.

(2) No officer shall be at liberty to resign his office except with the permission of the Central Government and no seaman shall be at liberty to resign his post except with the permission of the prescribed officer.

(3) The acceptance of any resignation shall be a matter within the discretion of the Central Government or the officer concerned, as the case may be.

(4) Officers retired or permitted to resign shall be liable to recall to naval service in an emergency in accordance with regulations made under this Act, and on such recall shall be liable to serve until they have been duly discharged, dismissed, dismissed with disgrace, retired, permitted to resign, or released.

Tenure of service of officers and seamen. 15. (1) Every officer and seaman shall hold office during the pleasure of the President.

(2) Subject to the provisions of this Act and the regulations made thereunder,—

(a) the Central Government may discharge or retire from the naval service any officer or seaman;

(b) the Chief of the Naval Staff or any prescribed officer may discharge from the naval service any seaman.

Discharge on expiry of engagement. 16. Subject to the provisions of section 18, a seaman shall be entitled to be discharged at the expiration of the term of service for which he is engaged unless—

(a) such expiration occurs during active service in which case he shall be liable to continue to serve for such further period as may be required by the Chief of the Naval Staff; or

(b) he is re-enrolled in accordance with the regulations made under this Act.



17. (1) A seaman entitled to be discharged under section 16 shall be discharged with all convenient speed and in any case within one month of his becoming so entitled: Provisions as to discharge.

Provided that where a seaman is serving overseas at the time he becomes entitled to be discharged, he shall be returned to India for the purpose of being discharged, with all convenient speed, and in any case within three months of his becoming so entitled:

Provided further that where such enrolled person serving overseas does not desire to return to India, he may be discharged at the place where he is at the time.

(2) Every seaman discharged shall be entitled to be conveyed free of cost from any place he may be at the time to any place in India to which he may desire to go.

(3) Notwithstanding anything contained in the preceding subsections, an enrolled person shall remain liable to serve until he is duly discharged.

(4) Every seaman who is dismissed, discharged, retired, permitted to resign or released from service shall be furnished by the prescribed officer with a certificate in the language which is the mother tongue of such seaman and also in the English language setting forth—

(a) the authority terminating his service;

(b) the cause for such termination; and

(c) the full period of his service in the Indian Navy and the Indian Naval Reserve Forces.

18. Nothing in this Chapter shall affect the award by a naval tribunal of the punishment of dismissal with disgrace, or dismissal from the naval service under this Act. Saving of powers of dismissal by naval tribunals.

19. (1) No person subject to naval law shall, without the express sanction of the Central Government,—

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations, or Restrictions respecting right to form associations, freedom of speech, etc.

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Armed Forces of the Union or is not of a purely social, recreational or religious nature.

*Explanation.*—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature, the decision of the Central Government thereon shall be final.

(2) No person subject to naval law shall attend or address any meeting or take any part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be specified in this behalf by the Central Government.

(3) No person subject to naval law shall communicate with the press or publish or cause to be published any book, letter or other document having bearing on any naval, army or air force subject or containing any fact or opinion calculated to embarrass the relations between the Government and the people or any section thereof or between the Government and any foreign country, except with the previous sanction of the Central Government.

(4) No person subject to naval law shall whilst he is so subject practise any profession or carry on any occupation, trade or business without the previous sanction of the Chief of the Naval Staff.

## CHAPTER VI

### SERVICE PRIVILEGES

Immunity  
from attach-  
ment.

20. The arms, clothes, equipments, accoutrements or necessaries of any person in the naval service, while subject to naval law, shall not be seized, nor shall the pay and allowances or any part thereof of such person be attached under any process or direction issued by, or by the authority of, any court or public servant in respect of any claim, decree or order enforceable against him.

Immunity  
from arrest  
for debt.

21. (1) No person in the naval service shall, so long as he is subject to naval law, be liable to be arrested for debt under any process or direction issued by, or by the authority of, any court or public servant.

(2) If any such person is arrested in contravention of the provisions of sub-section (1), the court or public servant by whom or by whose authority such process or direction was issued shall on complaint by the person arrested or by his superior officer enquire into the case and if satisfied that the arrest was made in contravention of sub-section (1), shall make an order for the immediate discharge of the person arrested and may award to the complainant the costs of the complaint to be recoverable in the same manner as if such costs were awarded to him by a decree against the person at whose instance such process or direction was issued.

(3) No court-fee shall be payable on a complaint made under sub-section (2) or for recovery of the costs that may be awarded under that sub-section.

22. (1) No president or other member of a court-martial or disciplinary court, no judge advocate, no party to any proceeding before a court-martial or disciplinary court or no advocate or agent of such party, and no witness acting in obedience to a summons to attend a court-martial or disciplinary court shall, while proceeding to, attending or returning from, a court-martial or disciplinary court, be liable to arrest under any civil or revenue process. Immunity of persons attending court-martial or disciplinary court from arrest.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial or disciplinary court, as the case may be.

23. (1) If an officer or seaman thinks that he has suffered any personal oppression, injustice or other ill-treatment at the hands of any superior officer, he may make a complaint in accordance with the regulations made under this Act. Remedy of aggrieved persons.

(2) The regulations referred to in sub-section (1) shall provide for the complaint to be forwarded to the Central Government for its consideration if the complainant is not satisfied with the decision on his complaint.

24. (1) On the presentation to any civil or revenue court by or on behalf of any person in the naval service while subject to naval law of a certificate from the proper naval authority of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall, on the application of such person, arrange, so far as may be possible, for the hearing and final disposal of such suit or other proceeding within the period of the leave so granted or applied for. Priority of hearing of cases concerning persons in the naval service.

(2) The certificate from the proper naval authority shall state the first and last day of the leave granted or applied for and set forth a description of the case with respect to which the leave has been granted or applied for, and shall be duly signed and authenticated by such authority.

(3) No fee shall be payable to the court in respect of the presentation of any such certificate, or in respect of any application by or on behalf of any such person for priority for the hearing of his case and every such certificate duly signed and authenticated as aforesaid shall be conclusive evidence of the correctness of the contents thereof.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of the leave granted or applied for as aforesaid, it shall record its reasons for having been unable to do so, and shall cause a copy thereof to be furnished to such person on his application, without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(5) Every criminal court before which a case is pending against a person in the naval service, shall, so far as may be possible, arrange for the early hearing and final disposal of such case.

Right of the Chief of the Naval Staff or commanding officers to obtain copies of judgments or orders made by a criminal court.

25. A criminal court before which any proceedings have been taken against a person in the naval service while subject to naval law shall, on application by the Chief of the Naval Staff or the commanding officer of that person, grant copies of the judgment and final orders in the case free of cost and without delay.

Saving of rights and privileges under other laws.

26. The rights and privileges specified in the preceding sections of this Chapter shall be in addition to, and not in derogation of, any other rights and privileges conferred on persons in the naval service while subject to naval law or on members of the regular Army, Navy and Air Force generally by any other law for the time being in force.

## CHAPTER VII

### PROVISIONS AS TO PAY, PENSION, ETC., AND MAINTENANCE OF FAMILIES

Deductions from pay, etc., not to be made unless authorised.

27. No deductions other than those authorised by or under this or any other Act shall be made from the pay, pensions, gratuities, allowances and other benefits due to officers and seamen under any regulations for the time being in force.

Deductions from pay and allowances of officers.

28. The following deductions may be made from the pay and allowances of an officer without recourse to trial by a naval tribunal, namely:—

(1) all pay and allowances for every day of absence without leave unless an explanation is given to the satisfaction of the commanding officer for such absence and approved by the Chief of the Naval Staff:

Provided that the officer is not dealt with by a naval tribunal for the said absence;

(2) all pay and allowances for everyday while he is in civil or naval custody or under suspension from duty on a charge for an offence of which he is afterwards convicted by a competent naval tribunal or criminal court and sentenced to imprisonment;

(3) all pay and allowances for everyday while he is in hospital on account of sickness certified by the prescribed medical officer to have been caused by an act amounting to an offence punishable under this Act:

Provided that such certificate is accepted by the Chief of the Naval Staff;

(4) any sum required to make good the pay and allowances of any person subject to naval law which he has unlawfully retained or refused to pay;

(5) any sum required to make good any loss, damage or destruction of Government property or property belonging to a naval mess, band or institution which after due investigation appears to the Central Government, the Chief of the Naval Staff or the prescribed officer to have been occasioned by the wrongful act or negligence on the part of the officer;

(6) any sum required to be paid for the maintenance of his wife or legitimate or illegitimate children under the provisions of section 31;

(7) any sum which after due investigation appears to the prescribed officer to be due to a service mess or canteen.

29. The following deductions may be made from the pay and allowances of a seaman without recourse to trial by a naval tribunal, namely:—

Deductions  
from pay  
and allow-  
ances of  
seamen.

(1) all pay and allowances for everyday of absence without leave unless an explanation is given to the satisfaction of the commanding officer for such absence:

Provided that the seaman is not dealt with by a naval tribunal for the said absence;

(2) all pay and allowances for everyday he is in confinement on a charge for an offence of which he is afterwards convicted by a competent naval tribunal or criminal court;

(3) all pay and allowances for everyday he is in hospital on account of sickness certified by the prescribed medical officer to have been caused by an act amounting to an offence punishable under this Act:

Provided that such certificate is accepted by the Chief of the Naval Staff or the prescribed officer;

(4) any sum required to make good any loss, damage or destruction of any property which after due investigation appears to the Central Government or the Chief of the Naval Staff or the prescribed officer to have been occasioned by the wrongful act or negligence on the part of the seaman;

(5) any sum required to be paid for the maintenance of his wife or legitimate or illegitimate children under the provisions of section 31.

Deductions  
awarded  
by naval  
tribunals.

30. Deductions may be made from the pay and allowances of an officer or seaman in respect of any sentence of fine, forfeiture or mulcts of pay and allowances awarded in pursuance of this Act by a naval tribunal.

Liability for  
maintenance  
of wife and  
children.

31. (1) A person subject to naval law shall be liable to maintain his wife and his legitimate or illegitimate children to the same extent as if he were not so subject; but the execution or enforcement of any decree or order for maintenance passed or made against such person shall not be directed against his person, pay, arms, ammunition, equipments, instruments or clothing.

(2) Notwithstanding anything contained in sub-section (1),—

(a) where it appears to the satisfaction of the Central Government or the Chief of the Naval Staff or the prescribed authority that a person subject to naval law has without reasonable cause deserted or left in destitute circumstances his wife or any legitimate child unable to maintain himself or has by reason of contracting a second marriage become liable to provide separate maintenance to his first wife; or

(b) where any decree or order is passed under any law against a person who is, or subsequently becomes, subject to naval law for the maintenance of his wife or his legitimate or illegitimate children and a copy of the decree or order is sent to the Central Government or the Chief of the Naval Staff or the prescribed authority;

the Central Government, or the Chief of the Naval Staff or the prescribed authority may direct a portion of the pay of the person so subject to naval law to be deducted from such pay and appropriated in the prescribed manner towards the maintenance of his wife or children, but the amount deducted shall not exceed the amount fixed by the decree or order (if any) and shall not be at a higher rate than the rate fixed by regulations made under this Act in this behalf:

Provided that in the case of a decree or order for maintenance referred to in clause (b) no deduction from pay shall be directed unless the Central Government, or the Chief of the Naval Staff or the

prescribed authority is satisfied that the person against whom such decree or order has been passed or made, has had a reasonable opportunity of appearing, or has actually appeared either in person or through a duly appointed legal practitioner, to defend the case before the court by which the decree or order was passed or made.

(3) Where arrears of maintenance under a decree or order referred to in sub-section (2) have accumulated while the person against whom the decree or order has been made is subject to naval law whether or not deductions in respect thereof have been made from his pay under this section, no step for the recovery of those arrears shall be taken in any court after such person has ceased to be so subject unless the court is satisfied that he has, since he ceased to be subject to naval law, the ability to pay the arrears or any part thereof and has failed to do so.

(4) Notwithstanding anything contained in any other law, where a proceeding for obtaining a decree or order for maintenance is started against a person subject to naval law,—

(a) the court may send the process for service on that person to the commanding officer of the ship on which such person is serving or on the books of which he is borne; or

(b) if, by reason of the ship being at sea or otherwise, it is impracticable for the court to send the process to the commanding officer, the court may, after not less than three weeks' notice to the Central Government, send it to a Secretary to that Government for transmission to the commanding officer for service on that person:

Provided that such service shall not be valid unless there is sent along with the process such sum of money as may be prescribed to enable that person to attend the hearing of the proceeding and to return to his ship or quarters after such attendance.

(5) If a decree or order is passed or made in the proceeding against the person on whom the process is served, the sum sent along with the process shall be awarded as costs of the proceeding against that person.

(6) No process in any proceeding under this section shall be valid against a person subject to naval law if served on him after he is under orders for service at a foreign station or beyond Indian waters.

(7) The production of a certificate of the receipt of the process purporting to be signed by such commanding officer as aforesaid shall be evidence that the process has been duly served, unless the contrary is proved.

(8) Where by a decree or order a copy whereof has been sent to the Central Government or the Chief of the Naval Staff or the prescribed authority under clause (b) of sub-section (2), the person against whom the decree or order has been passed or made is directed to pay as costs any sum sent along with the process [referred to in the proviso to sub-section (4)], the Central Government may pay to the person entitled an amount in full satisfaction of that sum and the amount so paid by the Central Government shall be deemed to be a public demand recoverable from the person against whom the decree or order has been passed or made, and without prejudice to any other mode of recovery, may be recovered by deduction from his pay, in addition to the deductions authorised by sub-section (2).

(9) Where any person subject to naval law has made an allotment of any part of his pay and allowances for the benefit of his wife, that allotment shall not be discontinued or reduced until the Central Government or the Chief of the Naval Staff or the prescribed authority is satisfied that the allotment should no longer be made or should be reduced.

(10) In this section, the expression "pay" includes all sums payable to a person subject to naval law in respect of his services other than allowances in lieu of lodgings, rations, provisions, clothing and travelling allowances.

Limit of  
certain  
deductions.

32. Except when the deductions are made under sub-sections (1), (2) and (4) of section 28 or sub-sections (1) and (2) of section 29, the total deductions from the pay and allowances of an officer or seaman shall not exceed in any one month one-half of his pay and allowances for that month.

Remission of  
deductions.

33. (1) Any deduction from the pay and allowances authorised by or under this Act may be remitted by the Chief of the Naval Staff in his discretion.

(2) Such deduction may also be remitted in such manner and to such extent and by such other authority as may be prescribed.

#### CHAPTER VIII

#### ARTICLES OF WAR

Misconduct  
in action  
by certain  
officers.

34. Every flag officer, captain, commander or commanding officer subject to naval law, who,—

(a) upon signal of battle or on sight of a ship of an enemy which it may be his duty to engage, does not use his utmost exertion to bring his ship into action; or

(b) his ship being in action does not, during such action in his own person and according to his rank, encourage the persons under his command to fight courageously; or

(c) surrenders his ship to the enemy when capable of making a successful defence; or



(d) in time of action, improperly withdraws from the fight; shall,

if he has acted traitorously, be punished with death;

if he has acted from cowardice, be punished with death or such other punishment as is hereinafter mentioned; and

if he has acted from negligence or through other default, be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

35. Every officer subject to naval law, who,—

(a) forbears to pursue the chase of any enemy beaten or flying; or

(b) does not relieve and assist a known friend in view to the utmost of his power; or

(c) during war or active service or in action, improperly forsakes his station;

shall,

if he has acted traitorously, be punished with death;

if he has acted from cowardice, be punished with death or such other punishment as is hereinafter mentioned; and

if he has acted from negligence or through other default, be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

36. When any action or any service is commanded, every person subject to naval law, who,—

(a) delays or attempts to delay or discourages such action or service upon any pretence whatsoever; or

(b) in the presence or vicinity of the enemy deserts his post; or

(c) in the presence or vicinity of the enemy sleeps upon his watch;

shall be punished with death or such other punishment as is hereinafter mentioned.

*Explanation.*—In this section, service means a naval operation in war or during active service and includes a naval demonstration.

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Misconduct in not pursuing the enemy and not assisting a friend in view.

Delaying or discouraging the service, deserting post, etc.

Penalty for disobedience in action.

37. Every person subject to naval law who disobeys, or does not use his utmost exertions to carry, the orders of his superior officers into execution when ordered to prepare for action, or during the action, shall,

if he has acted traitorously, be punished with death;

if he has acted from cowardice, be punished with death or such other punishment as is hereinafter mentioned; and

if he has acted from negligence or through other default, be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

Penalty for spying.

38. Every person not otherwise subject to naval law who is or acts as a spy for the enemy shall be punished under this Act with death or such other punishment as is hereinafter mentioned as if he were a person subject to naval law.

Correspondence, etc., with the enemy.

39. Every person subject to naval law, who,—

(a) traitorously holds correspondence with the enemy or gives intelligence to the enemy; or

(b) fails to make known to the proper authorities any information he may have received from the enemy; or

(c) assists the enemy with any supplies; or

(d) having been made a prisoner of war, voluntarily serves with or aids the enemy;

shall be punished with death or such other punishment as is hereinafter mentioned.

Improper communication with the enemy.

40. Every person subject to naval law who without any traitorous intention holds any improper communication with the enemy shall be punished with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned.

Deserting post and neglect of duty.

41. Every person subject to naval law, who,—

(a) deserts his post; or

(b) sleeps upon his watch; or

(c) negligently performs the duty imposed on him; or

(d) wilfully conceals any words, practice or design tending to the hindrance of the naval service;

shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

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42. Mutiny means any assembly or combination of two or more persons subject to naval law with the common object of,— Mutiny defined.

(a) disobeying or resisting lawful naval authority;

(b) showing contempt for or insubordination to or embarrassing lawful naval authority;

(c) undermining naval discipline in a ship or among a body of persons subject to naval law; or

(d) seducing any person subject to military, naval or air force law from his allegiance to the Constitution or loyalty to the State or duty to his superior officers;

and includes mutiny in the regular Army or Air Force or any forces co-operating therewith.

43. Every person subject to naval law, who,—

Punishment for mutiny.

(a) joins in a mutiny; or

(b) begins, incites, causes or conspires with any other persons to cause, a mutiny; or

(c) endeavours to incite any person to join in a mutiny or to commit an act of mutiny; or

(d) endeavours to seduce any person in the regular Army, Navy or Air Force from his allegiance to the Constitution or loyalty to the State or duty to his superior officers or uses any means to compel or induce any such person to abstain from acting against the enemy or discourage such person from acting against the enemy; or

(e) does not use his utmost exertions to suppress a mutiny; or

(f) wilfully conceals any traitorous or mutinous practice or design or any traitorous words spoken against the State; or

(g) knowing or having reason to believe in the existence of any mutiny or of any intention to mutiny does not without delay give information thereof to the commanding officer of his ship or other superior officer; or

(h) utters words of sedition or mutiny;

shall be punished with death or such other punishment as is hereinafter mentioned.

44. Every person not otherwise subject to naval law who being on board any ship or aircraft of the Indian Navy or on board any ship in the service of the Government endeavours to seduce from his allegiance to the Constitution or loyalty to the State or duty to superior officers any person subject to naval law shall be punished Persons on board ships or aircraft seducing naval personnel from allegiance.

under this Act with death or such other punishment as is hereinafter mentioned as if he were a person subject to naval law.

Striking  
superior  
officers.

45. Every person subject to naval law who commits any of the following offences, that is to say,—

- (a) strikes or attempts to strike his superior officer; or
- (b) draws or lifts up any weapon against such officer; or
- (c) uses or attempts to use any violence against such officer;

shall be punished,—

if the offence is committed on active service with imprisonment for a term which may extend to ten years or such other punishment as is hereinafter mentioned; and

in any other case, with imprisonment for a term which may extend to five years or such other punishment as is hereinafter mentioned.

Ill-treating  
subordinates.

46. Every person subject to naval law who is guilty of ill-treating any other person subject to such law, being his subordinate in rank or position, shall be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

Disobedience  
and insubor-  
dination,

47. Every person subject to naval law, who,—

- (a) wilfully disobeys any lawful command of his superior officer; or
- (b) in the presence of his superior officer, or otherwise shows or expresses his intention to disobey a lawful command given by such superior officer; or
- (c) uses insubordinate, threatening or insulting language to his superior officer; or
- (d) behaves with contempt to his superior officer;

shall, if the offence is committed on active service or in a manner to show wilful defiance of authority, be punished with imprisonment for a term which may extend to ten years or such other punishment as is hereinafter mentioned and in other cases, be punished with imprisonment for a term which may extend to three years or such other punishment as is hereinafter mentioned.

Quarrelling,  
fighting and  
disorderly  
behaviour.

48. Every person subject to naval law, who,—

- (a) quarrels, fights with or strikes any other person, whether such person is or is not subject to naval law; or
- (b) uses reproachful or provoking speeches or gestures tending to make a quarrel or disturbance; or

(c) behaves in a disorderly manner;

shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

49. (1) Every person subject to naval law who absents himself from his ship or from the place where his duty requires him to be, with an intention of not returning to such ship or place, or who at any time and under any circumstances when absent from his ship or place of duty does any act which shows that he has an intention of not returning to such ship or place is said to desert. Desertion.

(2) Every person who deserts shall,—

(a) if he deserts to the enemy, be punished with death or such other punishment as is hereinafter mentioned; or

(b) if he deserts under any other circumstances, be punished with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned;

and in every such case he shall forfeit all pay, head money, bounty, salvage, prize money and allowances that have been earned by him and all annuities, pensions, gratuities, medals and decorations that may have been granted to him and also all clothes and effects which he may have left on board the ship or the place from which he deserted, unless the tribunal by which he is tried or the Central Government or the Chief of the Naval Staff, otherwise directs.

50. Every person subject to naval law who endeavours to seduce any other person subject to naval law to desert shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned. Inducing person to desert.

51. Every person subject to naval law who without being guilty of desertion improperly leaves his ship or place of duty or is absent without leave shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned and shall also be punished by such mulcts of pay and allowances as may be prescribed. Breaking out of ship and absence without leave.

52. Every person subject to naval law who is guilty of drunkenness shall, if the offence is committed on active service, be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned and in other cases be punished with imprisonment for a term which may extend to six months or such other punishment as is hereinafter mentioned. Drunkenness.

Uncleanness  
or indecent  
acts.

53. Every person subject to naval law who is guilty of,—

- (a) uncleanness; or
- (b) any indecent act;

shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Cruelty and  
conduct un-  
becoming the  
character of  
an officer.

54. (1) Every officer subject to naval law who is guilty of cruelty shall be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

(2) Every officer subject to naval law who is guilty of any scandalous or fraudulent conduct or of any conduct unbecoming the character of an officer shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Losing ship  
or aircraft.

55. (1) Every person subject to naval law who designedly loses, strands or hazards or suffers to be lost, stranded or hazarded any ship of the Indian Navy or in the service of the Government, or loses or suffers to be lost any aircraft of the Indian Navy or in the service of the Government shall be punished with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned.

(2) Every person subject to naval law who negligently or by any default loses, strands or hazards or suffers to be lost, stranded or hazarded any ship of the Indian Navy or in the service of the Government, or loses or suffers to be lost any aircraft of the Indian Navy or in the service of the Government shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Offences by  
officers in  
charge of  
convoy.

56. (1) All officers appointed for the convoy and protection of any ships or vessels shall diligently perform their duty without delay according to their instructions in that behalf.

(2) Every such officer subject to naval law, who,—

- (a) does not defend the ships and goods under his convoy without deviation to any other objects; or
- (b) refuses to fight in their defence if they are assailed; or
- (c) cowardly abandons and exposes the ships in his convoy to hazard; or
- (d) demands or exacts any money or other reward from any merchant or master for conveying any ships or vessels entrusted to his care; or

(e) misuses the masters or mariners thereof;

shall be punished with death or such other punishment as is hereinafter mentioned, and shall also make such reparation in damages to the merchants, owners and others as a civil court of competent jurisdiction may adjudge.

57. Every officer subject to naval law in command of any ship of the Indian Navy who receives on board or permits to be received on board such ship any goods or merchandise whatsoever other than for the sole use of the ship or persons belonging to the ship, except goods and merchandise on board any ship which may be shipwrecked or in imminent danger either on the high seas or in some port, creek, or harbour, for the purpose of preserving them for their proper owners, or except such goods or merchandise as he may at any time be ordered to take or receive on board by order of the Central Government or his superior officer, shall be punished with dismissal from the naval service or such other punishment as is hereinafter mentioned.

Taking unauthorised goods on board ship.

58. Every person subject to naval law who wastefully expends or fraudulently buys, sells or receives any property of Government or property belonging to a naval, military or air force mess, band or institution, and every person who knowingly permits any such wasteful expenditure, or any such fraudulent purchase, sale or receipt, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Offences in respect of property.

59. Every person subject to naval law who unlawfully sets fire to any dockyard, victualling yard or steam factory yard, arsenal, magazine, building, stores or to any ship, vessel, hoy, barge, boat, aircraft, or other craft or furniture thereunto belonging, not being the property of an enemy, shall be punished with death or such other punishment as is hereinafter mentioned.

Arson.

60. Every person subject to naval law—

(a) who knowingly makes or signs a false report, return, list, certificate, book, muster or other document to be used for official purposes; or

Falsifying official documents and false declarations.

(b) who commands, counsels or procures the making or signing thereof; or

(c) who aids or abets any other person in the making or signing thereof; or

(d) who knowingly makes, commands, counsels or procures the making of, a false or fraudulent statement or a fraudulent omission in any such document;

shall be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

Malingering,  
etc.

61. Every person subject to naval law—

(a) who wilfully does any act or wilfully disobeys any orders whether in hospital or elsewhere with intent to produce or to aggravate any disease or infirmity or to delay his cure; or

(b) who feigns any disease, infirmity or inability to perform his duty;

shall be punished with imprisonment for a term which may extend to five years or such other punishment as is hereinafter mentioned.

Penalty for  
endeavouring  
to stir up dis-  
turbance on  
account of  
unwhole-  
someness of  
victuals or  
other just  
grounds.

62. Every person subject to naval law who has any cause of complaint either of the unwholesomeness of the victuals or upon any other just ground shall quietly make the same known to his superior or captain or to the Chief of the Naval Staff, in accordance with the prescribed channels of communication and the said superior, captain or Chief of the Naval Staff shall, as far as he is able, cause the same to be presently remedied; and every person subject to naval law who upon any pretence whatever attempts to stir up any disturbance shall be punished with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned.

Offences  
in respect  
of papers  
relating to  
prize.

63. (1) All the papers, charter-parties, bills of lading, passports and other writings whatsoever that shall be taken, seized, or found abroad any ships which are taken as prize, shall be duly preserved and the commanding officer of the ship which takes such prize shall send the originals entire and without fraud to the court of competent jurisdiction or such other court or commissioners as shall be authorised to determine whether such prize be lawful capture, there to be viewed, made use of and proceeded upon according to law.

(2) Every commanding officer who wilfully fails to send the papers, charter-parties, bills of lading, passports or other writings whatsoever that shall be taken, seized or found abroad any ships which are taken as prize to the proper court or other authority shall be punished with dismissal from the naval service or such other punishment as is hereinafter mentioned and in addition shall forfeit and lose any share of the capture.

Offences in  
respect of  
prize.

64. Every person subject to naval law who takes out of any prize or ship seized for prize, any money, plate, or goods, unless it is necessary for the better securing thereof, or for the necessary use



and service of any ships of war of the Indian Navy, before the same be adjudged lawful prize in a court of competent jurisdiction, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned, and in addition shall forfeit and lose his share of the capture.

65. Every person subject to naval law who in any sort pillages, beats, or ill-treats officers, mariners or other persons on board a ship or vessel taken as prize or who unlawfully strips them of their clothes, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Offences in respect of persons on board a prize ship.

66. Every commanding officer of a ship of the Indian Navy subject to naval law, who,—

Unlawful taking or ransoming of prize.

(a) by collusion with the enemy takes as prize any vessel, goods or thing; or

(b) unlawfully agrees with any person for the ransoming of any vessel, goods or thing taken as prize; or

(c) in pursuance of any unlawful agreement for ransoming or otherwise by collusion actually quits or restores any vessel, goods or thing taken as prize;

shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

67. Every person subject to naval law who breaks bulk on board any vessel taken as prize, or detained in the exercise of any belligerent right or under any law relating to piracy or to the slave trade or to the customs, with intent dishonestly to misappropriate anything therein or belonging thereto, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Breaking bulk on board a prize ship.

68. Every person subject to naval law who neglects to obey or contravenes any provisions of this Act or any regulation made under this Act or any general or local order, shall, unless other punishment is provided in this Act for such neglect or contravention, be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Violation of the Act, regulations and orders.

69. Every person subject to naval law, who,—

Offences in relation to court-martial.

(a) being duly summoned or ordered to attend as a witness before a court-martial wilfully or without reasonable excuse fails to attend; or

(b) refuses to take an oath or make an affirmation legally required by a court-martial to be taken or made; or

(c) being sworn, refuses to answer any questions which he is in law bound to answer; or

(d) refuses to produce or deliver up a document in his power which the court may legally demand; or

(e) is guilty of contempt of court-martial;

shall be punished with imprisonment for a term which may extend to three years or such other punishment as is hereinafter mentioned.

Fraudulent entry.

70. Every person who upon entry into or offering himself to enter the naval service wilfully makes or gives any false statement whether orally or in writing to any officer or person authorised to enter or enrol seamen or others in or for such naval service, shall, if he has become subject to naval law, be punished with imprisonment for a term which may extend to five years or such other punishment as is hereinafter mentioned.

Escape from custody.

71. Every person subject to naval law who being in lawful custody escapes or attempts to escape from such custody shall be punished with imprisonment for a term which may extend to five years or such other punishment as is hereinafter mentioned.

Failure to assist in detention of offenders.

72. Every person subject to naval law, who,—

(a) does not use his utmost endeavours to detect, apprehend or bring to punishment all offenders against this Act; or

(b) does not assist the officers appointed for that purpose; shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Penalty for failure to attend by members of reserve forces when called up.

73. Every member of the Indian Naval Reserve Forces, who when called up for training or when called up into actual service with the Indian Navy in pursuance of the regulations made under this Act, and required by such call to join any ship or attend at any place, fails, without reasonable excuse to comply with such requirement, shall be punished with imprisonment for a term which may extend to three years or such other punishment as is hereinafter mentioned.

Offences against good order and naval discipline.

74. Every person subject to naval law who is guilty of an act, disorder, or neglect to the prejudice of good order and naval discipline, not hereinbefore specified, shall be punished with imprisonment for a term which may extend to three years or such other punishment as is hereinafter mentioned.

75. Every person subject to naval law who attempts to commit Attempts.  
any of the offences specified in sections 34 to 74 and 76 and in such  
attempt does any act towards the commission of the offence shall,  
where no express provision is made by this Act for the punishment  
of such attempt, be punished,

(a) if the offence attempted to be committed is punishable  
with death, with imprisonment for a term which may extend to  
fourteen years or such other punishment as is hereinafter  
mentioned, and

(b) if the offence attempted to be committed is punishable  
with imprisonment, with one-half of the maximum punishment  
provided for the offence or with such other punishment as is  
hereinafter mentioned.

76. Any person subject to naval law who abets the commission Abetment  
of any of the offences specified in sections 34 to 74 shall, whether of offences.  
the act abetted is committed or not in consequence of the abetment,  
and where no express provision is made by this Act for the punish-  
ment of such abetment, be punished with the punishment provided  
for that offence.

77. (1) Every person subject to naval law who commits a civil Civil offen-  
offence punishable with death or with imprisonment for life shall ces.  
be punished with the punishment assigned for that offence.

(2) Every person subject to naval law who commits any other  
civil offence shall be punished either with the punishment assigned  
for the offence or with imprisonment for a term which may extend to  
three years or such other punishment as is hereinafter mentioned.

78. (1) Subject to the provisions of sub-section (2), every person Jurisdiction  
subject to naval law who is charged with a naval offence or a civil as to place  
offence may be tried and punished under this Act regardless of where and offence  
the alleged offence was committed.

(2) A person subject to naval law who commits an offence of  
murder against a person not subject to army, naval or air force  
law or an offence of culpable homicide not amounting to murder  
against such person or an offence of rape in relation to such person  
shall not be tried and punished under this Act unless he commits any  
of the said offences—

(a) while on active service; or

(b) at any place outside India; or

(c) at any place specified by the Central Government by  
notification in this behalf.

Jurisdiction  
as to time.

79. No person unless he is an offender who has avoided apprehension or fled from justice or committed the offence of desertion or fraudulent entry or the offence of mutiny shall be tried or punished in pursuance of this Act for any offence committed by him unless such trial commences within three years from the commission of such offence:

Provided that in the computation of the said period of three years any time during which an offender was outside India or any time during which he was a prisoner of war shall be deducted:

Provided further that no trial for an offence of desertion other than desertion on active service or fraudulent entry shall be commenced if the person in question not being an officer has subsequently to the commission of the offence served continuously in an exemplary manner for not less than three years in the Indian Navy.

Trial after  
a person  
ceases to be  
subject to  
naval law.

80. When any offence mentioned in this Chapter has been committed by any person while subject to naval law and such person has since the commission of the offence ceased to be subject to naval law, he may be taken into and kept in custody, tried and punished under this Act for such offence in like manner as he may have been taken into and kept in custody, tried and punished if he had continued subject to naval law:

Provided that he shall not be tried for such offence except in the case of an offence of mutiny or desertion, unless the trial against him commences within six months after he has ceased to be so subject.

## CHAPTER IX

### PROVISIONS AS TO PUNISHMENTS

Punish-  
ments.

81. (1) The following punishments may be inflicted under this Act, namely:—

- (a) death;
- (b) imprisonment which may be for the term of life or any other lesser term;
- (c) dismissal with disgrace from the naval service;
- (d) detention;
- (e) dismissal from the naval service;
- (f) forfeiture of seniority in rank in the case of officers;
- (g) forfeiture of time for promotion in the case of subordinate officers;
- (h) dismissal from the ship to which the offender belongs;
- (i) disrating, in the case of subordinate and petty officers and persons holding leading rates;

- (j) fine, in respect of civil offences;
- (k) mulcts of pay and allowances;
- (l) severe reprimand or reprimand;

(m) forfeiture of pay, head money, bounty, salvage, prize money and allowances earned by, and all annuities, pensions, gratuities, medals and decorations granted to, the offender or of any one or more of the above particulars; also in the case of desertion, of all clothes and effects left by the deserter in the ship to which he belongs;

(n) such minor punishments as are inflicted according to the custom of the navy or may from time to time be prescribed.

(2) Each of the punishments specified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

82. (1) The punishments that may be inflicted under this Act shall be awarded in accordance with the provisions of the following sub-sections. Provisions as to award of punishment.

(2) Except in the case of mutiny in time of war or on active service, the punishment of death shall not be inflicted on any offender until the sentence has been confirmed by the Central Government.

(3) The punishment of imprisonment for a term exceeding two years shall in all cases be accompanied by a sentence of dismissal with disgrace from the naval service.

(4) The punishment of imprisonment for a term not exceeding two years may in all cases be accompanied by a sentence of dismissal with disgrace or dismissal from the naval service:

Provided that in the case of officers, unless the sentence of dismissal with disgrace is also awarded, such sentence of imprisonment shall involve dismissal from the naval service.

(5) The sentence of imprisonment may be rigorous or simple, or partly rigorous and partly simple.

(6) The sentence of dismissal with disgrace shall involve in all cases forfeiture of all pay, head money, bounty, salvage, prize money and allowances that have been earned by and of all annuities, pensions, gratuities, medals and decorations that may have been granted to the offender and an incapacity to serve Government again in a defence service, or a civil service, or to hold any post connected with defence or any civil post under the Government:

Provided that the forfeiture of moneys shall not apply, except in the case of deserters, to moneys which should have been paid on the last pay day preceding conviction.

(7) The punishment of dismissal from the naval service shall in the case of persons who hold any lien on appointments in the regular Army or Air Force, involve dismissal from such army or air force service.

(8) The punishment of detention may be inflicted for any term not exceeding two years, but no sentence of detention shall be awarded unless naval detention quarters or army or air force detention barracks are in existence.

(9) The punishment of imprisonment or detention whether on board ship or on shore shall, subject to the provisions of sub-section (14), involve disrating in the case of a petty officer or a person holding a leading rate, and shall in all cases be accompanied by stoppage of pay and allowances during the term of imprisonment or detention:

Provided that where the punishment awarded is detention for a term not exceeding fourteen days, the sentence may direct that the punishment shall not be accompanied by stoppage of pay and allowances during the term of detention.

(10) No officer shall be subject to detention.

(11) The punishment of forfeiture of seniority shall be imposed in the substantive rank held at the date of the sentence, and shall involve a corresponding forfeiture of seniority in every higher acting rank subject always to the condition that forfeiture of seniority in any rank shall in no case exceed the seniority in that rank at the date of the sentence.

(12) The punishment of forfeiture of seniority shall involve the loss of the benefit of service included in the seniority forfeited for the purposes of pay, pension, gratuity, promotion and such other purposes, as may be prescribed, provided that such pay, pension, gratuity and promotion and other purposes depend upon such service.

(13) The punishment of forfeiture of time for promotion shall delay the promotion by the time specified.

(14) No person shall be disrated below the limits prescribed, or lower either actually or relatively than the rating in which he entered or was appointed in the naval service.

(15) Mulcts of pay and allowances shall not be awarded except as provided in sub-sections (16) and (17).

(16) Mulcts of pay and allowances shall be awarded in accordance with the regulations made under this Act on conviction of offences under section 51.

(17) Mulcts of pay may also be awarded to make good any proved loss or damage occasioned by the offence on which there is a conviction, and for the offence of drunkenness by seamen.

(18) The punishment of fine may be awarded in respect of civil offences in addition to, or in lieu of, other punishments specified in this Act.

(19) The forfeiture of moneys under clause (m) of sub-section (1) of section 81 shall not, except in case of desertion apply to moneys which should have been paid on the last pay day preceding conviction.

(20) All other punishments authorised by this Act may be inflicted in such manner as is heretofore in use in the naval service or as may be prescribed.

(21) Subject to the provisions of the foregoing sub-sections, where any punishment is specified by this Act as the penalty for an offence and it is further declared that "such other punishment as is hereinafter mentioned" may be awarded in respect of the same offence, the expression "such other punishment" shall be deemed to comprise any one or more of the punishments inferior in degree to the specified punishment according to the scale of punishments laid down in sub-section (1) of section 81.

## CHAPTER X

### ARREST

83. (1) The Chief of the Naval Staff, every officer in command of a fleet or squadron of ships of the Indian Navy or of any ship of the Indian Navy or the senior officer present at a port or an officer having by virtue of sub-sections (2) and (3) of section 93 power to try offences, may, by warrant under his hand, authorise any person to arrest any offender subject to naval law for any offence triable under this Act mentioned in such warrant and any such warrant may include the names of more persons than one in respect of several offences of the same nature. Power to  
issue war-  
rants of  
arrest.

(2) Any person named in any such warrant as aforesaid may, forthwith on his arrest, if the warrant so directs, be taken to the ship of the Indian Navy to which he belongs or some other ship of the Indian Navy.

(3) A person authorised to arrest an offender may use such force as may be necessary for the purpose of effecting such arrest.

(4) Where a warrant under sub-section (1) is issued to a police officer, the police officer shall take steps to execute the warrant and

arrest the offender in like manner as if such warrant had been issued by a magistrate of competent jurisdiction and shall, as soon as may be, deliver the person when arrested into naval custody.

Arrest with  
out warrant.

84. (1) Any person subject to naval law may be ordered without warrant into naval custody by any superior officer for any offence triable under this Act.

(2) A person subject to naval law may arrest without warrant any other person subject to naval law though he may be of a higher rank who in his view commits an offence punishable with death, or imprisonment for life or for a term which may extend to fourteen years.

(3) A provost-marshal may arrest any person subject to naval law in accordance with the provisions of section 89.

(4) It shall be lawful for the purpose of effecting arrest, or taking a person into custody, without warrant to use such force as may be necessary for the purpose.

Procedure  
and condi-  
tions of  
naval  
custody.

85. (1) No person subject to naval law who is arrested under this Act shall be detained in naval custody without being informed, as soon as may be, of the grounds for such arrest.

(2) Every person subject to naval law who is arrested and detained in naval custody shall be produced before his commanding officer or other officer prescribed in this behalf within a period of forty-eight hours of such arrest excluding the time necessary for the journey from the place of arrest to such commanding or other officer and no such person shall be detained in custody beyond the said period without the authority of such commanding or other officer.

Investigation  
after arrest.

86. The charge made against any person subject to naval law taken into custody shall without any unnecessary delay be investigated by the proper authority and as soon as may be either proceedings shall be taken for the trial or such person shall be discharged from custody.

Duty to  
receive or  
keep in  
custody.

87. (1) The commanding officer shall be responsible for the safe custody of every person who is in naval custody on board his ship or in his establishment.

(2) The officer or seaman in charge of a guard, or a provost-marshal shall receive and keep any person who is duly committed to his custody.

Procedure  
before trial.

88. Subject to the provisions of this Act, the procedure before trial and the manner of investigation shall be as prescribed.



89. (1) Provost-marshals may be appointed by the Chief of the Naval Staff or the prescribed officer. <sup>Provost-marshals.</sup>

(2) The duties of a provost-marshal are to take charge of persons in naval custody, to preserve good order and discipline and to prevent breaches of the same by persons subject to naval law or to the law in force relating to the government of the regular Army or the Air Force.

(3) A provost-marshal may at any time arrest and detain for trial any person subject to naval law who commits, or is charged with, an offence and may also carry into effect any punishment to be inflicted in pursuance of a sentence passed under this Act, but shall not inflict any punishment on his own authority:

Provided that no officer shall be so arrested or detained otherwise than on the order of another officer.

(4) For the purpose of sub-sections (2) and (3), a provost-marshal shall be deemed to include a provost-marshal and any of his assistants appointed under the law in force relating to the government of the regular Army or the Air Force.

## CHAPTER XI

### CHARGE

90. For every distinct offence of which any person is accused, there shall be a separate charge but except as otherwise provided by regulations made under this Act all separate charges may be tried together. <sup>Joinder of charges.</sup>

91. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at one trial; or he may be charged in the alternative with having committed some one of the said offences. <sup>Acts amounting to different offences.</sup>

92. The following persons may be charged and tried together, namely:— <sup>Joinder of accused persons.</sup>

(i) persons accused of the same offence committed in the course of the same transaction;

(ii) persons accused of an offence and persons accused of abetment of, or an attempt to commit, such offence; and

(iii) persons accused of different offences committed in the course of the same transaction:

Provided that in a trial by a court-martial, the trial judge advocate may, on the application made in this behalf by any accused, direct that each of the accused be tried separately by the same court-martial.

## CHAPTER XII

### AUTHORITIES HAVING POWER TO AWARD PUNISHMENTS

Power of court-martial and commanding officers to try offences.

93. (1) An offence triable under this Act may be tried and punished by court-martial.

(2) An offence not capital which is triable under this Act and which is committed by a person other than an officer (and in cases by this Act expressly provided for when committed by an officer), may, subject to regulations made under this Act be summarily tried and punished by the commanding officer of the ship to which the offender belongs at the time either of the commission or of the trial of the offence, subject to the restriction that the commanding officer shall not have power to award imprisonment or detention for more than three months, or to award dismissal with disgrace from the naval service:

Provided that no sentence of imprisonment or dismissal shall be carried into effect until approved by the prescribed authorities.

(3) The power by this section vested in a commanding officer of a ship may, subject to regulations made under this Act,—

(a) as respects seamen on board a tender to the ship, be exercised in the case of a single tender absent from the ship, by the officer in command of such tender and in the case of two or more tenders absent from the ship in company or acting together, by the officer in immediate command of such tenders;

(b) as respects seamen on board any boat belonging to the ship, be exercised when such boat is absent on detached service by the officer in command of the boat;

(c) as respects seamen on detached service either on shore or otherwise, be exercised by the officer in immediate command of those persons;

(d) as respects seamen quartered in naval barracks, be exercised by the officer in command of the barracks;

(e) as respects seamen attached to or serving with any body of the regular Army or the Air Force under prescribed conditions, be exercised by the commanding officer of any such body of the regular Army or the Air Force.

(4) The commanding officer of a ship or barracks may delegate the power of awarding punishments inferior in scale to dismissal, to other officers under his command in accordance with the regulations made under this Act.

94. (1) The Central Government may impose the punishment of forfeiture of time or seniority of not more than twelve months on any subordinate officer.

Power of Central Government, Chief of the Naval Staff and other officers to impose forfeiture of time or seniority.

(2) The Chief of the Naval Staff may impose the punishment of forfeiture of time or seniority of not more than six months on any subordinate officer.

(3) The commanding officer of a ship may subject to regulations made under this Act, impose the punishment of forfeiture of time or seniority of not more than three months on any subordinate officer.

(4) In imposing punishments under sub-sections (1) and (2), it shall not be necessary for the Central Government or the Chief of the Naval Staff, as the case may be, to hear the accused in person or by any friend or counsel.

95. When an officer is, in time of war or during active service, alleged to have been guilty of a disciplinary offence, that is to say, of a breach of sections 41, 47, 48, 49, 51, 52, 68 and 74 or of any of those sections read with section 75 or 76, the officer having the power to order a court-martial may, if he considers the offence to be of such a character as not to necessitate trial by court-martial, in lieu of ordering a court-martial, order a disciplinary court constituted as hereinafter mentioned.

Disciplinary courts when may be constituted.

96. (1) A disciplinary court shall be composed of not less than three nor more than five officers:

Constitution and procedure of disciplinary courts.

Provided that the majority of the officers including the president shall be officers of the executive branch of the naval service.

(2) At least one of these officers composing the court shall be superior in rank to the officer under trial and in any case shall be of the rank of substantive or acting commander or of a higher rank.

(3) A disciplinary court shall have power to impose any punishment inferior to detention in the scale hereinbefore contained, but no greater punishment.

(4) The officers composing the disciplinary court shall be named by the authority ordering the same or by an officer empowered in this behalf by such authority.

(5) Subject to the provisions of the foregoing sub-sections, the procedure and practice of courts-martial provided by or under this Act shall apply to the procedure and practice of disciplinary courts subject to such modifications as may be prescribed.

Constitution  
of courts-  
martial.

97. (1) Courts-martial shall be constituted and convened subject to the provisions of the following sub-sections.

(2) The President, the Chief of the Naval Staff, or any officer empowered in this behalf by commission from the Chief of the Naval Staff shall have the power to order courts-martial for the trial of offences under this Act.

(3) Unless otherwise prescribed in respect of any specified port or station, an officer holding a commission from the Chief of the Naval Staff to order courts-martial shall not be empowered to do so if there is present at the place where such court-martial is to be held an officer superior in rank to himself and in command of one or more of the ships of the Indian Navy although such last mentioned officer may not hold a commission to order courts-martial and in such a case such last mentioned officer may order a court-martial although he does not hold a commission for the purpose.

(4) If an officer holding a commission from the Chief of the Naval Staff to order courts-martial, having the command of a fleet or squadron and being outside Indian waters die, be recalled, leave his station or be removed from his command, the officer upon whom the command of the fleet or squadron devolves and so from time to time the officer who shall have the command of the fleet or squadron, shall without any commission from the Chief of the Naval Staff have the same power to order courts-martial as the first mentioned officer was invested with.

(5) If an officer holding a commission from the Chief of the Naval Staff to order courts-martial and having the command of any fleet or squadron of the Indian Navy outside Indian waters shall detach any part of such fleet or squadron, or separate himself from any part of such fleet or squadron he may by commission under his hand empower in the first mentioned case, the commanding officer of the squadron or detachment ordered on such separate service

and in the case of his death or ceasing so to command, the officer to whom the command of such separate squadron or detachment shall belong, and in the second mentioned case, the senior officer of the ships of the Indian Navy on the division of the station from which he is absent, to order courts-martial during the time of such separate service or during his absence from that division of the station as the case may be, and every such authority shall continue in force until revoked or until the officer holding it returns to India or until he comes into the presence of a superior officer empowered to order courts-martial in the same squadron, detachment or division of station but so that such authority shall revive on the officer holding it ceasing to be in the presence of such a superior officer and so from time to time as often as the case so requires.

(6) A court-martial shall consist of not less than five nor more than nine officers.

(7) No officer shall be qualified to sit as a member of a court-martial unless—

(a) he is subject to naval law,

(b) he is an officer of the Indian Navy of the rank of lieutenant or higher rank, and

(c) he is of or over twenty-one years of age.

(8) A prosecutor shall not be qualified to sit on the court-martial for the trial of the person he prosecutes.

(9) The officer ordering the court-martial, the officer who was the commanding officer of the ship to which the accused belonged at the time of the commission of the alleged offence and the officer investigating the offence shall not be qualified to sit on a court-martial for the trial of such accused.

(10) Subject to the provisions of sub-sections (7) to (9), officers of the Indian Navy shall be eligible to sit as members of a court-martial irrespective of the branch of the naval service to which they belong:

Provided that—

(a) the majority of the members of the court-martial, including the president, shall be officers of the executive branch of the naval service, and

(b) at trials for offences against sections 34, 35, 55 and 56, officers other than officers of the executive branch of the naval service shall not be eligible to sit.

(11) A court-martial shall not be deemed to be duly constituted unless the members thereof are drawn from at least two ships not being tenders, and commanded by officers of the rank of lieutenant or higher rank.

(12) The president of a court-martial shall be named by the authority ordering the same or by any officer empowered by such authority to name the president.

(13) No court-martial for the trial of a flag officer shall be duly constituted unless the president is a flag officer and the other officers composing the court are of the rank of captain or of higher rank.

(14) No court-martial for the trial of a captain shall be duly constituted unless the president is a captain or of higher rank and the other officers composing the court are commanders or officers of higher rank.

(15) No court-martial for the trial of a commander shall be duly constituted unless the president is a commander or of higher rank and two other members are commanders or officers of higher rank.

(16) No court-martial for the trial of a person below the rank of commander shall be duly constituted unless the president is a substantive or acting commander or of higher rank.

(17) No commander or lieutenant-commander or lieutenant shall be required to sit as a member of a court-martial when four officers of higher rank and junior to the president can be assembled at the place where the court-martial is to be held, but the regularity or validity of any court-martial or of the proceedings thereof shall not be affected by any commander, lieutenant-commander or lieutenant being required to sit or sitting thereon under any circumstances and when any commander, lieutenant-commander or lieutenant sits on any court-martial, the members of it shall not exceed five.

(18) Members of the court-martial other than the president shall be appointed, subject to the provisions of the foregoing subsections, in the manner provided in sub-section (19).

(19) Subject to the provisions of sub-section (11), the president shall summon all officers except such as are exempted under the provisions of sub-section (20), next in seniority to himself present at the place where the court-martial shall be held, to sit thereon until the number of nine or such other number not less than five as is attainable is complete.

(20) The officer convening the court-martial or the senior naval officer present at the place where the court-martial is to be held, may exempt by writing under his hand conveyed to the president of the court-martial any officer from attending as member on ground of sickness or urgent public duty.

(21) In this section references to specified ranks of officers shall, unless otherwise stated, be deemed to be references to substantive ranks and to include references to equivalent ranks in all branches of the naval service.

(22) When the naval forces are on active service, officers of the Indian Naval Reserve Forces subject to naval law shall be eligible to sit as members of courts-martial on the same basis and under the same conditions as officers of the Indian Navy.

### CHAPTER XIII

#### PROCEDURE

##### *Procedure of courts-martial*

98. A court-martial may be held ashore or afloat.

Where  
courts-martial  
to be held.

99. (1) Every court-martial shall be attended by a person (in this Act referred to as the trial judge advocate) who shall be either a judge advocate in the department of the Judge Advocate General of the Navy or any fit person appointed by the convening officer:

Trial judge  
advocate.

Provided that in the case of a court-martial for the trial of a capital offence the trial judge advocate shall be a person nominated by the Judge Advocate General of the Navy unless such trial is held outside Indian waters.

(2) The trial judge advocate shall administer oath to every witness at the trial and shall perform such other duties as are provided in this Act and as may be prescribed.

100. The place in which a court-martial is held for the purpose of trying an offence under this Act shall be deemed to be an open court to which the public generally may have access, so far as the same can conveniently contain them:

Courts-  
martial to  
be public.

Provided that, if the court is satisfied that it is necessary or expedient in the public interest or for the ends of justice so to do, the court may at any stage of the trial of any particular case order that the public generally or any portion thereof or any particular person shall not have access to, or be or remain in, the place in which the court is held.

101. (1) As soon as the court has been assembled the accused shall be brought before it and the prosecutor, the person or persons, if any, defending the accused and the audience admitted,

Commence-  
ment of  
proceedings.

(2) Except where the accused defends himself, he may be defended by such person or persons as may be prescribed.

(3) The trial judge advocate shall read out the warrant for assembling the court and the names of officers who are exempted from attending under sub-section (20) of section 97 together with the reasons for such exemption.

(4) The trial judge advocate shall read out the names of the officers composing the court and shall ask the prosecutor whether he objects to any of them.

(5) If the prosecutor shall have made no objection or after any objection made by the prosecutor has been disposed of, the trial judge advocate shall ask the accused if he objects to any member of the court.

**Objections to members.** 102. The following provisions shall apply to the disposal of objections raised by the prosecutor as well as the accused:—

(a) any member may be objected to on a ground which affects his competency to act as an impartial judge; and the trial judge advocate may reject summarily without reference to the members of the court any objection not made on such ground;

(b) objections to members shall be decided separately, those to the officer lowest in rank being taken first: provided that if the objection is to the president, such objection shall be decided first and all the other members whether objected to or not shall vote as to the disposal of the objection;

(c) on an objection being allowed by one-half or more of the officers entitled to decide the objection, the member objected to shall at once retire and his place shall be filled up before an objection against another member is taken up;

(d) should the president be objected to and the objection be allowed, the court shall adjourn until a new president has been appointed by the convening authority or by the officer empowered in this behalf by the convening authority; and

(e) should a member be objected to on the ground of being summoned as a witness, and should it be found that the objection has been made in good faith and that the officer is to give evidence as to facts and not merely as to character, the objection shall be allowed.

**Further objections.**

103. (1) The trial judge advocate shall then ask the accused whether he has any further objections to make respecting the constitution of the court; and should the accused raise any such objection, it shall then be decided by the court, which decision shall be final



and the constitution of the court-martial shall not be afterwards impeached and it shall be deemed in all respects to have been duly constituted.

(2) If the accused should have no further objection to make to the constitution of the court or if any objection is disallowed, the members and the trial judge advocate shall then make an oath or affirmation in the form set out in section 104.

104. (1) Before the court shall proceed to try the person charged, an oath or affirmation in the following form and manner shall be administered to the president and every member of the court-martial in the order of their seniority by the trial judge advocate:—

"I.....do swear in the name of God  
solemnly affirm

that I will duly and faithfully and to the best of my ability, knowledge and judgment administer justice according to law, without fear or favour, affection or ill-will, and that I will not on any account at any time whatsoever disclose or discover the vote or opinion of any particular member of this court-martial unless thereunto required in due course of law."

(2) The trial judge advocate shall then be sworn or affirmed by the president in the following form:—

"I.....do swear in the name of God  
solemnly affirm

that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office according to law, without fear or favour, affection or ill-will, and that I will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of this court-martial unless thereunto required in due course of law."

105. (1) When the court is ready to commence the trial, the trial judge advocate shall read out the charges and shall ask the accused whether he pleads guilty or not guilty. Arraignment.

(2) If the accused pleads guilty, then, before such plea is recorded, the trial judge advocate shall ensure that the accused understands the charge to which he has pleaded guilty and the difference of procedure which will result from the plea of guilty.

(3) If it appears from the accused's replies or from the summary of evidence prepared in the prescribed manner that he should not plead guilty, the trial judge advocate may advise the accused to withdraw his plea.

(4) If the court accepts the plea of guilty, it shall be recorded as the finding of the court and the court shall proceed to take steps to pass sentence unless there are other charges to be tried in which event the sentence shall be deferred until after the findings on such charges are given.

Opening of prosecution case.

106. (1) If the accused pleads not guilty or refuses to, or does not, plead or if he claims to be tried or if in the circumstances mentioned in sub-section (3) of section 105 withdraws the plea of guilty or if the court does not accept the plea of guilty, the court shall proceed to try the accused.

(2) The prosecutor shall open his case by reading the circumstantial letter prepared in accordance with the regulations made under this Act, reading from this Act or the Indian Penal Code or 45 of 1860. other law the description of the offence charged and stating shortly by what evidence he expects to prove the guilt of the accused.

(3) The prosecutor shall then examine his witnesses.

Calling of prosecution witness not in the original list.

107. No witness whose name was not included in the original list of witnesses supplied to the trial judge advocate and the accused in accordance with regulations made under this Act shall be called by the prosecutor unless the trial judge advocate has given notice to the accused of the prosecutor's intention to call such witness and has supplied the accused with a summary of the evidence of such witness.

Swearing of interpreter and shorthand-writer.

108. (1) At any time during the trial, should the court think it necessary, an impartial person may be employed to serve as an interpreter and sworn or affirmed as such in the following manner:—

"I.....do swear in the name of God solemnly affirm

that I will to the best of my ability truly interpret and translate as I will be required to do touching the matter before this court-martial."

(2) During the trial, an impartial person shall be employed as a shorthand-writer and duly sworn or affirmed as such in the following manner:—

"I.....do swear in the name of God solemnly affirm

that I will truly take down to the best of my power the evidence to be given before this court-martial and such other matters as I will be required, and when required, will deliver to the court a true transcript of the same."

109. (1) Before any person is sworn or affirmed as an interpreter or a shorthand-writer, the accused shall be asked if he objects to such person as not being impartial and the court shall decide the objection.

*Objection to interpreter or shorthand-writer.*

(2) The evidence given by a witness shall be read over to him by the shorthand-writer before the witness leaves the court, if so required by the court or the witness.

110. (1) No witness shall be examined until he has been duly sworn or affirmed in the following manner:—

*Swearing of witnesses.*

“I.....do swear in the name of God solemnly affirm

that the evidence which I shall give before this court shall be the truth, the whole truth and nothing but the truth.”

(2) Every person giving evidence on oath or affirmation before a court-martial shall be bound to state the truth.

111. (1) When the examination of the witnesses for the prosecution is concluded, the accused shall be called on for his defence.

*Plea of no case and defence of accused.*

(2) Before entering on his defence, the accused may raise a plea of no case to answer.

(3) If such a plea is raised, the court will decide the plea after hearing the accused and the prosecutor and the advice of the trial judge advocate.

(4) If the court accepts the plea, the accused shall be acquitted on the charge or charges in respect whereof the plea has been accepted.

(5) If the court overrules the plea, the accused shall be called upon to enter on his defence.

(6) The trial judge advocate shall then inform the accused that he may give evidence as a witness on his own behalf should he desire to do so and should he make a request in writing to do so, but that he will thereby render himself liable to cross-examination.

(7) If the accused does not apply to give evidence, he may make a statement as to the facts of the case, and if he has no defence witnesses to examine as to facts, the prosecutor may sum up his case and the accused shall be entitled to reply.

(8) If the accused or any one of the several accused applies to give evidence and there are no other witnesses in the case for the defence, other than witnesses as to character, then the evidence of such accused shall be recorded and if the accused so desires the witnesses as to character shall be examined and the prosecutor shall then sum up his case and the accused may reply.

(9) If the accused or any one of the accused adduces any oral evidence as to facts other than his own evidence, if any, the accused may then sum up his case on the conclusion of that evidence and the prosecutor shall be entitled to reply.

Adjournment  
to view.

112. (1) Whenever the court thinks that it should view the place in which the offence charged is alleged to have been committed or any other place in which any other transaction material to the trial is alleged to have occurred, the court shall make an order to that effect and may then adjourn to the place to be viewed, along with the prosecutor and the accused and the person, if any, by whom the accused is represented.

(2) The court on completion of the view shall adjourn and reassemble in the court room.

Summing up  
by the  
trial judge  
advocate.

113. When the case for the defence and the prosecutor's reply, if any, are concluded, the trial judge advocate shall proceed to sum up in open court the evidence for the prosecution and the defence and lay down the law by which the court is to be guided.

Duties of the  
trial judge  
advocate.

114. (1) At all trials by courts-martial it is the duty of the trial judge advocate to decide all questions of law arising in the course of the trial, and specially all questions as to the relevancy of facts which it is proposed to prove and the admissibility of evidence or the propriety of the questions asked by or on behalf of the parties; and in his discretion to prevent the production of inadmissible evidence whether it is or is not objected to by the parties.

(2) Whenever in the course of a trial it appears desirable to the trial judge advocate that arguments and evidence as to the admissibility of evidence or arguments in support of an application for separate trials or on any other points of law should not be heard in the presence of the court, he may advise the president of the court accordingly and the president shall thereupon make an order for the court to retire or direct the trial judge advocate to hear the arguments in some other convenient place.

Duties of the  
court.

115. It is the duty of the court to decide which view of the facts is true and then arrive at the finding which under such view ought to be arrived at.

Retirement  
to consider  
finding.

116. (1) After the trial judge advocate has finished his summing up, the court will be cleared to consider the finding.

(2) The trial judge advocate shall not sit with the court when the court is considering the finding, and no person shall speak to or hold any communication with the court while the court is considering the finding.

117. (1) When the court has considered the finding, the court shall be reassembled and the president shall inform the trial judge advocate in open court what is the finding of the court as ascertained in accordance with section 124. Announcement of the finding.

(2) The court shall give its findings on all the charges on which the accused is tried.

118. (1) The trial judge advocate shall then draw up the finding as announced by the court. Drawing up of the finding.

(2) The finding so drawn up shall be signed by all the members of the court by way of attestation notwithstanding any difference of opinion there may have been among the members and shall be countersigned by the trial judge advocate.

(3) Where the finding on any charge is one of not guilty the court shall acquit the accused of that charge.

(4) If the accused is acquitted of all the charges, the court shall, after signing the findings as provided in sub-section (2), be dissolved.

(5) Neither the court nor the trial judge advocate shall announce in open court whether the finding was unanimous or not; but the president shall make a record of the division of voting on each finding without disclosing the vote or opinion of any particular member of the court-martial and such record shall be communicated to the trial judge advocate for transmission to the Judge Advocate General of the Navy.

119. (1) If the accused is found guilty on any or all of the charges, the court before awarding punishment may call evidence as to the previous character and qualifications of the accused and in addition to any oral evidence of general character that may be adduced, shall take into consideration the following documents which shall be read by the trial judge advocate in open court:—

(a) for any officer—

(i) any entries against him relating to his previous convictions in the list of officers who have been tried by court-martial; and

(ii) any previous entries against him in the log of the ship to which he may have belonged when the offence or offences for which he is being tried were committed and also any documents, other than such entries in the log, of the nature of a definite censure by superior authority, which log and documents the prosecution is to produce; and

(iii) any certificate or other documents of character which the accused may produce;

(b) for a seaman—

(i) the entries against him in the conduct and offences record sheets prior to the date of the offence charged, but subsequent to his joining his present ship, with character assessed from the previous 31st day of December to the date of the offence for which he may be under trial but excluding all consideration of the latter;

(ii) his certificate of service; and

(iii) any entries against him relating to his previous convictions in the list of those who have been tried by court-martial.

(2) The accused may then make a statement in mitigation of punishment and lead any evidence of character if he has not already done so before the finding.

Consideration of the sentence.

120. (1) The court shall then retire and consider and determine on the punishment proper to be inflicted in conformity with the finding, and all the members of the court, whether they have voted for an acquittal or not, shall vote on the question of what punishment is proper to be awarded for the offence of which the accused has been found guilty.

(2) The trial judge advocate shall sit with the court while they are considering the sentence and assist the court in the determination of the sentence but shall not vote thereon.

Announcement of the sentence.

121. (1) When the court has decided on the sentence whether unanimously or by majority, the trial judge advocate shall draw up the sentence in the prescribed form which shall be signed by every member of the court by way of attestation notwithstanding any difference of opinion there may have been among the members and shall be countersigned by the trial judge advocate.

(2) The court shall then be reassembled and the accused brought in and the trial judge advocate shall by direction of the court pronounce the sentence.

(3) The accused shall then be removed and the court dissolved.

Adjournment.

122. (1) A court-martial may, if it appears to the court that an adjournment is desirable, be adjourned accordingly, but except where such an adjournment is ordered, shall sit from day to day with the exception of Sundays until the trial is concluded, unless prevented from so doing by stress of weather or unavoidable accident.

(2) The proceedings of a court-martial shall not, after the commencement of a trial, be delayed by the absence of a member:

Provided that not less than four members are present; and

Provided further that if any member is absent from any part of the trial, he shall not thereafter take any part in the proceedings.

123. (1) A court-martial assembled under this Act shall be dissolved—

Provisions relating to dissolution of courts-martial.

(a) when the number of members comprising the court is after the commencement of a trial reduced below four;

(b) by the prolonged illness of the president, trial judge advocate or the accused;

(c) by the death of the president or the trial judge advocate;

(d) on the making of a report under sub-section (2) of section 143.

(2) Whenever a court-martial is dissolved by virtue of sub-section (1), the accused may be retried.

124. (1) Subject to the provisions of sub-sections (2) and (3), every question for determination by a court-martial shall be decided by the vote of the majority:

Ascertaining the opinion of the court.

Provided that where there is an equality of votes, the decision most favourable to the accused shall prevail.

(2) The sentence of death shall not be passed on any offender unless four at least of the members present at the court-martial where the number does not exceed five, and in all other cases a majority of not less than two-thirds of the members present, concur in the sentence.

(3) Where in respect of an offence, the only punishment which may be awarded is death, a finding that a charge for such offence is proved shall not be given unless four at least of the members present at the court-martial where the number does not exceed five, and in all other cases a majority of not less than two-thirds of the members present, concur in the finding.

125. Where the amount of punishment for any offence depends upon the intent with which it has been committed and any person is charged with having committed such an offence with an intent involving a greater degree of punishment, a court-martial may find that the offence was committed with an intent involving less degree of punishment and award such punishment accordingly.

Finding that the offence was committed with intent involving less degree of punishment.

126. If the accused is charged with one offence and it appears in evidence that he committed a different offence for which he might have been charged under section 91, he may be convicted of the offence which he is shown to have committed although he was not charged with it.

Alternative findings.

Finding  
lesser offence  
proved on  
charge of  
greater  
offence.

127. (1) When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence and such combination is proved, but the remaining particulars are not proved, he may be convicted of the minor offence although he was not charged with it.

(2) When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence although he was not charged with it.

(3) When a person is charged with an offence, he may be convicted of an attempt to commit such an offence, although the attempt is not separately charged.

Transmission  
of proceedings  
to the  
Judge Advocate  
General  
of the Navy.

128. The trial judge advocate shall transmit in accordance with the prescribed procedure with as much expedition as may be, the original proceedings or a complete and authenticated copy thereof and the original sentence of every court-martial attended by him, to the Judge Advocate General of the Navy to be dealt with by him in accordance with the provisions of Chapter XV.

Right of  
accused to  
copy of  
proceedings  
and sentence.

129. Every person tried by a court-martial and convicted shall be entitled on demand to one copy of the proceedings and sentence of such court-martial free of cost but no such demand shall be allowed after the lapse of one year from the date of the final decision of such court.

#### *Rules as to evidence*

Application  
of the Evi-  
dence  
Act.

130. Subject to the provisions of this Act, the Indian Evidence Act, 1872, shall apply to all proceedings before a court-martial.

1 of 1872.

Accused  
competent  
witness for  
defence.

131. A person accused of an offence before a court-martial shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that—

(a) he shall not be called as a witness except on his own request in writing; or

(b) his failure to give evidence shall not be made the subject of any comment by any of the parties or the court or give rise to any presumption against himself or any person charged together with him at the same trial.

Judicial  
notice.

132. A court-martial may take judicial notice of any matter within the general naval, army or air force experience and knowledge of the members.



133. (1) Whenever it is necessary for the purposes of either the prosecution or the defence to prove the contents of any voucher, receipt, account, muster, ship's book, letter, signal, telegram or other document made or kept in pursuance of any Act of the legislature, any regulations framed under this Act or of the custom of the service, a copy of the same purporting to be signed and certified as a correct copy by the officer for the time being commanding the ship in which the same was made or kept or by a Secretary to the Central Government, may be received as evidence of such document and of the matters, transactions and accounts therein recorded. <sup>Presumption as to certain documents.</sup>

(2) A Navy List or Gazette or other official document purporting to be published by authority of the Central Government or the Chief of the Naval Staff shall be evidence of the status and rank of officers therein mentioned and of any appointment held by such officers until the contrary is proved.

(3) Where it is shown that a person is borne on the books of a ship of the Indian Navy, such fact shall be evidence that such person is subject to naval law until the contrary is proved.

*Explanation.*—In this section, the term "books of a ship" shall include any official book, document or list purporting to contain the name or names of person appointed to the ship.

(4) Where any person subject to naval law is being tried on a charge of desertion, improperly leaving his ship, or absence without leave and such person has surrendered himself into custody of or has been apprehended by any person subject to naval law or by a person subject to the law relating to the government of the regular Army or the Air Force, a certificate purporting to be signed by such person and stating the fact, date and place of such surrender or apprehension shall be evidence of the matters so stated unless the contrary is proved.

(5) Where any person subject to naval law is being tried on a charge of desertion, improperly leaving his ship, or absence without leave and such person has on arrest or surrender been taken to a police station, a certificate purporting to be signed by the officer-in-charge of the station and stating the fact, date and place of such surrender or apprehension shall be evidence of the matters stated unless the contrary is proved.

(6) Any document purporting to be a report under the hand of any chemical examiner or assistant chemical examiner to Government upon any matter or thing duly submitted to him for examination or analysis may be used as evidence in any proceeding under this Act.

(7) The statement of a naval, army or air force medical officer taken and attested by the commanding officer of a ship or establishment may be given in evidence in any proceeding under this Act:

Provided that the court may, if it thinks fit, and shall if so required by the prosecutor or the accused, summon and examine such medical officer as to the subject matter of his statement.

(8) If it is proved that an offender under this Act has absconded and that there is no immediate prospect of arresting him, the commanding officer or other prescribed person may, in his absence, examine any persons who might appear to him to be acquainted with the case and record their depositions on oath and any such deposition may on the arrest of such person be used in evidence against him in any proceeding under this Act, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which under the circumstances of the case would be unreasonable.

**Summoning  
of witnesses.**

134. (1) Every person who may be required to give evidence or produce a document before a court-martial shall be summoned in the prescribed manner in writing under the hand of the Judge Advocate General of the Navy or the trial judge advocate.

(2) Every person who may be required to give evidence before a commanding officer or the officer preparing a summary of evidence in accordance with the regulations made under this Act or before a board of inquiry shall be summoned in the prescribed manner by writing under the hand of the Judge Advocate General of the Navy or the senior officer in the station or such other officer prescribed in this behalf.

(3) In the case of a witness subject to naval law or to the law relating to the government of the regular Army or the Air Force, the summons shall be served in the manner prescribed.

(4) In the case of any other witness, the summons shall be served either in the prescribed manner, or it shall be sent to the magistrate within whose jurisdiction the witness may be or resides and such magistrate shall give effect to the summons as if the witness were required in the court of such magistrate.

(5) When a witness is required to produce any particular document or thing in his possession or power, the summons shall describe it with reasonable precision.

(6) Every person not subject to naval law who may be summoned as aforesaid shall be allowed and paid such reasonable expenses as may be prescribed.

of 1872. (7) Nothing in this section shall be deemed to affect the operation of sections 123 and 124 of the Indian Evidence Act, 1872, or to apply to any document in the custody of the postal or telegraph authorities.

135. (1) Whenever in the course of a trial by court-martial, it appears to the trial judge advocate that the examination of a witness is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which under the circumstances of the case would be unreasonable, the trial judge advocate may dispense with such attendance and may apply to the Judge Advocate General of the Navy to issue a commission to any district magistrate or magistrate of the first class within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness. Commis-  
sions for  
examination  
of witnesses.

(2) The trial in such an event may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

5 of 1898. (3) The Judge Advocate General of the Navy on receipt of an application under sub-section (1) may, if he thinks fit, issue a commission to the district magistrate or magistrate of the first class or an authority exercising in that place powers equivalent to those of a magistrate of the first class under the Code of Criminal Procedure, 1898, for the examination of the witness.

5 of 1898. (4) The magistrate or authority to whom the commission is issued or if he is a district magistrate he or such magistrate of the first class as is appointed by him in this behalf shall proceed to such place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner and may for this purpose exercise the same powers as in trials of warrant cases under the Code of Criminal Procedure, 1898, or of any corresponding law in force at the place where the evidence is recorded.

136. (1) Where a commission is issued under the provisions of section 135, the prosecutor and the accused may respectively forward any interrogatories in writing which the trial judge advocate may think relevant to the issue and the magistrate or authority to whom the commission is directed or to whom the duty of executing such commission has been delegated shall examine the witness upon such interrogatories. Examination  
of witnesses  
on commis-  
sion.

(2) The prosecutor and the accused may appear before such magistrate or authority by counsel or, except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine, as the case may be, the said witness.

(3) After a commission issued under section 135 has been duly executed, it shall be returned together with the deposition of the witness examined thereunder to the Judge Advocate General of the Navy who issued the commission.

(4) On receipt of the commission and the deposition returned under sub-section (3), the Judge Advocate General of the Navy shall forward the same to the trial judge advocate at whose instance the commission was issued.

(5) The commission, the return thereto and the deposition shall be open to inspection by the prosecutor and the accused and may subject to all just exceptions be read in evidence in the case by either the prosecutor or the accused and shall form part of the proceedings of the trial.

(6) Any deposition so taken shall be received in evidence at any subsequent stage of the trial whether before the same court or, if the said court is dissolved meanwhile, before another court convened for the trial of the accused in respect of the same charges.

Power to  
summon and  
examine  
material  
witnesses.

137. (1) The trial judge advocate may, at any stage of the trial, summon any person as a witness or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the trial judge advocate shall summon and examine or recall and re-examine any such person if his evidence appears to the court or to the trial judge advocate as essential to the just decision of the case.

(2) Summons to the witnesses shall be issued as provided under this Act.

*Compensation to aggrieved persons out of fine*

Power of  
court to pay  
compensa-  
tion out of  
fine.

138. (1) Whenever a court-martial imposes a fine as a punishment, the court may when passing judgment order the whole or any part of the fine recovered to be applied,—

(a) in the payment to any person aggrieved as compensation for any loss or injury caused by the offence;

(b) when any person is convicted of any civil offence which includes theft, criminal misappropriation, criminal breach of trust or cheating or of having dishonestly received or retained, or of having voluntarily assisted in disposing of stolen property knowing or having reason to believe the same to be stolen property, in compensating any *bona fide* purchaser of the property for the loss of the same if such property is restored to the possession of the person entitled thereto.

(2) No such payment or compensation shall, however, be made before the expiry of fifteen days from the date of the sentence, and when a petition is presented against the conviction or sentence until the said petition is disposed of.

*Power of courts-martial respecting contempt, etc.*

139. When any person subject to naval law commits any offence as is described in section 69 in the presence of or in relation to a proceeding before a court-martial such court-martial may punish the offender summarily by imprisonment for a term which may extend to three months or such other less punishment as may be awarded for that offence under section 69.

Summary punishment for contempt of court by person subject to naval law.

140. When any person not subject to naval law commits an offence as is described in section 165 in the presence of a court-martial, such court-martial may take such person into custody and at any time before the rising of the court on the same day, if it thinks fit, take cognizance of the offence and sentence the offender to fine not exceeding two hundred rupees or in default of payment to simple imprisonment for a term which may extend to one month, unless such fine shall be sooner paid.

Summary punishment for contempt of court by person not subject to naval law.

45 of 1860. 5 of 1898. 141. When any such offence as is described in section 165 of this Act or section 193, section 194, section 195, section 196, section 199, section 200, section 228, section 463 or section 471 of the Indian Penal Code is committed by any person not subject to naval law in or in relation to a proceeding before a court-martial, such court-martial or the officer ordering the same if such court-martial is dissolved, may exercise the powers under section 476 of the Code of Criminal Procedure, 1898, as if it or he were a criminal court within the meaning of that section.

Powers of court-martial when certain offences are committed by persons not subject to naval law.

45 of 1860. 5 of 1898. 142. Any trial by a court-martial or disciplinary court under the provisions of this Act shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, and the court-martial or disciplinary court shall be deemed to be a court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Powers of courts-martial and disciplinary courts in relation to proceedings under this Act.

*Lunacy of accused*

143. (1) Where it appears in the course of the trial by court-martial of any person charged with an offence that such person is insane, the court shall find specially the fact of his insanity and shall order such person to be kept in strict custody in such place and in such manner as the court may deem fit until the directions of the Central Government thereupon are known.

Accused found insane during trial.

(2) Every such case shall be reported by the court to the convening authority for orders of the Central Government and it shall be lawful for the Central Government to give orders for the safe custody of such person in such place and in such manner as the Central Government may deem fit.

(3) Whenever on the receipt of a report from the Central Government or otherwise the convening authority considers that such person is capable of making his defence, the convening authority may take steps to convene a court-martial for the trial of such person.

Lunacy of  
the accused  
at the time  
of offence.

144. (1) Whenever any person subject to naval law is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall specifically state whether he committed the act or not.

(2) Whenever the finding made under sub-section (1) states that the accused person committed the act alleged, the court-martial shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be detained in safe custody in such place and in such manner as may be prescribed and shall report the action taken to the officer convening the court.

(3) The officer convening the court shall then report the case for the orders of the Central Government and shall take necessary steps to detain the said person in safe custody pending receipt of such orders.

(4) The Central Government may on receipt of a report under sub-section (3) order the accused person to be detained in a mental hospital or other suitable place of safe custody.

#### *Disposal of property*

Disposal of  
property  
pending  
trial.

145. When any property regarding which an offence appears to have been committed or which appears to have been used for the commission of an offence is produced before a court-martial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial and if the property is subject to speedy or natural decay may after recording such evidence as it thinks necessary order it to be sold or otherwise disposed of.

Disposal of  
property  
regarding  
which  
offence is  
committed.

146. (1) When the trial before any court-martial is concluded, the court may make such order as it thinks fit for the disposal by destruction, confiscation or delivery to any person claiming to be

entitled to possession thereof or otherwise of any property or document produced before it or in its custody or regarding which an offence appears to have been committed or which has been used for the commission of any offence:

Provided that except in the case of property which is subject to speedy or natural decay such property or document shall, if so required by regulations, made under this Act, be kept in custody until the orders of the Chief of the Naval Staff are known.

(2) An order under sub-section (1) shall not be carried out for one month, unless the property is subject to speedy or natural decay.

(3) When an order under this section cannot be conveniently carried out by persons in the naval service, a copy of such order certified by the Chief of the Naval Staff or an officer prescribed in this behalf, may be sent to a magistrate within whose jurisdiction the property is for the time being situate and such magistrate shall thereupon take steps to cause the order to be carried into effect as if it were an order passed by him.

*Explanation.*—In this section, the term “property” includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same may have been converted or exchanged and anything acquired by such conversion or exchange whether immediately or otherwise.

#### CHAPTER XIV

##### EXECUTION OF SENTENCES

147. In awarding a sentence of death, a court-martial shall in its discretion direct that the offender shall suffer death by being hanged by the neck until he be dead or shall suffer death by being shot to death.

Form of sentence of death.

148. A person sentenced to death may be detained in naval custody or may be removed to a civil prison to be kept in custody until further orders be received from the Central Government, the Chief of the Naval Staff or the officer ordering the court-martial by which he was sentenced to death or other prescribed officer and the order in the prescribed form of the Central Government, the Chief of the Naval Staff or the convening authority or such officer shall be sufficient warrant for detaining the person in custody.

Interim custody until execution of sentences of death.

149. (1) When a sentence of death is to be executed, the Chief of the Naval Staff or the convening authority or the prescribed officer shall give directions as to the time, place and manner in which such sentence is to be carried out and the order of such officer or authority in the prescribed form shall be sufficient warrant for the execution of such sentence.

Execution of sentences of death.

(2) There shall be attached to the prescribed form an order of the Central Government certifying the confirmation of the sentence by the Central Government in all cases where such confirmation is necessary; and where such confirmation is not necessary, a certificate of the Chief of the Naval Staff or other prescribed officer stating that such confirmation is not necessary.

Place of imprisonment and detention.

150. (1) Every term of imprisonment whether imprisonment was awarded as an original or commuted punishment may be served in a naval prison, naval detention quarters or in any civil prison, house of correction or military or air force prison or detention barracks.

(2) Every term of detention whether the detention was awarded as an original or commuted punishment may be served in any naval detention quarters or army or air force detention barracks.

(3) Where in pursuance of this Act, a person is sentenced to imprisonment or detention or has his sentence commuted to imprisonment or detention, the order in the prescribed form of the Central Government or the Chief of the Naval Staff or the officer ordering the court-martial by which such person was sentenced or the senior officer present in port or, if he was sentenced by the commanding officer of a ship, or other officer empowered under this Act to exercise like powers, the order in the prescribed form of such commanding officer or other officer, shall be a sufficient warrant for the sending of such person to the place of imprisonment or detention, as the case may be, there to undergo the sentence according to law, or until he reaches such place of imprisonment or detention for detaining him in naval custody or in the case of a person sentenced to imprisonment, in any civil prison or place of confinement.

Commencement of sentence.

151. (1) Subject to the provisions of sub-section (2), every term of imprisonment or detention awarded in pursuance of this Act shall be reckoned as commencing on the day on which the sentence was awarded.

(2) Where by reason of a ship being at sea or off a place at which there is no proper prison or naval detention quarters, a sentence of imprisonment or detention, as the case may be, cannot be duly executed, then subject as hereinafter mentioned, an offender under the sentence of imprisonment or detention, as the case may be, may be sent with all reasonable speed to some place at which there is a proper prison or naval detention quarters or in the case of an offender under sentence of detention to some place at which there are some naval detention quarters in which the sentence can be duly executed; and on arrival there, the offender shall undergo his sentence in like manner as if the date of such arrival were the



day on which the sentence was awarded and notwithstanding that in the meanwhile he has returned to his duty or become entitled to his discharge; and the term of imprisonment or detention, as the case may be, shall be reckoned accordingly, subject however to the deduction of any time during which he has been kept in confinement in respect of the said offence.

152. Whenever a sentence shall be passed by a court-martial on an offender already under sentence either of detention or imprisonment passed upon him under this Act for a former offence, the court may award a sentence of detention or imprisonment for the offence for which he is under trial to commence at the expiration of the sentence of detention or imprisonment to which he has been previously sentenced: Imprisonment of offender already under sentence.

Provided that so much of any term of detention imposed on a person by a sentence in pursuance of this section as will prolong the total term of detention beyond two years shall be deemed to be remitted.

153. Whenever it is deemed expedient, it shall be lawful for the Central Government, the Chief of the Naval Staff or senior officer present, by an order in writing in the prescribed form, from time to time to change the place of confinement of any offender imprisoned or sentenced to be imprisoned or detained in pursuance of this Act or of any offender undergoing or sentenced to undergo detention; and the gaoler or other person having the custody of such offender shall immediately on the receipt of such order remove such offender to the gaol, prison or house of correction or, in the case of an offender undergoing or sentenced to undergo detention, to the naval detention quarters mentioned in the said order, or shall deliver him over to naval custody for the purpose of the offender being removed to such prison or naval detention quarters, and every gaoler or keeper of such last-mentioned prison, gaol, or house of correction or naval detention quarters shall, upon being furnished with such order of removal, receive into his custody and shall confine pursuant to such sentence or order every such offender. Change of place of confinement.

154. Whenever any offender is undergoing imprisonment or detention in pursuance of this Act, it shall be lawful for the Central Government or the Chief of the Naval Staff, or where an offender is undergoing imprisonment or detention by order of his commanding officer, for such commanding officer or the Central Government or the Chief of the Naval Staff, to give an order in writing in the prescribed form directing that the offender be discharged; and it shall also be lawful for the Central Government and the Chief of Discharge or removal of prisoners.

the Naval Staff, by order in writing in the prescribed form, to direct that any such offender be delivered over to naval custody for the purpose of being brought before a court-martial, either as a witness or for trial or otherwise, and such offender shall accordingly, on the production of any such order, be discharged, or be delivered over to such custody.

Time of  
detention  
in naval  
custody.

155. The time during which any offender under sentence of imprisonment or detention is detained in naval custody shall be reckoned as imprisonment or detention under his sentence for whatever purpose he is so detained; and the governor, gaoler, keeper or superintendent who shall deliver over any such offender shall again receive him from naval custody, so that he may undergo the remainder of his punishment.

Removal  
of insane  
prisoners.

156. If any person imprisoned or undergoing detention by virtue of this Act shall become insane, and a certificate to that effect shall be given by two physicians or surgeons, the Central Government shall, by warrant in the prescribed form, direct the removal of such person to such asylum or other proper receptacle for insane persons in India as it may judge proper for the unexpired term of his imprisonment or detention; and if any such person shall in the same manner be certified to be again of sound mind, the Central Government may issue a warrant in the prescribed form for his being removed to such prison or place of confinement or in the case of a person sentenced to detention, such naval detention quarters as may be deemed expedient, to undergo the remainder of his punishment, and every gaoler or keeper of any prison, gaol, or house of correction shall receive him accordingly.

Naval pri-  
sons and  
naval deten-  
tion quarters.

157. The Central Government may set apart any buildings or vessels or any parts thereof as naval prisons or naval detention quarters and any buildings, vessels or parts of buildings or vessels so set apart as naval prisons or naval detention quarters, as the case may be, shall be deemed to be naval prisons or naval detention quarters respectively within the meaning of this Act.

Execution of  
sentence of  
fine.

158. When a sentence of fine is imposed under this Act by a court-martial or disciplinary court, the officer ordering the court-martial or disciplinary court may transmit a copy of the order imposing the fine duly certified under his hand to any magistrate in India, and such magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898, or any law corresponding thereto in force in the State of Jammu and Kashmir as if it were a sentence of fine imposed by such magistrate.

159. (1) The Central Government may, by notification in the Official Gazette, make regulations providing,—

Power to make regulations in respect of naval prisons and detention quarters.

(a) for the government, management and regulation of naval prisons and detention quarters;

(b) for the appointment and removal and powers of inspectors, visitors and officers thereof;

(c) for the food, bedding and clothing of prisoners or persons undergoing detention therein;

(d) for the labour of such prisoners or persons therein and for enabling such prisoners or persons to earn by special industry and good conduct remission of a portion of their sentence; and

(e) for the care of such prisoners or persons, their safe custody and the maintenance of good order and discipline among them and the punishment by personal correction, restraint or otherwise of offences committed by such prisoners or persons.

9 of 1894.

(2) The regulations to be made under this section may apply to naval prisons or detention quarters any of the provisions of the Prisons Act, 1894, and rules made thereunder, imposing punishments on any persons not being prisoners or relating to the duties of gaolers, medical officers and other officers of the prisons.

(3) The regulations to be made under this section shall not authorise corporal punishment to be inflicted for any offence.

## CHAPTER XV

### JUDICIAL REVIEW OF COURTS-MARTIAL PROCEEDINGS

160. (1) All proceedings of trials by court-martial or by disciplinary courts shall be reviewed by the Judge Advocate General of the Navy either on his own motion or on application made to him within the prescribed time by any person aggrieved by any sentence or finding, and the Judge Advocate General of the Navy shall transmit the report of such review together with such recommendations as may appear just and proper to the Chief of the Naval Staff for his consideration and for such action as the Chief of the Naval Staff may think fit.

Judicial review by the Judge Advocate General of the Navy.

(2) Where any person aggrieved has made an application under sub-section (1), the Judge Advocate General of the Navy may, if the circumstances of the case so require, give him an opportunity of being heard either in person or through a legal practitioner or an officer of the Indian Navy.

Consideration by the Chief of the Naval Staff.

161. (1) On receipt of the report and recommendations if any, under section 160, the Chief of the Naval Staff shall in all cases of capital sentence and in all cases where the court-martial is ordered by the President, and may in other cases transmit the proceedings and the report to the Central Government together with such recommendations as he may deem fit to make.

(2) Nothing in section 160 or this section shall authorise the Judge Advocate General of the Navy or the Chief of the Naval Staff to make any recommendation for setting aside, or the Central Government to set aside, an order of acquittal passed under this Act.

#### CHAPTER XVI

##### MODIFICATIONS OF FINDINGS AND SENTENCES, PARDONS AND COMMUTATION, REMISSION AND SUSPENSION OF SENTENCES

Petitions to the Central Government or Chief of the Naval Staff against findings or sentences.

162. Any person subject to naval law who considers himself aggrieved by a finding or sentence of any court-martial may present a petition to the Central Government or to the Chief of the Naval Staff, and the Central Government or the Chief of the Naval Staff, as the case may be, may pass such order thereon as may be thought fit.

Powers of Central Government and the Chief of the Naval Staff in respect of findings and sentences.

163. (1) Where any person is tried under the provisions of this Act, the Central Government or the Chief of the Naval Staff, may, in the case of a conviction,—

(a) set aside the finding and sentence and acquit or discharge the accused or order him to be retried, or

(b) alter the finding, maintaining the sentence (provided that such sentence may be legally passed on the altered finding), or

(c) with or without altering the finding, reduce the sentence or commute the punishment awarded for any punishment inferior in scale, or

(d) either with or without conditions, pardon the person or remit the whole or any part of the punishment awarded, or

(e) either with or without conditions, release the person on parole:

Provided that a sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment awarded, and a sentence of dismissal with disgrace not accompanied by a sentence of imprisonment shall not be commuted for a sentence of detention:

Provided further that nothing in this section shall authorise the Central Government or the Chief of the Naval Staff to enhance the sentence.

(2) Any sentence modified under the provisions of sub-section (1) shall be carried into execution as if it had been originally passed.

(3) If any condition on which a person has been pardoned or released on parole or a punishment has been remitted is in the opinion of the authority which granted the pardon, release or remission not fulfilled, such authority may cancel the pardon or release or remission and thereupon the sentence awarded shall be carried into effect as if such pardon, release or remission had not been granted:

Provided that in the case of a person sentenced to imprisonment or detention such person shall undergo only the unexpired portion of the sentence.

164. (1) Where a person has been sentenced to imprisonment or detention, the Central Government or the officer who by virtue of the foregoing section or sub-section (3) of section 150 has power to issue an order of committal (hereinafter in this section referred to as "the committing authority") may, in lieu of issuing such an order, order that the sentence be suspended until an order of committal is issued, and in such case—

Suspension  
of sentence.

(a) notwithstanding anything in this Act, the term of the sentence shall not be reckoned as commencing until an order of committal is issued;

(b) the case may at any time, and shall at intervals of not more than three months, be reconsidered by the Central Government or committing authority or the prescribed officer, and if on any such reconsideration it appears to the Central Government or committing authority or such prescribed officer that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, the Central Government or committing authority or such prescribed officer shall remit the whole or any part of it;

(c) subject to regulations made under this Act, the Central Government or the committing authority or such prescribed officer may at any time whilst the sentence is suspended issue an order of committal and thereupon the sentence shall cease to be suspended;

(d) where a person subject to naval law, whilst a sentence on him is so suspended, is sentenced to imprisonment or detention for any other offence then, if he is at any time committed either under the suspended sentence or under any such subsequent sentence, and whether or not any such subsequent sentence has also been suspended, the committing authority may direct that the two sentences shall run either concurrently or

consecutively, so, however, as not to cause a person to undergo detention for a period exceeding the aggregate of two consecutive years.

(2) When a person has been sentenced to imprisonment or detention and an order of committal has been issued, the Central Government or the committing authority, or prescribed officer may order the sentence to be suspended, and in such cases the person whose sentence is suspended shall be discharged and the currency of the sentence shall be suspended until he is again committed under the same sentence, and the provisions of clauses (b), (c) and (d) of subsection (1) shall apply in like manner as in the case where a sentence has been suspended before an order of committal has been issued.

(3) Where a sentence is suspended under this section, whether before or after committal, the Central Government or, subject to regulations made under this Act, the committing authority or officer by whom the sentence is suspended may, direct that any penalty which is involved by the punishment of imprisonment or detention either shall be or shall not be remitted or suspended.

## CHAPTER XVII

### OFFENCES IN RELATION TO COURTS-MARTIAL, DISCIPLINARY COURTS AND PRISONS

Offences by persons not subject to naval law in relation to courts-martial and disciplinary courts.

165. Every person not subject to naval law, who,—

(a) being duly summoned or ordered to attend as a witness before a court-martial or disciplinary court fails to attend without due cause, or

(b) refuses to take an oath or make an affirmation legally required by a court-martial or disciplinary court to be taken or made, or

(c) being sworn or affirmed, refuses to answer any questions put by or before a court-martial or disciplinary court, which he is in law bound to answer, or

(d) refuses to produce or deliver up a document in his power which the court-martial or disciplinary court may legally demand, or

(e) is guilty of contempt of court-martial or disciplinary court,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

166. (1) Every person, who,—

(a) conveys or causes to be conveyed into any naval prison or naval detention quarters any arms, tools, or instruments, or any mask or other disguise to facilitate the escape of any prisoner or person undergoing detention, or

Penalties for aiding escape or attempt to escape of prisoners and for breach of prison regulations.

(b) by any means whatever aids any prisoner or person undergoing detention to escape or in an attempt to escape from such prison or naval detention quarters, whether an escape be actually made or not,

shall be punished with imprisonment for a term which may extend to fourteen years.

(2) Every person who brings or attempts to bring into a naval prison or naval detention quarters, in contravention of regulations made under this Act, any spirituous or fermented liquor, shall for every such offence be punished with a fine not exceeding two hundred rupees and not less than one hundred rupees.

(3) Every person, who,—

(a) brings into a naval prison or naval detention quarters or to or for any prisoner or person undergoing detention, without the knowledge of the officer having charge or command thereof, any money, clothing, provisions, tobacco, letters, papers, or other articles not allowed by the rules of the prison or naval detention quarters, to be in the possession of a prisoner or person undergoing detention, or

(b) throws into the said prison or naval detention quarters, any such articles, or by desire of any prisoner or person undergoing detention, without the sanction of the said officer carries out of the prison or naval detention quarters any of the articles aforesaid,

shall for every such offence be punished with a fine not exceeding two hundred rupees.

(4) Every person, who,—

(a) interrupts any officer of a naval prison or naval detention quarters in the execution of his duty, or

(b) aids or abets any person to assault, resist, or interrupt any such officer,

shall for every such offence be punished with imprisonment which may extend to two years, or with fine, or both.

(5) Every fine recovered under the foregoing sub-sections of this section shall be applied as the Central Government may direct notwithstanding any law, charter, or custom to the contrary.

Penalty as regards gaolers, etc.

167. Every governor, gaoler, and keeper of any prison, gaol, or house of correction or of any naval detention quarters, and every person having the charge or command of any place, ship, or vessel for imprisonment, who shall without lawful excuse, refuse or neglect to receive or confine, remove, discharge, or deliver up any offender against the provisions of this Act, or any of them, shall incur for every such refusal or neglect a penalty not exceeding one thousand rupees and every such penalty shall be applied as the Central Government may direct notwithstanding any law, charter, or custom to the contrary.

#### CHAPTER XVIII

##### JUDGE ADVOCATE GENERAL OF THE NAVY AND OFFICERS OF HIS DEPARTMENT

Appointment of the Judge Advocate General of the Navy and his subordinate officers.

168. (1) There shall be appointed by the Central Government a Judge Advocate General of the Navy and as many judge advocates in the department of the Judge Advocate General of the Navy as the Central Government may deem necessary.

(2) Out of the judge advocates so appointed, the Central Government may designate any one to be the Deputy Judge Advocate General of the Navy.

(3) A person shall not be qualified for appointment as Judge Advocate General of the Navy unless he—

(a) is a citizen of India, and

(b) has for at least ten years held a judicial office in the territory of India, or

(c) has for at least ten years been an advocate of a High Court or two or more such courts in succession.

(4) A person shall not be qualified for appointment as Deputy Judge Advocate General of the Navy unless he—

(a) is a citizen of India, and

(b) has for at least seven years held a judicial office in the territory of India, or

(c) has for at least seven years been an advocate of a High Court or two or more such courts in succession.



(5) A person shall not be qualified for appointment as a judge advocate unless he—

(a) is a citizen of India, and

(b) is qualified for enrolment as an advocate or a pleader of a High Court.

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

(a) in computing the period during which a person has been an advocate of a High Court, there shall be included any period during which the person has held judicial office after he became an advocate;

(b) in computing the period during which a person has held judicial office in the territory of India or been an advocate of a High Court, there shall be included any period before the commencement of the Constitution during which he has held judicial office in any area which was comprised before the 15th day of August, 1947, within India as defined in the Government of India Act, 1935, or has practised as an advocate of any High Court in any such area as the case may be;

(c) the expression “judicial office” shall be deemed to include the office of the Judge Advocate of the Fleet or any of his deputies or assistants and any other legal or judicial office in the department of the Judge Advocate of the Fleet held before the commencement of this Act, and the office of the Judge Advocate General of the Navy or of a judge advocate held after the commencement of this Act.

169. It shall be the duty of the Judge Advocate General of the Navy to perform such duties of a legal and judicial character pertaining to the Indian Navy as may from time to time be referred or assigned to him by the Central Government or the Chief of the Naval Staff, and to discharge the functions conferred on him by or under this Act or any other law for the time being in force.

Functions of the Judge Advocate General of the Navy.

170. The functions of the Judge Advocate General of the Navy shall in his absence on leave or otherwise, be performed by such one of the judge advocates in his department as may be designated in this behalf by the Chief of the Naval Staff.

Discharge of functions of the Judge Advocate General of the Navy in his absence.

## CHAPTER XIX

## DISPOSAL OF THE PRIVATE PROPERTY OF PERSONS DECEASED, MISSING, ETC.

Disposal of  
property of  
deceased  
seamen.

171. (1) On the death of a seaman while subject to naval law, the commanding officer of the ship to which the seaman belonged shall as soon as may be,—

(a) secure all movable property belonging to the deceased that is in the ship or quarters and cause an inventory thereof to be made;

(b) draw the pay and allowances due to such persons;

(c) if he thinks fit, and subject to any regulations made in this behalf, collect all moneys left by the deceased in any banking company, including any post office savings bank, co-operative bank or society, or any other institution receiving deposits in money however named, and for that purpose may require the agent, manager or other proper authority of such banking company, society or other institution to pay the moneys to the commanding officer forthwith, notwithstanding anything in the rules of the banking company, society or institution; and such agent, manager or other authority shall, notwithstanding anything contained in any other law, be bound to comply with the requisition.

(2) Where any money has been paid by the banking company, society or other institution in compliance with the requisition under clause (c) of sub-section (1), no person shall have any claim against the said banking company, society or other institution in respect of such money.

(3) The commanding officer shall, if in his opinion it is necessary for the purpose of securing the payment of the ship and service debts and other debts in the ship or quarters of the deceased and the expenses, if any, incurred by the commanding officer in respect of the estate of the deceased, cause the movable property of the deceased to be sold or converted into money.

(4) If the representative of the deceased is on the spot and either pays or gives security for the payment of the ship and service debts and other debts in ship or quarters due from the deceased, the commanding officer shall not take action under clause (c) of sub-section (1) or under sub-section (3).

(5) The commanding officer shall, out of the moneys so received, collected or realised under sub-sections (1) and (3), pay the ship and service debts and other debts in ship or quarters of the deceased, and the expenses incurred in connection with the realisation of the assets of the deceased.

(6) Any property left over after meeting the expenditure indicated in sub-section (5), or where the representative had paid or given security for the payment of the ship and service debts and other debts in ship or quarters the entire property of the deceased, shall be delivered over by the commanding officer to the representative of the deceased, whereupon his responsibility for the administration of the estate of the deceased shall cease.

(7) If no claim is made in respect of the said surplus by a representative of the deceased within twelve months of the death, the commanding officer shall take steps to hand over the property to the prescribed person who shall continue the administration of the estate of the deceased as provided for in section 176.

172. The provisions of section 171 shall also apply to the disposal of the property of an officer who dies while subject to naval law, but with the following modifications, namely:—

Disposal of property of deceased officers.

(i) the functions of the commanding officer under section 171 shall be performed by a Committee of Adjustment constituted in this behalf in the prescribed manner; and

(ii) the surplus, if any, after the payment of debts and expenses specified in sub-section (3) of section 171 shall be paid to the person prescribed in this behalf.

173. If in any case a doubt or difference arises as to what are the ship or service debts and the debts in ship or quarters of a deceased officer or seaman or as to the amount payable in respect thereof, the decision of the prescribed person shall be final and shall be binding on all persons for all purposes.

Decision of questions as to ship and service debts and other debts in ship or quarters.

174. For the purpose of the exercise of his or its duties under section 171 or section 172, as the case may be, the commanding officer or the Committee of Adjustment, as the case may be, shall, to the exclusion of all other persons and authorities have the same rights and powers as if the commanding officer or the Committee had taken out representation to the estate of the deceased, and any receipt given by such commanding officer or the Committee, as the case may be, shall have effect accordingly

Nature of the powers of commanding officer or Committee of Adjustment.

*Explanation.*—"Representation" includes probate, letters of administration with or without the will annexed and a succession certificate issued by a court of competent jurisdiction constituting a person executor or administrator of the estate of the deceased person or authorising him to receive or realise the assets of a deceased person.

Powers of Central Government to hand over estate of deceased persons to the Administrator-General.

175. (1) Notwithstanding anything contained in the Administrator-General's Act, 1913, an Administrator-General shall not interpose <sup>3 of 1913.</sup> in any manner in relation to any property of a deceased which has been dealt with under section 171 or section 172 except in so far as he is expressly required or competent to do so by or under the provisions of this Act.

(2) The Central Government may, at any time and in such circumstances as it thinks fit, direct that the estate of a deceased seaman or officer shall be handed over by the commanding officer or the Committee of Adjustment, as the case may be, to the Administrator-General of a State for administration and thereupon such commanding officer or the Committee shall make over the estate to such Administrator-General.

(3) Where under this section any estate is handed over to the Administrator-General, the latter shall administer such estate in accordance with the provisions of the Administrator-General's Act, <sup>3 of 1913.</sup> 1913:

Provided that where the estate is handed over to the Administrator-General before the ship and service debts and other debts in ship or quarters of the deceased are paid, it shall be the duty of the Administrator-General to pay these debts in priority to any other debts due by the deceased.

(4) The Administrator-General shall pay the surplus, if any, remaining in his hands after discharging all debts and charges, to the heirs of the deceased and if no heir is traceable, shall make over the surplus to the person prescribed in this behalf.

(5) The Administrator-General shall not charge in respect of his duties under this section any fee exceeding three per cent. of the total amount coming to or remaining in his hands after payment of the ship and service debts and the other debts in ship or quarters.

Disposal of surplus by prescribed persons.

176. On receipt of the surplus referred to in sub-section (7) of section 171 or clause (ii) of section 172 or sub-section (4) of section 175, the prescribed person shall,—

(a) if he knows of a legal representative of the deceased, pay the surplus to that representative;

(b) if the surplus does not exceed five thousand rupees in value, the prescribed person may, if he thinks fit, pay or deliver to any person appearing to him to be entitled to receive the same, without requiring such person to produce any probate, letters of administration, succession certificate or other conclusive evidence of title;

(c) if the prescribed person does not know of any such representative to whom the surplus could be paid under clause (a), or if the surplus has not been disposed of under clause (b), publish every year a notice in the prescribed form and manner for six consecutive years; and if no claim to the surplus is made by the legal representative of the deceased within six months even after the publication of the last of such notices, the prescribed person shall deposit the surplus together with any income or accumulation of income accrued therefrom, to the credit of the Central Government:

Provided that such deposit shall not prejudice the claims of any person to such surplus or any part thereof, if he is otherwise entitled to it.

177. Where any part of the estate of a deceased officer or seaman consists of effects, securities or other property not converted into money, the provisions of sub-section (7) of section 171 or clause (ii) of section 172 and section 176 with respect to the payment of the surplus shall, save as may be prescribed, extend to the delivery, transmission or transfer of such effects, securities or property, and the prescribed person shall have the same power of converting the same into money as a legal representative of the deceased.

Disposal of effects not converted into money.

178. Any payment or application of money or delivery, sale or other disposition of any property made, or purported to be made by the commanding officer, the Committee or the prescribed person in good faith in pursuance of sections 171 to 176 shall be valid and shall fully absolve the commanding officer, the Committee or the prescribed person, as the case may be, as well as the Central Government from all liability in respect of the money or property so paid, applied or disposed of; but nothing herein contained shall be deemed to affect the right of any executor or administrator or other legal representative or of any creditor of the deceased against any person to whom any such payment or delivery as aforesaid has been made.

Termination of liability of commanding officer, Committee, prescribed person and the Central Government.

179. Nothing in this Chapter shall affect the rights and duties of the representative of a deceased seaman or officer or any Administrator-General, in respect of the property of such deceased seaman or officer not collected by the commanding officer or the Committee,

Saving of rights of representative.

as the case may be, and not forming part of the surplus handed over to the prescribed person either under sub-section (7) of section 171 or clause (ii) of section 172.

Application of sections 171 to 179 to persons of unsound mind.

180. The provisions of sections 171 to 179 shall, so far as they can be made applicable, also apply in the case of an officer or seaman subject to naval law who is ascertained in the prescribed manner to be of unsound mind notwithstanding anything contained in the Indian Lunacy Act, 1912, or who, while on active service, is officially reported missing, as if the said officer or seaman had died on the day on which his unsoundness of mind is so ascertained or, as the case may be, on the day on which he is officially reported missing: 4 of 1912.

Provided that in the case of an officer or seaman so reported missing, no action shall be taken to dispose of the property under sections 171, 172 and 175 until such time as a certificate under the regulations made under this Act is issued by or under the authority of the Chief of the Naval Staff or other prescribed person that he is confirmed or presumed to be dead.

Appointment of Standing Committee of Adjustment in certain cases.

181. When an officer while subject to naval law dies or is ascertained in the prescribed manner to be of unsound mind or while on active service is officially reported missing, the reference in the foregoing provisions of this Chapter to the Committee shall be construed as references to the Standing Committee of Adjustment, if any, constituted in this behalf in the prescribed manner and such Standing Committee, if constituted, shall alone be entitled to perform all the functions of such Committee unless otherwise directed by the Chief of the Naval Staff.

Exercise of powers by other persons.

182. The functions and powers of the commanding officer in this Chapter may in any case be performed or exercised by any other person appointed in this behalf by the Chief of the Naval Staff.

Forfeiture of effects for absence without leave.

183. If any person subject to naval law is absent without leave for a period of one month (whether he is guilty of desertion or of improperly leaving his ship or place of duty or not) but is not apprehended or tried for his offence, he shall be liable for forfeiture of pay and allowances and other benefits as the Central Government from time to time by regulations provide, and the Central Government, the Chief of the Naval Staff or the prescribed officer may by an order containing a statement of the absence without leave direct that the clothes and effects, if any, left by him on board ship or at his place of duty be forfeited, and the same be sold and the proceeds of the same shall be disposed of as provided in the regulations made under this Act, and every order under this provision for forfeiture or sale shall be conclusive for the purpose of this section as to the fact of the absence without leave as therein stated of the

person therein named; but in any case the Central Government may, if it deems fit on sufficient cause being shown at any time after forfeiture and before sale, remit the forfeiture, or after sale pay or dispose of the proceeds of the sale or any part thereof to or for the use of the person to whom the clothes or effects belonged, or his representatives.

## CHAPTER XX

### REGULATIONS

184. (1) The Central Government may, by notification in the Official Gazette, make regulations for the governance, command, discipline, recruitment, conditions of service and regulation of the naval forces and generally for the purpose of carrying into effect the provisions of this Act. Power to make regulations.

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

(a) the rank, precedence, powers of command and authority of officers and seamen in the naval service;

(b) the relative rank, precedence, powers of command and authority of officers and seamen in the naval service in relation to members of the regular Army and the Air Force;

(c) the retirement and discharge of persons in the naval service;

(d) the convening and constitution of courts-martial and the appointment of prosecutors at trials by court-martial;

(e) the adjournment, dissolution and sittings of courts-martial;

(f) the procedure to be observed in trials by courts-martial, the persons by whom an accused may be defended in such trials and the appearance of such persons thereat;

(g) the forms of orders to be made under the provisions of this Act relating to courts-martial and the awards and infliction of death, imprisonment and detention;

(h) the carrying into effect of sentences of courts-martial:

(i) any matter necessary for the purpose of carrying this Act into execution as far as it relates to the investigation, arrest, custody, trial and punishment of offences triable or punishable under this Act;

(j) the terms and conditions of service, the pay, pensions, allowances and other benefits of persons in the naval service, including special provision in this behalf during active service;

(k) the ceremonials to be observed and marks of respect to be paid in the naval service;

(l) the convening of, the constitution, procedure and practice of boards of inquiry, the summoning of witnesses before them and the administration of oaths by such boards;

(m) the computation of time of absence without leave or custody of deserters and absentees without leave;

(n) any matter relating to the realisation and disposal of the estates of officers or seamen who are deceased, ascertained to be of unsound mind or reported missing on active service;

(o) the enquiry into the conduct of prisoners of war, and their pay and allowances;

(p) the provision to be made for the wives and children of prisoners of war or missing persons;

(q) the procedure relating to the exercise of powers under section 163;

(r) any other matter which is to be, may be, or is required to be, prescribed under this Act.

Regulations  
to be placed  
before  
Parliament.

185. All regulations made under this Act shall, as soon as may be after they are made, be laid for not less than thirty days before each House of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

## CHAPTER XXI

### REPEALS AND SAVINGS

Repeals.

186. The Indian Navy (Discipline) Act, 1934, the Indian Naval Reserve Forces (Discipline) Act, 1939, and the Naval Forces (Miscellaneous Provisions) Act, 1950, are hereby repealed. 34 of 1934.  
57 of 1950.

Provisions as  
to existing  
naval forces,  
appoint-  
ments, etc.

187. (1) The Indian Navy in existence at the commencement of this Act shall be deemed to be the regular naval force raised under this Act.

(2) The Indian Naval Reserve, the Indian Naval Volunteer Reserve and the Indian Fleet Reserve in existence at the commencement of this Act shall be deemed to be the Indian Naval Reserve Forces raised under this Act.



(3) Officers in the Indian Navy or the Indian Naval Reserve Forces at the commencement of this Act shall be deemed to have been appointed as such under this Act.

(4) The person holding office as Judge Advocate of the Fleet at the commencement of this Act shall, on such commencement, be deemed to have been appointed as the Judge Advocate General of the Navy under this Act.

(5) Seamen in the Indian Navy or in the Indian Naval Reserve Forces at the commencement of this Act shall be deemed to have been duly enrolled as such under this Act.

## CHAPTER XXII

### TRANSITORY PROVISIONS

188. (1) An officer of the Royal Navy attached to or serving with the Indian Navy shall have and exercise all such powers as are vested in or may be exercised by an officer of the Indian Navy of corresponding rank or holding a corresponding appointment and shall be eligible to be granted a commission to convene courts-martial or to be appointed as president of a court-martial or to sit on a court-martial as a member as if he were an officer of the Indian Navy subject to naval law. Powers of officers of the Royal Navy.

(2) The expression "superior officer" wherever used in this Act shall be deemed to include an officer of the Royal Navy when serving under conditions specified in sub-section (1).

Not Corrected: See India Code, Vol. VI-B.

## THE COUNTESS OF DUFFERIN'S FUND ACT, 1957

No. 63 OF 1957

[27th December, 1957]

An Act to provide for the transfer of the Fund known as the Countess of Dufferin's Fund to the Central Government.

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

Short title. 1. This Act may be called the Countess of Dufferin's Fund Act, 1957.

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

(a) "Association" means the National Association for Supplying Medical Aid by Women to the Women of India, being a society registered under the Societies Registration Act, 1860; 21 of 1860.

(b) "Fund" means all property, movable or immovable, of or belonging to the Association.

Dissolution of Association and transfer of Fund. 3. On the commencement of this Act—

(a) the Association shall stand dissolved;

(b) the Fund shall vest in the Central Government; and

(c) all the debts and liabilities of the Association shall be transferred to the Central Government and shall thereafter be discharged and satisfied by it out of the Fund.

Validation of certain acts done before the commencement of this Act. 4. Notwithstanding anything contained in any law for the time being in force, all acts and things done, before the commencement of this Act, by any person acting or purporting to act in pursuance of the Resolutions passed at the extraordinary general meeting of the Association held on the 19th day of April, 1948, shall be valid and shall be deemed always to have been valid and no suit or other proceeding shall be instituted, maintained or continued against any person whatever on the ground that any such act or thing was not done in accordance with law.

THE PREVENTION OF DISQUALIFICATION (AMEND-  
MENT) ACT, 1957

No. 64 OF 1957

[27th December, 1957]

An Act further to amend the Prevention of Disqualification  
Act, 1953.

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

1. This Act may be called the Prevention of Disqualification Short title.  
(Amendment) Act, 1957.

r of 1954. 2. In section 4 of the Prevention of Disqualification Act, 1953, Amendment  
of section 4.  
for the figures and words "31st day of December, 1957", the figures  
and words "31st day of December, 1958" shall be substituted.

Rep. by Act 58 of 1960, 8.2 & Sec. I (wef 26.12.60)

THE CITIZENSHIP (AMENDMENT) ACT, 1957

No. 65 OF 1957

[27th December, 1957]

An Act to amend the Citizenship Act, 1955.

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

Short title. 1. This Act may be called the Citizenship (Amendment) Act, 1957.

Amendment of First Schedule. 2. In the First Schedule to the Citizenship Act, 1955, under the 57 of 1955. heading "A. The following Commonwealth countries:—", after entry 8, the following entries shall be inserted, namely:—

"9. Ghana.

10. Federation of Malaya.

11. Singapore."

# THE DELHI MUNICIPAL CORPORATION ACT, 1957

## ARRANGEMENT OF SECTIONS

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3. Establishment of the Corporation.
4. Term of office of councillors and aldermen.  
*Election of councillors and aldermen*
5. Delimitation of wards.
6. Power to alter or amend delimitation orders.
- ~~7. Electors and electoral rolls.~~
8. Qualifications for councillorship.
9. Disqualifications for membership of Corporation.
10. Right to vote.
11. General elections of councillors.
12. Filling of casual vacancies in councillorship.
13. Election of aldermen.
14. Publication of results of elections.

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15. Election petitions.
16. Relief that may be claimed by the petitioner.
17. Grounds for declaring elections to be void.
18. Procedure to be followed by the district judge.
19. Decision of the district judge.
20. Procedure in case of equality of votes.
21. Finality of decisions.

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22. Corrupt practices.
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25. Prohibition of canvassing in or near polling station and of public meeting on election day.
26. Penalty for disorderly conduct in or near polling station.
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32. Oath or affirmation by councillors and aldermen.
33. Vacation of seats.
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49. Functions of the Standing Committee.

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50. Constitution of the Delhi Electric Supply Committee, etc.
51. Filling up of vacancies.
52. Application of sections 47 and 48.
53. Functions of the Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ and the Delhi Water Supply and Sewage Disposal Committee.

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57. Appointment of officiating Commissioner in case of death, resignation or removal of Commissioner.
58. Service regulations of Commissioner.
59. Functions of the Commissioner.

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60. Appointment, etc., of the General Managers.
61. Salary and allowances of General Managers.
62. Leave of absence to the General Managers, etc.
63. Service regulations of the General Managers.
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- 74. Notice of meetings and business.
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- 81. Right to attend meetings of the Corporation and its committees, etc., and right of councillors and aldermen to ask questions in relation to the municipal government of Delhi.
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THE THIRTEENTH SCHEDULE.—ENACTMENTS CEASING TO HAVE EFFECT IN DELHI.

# THE DELHI MUNICIPAL CORPORATION ACT, 1957

No. 66 OF 1957

[28th December, 1957.]

An Act to consolidate and amend the law relating to the municipal government of Delhi.

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

## CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Delhi Municipal Corporation Act, 1957. Short title,  
extent and  
commence-  
ment.

(2) Except as otherwise provided in this Act, it extends only to Delhi.

(3) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

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

Definitions.

(1) "Administrator" means the Administrator of the Union territory of Delhi;

(2) "budget-grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Corporation and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder;

(3) "building" means a house, outhouse, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter;

(4) "bye-law" means a bye-law made under this Act, by notification in the Official Gazette;

(5) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor or an alderman or in any other elective office;

(6) "Commissioner" means the Commissioner of the Corporation;

(7) "Corporation" means the Municipal Corporation of Delhi established under this Act;

(8) "corrupt practice" means any of the practices specified in section 22;

(9) "dangerous disease" means—

(a) cholera, plague, chicken-pox, small-pox, tuberculosis, leprosy, enteric fever, cerebrospinal meningitis and diphtheria; and

(b) any other epidemic, endemic or infectious disease which the Commissioner may, by notification in the Official Gazette, declare to be a dangerous disease for the purposes of this Act;

(10) "Delhi" means the entire area of the Union territory of Delhi except New Delhi and Delhi Cantonment;

(11) "Delhi Cantonment" means the area for the time being within the local limits of the Delhi Cantonment Board;

(12) "Delhi Electric Supply Undertaking" means all undertakings vested in or acquired and organised, constructed, maintained, extended, managed or conducted by the Corporation for the purposes of generating or acquiring supplies of electricity and providing supplies (including bulk supplies) of electricity for licensees and persons other than licensees and includes all properties and rights vested in the Corporation for the purposes of such undertakings;

~~(13) "Delhi Transport Undertaking" means all undertakings vested in or acquired and organised, constructed, maintained, extended, managed or conducted by the Corporation for the~~

✓ Omitted by Act 71 of 1971, s.7 & Second Sch. (w.e.f. 3-11-1971)

~~purposes of providing road transport services and any ancillary service and includes all properties and rights vested in the Corporation for the purposes of such undertakings;~~

(14) "Delhi Water Supply and Sewage Disposal Undertaking" means all undertakings vested in or acquired and organised, constructed, maintained, extended, managed or conducted by the Corporation for the purposes of providing filtered and unfiltered water supply and for the purposes of collection, treatment and disposal of sewage and includes all properties and rights vested in the Corporation for the purposes of such undertakings;

(15) "drain" includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sewage, offensive matter, polluted water, waste water, rain water or sub-soil water;

(16) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are ordinarily admitted on payment;

(17) "factory" means a factory as defined in the Factories Act, 1948;

(18) "filth" includes offensive matter and sewage;

(19) "General Manager (Electricity)" means the General Manager of the Delhi Electric Supply Undertaking;

~~(20) "General Manager (Transport)" means the General Manager of the Delhi Transport Undertaking;~~ (✓xxx)

(21) "goods" includes animals;

(22) "house-gully" or "service passage" means a passage or strip of land constructed, set apart or utilised for the purpose of serving as or carrying a drain or affording access to a latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by municipal employees or other persons employed in the cleansing thereof or in the removal of such matter therefrom;

(23) "hut" means any building which is constructed principally of wood, bamboo, mud, leaves, grass, cloth or thatch and includes any structure of whatever material made which the Corporation may declare to be a hut for the purposes of this Act;

↓ Omitted by Act 71 of 1971, S. 7 & Second Sch. (w.e.f. 3-11-1971)  
 3 Ins. by Act 55 of 1974, S. 2 (w.e.f. 10.1.75).

(24) "land" includes benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;

(25) "licensed architect", "licensed draughtsman", "licensed engineer", "licensed plumber", "licensed surveyor" and "licensed town planner" mean respectively a person licensed under the provisions of this Act as an architect, draughtsman, engineer, plumber, surveyor and town planner;

(26) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting, the market by the owner of the place or by any other person;

(27) "member" in relation to the Corporation means a councillor or an alderman thereof;

(28) "municipal authority" means any of the municipal authorities specified in section 44;

(29) "municipal market" means a market vested in or managed by the Corporation;

(30) "municipal slaughter house" means a slaughter house vested in or managed by the Corporation;

(31) "municipal water works" means water works vested in the Corporation;

(32) "New Delhi" means the area within the boundaries described in the First Schedule;

(33) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell, or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;

(34) "occupier" includes—

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(b) an owner in occupation of, or otherwise using his land or building;

(c) a rent-free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(35) "offensive matter" includes animal carcasses, kitchen or stable refuse, dung, dirt and putrid or putrefying substances other than sewage;

(36) "Official Gazette" means the Official Gazette of the Union territory of Delhi;

(37) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant and also includes—

(a) the custodian of evacuee property in respect of evacuee property vested in him under the Administration of Evacuee Property Act, 1950; and

(b) the estate officer to the Government of India, the secretary of the Delhi Development Authority, constituted under the Delhi Development Act, 1957, the general manager of a railway and the head of a Government department, in respect of properties under their respective control;

(38) "premises" means any land or building or part of a building and includes—

(a) the garden, ground and out-houses, if any, appertaining to a building or part of a building; and

(b) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof;

(39) "private street" means any street, which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners;

(40) "private market" means a market which is not a municipal market;

(41) "private slaughter house" means a slaughter house which is not a municipal slaughter house;

(42) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

(43) "public securities" means any securities of the Central Government or a State Government or any securities guaranteed by the Central Government or a State Government or any securities issued under this Act or any debentures issued by the Bombay, Calcutta or Madras Municipal Corporation;

(44) "public street" means any street which vests in the Corporation as a public street or the soil below the surface of which vests in the Corporation or which under the provisions of this Act becomes, or is declared to be, a public street;

(45) "railway administration" has the meaning assigned to it in the Indian Railways Act, 1890;

9 of 1890.

(46) "rate payer" means a person liable to pay any rate, tax, cess or licence fee under this Act;

(47) "rateable value" means the value of any land or building fixed in accordance with the provisions of this Act and the bye-laws made thereunder for the purpose of assessment to property taxes;

(48) "regulation" means a regulation made <sup>by the Corporation</sup> under this Act, by notification in the Official Gazette;

(49) "reside",—

(a) a person shall be deemed to "reside" in any dwelling house which or some portion of which he sometimes, although not uninterruptedly, uses as a sleeping apartment, and

(b) a person shall not be deemed to cease to "reside" in any such dwelling house merely because he is absent from it or has elsewhere another dwelling house in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

(50) "rubbish" includes ashes, broken bricks, broken glass, dust, malba, mortar and refuse of any kind which is not filth;

4 Ins. by Act 42 of 1961, S. 2 (w.e.f. 12.9.61).



(51) "rule" means a rule made by the Central Government under this Act, by notification in the Official Gazette;

(52) "rural areas" means the areas of Delhi which immediately before the establishment of the Corporation are situated within the local limits of the District Board of Delhi established under the Punjab District Boards Act, 1883, but shall not include such portion thereof as may, by virtue of a notification under section 507, cease to be included in the rural areas as herein defined;

(53) "Scheduled Caste" means any of the Scheduled Castes specified in Part I of the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951;

(54) "sewage" means night-soil and other contents of latrines, urinals, cesspools or drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;

(55) "shed" means a slight or temporary structure for shade or shelter;

(56) "slaughter house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

(57) "street" includes any way, road, lane, square, court, alley, gully, passage, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or footway over any bridge or causeway;

(58) "trade effluent" means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

(59) "trade premises" means any premises used or intended to be used for carrying on any trade or industry;

(60) "trade refuse" means the refuse of any trade or industry;

(61) "urban areas" means the areas of Delhi which are not rural areas;

(62) "vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, cycle-rikshaw, auto-rikshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street;

(63) "ward" means a municipal ward provided by order made under section 5 for the purpose of election of councillors;

(64) "water course" includes any river, stream or channel whether natural or artificial;

(65) "water works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water trucks, sluices, mains, pipes, culverts, hydrants, stand pipes and conduits and all lands, buildings, machinery, bridges and things, used for, or intended for the purpose of, supplying water;

(66) "workshop" means any premises (including the precincts thereof) other than a factory, wherein any industrial process is carried on;

(67) "year" means a year commencing on the 1st day of April.

## CHAPTER II

### THE CORPORATION

#### *Constitution of the Corporation*

Establish-  
ment of the  
Corporation.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be a Corporation charged with the municipal government of Delhi, to be known as the Municipal Corporation of Delhi.

(2) The Corporation 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 may by the said name sue and be sued.

(3) The Corporation shall be composed of councillors and aldermen.

(4) Councillors shall be chosen by direct election on the basis of adult suffrage from various wards into which Delhi shall be divided in accordance with the provisions of this Act; and aldermen shall be chosen by the councillors from among persons who are qualified to be councillors but are not councillors themselves.

(5) The total number of councillors shall at the establishment of the Corporation be eighty:

Provided that twelve out of the eighty seats of councillors shall be reserved for the members of the Scheduled Castes.

(6) Upon the completion of each census after the establishment of the Corporation, the number of councillors shall be on the basis of the population of Delhi as ascertained at that census and shall be determined by the Central Government by notification in the Official Gazette ~~on a scale of one councillor for not more than twenty thousand of the population~~ and the number of councillors to be reserved for the members of the Scheduled Castes shall, as nearly as may be, bear the same ratio to the total number of councillors as the population of the Scheduled Castes bears to the total population of Delhi: (✓ x x r)

Provided that the total number of councillors shall in no case be more than one hundred or less than eighty:

Provided further that the determination of numbers as aforesaid shall not affect the then composition of the Corporation until the expiry of the term of office of the councillors then holding office.

(7) The total number of aldermen shall always be six.

4. (1) Save as otherwise provided in this section, the term of office of a councillor or an alderman shall be four years and shall commence on the date of publication of the result of his election under section 14: Term of office of councillors and aldermen.

Provided that the Central Government may, by notification in the Official Gazette, extend for reasons to be specified in the notification, the term of office of all the councillors and aldermen by such period as it thinks fit, so, however, that the total period so extended shall never exceed one year.

(2) The term of office of a councillor or an alderman elected to fill a casual vacancy shall continue so long only as the councillor or alderman in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(3) An out-going councillor or alderman shall continue in office until the result of the election of his successor is published under section 14.

✓ Omitted by Act 55 of 1974, s. 3 (w.e.f. 10.1.75).

- 2 Subs. by Act 55 of 1974, S. 4 (w.e.f. 10-1-75).
- 3 Subs. by S. 5, ibid.
- 4 Ins. by Act 8 of 1983, S. 2 (w.e.f. 2-1-1983)

Election of councillors and aldermen

Delimitation of wards.

5. (1) For the purposes of election of councillors Delhi shall be divided into multi-member wards.

(2) The Central Government shall, by order in the Official Gazette, determine—

- (a) the number of wards;
- (b) the extent of each ward;
- (c) the number of seats allotted to each ward; and
- (d) the number of seats, if any, reserved for the Scheduled Castes in each ward.

Power to alter or amend delimitation orders.

6. The Corporation, with the previous approval of the Central Government, may, from time to time by order in the Official Gazette, alter or amend any order made under section 5.

Electors and electoral rolls.

~~7. (1) The persons entitled to vote at elections of councillors shall be the persons registered, by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, as voters at 43 of 1950. elections to the House of the People.~~

(2) So much of the electoral roll for any parliamentary constituency for the time being in force as relates to the areas comprised within a ward shall be deemed to be the electoral roll for that ward for the purposes of this Act.

~~Explanation.—In sub-section (2), the expression "parliamentary constituency" has the meaning assigned to it under the Representation of the People Act, 1950.~~

43 of 1950.

Qualifications for councillorship.

8. A person shall not be qualified to be chosen as a councillor unless his name is registered as an elector in the electoral roll for a ward:

Provided that in the case of a seat reserved for the Scheduled Castes, a person shall not be so qualified unless he is also a member of any of the said castes.

Disqualifications for membership of Corporation.

9. (1) A person shall be disqualified for being chosen as, and for being, a councillor, or an alderman—

- (a) if he is of unsound mind and stands so declared by a competent court;
- (b) if he is an undischarged insolvent;

4 Subs. by Act 42 of 1961, S. 3 (w.e.f. 12.9.61). The provisions of this section shall not apply to casual vacancy election before the next general election, vide sub-section (2).

(c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;

(d) if he has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty of—

(i) any corrupt practice, or

(ii) any offence punishable under section 171E or section 171F of the Indian Penal Code or any offence punishable under section 29 or clause (a) of sub-section (2) of section 30 of this Act,

45 of 1860.

unless a period of five years has elapsed since the date of the finding or the disqualification has been removed either retrospectively or prospectively by the Central Government;

(e) if he has been sentenced on conviction by a criminal court to imprisonment for any of the offences referred to in clause (d) or to imprisonment for a term of not less than two years for any other offence unless in each case a period of five years has elapsed since the date of the conviction or the disqualification has been removed either retrospectively or prospectively by the Central Government;

(f) if he holds any office of profit under the Corporation;

(g) if he holds any office of profit under the Government;

(h) if he is a licensed architect, draughtsman, engineer, plumber, surveyor or town planner or is a partner of a firm of which any such licensed person is also a partner;

(i) if he is interested in any subsisting contract made with, or any work being done for, the Corporation except as a shareholder (other than a director) in an incorporated company or as a member of a co-operative society;

(j) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceeding in which the Corporation or any of the municipal authorities is interested or concerned;

(k) if he, having held any office under the Government, the Corporation or any other authority, has been dismissed for

corruption or disloyalty to the State unless a period of four years has elapsed since his dismissal or the disqualification has been removed by the Central Government;

(l) if he fails to pay any arrears of any kind due by him, otherwise than as an agent, receiver, trustee or an executor, to the Corporation within three months after a notice in this behalf has been served upon him.

(2) Notwithstanding anything contained in sub-section (1),—

(a) a disqualification under clause (e) of that sub-section shall not take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence, until that appeal or petition is disposed of;

(b) a person shall not be deemed to have incurred any disqualification under clause (f) or clause (g) of that sub-section by reason only of his receiving—

(i) any pension; or

(ii) any allowance or facility for serving as the Mayor or Deputy Mayor or as a councillor or an alderman; or

(iii) any fee for attendance at meetings of the Delhi Electric Supply Committee ~~or the Delhi Transport Committee~~ or the Delhi Water Supply and Sewage Disposal Committee or any other committee of the Corporation;

(c) a person shall not be deemed to have any interest in a contract or work such as is referred to in clause (i) of that sub-section by reason only of his having a share or interest in—

(i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or

(ii) any agreement for the loan of money or any security for the payment of money only; or

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or

(iv) the sale to the Corporation or to any municipal authority or any officer or other employee of the Corporation on behalf of the Corporation, of any article in which he regularly trades or the purchase from the Corporation

✓ Omitted by Act 71 of 1971, s.7 & Second Sch. (w.e.f 3-11-1971)

or from any such authority, officer or other employee on behalf of the Corporation, of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work; or

(v) the letting out on hire to the Corporation or the hiring from the Corporation of any article of a value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work; or

(vi) any agreement or contract with the Corporation or any municipal authority for taking water or electricity or for hiring buses or any other thing which the Corporation may generally supply.

(3) If a person sits or votes as a member of the Corporation when he knows that he is not qualified or that he is disqualified for such membership, he shall be liable in respect of each day on which he so sits or votes to a penalty of three hundred rupees to be recovered as an arrear of tax under this Act.

10. (1) Every person whose name is, for the time being entered in the electoral roll for a ward shall be entitled to vote at the election of a councillor from that ward. Right to vote.

~~(2) In every ward an elector shall have as many votes as there are councillors to be elected from that ward but no elector shall at any election give more than one vote to any one candidate.~~ / x x /

11. (1) A general election of councillors shall be held for the purpose of constituting the Corporation under section 3. General elections of councillors.

(2) A general election shall also be held for the purpose of filling the vacancies arising by efflux of time in the office of the councillors.

(3) For the aforesaid purposes the Commissioner shall, by one or more notifications published in the Official Gazette, call upon all the wards to elect councillors in accordance with the provisions of this Act and the rules and orders made thereunder before such date or dates as may be specified in the notification or notifications: [ Director of Municipal Elections ] 2

Provided that where in any ward a seat has been reserved for the Scheduled Castes, such notification or notifications shall specify that the person to fill that seat shall belong to one of the said castes. [ Director of Municipal Elections ] 2

12. (1) When a casual vacancy occurs in the office of a councillor the Commissioner shall, as soon as may be after the occurrence of such vacancy and subject to the provisions of sub-section (2), by a notification in the Official Gazette, call upon the ward concerned to Filling of casual vacancies in councillorship.

1. Omitted by Act 42 of 1961, s. 4 (w.e.f. 12. 9. 61).  
 2. Subs. by Act 55 of 1974, s. 6 (w.e.f. 10-75).

elect a person for the purpose of filling the vacancy in accordance with the provisions of this Act and the rules and orders made thereunder before such date as may be specified in the notification:

Provided that no election shall be held to fill a casual vacancy occurring within four months prior to the holding of a general election under section 11.

(2) If the vacancy be a vacancy in a seat reserved for the Scheduled Castes the notification issued under sub-section (1) shall specify that the person to fill that seat shall belong to one of the Scheduled Castes.

Election of  
aldermen.

13. (1) The six aldermen referred to in sub-section (7) of section 3 shall be elected at a meeting of the councillors immediately after the publication of the results of the general election of councillors under section 14.

(2) No person shall be entitled to stand as a candidate at any election of an alderman if at any election of a councillor immediately preceding the election of any alderman he stood as a candidate and failed to be elected as a councillor.

(3) In the case of an equality of votes at any election of an alderman the person presiding at the meeting whether or not entitled to vote in the first instance shall have and exercise a casting vote.

(4) As many persons as there are vacancies to be filled being persons who have the largest number of votes shall be declared by the person presiding at the meeting to be elected.

(5) As soon as may be after the occurrence of any casual vacancy in the office of an alderman election shall be held to fill such casual vacancy.

(6) Election of aldermen shall be held in accordance with rules made in this behalf.

Publication  
of results of  
elections.

14. The names of all persons elected as councillors or aldermen shall, as soon as may be, after such election, be published by the Commissioner in the Official Gazette:

Provided that the names of all the councillors elected at a general election shall be so published as far as possible simultaneously and the names of all the aldermen elected at a meeting of the councillors after such general election shall also be so published as far as possible simultaneously.

Subs. by Act 55 of 1974 s.6 (w.e.f. 10.1.75).



*Disputes regarding elections*

15. (1) No election of a councillor or an alderman shall be called in question except by an election petition presented to the court of the district judge of Delhi within fifteen days from the date of the publication of the result of the election under section 14. Election petitions.

(2) An election petition calling in question any such election may be presented on one or more of the grounds specified in section 17—

(a) by any candidate at such election, or

(b) (i) in the case of an election of a councillor, by any elector of the ward concerned,

(ii) in the case of an election of an alderman, by any councillor,

(3) A petitioner shall join as respondents to his petition all the candidates at the election,

(4) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.

5 of 1908.

16. (1) A petitioner may claim—

(a) a declaration that the election of all or any of the returned candidates is void, and

(b) in addition thereto, a further declaration that he himself or any other candidate has been duly elected.

(2) The expression "returned candidate" means a candidate whose name has been published in the Official Gazette under section 14.

17. (1) Subject to the provisions of sub-section (2) if the court of the district judge is of opinion—

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a councillor or, as the case may be, as an alderman under this Act, or

Relief that may be claimed by the petitioner.

Grounds for declaring elections to be void.

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent, or

(c) that any nomination paper has been improperly rejected, or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected--

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent, or

(iii) by the improper acceptance or refusal of any vote or reception of any vote which is void, or

(iv) by the non-compliance with the provisions of this Act or of any rules or orders made thereunder,

the court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the court, a returned candidate has been guilty by an agent of any corrupt practice, but the court is satisfied--

(a) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate;

(b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents;

then, the court may decide that the election of the returned candidate is not void.

Procedure to be followed by the district judge.

18. The procedure provided in the Code of Civil Procedure, 1908, 5 of 1908, in regard to suits shall be followed by the court of the district judge as far as it can be made applicable, in the trial and disposal of an election petition under this Act.

Decision of the district judge.

19. (1) At the conclusion of the trial of an election petition, the court of the district judge shall make an order--

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void; or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner and any other candidate to have been duly elected.

(2) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claimed declaration that he himself or any other candidate has been duly elected and the court of the district judge is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes, or

(b) that but for the votes obtained by the returned candidate the petitioner or such other candidate would have obtained a majority of the valid votes,

the court shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

20. If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then, the court of the district judge shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote.

Procedure in case of equality of votes.

21. (1) An order of the court of the district judge on an election petition shall be final and conclusive.

Finality of decisions.

(2) An election of a councillor or an alderman not called in question in accordance with the foregoing provisions shall be deemed to be a good and valid election.

#### *Corrupt practices and electoral offences*

22. The following shall be deemed to be corrupt practices for the purposes of this Act:—

Corrupt Practices.

43 of 1951.

(1) Bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951.

(2) Undue influence as defined in clause (2) of the said section.

(3) The systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, race, community or religion or the use of or appeal to,

religious symbols or, the use of or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (other than the candidate himself, and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

*Explanation.*—In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The holding of any meeting in which intoxicating liquors are served.

(7) The issuing of any circular, placard or poster having a reference to the election which does not bear the name and address of the printer and publisher thereof.

(8) Any other practice which the Central Government may by rules specify to be a corrupt practice.

23. (1) Every officer or clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

24. (1) No person who is a returning officer, or an assistant returning officer or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election or a member of a police force shall in the conduct or management of the election do any act (other than the giving of votes) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid shall endeavour—

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

25. (1) No person shall, on the date or dates on which the poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely:—

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

Maintenance  
of secrecy  
of voting.

Officers, etc.  
at elections  
not to act  
for candi-  
dates or to  
influence  
voting.

Prohibition  
of canvassing  
in or near  
polling sta-  
tion and of  
public  
meeting on  
election day.

(2) No person shall converse, hold or attend any public meeting within any ward on the date or dates on which a poll is taken for an election in that ward.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with fine which may extend to two hundred and fifty rupees.

(4) An offence punishable under this section shall be cognizable.

Penalty for disorderly conduct in or near polling station.

26. (1) No person shall, on the date or dates on which a poll is taken at any polling station—

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker; or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof;

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officer and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such step and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

(5) An offence punishable under this section shall be cognizable.

Penalty for misconduct at the polling station.

27. (1) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at

a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station, re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

28. (1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

Breaches of official duty in connection with election.

(2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the election; and the expression "official duty" shall for the purposes of this section be construed accordingly.

29. (1) Any person who at an election fraudulently takes or attempts to take a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Removal of ballot papers from polling station to be an offence.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Other offences and penalties therefor.

30. (1) A person shall be guilty of an electoral offence if at any election he—

(a) fraudulently defaces or destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the returning officer; or

(c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall—

(a) if he is a returning officer or an assistant returning officer or a presiding officer or a polling officer or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of any election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.



(5) No court shall take cognizance of any offence under section 24, or under section 28, or under clause (a) of sub-section (2) of this section unless there is a complaint made by order of, or under authority from, the Commissioner. [Director of Municipal Elections] ✓

*Power to make rules*

31. (1) The Central Government may make rules to provide for or regulate all or any of the following matters for the purpose of holding elections of councillors and aldermen under this Act, namely:—

Power to make rules regulating the election of councillors and aldermen.

(a) ~~the manner of the splitting up of electoral rolls for parliamentary constituencies into parts for the purpose of constituting one or more of such parts into the electoral roll for a ward; and the officer or authority by whom such splitting up is to be carried out;~~

(b) the appointment of returning officers, assistant returning officers, presiding officers and polling officers for the conduct of elections;

(c) the nomination of candidates, form of nomination papers, objections to nominations and scrutiny of nominations;

(d) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such deposits may be refunded to candidates or forfeited to the Corporation;

(e) the withdrawal of candidatures;

(f) the appointment of agents of candidates;

(g) the procedure in contested and uncontested elections and the special procedure at elections in wards where any seat is reserved for the Scheduled Castes;

(h) the date, time and place for poll and other matters relating to the conduct of elections including—

(i) the appointment of polling stations for each ward,

(ii) the hours during which the polling station shall be kept open for the casting of votes,

(iii) the printing and issue of ballot papers,

(iv) the checking of voters by reference to the electoral roll.

639 M. of Law—68.

1 Subs. by Act 55 of 1974, s. 6 (w.e.f. 10.1.75).  
2 Subs. by 87, ibid.  
4

(v) the marking with indelible ink of the left fore-finger or any other finger or limb of the voter and prohibition of the delivery of any ballot paper to any person if at the time such person applies for such paper he has already such mark so as to prevent personation of voters,

(vi) the manner in which votes are to be given and in particular in the case of illiterate voters or of voters under physical or other disability,

(vii) the procedure to be followed in respect of challenged votes and tendered votes,

(viii) the scrutiny of votes, counting of votes, the declaration of the results and the procedure in case of equality of votes or in the event of a councillor being elected to represent more than one ward,

(ix) the custody and disposal of papers relating to elections,

(x) the suspension of polls in case of any interruption by riot, violence or any other sufficient cause and the holding of a fresh poll,

(xi) the holding of a fresh poll in the case of destruction of or tampering with ballot boxes before the count,

(xii) the countermanding of the poll in the case of the death of a candidate before the poll;

(i) the manner of, and other matters connected with, the election of aldermen;

(j) the fee to be paid on an election petition;

(k) any other matter relating to elections or election disputes in respect of which the Central Government deems it necessary to make rules under this section or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, necessary.

(2) In making any rule under this section the Central Government may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees.

1. Ins. by Act 42 of 1961, s. 5 (w.e.f. 12.9.61).  
2. Ins. by Act 55 of 1974, s. 7 (w.e.f. 10.1.75)

2.  
[relating to  
electoral rolls  
or elections]

Councillors and aldermen

32. (1) Every councillor and every alderman shall, before taking his seat, make and subscribe at a meeting of the Corporation an oath or affirmation according to the following form, namely:—

Oath or affirmation by councillors and aldermen.

“I, A.B., having been elected a councillor of an alderman of the Municipal Corporation of Delhi do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.”

(2) If a person sits or votes as a councillor or an alderman before he has complied with the requirements of sub-section (1), he shall be liable in respect of each day on which he so sits or votes to a penalty of three hundred rupees to be recovered as an arrear of tax under this Act.

33. (1) If a councillor or an alderman—

Vacation of seats.

(a) becomes subject to any of the disqualifications mentioned in section 9, or

(b) resigns his seat by writing under his hand addressed to the Mayor and delivered to the Commissioner,

his seat shall thereupon become vacant.

(2) If during three successive months, a councillor or an alderman is, without permission of the Corporation, absent from all the meetings thereof, the Corporation may declare his seat vacant.

(3) If any question arises as to whether a councillor or an alderman has become subject to any of the disqualifications mentioned in section 9, the Commissioner shall refer the question to the district judge of Delhi for his decision and the decision of the district judge shall be final.

[Director of Municipal Elections]

34. The councillors and aldermen shall be entitled to receive allowances for attendance at meetings of the Corporation and of any of its committees at such rate as may be determined by rules made in this behalf.

Payment of allowances to councillors and aldermen.

Mayor and Deputy Mayor

35. (1) The Corporation shall at its first meeting in each year elect one of its members to be the Mayor and another member to be the Deputy Mayor of the Corporation.

Annual election of Mayor and Deputy Mayor.

↳ Subs. by Act 55 of 1974, s-6 (w.e.f. 10-1-75).

(2) On the occurrence of any vacancy in the office of the Mayor or the Deputy Mayor, the Corporation shall within one month of the occurrence of such vacancy elect one of its members as Mayor or Deputy Mayor, as the case may be.

Term of office of the Mayor and Deputy Mayor and facilities and privileges of the Mayor.

36. (1) The Mayor or the Deputy Mayor shall hold office from the time of his election until the election of his successor in office, unless in the meantime he resigns his office as Mayor or Deputy Mayor or his term of office as a member of the Corporation terminates in any manner or unless in the case of the Deputy Mayor he is elected as Mayor.

(2) The Mayor or the Deputy Mayor may be given such facilities in respect of residential accommodation, conveyance and the like as may be determined in each case by rules made in this behalf.

(3) The Mayor shall have full access to all the records of the Corporation and may obtain reports—

(a) from the Commissioner on any matter connected with the municipal government of Delhi;

~~(b) from the General Manager (Electricity) and the General Manager (Transport) on any matter connected respectively with the administration of the Delhi Electric Supply Undertaking and the administration of the Delhi Transport Undertaking.~~

Discharge of functions of the Mayor by the Deputy Mayor.

37. (1) When the office of the Mayor is vacant, the Deputy Mayor shall act as Mayor until a new Mayor is elected.

(2) When the Mayor is absent from his duty on account of illness or any other cause, the powers, duties and functions of the Mayor shall be exercised and performed by the Deputy Mayor.

(3) The Mayor may by order in writing delegate any of his powers, duties and functions to the Deputy Mayor.

Resignation of Mayor and Deputy Mayor.

38. (1) The Mayor may, by writing under his hand addressed to the Deputy Mayor and delivered to the Secretary, resign his office.

(2) The Deputy Mayor may, by writing under his hand addressed to the Mayor and delivered to the Secretary, resign his office.

(3) A resignation under sub-section (1) or sub-section (2) shall take effect from the date on which it is delivered.

[Municipal Secretary]

1. Subs. by Act 42 of 1961, S. 6 (w.e.f. 12.9.61).  
2. Subs. by Act 71 of 1971, S. 7 & Sec. Sch. (w.e.f. 3-11-1971)

*Committees of the Corporation*

39. (1) In addition to the Standing Committee, the Delhi Electric Supply Committee, ~~the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee~~ referred to in section 44, there shall be a Rural Areas Committee and an Education Committee of the Corporation.

Rural Areas  
Committee  
and Educa-  
tion  
Committee.

(2) The Rural Areas Committee shall consist of all the councillors elected from the wards situated within the rural areas.

(3) It shall be the duty of the Rural Areas Committee—

(a) to make recommendations to the Corporation—

(i) in relation to the functions of the Corporation which may be discharged within the rural areas and questions of policy and schemes relating to the development of such areas;

(ii) in relation to taxes which the Corporation proposes to levy in the rural areas; and

(iii) generally in relation to the expenditure that may be incurred by the Corporation for the municipal government in those areas;

(b) to review the progress of work of the Corporation in the rural areas;

(c) to bring to the notice of the appropriate municipal authorities deficiencies in the rural areas and make proposals to those authorities for the removal of such deficiencies;

(d) to discharge such other functions in relation to the rural areas as may be assigned to it by resolution made by the Corporation or by regulations made under this Act.

(4) The Corporation or any of the municipal authorities specified in section 44 shall not take any action, in relation to any of the matters specified in sub-clauses (i), (ii) and (iii) of clause (a) of sub-section (3), except in consultation with the Rural Areas Committee.

(5) The Education Committee shall consist of seven members of whom such number not exceeding three as may be determined by the Corporation, shall be nominated by the Corporation from among experts in education who are not members of the Corporation and the rest shall be elected by the members of the Corporation from among themselves at the first meeting of the Corporation after each general election or as soon as possible at any other meeting subsequent thereto.

↳ Omitted by Act 71 of 1971, S. 74 Sec. 8ch. (w.e.f. 3.11.1971)

(6) The Education Committee shall exercise and perform such powers, duties and functions in relation to education in Delhi as may be determined by regulations made in this behalf.

(7) The Rural Areas Committee as well as the Education Committee shall at its first meeting in each year elect one of its members to be the Chairman and another member to be the Deputy Chairman.

Special and  
ad hoc com-  
mittees and  
ward com-  
mittees, etc.

40. (1) The Corporation may constitute as many special and *ad hoc* committees as it thinks fit for the exercise of any power or discharge of any function which the Corporation may by resolution delegate to them or for inquiring into, reporting or advising upon any matter which the Corporation may refer to them.

(2) Any such committee shall consist of members of the Corporation only:

Provided that an *ad hoc* committee may with the sanction of the Corporation co-opt not more than three persons who are not members of the Corporation but who in the opinion of the Corporation possess special qualifications for serving on such committee.

(3) The Corporation may constitute a ward committee for each ward or for each group of wards comprising so many wards as the Corporation may determine.

(4) Each ward committee shall consist of—

(a) all the councillors elected from the ward or, as the case may be, from the group of wards; and

(b) such number of other persons not exceeding three as may be determined by the Corporation elected by the councillors referred to in clause (a) from among persons registered in the electoral roll for the time being in force for the ward or, as the case may be, registered in the electoral rolls for the time being in force for the wards comprised in the group.

(5) A ward committee shall perform such functions in relation to the ward or, as the case may be, the group of wards as the Corporation may require it to perform or as may be determined by regulations made in this behalf.

(6) Each committee constituted under this section shall elect one of its members as the Chairman and another member as the Vice-Chairman.

(7) Any matter relating to each of the committees constituted under section 39 or this section, not expressly provided in this Act may be provided by regulations made in this behalf.

## CHAPTER III

## FUNCTIONS OF THE CORPORATION

41. (1) Subject to the provisions of this Act and the rules, regulations and bye-laws made thereunder the municipal government of Delhi shall vest in the Corporation. General powers of the Corporation.

(2) Without prejudice to the generality of the provisions of subsection (1), it shall be the duty of the Corporation to consider all periodical statements of the receipts and disbursements and all progress reports and pass such resolutions thereon as it thinks fit.

42. It shall be incumbent on the Corporation to make adequate provision by any means or measures which it may lawfully use or take, for each of the following matters, namely:— Obligatory functions of the Corporation.

(a) the construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences;

(b) the construction and maintenance of works and means for providing supply of water for public and private purposes;

(c) the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted matters;

(d) the construction or purchase, maintenance, extension, management and conduct of—

(i) any undertaking for the generation or supply and distribution of electricity to the public,

~~(ii) any undertaking for providing road transport services by mechanically propelled vehicles, and~~ (✓)\*\*\*

(iii) any undertaking for providing a sufficient supply of pure and wholesome water;

(e) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;

(f) the regulation of places for the disposal of the dead and the provision and maintenance of places for the said purpose;

(g) the registration of births and deaths;

(h) public vaccination and inoculation;

(i) measures for preventing and checking the spread of dangerous diseases;

(j) the establishment and maintenance of hospitals, dispensaries and maternity and child welfare centres and the carrying out of other measures necessary for public medical relief;

✓ Omitted by Act 71 of 1971, S. 7 & Sec. Sch. (w.e.f. 3-11-1971)

(k) the construction and maintenance of municipal markets and slaughter houses and the regulation of all markets and slaughter houses;

(l) the regulation and abatement of offensive or dangerous trades or practices;

(m) the securing or removal of dangerous buildings and places;

(n) the construction, maintenance, alteration and improvements of public streets, bridges, culverts, causeways and the like;

(o) the lighting, watering and cleansing of public streets and other public places;

(p) the removal of obstructions and projections in or upon streets, bridges and other public places;

(q) the naming and numbering of streets and premises;

(r) the establishment, maintenance of, and aid to, schools for primary education subject to such grants as may be determined by the Central Government from time to time;

(s) the maintenance of municipal offices;

(t) the laying out or the maintenance of public parks, gardens or recreation grounds;

(u) the maintenance of a fire-brigade and the protection of life and property in the case of fire;

(v) the maintenance of monuments and memorials vested in any local authority in Delhi immediately before the commencement of this Act or which may be vested in the Corporation after such commencement;

(w) the maintenance and development of the value of all properties vested in or entrusted to the management of the Corporation; and

(x) the fulfilment of any other obligation imposed by or under this Act or any other law for the time being in force.

Discretionary  
functions  
of the  
Corporation.

43. The Corporation may in its discretion provide either wholly or in part for all or any of the following matters, namely:—

(a) the furtherance of education including cultural and physical education, by measures other than the establishment and maintenance of, and aid to, schools for primary education;



(b) the establishment and maintenance of, and aid to, libraries, museums, art galleries, botanical or zoological collections;

(c) the establishment and maintenance of, and aid to, stadia, gymnasia, *akharas* and places for sports and games;

(d) the planting and care of trees on road sides and elsewhere;

(e) the surveys of buildings and lands;

(f) the registration of marriages;

(g) the taking of a census of population;

(h) the civic reception to persons of distinction;

(i) the providing of music or other entertainments in public places or places of public resort and the establishment of theatres and cinemas;

(j) the organisation and management of fairs and exhibitions;

(k) the acquisition of movable or immovable property for any of the purposes before mentioned, including payment of the cost of investigations, surveys or examinations in relation thereto for the construction or adaptation of buildings necessary for such purposes;

(l) the construction and maintenance of—

(i) rest-houses,

(ii) poor-houses,

(iii) infirmaries,

(iv) children's homes,

(v) houses for the deaf and dumb and for disabled and handicapped children,

(vi) shelters for destitute and disabled persons,

(vii) asylums for persons of unsound mind;

(m) the construction and maintenance of cattle pounds;

(n) the building or purchase and maintenance of dwelling houses for municipal officers and other municipal employees;

(o) any measures for the welfare of the municipal officers and other municipal employees or any class of them including the sanctioning of loans to such officers and employees or any class of them for construction of houses and purchase of vehicles;

(p) the organisation or management of chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health or medical relief;

(q) the provision for relief to destitute and disabled persons;

(r) the establishment and maintenance of veterinary hospitals;

(s) the organisation, construction, maintenance and management of swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health;

(t) the organisation and management of farms and dairies within or without Delhi for the supply, distribution and processing of milk and milk products for the benefit of the residents of Delhi;

(u) the organisation and management of cottage industries, handicraft centres, and sales emporia;

(v) the construction and maintenance of warehouses and godowns;

(w) the construction and maintenance of garages, sheds and stands for vehicles and cattle biers;

(x) the provision for unfiltered water supply;

(y) the improvement of Delhi in accordance with improvement schemes approved by the Corporation;

(z) the provision of housing accommodation for the inhabitants of any area or for any class of inhabitants; and

(za) any measure not hereinbefore specifically mentioned likely to promote public safety, health, convenience or general welfare.

#### CHAPTER IV

##### MUNICIPAL AUTHORITIES UNDER THE CORPORATION

###### *Municipal authorities*

Enumeration of municipal authorities. 44. For the efficient performance of its functions, there shall be the following municipal authorities under the Corporation, namely:—

(a) the Standing Committee;

(b) the Delhi Electric Supply Committee;

- (a) ~~the Delhi Transport Committee;~~ (c) >>>>
- (d) the Delhi Water Supply and Sewage Disposal Committee;
- (e) the Commissioner;
- (f) the General Manager (Electricity); and
- (g) the General Manager (Transport).

*The Standing Committee*

45. (1) The Standing Committee shall consist of fourteen members who shall be elected by the councillors and aldermen from among themselves at the first meeting of the Corporation after each general election or as soon as possible at any other meeting subsequent thereto.

Constitution  
of the  
Standing  
Committee.

(2) On and from the date of such election the Standing Committee shall be deemed to have been constituted.

(3) One-half of the members of the Standing Committee shall retire on the expiration of one year from the date of its constitution and for that purpose they shall be selected by lot before the said expiration in such manner as the Chairman of the Standing Committee may determine.

(4) During each succeeding year the members who have been longest in office shall retire therefrom:

Provided that in the case of a member who has been re-elected the term of his office shall for the purpose of this sub-section be computed from the date of his re-election.

(5) The Corporation shall in an ordinary meeting held before the occurrence of the vacancies caused by the retirement of the members under sub-section (3) or sub-section (4), elect the requisite number of members from amongst the councillors and aldermen to fill up those vacancies.

(6) Any councillor or alderman who ceases to be a member of the Standing Committee shall be eligible for re-election.

46. (1) When a casual vacancy occurs in the office of a member of the Standing Committee, the Corporation shall fill up the vacancy as soon as may be after, and in any case within one month of, the occurrence of the vacancy, by the election of another councillor or alderman.

Casual  
vacancies.

(2) A member elected to fill a casual vacancy shall be elected to serve for the remainder of his predecessor's term of office.

✓ Omitted by Act 71 of 1971, S.7 & Sec. Sch. (w.e.f. 3-11-1971)

Chairman  
and Deputy  
Chairman  
of the  
Standing  
Committee.

47. (1) The Standing Committee shall at its first meeting in each year elect one of its members to be the Chairman and another member to be the Deputy Chairman.

(2) The Chairman or the Deputy Chairman of the Standing Committee shall hold office from the date of his election until the election of his successor in office unless in the meantime he resigns his office as Chairman or Deputy Chairman or his term of office as member of the Standing Committee is in any manner determined or unless in the case of the Deputy Chairman he is elected as Chairman.

(3) On the occurrence of any casual vacancy in the office of the Chairman or the Deputy Chairman, the Standing Committee shall within one month of the occurrence of such vacancy elect one of its members as Chairman or Deputy Chairman, as the case may be, and the Chairman or the Deputy Chairman so elected shall hold office for the remainder of his predecessor's term.

Resignation  
of Chairman  
and mem-  
bers of the  
Standing  
Committee.

48. (1) Any member of the Standing Committee may resign his office by writing under his hand addressed to the Chairman; and the Chairman may resign his office by writing under his hand addressed to the Mayor.

(2) A resignation under sub-section (1) shall take effect from the date specified for the purpose in the writing referred to in that sub-section, or if no such date is specified, from the date of its receipt by the Chairman or the Mayor, as the case may be.

Functions of  
the Stand-  
ing Com-  
mittee.

49. The Standing Committee shall exercise such powers and perform such functions as are specifically conferred or imposed upon it by or under this Act.

~~The Delhi Electric Supply Committee, the Delhi Transport Committee~~ and the Delhi Water Supply and Sewage Disposal Committee

Constitution  
of the Delhi  
Electric  
Supply  
Committee,  
etc.

50. (1) The Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ and the Delhi Water Supply and Sewage Disposal Committee shall each consist of seven members of whom four shall be elected by the councillors and aldermen from among themselves at the first meeting of the Corporation after each general election or as soon as possible at any other meeting subsequent thereto:

Provided that at any time after the second general election of councillors the Central Government may, if in its opinion it is necessary or expedient so to do, increase the total number of members and the number of elected members so, however, as not to exceed nine and six respectively.

Y Omitted by Act 71 of 1971, S. 7 + Sec. Sch. (w.e.f. 3-11-1971)

(2) The remaining three members of each such committee shall be nominated by the Central Government from among persons having knowledge and experience of administration and industrial, commercial, financial or labour matters and having also knowledge and experience of—

(a) electrical engineering or management of any electric supply undertaking, in the case of the Delhi Electric Supply Committee;

~~(b) management of any transport undertaking, in the case of the Delhi Transport Committee;~~ (✓)

(c) management of any water supply or sewage disposal undertaking, in the case of the Delhi Water Supply and Sewage Disposal Committee.

(3) The nomination of the members of each such committee shall be made and communicated by the Central Government to the Commissioner before the election by the Corporation of the other members of that committee.

(4) Every such committee shall be deemed to have been constituted on and from the date of the election of those members thereof who are to be elected by the Corporation.

(5) One-half of the elected members of each such committee shall retire on the expiration of one year from the date of its constitution and for that purpose they shall be selected by lot before the said expiration in such manner as the chairman of that committee may determine.

(6) During each succeeding year the elected members who have been longest in office shall retire therefrom:

Provided that in the case of a member who has been re-elected the term of his office shall for the purpose of this sub-section be computed from the date of his re-election.

(7) The Corporation shall in an ordinary meeting held before the occurrence of the vacancies caused by the retirement of the elected members under sub-section (5) or sub-section (6) elect the requisite number of members from among the councillors and aldermen to fill up those vacancies.

(8) A nominated member shall hold office for such period as the Central Government may determine in each case and shall be entitled to receive allowances for attendance at meetings of the committee at such rate as may be determined by rules made in this behalf.

↓ Omitted by Act 71 of 1971, Sec. 27 & Sec. 28. (w.e.f. 3-11-1971)

(9) Notwithstanding anything contained in the foregoing provisions of this section, no person shall be elected at the same time as a member of more than one of the committees constituted under this section.

Filling up of vacancies.

51. (1) When a vacancy occurs in the office of a member of any of the committees constituted under section 50, the vacancy shall be filled up as soon as may be after, and in any case within one month of, the occurrence thereof, by the Corporation by the election of a councillor or an alderman or as the case may be, by the Central Government by the nomination of a suitable person as a member.

(2) A member elected to fill a casual vacancy shall be elected to serve for the remainder of his predecessor's term of office.

Application of sections 47 and 48.

52. The provisions contained in sections 47 and 48 shall apply in relation to the Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ and the Delhi Water Supply and Sewage Disposal Committee as they apply in relation to the Standing Committee.

Functions of the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee.

53. The Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ and the Delhi Water Supply and Sewage Disposal Committee shall respectively be responsible for the conduct and management of the Delhi Electric Supply Undertaking, ~~the Delhi Transport Undertaking~~ and the Delhi Water Supply and Sewage Disposal Undertaking and for the efficient discharge of such responsibility shall exercise such powers and perform such functions as are conferred or imposed by or under this Act.

#### The Commissioner

Appointment, etc., of the Commissioner.

54. (1) The Central Government shall, by notification in the Official Gazette, appoint a suitable person as the Commissioner of the Corporation.

(2) The Commissioner so appointed shall hold office for a term of five years in the first instance:

Provided that his appointment may be renewed from time to time for a term not exceeding one year at a time:

Provided further that where the Commissioner holds a lien on any service under the Government, the Central Government may at any time after reasonable notice to the Corporation replace his services at the disposal of that Government.

✓ Omitted by Act 71 of 1971, S. 7 & Sec. 26 (w.e.f. 2-11-1971)

(3) The Central Government—

(a) shall remove the Commissioner from office if at a special meeting of the Corporation called for the purpose a resolution for such removal has been passed by a majority of not less than three-fifths of the total number of members;

(b) may remove the Commissioner from office at any time if it appears to that Government that he is incapable of performing the duties of his office or has been guilty of neglect or misconduct in the discharge of such duties, which renders his removal expedient.

(4) The Commissioner shall not undertake any work unconnected with his office without the sanction of the Central Government and of the Corporation.

55. The Commissioner shall be paid out of the Municipal Fund such monthly salary and such monthly allowances, if any, as may from time to time be fixed by the Central Government and may be given such facilities (if any) in relation to residential accommodation, conveyance and the like as may from time to time be fixed by that Government:

Salary and allowances of the Commissioner.

Provided that the salary of the Commissioner shall not be varied to his disadvantage after his appointment.

56. (1) Leave may be granted to the Commissioner by the Standing Committee.

Leave of absence of Commissioner.

(2) Whenever such leave is granted to the Commissioner the Central Government shall appoint another person to officiate as Commissioner in his place.

57. If any vacancy occurs in the office of the Commissioner on account of death, resignation or removal, the Central Government may appoint another person to officiate as Commissioner in his place for a term not exceeding two months, pending the appointment of a Commissioner under section 54.

Appointment of officiating Commissioner in case of death, resignation or removal of Commissioner.

58. (1) If the Commissioner is an officer in the service of the Government, the Corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government, to be paid by him or for him, as the case may be.

Service regulations of Commissioner.

(2) If the Commissioner is not an officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the Municipal Fund shall be governed by rules:

Provided that—

(a) the amount of any such leave and leave allowances, gratuity or pension shall in no case, without the special sanction of the Central Government, exceed what would be admissible in the case of Government servants of similar standing and status; and

(b) the conditions under which such allowances, gratuity or pension are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Functions  
of the  
Commis-  
sioner.

59. Save as otherwise provided in this Act, the entire executive power for the purpose of carrying out the provisions of this Act other than those pertaining to the Delhi Electric Supply Undertaking or the Delhi Transport Undertaking and of any other Act for the time being in force which confers any power or imposes any duty on the Corporation, shall vest in the Commissioner who shall also—

(a) exercise all the powers and perform all the duties specifically conferred or imposed upon him by this Act or by any other law for the time being in force;

(b) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and other municipal employees other than the Municipal Secretary and the Municipal Chief Auditor and the municipal officers and other municipal employees immediately subordinate to them and subject to any regulation that may be made in this behalf, dispose of all questions relating to the service of the said officers and other employees and their pay, privileges, allowances and other conditions of service;

(c) on the occurrence or threatened occurrence of any sudden accident or any unforeseen event or natural calamity involving or likely to involve extensive damage to any property of the Corporation, or danger to human life, take such immediate action as he considers necessary and make a report

↓ Omitted by Act 71 of 1971, s. 7 & Sec. Sch. (w.e.f. 3-11-1971)



forthwith to the Standing Committee and the Corporation of the action he has taken and the reasons for the same as also of the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a budget-grant;

(d) exercise the powers and perform the duties conferred or imposed by or under this Act upon the General Manager (Electricity) ~~or the General Manager (Transport)~~ in his absence or on failure by him to exercise or perform the same.

~~The General Manager (Electricity) and the General Manager (Transport)~~

60. (1) The Corporation shall, with the approval of the Central Government, appoint ~~two suitable persons respectively as the General Manager (Electricity) and the General Manager (Transport).~~ Appointment, etc. of the General Managers.

(2) ~~Each of the two General Managers~~ shall be appointed for a term of five years in the first instance but such appointment may be renewed from time to time with the approval of the Central Government for a term not exceeding five years at a time. [the General Manager (Electricity)]

(3) The Corporation shall remove from office ~~any of the General Managers~~ if at a special meeting of the Corporation called for the purpose a resolution for such removal is passed by a majority of not less than three-fifths of the total number of members on the ground of neglect or misconduct or incapacity for the duties of his office, on the part of such General Manager. [the General Manager (Electricity)]

(4) ~~Any of the General Managers~~ shall not undertake any work unconnected with his office without the sanction of the Corporation. [the General Manager (Electricity)]

61. ~~Each of the General Managers~~ shall be paid out of the Municipal Fund such monthly salary and such allowances, if any, as may from time to time be fixed by the Corporation with the approval of the Central Government. Salary and Allowances of General Managers.

62. (1) Leave may be granted with the approval of the Corporation—

(a) to the General Manager (Electricity) by the Delhi Electric Supply Committee; Leave of absence to the General Managers, etc.

~~(b) to the General Manager (Transport) by the Delhi Transport Committee.~~ ( ) xxx

(2) Whenever any such leave is granted to ~~any of the General Managers~~, the Corporation shall appoint another person to officiate in his place. [the General Manager (Electricity)]

639 M. of Law—70.

Omitted & Subs. by Act 71 of 1971, S. 7 & Sec. Sch. (w.r.f. 3-11-1971)

↓  
 the General Manager (Electricity) ] (3) If any vacancy occurs in the office of ~~any of the General Managers~~ on account of death, resignation or removal, the Corporation may appoint another person to officiate in his place:

Provided that no appointment under sub-section (2) or sub-section (3) for a period exceeding three months shall be made except with the approval of the Central Government.

Service regulations of the General Managers.

63. The Corporation may make regulations relating to the conditions of service of the ~~two General Managers~~. [General Manager (Electricity)]

Functions of the General Managers.

64. (1) Save as otherwise provided in this Act,—

(a) the entire executive power for the purpose of carrying out the provisions of this Act pertaining to the Delhi Electric Supply Undertaking shall vest in the General Manager (Electricity) who shall also—

(i) exercise all the powers and perform all the duties specifically conferred or imposed upon him by or under this Act and perform such other functions in connection with the Delhi Electric Supply Undertaking as may be required of him by the Delhi Electric Supply Committee and the Corporation;

(ii) prescribe the duties of, and exercise supervision and control over all acts and proceedings of, all municipal officers and other municipal employees employed in connection with the Delhi Electric Supply Undertaking and subject to such regulations as may be made in this behalf, dispose of all matters relating to the service of the said officers and other employees and their pay, privileges, allowances and other conditions of service;

(iii) on the occurrence or threatened occurrence of any sudden accident or any unforeseen event or natural calamity involving or likely to involve extensive damage to any property of the Corporation pertaining to the Delhi Electric Supply Undertaking or danger to human life arising from or in connection with any part of that Undertaking, take such immediate action as may appear necessary to him and after such action has been taken, make a report forthwith to the Delhi Electric Supply Committee and the Corporation of the action he has taken and the reasons for the same as also the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a budget-grant;

↓ Subs. by Act 71 of 1971, s. 74 Sec. Sch. (w.e.f. 2-11-1971)

(b) the entire executive power for the purpose of carrying out the provisions of this Act pertaining to the Delhi Transport Undertaking shall vest in the General Manager (Transport).

(2) ~~The General Manager (Transport) shall exercise the same~~ powers and perform the same duties in connection with the Delhi Transport Undertaking as are exercised and performed by the General Manager (Electricity) in connection with the Delhi Electric Supply Undertaking under sub-clauses (i), (ii) and (iii) of clause (a) of sub-section (1):

Provided that any reference in those sub-clauses to the Delhi Electric Supply Committee shall be construed as a reference to the Delhi Transport Committee.

*Miscellaneous provisions relating to the various municipal authorities*

65. (1) The Standing Committee, the Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ or the Delhi Water Supply and Sewage Disposal Committee may appoint from among its own members any sub-committee consisting of such number as that committee may think fit for exercising any power or performing any function of that committee under this Act or for inquiring into or reporting or advising upon any matter which that committee may refer to such sub-committee.

Appoint-  
ment of  
sub-com-  
mittees by  
the various  
committees.

(2) Every such sub-committee shall conform to such instructions as may be given to it by the committee by which it has been appointed.

66. (1) A person shall be disqualified for being appointed as the Commissioner ~~[the General Manager (Electricity) or the General Manager (Transport)]~~ who has, directly or indirectly, by himself or by a partner, or any other person, any share or interest in any contract made with, or any work being done for, the Corporation other than as such Commissioner, or General Manager, as the case may be.

Commis-  
sioner and  
General  
Managers  
not to be  
interested  
in any con-  
tract, etc.,  
with the  
Corporation.

(2) If the Commissioner, or ~~any of the General Managers~~, acquires directly or indirectly, by himself or by his partner, or any other person, any share or interest in any such contract or work as is referred to in sub-section (1), he shall, unless the Corporation in any particular case otherwise decides, be liable to be removed from his

[the General  
Manager  
(Electricity)]

↓ Omitted & Subs. by Act 71 of 1971, S.7 & Sec. Sch (wef. 3-11-1971)

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eral  
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Electricity

office by the order of the authority competent to remove him under the provisions of this Act:

Provided that before an order of removal is made, the Commissioner or such General Manager shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

Vacation of seats by members of committees.

67. (1) If an elected member of the Standing Committee, the Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ or the Delhi Water Supply and Sewage Disposal Committee ceases to be a councillor or an alderman he shall cease to be a member of that committee and his seat shall thereupon become vacant.

(2) If a member of the Standing Committee, the Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ or the Delhi Water Supply and Sewage Disposal Committee, absents himself during three successive months from the meetings of the committee except on account of illness or any other cause approved by the committee, or absents himself during six successive months from the meetings of the committee on account of any cause whatsoever, whether approved by the committee or not, he shall cease to be a member of the committee and his seat shall thereupon become vacant.

Committees to continue in office till new committees are constituted.

68. The Standing Committee, the Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ or the Delhi Water Supply and Sewage Disposal Committee shall continue to function until a new committee is constituted in accordance with the provisions of this Act notwithstanding that the members or some of the members of such committee have ceased to be councillors or aldermen.

Power of Corporation to call for extracts of proceedings from the committees.

69. The Corporation may at any time call for any extract of any proceedings of the Standing Committee, the Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~, the Delhi Water Supply and Sewage Disposal Committee, the Delhi Rural Areas Committee, the Education Committee or of any other committee or sub-committee constituted or appointed under this Act and for any return, statement, account or report concerning or connected with any matter with which any such committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by any such committee or sub-committee without any unreasonable delay.

∨ Omitted by Act 71 of 1971, s. 7 & Sec. 2 ch. (w.e.f. 3-11-1971)

70. (1) The Corporation may at any time require the Commissioner—

Power of Corporation to require the Commissioner, etc., to produce documents and furnish returns, reports, etc.

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner or which is recorded or filed in his office or in the office of any municipal officer or other municipal employee subordinate to him;

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter pertaining to the administration of this Act or the municipal government of Delhi except in regard to the Delhi Electric Supply Undertaking, ~~or the Delhi Transport Undertaking;~~

(c) to furnish a report by himself or to obtain from the head of any department subordinate to him and furnish with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of Delhi except in regard to the Delhi Electric Supply Undertaking ~~or the Delhi Transport Undertaking.~~

(2) Every such requisition shall be complied with by the Commissioner without any unreasonable delay; and it shall be incumbent on every municipal officer and other municipal employee to obey any order made by the Commissioner in pursuance of any such requisition:

Provided that the Commissioner shall not be bound to comply with any such requisition if with the previous approval of the Mayor he makes a statement that such compliance would be prejudicial to public interest or to the interests of the Corporation.

(3) In their application to matters relating to the Delhi Electric Supply Undertaking ~~or the Delhi Transport Undertaking;~~ the provisions of sub-sections (1) and (2) shall have effect as if for the word "Commissioner", the words and brackets "General Manager (Electricity)" ~~or as the case may be, the words and brackets "General Manager (Transport)"~~ had been substituted.

71. Save as otherwise provided in this Act, the exercise of any power or the performance of any duty conferred or imposed upon the Corporation or any municipal authority by or under this Act, which will involve expenditure, shall be subject to the following conditions, namely:—

Exercise of powers to be subject to sanction.

(a) that such expenditure, in so far as it is to be incurred in the year in which such power is exercised or duty performed, shall be provided for under a current budget-grant; and

✓ Omitted by Act 71 of 1971, s. 7 & sec. Sch. (w.e.f. 3-11-1971)

(b) that if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said year, such expenditure shall not be incurred without the sanction—

(i) of the Standing Committee or, as the case may be, the Delhi Electric Supply Committee ~~or the Delhi Transport Committee~~ or the Delhi Water Supply and Sewage Disposal Committee, if it is incurred in the year next following such year, or

(ii) of the Corporation, if it is incurred at any time after the next following year.

## CHAPTER V

### PROCEDURE

#### *Transaction of business by the Corporation*

Meetings.

72. (1) The Corporation shall ordinarily hold at least one meeting in every month for the transaction of business.

(2) The Mayor or in his absence the Deputy Mayor may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the total number of councillors and aldermen, convene a special meeting of the Corporation.

(3) Any meeting may be adjourned until the next or any subsequent date, and an adjourned meeting may be further adjourned in like manner.

First meeting of the Corporation after general election.

73. The first meeting of the Corporation after a general election shall be held as early as possible after the publication of the results of the election of aldermen under section 14 and shall be convened by the Administrator.

Notice of meetings and business.

74. A list of the business to be transacted at every meeting except at an adjourned meeting shall be sent to the address of each councillor and alderman at least seventy-two hours before the time fixed for such meeting; and no business shall be brought before, or transacted at, any meeting other than the business of which a notice has been so given:

Provided that any councillor or alderman may send or deliver to the Municipal Secretary notice of any resolution going beyond the matters mentioned in the notice given of such meeting so as to reach him at least forty-eight hours before the date fixed for the

↳ Omitted by Act 71 of 1971, S. 7 & sec. sch. (w.e.f. 3-11-1971)

meeting and the Municipal Secretary shall with all possible despatch take steps to circulate such resolution to every councillor and alderman in such manner as he may think fit.

75. (1) The quorum necessary for the transaction of business at a meeting of the Corporation shall be one-fifth of the total number of members. Quorum.

(2) If at any time during a meeting of the Corporation there is no quorum, it shall be the duty of the Mayor or the person presiding over such meeting either to adjourn the meeting or to suspend the meeting until there is a quorum.

(3) Where a meeting has been adjourned under sub-section (2), the business which would have been brought before the original meeting if there had been a quorum present thereat, shall be brought before, and may be transacted at an adjourned meeting, whether there is a quorum present or not.

76. (1) The Mayor or in his absence, the Deputy Mayor, shall preside at every meeting of the Corporation. Presiding officer.

(2) In the absence of both the Mayor and Deputy Mayor from the meeting, the members present shall elect one from among their own number to preside.

(3) The Mayor or the person presiding over a meeting shall have and exercise a second or a casting vote in all cases of equality of votes.

77. Notwithstanding anything contained in section 76—

(a) at a meeting for the election of a Mayor the Administrator shall nominate a councillor or an alderman who is not a candidate for such election to preside over the meeting;

(b) if during the election of Mayor it appears that there is an equality of votes between any candidates at such election and that the addition of a vote would entitle any of those candidates to be elected as Mayor, then, the person presiding over the meeting shall decide between them by lot to be drawn in the presence of the candidates and in such manner as he may determine, and the candidate on whom the lot falls shall be deemed to have received an additional vote.

78. (1) Save as otherwise provided in this Act, all matters required to be decided by the Corporation shall be decided by the majority of the votes of the members present and voting. Method of deciding questions.

Presiding Officer at meeting for the election of Mayor.

(2) The voting shall be by show of hands, but the Corporation may, subject to such regulations as may be made by it, resolve that any question or class of questions shall be decided by ballot.

(3) At any meeting, unless voting be demanded by at least four members, a declaration by the presiding officer at such meeting that a resolution has been carried or lost, and an entry to that effect in the minutes of the proceedings shall, for the purposes of this Act, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(4) If voting as aforesaid is demanded, the votes of all the members present who desire to vote shall be taken under the direction of the presiding officer at the meeting and the result of the voting shall be deemed to be the resolution of the Corporation at such meeting.

Maintenance of order at, and admission of public to, meetings; withdrawal and suspension of councillors and aldermen.

79. (1) The Mayor or the person presiding over a meeting shall preserve order thereat and shall have all powers necessary for the purpose of preserving such order.

(2) The Mayor or the person presiding over a meeting may direct any councillor or alderman whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting, and any councillor or alderman so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the meeting.

(3) If any councillor or alderman is ordered to withdraw a second time within fifteen days, the Mayor or the person presiding may suspend such councillor or alderman from attending the meetings of the Corporation for any period not exceeding fifteen days and the councillor or alderman so suspended shall absent himself accordingly:

Provided that the Mayor may at any time decide that such suspension be terminated:

Provided further that such suspension shall not debar the suspended councillor or alderman from serving on any committee of the Corporation of which he is a member.

(4) Subject to sub-section (5) every meeting shall be open to the public, unless a majority of the members present at the meeting decide that any inquiry or deliberation pending before the Corporation shall be held in private.



(5) The Corporation may make regulations for the purpose of admission of the members of the public to its meetings and for the removal by force, if necessary, of any member of the public admitted to a meeting for interrupting or disturbing the proceedings of the meeting.

(6) In the case of grave disorder arising in a meeting the Mayor or the person presiding may, if he thinks it necessary to do so, adjourn the meeting to a date specified by him.

80. No councillor or alderman shall vote at a meeting of the Corporation or of any committee thereof on any question relating to his own conduct or vote or take part in any discussion on any matter (other than a matter affecting generally the residents of Delhi or of any particular ward), which affects his pecuniary interest or any property in respect of which he is directly or indirectly interested, or any property of or for which he is a manager or agent.

Councillors or aldermen not to vote on matter in which they are interested.

81. (1) The Commissioner or any municipal officer authorised by him in this behalf may attend, speak in, or otherwise take part in the proceedings of, any meeting of the Corporation or any of its committees; and the General Manager (Electricity) or any municipal officer authorised by him in this behalf ~~and the General Manager (Transport) or any municipal officer authorised by him in this behalf~~ may attend, speak in, or otherwise take part in the proceedings of, any meeting of the Delhi Electric Supply Committee and the Delhi Transport Committee respectively, but none of the persons specified herein shall by virtue of this sub-section be entitled to vote in any such meeting.

Right to attend meetings of the Corporation and its committees, etc., and right of councillors and aldermen to ask questions in relation to the municipal government of Delhi.

(2) A councillor or alderman may, subject to the provisions of sub-section (3), ask the Commissioner questions on any matter relating to the municipal government of Delhi or the administration of this Act or the functions of any of the municipal authorities.

(3) The right to ask a question shall be governed by the following conditions, namely:—

(a) not less than seven clear days' notice in writing specifying the question shall be given to the Municipal Secretary:

(b) no question shall—

(i) bring in any name or statement not strictly necessary to make the question intelligible,

(ii) contain arguments, ironical expressions, imputations, epithets or defamatory statements,

639 M. of Law—71.

✓ Omitted by Act-71 of 1971, S. 7A Sec. 84 (wef 3-11-1971)

(iii) ask for an expression of opinion or the solution of a hypothetical proposition,

(iv) ask as to the character or conduct of any person except in his official or public capacity,

(v) relate to a matter which is not primarily the concern of the Corporation or of any of the municipal authorities,

(vi) make or imply a charge of a personal character,

(vii) raise questions of policy too large to be dealt with within the limits of an answer to a question,

(viii) repeat in substance questions already answered or to which an answer has been refused,

(ix) ask for information on trivial matters,

(x) ordinarily ask for information on matters of past history,

(xi) ask for information set forth in accessible documents or in ordinary works of reference,

(xii) raise matters under the control of bodies or persons not primarily responsible to the Corporation,

(xiii) ask for any information on matter which is under adjudication by a court of law.

(4) The Mayor shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (3).

(5) If any doubt arises whether any question is or is not in contravention of the provisions of sub-section (3), the Mayor shall decide the point and his decision shall be final.

(6) The Commissioner shall not be bound to answer a question if it asks for information which has been communicated to him in confidence or if in the opinion of the Mayor it cannot be answered without prejudice to public interest or the interest of the Corporation.

(7) Unless otherwise directed by the Mayor or the presiding officer of the meeting, every question shall be answered by the Commissioner at a meeting of the Corporation.

(8) The General Manager (Electricity) ~~and the General~~ <sup>Manager</sup> ~~Manager (Transport)~~ shall without unreasonable delay furnish the Commissioner with such information relating ~~respectively to the~~ <sup>to the</sup> ~~Delhi Electric Supply Undertaking and the Delhi Transport Under-~~ <sup>Delhi Electric Supply Undertaking</sup> ~~taking~~ as the Commissioner may require for the purpose of answering any question under this section.

[to the Delhi  
Electric Supply  
Undertaking]

↓ Omitted & Subs. by Act 71 of 1971, S. 7 & Sec. 3. Sub. (wef. 3-11-1971)

82. The Corporation may make regulations for the transaction of business at its meeting: Power to make regulations.

Provided that the time, place and procedure for the first meeting after the constitution of the Corporation under section 3 shall be determined by the Administrator.

*Transaction of business by Standing and other committees*

83. (1) The Chairman or in his absence the Deputy Chairman shall preside at every meeting of the Standing Committee, the Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ and the Delhi Water Supply and Sewage Disposal Committee or any other committee of the Corporation. Presiding officers at meetings of the Standing and other committees.

(2) In the absence of the Chairman and the Deputy Chairman from any meeting the members of any such committee shall choose one of their number to preside over the meeting.

84. The Corporation may make regulations for the procedure and the conduct of business at meetings, of the Standing Committee and all other committees except *ad hoc* committees which shall regulate their own procedure. Conduct of business at meetings of Standing and other committees.

*Minutes and reports of proceedings*

85. Minutes, in which shall be recorded the names of the members present at, and the proceedings of each meeting of the councillors for the election of any alderman and of each meeting of the Corporation and of the Standing Committee and every other committee of the Corporation, shall be drawn up and recorded in a book to be kept for that purpose, and shall be laid before the next ensuing meeting of the Corporation or of such committee, as the case may be, and signed at such meeting by the presiding officer thereof. Keeping of minutes and proceedings.

86. (1) Minutes of the proceedings of each meeting of the Corporation shall be circulated to all the members of the Corporation and shall at all reasonable times be available at the municipal office for inspection by any other person on payment of a fee of eight annas. Circulation of minutes and inspection of minutes and reports of proceedings.

(2) Full reports, if any, of such proceedings shall similarly be available for inspection by any member of the Corporation without charge and by any other person on payment of a fee of eight annas.

87. (1) The Municipal Secretary shall forward to the Administrator a copy of the minutes of the proceedings of each meeting of the Corporation, within ten days from the date on which the minutes of the proceedings of such meeting were signed under section 85. Forwarding minutes and reports of proceedings to the Administrator.

↓ Omitted by Act 71 of 1971, s. 7 & Sec. Sch (w.e.f. 3-11-1971)

(2) The Administrator may also in any case ask for a copy of any paper or all the papers which were laid before the Corporation or any committee thereof and the Municipal Secretary shall forward to the Administrator a copy of such paper or papers.

(3) The Municipal Secretary shall also forward to the Administrator as soon as may be after the date referred to in sub-section (1), a full report of the proceedings of each meeting of the Corporation, if any such report be prepared.

#### Validation

Validation of proceedings, etc.

88. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

(a) the seat of any councillor or alderman remaining unfill- ed from any cause whatsoever;

(b) the existence of any vacancy in, or any defect in the constitution of, the Corporation, or in any committee thereof;

(c) any councillor having voted or taken part in any pro- ceedings in contravention of section 80;

(d) any defect or irregularity not affecting the merits of the case.

(2) Every meeting of the councillors for the election of any alder- man or of the Corporation or of any committee thereof, the minutes of the proceedings of which have been duly drawn up and signed shall be deemed to have been duly convened and to be free from all defects and irregularities.

## CHAPTER VI

### MUNICIPAL OFFICERS AND OTHER MUNICIPAL EMPLOYEES

Appointment of certain officers.

89. (1) The Corporation shall appoint suitable persons to be res- pectively the Chief Engineer (Water Supply), the Municipal En- gineer, the Municipal Health Officer, the Education Officer, the Municipal Chief Accountant, the Municipal Secretary and the Muni- cipal Chief Auditor and may appoint one or more Deputy Commis- sioners and such other officer or officers of a status equivalent to or higher than the status of any of the officers specified earlier in this sub-section as the Corporation may deem fit on such monthly salari- es and such allowances, if any, as may be fixed by the Corporation.

(2) The appointment of the Municipal Chief Auditor shall be made with the previous approval of the Central Government and every other appointment referred to in sub-section (1) except that

of the Municipal Chief Accountant and the Municipal Secretary shall be subject to confirmation by that Government:

Provided that the Municipal Chief Auditor shall not be eligible for any other office under the Corporation after he has ceased to hold his office.

90. (1) The appropriate authority shall from time to time prepare and lay before the committee concerned two schedules of posts other than those specified in sub-section (1) of section 89 setting forth the designations and grades of municipal officers and other municipal employees who should be maintained permanently in the service of the Corporation indicating therein the salaries, fees and allowances which are proposed to be paid to such officers and other employees.

Schedule of permanent posts and creation of temporary posts.

~~(2) Of the two schedules referred to in sub-section (1), the first schedule shall deal with posts with a minimum monthly salary of not less than three hundred and fifty rupees and the second with posts with a minimum monthly salary of less than three hundred and fifty rupees.~~

(3) The committee concerned shall lay the first schedule with its comments thereon before the Corporation for its consideration and approval and shall sanction the second either without modifications or with such modifications as it thinks fit and thereafter may amend it either on its own motion after ascertaining the views of the appropriate authority or at the instance of such authority.

(4) The Corporation shall after considering the comments of the committee concerned, sanction the first schedule either without modifications or with such modifications as it thinks fit and thereafter may amend it either on its own motion after ascertaining the views of the appropriate authority and the committee concerned or at the instance of such authority or committee.

~~(5) The appropriate authority may create for a period not exceeding six months any post carrying a minimum monthly salary (exclusive of allowances) of less than two hundred and fifty rupees:~~

Provided that no such post shall be continued beyond the said period without the previous approval of the committee concerned.

(6) The committee concerned may, on the recommendation of the appropriate authority, create for a period not exceeding six months any post carrying a minimum monthly salary (exclusive of allowances) of two hundred and fifty rupees or more:

~~Provided that no such post shall be continued beyond the said period without the previous approval of the Corporation.~~

↳ Subs. by Act 55 of 1974, S. 8 (w.e.f. 10.11.75)

(7) In this section, "appropriate authority" and "committee concerned" mean respectively,—

(i) in relation to officers and other employees appointed in connection with the affairs of the Delhi Electric Supply Undertaking, the General Manager (Electricity) and the Delhi Electric Supply Committee;

~~(ii) in relation to officers and other employees appointed in connection with the affairs of the Delhi Transport Undertaking, the General Manager (Transport) and the Delhi Transport Committee;~~

(iii) in relation to officers and other employees appointed in connection with the affairs of the Delhi Water Supply and Sewage Disposal Undertaking, the Commissioner and the Delhi Water Supply and Sewage Disposal Committee;

(iv) in relation to all other officers and employees in the service of the Corporation, the Commissioner and the Standing Committee.

Restriction on employment of permanent officers and other employees.

91. No permanent officer or other employee shall be entertained in any department of the municipal administration unless he has been appointed under sub-section (1) of section 89 or his office and emoluments are included in one of the schedules for the time being in force prepared and sanctioned under section 90.

Power to make appointments.

92. (1) Subject to the provisions of section 89 the power of appointing municipal officers and other municipal employees, whether temporary or permanent,—

(a) ~~to posts carrying a minimum monthly salary (exclusive of allowances) of three hundred and fifty rupees or more shall vest~~<sup>3</sup> ~~to Category A posts, shall vest—~~

(i) in the Delhi Electric Supply Committee, ~~the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee respectively in the case of officers and other employees appointed in connection with the affairs of the Delhi Electric Supply Undertaking, the Delhi Transport Undertaking and the Delhi Water Supply and Sewage Disposal Undertaking,~~

(ii) in the Corporation in the case of all other municipal officers and employees;

- 1 Omitted by Act 71 of 1971, S. 7 & Sec. Sch (w.e.f. 3-11-1971)  
 2 Ins. by Act 55 of 1974, S. 8 (w.e.f. 10.11.75)  
 3 Subs. by S. 89, ibid.

(b) to posts carrying a minimum monthly salary (exclusive of allowances) of less than three hundred and fifty rupees, shall vest in the General Manager (Electricity), ~~the General Manager (Transport)~~, or the Commissioner, as the case may be.

Provided that the power of appointing officers and other employees immediately subordinate to the Municipal Secretary or the Municipal Chief Auditor, whose minimum monthly salary (exclusive of allowances) is less than three hundred and fifty rupees, shall vest in the Standing Committee:

Provided further that the Standing Committee may delegate to the Municipal Secretary or the Municipal Chief Auditor the power of appointing officers and other employees immediately subordinate to such Secretary or Auditor, whose minimum monthly salary (exclusive of allowances) is not more than two hundred and fifty rupees.

(2) The claims of the members of the Scheduled Castes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments of municipal officers and other municipal employees.

93. No municipal officer or other municipal employee shall undertake any work unconnected with his duties under this Act except with the permission of the Corporation.

Officers and other employees not to undertake any extraneous work.

94. (1) A person shall be disqualified for being appointed as a municipal officer or employee if he has, directly or indirectly, by himself or by a partner or any other person any share or interest in any contract made with, or any work being done for, the Corporation other than as such officer or employee.

Officers and other employees not to be interested in any contract, etc., with the Corporation.

(2) If any such officer or other employee acquires, directly or indirectly, by himself or by a partner or any other person, any share or interest in any such contract or work as is referred to in subsection (1), he shall, unless the authority appointing him in any particular case otherwise decides, be liable to be removed from his office by an order of such authority:

Provided that before an order of removal is made, such officer or other employee shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

95. (1) Every municipal officer or other municipal employee shall be liable to have his increments or promotion withheld or to be censured, reduced in rank, compulsorily retired, removed or dismissed for any breach of any departmental regulations or of discipline or

Punishment for municipal officers and other employees.

1/ Omitted by Act 71 of 1971, S. 7 & Sec. Sch. (w.e.f. 3-11-1971)  
2/ Subs. by Act 55 of 1974, S. 9 (w.e.f. 10-1-75).

for carelessness, unfitness, neglect of duty or other misconduct by such authority as may be prescribed by regulations:

Provided that no such officer or other employee as aforesaid shall be reduced in rank, compulsorily retired, removed or dismissed by any authority subordinate to that by which he was appointed:

Provided further that the Corporation may by regulations provide that municipal employees belonging to such classes or categories as may be specified in the regulations shall be liable also to be fined by such authority as may be specified therein.

(2) No such officer or other employee shall be punished under sub-section (1) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this sub-section shall not apply—

(a) where an officer or other employee is removed or dismissed on the ground of conduct which had led to his conviction on a criminal charge; or

(b) where the authority empowered to remove or dismiss such officer or other employee is satisfied that for some reason to be recorded by that authority, it is not reasonably practicable to give that person an opportunity of showing cause.

(3) If any question arises whether it is reasonably practicable to give to any officer or other employee an opportunity of showing cause under sub-section (2), the decision thereon of the authority empowered to remove or dismiss such officer or other employee shall be final.

(4) An officer or other employee upon whom a punishment has been inflicted under this section may appeal to such officer or authority as may be prescribed by regulations.

Consultation  
with the  
Union Public  
Service Com-  
mission.

96. No appointment to the post of the General Manager (Electricity) ~~or the General Manager (Transport) or to any post carrying a minimum monthly salary of three hundred and fifty rupees or more (exclusive of allowance) shall be made except after consultation with the Union Public Service Commission (hereafter in this Chapter referred to as "the Commission"):~~

Provided that no such consultation with the Commission shall be necessary in regard to the selection for appointment—

(a) to any acting or temporary post for a period not exceeding one year; or

4 Omitted by Act 71 of 1971, S. 7 & Sec. 26 (w.e.f. 3-11-1971)  
2 Subs. by Act 55 of 1974, S. 10 (w.e.f. 10-1-75)



(b) to such ministerial posts as may from time to time be specified by the Corporation in consultation with the Commission when such posts are to be filled by promotion; or

(c) to a post when at the time of such appointment the person to be appointed thereto is in the service of the Central Government or a State Government in a class I post; or

(d) to a permanent or temporary post, if the officer or other employee to be appointed is not likely to hold that post for more than one year; or if such officer or other employee is likely to hold the post for more than one year but not more than three years and the Commission advises that the appointment may be made without consulting the Commission; [ov]

97. (1) The Commission may make regulations for the following matters, namely:—

Power of Commission to make regulations and reference to the Central Government in case of difference between the Commission and the Corporation.

(a) the procedure to be followed by the Commission in advertising posts, inviting applications, scrutinizing the same and selecting candidates for interview;

(b) the procedure to be followed by the Commission for selecting candidates for appointment and by the Corporation for consultation with the Commission;

(c) any other matter which is incidental to, or necessary for, the purpose of consultation with the Commission.

(2) In the case of any difference of opinion between the Commission and the Corporation on any matter, the Corporation shall refer the matter to the Central Government and the decision of that Government thereon shall be final.

98. (1) The Corporation may make regulations to provide for any one or more of the following matters, namely:—

Power of Corporation to make regulations.

(a) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of officers and other employees appointed under this Chapter;

(b) the powers, duties and functions of the Municipal Secretary;

(c) the qualifications of candidates for appointment to posts specified in sub-section (1) of section 89 and to posts dealt with in the first schedule of posts referred to in sub-section (2)

639 M. of Law—72.

4 Ins. by Act 55 of 1974, s. 10 (w.e.f. 10.1.75)

of section 90 and the manner of selection for appointments to posts dealt with in the Second Schedule of posts referred to in that sub-section;

(d) the procedure to be followed in imposing any penalty under sub-section (1) of section 95, suspension pending departmental inquiries before the imposition of such penalty and the authority by whom such suspension may be ordered; the officer or authority to whom an appeal shall lie under sub-section (4) of that section;

(e) any other matter which is incidental to, or necessary for, the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Corporation and any other matter for which in the opinion of the Corporation provisions should be made by regulations.

(2) No regulation under clause (c) of sub-section (1) shall be made except after consultation with the Commission.

## CHAPTER VII

### REVENUE AND EXPENDITURE

#### *The Municipal Fund*

99. (1) Save as otherwise provided in this Act,—

(a) all funds which immediately before the establishment of the Corporation vested in any body or local authority specified in the Second Schedule;

(b) all moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force, or under any contract;

(c) all proceeds of the disposal of property by, or on behalf of, the Corporation;

(d) all rents accruing from any property of the Corporation;

(e) all moneys raised by any tax, rate or cess levied for the purposes of this Act;

(f) all fees collected and all fines levied under this Act or under any rule, regulation or bye-law made thereunder;

(g) all moneys received by or on behalf of the Corporation from the Government or any individual or association of individuals by way of grant or gift or deposit;

(h) all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Electric Supply Undertaking, ~~the Delhi Transport Undertaking~~ and the Delhi Water Supply and Sewage Disposal Undertaking;

(i) all interests and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation, including loans advanced under this Act; and

(j) all moneys received by or on behalf of the Corporation from any other source whatsoever;

shall form one Fund to be entitled the Municipal Fund of Delhi (hereafter in this Act referred to as "the Municipal Fund").

(2) The Municipal Fund shall be held by the Corporation in trust for the purposes of this Act subject to the provisions herein contained and shall be maintained in the following four accounts, namely:—

(a) the Electric Supply Account relating to all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Electric Supply Undertaking;

~~(b) the Transport Account relating to all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Transport Undertaking;~~

(c) the Water Supply and Sewage Disposal Account relating to all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Water Supply and Sewage Disposal Undertaking; and

(d) the General Account relating to all moneys received by or on behalf of the Corporation other than those specified in clause (a) or clause (b) or clause (c).

100. (1) All moneys payable to the credit of the Municipal Fund in the Water Supply and Sewage Disposal Account and the General Account shall be received by the Commissioner and shall be forthwith paid into the State Bank of India to the credit of the said Accounts which shall be respectively entitled "The Water Supply and Sewage Disposal Account of the Municipal Fund of Delhi" and "The General Account of the Municipal Fund of Delhi".

Municipal Fund to be kept in the State Bank of India.

(2) All moneys payable to the credit of the Municipal Fund in the Electric Supply Account shall be received by the General Manager (Electricity) and shall be forthwith paid into the State Bank of India to the credit of the Electric Supply Account which shall be entitled "The Electric Supply Account of the Municipal Fund of Delhi".

↓ Omitted by Act 71 of 1971, s. 7 & Sec. 26 (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (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) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

~~(3) All moneys payable to the credit of the Municipal Fund in the Transport Account shall be received by the General Manager (Transport) and shall be forthwith paid into the State Bank of India to the credit of the Transport Account which shall be entitled "The Transport Account of the Municipal Fund of Delhi".~~

Operation of  
the Accounts.

101. (1) Save as otherwise provided in this Act no payment shall be made by the State Bank of India out of the Municipal Fund except on a cheque signed by both—

(a) the Chief Accountant or an officer subordinate to him authorised by the Standing Committee in this behalf; and

(b) (i) the Commissioner or a Deputy Commissioner or an officer subordinate to the Commissioner authorised by the Standing Committee in this behalf, in the case of the General Account, or

(ii) the General Manager (Electricity) or an officer subordinate to him authorised by the Delhi Electric Supply Committee in this behalf, in the case of the Electric Supply Account, or

~~(iii) the General Manager (Transport) or an officer subordinate to him authorised by the Delhi Transport Committee in this behalf, in the case of the Transport Account, or~~

(iv) the Commissioner or the Chief Engineer (Water Supply) or an officer subordinate to the Commissioner authorised by the Delhi Water Supply and Sewage Disposal Committee in this behalf in the case of the Water Supply and Sewage Disposal Account.

(2) Payment of any sum due by the Corporation in excess of one hundred rupees shall be made by means of a cheque signed in accordance with sub-section (1) and not in any other way.

(3) Payments not covered by sub-section (2) may be made in cash.

Payments  
not to be  
made unless  
covered by  
a budget-  
grant.

102. No payment of any sum out of the Municipal Fund shall be made unless the expenditure of the same is covered by a current budget-grant and a sufficient balance of such budget-grant is still available notwithstanding any reduction or transfer thereof which may have been made under the provisions of this Act:

Provided that this section shall not apply to payments made in the following classes of cases, namely:—

(a) refund of taxes and other moneys which are authorised under this Act;

1/ Omitted by Act 71 of 1971, S. 7 & Sec. Sch (U. of 3-11-1971)

(b) repayment of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the Municipal Fund by mistake;

(c) sums payable in any of the following circumstances—

(i) under orders of the Central Government on failure of the Corporation to take any action as required by that Government; or

(ii) under any other enactment for the time being in force; or

(iii) under the decree or order of a civil or criminal court passed against the Corporation; or

(iv) under a compromise of any claim, suit or other legal proceedings; or

(v) on account of cost incurred in taking immediate action by the Corporation or any of the municipal authorities to avert a sudden threat of danger to the property of the Corporation or to human life;

(d) temporary payments for works urgently required by the Central Government in the public interest;

(e) sums payable as compensation under this Act or under any rules, regulations or bye-laws made thereunder;

(f) expenses incurred by the Corporation on special measures taken on the outbreak of dangerous diseases.

103. Before any person signs a cheque in accordance with section 101, he shall satisfy himself that the sum for which the cheque is drawn is either— Duty of persons signing cheques

(a) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or

(b) required for any payment referred to, or specified in section 102.

104. Whenever any sum is expended under ~~clauses (c), (e) or (f)~~ [clauses (c), (e) or (f)] of the proviso to section 102 the Commissioner, or as the case may be, the General Manager (Electricity) ~~or the General Manager~~ Procedure when money not covered by a budget-grant is expended. ~~(Transport)~~ shall forthwith communicate the circumstances to the Standing Committee, or the Delhi Water Supply and Sewage Disposal

Subs. & Omitted by Act 11 of 1971, S. 7 & Sec. Sch. (w.e.f. 3-11-1971)

Committee, or as the case may be, the Delhi Electric Supply Committee ~~or the Delhi Transport Committee~~ which may take, or recommend to the Corporation to take, such action under the provisions of this Act as shall, in the circumstances appear possible and expedient for covering the amount of the additional expenditure.

Application of Municipal Fund.

105. (1) The moneys from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying out the provisions of this Act, and of the rules, regulations and bye-laws made thereunder, or of which payment is duly directed, sanctioned or required by or under any of the provisions of this Act.

(2) Such moneys shall likewise be applied in payment of all sums payable out of the Municipal Fund under any other enactment for the time being in force.

Temporary payments from the Municipal Fund for works urgently required for the public service.

106. (1) On the written requisition of a Secretary to the Central Government, the General Manager (Electricity) in the case of any work in connection with the Delhi Electric Supply Undertaking, ~~the General Manager (Transport) in the case of any work in connection with the Delhi Transport Undertaking~~ and the Commissioner in the case of any other work, may at any time undertake the execution of any work certified by such Secretary to be urgently required in public interest, and for this purpose may temporarily make payments from the Municipal Fund so far as the same can be met without unduly interfering with the regular work of the municipal government.

(2) The cost of work so executed and of the establishment engaged in executing the same shall be paid by the Central Government and credited to the Municipal Fund.

(3) On the receipt of any requisition under sub-section (1) the Commissioner or as the case may be, the General Manager (Electricity) ~~or the General Manager (Transport)~~ shall forthwith forward a copy thereof to the Corporation together with a report of the steps taken by him in pursuance of the same.

Transfer of surplus moneys from one account to another and investment thereof.

107. (1) Surplus moneys standing at the credit of any of the accounts of the Municipal Fund which cannot immediately or at an early date be applied for the purposes specified in section 105 may be transferred by the Corporation either in whole or in part to any other account of that Fund:

Provided that no such money shall be transferred permanently from any of the accounts (other than the Water Supply and Sewage

✓ Omitted by Act 71 of 1971, S. 7 & Sec. Sch. (w.e.f. 3-11-1971)

Disposal Account) to any other of the said accounts without the previous approval of the Central Government.

(2) Surplus moneys which are not transferred under sub-section (1) shall be deposited in the State Bank of India or in such Scheduled bank or banks as the Corporation may select or be invested in public securities.

(3) The loss, if any, arising from such deposit or investment shall be debited to the account concerned of the Municipal Fund.

#### Special funds

108. (1) The Corporation shall constitute such special fund or funds as may be prescribed by regulations and such other funds necessary for the purposes of this Act as may be so prescribed. Constitution of special funds.

(2) The constitution and disposal of such funds shall be effected in the manner laid down by regulations.

#### Budget estimates

109. (1) The Corporation shall, on or before the 31st day of March of every year, adopt for the ensuing year the following budget estimates, namely:— Adoption of budget estimates.

(a) budget estimate (general) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the municipal government of Delhi;

(b) budget estimate (electric supply) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the Delhi Electric Supply Undertaking;

~~(c) budget estimate (transport) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the Delhi Transport Undertaking;~~ (Y\*\*\*)  
and

(d) budget estimate (water supply and sewage disposal) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the Delhi Water Supply and Sewage Disposal Undertaking.

(2) On or before the 15th day of February of each year the Corporation shall determine the rates at which various municipal taxes, rates and cesses shall be levied in the next following year and save as otherwise provided in this Act the rates so fixed shall not be subsequently altered for the year for which they have been fixed.

Y Omitted by Act 71 of 1971, S. 7 & Sec. Sch. (w.e.f. 3-11-1971)

(3) Budget estimates shall be prepared in such form as may be approved by the Standing Committee and presented and adopted in such manner and shall provide for all such matters as are prescribed by regulations made in this behalf.

Power of Corporation to alter budget estimates.

110. (1) On the recommendation of—

(a) the Standing Committee in respect of the budget estimate (general),

(b) the Delhi Electric Supply Committee in respect of the budget estimate (electric supply),

~~(c) the Delhi Transport Committee in respect of the budget estimate (transport), and~~

(d) the Delhi Water Supply and Sewage Disposal Committee in respect of the budget estimate (water supply and sewage disposal),

the Corporation may from time to time during the year—

(i) increase the amount of any budget-grant under any head,

(ii) make an additional budget-grant for the purpose of meeting any special or unforeseen requirement arising during the said year,

(iii) transfer the amount or portion of the amount of the budget-grant under any head to the account of the budget-grant under any other head, or

(iv) reduce the amount of the budget-grant under any head:

Provided that due regard shall be had to all the requirements of this Act and in making any increase or any additional budget-grant, the estimated cash balance at the close of the year shall not be reduced below the sum of one lakh of rupees or such higher sum as the Corporation may determine in respect of each budget estimate.

(2) Every increase in a budget-grant and every additional budget-grant made in any year under sub-section (1) shall be deemed to be included in the budget estimates finally adopted for that year.

(3) The Standing Committee may from time to time during the year—

(a) reduce the amount of a budget-grant, or

✓ Omitted by Act 71 of 1971, S. 7 & Sec. 2 ch. (w.e.f. 3-11-1971)



(b) sanction the transfer of any amount within a budget-grant:

Provided that every reduction if it exceeds five hundred rupees shall be reported forthwith by Standing Committee to the Corporation and the Standing Committee and the Commissioner shall give effect to any order that may be passed by the Corporation in relation thereto.

(4) The Commissioner may, from time to time during the year, sanction the transfer of any amount not exceeding five thousand rupees within a minor head if such transfer does not involve a recurring liability:

Provided that every such transfer, if it exceeds five hundred rupees, shall be reported forthwith by the Commissioner to the Standing Committee and the Commissioner shall give effect to any order that may be passed by that Committee in relation thereto.

(5) In sub-section (3) or in sub-section (4),—

(a) any reference to the Standing Committee and the Commissioner shall be construed as a reference respectively to—

(i) the Delhi Electric Supply Committee and the General Manager (Electricity) if the reduction or transfer is in relation to the budget estimate (electric supply);

~~(ii) the Delhi Transport Committee and the General Manager (Transport) if the reduction or transfer is in relation to the budget estimate (transport), and~~ (✓) xxx

(b) any reference to the Standing Committee shall be construed as a reference to the Delhi Water Supply and Sewage Disposal Committee if the reduction or transfer is in relation to the budget estimate (water supply and sewage disposal).

111. (1) If at any time during the year it appears to the Corporation that, notwithstanding any reduction of budget-grant that has been made under section 110 the income of the Municipal Fund during the same year will not suffice to meet the expenditure sanctioned in the budget estimates of that year and to leave at the close of the year the cash balance specified in or determined under the proviso to sub-section (1) of section 110, then, it shall be incumbent on the Corporation to sanction forthwith any measures which it may consider necessary for adjusting the year's income to the expenditure.

Power of Corporation to re-adjust income and expenditure during the year.

639 M. of Law—73.

✓ Omitted by Act 71 of 1971, S. 7 & Sec. Sch. (v) of 3-11-1971

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year so far as it may be possible so to do with regard to all the requirements of this Act, or have recourse to supplementary taxation under section 151 or to an increase of the rates of cesses, fees, fares and other charges leviable under this Act, or to adopt all or any of those methods.

Provisions as to unexpended budget-grant.

112. If the whole or any part of any budget-grant included in the budget estimates for a year remains unexpended at the close of that year, and the amount thereof has not been taken into account in the opening balance entered in the budget estimates of any of the next two following years, the Standing Committee or, as the case may be, the Delhi Electric Supply Committee, or the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee may sanction the expenditure of such budget-grant or the unexpended portion thereof during the next two following years for the completion of the purpose or object for which the budget-grant was originally made and not for any other purpose or object.

### CHAPTER VIII

#### TAXATION

##### Levy of taxes

Taxes to be imposed by the Corporation under this Act.

113. (1) The Corporation shall, for the purposes of this Act, levy the following taxes, namely:—

- (a) property taxes;
- (b) a tax on vehicles and animals;
- (c) a theatre tax;
- (d) a tax on advertisements other than advertisements published in the newspapers;
- (e) a duty on the transfer of property; and
- (f) a tax on buildings payable along with the application for sanction of the building plan.

(2) In addition to the taxes specified in sub-section (1), the Corporation may, for the purposes of this Act, levy any of the following taxes, namely:—

- (a) an education cess;
- (b) a local rate on land revenues;
- (c) a tax on professions, trades, callings and employments;
- (d) a tax on the consumption ~~or sale~~ of electricity;
- (e) a betterment tax on the increase in urban land values caused by the execution of any development or improvement work;

for sale or supply

1. Subs. by Act 42 of 1961, S. 7 (w.e.f. 12.9.61).  
 2. Omitted by Act 71 of 1971, S. 7 & sec. Sch. (w.e.f. 3-11-1971)

(f) a tax on boats; and

(g) tolls.

(3) The taxes specified in sub-section (1) and sub-section (2) shall be levied, assessed and collected in accordance with the provisions of this Act and the bye-laws made thereunder.

*Property taxes*

114. (1) Save as otherwise provided in this Act, the property taxes shall be levied on lands and buildings in Delhi and shall consist of the following, namely :—

Components  
and rates of  
property  
taxes.

(a) a water tax of such percentage of the rateable value of lands and buildings as the Corporation may deem reasonable for providing water supply in Delhi;

(b) a scavenging tax of such percentage of the rateable value of lands and buildings as the Corporation may deem reasonable for providing for the collection, removal and disposal by municipal agency of all filth and polluted and obnoxious matter from latrines, urinals and cesspools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such filth or polluted and obnoxious matter;

(c) a fire tax of such percentage of the rateable value of lands and buildings as the Corporation may deem reasonable for providing for the expense necessary for the conduct and management of the Fire Service Undertaking and for the protection of life and property in the case of fire;

(d) a general tax—

(i) of not less than ten and not more than ~~twenty~~ <sup>[thirty]</sup> per cent. of the rateable value of lands and buildings within the urban areas, and

(ii) on lands and buildings within the rural areas at such lower rates and with effect from such date as may be determined by the Corporation:

Provided that the Corporation may, when fixing the rate at which the general tax shall be levied during any year, determine that the rate leviable in respect of lands and buildings or portions of lands and buildings in which

business is carried on shall be levied on a graduated scale, if the Corporation so determines. <sup>business is</sup> <sup>respect of</sup> <sup>land and buildings</sup>

by an amount not exceeding one-half of the rate so fixed.

[Subs. + Ins. by Act 2 of 1968, s. 2 (wef 3-2-68).

*Explanation.*—Where any portion of a land or building is liable to a higher rate of the general tax such portion shall be deemed to be a separate property for the purpose of municipal taxation.

(2) The Corporation may exempt from the general tax lands and buildings of which the rateable value does not exceed one hundred rupees.

Premises in respect of which property taxes are to be levied.

115. (1) Save as otherwise provided in this Act, the water tax shall be levied only in respect of lands and buildings—

(a) to which a water supply is furnished from, or which are connected by means of pipes with, municipal water works; or

(b) which are situated in any portion of Delhi in which the Commissioner has given public notice that sufficient water is available from municipal water works for a reasonable supply to all the lands and buildings in the said portion.

(2) Save as otherwise provided in this Act, the scavenging tax shall be levied only in respect of lands and buildings—

(a) in which there is a latrine, urinal, cesspool, bathing place or cooking place connected with a municipal drain; or

(b) which are situated in any portion of Delhi in which the Commissioner has given public notice that the collection, removal and disposal of all filth and polluted and obnoxious matter from latrines, urinals and cesspools will be undertaken by municipal agency:

Provided that the said tax shall not be levied in respect of any land or building, in or upon which, in the opinion of the Commissioner, no filth or polluted and obnoxious matter accumulates or is deposited.

(3) The fire tax shall be levied in respect of all lands and buildings in Delhi in respect of which the general tax is levied or would have been levied but for the exemption specified in sub-section (4):

Provided that the fire tax shall not be levied in any rural area until the Commissioner has given public notice that the Corporation has undertaken to render fire service in that area through the agency of the municipal fire-brigade.

(4) Save as otherwise provided in this Act, the general tax shall be levied in respect of all lands and buildings in Delhi except—

(a) lands and buildings or portions of lands and buildings exclusively occupied and used for public worship or by a society or body for a charitable purpose:

Provided that

Provided that such society or body is supported wholly or in part by voluntary contributions, applies its profits, if any, or other income in promoting its objects and does not pay any dividend or bonus to its members.

*Explanation.*—"Charitable purpose" includes relief of the poor, education and medical relief but does not include a purpose which relates exclusively to religious teaching;

(b) lands and buildings vested in the Corporation and not used or intended to be used exclusively for the purposes of the Delhi Electric Supply Undertaking, ~~or the Delhi Transport Undertaking~~, or the Delhi Water Supply and Sewage Disposal Undertaking, in respect of which the said tax, if levied, would under the provisions of this Act be leviable primarily on the Corporation;

(c) agricultural lands and buildings (other than dwelling houses).

(5) Lands and buildings or portions thereof shall not be deemed to be exclusively occupied and used for public worship or for a charitable purpose within the meaning of clause (a) of sub-section (4), if any trade or business is carried on in such lands and buildings or portions thereof or if in respect of such lands and buildings or portions thereof, any rent is derived.

(6) Where any portion of any land or building is exempt from the general tax by reason of its being exclusively occupied and used for public worship or for a charitable purpose such portion shall be deemed to be a separate property for the purpose of municipal taxation.

116. (1) The rateable value of any land or building assessable to property taxes shall be the annual rent at which such land or building might reasonably be expected to let from year to year less—

(a) a sum equal to ten per cent. of the said annual rent which shall be in lieu of all allowances for costs of repairs and insurance, and other expenses, if any, necessary to maintain the land or building in a state to command that rent, and

(b) the water tax or the scavenging tax or both, if the rent is inclusive of either or both of the said taxes:

Provided that if the rent is inclusive of charges for water supplied by measurement, then, for the purpose of this section the rent shall be treated as inclusive of water tax on rateable value and the deduction of the water tax shall be made as provided therein:

✓ Omitted by Act 71 of 1971, S. 7 & Sec. Sch. (w.e.f. 3-11-1971)

Determina-  
tion of  
rateable value  
of lands  
and build-  
ings asses-  
sable to  
property  
taxes.

Provided further that in respect of any land or building the standard rent of which has been fixed under the Delhi and Ajmer Rent Control Act, 1952, the rateable value thereof shall not exceed 38 of 1952. the annual amount of the standard rent so fixed.

(2) The rateable value of any land which is not built upon but is capable of being built upon and of any land on which a building is in process of erection shall be fixed at five per cent. of the estimated capital value of such land.

(3) All plant and machinery contained or situate in or upon any land or building and belonging to any of the classes specified from time to time by public notice by the Commissioner with the approval of the Standing Committee, shall be deemed to form part of such land or building for the purpose of determining the rateable value thereof under sub-section (1) but save as aforesaid no account shall be taken of the value of any plant or machinery contained or situated in or upon any such land or building.

Charge by  
measurement in lieu  
of water  
tax in cer-  
tain cases.

117. (1) The Commissioner may in such cases as the Delhi Water Supply and Sewage Disposal Committee may either generally or specifically direct, instead of levying water tax in respect of any land or building liable thereto under section 115, charge for the water supplied to such land or building by measurement at such rate as shall from time to time be prescribed by that Committee in this behalf.

(2) The Delhi Water Supply and Sewage Disposal Committee may, for the cases in which the Commissioner charges for water supplied by measurement under sub-section (1), prescribe such conditions as it may think fit regarding the use of the water and regarding the charge to be paid for water consumed whilst a meter is out of order or under repair:

Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any bye-law made thereunder.

(3) A person who is charged for water supplied by measurement shall not be liable for payment of water tax, but any sum payable by him on account of water and not paid when it becomes due shall be recoverable by the Commissioner as an arrear of water tax under this Act.

(4) In prescribing charges for water supplied by measurement under sub-section (1), it shall be lawful for the Delhi Water Supply and Sewage Disposal Committee to prescribe different rates in respect of different classes of lands and buildings.

118. (1) The Commissioner may, whenever he thinks fit, fix the scavenging tax to be paid in respect of any hotel or club or any other large premises at such special rate as may be approved by the Delhi Water Supply and Sewage Disposal Committee in this behalf either generally or in any particular case, whether the service in respect of which such tax is leviable is performed by scavengers or by substituted means or appliances.

Special rates of scavenging tax in certain cases.

(2) In the cases referred to in sub-section (1), the amount of the scavenging tax shall be fixed with reference to the cost or the probable cost of the collection, removal and disposal, by municipal agency, of filth and polluted and obnoxious matter from the hotels, clubs and other large premises referred to in that sub-section.

119. <sup>if (1)</sup> Notwithstanding anything contained in the foregoing provisions of this Chapter, lands and buildings being properties of the Union shall be exempt from the property taxes specified in section 114:

Taxation of Union properties.

<sup>if in this sub-section</sup> Provided that nothing ~~in this section~~ shall prevent the Corporation from levying any of the said taxes on such lands and buildings to which immediately before the 26th January, 1950, they were liable or treated as liable, so long as that tax continues to be levied by the Corporation on other lands and buildings.

120. (1) The property taxes shall be primarily leviable as follows:—

Incidence of property taxes.

- (a) if the land or building is let, upon the lessor;
- (b) if the land or building is sub-let, upon the superior lessor;
- (c) if the land or building is unlet, upon the person in whom the right to let the same vests.

(2) If any land has been let for a term exceeding one year to a tenant and such tenant has built upon the land, the property taxes assessed in respect of that land and the building erected thereon shall be primarily leviable upon the said tenant, whether the land and building are in the occupation of such tenant or a sub-tenant of such tenant.

*Explanation.*—The term "tenant" includes any person deriving title to the land or the building erected upon such land from the tenant whether by operation of law or by transfer *inter vivos*.

(3) The liability of the several owners of any building which is, or purports to be, severally owned in parts or flats or rooms, for payment of property taxes or any instalment thereof payable during the period of such ownership shall be joint and several.

1. Renumbered, Subs. & Ins. by Act 42 of 1961, S. 8 (w.e.f. 12.9.61).
2. Ins. by S. 9, ibid.

Apportionment of liability for property taxes when the premises assessed are let or sub-let.

121. (1) If any land or building assessed to property taxes is let, and its rateable value exceeds the amount of rent payable in respect thereof to the person upon whom under the provisions of section 120 the said taxes are leviable, that person shall be entitled to receive from his tenant the difference between the amount of the property taxes levied upon him and the amount which would be leviable upon him if the said taxes were calculated on the amount of rent payable to him.

(2) If the land or building is sub-let and its rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under the sub-tenant, the tenant shall be entitled to receive from his sub-tenant or the sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property taxes which would be leviable in respect of the said land or building if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(3) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

Recovery of property taxes from occupiers.

122. (1) On the failure to recover any sum due on account of property taxes in respect of any land or building from the person primarily liable therefor under section 120, the Commissioner shall recover from every occupier of such land or building by attachment, in accordance with section 162 of the rent payable by such occupier, a portion of the total sum due which bears, as nearly as may be, the same proportion to that sum as the rent annually payable by such occupier bears to the total amount of rent annually payable in respect of the whole of the land or building.

(2) An occupier from whom any sum is recovered under subsection (1) shall be entitled to be reimbursed by the person primarily liable for the payment, and may in addition to having recourse to other remedies that may be open to him, deduct the amount so recovered from the amount of any rent from time to time becoming due from him to such person.



123. Property taxes due under this Act in respect of any land or building shall, subject to the prior payment of the land revenue if any, due to the Government thereon, be a first charge—

Property taxes a first charge on premises on which they are assessed.

(a) in the case of any land or building held immediately from the Government, upon the interest in such land or building of the person liable for such taxes and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to such person; and

(b) in the case of any other land or building, upon such land or building and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to the person liable for such taxes.

Explanation.—The term "property taxes" in this section shall be deemed to include—

(i) charges payable under sections 117 and 118, and

(ii) the costs on recovery of property taxes and the penalty, if any, payable as specified in the bye-laws.

124. (1) Save as otherwise provided in this Act, the Corporation shall cause an assessment list of all lands and buildings in Delhi to be prepared in such form and manner and containing such particulars with respect to each land and building as may be prescribed by bye-laws.

Assessment list.

(2) When the assessment list has been prepared the Commissioner shall give public notice thereof and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any land or building included in the list and any authorised agent of such person, shall be at liberty to inspect the list and to take extracts therefrom free of charge.

(3) The Commissioner shall, at the same time, give public notice of a date, not less than one month thereafter, when he will proceed to consider the rateable values of lands and buildings and the assessments of property taxes in respect of lands and buildings, entered in the assessment list, and in all cases in which any land or building is for the first time assessed, or the assessment is increased, he shall also give written notice thereof to the owner or to any lessee or occupier of the land or building.

124.1  
[If the rateable value of any land or building is increased]

(4) Any objection to a rateable value or assessment or any other matter as entered in the assessment list shall be made in writing to the Commissioner before the date fixed in the notice and shall

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1. Omitted + Subs. by Act 42 of 1961, s. 10 (w.e.f. 12.9.61).

state in what respect the rateable value, ~~assessment~~ or other matter J is disputed, and all objections so made shall be recorded in a register to be kept for the purpose.

(5) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent, by the Commissioner or by any officer of the Corporation authorised in this behalf by the Commissioner.

(6) When all objections have been disposed of, and the revision of the ~~rateable value and assessment~~ has been completed, the assessment list shall be authenticated by the signature of the Commissioner or, as the case may be, the officer authorised by him in this behalf, who shall certify that except in the cases, if any, in which amendments have been made as shown therein no valid objection has been made to the ~~rateable values or assessments~~ or any other matters entered in the said list.

(7) The assessment list so authenticated shall be deposited in the office of the Corporation and shall be open, free of charge during office hours to all owners, lessees and occupiers of lands and buildings comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

Evidential  
value of as-  
sessment list.

125. Subject to such alterations as may thereafter be made in the assessment list under section 126 and to the result of any appeal made under the provisions of this Act, the entries in the assessment list authenticated and deposited as provided in section 124 shall be accepted as conclusive evidence—

(a) for the purpose of assessing any tax levied under this Act, of the rateable value of all lands and buildings to which such entries respectively relate; and ~~and~~  $\times \approx \frac{1}{2}$

~~(b) for the purposes of any tax levied on lands or buildings, of the amount of each such tax leviable thereon during the year to which such list relates.~~

Amendment  
of assess-  
ment list

126. (1) The Commissioner may, at any time, amend the assessment list—

(a) by inserting therein the name of any person whose name ought to be inserted; or

(b) by inserting therein any land or building previously omitted; or

(c) by striking out the name of any person not liable for the payment of property taxes; or

1. Subs. by Act 42 of 1961, S. 10 (wef. 12.9.61).  
2. Omitted by S. 11, ibid.

(d) by increasing or reducing for adequate reasons the amount of any rateable value and of the assessment thereupon; or

(e) by making or cancelling any entry exempting any land or building from liability to any property tax; or

(f) by altering the assessment on the land or building which has been erroneously valued or assessed through fraud, mistake or accident; or

(g) by inserting or altering an entry in respect of any building erected, re-erected, altered or added to, after the preparation of the assessment list:

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year ~~in which the amendment is made~~ *[in which the notice under sub-section (2) is given]*

(2) Before making any amendment under sub-section (1) the Commissioner shall give to any person affected by the amendment notice of not less than one month that he proposes to make the amendment and consider any objections which may be made by such person.

127. It shall be in the discretion of the Commissioner to prepare <sup>Preparation</sup> for the whole or any part of Delhi a new assessment list every year <sup>of new as-</sup> or to adopt the rateable values and assessments <sup>essment list.</sup> contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the rateable values and assessments <sup>for the year</sup> following, giving the same public notice as well as individual notices, to persons affected by such alterations, of the rateable values and assessments as if a new assessment list had been prepared. *xx 2*

128. (1) Whenever the title of any person primarily liable for the <sup>Notice of</sup> payment of property taxes on any land or building is transferred, <sup>transfers.</sup> the person whose title is transferred and the person to whom the same is transferred shall within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer in writing to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves, shall give notice of such devolution to the Commissioner within six months from the date of the death of the deceased.

(3) The notice to be given under this section shall be in such form as may be determined by bye-laws made under this Act, and the

1. Subs. by Act 42 of 1961, s. 12 (w.e.f. 12.9.61).
2. Omitted by s. 13, ibid.

transferee or the other person on whom the title devolves shall, if so required, be bound to produce before the Commissioner any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Commissioner shall, in addition to any penalty to which he may be subjected under the provisions of this Act, continue liable for the payment of all property taxes from time to time payable in respect of the land or building transferred until he gives such notice or until the transfer has been recorded in the Commissioner's book, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

(5) The Commissioner shall record every transfer or devolution of title notified to him under this section in his books and in the assessment list.

(6) On a written request by the Commissioner, the registrar or sub-registrar of Delhi appointed under the Indian Registration Act, 1908, shall furnish such particulars regarding the registration of instruments of transfer of immovable properties in Delhi, as the Commissioner may from time to time require. 16 of 1908.

(7) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected, or, if the Commissioner so requests, by periodical returns at such intervals as the Commissioner may fix.

Notice of  
erection of  
building, etc.

**129.** When any new building is erected or when any building is re-built or enlarged or when any building which has been vacant is re-occupied, the person primarily liable for the property taxes assessed on the building shall give notice thereof in writing to the Commissioner within fifteen days from the date of its completion or occupation whichever first occurs, or as the case may be, from the date of its enlargement or re-occupation; and property taxes shall be assessable on the building from the said date.

Notice of  
demolition  
or removal  
of building.

**130. (1)** When any building or any portion of a building, which is liable to the payment of property taxes is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said taxes shall give notice thereof in writing to the Commissioner.

(2) Until such notice is given, the person aforesaid shall continue liable to the payment of such property taxes as he would have been liable to pay in respect of such building if the same or any portion thereof had not been demolished or removed.

131. (1) To enable him to determine the rateable value of any land or building and the person primarily liable for the payment of any property taxes leviable in respect thereof, the Commissioner may require the owner or occupier of such land or building, or of any portion thereof to furnish him within such reasonable period as the Commissioner fixes in this behalf, with information or with a written return signed by such owner or occupier—

Power of Commissioner to call for information and returns and to enter and inspect premises.

(a) as to the name and place of residence of the owner or occupier, or of both the owner and occupier of such land or buildings;

(b) as to the measurements or dimensions of such land or building or of any portion thereof and the rent, if any, obtained for such land or building or any portion thereof; and

(c) as to the actual cost or other specified details connected with the determination of the value of such land or building.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) Whoever omits to comply with any such requisition or fails to give true information or to make a true return to the best of his knowledge or belief, shall, in addition to any penalty to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such land or building of which he is the owner or occupier.

132. Notwithstanding that any land or building is owned by, or let to, two or more persons in severalty, the Commissioner shall for the purpose of assessing such land or building to property taxes treat the whole of it as one property:

Premises owned by, or let to, two or more persons in severalty to be ordinarily assessed as one property.

Provided that the Commissioner may, in respect of any land or building which was originally treated as one property but which subsequently passes on by transfer, succession or in any other manner to two or more persons who divide the same into several parts and occupy them in severalty, treat, subject to any bye-law made in this behalf, each such several part, or two or more of such several parts together, as a separate property and assess such part or parts to property taxes accordingly.

133. If any land or building, bearing two or more municipal numbers, or portions thereof, be amalgamated into one or more new premises, the Commissioner shall on such amalgamation assign to

Assessment in case of new amalgamation of premises.

them one or more numbers and assess them to property taxes accordingly:

Provided that the total assessment on amalgamation shall not be greater than the sum of the previous assessments of the several premises except when there is any re-valuation of any of the said premises.

Power of Commissioner to assess separately out-houses and portions of buildings.

134. The Commissioner may in his discretion assess any outhouse appurtenant to a building, or any portion of a land or building separately from such building or as the case may be, from the rest of such land or building.

Power of Commissioner to employ valuers.

135. (1) The Commissioner may, if he thinks fit, employ one or more competent persons to give advice or assistance in connection with the valuation of any land or building, and any person so employed shall have power, at all reasonable times and after giving due notice, and on production, if so required, of authorisation in writing in that behalf from the Commissioner, to enter on, survey and value any land or building which the Commissioner may direct him to survey and value.

(2) No person shall wilfully delay or obstruct any such person in the exercise of any of his powers under this section.

*Tax on vehicles and animals*

Tax on certain vehicles and animals and rates thereof.

136. Save as otherwise provided in this Act, a tax at the rates not exceeding those specified in the Third Schedule shall be levied on vehicles and animals of the descriptions specified in that Schedule which are kept within Delhi.

The tax on whom leviable.

137. The tax on vehicles or animals shall be leviable upon the owner of, or the person having possession or control of, such vehicles or animals in respect of which the tax is leviable:

Provided that in the case of an animal generally used or employed in drawing any vehicle, the tax in respect of such animal shall be leviable upon the owner of, or the person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person:

Provided further that the tax under this section shall not be levied in respect of—

(a) vehicles and animals belonging to the Central Government or to the Corporation used or intended to be used solely for public purposes;

- (b) vehicles intended exclusively for the conveyance free of charge, of the injured, the sick or the dead;
- (c) children's perambulators or tricycles.

138. The tax on vehicles or animals shall be payable in advance in such number of instalments and in such manner as may be determined by bye-laws made in this behalf. Tax when payable.

139. The Commissioner may, with the approval of the Standing Committee, compound for any period not exceeding one year at a time, with any livery stable keeper or other person keeping vehicles for hire or animals for sale or hire, for a lump sum to be paid in respect of the vehicles or animals so kept in lieu of the taxes leviable under section 136 which such livery stable keeper or other person would otherwise be liable to pay. Power of Commissioner to compound with livery stable keeper, etc., for tax.

#### Theatre-tax

140. Save as otherwise provided in this Act, there shall be levied a tax (referred to in this Act as theatre-tax) in respect of every cinema, theatre, circus, carnival and other place of entertainment to which persons are ordinarily admitted on payment for performances or shows held or conducted thereat, at such rates not exceeding those specified in the Fourth Schedule as the Corporation may determine. Theatre-tax.

Provided that the theatre-tax shall not be levied in respect of any performance or show if the Commissioner is satisfied—

(a) that the entire receipts from such performance or show will be devoted to philanthropic, religious or charitable purposes; or

(b) that the performance or show is of a wholly educational character; or

(c) that the performance or show is provided for partly educational or partly scientific purposes by a society not conducted or established for profit.

141. Every proprietor, manager, or person in-charge of a theatre, cinema, circus, carnival or other place of entertainment shall be liable to pay the theatre-tax and shall pay the same in advance before the commencement of the performances or shows. Liability to pay theatre-tax.

1. Ins. by Act 42 of 1961, S. 14 (wef. 12.9.61).

Provided that the Commissioner may, with the approval of the Standing Committee, compound for any series of performances or shows or for any period not exceeding one month, with such proprietor, manager, or person for a lump sum to be paid for such series of performances or shows or for the performances or shows held or conducted during such period.

*Tax on advertisements other than advertisements published in the newspapers*

Tax on advertisements.

142. (1) Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle any advertisement or, who displays any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematograph), shall pay for every advertisement which is so erected, exhibited, fixed or retained or so displayed to public view, a tax calculated at such rates not exceeding those specified in the Fifth Schedule as the Corporation may determine:

Provided that no tax shall be levied under this section on any advertisement which—

(a) relates to a public meeting, or to an election to Parliament or the Corporation or to candidature in respect of such election; or

(b) is exhibited within the window of any building if the advertisement relates to the trade, profession or business carried on in that building; or

(c) relates to the trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on or upon or in the same; or

(d) relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(e) relates to the business of a railway administration and is exhibited within any railway station or upon any wall or other property of a railway administration; or

(f) relates to any activity of the Central Government or the Corporation.

(2) The tax on any advertisement leviable under this section shall be payable in advance in such number of instalments and in such manner as may be determined by bye-laws made in this behalf.



*Explanation 1.*—The word “structure” in this section includes any movable board on wheels used as an advertisement or an advertisement medium.

*Explanation 2.*—The word “advertisement” in relation to a tax on advertisement under this Act means any word, letter, model, sign, placard, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.

143. (1) No advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or shall be displayed in any manner whatsoever in any place within Delhi without the written permission of the Commissioner granted in accordance with bye-laws made under this Act.

Prohibition of advertisements without written permission of the Commissioner.

(2) The Commissioner shall not grant such permission if—

(a) the advertisement contravenes any bye-law made under this Act; or

(b) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement tax, the Commissioner shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in respect of such permission.

144. The permission granted under section 143 shall become void in the following cases, namely:—

Permission of the Commissioner to become void in certain cases.

(a) if the advertisement contravenes any bye-law made under this Act;

(b) if any material change is made in the advertisement or any part thereof without the previous permission of the Commissioner;

(c) if the advertisement or any part thereof falls otherwise than through accident;

(d) if any addition or alteration is made to, or in the building, wall, hoarding, frame, post or structure upon or over which the advertisement is erected, exhibited, fixed or retained if such addition or alteration involves the disturbance of the advertisement or any part thereof; and

(e) if the building, wall, hoarding, frame, post or structure over which the advertisement is erected, exhibited, fixed or retained is demolished or destroyed.

Presumption  
in case of  
contraven-  
tion.

145. Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or displayed to public view from a public street or public place in contravention of the provisions of this Act or any bye-laws made thereunder, it shall be presumed, unless and until contrary is proved, that the contravention has been committed by the person or the persons on whose behalf the advertisement purports to be or the agents of such person or persons.

Power of  
Commis-  
sioner in  
case of con-  
travention.

146. If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of section 143, the Commissioner may require the owner or occupier of the land, building, wall, hoarding, frame, post or structure or vehicle upon, or over or in which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement or may enter any land, building, property or vehicle and have the advertisement dismantled, taken down or removed or spoiled, defaced or screened.

*Duty on transfer of property*

Duty on  
transfer of  
property and  
method of  
assessment  
thereof.

147. (1) Save as otherwise provided in this Act, the Corporation shall levy a duty on transfers of immovable property situated within the limits of Delhi in accordance with the provisions hereafter in this section contained.

(2) The said duty shall be levied—

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the Union territory of Delhi, on every instrument of the description specified below, and

(b) at such rate as may be determined by the Corporation not exceeding five per cent., on the amount specified below against such instruments:—

<i>Description of instrument</i>	<i>Amount on which duty should be levied</i>
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.

<i>Description of instrument</i>	<i>Amount on which duty should be levied</i>
(iii) Gift of immovable property.	The value of the property, as set forth in the instrument
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage, as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	The amount equal to one-sixth of the whole amount or value of the rent which would be paid or delivered in respect of the first fifty years of the lease as set forth in the instrument.

148. On the introduction of the duty on transfers of property—  
 (a) section 27 of the Indian Stamp Act, 1899, as in force in Delhi shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without Delhi;

Provisions applicable on the introduction of transfer duty.

(b) section 64 of the said Act shall be read as if it referred to the Corporation as well as the Government.

*Tax on buildings payable along with the application for sanction of building plans*

149. (1) Save as otherwise provided in this Act, the Corporation shall levy a tax on buildings at such rates not exceeding those specified in the Sixth Schedule, as the Corporation shall determine.

Tax on building applications.

(2) The tax shall be leviable on every person who makes an application to the Commissioner for the sanction of a building plan and shall be payable along with the same.

*Other taxes*

150. (1) The Corporation may, at a meeting, pass a resolution for the levy of any of the taxes specified in sub-section (2) of section 113, defining the maximum rate of the tax to be levied, the class or classes of persons or the description or descriptions of articles and properties to be taxed the system of assessment to be adopted and the exemptions, if any, to be granted.

Imposition of other taxes

(2) Any resolution passed under sub-section (1) shall be submitted to the Central Government for its sanction, and if sanctioned by that Government, shall come into force on and from such date as may be specified in the order of sanction.

(3) After a resolution has come into force under sub-section (2), the Corporation may, subject to the maximum rate, pass a second resolution determining the actual rates at which the tax shall be leviable; and the tax shall come into force on the first day of the quarter of the year next following the date on which such second resolution is passed.

(4) After a tax has been levied in accordance with the foregoing provisions of this section, the provisions of sub-section (2) of section 109, shall apply in relation to such tax as they apply in relation to any tax imposed under sub-section (1) of section 113.

*Supplementary taxation*

Supplemen-  
tary taxa-  
tion

151. Whenever the Corporation decides to have recourse to supplementary taxation under sub-section (2) of section 111 in any year, it shall do so by increasing from such date as the Corporation may determine, the rates at which any tax leviable under this Act is being levied, but every such increase shall be made subject to the maximum rate and any other limitation specified in respect of such tax.

*Payment and recovery of taxes*

Time and  
manner of  
payment of  
taxes.

152. Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such dates, in such number of instalments and in such manner as may be determined by bye-laws made in this behalf.

Presentation  
of bill.

153. (1) When any tax has become due, the Commissioner shall cause to be presented to the person liable for the payment thereof, a bill for the amount due:

Provided that no such bill shall be necessary in the case of—

- (a) a tax on vehicles and animals;
- (b) a theatre-tax; and
- (c) a tax on advertisements.

(2) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

Notice of  
demand and  
notice-fee.

154. (1) If the amount of the tax for which a bill has been presented under section 153, is not paid within fifteen days from the presentation thereof, or if the tax on vehicles and animals or the theatre-tax or the tax on advertisements is not paid after it has become due, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in the Seventh Schedule.

(2) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee of such amount not exceeding five rupees as may be determined by bye-laws made in this behalf, shall be payable by the said person and shall be included in the cost of recovery.

155. (1) If the person liable for the payment of any tax does not, within thirty days of the service of the notice of demand under section 154, pay the sum due and if no appeal is preferred against such tax, he shall be deemed to be in default. Penalty in case of default of payment of taxes.

(2) When the person liable for the payment of any tax is deemed to be in default under sub-section (1), such sum not exceeding twenty per cent. of the amount of the tax as may be determined by the Commissioner may be recovered from him by way of penalty, in addition to the amount of the tax and the notice-fee payable under sub-section (2) of section 154.

(3) The amount due as penalty under sub-section (2) shall be recoverable as an arrear of tax under this Act.

156. (1) If the person liable for the payment of the tax does not, within thirty days from the service of the notice of demand, pay the amount due, such sum together with all costs and the penalty provided for in section 155, may be recovered under a warrant, issued in the form set forth in the Eighth Schedule, by distress and sale of the movable property or the attachment and sale of the immovable property, of the defaulter: Recovery of tax.

Provided that the Commissioner shall not recover any sum the liability for which has been remitted on appeal under the provisions of this Act.

(2) Every warrant issued under this section shall be signed by the Commissioner.

157. (1) It shall be lawful for any officer or other employee of the Corporation to whom a warrant issued under section 156 is addressed to distrain, wherever it may be found in any place in Delhi, any movable property or any standing timber, growing crops or grass belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely:— Distress.

(a) the following property shall not be distrained:—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children and their cooking and eating utensils;

(ii) tools of artisans;

(iii) books of account; or

(iv) when the defaulter is an agriculturist, his implements of husbandry, seed, grain and such cattle as may be necessary to enable the defaulter to earn his livelihood;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Commissioner, should not have been distrained, it shall forthwith be released.

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in the Ninth Schedule, to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

Disposal  
of distrained  
property  
and attach-  
ment and  
sale of im-  
movable  
property.

158. (1) When the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Commissioner shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Commissioner, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 157, be sold by public auction by order of the Commissioner.

(3) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid into the municipal office within fifteen days from the date of the attachment.

(4) Such order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be affixed on a conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the Government, in the office of the collector.

(5) Any transfer of or charge on the property attached or any interest therein made without written permission of the

Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

(6) The surplus of the sale-proceeds, if any shall, immediately after the sale of the property, be credited to the Municipal Fund, and notice of such credit shall be given at the same time to the person whose property has been sold or his legal representative and if the same is claimed by written application to the Commissioner within one year from the date of the notice, a refund thereof shall be made to such person or representative.

(7) Any surplus not claimed within one year as aforesaid shall be the property of the Corporation.

(8) For every distraint and attachment made in accordance with the foregoing provisions, a fee of such amount not exceeding two-and-a-half per cent. of the amount of the tax due as shall in each case be fixed by the Commissioner, shall be charged, and the said fee shall be included in the costs of recovery.

159. (1) If the Commissioner has reason to believe that any person from whom any sum is due or is about to become due on account of any tax is about to move from Delhi, he may direct the immediate payment by such person of the sum so due or about to become due and cause a notice of demand for the same to be served on such person.

Recovery from a person about to leave Delhi.

(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress or attachment and sale in the manner hereinbefore provided, and the warrant of distress or attachment and sale may be issued and executed without any delay.

160. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter has been so proceeded against unsuccessfully or with partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any court of competent jurisdiction.

Power to institute suit for recovery.

161. (1) If the tax on any vehicle or animal is not paid, then, instead of proceeding against the defaulter by distress and sale of his other movable property as hereinbefore provided, the Commissioner may, at any time after the tax has become due, seize and detain the vehicle or animal or both and, if the owner or other person entitled thereto does not within seven days in respect of a vehicle and two days in respect of an animal from the date of such seizure and detention, claim the same and pay the tax due together with

Power of seizure of vehicles and animals, in case of non-payment of tax thereon.

the charges incurred in connection with the seizure and detention, the Commissioner may cause the same to be sold and apply the proceeds of the sale or such part thereof as is required in discharge of the sum due and the charges incurred as aforesaid.

(2) The surplus, if any, remaining after the application of the sale-proceeds under sub-section (1) shall be disposed of in the manner laid down in sub-sections (6) and (7) of section 158.

Occupiers may be required to pay rent towards satisfaction of property taxes.

162. (1) For the purposes of recovering the amount of any property tax from any occupier under section 122, the Commissioner shall cause to be served on such occupier a notice requiring him to pay to the Corporation any rent due or falling due from him in respect of the land or building to the extent necessary to satisfy the portion of the sum due for which he is liable under the said section.

(2) Such notice shall operate as an attachment of the said rent unless the portion of the sum due shall have been paid and satisfied and the occupier shall be entitled to credit in account with the person to whom such rent is due for any sum paid by him to the Corporation in pursuance of such notice:

Provided that if the person to whom such rent is due is not the person primarily liable for payment of the property tax, he shall be entitled to recover from the person primarily liable for the payment of such tax any amount for which credit is claimed as aforesaid.

(3) If any occupier fails to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid, the amount of such rent may be recovered from him by the Corporation as an arrear of tax under this Act.

#### Remission and refund

Demolition etc., of buildings.

163. If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Commissioner may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the rateable value thereof as he thinks fit.

Remission or refund of tax.

~~164. If any land or building has remained vacant and unproductive of rent for sixty or more consecutive days, the Commissioner shall remit or refund, as the case may be, such portion of any tax assessed on the rateable value thereof as may be proportionate to the number of days during which the said land or building has remained vacant and unproductive of rent:~~

1. Subs. by Act 42 of 1961, s. 15 (w.e.f. 12.9.61).



Provided that no remission or refund of the water tax shall be allowed under this section unless an application in such form as may be prescribed by bye-laws made in this behalf has been made to the Commissioner to stop the supply of water to such land or building or unless the Commissioner is satisfied that having regard to the circumstances of any case such remission or refund should be allowed.

165. (1) For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Commissioner, at the time of the assessment of the building, to enter in the assessment list, in addition to the rateable value of the whole building, a note regarding any detail of the rateable value of each separate tenement.

Power to require entry in assessment list of details of buildings.

(2) When any tenement, the rateable value of which has been thus separately recorded, has remained vacant and unproductive of rent for sixty or more consecutive days, such portion of any tax assessed on the rateable value of the whole building shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

166. No remission or refund under section 164 or section 165 shall be made unless notice in writing of the fact that the land, building or tenement has become vacant and unproductive of rent has been given to the Commissioner, and no remission or refund shall take effect in respect of any period commencing more than fifteen days before delivery of such notice.

Notice to be given of the circumstances in which remission or refund is claimed.

167. (1) For the purposes of sections 164 and 165, no land, building or tenement shall be deemed vacant if maintained as a pleasure resort or town or country house or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

What buildings, etc., are to be deemed vacant.

(2) The burden of proving the facts entitling any person to claim relief under section 163, or section 164, or section 165, shall be upon him.

168. The owner of any land, building or tenement in respect of which a remission or refund of tax has been given under section 164, or section 165, shall give notice of the re-occupation of such land, building or tenement within fifteen days of such re-occupation.

Notice to be given of every occupation of vacant land or building.

#### Appeals

169. (1) An appeal against the levy or assessment of any tax under this Act shall lie to the court of the district judge of Delhi.

Appeal against assessment, etc.

(2) If, before or on the hearing of an appeal under this section, any question of law or usage having the force of law or construction of a document arises, the court of the district judge on its own motion may, or on the application of any party to the appeal, shall, draw up a statement of the facts of the case, and the question so arising, and refer the statement with its opinion on the question for the decision of the High Court.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be in conformity with the rules relating to references to the High Court contained in Order XLVI of the First Schedule to the Code of Civil Procedure, 1908.

5 of 1908.

(4) In every appeal, the costs shall be in the discretion of the court.

(5) Costs awarded under this section to the Corporation shall be recoverable by the Corporation as an arrear of tax due from the appellant.

(6) If the Corporation fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the court may order the Commissioner to pay the amount to the appellant.

Conditions  
of right to  
appeal.

170. No appeal shall be heard or determined under section 169 unless—

(a) the appeal is, in the case of a property tax, brought within thirty days next after the date of authentication of the assessment list under section 124, (exclusive of the time requisite for obtaining a copy of the relevant entries therein) or, as the case may be, within thirty days of the date on which an amendment is finally made under section 126, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days after the date of the presentation of the first bill or, as the case may be, the first notice of demand in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the court that he had sufficient cause for not preferring the appeal within that period;

(b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Corporation.

171. The order of the court confirming, setting aside or modifying an order in respect of any rateable value or assessment or liability to assessment or taxation shall be final:

Finality of  
appellate  
orders.

Provided that it shall be lawful for the court, upon application or on its own motion, to review any order passed by it in appeal within three months from the date of the order.

*Miscellaneous provisions relating to taxation*

172. (1) The Commissioner may, without giving any notice, enter upon and make an inspection of—

Power to  
inspect for  
purposes of  
determining  
rateable  
value of  
taxes.

(a) any land or building for the purpose of determining the rateable value of such land or building;

(b) any stable, garage, or coach house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act;

(c) any place or premises which he has reason to believe are being used or are about to be used for any performance or show in respect of which the theatre-tax is payable or would be payable;

(d) any land, building or vehicle in or upon which any advertisement liable to tax under this Act is exhibited or displayed.

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person and may examine such person or servant as to the number and description of vehicles and animals owned by or in the possession or under the control of such person; and every person or servant of such person so summoned shall be bound to attend before the Commissioner and to give information to the best of his knowledge and belief as to the said matters.

173. (1) The Commissioner may, with the previous sanction of the Standing Committee, allow any person to compound for any tax.

Composition.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recovered as an arrear of tax under this Act.

174. (1) The Commissioner may write off any sum due on account of any tax or of the costs of recovering any tax if such sum is, in his opinion, irrecoverable.

Irrecoverable  
debts.

Provided that, where the sum written off in favour of any one person exceeds one hundred rupees, the previous sanction of the Standing Committee shall be first obtained.

(2) The Commissioner shall report to the Standing Committee every case in which any sum has been written off under sub-section (1).

Obligation to disclose liability

175. (1) The Commissioner may, by written notice, call upon any inhabitant of Delhi to furnish such information as may be necessary for the purpose of ascertaining—

(a) whether such inhabitant is liable to pay any tax imposed by the Corporation under this Act;

(b) at what amount he should be assessed; or

(c) the rateable value of the land or building which he occupies and the name and address of the owner or lessee thereof.

(2) If any person when called upon under sub-section (1) to furnish information neglects to furnish it within the period specified in this behalf by the Commissioner or furnishes information which is not true to the best of his knowledge or belief, he shall be liable, in addition to any penalty which may be imposed under this Act, to be assessed at such amount on account of tax as the Commissioner may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

Immaterial error not to affect liability.

176. No assessment and no charge or demand on account of any tax shall be impeached or affected by reason only of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax or in the description of any property or thing, or of any mistake in the amount of the assessment, charge or demand, or by reason only of clerical error or other defect of form, if the directions contained in this Act and the bye-laws made thereunder have in substance and effect been complied with; and it shall be enough in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

General power of exemption

177. The Corporation may, by resolution passed in this behalf, exempt either wholly or in part from the payment of any tax levied under this Act, any class of persons or any class of property or goods.

#### *Terminal taxes on goods*

Terminal tax on goods carried by railway, or road,

178. (1) On and from the date of the establishment of the Corporation under section 3, there shall be levied on all goods carried by railway or road into the Union territory of Delhi from any place

outside thereof, a terminal tax at the rates specified in the Tenth Schedule.

(2) The Central Government may, by notification in the Official Gazette, vary from time to time, the rates specified in that Schedule, in relation to any goods or classes of goods so, however, that where the rates are increased, the increased rates shall not be more than treble the rates so specified.

(3) The Central Government may by like notification declare that with effect from such date as may be specified in the notification, the terminal-tax levied in relation to any goods or class of goods shall, for reasons specified in the notification, cease to be levied.

179. (1) The terminal tax levied under this Act shall be payable on demand and shall be collected by the Central Government in such manner and through such agency as may be specified by notification in the Official Gazette. Recovery of terminal taxes.

(2) Such portion of the total proceeds of the terminal tax as the Central Government may determine shall be deducted to meet the cost of collection of the tax.

180. The proceeds of the terminal tax collected under this Act (which shall form part of the Consolidated Fund of India) reduced by the cost of collection as determined under sub-section (2) of section 179 shall, if Parliament by appropriation made by law in this behalf so provides, be paid by the Central Government to the Corporation and to other local authorities within the Union territory of Delhi in such proportion as may from time to time be determined by the Central Government. Payment by the Central Government to the Corporation and other local authorities.

181. The Central Government may, by notification in the Official Gazette, exempt either wholly or in part from the payment of terminal tax imposed by this Act any class of goods. Power of exemption.

182. Every person authorised under the provisions of this Act and the rules made thereunder to collect the terminal tax shall have, in respect of the collection of such tax and of the confiscation of goods in connection therewith, same powers as are conferred by any law for the time being in force on the Collector of Land Customs, Delhi, and the officers subordinate to him in respect of the levy and collection of land customs duties and the confiscation of goods in connection therewith and shall also be subject to the same liabilities in respect of anything done by him in or for the purpose of collecting the terminal tax as the said Collector of Land Customs and the officers subordinate to him are subject to under any law for the time being in force relating to land customs duties. Powers and liabilities of persons authorised to collect terminal taxes.

Power to  
make rules.

183. The Central Government may make rules in relation to the levy, assessment and collection of terminal tax under this Act and may by such rules provide for the following among other matters, namely:—

(a) the examination of goods liable to payment of terminal tax;

(b) the inspection, weighing or otherwise examining the contents of any conveyance or package for the purpose of ascertaining whether it contains any goods in respect of which terminal tax is payable;

(c) the seizure and confiscation of goods liable to terminal tax in case of refusal to pay such tax;

(d) the measures to prevent evasion of terminal tax;

(e) any other matter which is to be or may be prescribed for the levy, assessment or collection of the terminal tax.

2 244) ~~Taxes on motor vehicles and Taxes on entertainment and betting~~

Central Gov-  
ernment to  
pay proceeds  
of motor  
vehicles tax  
and enter-  
tainment and  
betting  
taxes to  
Corporation

~~184. The proceeds of the tax on motor vehicles collected in Delhi under the Punjab Motor Vehicles Taxation Act, 1924, as extended to Delhi and the proceeds of the entertainment and betting taxes collected in Delhi under the provisions of the U.P. Entertainment and Betting Tax Act, 1937, as extended thereto (both of which shall form part of the Consolidated Fund of India) reduced by the cost of collection as determined by the Central Government shall, if Parliament by appropriation made by law in this behalf so provides, be paid to the Corporation for the performance of its functions under this Act.~~

U. P. Act 8  
of 1937.

## CHAPTER IX

### BORROWING

Power of  
Corporation  
to borrow.

185. (1) The Corporation may, in pursuance of any resolution passed by it, borrow by way of debenture or otherwise on the security of all or any of the taxes, rates, cesses, fees and charges authorised by or under this Act, any sums of money which may be required—

(a) for acquiring any land which it has power to acquire;

(b) for erecting any building which it has power to erect;

↓ Subs. by Act 57 of 1962, s. 25 (w.e.f. 1.4.63).

2 Omitted by Act 52 of 1964, s. 3 & Sch II (w.e.f. 29-12-64).

(c) for the execution of any permanent work, the provision of any plant, or the doing of any other thing which it has power to execute, provide or do, if the cost of carrying out the purpose in question ought to be spread over a term of years;

(d) to pay off any debt due to the Government;

(e) to repay a loan previously raised under this Act or any other Act previously in force; or

(f) for any other purpose for which the Corporation is, by virtue of this Act or any other law for the time being in force, authorised to borrow:

Provided that—

(i) no loan shall be raised without the previous sanction of the Central Government or without previous publication of the application for sanction under the Local Authorities Loans Act, 1914, and the rules made thereunder; and

(ii) the amount of loan, the rate of interest and the terms including the date of floatation, the time and method of the repayment and the like shall be subject to the approval of the Central Government.

(2) When any sum of money has been borrowed under sub-section (1), no portion of any sum of money borrowed for any of the purposes referred to in clause (c) of sub-section (1) shall be applied to the payment of salaries and allowances to any municipal officers or other municipal employees other than those exclusively employed in connection with the carrying out of that purpose.

186. The time for the repayment of any money borrowed under section 185 shall in no case exceed sixty years and the time for repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Central Government, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Time for repayment of money borrowed under section 185.

187. All debentures issued under this Chapter shall be in such form as the Corporation may, with the previous sanction of the Central Government, determine and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

Form and effect of debentures.

Payment to  
survivors of  
joint payees.

**188.** When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such person:

Provided that nothing in this section shall affect any claim by the legal representative of a deceased person against such survivor or survivors.

Receipt by  
joint holders  
for interest  
or dividend.

**189.** When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by the other of such persons.

Maintenance  
and invest-  
ment of  
sinking  
funds.

**190. (1)** The Corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay every year into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on the debentures issued.

(2) All money paid into the sinking funds shall, as soon as possible, be invested by the Commissioner in public securities and every such investment shall be reported by the Commissioner to the Corporation within fifteen days.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) When any part of a sinking fund is invested in Delhi municipal debentures, or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

Application  
of sinking  
funds.

**191.** A sinking fund or any part thereof shall be applied in or towards the discharge of the loan or a part of the loan for which such fund was created, and until such loan or part is wholly discharged shall not be applied for any other purpose:

Provided that when any loan or part thereof has been consolidated under section 193, the Commissioner shall transfer to the sinking



fund of the consolidated loan such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

192. (1) The Commissioner shall, at the end of every year, submit to the Corporation a statement showing—

Annual statement by Commissioner.

(a) the amount which has been invested during the year under section 190;

(b) the date of the last investment made previous to the submission of the statement;

(c) the aggregate amount of the securities then in his hands; and

(d) the aggregate amount which has up to the date of the statement been applied under section 191, in or towards discharging loans.

(2) Every such statement shall be published in the Official Gazette.

193. (1) Notwithstanding anything to the contrary contained in this Chapter, the Corporation may consolidate all or any of its loans and for that purpose may invite tenders for a new loan (to be called "the Delhi Municipal consolidated loan, 19—") and invite holders of the municipal debentures to exchange their debentures for scrips of such loan.

Power of Corporation to consolidate loans

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the Central Government.

(3) The period for the exchanging of any such consolidated loan shall not, without the sanction of the Central Government, extend beyond the farthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in section 190, having regard to the amount transferred to such sinking fund under section 191.

194. All payments due from the Corporation for interest on and repayment of loans shall be made in priority to all other payments due from the Corporation.

Priority of payments for interest and repayment of loans over other payments.

Attachment of Municipal Fund for recovery of money borrowed from Government.

195. (1) If any money borrowed or deemed to have been borrowed by the Corporation from the Government or any interest or costs due in respect thereof be not repaid according to the conditions of the loan, the Government may attach the Municipal Fund or any part thereof.

(2) After such attachment no person except an officer appointed in this behalf by the Central Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or other employee might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interests and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund was previously charged in accordance with law; and all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

Power to make regulations.

196. The Corporation may make regulations to carry out the purposes of this Chapter including, in particular, the issue of duplicates in case of loss of debentures by theft, destruction or otherwise, and renewal of debentures on payment of fees prescribed in this behalf by such regulations.

## CHAPTER X

### PROPERTY AND CONTRACTS

#### *Property*

Acquisition of property.

197. The Corporation shall, for the purpose of this Act, have power to acquire and hold movable and immovable property, or any interest therein.

Acquisition of immovable property by agreement.

198. Whenever the Corporation decides to acquire any immovable property, for the purpose of this Act, the Commissioner shall acquire such property on behalf of the Corporation by agreement on such terms and at such price as may be approved by the Standing Committee.

Procedure when immovable property cannot be acquired by agreement.

199. Whenever the Commissioner is unable to acquire any immovable property under section 198 by agreement, the Central Government may at the request of the Commissioner procure the acquisition thereof under the provisions of the Land Acquisition Act, 1894, and on payment by the Corporation of the compensation of 1894.

awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Corporation.

200. With respect to the disposal of property belonging to the Corporation, the following provisions shall have effect, namely:— Disposal of property.

(a) the Commissioner may, in his discretion, dispose of, by sale or otherwise, any movable property belonging to the Corporation not exceeding in value in each instance one thousand rupees, or such higher amount as the Corporation may prescribe, or let out or hire any movable property or grant a lease of any immovable property belonging to the Corporation, including any right of gathering and taking fruits and the like, for a period not exceeding one year at a time;

(b) the Commissioner may, with the sanction of the Standing Committee,—

(i) dispose of, by sale or otherwise, any movable property belonging to the Corporation the value of which does not exceed five thousand rupees;

(ii) grant a lease (other than a lease in perpetuity) of any immovable property belonging to the Corporation; or

(iii) sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value of which does not exceed fifty thousand rupees or the annual rent of which does not exceed three thousand rupees;

(c) in cases not covered by clause (a) or clause (b), the Commissioner may, with the sanction of the Corporation, lease, sell, let out on hire or otherwise transfer any property, movable or immovable, belonging to the Corporation;

(d) the consideration for which any immovable property may be sold, leased or otherwise transferred shall not be less than the value at which such immovable property could be sold, leased or otherwise transferred in normal and fair competition;

(e) the sanction of the Standing Committee or of the Corporation under the aforesaid clauses may be given either generally for any class of cases or specially for any particular case;

(f) subject to any conditions or limitations that may be specified in any other provisions of this Act, the foregoing provisions of this section shall apply to every disposal of property.

belonging to the Corporation made under, or for any purpose of, this Act;

(g) every case of disposal of property under clause (a) and clause (b) shall be reported by the Commissioner without delay to the Standing Committee and the Corporation respectively.

#### Contracts

Contracts  
by the Cor-  
poration.

201. Subject to the provisions of sections 202 and 203, the Corporation shall be competent to enter into and perform any contract necessary for the purposes of this Act.

Procedure  
for making  
contracts.

202. With respect to the making of contracts, the following provisions shall have effect, namely:—

(a) every such contract shall be made on behalf of the Corporation by the Commissioner;

(b) no such contract, for any purpose which in accordance with any provision of this Act the Commissioner may not carry out without the approval or sanction of the Corporation or some other municipal authority, shall be made by him until and unless such approval or sanction has been duly obtained;

(c) no contract (other than a contract for the acquisition of immovable property) which will involve an expenditure exceeding ten thousand rupees or such higher amount as the Corporation may fix shall be made by the Commissioner unless the same is previously approved by the Standing Committee;

(d) every contract (other than a contract for the acquisition of immovable property) made by the Commissioner involving an expenditure exceeding two thousand rupees but not exceeding ten thousand rupees or such higher amount as may be fixed under clause (c) shall be reported by him within one month after the same has been made to the Standing Committee;

(e) no contract for the acquisition of immovable property shall be valid—

(i) unless the contract has been approved by the Standing Committee, where the price stipulated to be paid for such property exceeds five thousand rupees but does not exceed fifteen thousand rupees; or

(ii) unless the contract has been approved by the Corporation, where the price stipulated to be paid for such property exceeds fifteen thousand rupees.

203. (1) The mode of executing contracts under this Act shall be prescribed by bye-laws made in this behalf. Mode of executing contracts.

(2) No contract which is not made in accordance with the provisions of this Act and the bye-laws made thereunder shall be binding on the Corporation.

## CHAPTER XI

### ACCOUNTS AND AUDIT

#### *Scrutiny and audit of accounts*

204. There shall be kept in such manner and in such form as may be prescribed by regulations four separate accounts of all receipts and expenditure of the Corporation, namely:— Accounts to be kept.

(a) the Electric Supply Account, that is to say, accounts of all receipts and expenditure of the Corporation in respect of the operations of the Delhi Electric Supply Undertaking;

~~(b) the Transport Account, that is to say, accounts of all receipts and expenditure of the Corporation in respect of the operations of the Delhi Transport Undertaking.~~ (✓) x x x

(c) the Water Supply and Sewage Disposal Account, that is to say, accounts of all receipts and expenditure of the Corporation in respect of the operations of the Delhi Water Supply and Sewage Disposal Undertaking; and

(d) the General Account, that is to say, accounts of all receipts and expenditure of the Corporation other than those specified in clause (a) or clause (b) or clause (c).

205. (1) The Municipal Chief Auditor shall conduct a monthly examination and audit of the municipal accounts and shall report thereon to the Standing Committee who shall publish monthly an abstract of the receipts and expenditure of the month last preceding, signed by not less than two members of that Committee and by the Municipal Chief Auditor. Scrutiny of accounts by Municipal Chief Auditor and by the Standing Committee.

(2) The Standing Committee may also from time to time and for such period as it thinks fit conduct independently any examination and audit of the municipal accounts.

(3) For the purpose of examination and audit of the municipal accounts the Standing Committee and the Municipal Chief Auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto and the Commissioner shall forthwith furnish to the Standing Committee or the Municipal Chief Auditor any explanation concerning any receipts or expenditure which they may call for.

✓ Omitted by Act 71 of 1971, s. 78 Sec. 5. (w.e.f. 3-11-1971)

Report by  
the Municipal  
Chief  
Auditor.

206. (1) The Municipal Chief Auditor shall—

(a) report to the Standing Committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the municipal accounts;

(b) furnish to the Standing Committee such information as that Committee may from time to time require concerning the progress of the audit.

(2) The Standing Committee shall cause to be laid before the Corporation every report made by the Municipal Chief Auditor to the Standing Committee and every statement of the views of the Municipal Chief Auditor on any matter affecting the exercise and performance of the powers and duties assigned to him under this Act which the Municipal Chief Auditor may require the Standing Committee to place before the Corporation together with a report stating what orders have been passed by the Standing Committee upon such report or statement, and the Corporation may take such action in regard to any of the matters aforesaid as the Corporation may deem necessary.

(3) As soon as may be after the commencement of each year the Municipal Chief Auditor shall deliver to the Standing Committee a report of the entire municipal accounts for the previous year.

(4) The Commissioner shall cause the said report to be printed and shall forward as soon as may be a printed copy thereof to each councillor and alderman.

(5) The Commissioner shall also forward without delay to the Central Government so many copies of the said report as may be required by that Government with a brief statement of the action, if any, taken or proposed to be taken thereon.

Special  
audit at  
the direction  
of the Central  
Government.

207. (1) The Central Government may at any time appoint an auditor for the purpose of making a special audit of any of the accounts of the Municipal Fund and of reporting thereon to the Central Government and the costs of such audit as determined by the Central Government shall be chargeable to the Municipal Fund.

(2) An auditor so appointed may exercise any power which the Municipal Chief Auditor may exercise.

*Powers and duties of the Municipal Chief Auditor*

Procedure  
to be fol-  
lowed by the  
Municipal  
Chief Audi-  
tor.

208. (1) The Municipal Chief Auditor shall audit the accounts of the Corporation with the assistance of officers and other employees subordinate to him.

(2) In the discharge of his functions under this section the Municipal Chief Auditor shall—

(a) audit the accounts of expenditure from the revenue of the Corporation, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

(b) audit the accounts of debts, deposits, sinking funds, advances, suspense and remittance transactions of the Corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(3) The Municipal Chief Auditor shall examine and audit the statement of accounts relating to the commercial services conducted in any department of the Corporation, including the trading, manufacturing and profit and loss accounts, and the balance-sheets where such accounts are maintained under the orders of the Corporation, the Standing Committee, the Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ <sup>y x x x</sup> or the Delhi Water Supply and Sewage Disposal Committee, and shall certify and report upon these accounts.

(4) The Municipal Chief Auditor shall, in consultation with the Standing Committee or, as the case may be, the Delhi Electric Supply Committee, ~~the Delhi Transport Committee~~ <sup>y x x x</sup> or the Delhi Water Supply and Sewage Disposal Committee and subject to any directions given by the Corporation, determine the form and manner in which his reports on the accounts of the Corporation shall be prepared and shall have authority to call upon any officer of the Corporation to provide any information necessary for the preparation of these reports.

209. (1) The Municipal Chief Auditor may make such queries and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit. Power of Municipal Chief Auditor to make queries, etc., and call for returns, etc.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the Municipal Chief Auditor.

↓ Omitted by Act 71 of 1971, s. 7 & Sec. Sch. (w.e.f. 3-11-1971)

(3) The powers of the Municipal Chief Auditor with regard to the disapproval of, and the procedure with regard to the settlement of objections to, expenditure from the revenues of the Corporation shall be such as may be prescribed by the Standing Committee in consultation with the Municipal Chief Auditor and with the approval of the Corporation.

(4) If the Municipal Chief Auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which those accounts originate, he may require that those accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection.

(5) The Municipal Chief Auditor shall have the power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

(6) The Municipal Chief Auditor shall have authority to frame standing orders and to give directions on all matters relating to audit, and particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

(7) Expenditure sanctioned by the Municipal Chief Auditor shall be audited by an officer to be nominated by the Corporation.

## CHAPTER XII

### WATER SUPPLY, DRAINAGE AND SEWAGE DISPOSAL

#### *General*

**Definitions.** 210. In this Chapter, unless the context otherwise requires, the following words and expressions in relation to water supply shall have the respective meanings given below, namely:—

(1) "communication pipe" means,—

(a) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;



(b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also—

(i) where the communication pipe ends at a stopcock, that stopcock; and

(ii) any stopcock fitted on the communication pipe between the end thereof and the main;

(2) "main" means a pipe laid by the Corporation for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

(3) "service pipe" means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap;

(4) "supply pipe" means so much of any service pipe as is not a communication pipe;

(5) "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk,

(6) "water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

211. The Central Government may require the Corporation to—

(a) carry out a survey of the existing consumption of and demand for water supplies in Delhi and of the water resources in or available for Delhi;

Power to require Corporation to carry out surveys and formulate proposals.

(b) prepare an estimate of the future water supply requirements of Delhi;

(c) carry out a survey of the existing quantity of sewage disposed of and the manner in which it is disposed of;

(d) formulate proposals as to—

(i) the existing or future water supply requirements of Delhi.

(ii) the existing or future sewage disposal requirements in Delhi including proposals for the manner in which and the place or places at which such sewage should be carried, treated and disposed of.

Power to construct additional works.

212. If the Delhi Water Supply and Sewage Disposal Committee is of opinion that the works and other properties for the time being vested in the Corporation for the purpose of Delhi Water Supply and Sewage Disposal Undertaking are inadequate for the purpose of sufficient supply of water or for the purpose of the efficient disposal of sewage under this Act, it may take steps in accordance with the provisions of this Act for the construction of additional works, whether within or without the local limits of the Corporation and for the acquisition of additional properties for such works.

#### *Water Supply*

Functions in relation to water supplies.

213. (1) It shall be the duty of the Delhi Water Supply and Sewage Disposal Committee to take steps from time to time—

(a) for ascertaining the sufficiency and wholesomeness of water supplies within Delhi;

(b) for providing a supply of wholesome water in pipes to every part of Delhi in which there are houses, for the domestic purposes of the occupants thereof, and for taking the pipes affording that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so, however, that this clause shall not require the Committee to do anything which is not practicable at a reasonable cost or to provide such a supply to any part of Delhi where such a supply is already available at such point or points aforesaid;

(c) for providing, as far as possible, a supply of wholesome water otherwise than in pipes to every part of Delhi in which there are houses, for the domestic purposes of the occupants thereof and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply is required and can be provided at a reasonable cost, and for securing that such supply is available within a reasonable distance of every house in that part.

(2) If any question arises under clause (b) of sub-section (1) as to whether anything is or is not practicable at a reasonable cost or as to

the point or points to which pipes must be taken in order to enable houses to be connected to them at a reasonable cost, or under clause (c) thereof, as to whether a public supply can be provided at a reasonable cost, the Corporation shall determine that question and thereupon the Committee shall give effect to that determination.

(3) Without prejudice to the provisions of sub-section (1), the Commissioner shall, for the purpose of securing, so far as is reasonably practicable, that every house has available a sufficient supply of wholesome water for domestic purposes, exercise his powers under this Act of requiring the owners of houses to provide a supply of water thereto.

214. No person shall, without the written permission of the Commissioner, use or allow to be used for other than domestic purposes water supplied for domestic purposes.

Water supplied for domestic purposes not to be used for non-domestic purposes.

215. The Delhi Water Supply and Sewage Disposal Committee shall secure that the water in any water works belonging to the Corporation from which water is supplied for domestic purposes is wholesome.

Purity of water for domestic purposes.

216. The supply of water for domestic purposes under this Act shall not be deemed to include any supply—

Supply of water for domestic purposes not to include any supply for certain specified purposes.

- (a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;
- (b) for any trade, manufacture or business;
- (c) for fountains, swimming baths or any ornamental or mechanical purpose;
- (d) for gardens or for purposes of irrigation;
- (e) for making or for watering streets; or
- (f) for building purposes.

217. (1) The Commissioner may supply water for any purpose other than a domestic purpose on such terms and conditions consistent with this Act and the bye-laws made thereunder as may be laid down in this behalf by the Delhi Water Supply and Sewage Disposal Committee on receiving a written application specifying the purpose for which the supply is required and the quantity likely to be consumed.

Power to supply water for non-domestic purposes.

(2) When an application under sub-section (1) is received, the Commissioner may subject to such charges and rates as may be fixed

by the said Committee, place or allow to be placed the necessary pipes and water fittings of such dimensions and character as may be prescribed by bye-laws and may arrange for the supply of water through such pipes and fittings.

Use of water for extinguishing fire.

218. Water may be used for extinguishing fire.

Power to require water supply to be taken.

219. (1) If it appears to the Commissioner that any premises in Delhi are without supply of wholesome water for domestic purposes or that the existing supply of water for domestic purposes available for the persons usually occupying or employed in such premise is inadequate or on any sanitary grounds objectionable, the Commissioner may by notice in writing require the owner of the premises or the persons primarily liable for the payment of the property taxes in respect of the same—

(a) to take a connection from the municipal water works adequate for the requirements of the persons occupying or employed in the premises, or to take such additional or enlarged connection or connections from the municipal water works; and

(b) to provide, supply pipes and water fittings, instal and work a pump and do all such works and take all such measures as may, in the opinion of the Commissioner, be necessary for the above purposes.

(2) The Commissioner may in the notice issued under subsection (1) specify—

(a) the size, material and quality of the pipes and water fittings to be provided;

(b) the position of the pipes and water fittings to be provided;

(c) the means of access for the inspection of the pipes and water fittings;

(d) the type of pump that should be installed and the period or periods of the day for which it should be kept working;

(e) the period within which any or all the requisitions specified in the notice should be carried out.

220. It shall not be lawful for the owner of any premises which may be newly constructed or reconstructed within any portion of Delhi in respect of which the Commissioner has given public notice under section 115 to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Commissioner that there is provided within, or within a reasonable distance of, the premises such supply of wholesome water as appears to the Commissioner to be adequate for the persons who may occupy, or be employed in, such premises for their domestic purposes.

New premises not to be occupied without arrangement for water supply.

221. (1) The Commissioner, with the approval of the Delhi Water Supply and Sewage Disposal Committee, may provide gratuitous supply of wholesome water to the public within Delhi and may, for that purpose, erect public hydrants or other conveniences.

Public gratuitous water supply.

(2) The Commissioner may, with like approval, close a public hydrant or other convenience when it is no longer required for the supply of wholesome water to the public.

222. (1) The Commissioner may lay a main whether within or without the local limits of the Corporation—

Power to lay mains.

(a) in any street; and

(b) with the consent of every owner and occupier of any land not forming part of a street, in, over or on that land,

and may, from time to time, inspect, repair, alter or renew or may at any time remove any main so laid whether by virtue of this section or otherwise:

Provided that where a consent required for the purpose of this sub-section is withheld, the Commissioner may, after giving the owner or occupier of the land a written notice of his intention so to do, lay the main in, over or on that land even without such consent.

(2) Where the Commissioner, in exercise of the powers under this section, lays a main in, over or on any land not forming part of a street, or ~~inspect, repair, alter, renew or remove~~ a main so laid down in, over or on any such land, he shall pay compensation to every person interested in that land for any damage done to, or injurious affection of that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main.

[inspect, repairs, alters, renews or renews]

223. (1) The Commissioner may, in any street whether within or without the local limits of the Corporation, lay such service pipes with such stopcocks and other water fittings as he may deem necessary for supplying water to premises and may, from time to

Power to lay service pipes, etc.

time, inspect, repair, alter or renew and may, at any time, remove any service pipe laid in a street whether by virtue of this section or otherwise.

(2) Where a service pipe has been lawfully laid in, over, or on the land not forming part of a street, the Commissioner may from time to time enter upon that land and inspect, repair alter, renew or remove the pipe or lay a new pipe in substitution thereof but shall pay compensation for any damage done in the course of such action.

Provision of  
fire hy-  
drants.

224. (1) The Commissioner shall fix hydrants on water mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out and shall keep in good order and from time to time renew every such hydrant.

(2) To denote the situation of every hydrant placed under this section, letters, marks or figures shall be displayed prominently on some wall, building or other structure near such hydrant.

(3) As soon as any such hydrant is completed, the Commissioner shall deposit a key thereof at each place where a public fire engine is kept and in such other places as he deems necessary.

(4) The Commissioner may, at the request and expense of the owner or occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a pipe is laid (and not being a trunk main and being of sufficient dimensions to carry a hydrant), fix on the pipe and keep in good order and from time to time renew one or more fire hydrants, to be used only for extinguishing fires as near as conveniently may be to that factory, workshop, trade premises or place of business.

(5) The Commissioner shall allow all persons to take water for extinguishing fires from any pipe on which a hydrant is fixed without any payment.

Power of  
Corporation  
to require  
owners of  
premises to  
set up  
pumps, etc.

225. The owner of every premises connected with the municipal water works shall, when so required by the Commissioner, set up electric pumps or other contrivances whereby water may be caused to reach to the top of the top-most storey of such premises.

226. The Commissioner may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying to the premises a supply of water for his domestic purposes from the municipal water works subject to the requirements specified in section 227 and the conditions, if any, laid down in the bye-laws made in this behalf.

227. (1) An owner, lessee or occupier of any premises, who desires to have a supply of water for his domestic purposes from the municipal water works, shall comply with the following requirements, namely:—

(a) he shall give to the Commissioner fourteen days' notice of his intention to lay the necessary supply pipe; and

(b) he shall lay the supply pipe at his own expense, having first obtained, as respects any land not forming part of a street, the consent of the owners or occupiers thereof:

Provided that where any part of the supply pipe is to be laid in a street, he shall not himself break open the street or lay that part of the pipe.

(2) Upon the receipt of such a notice as is referred to in subsection (1), the Commissioner shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a street and shall connect the communication pipe with the supply pipe.

(3) The expenses, reasonably incurred by the Commissioner in executing the work which he is required or authorised by this section to execute, shall be repaid to him by the person by whom the notice was given and may be recovered from such person as an arrear of tax under this Act:

Provided that if under the provisions of this section, the Commissioner lays a main in lieu of a supply pipe, the additional cost incurred in laying the main instead of a supply pipe shall be borne by him.

(4) Notwithstanding anything contained in the foregoing provisions of this section, the Commissioner may, within a reasonable time after the service of the notice upon him, require the person giving the notice either to pay to him, in advance the cost of the work as estimated by the Chief Engineer (Water Supply), or to give security for payment thereof to his satisfaction.

(5) If any payment made to the Commissioner under subsection (4) exceeds the expenses which the Commissioner would be

entitled to recover from the person giving the notice, the excess shall be repaid by him and if and so far as those expenses are not covered by the payment, the Commissioner may recover the balance from such person as an arrear of tax under this Act.

Power to require separate service pipes.

228. (1) The Commissioner may require the provision of a separate service pipe for each of the premises supplied or to be supplied by him with water.

(2) If, in the case of any premises already supplied with water but not having a separate service pipe, the Commissioner gives notice to the owner of the premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a street, and the Commissioner shall, within fourteen days after the owner has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a street and make all necessary communications.

(3) If an owner upon whom a notice has been served under subsection (2) fails to comply therewith the Commissioner may himself execute the work which the owner was required to execute and recover the expenses reasonably incurred by him in executing the work as an arrear of tax under this Act.

Stopcocks.

229. (1) On every service pipe laid after the commencement of this Act, the Commissioner shall, and on every service pipe laid before such commencement Commissioner may, fit a stopcock enclosed in a cover box or a pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe after the commencement of this Act shall be placed in such position as the Commissioner deems most convenient:

Provided that—

(a) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises; and

(b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

Power of Commissioner to provide meters.

230. (1) The Commissioner may provide a water-meter and attach the same to the service pipe in premises connected with municipal water works.



(2) The expense of providing and attaching a meter under subsection (1) shall be paid out of the Municipal Fund.

(3) The use, rent to be paid for such use, maintenance and testing of meters shall be regulated by orders made by the Delhi Water Supply and Sewage Disposal Committee in this behalf.

231. Whenever water is supplied under this Chapter through a meter it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

Presumption as to correctness of meters.

232. (1) No person shall wilfully or negligently cause or suffer any water fitting which he is liable to maintain,—

Prohibition of waste or misuse of water.

(a) to be or remain so out of order or so in need of repair, or

(b) to be or remain so constructed or adapted or to be so used,

that the water supplied to him by the Corporation is or is likely to be wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with, a pipe belonging to the Corporation.

(2) If any water fitting which any person is liable to maintain is in such a condition, or so constructed or adapted as aforesaid, the Commissioner, without prejudice to his right to proceed against the person under any other provision of this Act, may require that person to carry out any necessary repairs or alterations and if he fails to do so within forty-eight hours, may himself carry out the work and recover from him the expenses reasonably incurred by him in so doing, as an arrear of tax.

233. The Commissioner or any municipal officer authorised by the Commissioner in writing may, between sunrise and sunset, enter any premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and the Commissioner or such officer shall not be refused admittance to the premises nor shall be obstructed by any person in making his examination.

Power to enter premises to detect waste or misuse of water.

234. The Commissioner may test any water fitting used in connection with water supplied by the Corporation.

Power to test water fittings.

Power to close or restrict use of water from polluted source of supply.

235. (1) If the Commissioner is of opinion that the water in or obtained from any well, tank or other source of supply not vested in the Corporation, being water which is or is likely to be used for domestic purposes, or for the preparation of food or drink for human consumption, is or is likely to become so polluted as to be prejudicial to health, the Commissioner may, after giving the owner or occupier of the premises in which the source of supply is situated a reasonable opportunity of being heard, by order, direct that the source of supply be permanently or temporarily closed or cut off or the water therefrom be used for certain purposes only or make such order as appears to him necessary to prevent injury or danger to the health of persons using the water or consuming food or drink prepared therewith or therefrom.

(2) Before making any order under this section, the Commissioner may cause the water to be analysed at the cost of the Corporation.

(3) If the person to whom an order is made under this section fails to comply therewith, the Commissioner may do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by him in so doing may be recovered by him from the person in default as an arrear of tax under this Act.

Water pipes, etc., not to be placed where water will be polluted.

236. (1) No water pipes shall be laid in a drain or on the surface of an open channel or house gully or within twenty feet of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank and except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a latrine, or cesspool.

(2) No latrine, or cesspool shall be constructed or made within twenty feet of any well, tank, water pipe or cistern or in any position where the pipe, well, tank or cistern is likely to be injured or the water therein polluted.

Power to cut off private water supply or to turn off water.

237. (1) The Commissioner may, subject to the conditions laid down in this behalf in the bye-laws, cut off or turn off water supply from any municipal water work to any premises or part thereof to which a private water supply is furnished by the Corporation.

(2) The expenses of cutting off or turning off water supply shall be paid by the owner or occupier of premises and shall be recoverable from the owner or occupier as an arrear of tax under this Act.

238. If any offence relating to water supply is committed under this Act on any premises connected with the municipal water works, the owner, the person primarily liable for the payment of the water tax, and the occupiers of the said premises shall be jointly and severally liable for such offence.

Joint and several liability of owners and occupiers for offence in relation to water supply.

*Drainage and sewerage*

239. (1) All public drains, all drains in, alongside or under any public street, and all sewage disposal works whether constructed out of the Municipal Fund or otherwise, and all works, materials and things appertaining thereto, which are situated in Delhi shall vest in the Corporation.

Public drains etc., to vest in the Corporation.

(2) All public and other drains which are vested in the Corporation are hereafter in this Act referred to as municipal drains.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such drain or sewage disposal work so much of the sub-soil appertaining thereto as may be necessary for the said purposes shall be deemed also to vest in the Corporation.

(4) All drains and ventilation-shafts, pipes and all appliances and fittings connected with the drainage works constructed, erected or set up out of the Municipal Fund in or upon premises not belonging to the Corporation, whether—

(a) before or after the commencement of this Act, and

(b) for the use of the owner or occupier of such premises or not,

shall, unless the Corporation has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

240. (1) All municipal drains, all sewage disposal works and all works, materials and things appertaining thereto shall be under the control of the Commissioner.

Control of drains and sewage disposal works.

(2) The Commissioner shall maintain and keep in repair all municipal drains and sewage disposal works and when authorised by the Delhi Water Supply and Sewage Disposal Committee or the Corporation in this behalf, shall construct as many new drains and sewage disposal works as may from time to time be necessary for effectual drainage and sewage disposal.

Certain matters not to be passed into municipal drains.

241. (1) No person shall throw, empty, or turn into any municipal drain or into any drain communicating with a municipal drain—

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or

(b) any chemical, refuse or waste steam, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or steam which, or a liquid which when so heated, is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any dangerous petroleum.

(2) In this section, the expression "dangerous petroleum" has the same meaning as in the Petroleum Act, 1934.

30 of 1934.

Application by owners and occupiers to drain into municipal drains.

242. (1) Subject to such conditions as may be prescribed by bye-laws made in this behalf, the owner or occupier of any premises having a private drain, or the owner of any private drain within Delhi may apply to the Commissioner to have his drain made to communicate with the municipal drains and thereby to discharge foul water and surface water from those premises or that private drain:

Provided that nothing in this sub-section shall entitle any person—

(a) to discharge directly or indirectly into any municipal drain—

(i) any trade effluent from any trade premises except in accordance with bye-laws made in this behalf; or

(ii) any liquid or other matter the discharge of which into municipal drains is prohibited by or under this Act or any other law; or

(b) where separate municipal drains are provided for foul water and for surface water, to discharge directly or indirectly—

(i) foul water into a drain provided for surface water; or

(ii) except with the permission of the Commissioner, surface water into a drain provided for foul water; or

(c) to have his drains made to communicate directly with a storm-water overflow drain.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the Commissioner notice of his proposals, and at any time within one month after receipt thereof, the

Commissioner may by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the drainage system, and for the purpose of examining the mode of construction and condition of the drain he may, if necessary, require it to be laid open for inspection.

(3) The Commissioner may, if he thinks fit, construct such part of the work necessary for having a private drain made to communicate with a municipal drain, as is in or under a public street and in such a case, the expenses incurred by the Commissioner shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrear of tax under this Act.

243. (1) Where any premises are in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place approved by the Commissioner for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding one hundred feet from any part of the said premises, he may, by written notice, require the owner of the said premises—

Drainage of undrained premises.

(a) to make a drain emptying into such municipal drain or place;

(b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health;

(e) to provide and set up all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the waste water from floors

and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to improve or re-model an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, he may, by written notice, require the owner of the premises—

(a) to construct a drain up to a point to be prescribed in such notice but not at a distance of more than one hundred feet from any part of the premises; or

(b) to construct a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

New premises not to be erected without drains.

244. (1) It shall not be lawful to erect or to re-erect any premises in the urban areas or to occupy any such premises unless—

(a) a drain be constructed of such size, materials and descriptions, at such level and with such fall as shall appear to the Commissioner to be necessary for the effectual drainage of such premises;

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a municipal drain situated at a distance of not exceeding one hundred feet from the premises; but if no municipal drain is situated within that distance then such drain shall empty into a cesspool situated within that distance to be specified by the Commissioner for the purpose.

Power to drain group or block of premises by combined operation.

245. (1) If it appears to the Commissioner that any group or block of premises may be drained more economically or advantageously in combination than separately, and a municipal drain of sufficient size already exists or is about to be constructed within one hundred feet of any part of that group or block of premises,

the Commissioner may cause that group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under subsection (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Commissioner may determine and shall be recoverable from them as an arrear of tax under this Act.

(3) Not less than fifteen days before any such work is commenced, the Commissioner shall give to each such owner—

(a) written notice of the nature of the proposed work, and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Commissioner may require the owners of such group or block of premises to maintain the work executed under this section.

246. Where a drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not, in the opinion of the Commissioner, adapted to the general system of drainage in Delhi, he may, by written notice addressed to the owner of the premises, direct—

Power of Commissioner to close or limit the use of private drains in certain cases.

(a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:

Provided that—

(i) no drain may be closed, discontinued or destroyed by the Commissioner under clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with any municipal drain which he thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Corporation and of any work done under clause (a) may be paid out of the Municipal Fund.

247. (1) Where the Commissioner either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a municipal drain is through a drain belonging to another person, the Commissioner may by notice in writing

Use of drain by a person other than the owner.

require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown appears to the Commissioner invalid or insufficient, the Commissioner may by order in writing either authorise the owner of the premises to use the drain or declare him to be a joint owner thereof.

(3) An order made under sub-section (2) may contain directions as to—

(a) the payment of rent or compensation by the owner of the premises;

(b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;

(c) the entry upon the land in which the aforesaid drain is situate with assistants and workmen at all reasonable hours;

(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

Sewage and rain water drains to be distinct.

248. Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Commissioner to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places.

Power of Commissioner to require owner to carry out certain works for satisfactory drainage.

249. For the purpose of efficient drainage of any premises, the Commissioner may, by notice in writing—

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings with such materials and in such manner as may be approved by the Commissioner, and

(b) require such paving to be kept in proper repair.

#### *Disposal of sewage*

Appointment of places for the emptying of drains and disposal of sewage.

250. The Commissioner may cause any or all of the municipal drains to empty into, and all sewage to be disposed of at, such place or places as he considers suitable:

Provided that no place which has not been before the commencement of this Act used for any of the purposes specified in this section



shall, after such commencement be used therefor without the approval of the Corporation:

Provided further that on and after such date as may be appointed by the Central Government in this behalf no sewage shall be discharged into any water-course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

*Miscellaneous*

251. Without the written permission of the Commissioner, no person shall, for any purpose whatsoever, at any time make or cause to be made any connection or communication with any drain referred to in section 240 or any water works, constructed or maintained by, or vested in, the Corporation.

Connection with water works and drains not to be made without permission.

252. (1) Without the written permission of the Commissioner no railway or private street shall be constructed and no building, wall, fence or other structure shall be erected on any municipal drain or on any water works constructed or maintained by, or vested in, the Corporation.

Buildings, railways and private streets not to be erected or constructed over drains or water works without permission.

(2) If any railway or private street be constructed or any building, wall, fence or structure erected on any drain or water works as aforesaid without the written permission of the Commissioner, the Commissioner may remove or otherwise deal with the same as he may think fit.

(3) The expenses incurred by the Commissioner in so doing shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the railway administration or the person offending and shall be recoverable as an arrear of tax under this Act.

253. (1) The Commissioner may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property whether within or without the local limits of the Corporation, without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains or pipes or drains, enter on any property over, under, along or across which the aqueducts, conduits or lines of mains or pipes or drains have been placed:

Rights of user of property for aqueducts, lines, etc.

Provided that the Corporation shall not acquire any right other than a right of user in the property over, under, along or across

which any aqueduct, conduit or line of mains or pipes, or drain is placed.

(2) The powers conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the Central Government or railway administration or vested in any local authority save with the permission of the Central Government or railway administration or the local authority, as the case may be, and in accordance with any bye-laws made in this behalf:

Provided that the Commissioner may, without such permission, repair, renew or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or disposal of sewage or is such that delay would be dangerous to health, human life or property.

(3) In the exercise of the powers conferred upon him by this section, the Commissioner shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him.

Power of owner of premises to place pipes and drains through land belonging to other persons.

254. (1) If it appears to the Commissioner that the only or most convenient means of water supply to, and drainage of, any premises is by placing or carrying any pipe or drain over, under, along or across the immovable property of another person, the Commissioner may, by order in writing, authorise the owner of the premises to place or carry such pipe or drain over, under, along or across such immovable property:

Provided that before making any such order the Commissioner shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by bye-laws made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(a) cause the pipe or drain to be placed or carried with the least practicable delay;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe or drain; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe or drain.

(4) If the owner of the immovable property, over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immovable property was not built upon, desires to erect any building on such property, the Commissioner shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as shall be approved by him and to fill in, re-instate and make good the immovable property as if the pipe or drain had not been placed or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Commissioner it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe or drain should be closed, removed or diverted.

255. If the Corporation places or carries any pipe or drain or does any other work connected with the water supply or drainage across any railway line, it may, with the sanction of the Central Government and at the cost of the Municipal Fund, require the railway administration to raise or lower the level thereof.

Power to require railway level, etc., to be raised or lowered.

256. (1) When under the provisions of this Chapter any person may be required or is liable to execute any work, the Commissioner may, in accordance with the provisions of this Act and of any bye-laws made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.

Power of Commissioner to execute work after giving notice to the person liable.

(2) The expenses incurred or likely to be incurred by the Commissioner in the execution of any such work shall be payable by the said person and the expenses incurred by the Commissioner in connection with the maintenance of such work or the enjoyment

of amenities and conveniences rendered possible by such work shall be payable by the person or persons enjoying such amenities and conveniences.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of tax under this Act.

Power of Commissioner to affix shafts, etc., for ventilation of drain or cesspool.

257. For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, the Commissioner may, in accordance with bye-laws made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to him to be necessary.

Power of Commissioner to examine and test drains, etc., believed to be defective.

258. (1) Where it appears to the Commissioner that there are reasonable grounds for believing that a private drain or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private drain communicating directly or indirectly with a municipal drain is so defective as to admit sub-soil water, he may examine its condition, and for that purpose may apply any test, other than a test by water under pressure, and if he deems it necessary, open the ground.

(2) If on examination the drain or cesspool is found to be in proper condition, the Commissioner shall, as soon as possible, reinstate any ground which has been opened by him and make good any damage done by him.

Bulk supply of water to the New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment.

259. The Corporation shall be bound to supply to the New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment, at the place or places at which immediately before the commencement of this Act the Delhi Joint Water and Sewage Board constituted under the Delhi Joint Water and Sewage Board Act, 1926, used to supply water to that Committee or those Services or at such other place or places as may be agreed between the Corporation and that Committee or, as the case may be, those Services, water in bulk up to the amount demanded by the said Committee or Services or, if their total demand is in excess of the available supply, up to such proportion as the Corporation may, on the recommendation of the Delhi Water Supply and Sewage Disposal Committee, determine: 23 of 1926

Provided that the quantity of water supplied *per capita* to the New Delhi Municipal Committee by the Delhi Joint Water and Sewage Board immediately before the commencement of this Act shall not be reduced after such commencement except with the previous permission of the Central Government.

260. (1) The New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment, shall pay for the water supplied to them the actual cost of supply of such water at the rate in respect of each thousand gallons of water supplied (hereinafter referred to as "the final issue rate") calculated in the manner prescribed in this section.

New Delhi Municipal Committee and the Military Engineer Services to pay actual cost of supply of water.

(2) The final issue rate shall be calculated for each year after the accounts of the year have been closed by dividing the amount of the total expenditure of the Corporation during the year by the number of thousand gallons of water supplied by the Corporation during that year to itself and to the New Delhi Municipal Committee and the Military Engineer Services.

(3) For the purpose of sub-section (2), there shall be taken into account such items of expenditure incurred by the Corporation as may be determined by rules made by the Central Government in this behalf.

261. (1) Pending the calculation of final issue rate for any year, payments of water supplied during that year to the New Delhi Municipal Committee or the Military Engineer Services shall be made provisionally at an estimated rate (hereinafter referred to as "the collecting rate").

Provisional collecting rate.

(2) The collecting rate shall be calculated at the time of framing of the budget estimates for the year by dividing the sum of the amount of the estimated expenditure of the Corporation in that year and of an addition of five per cent. of that amount by the number of thousand gallons of water estimated as likely to be supplied during that year.

(3) If any difference of opinion arises as to the supply of water to be estimated for the purposes of the ascertainment of the collecting rate, the decision of the Administrator thereon shall be final.

(4) The New Delhi Municipal Committee and the Military Engineer Services shall pay on demand after the close of each quarter of each year the cost of the water supplied to them in that quarter calculated at the collecting rate.

(5) Nothing in this section shall preclude the Corporation from arranging with the consent of the New Delhi Municipal Committee or the Military Engineer Services and in accordance with any order issued by the Administrator for advance payments by each such authority of the cost (calculated at the collecting rate) of such

quantities of water as are likely to be supplied to each of them in each quarter or for such other period as may be determined by the Administrator.

Final settle-  
ment of  
accounts.

262. (1) If the final issue rate for any year exceeds the collecting rate determined for that year, the balance due shall be recovered from the New Delhi Municipal Committee or, as the case may be, from the Military Engineer Services.

(2) If the final issue rate is less than the collecting rate, the excess collection shall be refunded to the New Delhi Municipal Committee or, as the case may be, to the Military Engineer Services.

Supply of  
meters.

263. (1) For the purpose of measuring and recording the amount of water supplied to the New Delhi Municipal Committee or, as the case may be, to the Military Engineer Services, the Commissioner shall affix meters at the points of junction between the communication pipes of the New Delhi Municipal Committee, or as the case may be, of the Military Engineer Services and the mains or pipes belonging to the Corporation, and the cost of such meters shall be borne by the Corporation.

(2) It shall be presumed, until the contrary is proved, that the quantity of water supplied through any connection is the quantity indicated by the meter affixed to that connection.

Testing of  
meters.

264. (1) If the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services desire to have any meter tested, it may make an application in this behalf accompanied by a fee of two hundred and fifty rupees to the Commissioner and on receipt of such application and fee, the Commissioner shall forthwith cause the meter to be tested at a time and place of which due notice shall have been given to the authority concerned.

(2) If the meter is found on being tested to be incorrect, the Commissioner shall be bound to replace or repair the same and to refund the fee paid under sub-section (1) together with such sum, if any, as is proved to the satisfaction of the Commissioner to have been paid in excess by reason of the incorrectness of the meter.

Disposal of  
sewage of  
New Delhi.

265. (1) The Corporation shall be bound to receive in bulk from the New Delhi Municipal Committee all sewage delivered by that Committee and to dispose of such sewage:

Provided that the New Delhi Municipal Committee shall not execute any major work calculated to increase the normal discharge of sewage without the concurrence of the Corporation.

*(by fine present. Shall be payable on demand by the New Delhi*

of 1957]

Delhi Municipal Corporation

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(2) Sewage received in pursuance of the provisions of sub-section (1) shall be the property of the Corporation and any income derived from the sale of effluent or sludge shall be credited to the Water Supply and Sewage Disposal Account of the Municipal Fund.

(3) If any disagreement arises between the Corporation and the New Delhi Municipal Committee as to the effect of the execution of any work or the doing of anything, the matter shall be referred to the Central Government whose decision shall be final.

266. (1) Subject to the provisions of section 268 the total net cost of the disposal of all sewage shall be borne by the Corporation and the New Delhi Municipal Committee in such proportion as the Central Government may, from time to time, determine.

New Delhi Municipal Committee to pay cost of disposal of sewage.

(2) In determining the total net cost of disposal of all sewage there shall be taken into account such items of expenditure incurred by the Corporation as may be determined by rules made by the Central Government in this behalf.

267. (1) ~~The estimated net cost of the disposal of sewage increased by the Corporation as may be determined by rules made by the Municipal Committee after the close of each quarter of each year in accordance with the proportions determined under sub-section (1) of section 266.~~

Manner of payment by the New Delhi Municipal Committee of proportion of cost of disposal of sewage.

(2) If the sum so paid by the New Delhi Municipal Committee in any year exceeds or is less than the sum payable by it on the basis of the actual cost as determined under section 266, the payments to be made by that body in the following year shall be adjusted accordingly.

(3) Nothing in this section shall preclude the Corporation from arranging with the consent of the New Delhi Municipal Committee and in accordance with any orders issued by the Administrator for advance payment by that Committee of such portion of the cost of the disposal of sewage as is likely to be borne by it in such quarter or such other period as may be determined by the Administrator.

268. (1) If any dispute arises between the Corporation and the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services as to the liability of the said Committee or Services to pay any sum demanded by the Corporation or as to the right of the said Committee or Services to any refund, or as to the amount of any refund, from the Corporation, then, the New Delhi Municipal Committee or, as the case may be, the Military Engineer

Disputes as to liability for payments to or by the Corporation.

Services may require the Corporation to refer the matter in dispute to the Central Government and the decision of the Central Government thereon shall be final:

Provided that, where the dispute relates to the liability of the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services to make any payment to the Corporation, the payment shall be made to the Corporation pending the decision of the Central Government.

(2) In making any such reference, the Corporation shall furnish to the Central Government and the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services a full statement of the grounds of the dispute and the Central Government shall consider that statement together with a like statement received from the said Committee or Services within six weeks of the date of the reference.

Summary  
recovery of  
sums due  
from the  
New Delhi  
Municipal  
Committee  
or the Military  
Engineer Services.

269. If the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services does not, within one month of the receipt of demand for any sum claimed by the Corporation, pay such sum, the Administrator may, on the requisition from the Corporation in this behalf—

(a) if the balances of the said Committee or Services are kept in the Government Treasury, order the officer incharge of the Treasury to reduce the balances at the credit of the said Committee or Services by the amount of the sum due and pay that amount to the Corporation, or

(b) in any other case deduct the amount of the sum due from any contribution or sum payable by the Central Government to the said Committee or Services and pay the amount so deducted to the Corporation.

Corporation  
not to give  
up certain  
works, etc.,  
without  
permission  
of the Central  
Government.

270. Without the previous permission of the Central Government, the Corporation or the Delhi Water Supply and Sewage Disposal Committee or the Commissioner shall not—

(a) give up any scheme of work approved by the Delhi Joint Water and Sewage Board, or

(b) give up or slow down the execution of any work undertaken by the said Board in pursuance of any such scheme.

Employment  
of Government  
agencies  
for repairs,  
etc.

271. The Central Government may for reasons to be recorded, direct that any specified work, repair, renewal or replacement which is to be undertaken by or for the Corporation under this Chapter, shall be carried out on behalf of the Corporation by the Central



Government and the Corporation shall pay the charges therefor at the rates and subject to the terms for the time being applicable in the case of works constructed by that Government on behalf of a local authority.

272. (1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber: Work to be done by licensed plumber.

Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Commissioner without prejudice to the right of the Corporation to prosecute under this Act - the person at whose instance such work has been executed.

(4) The Corporation may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to a plumber by the Corporation.

(5) The Delhi Water Supply and Sewage Disposal Committee may, from time to time, prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefor, under that sub-section.

(7) The Corporation shall make bye-laws providing for—

(a) the exercise of adequate control on all licensed plumbers;

(b) the inspection of all works carried out by them; and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the bye-laws made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

Prohibition  
of certain  
acts.

273. (1) No person shall—

(a) wilfully obstruct any person acting under the authority of the Corporation, the Delhi Water Supply and Sewage Disposal Committee or the Commissioner, in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destroy any works made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Corporation; or

(c) unlawfully obstruct the flow of, or flush, draw off, or divert, or take water from any water work belonging to the Corporation or any water course by which any such water work is supplied; or

(d) unlawfully obstruct the flow of, or flush, draw off, divert or take sewage from any sewage work belonging to the Corporation or break or damage any electrical transmission line maintained by the Corporation; or

(e) obstruct any officer or other employee of the Corporation in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water or sewage work; or

(f) bathe in, at or upon any water work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water work or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause the water of any sink, or drain or any steam-engine or boiler or any polluted water to turn or be brought into any water work, or do any other act whereby the water in any water work is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

## CHAPTER XIII

## ELECTRICITY SUPPLY

274. In this Chapter, unless the context otherwise requires,— Definitions.

(a) the expressions "generating station" and "main transmission line" have the same meanings as in the Electricity (Supply) Act, 1948;

54 of 1948.

(b) the word "licensee" has the same meaning as in the Indian Electricity Act, 1910.

9 of 1910.

275. (1) It shall be the duty of the Delhi Electric Supply Committee to develop and maintain an efficient, co-ordinated and economical system of electricity supply for the whole of the Union territory of Delhi and for that purpose to take steps from time to time—

Functions  
in relation  
to electricity  
supply.

(a) for generating or acquiring supplies of electricity;

(b) for providing supplies of electricity for licensees and persons other than licensees for whom immediately before the establishment of the Corporation the Delhi State Electricity Board constituted under the Electricity (Supply) Act, 1948, was providing, or competent to provide, such supplies under that Act; and

54 of 1948.

(c) for preparing and carrying out in accordance with rules made in this behalf schemes for the generation and supply of electricity:

Provided that without the previous permission of the Central Government the Corporation or the Delhi Electric Supply Committee, or the General Manager (Electricity), shall not—

(i) give up any scheme prepared and sanctioned by the Delhi State Electricity Board; or

(ii) give up or slow down execution of any work undertaken in pursuance of any such scheme.

(2) In the discharge of its functions in relation to electricity supply, the Delhi Electric Supply Committee shall, as far as practicable—

(a) promote the use of all economical methods of generating, transmitting and distributing electricity;

- (b) secure the development of supplies of electricity;
- (c) secure the extension of supplies of electricity to areas without such supplies;
- (d) promote the standardisation of systems of supply and types of electrical fittings;
- (e) promote the simplification and standardisation of methods of charge for supplies of electricity.

Additional functions in relation to electricity supply.

276. (1) The Delhi Electric Supply Committee may take steps in accordance with the provisions of this Act to manufacture, purchase, sell or let on hire on the execution of a hire purchase agreement or otherwise, any electrical machinery, control gear, fittings, wires or apparatus for lighting, heating, cooling or motive power or for any other purpose for which electricity can or may be used, or any industrial or agricultural machinery operated by electricity, and to instal, connect, repair, maintain or remove such machinery, control gear, fittings, wires or apparatus and in respect thereof demand and take such remuneration or rents and charges and make such terms and conditions as it deems fit.

(2) The Committee may also maintain shops and show rooms for the display, sale or hire of machinery, control gear, fittings, wires or apparatus as aforesaid, conduct displays, exhibitions and demonstrations thereof and generally do all things, including advertising incidental to the sale or hire of such machinery, control gear, fittings, wires and apparatus and to the promotion and encouragement of the use of electricity.

(3) Moneys received and expended in connection with any undertakings under this section shall be shown separately in the Electric Supply Accounts.

Corporation to have powers and obligations of licensee under Act 9 of 1910.

277. Subject to the provisions of this Act, the Corporation shall in respect of the whole of the Union territory of Delhi, have all the powers and obligations of a licensee under the Indian Electricity Act, 1910, and this Chapter shall be deemed to be the licence of the Corporation for the purposes of that Act:

Provided that nothing in sections 3 to 11 of, or in clauses I to IX of the Schedule to, that Act relating to the duties and obligations of a licensee shall apply to the Corporation.

Power to construct or acquire new undertakings, etc.

278. (1) The Delhi Electric Supply Committee may take steps in accordance with the provisions of this Act,—

- (a) to construct or acquire in any part of the Union territory of Delhi subject to the provisions of the Indian Electricity Act,

9 of 1910.

1910, or of any other law for the time being in force, undertakings for the generation or supply of electricity and for electric traction, and enter into any agreement with any person for the supply of electricity to or by the Corporation;

(b) to construct buildings or works of every description necessary or desirable for the maintenance, operation and development of the Delhi Electric Supply Undertaking in any part of the Union territory of Delhi;

(c) to purchase or take on lease or hire or otherwise acquire any movable property or immovable property or any rights in any such property in any part of the Union territory of Delhi.

9 of 1910.

(2) The General Manager (Electricity) shall, on behalf of the Corporation, exercise all the powers and be subject to all the obligations of a licensee under the Indian Electricity Act, 1910, or any other law for the time being in force relating to the generation or supply of electricity.

279. (1) For the purpose of carrying out, renewing and repairing works in connection with the Delhi Electric Supply Undertaking, the General Manager (Electricity) may, in any part of the Union territory of Delhi, exercise the same powers as under the provisions of Chapter XII the Commissioner may exercise for carrying out, renewing and repairing works relating to water supply or sewage disposal subject to the same restrictions as are by this Act imposed on the exercise of such powers.

Power of carrying out, renewing and repairing works.

(2) When a work undertaken by the General Manager (Electricity) involves the opening or breaking up of any street, such work shall not be commenced and carried out except in consultation with the Commissioner or with such officer as the Commissioner may designate in this behalf.

280. (1) No building, wall or other structure shall be newly erected and no street or railway shall be constructed over, or in such a manner as to interfere with, any work constructed or maintained for the purposes of the Delhi Electric Supply Undertaking except with the written permission of the General Manager (Electricity).

Restriction on building and other acts interfering with the works of Undertaking.

(2) The General Manager (Electricity) may, with the approval of the Delhi Electric Supply Committee cause any building, wall or other structure erected, or any street or railway constructed in contravention of sub-section (1), to be removed or otherwise dealt with as he deems fit, and the expenses incurred therefor shall be

paid by the person or authority responsible and shall be recoverable from such person or authority as an arrear of tax under this Act.

Power of Corporation to make arrangements with licensees.

281. (1) The Corporation may, on the recommendation of the Delhi Electric Supply Committee, enter into an agreement with any licensee within the Union territory of Delhi in regard to the purchase or sale of electricity and the price thereof or in regard to the purchase, operation or control of any generating station or main transmission line and notwithstanding anything contained in any law or in any licence, memorandum of association or other instrument regulating the constitution and powers of the licensee, it shall be lawful for the licensee to enter into and carry out any such agreement.

(2) In entering into an agreement under this section the Corporation shall not show any undue preference to any licensee.

Restriction on establishment of new generating stations or major additions to or replacement of plant in generating stations.

282. (1) Notwithstanding anything contained in any other law for the time being in force or in any licence, it shall not be lawful for a licensee or any other person, except with the permission in writing of the Corporation granted on application made in this behalf to establish or acquire a new generating station or to extend or replace any major unit of plant or works pertaining to the generation of electricity in a generating station.

(2) There shall be stated in every application for permission under this section such particulars as the Corporation may reasonably require of the station, plant or works, as the case may be, in respect of which it is made, and where permission is given thereto in acting in pursuance of such permission the applicant shall not, without the further permission of the Corporation, make any material variation in the particulars so stated.

Charges for supply of electricity.

283. Subject to the provisions of any law for the time being in force, charges shall be leviable for the supply of electricity by the Corporation at such rates as may, from time to time, be fixed by the Delhi Electric Supply Committee with the approval of the Corporation.

Bulk supply of electricity to the New Delhi Municipal Committee and Military Engineer Services, Delhi Cantonment.

284. The Corporation shall be bound to provide bulk supplies of electricity for the New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment, upto the quantity demanded by each of these authorities, or if the total demand is in excess of the available supply, up to such proportion in the case of each of these authorities as the Corporation may, with the approval of the Central Government, determine.

285. The New Delhi Municipal Committee or, as the case may be, the Military Engineer Services, Delhi Cantonment, shall pay for the electricity supplied to it the actual cost of supply of such electricity at such rate or rates as may be determined by agreement between the Corporation and the authority concerned:

Payment of actual cost of supply of electricity.

Provided that in the case of any dispute between the Corporation and any such authority as to the rate, the dispute shall be referred to the Central Government whose decision thereon shall be final.

54 of 1948. 286. (1) The Delhi State Electricity Board constituted under the Electricity (Supply) Act, 1948, shall cease to function as from, and shall be deemed to be dissolved on, the date of the establishment of the Corporation under this Act.

Dissolution of the Delhi State Electricity Board.

(2) On the dissolution of the Board—

54 of 1948. (a) the provisions of the Electricity (Supply) Act, 1948, relating to State Electricity Boards shall cease to have effect in the Union territory of Delhi; and

(b) the other provisions of that Act shall have effect therein as if the Delhi State Electricity Board had never been constituted.

#### CHAPTER XIV

#### TRANSPORT SERVICES

287. In this Chapter, unless the context otherwise requires,— Definitions.

(a) "road transport service" means a service carrying passengers or goods or both by road in vehicles for hire or reward;

(b) "vehicle" means any mechanically propelled vehicle, used or capable of being used for the purpose of road transport, and includes a tram car, a trolley-vehicle and a trailer;

4 of 1939.

(c) words and expressions used but not defined in this Chapter and defined in the Motor Vehicles Act, 1939, have the meanings assigned to them in that Act.

288. It shall be the general duty of the Delhi Transport Committee to take steps from time to time for providing or securing or promoting the provision of an efficient, adequate, economical and properly co-ordinated system of road transport services for passengers and goods in the Union territory of Delhi and in any area to which the operation of any road transport service of the Corporation

Functions in relation to transport services.

✓ Omitted by Act 71 of 1971, s. 7 & Sec. Sch. (w.e.f. 3-11-1971)

has been extended (hereafter in this Chapter referred to as "extended area") in the manner provided in section 292 and for that purpose—

- (a) to operate road transport services in the Union territory of Delhi and in any extended area;
- (b) to provide for any ancillary service.

Powers in relation to transport services.

289. (1) The Delhi Transport Committee may take steps in accordance with the provisions of this Act—

- (a) to manufacture, purchase, maintain and repair rolling-stock, vehicles, appliances, plant, equipment or any other thing required for the efficient operation of the Delhi Transport Undertaking;
- (b) to acquire in accordance with schemes prepared under this Act either compulsorily in accordance with such procedure as may be prescribed by bye-laws made in this behalf or by agreement, whether absolutely or for any period, the whole or any part of any transport service operated by any other person to the extent to which the activities thereof consist of the operation of road transport services or ancillary services in the Union territory of Delhi or in any extended area;
- (c) to construct buildings or works of every description necessary or desirable for the maintenance, operation and development of the Delhi Transport Undertaking;
- (d) to dispose of scrap vehicles, old tyres, used oils and any other stores of scrap value;
- (e) to purchase vehicles of such type as may be suitable for use in the road transport services operated under this Act;
- (f) to purchase or otherwise secure by agreement vehicles, garages, sheds, office buildings, depots, land, workshops, equipment, tools, accessories to and spare parts for vehicles or any other article owned or possessed by any dealer or the owner of any other transport service;
- (g) to do anything for the purpose of advancing the skill of persons employed for the purpose of the Undertaking or the efficiency of the equipment necessary for the Undertaking or of the manner in which that equipment is operated, including the provision of facilities for training, education and research;



(1) to enter into and carry out agreements with any person carrying on business as a carrier of passengers or goods providing for the carriage of passengers or goods on behalf of the Corporation by that other person at a through fare or freight;

(i) to do all other things to facilitate the proper carrying on of the business of the Undertaking.

(2) Nothing in this section shall be construed as authorising the Corporation or the Delhi Transport Committee or the General Manager (Transport) except with the previous permission of the Central Government,—

(a) to manufacture or maintain anything which is not required directly or indirectly for use for the purpose of the Undertaking or to repair, store or provide any service for, any vehicle which does not belong to the Corporation or is not used directly or indirectly for the purpose of the Undertaking;

(b) to purchase any vehicle for the purpose of sale to any person, or to sell or supply to any person lubricants, spare parts or equipment for, or accessories to, vehicles;

(c) to let vehicles on hire for the carriage of passengers or goods save as expressly provided by or under this Act.

(3) The Delhi Transport Committee shall, with the previous approval of the Corporation and in the case of road transport service operated in any extended area also with the previous approval of the Government of the State within which such extended area is situated, determine the fares and freights for the carriage of passengers and goods in any road transport service operated under this Act.

290. With a view to developing road transport services on any route or in any area within the Union territory of Delhi, the General Manager (Transport) may, from time to time, prepare <sup>Preparation of schemes.</sup> schemes not inconsistent with this Act for starting new road transport services or augmenting its existing road transport services on such route or in such area in which provision may be made for all or any of the following matters, namely:—

(a) the purchase of chassis of motor vehicles or vehicles of a suitable type;

(b) the making of arrangements for building suitable types of bodies for vehicles;

(c) the erection of stands and sheds for passengers and goods;

(d) the purchase of equipment, tools and spare parts for, and accessories to, vehicles; and

(e) such supplemental, incidental and consequential provisions as may appear necessary or expedient for any of the purposes aforesaid.

Sanction of schemes.

291. (1) The General Manager (Transport) shall, after a scheme has been prepared under section 290, obtain the advice of the Delhi Transport Committee thereon and place the scheme with the advice before the Corporation.

(2) The Corporation may, after considering the advice so obtained either sanction the scheme without modifications, or with such modifications as it may deem necessary or reject the scheme.

Extension of operation of the road transport services of the Corporation to areas within another State.

292. (1) If the General Manager (Transport) considers it to be expedient in the public interest to extend the operation of any of the road transport services to any area within another State he may, with the previous approval of the Delhi Transport Committee and the Corporation, negotiate with the Government of that State regarding the proposed extension.

(2) If the Government of that State approves the proposed extension, the General Manager (Transport) shall prepare a scheme for the purpose and submit the same to the Corporation for its approval through the Delhi Transport Committee.

(3) After the scheme has been approved by the Corporation, it shall be competent for the General Manager (Transport) to extend the operation of the road transport service to such area and when the operation of such service is so extended, he shall operate the service in that area subject to the provisions of any law in force in the State within which such area is situated.

Power to alter or extend the schemes.

293. The General Manager (Transport) may, from time to time, alter or extend a scheme by a supplementary scheme prepared and sanctioned in the manner provided in the foregoing provisions of this Chapter.

The Undertaking to be run on business principles.

294. In carrying on the Delhi Transport Undertaking, the General Manager (Transport) shall act as far as possible on business principles.

4 of 1939.

205. The Motor Vehicles Act, 1939 (in this section referred to as the said Act) shall have effect subject to the following provisions, namely:

Application of the provisions of the Motor Vehicles Act, 1939, or any rules made thereunder to vehicles and employees of the Undertaking.

(a) the Central Government may, by notification in the Official Gazette, authorise subject to such terms and conditions, if any, as it may deem fit to impose, any person to exercise and perform to the exclusion of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector Regional Transport Authority or State Transport Authority, as the case may be, and without following the procedure laid down for the purpose in the said Act all or such of the powers, functions and duties of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or the State Transport Authority under the said Act or under the rules made thereunder in relation to motor vehicles of the Corporation and the drivers and conductors of those vehicles as may be specified in the notification;

(b) the Central Government may, if it so thinks necessary, by order, cancel, suspend or vary the conditions of any stage carriage, contract carriage or public carrier's permit which has been granted or countersigned under Chapter IV of the said Act by any Regional Transport Authority in the Union territory of Delhi or by the State Transport Authority, Delhi, and is valid within the whole or any part of that territory and any order so passed shall be final;

(c) if the Central Government, by order in writing so directs, any Regional Transport Authority within the Union territory of Delhi or the State Transport Authority, Delhi, shall not grant, countersign or renew any permit under Chapter IV of the said Act other than a private carrier's permit;

(d) the Central Government may, by order in writing, exempt the motor vehicles of the Corporation or the employees of the Undertaking from the provisions of the said Act or of any rules made thereunder relating to the carrying of certificates of registration and fitness.

Power of Central Government to exempt vehicles of the Corporation from payment of certain charges.

296. The Central Government may, by order in writing, exempt all or any of the vehicles of the Corporation from payment of any tolls or other charges leviable under any enactment for the use of the road within the Union territory of Delhi.

Maintenance and repairs of portion of streets where tramway is laid.

297. The General Manager (Transport) shall cause to be maintained and kept in good condition and repair so much of any street wherein any tramway is laid as lies between the rails of the tramway and where two tramways are laid in any street at a distance of not more than six feet from each other, the portion of the street between the tramways and in any case as much of the street as extends eighteen inches beyond the rails of, and on each side of, any such tramway.

## CHAPTER XV

### STREETS

#### *Construction, maintenance and improvement of streets*

Vesting of public streets in the Corporation.

298. (1) All streets within Delhi which are or at any time become public streets, and the pavements, stones and other materials thereof shall vest in the Corporation:

Provided that no public street which immediately before the commencement of this Act vested in the Union shall, unless the Central Government with the consent of the Corporation so directs, vest in the Corporation by virtue of this sub-section.

(2) All public streets vesting in the Corporation shall be under the control of the Commissioner and shall be maintained, controlled and regulated by him in accordance with the bye-laws made in this behalf.

Functions of Commissioner in respect of public streets.

299. (1) The Commissioner shall, from time to time, cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered or repaired, and may widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered or may place and keep in repair fences and posts for the safety of foot-passengers:

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner except with the previous sanction of the Corporation.

(2) With the previous sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street:

Provided that before according such sanction the Corporation shall by notice published in the manner specified by bye-laws give reasonable opportunity to the residents likely to be affected by such closure to make suggestions or objections with respect to such closure and shall consider all such suggestions or objections which may be made within one month from the date of the publication of the said notice.

300. Whenever any public street or a part thereof is permanently closed under sub-section (2) of section 299 the site of such street or of the portion thereof may be disposed of as land vesting in the Corporation.

Disposal of land forming site of public streets permanently closed.

301. The Commissioner may at any time with the previous sanction of the Corporation,—

Power to make new public streets.

(a) lay out and make new public streets;

(b) construct bridges and sub-ways;

(c) turn or divert any existing public street; and

(d) lay down and determine the position and direction of a street or streets in any part of Delhi notwithstanding that no proposal for the erection of any building in the vicinity has been received.

302. The Commissioner shall, from time to time, with the sanction of the Standing Committee, specify the minimum width of different classes of new public streets according to the nature of the traffic likely to be carried thereon, and the streets with which they join at one or both ends, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar considerations.

Minimum width of new public streets.

303. (1) The Commissioner may—

(a) prohibit vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality;

Power to prohibit use of public streets for certain kind of traffic.

(b) prohibit in respect of all public streets, or any particular public street, the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be likely to cause injury to the

roadways or any construction thereon, except under such conditions as to time, mode of traction or locomotion, use of appliances for the protection of roadways, number of lights and assistants and other general precautions and upon the payment of such charges as may be specified by the Commissioner generally or specially in each case;

(c) prohibit access to premises from any particular public street carrying high speed vehicular traffic:

Provided that the Commissioner shall not take action without the sanction of the Corporation in cases under clause (a) and without the sanction of the Standing Committee in cases under clause (c).

(2) Notices of such prohibition as are imposed under sub-section (1) shall be posted in conspicuous places at or near both ends of public streets or portions thereof to which they relate, unless such prohibition applies generally to all public streets.

304. Subject to the provisions contained in Chapter X, the Commissioner may—

(a) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or of making any new public street, and any building standing upon such land;

(b) acquire in relation to any such land or building, all such land with buildings, if any, thereon as the Corporation may think expedient to acquire outside of the regular line, or of the intended regular line, of such street;

(c) acquire any land for the purpose of laying out or making a public parking place.

305. (1) The Commissioner may define a line on one or both sides of any public street in accordance with the bye-laws made in this behalf and may, with the previous sanction of the Corporation, redefine at any time any such regular line:

Provided that, before according sanction the Corporation shall by public notice afford reasonable opportunity to the residents of premises abutting on such public street to make suggestions or objections with respect to the proposed redefined line of the street and shall consider all such suggestions or objections which may be made within one month from the date of the publication of the said notice:

Provided further that the regular line of any public street operative under any law in force in any part of Delhi immediately

Power to acquire lands and buildings for public streets and for public parking places.

Defining the regular line of streets.

before the commencement of this Act shall be deemed to be (a) line defined by the Commissioner under this sub-section.

(2) The line for the time being defined or redefined shall be called the regular line of street.

(3) No person shall construct or reconstruct any building or a portion thereof or any boundary wall or other structure whatsoever within the regular line of a street except with the written permission of the Commissioner:

Provided that if within sixty days after the receipt of application from any person for permission to construct or reconstruct a boundary wall or a portion thereof, the Commissioner fails to take steps to acquire the land within the regular line of the street in accordance with section 308, then, that person may, subject to any other provisions of this Act and the bye-laws made thereunder, proceed with the work of construction or reconstruction of such boundary wall or portion thereof.

(4) When the Commissioner grants permission for the construction or reconstruction of any building or any boundary wall or other structure within the regular line of a street, he may require the owner of the building to execute an agreement binding himself and his successors-in-interest not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or any of his successors by written notice to remove any work carried out in pursuance of such permission and to pay the expenses of such removal if, in default, such removal is carried out by the Commissioner and may for that purpose require such owner to deposit in the Municipal Fund such sum as may be determined by him.

(5) The Commissioner shall maintain—

(a) a register containing such particulars as may be specified by him in this behalf with plans attached thereto showing all public streets in respect of which the regular line of the street has been defined or redefined and containing any other particulars which the Commissioner may deem necessary;

(b) a register of all agreements executed under sub-section (4) and of all deposits made thereunder.

(6) All such registers shall be open to inspection by any person on payment of such fee as may be prescribed by the Commissioner with the sanction of the Standing Committee.

(7) Any agreement entered into in pursuance of sub-section (4) shall be in writing, shall be registered under the Indian Registration Act, 1908, and shall be deemed to be an agreement in respect of the land to which it relates and any condition contained in such agreement shall be deemed to be an obligation annexed to the ownership of the said land and enforceable against the successors-in-interest of the owner of such land. 16 of 1908.

Setting back building to regular line of street.

306. (1) If any part of a building abutting on a public street is within the regular line of that street, the Commissioner may, whenever it is proposed—

(a) to repair, rebuild or construct such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(b) to repair, remove, construct or reconstruct or make any additions to, or structural alterations of, any portion of such building which is within the regular line of the street;

by any order which he issues concerning the additions to, rebuilding, construction, repair or alterations of, such building, require such building to be set back to the regular line of the street.

(2) When any building or any part thereof within the regular line of a public street falls down or is burnt down or is, whether by the order of the Commissioner or otherwise, taken down, the Commissioner may forthwith take possession on behalf of the Corporation of the portion of the land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same.

(3) Land acquired under this section shall be deemed to be a part of the public street and shall vest in the Corporation.

Compulsory setting back of building to regular line of street.

307. (1) Where any building or any part thereof is within the regular line of a public street and in the opinion of the Commissioner it is necessary to set back the building or part thereof to the regular line of the street he may, by notice served on the owner in accordance with the provisions of this Act, require him to show cause within such period as may be specified in the notice as to why such building or part thereof which is within the regular line of the street should not be pulled down and the land within the regular line acquired by the Commissioner on behalf of the Corporation.



(2) If such owner fails to show cause as required by sub-section (1) the Commissioner may, with the approval of the Standing Committee, require the owner by another notice to be served on him in accordance with the provisions of this Act, to pull down the building or part thereof which is within the regular line of the street within such period as is specified in the notice.

(3) If within such period the owner of the building fails to pull down the building or part thereof as required by the Commissioner, the Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner and recoverable from him as an arrear of tax under this Act.

(4) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the regular line of the street occupied by the said building or part thereof and such land shall thereupon be deemed to be a part of the public street and shall vest in the Corporation.

308. If any land, whether open or enclosed, not vesting in the Corporation and not occupied by any building is within the regular line of a public street or if a platform, verandah, step, compound wall, hedge or fence or some other structure external to a building abutting on a public street or a portion of such platform, verandah, step, compound wall, hedge, fence or other structure is within the regular line of such street the Commissioner may, after giving to the owner of the land or building not less than seven clear days' notice of his intention so to do, take possession on behalf of the Corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step, compound wall, hedge, fence or other structure or of any portion thereof which is within the regular line of the public street and, if necessary, clear the same and the land so acquired shall thereupon be deemed to be a part of the public street and shall vest in the Corporation:

Acquisition of open land and land occupied by platforms, etc., within the regular line of street.

Provided that where the land or building is vested in the Union or a State the Commissioner shall not take possession thereof without the previous sanction of the Central Government.

309. (1) Where a land or building is partly within the regular line of a public street and the Commissioner is satisfied that the land remaining after the excision of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land within the said line and such surplus land shall be deemed to be a part of the public street and shall vest in the Corporation.

Acquisition of the remaining part of a building and land after their portions within a regular line of street have been acquired.

(2) Such surplus land may thereafter be utilised for the purpose of setting forward a building under section 310.

Setting forward of buildings to the regular line of street.

310. The Commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the regular line of a public street and may, with the sanction of the Standing Committee, by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction.

*Explanation.*—For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the regular line of a street if a wall of such material and dimensions as are approved by the Commissioner is erected along the said line.

Compensation to be paid in certain cases of setting back or setting forward of buildings, etc.

311. (1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under the provisions of sections 306, 307 and 308 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of any order made by the Commissioner:

Provided that—

(a) any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part, likely to accrue from the setting back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation;

(b) if any such increase in the value exceeds the amount of loss sustained or expenses incurred by the owner, the Commissioner may recover from him half the amount of such excess as a betterment charge.

(2) If in consequence of any order to set forward a building made by the Commissioner, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage after taking into account any increase in value likely to accrue from the setting forward.

(3) If the additional land which will be included in the premises of any person required or permitted under sub-section (2) to set forward a building belongs to the Corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the

price to be paid to the Corporation by the owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the order or permission.

(4) If, when the Commissioner requires any building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Corporation or with any of the terms or conditions of conveyance, the Commissioner shall, upon the application of the owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the court of the district judge of Delhi whose decision thereon shall be final.

#### *Private streets*

312. If the owner of any land utilises, sells, leases out or otherwise disposes of such land for the construction of buildings thereon, he shall lay down and make a street or streets giving access to the plots into which the land may be divided and connecting with an existing public or private street.

Owner's obligation when dealing with land as building sites.

313. (1) Before utilising, selling or otherwise dealing with any land under section 312, the owner thereof shall send to the Commissioner a written application with a lay-out plan of the land showing the following particulars, namely:—

Lay-out plans.

(a) the plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used;

(b) the reservation or allotment of any site for any street, open space, park, recreation ground, school, market or any other public purpose;

(c) the intended level, direction and width of street or streets;

(d) the regular line of street or streets;

(e) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting street or streets.

(2) The provisions of this Act and the bye-laws made thereunder as to width of the public streets and the height of buildings abutting thereon, shall apply in the case of streets referred to in sub-section (1) and all the particulars referred to in that sub-section shall be subject to the sanction of the Standing Committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the Standing Committee shall either accord sanction to the lay-out plan on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(4) Such sanction shall be refused—

(a) if the particulars shown in the lay-out plan would conflict with any arrangements which have been made or which are in the opinion of the Standing Committee likely to be made for carrying out any general scheme of development of Delhi whether contained in the master plan or a zonal development plan prepared for Delhi or not; or

(b) if the said lay-out plan does not conform to the provisions of this Act and bye-laws made thereunder; or

(c) if any street proposed in the plan is not designed so as to connect at one end with a street which is already open.

(5) No person shall utilise, sell or otherwise deal with any land or lay-out or make any new street without or otherwise than in conformity with the orders of the Standing Committee and if further information is asked for, no step shall be taken to utilise, sell or otherwise deal with the land or to lay-out or make the street until orders have been passed upon receipt of such information:

Provided that the passing of such orders shall not be in any case delayed for more than sixty days after the Standing Committee has received the information which it considers necessary to enable it to deal with the said application.

(6) The lay-out plan referred to earlier in this section shall, if so required by the Standing Committee, be prepared by a licensed town planner.

Alteration or  
demolition  
of street  
made in  
breach of  
section 313.

314 (1) If any person lays-out or makes any street referred to in section 313, without or otherwise than in conformity with the orders of the Standing Committee, the Commissioner may, whether or not the offender be prosecuted under this Act, by notice—

(a) require the offender to show cause by a written statement signed by him and sent to the Commissioner on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Commissioner or if such alteration be impracticable, why such street should not be demolished; or

(b) require the offender to appear before the Commissioner either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show cause to the satisfaction of the Commissioner why such street should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street.

315. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewerred, drained, conserved or lighted to the satisfaction of the Commissioner, he may by notice require the owners of such street or part and the owners of the lands and buildings fronting or abutting on such street or part to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

Power of Commissioner to order work to be carried out or to carry it out himself in default.

(2) If such work is not carried out within the time specified in the notice, the Commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners referred to in sub-section (1) in such proportion as may be determined by the Commissioner and shall be recoverable from them as an arrear of tax under this Act.

316. If any street has been levelled, paved, metalled, flagged, channelled, sewerred, drained, conserved and lighted under the provisions of section 315, the Commissioner may, and on the requisition of a majority of the owners referred to in sub-section (1) of that section shall, declare such a street to be a public street and thereupon the street shall vest in the Corporation.

Right of owners to require streets to be declared public

#### *Encroachments on streets*

317. (1) Except as provided in section 318, no person shall erect, set up, add to, or place against or in front of any premises any structure or fixture which will—

Prohibition of projections upon streets, etc.

(a) overhang, jut or project into, or in any way encroach upon, and obstruct in any way the safe or convenient passage of the public along, any street, or

(b) jut or project into or encroach upon any drain or open channel in any street so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Commissioner may by notice require the owner or occupier of any premises to remove, or to take such other action as he may direct in relation to, any structure or fixture which has been erected, set up, added to, or placed against, or in front of, the said premises in contravention of this section.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit into account with the owner of the premises for all reasonable expenses incurred by him in complying with the notice.

Projections over streets may be permitted in certain cases.

318. (1) The Commissioner may give a written permission, on such terms and on payment of such fee as he in each case thinks fit, to the owner or occupier of the building abutting on any street—

(a) to erect an arcade over such street or any portion thereof; or

(b) to put up a verandah, balcony, arch, connecting passage, sun-shade, weather frame, canopy, awning or other such structure or thing projecting from any storey over or across any street or portion thereof:

Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which construction of an arcade has not been generally sanctioned by the Corporation.

(2) The Commissioner may at any time by notice require the owner or occupier of any building to remove a verandah, balcony, sun-shade, weather frame or the like put up in accordance with the provisions of any law and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

Ground floor doors, etc., not to open outwards on streets.

319. The Commissioner may at any time by notice require the owner of any premises on the ground floor of which any door, gate, bar, or window opens outwards upon a street or upon any land required for the improvement of a street in such manner, as in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

320. (1) No person shall, except with the permission of the Commissioner granted in this behalf, erect or set up any wall, fence, rail, post, step, booth or other structure whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

Prohibition of structures or fixtures which cause obstruction in streets.

(2) Nothing in this section shall apply to any erection or thing to which clause (c) of sub-section (1) of section 325 applies.

321. (1) No person shall, except with the permission of the Commissioner and on payment of such fee as he in each case thinks fit, place or deposit upon any street, or upon any open channel, drain or well in any street or upon any public place any stall, chair, bench, box, ladder, bale or other thing whatsoever so as to form an obstruction thereto or encroachment thereon.

Prohibition of deposit, etc., of things in streets.

(2) Nothing in sub-section (1) applies to building materials.

322. The Commissioner may, without notice, cause to be removed—

Power to remove anything deposited or exposed for sale in contravention of this Act.

(a) any stall, chair, bench, box, ladder, bale or other thing whatsoever, placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of this Act;

(b) any article whatsoever hawked or exposed for sale on any public street or in any other public place in contravention of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

323. (1) No person shall tether any animal or cause or permit the same to be tethered in any public street.

Prohibition of the tethering of animals and milking of cattle.

(2) No person shall milk or cause or permit to be milked any cow or buffalo in any street.

(3) Any animal tethered or any cow or buffalo found being milked as aforesaid in any street may be removed by the Commissioner or any municipal officer or employee and be impounded and dealt with under the provisions of the Cattle-trespass Act, 1871.

of 1871.

*Provision concerning execution of works in or near to streets*

324. (1) The Commissioner shall, so far as is practicable during the construction or repair of any public street, or any municipal drain or any premises vested in the Corporation—

Precautions during repair of streets.

(a) cause the same to be fenced and guarded,

(b) take proper precautions against accident by shoring up and protecting the adjoining buildings,

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work of construction or repair is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The Commissioner shall cause such street, drain or premises to be sufficiently lighted or guarded during night while under construction or repair.

(3) The Commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in, the said street, drain or premises to be repaired and the rubbish occasioned thereby to be removed.

(4) No person shall, without the permission of the Commissioner or other lawful authority, remove any bar, chain, post or shoring, timber, or remove or extinguish any light set up under this section.

Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

325. (1) No person other than the Commissioner or a municipal officer or other municipal employee shall, without the written permission of the Commissioner—

(a) open, break up, displace, take up or make any alteration in, or cause any injury to the soil or pavement or any wall, fence, post, chain or other material or thing forming part of any street; or

(b) deposit any building materials in any street; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of an enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or clause (c) of sub-section (1) shall be terminable at the discretion of the Commissioner on his giving not less than twenty-four hours notice of such termination to the person to whom such permission was granted.

(3) The Commissioner may, without notice, cause to be removed any of the things referred to in clause (b) or clause (c) of sub-section (1) which has been deposited or set up in any street without the



permission specified in that sub-section or which having been deposited or set up with such permission has not been removed within the period specified in the notice issued under sub-section (2):

Provided that nothing in this sub-section shall apply to cases under clause (b) or clause (c) of sub-section (1) in which an application for permission has been made with such fee as may be prescribed by the Commissioner in this behalf but no reply has been sent to the applicant within seven days from the date of the application.

326. (1) Any of the things caused to be removed by the Commissioner under this Chapter shall, unless the owner thereof turns up to take back such thing and pays to the Commissioner the charges for the removal and storage of such thing, be disposed of by the Commissioner by public auction or in such other manner and within such time as the Commissioner thinks fit.

Disposal of things removed under this Chapter.

(2) The charges for removal and storage of the thing sold under sub-section (1) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the thing sold on a claim being made therefor within a period of one year from the date of sale, and if no such claim is made within the said period, shall be credited to the Municipal Fund.

*Naming and numbering of streets and numbering of buildings*

327. (1) The Commissioner may—

(a) with the sanction of the Corporation, determine the name or number by which any street or public place vested in the Corporation shall be known;

Naming and numbering of streets.

(b) cause to be put up or painted at a conspicuous part of any building, wall or place, at or near each end, corner or entrance of such street or on some convenient part of such street, the name or number by which it is to be known;

(c) cause to be put up or painted on boards of suitable size the name of any public place vested in the Corporation;

(d) determine the number or sub-number by which any premises or part of such premises shall be known and cause such number or sub-number to be fixed to the side or outer door of such premises or to some place at the entrance of the enclosure thereof.

(2) No person shall destroy, remove, deface or in any way injure or alter any such name or number or sub-number or put up or paint any name or number or sub-number different from that put up or painted by order of the Commissioner.

*Repair or enclosure of dangerous places*

Commissioner to take steps for repairing or enclosing dangerous places.

328. (1) If any place is, in the opinion of the Commissioner, for want of sufficient repair or protection or enclosure, or owing to some work being carried on thereupon, dangerous or causing inconvenience to passengers along a street or to other persons including the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, the Commissioner may by notice in writing require the owner or occupier of such place to repair, protect or enclose the same or take such other step as shall appear to the Commissioner necessary in order to prevent the danger or inconvenience arising therefrom.

(2) The Commissioner may before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent the danger or inconvenience arising therefrom; and any expense incurred by the Commissioner in taking such temporary measures shall be recoverable from the owner or occupier of the place as an arrear of tax under this Act.

*Lighting of streets*

Measures for lighting.

329. The Commissioner shall—

(a) take measures for lighting in a suitable manner all such public streets and public places as may be specified by the Standing Committee;

(b) procure, erect and maintain such number of lamps, lamp posts and other appurtenances as may be necessary for the said purpose;

(c) cause such lamps to be lighted by means of oil, electricity or such other light as the Standing Committee may determine.

Prohibition of removal etc., of lamps.

330. (1) No person shall, without lawful authority, take away or wilfully or negligently break or throw down or damage—

(a) any lamp or any appurtenance of any lamp or lamp post or lamp iron set up in any public street or any public place;

(b) any electric wire for lighting such lamp;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish the light of any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence or accident breaks, or causes any damage to, any of the things described in subsection (1), he shall in addition to any penalty to which he may be subjected under this Act, pay the expenses of repairing the damage so done by him.

## CHAPTER XVI

### BUILDING REGULATIONS

331. In this Chapter, unless the context otherwise requires, the expression "to erect a building" means—

(a) to erect a new building on any site whether previously built upon or not;

(b) to re-erect—

(i) any building of which more than one-half of the cubical contents above the level of the plinth have been pulled down, burnt or destroyed, or

(ii) any building of which more than one-half of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) any frame building of which more than half of the number of the posts or beams in the external walls have been pulled down;

(c) to convert into a dwelling house any building or any part of a building not originally constructed for human habitation or, if originally so constructed, subsequently appropriated for any other purpose;

(d) to convert into more than one dwelling house a building originally constructed as one dwelling house only;

(e) to convert into a place of religious worship or into a sacred building any place or building not originally constructed for such purpose;

(f) to roof or cover an open space between walls or buildings to the extent of the structure which is formed by the roofing or covering of such space;

(g) to convert two or more tenements in a building into a greater or lesser number;

(h) to convert into a stall, shop, warehouse or godown, stable, factory or garage any building not originally constructed for use as such or which was not so used before the change;

(ii) the conversion of any passage or space in such building into a room or rooms;

(e) to repair, remove, construct, reconstruct or make any addition to or structural alteration in any portion of a building abutting on a street which stands within the regular line of such street;

(f) to close permanently any door or window in an external wall;

(g) to remove or reconstruct the principal staircase or to alter its position;

shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

335. (1) A person giving the notice required by section 333 shall specify the purpose for which it is intended to use the building to which such notice relates; and a person giving the notice required by section 334 shall specify whether the purpose for which the building is being used is proposed or likely to be changed by the execution of the proposed work.

Conditions  
of valid  
notice.

(2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required by bye-laws made in this behalf have been furnished to the satisfaction of the Commissioner along with the notice.

336. (1) The Commissioner shall sanction the erection of a building or the execution of a work unless such building or work would contravene any of the provisions of sub-section (2) of this section or the provisions of section 340.

Sanction or  
refusal of  
building or  
work.

(2) The grounds on which the sanction of a building or work may be refused shall be the following, namely:—

(a) that the building or work or the use of the site for the building or work or any of the particulars comprised in the site plan, ground plan, elevation, section or specification would contravene the provisions of any bye-law made in this behalf or of any other law or rule, bye-law or order made under such other law;

(b) that the notice for sanction does not contain the particulars or is not prepared in the manner required under the bye-laws made in this behalf;

(c) that any information or documents required by the Commissioner under this Act or any bye-laws made thereunder has or have not been duly furnished.

(d) that in cases falling under section 312, lay-out plans have not been sanctioned in accordance with section 313;

(e) that the building or work would be an encroachment on Government land or land vested in the Corporation;

(f) that the site of the building or work does not abut on a street or projected street and that there is no access to such building or work from any such street by a passage or path-way appertaining to such site.

(3) The Commissioner shall communicate the sanction to the person who has given the notice; and where he refuses sanction on any of the grounds specified in sub-section (2) or under section 340 he shall record a brief statement of his reasons for such refusal and communicate the refusal along with the reasons therefor to the person who has given the notice.

(4) The sanction or refusal as aforesaid shall be communicated in such manner as may be specified in the bye-laws made in this behalf.

When building or work may be proceeded with.

337. (1) Where within a period of sixty days, or in cases falling under clause (b) of section 331 within a period of thirty days, after the receipt of any notice under section 333 or section 334 or of the further information, if any, required under section 335 the Commissioner does not refuse to sanction the building or work or upon refusal, does not communicate the refusal to the person who has given the notice, the Commissioner shall be deemed to have accorded sanction to the building or work and the person by whom the notice has been given shall be free to commence and proceed with the building or work in accordance with his intention as expressed in the notice and the documents and plans accompanying the same:

Provided that if it appears to the Commissioner that the site of the proposed building or work is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of a public street or extension, improvement, widening or alteration of any street, the Commissioner may withhold sanction of the building or work for such period not exceeding three months as he deems fit and the period of sixty days or as the case may be, the period of thirty days specified in this sub-section shall

be deemed to commence from the date of the expiry of the period for which the sanction has been withheld.

(2) Where a building or work is sanctioned or is deemed to have been sanctioned by the Commissioner under sub-section (1), the person who has given the notice shall be bound to erect the building or execute the work in accordance with such sanction but not so as to contravene any of the provisions of this Act or any other law or of any bye-law made thereunder.

(3) If the person or anyone lawfully claiming under him does not commence the erection of the building or the execution of the work within one year of the date on which the building or work is sanctioned or is deemed to have been sanctioned, he shall have to give notice under section 333 or, as the case may be, under section 334 for fresh sanction of the building or the work and the provisions of this section shall apply in relation to such notice as they apply in relation to the original notice.

(4) Before commencing the erection of a building or execution of a work within the period specified in sub-section (3), the person concerned shall give notice to the Commissioner of the proposed date of the commencement of the erection of the building or the execution of the work:

Provided that if the commencement does not take place within seven days of the date so notified, the notice shall be deemed not to have been given and a fresh notice shall be necessary in this behalf.

338. If at any time after the sanction of any building or work has been accorded, the Commissioner is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under sections 333, 334 and 335, he may by order in writing cancel for reasons to be recorded such sanction and any building or work commenced, erected or done shall be deemed to have been commenced, erected or done without such sanction:

Sanction  
accorded  
under mis-  
representa-  
tion.

Provided that before making any such order the Commissioner shall give reasonable opportunity to the person affected as to why such order should not be made.

339. The Commissioner may require any building intended to be erected at the corner of two streets to be rounded off or splayed or cut off to such height and to such extent as he may determine, and may acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity.

Buildings at  
corners of  
streets.

Provisions as to buildings and works on either side of new streets.

340. (1) The erection of any building on either side of a new street may be refused by the Commissioner unless and until such new street has been levelled, and wherever in the opinion of the Commissioner practicable, metalled or paved, drained, lighted and laid with a water main to his satisfaction.

(2) The erection of any such building or the execution of any such work may be refused by the Commissioner if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which has been laid down by the Commissioner but which has not been actually constructed or if such building or any portion thereof or such work is in contravention of any building or any other scheme or plan prepared under this Act or any other law for the time being in force.

Period for completion of building or work.

341. The Commissioner, when sanctioning the erection of a building or execution of a work, shall specify a reasonable period after the commencement of the building or work within which the building or work is to be completed and if the building or work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Commissioner on application made therefor has allowed an extension of that period.

Prohibition against use of inflammable materials for building, etc., without permission.

342. In such areas as may be specified by bye-laws made in this behalf, no roof, verandah, pandal or wall of a building or no shed or fence shall be constructed or reconstructed of cloth, grass, leaves, mats or other inflammable materials except with the written permission of the Commissioner, nor shall any such roof, verandah, pandal, wall, shed or fence constructed or reconstructed in any year be retained in a subsequent year except with fresh permission obtained in this behalf.

Order of demolition of buildings and works in certain cases.

343. Where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in section 336 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any of the provisions of this Act or bye-laws made thereunder, the Commissioner may, in addition to any other action that may be taken under this Act, make an order directing that such erection or work shall be demolished within such period not exceeding thirty days as may be specified in the order, by the person at whose instance the erection or work has been commenced or is being carried on or has been completed

1. Subs. by Act 42 of 1961, S. 16 (w.e.f. 12.9.61).
2. Subs. by Act 42 of 1984, S. 3 (w.e.f. 1.5.84).

and on the failure of that person to comply with the order, the Commissioner may himself cause the erection or the work to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act:

~~Provided that no such order shall be made unless the person has been given an opportunity of being heard.~~

344. (1) Where the erection of any building or execution of any work has been commenced or is being carried on (but has not been completed) without or contrary to the sanction referred to in section 336 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act or bye-laws made thereunder, the Commissioner may in addition to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on, to stop the same forthwith.

Order of stoppage of buildings or works in certain cases.

~~(2) If such order is not complied with forthwith, the Commissioner may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.~~

(3) After the requisition under sub-section (2) has been complied with, the Commissioner may, if he thinks fit, depute by a written order a police officer or a municipal officer or other municipal employee to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.

(4) Where a police officer or a municipal officer or other municipal employee has been deputed under sub-section (3) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

345. (1) The Commissioner may at any time during the erection of any building or execution of any work or at any time ~~within three months after the completion thereof, by a written notice,~~ specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in section 336 or is in contravention of any condition of such sanction or any of the provisions of this Act or any bye-law made thereunder and require the person who

Power of Commissioner to require alteration of work.

1. Subs. by Act 42 of 1966, S. 17 (w.e.f. 12.9.66).
2. Ins by Act 42 of 1984, S. 4. (w.e.f. 10.12.1985).



gave the notice under section 333 or section 334 or the owner of such building or work either—

(a) to make such alterations as may be specified in the said notice with the object of bringing the building or work in conformity with the said sanction, condition or provisions, or

(b) to show cause why such alterations should not be made, within a period stated in the notice.

(2) If the person or the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in the notice.

(3) If the person or the owner shows cause as aforesaid, the Commissioner shall by an order either cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he thinks fit.

Completion  
certificates.

346. (1) Every person who employs a licensed architect or engineer or a person approved by the Commissioner to design or erect a building or execute any work shall, within one month after the completion of the erection of the building or execution of the work, deliver or send or cause to be delivered or sent to the Commissioner a notice in writing of such completion accompanied by a certificate in the form prescribed by bye-laws made in this behalf and shall give to the Commissioner all necessary facilities for the inspection of such building or work.

(2) No person shall occupy or permit to be occupied any such building or use or permit to be used any building or a part thereof effected by any such work until permission has been granted by the Commissioner in this behalf in accordance with bye-laws made under this Act:

Provided that if the Commissioner fails within a period of thirty days after the receipt of the notice of completion to communicate his refusal to grant such permission, such permission shall be deemed to have been granted.

Restrictions  
on user of  
buildings.

347. No person shall, without the written permission of the Commissioner, or otherwise than in conformity with the conditions, if any, of such permission—

(a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and of the bye-laws made thereunder;

4. Ins by Act 42 of 1984, S. 6 (w.e.b. ~ ~ ~)

(b) change or allow the change of the use of any land or building;

(c) convert or allow the conversion of one kind of tenement into another kind.

348. (1) If it appears to the Commissioner at any time that any building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood of such building, the Commissioner may, by order in writing, require the owner or occupier of such building to demolish, secure or repair such building or do one or more of such things within such period as may be specified in the order, so as to prevent all cause of danger therefrom.

Removal of dangerous buildings.

(2) The Commissioner may also, if he thinks fit, require such owner or occupier by the said order either forthwith or before proceeding to demolish, secure or repair the building, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail wherever practicable to serve as a foot-way for passengers outside of such hoard or fence.

(3) If it appears to the Commissioner that danger from a building which is in a ruinous condition or likely to fall is imminent, he may, before making the order aforesaid, fence off, demolish, secure or repair the said building or take such steps as may be necessary to prevent the danger.

(4) If the owner or occupier of the building does not comply with the order within the period specified therein, the Commissioner shall take such steps in relation to the building as to prevent all cause of danger therefrom.

(5) All expenses incurred by the Commissioner in relation to any building under this section shall be recoverable from the owner or occupier thereof as an arrear of tax under this Act.

349. (1) The Commissioner may by order in writing direct that any building which in his opinion is in a dangerous condition or is not provided with sufficient means of egress in case of fire or is occupied in contravention of section 346 be vacated forthwith or within such period as may be specified in the order:

Power to order building to be vacated in certain circumstances.

Provided that at the time of making such order the Commissioner shall record a brief statement of the reasons therefor.

4. Ins by Act 42 of 1984, S. 7. c w e b. — J

(2) If any person fails to vacate the building in pursuance of such order the Commissioner may direct any police officer to remove such person from the building and the police officer shall comply with such direction accordingly.

(3) The Commissioner shall, on the application of any person who has vacated, or been removed from any building in pursuance of an order made by him, reinstate such person in the building on the expiry of the period for which the order has been in force according as the circumstances prevailing at that time permit.

## CHAPTER XVII

### SANITATION AND PUBLIC HEALTH

#### *Conservancy and sanitation*

Provision for daily cleansing of streets and removal of rubbish and filth.

350. (1) For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall provide—

(a) for the daily surface-cleansing of all streets and the removal of the sweepings therefrom, and

(b) for the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under the provisions of this Act for the temporary deposit of rubbish, filth and other polluted and obnoxious matter.

(2) The Commissioner may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.

Rubbish, etc., to be the property of the Corporation.

351. All matters deposited in public receptacles, depots and places provided or appointed under section 352 and all matters collected by municipal employees or contractors in pursuance of section 350 and section 355 shall be the property of the Corporation.

Provision or appointment of receptacles, depots and places for rubbish, etc.

352. (1) The Commissioner shall—

(a) provide or appoint in proper and convenient situations public receptacles, depots or places for the temporary deposit of rubbish, filth and other polluted and obnoxious matter and for the final disposal of rubbish, filth and other polluted and obnoxious matter;

(b) provide dustbins for the temporary deposit of rubbish;

(c) provide vehicles or other suitable means for the removal of rubbish and offensive matter; and

(d) provide covered vehicles or vessels for the removal of filth and other polluted and obnoxious matter.

(2) Different receptacles, depots or places may be provided or appointed for the temporary deposit or final disposal of any of the matters specified in sub-section (1).

(3) The Commissioner shall make adequate provision for preventing receptacles, depots, places, dustbins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

353. It shall be the duty of the owners and occupiers of all premises—

(a) to have the premises swept and cleaned;

(b) to cause all filth, rubbish and other polluted and obnoxious matter to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice prescribes, in public receptacles, depots or places provided or appointed under section 352 for the temporary deposit or final disposal thereof;

(c) to provide receptacles of the type and in the manner prescribed by the Commissioner for the collection therein of all filth, rubbish and other polluted and obnoxious matter from such premises and to keep such receptacles in good condition and repair.

Duty of owners and occupiers to collect and deposit rubbish, etc.

354. It shall be the duty of the owner and occupier of every premises situate in any portion of Delhi in respect of which the Commissioner has not given public notice under clause (b) of sub-section (2) of section 115 or in which there is not a latrine, or urinal connected by a drain with a municipal drain, to cause all filth and polluted and obnoxious matter accumulating upon such premises to be collected and removed to the nearest receptacle or depot provided for this purpose under section 352 at such times, in such vehicle or vessel, by such route and with such precautions as the Commissioner may by public notice prescribe.

Collection and removal of filth and polluted matter.

355. (1) Where the Commissioner has given public notice in respect of any portion of Delhi under clause (b) of sub-section (2) of section 115 that the collection, removal and disposal of all filth and polluted and obnoxious matter from latrines, urinals and cesspools will be undertaken by municipal agency, it shall be lawful for the

Collection and removal of filth and polluted matter through

municipal  
agency.

Commissioner to take measures for the daily collection, removal and disposal of such filth and polluted and obnoxious matter from all premises situated in that portion of Delhi.

(2) In such portion of Delhi and in any premises wherever situate in which there is a latrine, or urinal connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner, to discharge any of the duties of scavengers.

Removal of  
rubbish,  
etc., accu-  
mulated on  
premises  
used as fac-  
tories,  
workshops,  
etc.

356. The Commissioner may, if he thinks fit,—

(a) by written notice require the owner or occupier of any premises used for carrying on any manufacture, trade or business or used as a factory, workshop, trade premises or market or in any way so that rubbish, filth and other polluted and obnoxious matter are accumulated in large quantities, to collect all such rubbish, filth and other polluted and obnoxious matter accumulating thereon and to remove the same at such times and in such carts or receptacles and by such routes as may be specified in the notice to a depot or place provided or appointed under section 352, or

(b) after giving such owner or occupier notice of his intention, cause all rubbish, filth and other polluted and obnoxious matter accumulated in such premises to be removed, and charge the said owner or occupier for such removal such fee as may, with the sanction of the Standing Committee, be specified in the notice issued under clause (a).

Prohibition  
against  
accumulation  
of rubbish,  
etc.

357. (1) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours or otherwise than in a receptacle approved by the Commissioner, any rubbish, filth and other polluted and obnoxious matter on such premises or any place belonging thereto or neglect to employ proper means to remove such rubbish, filth and other polluted and obnoxious matter from, or to cleanse, such receptacle and to dispose of such rubbish, filth and other polluted and obnoxious matter in the manner directed by the Commissioner, or fail to comply with any requisition of the Commissioner as to the construction, repair, pavement or cleansing of any latrine, or urinal on or belonging to the premises.

(2) No owner or occupier shall allow the water of any sink, drain, latrine or urinal or any rubbish, filth and other polluted and obnoxious matter to run down on or to, or be thrown or put upon, any street or into any drain in or along the side of any street except

in such manner as shall prevent any avoidable nuisance from any such water, rubbish, filth or other polluted and obnoxious matter.

(3) No person shall, after due provision has been made in this respect under the foregoing provisions of this Chapter for the deposit and removal of the same—

(a) deposit any rubbish, filth and other polluted and obnoxious matter in any street or on the verandah of any building or on any unoccupied ground alongside any street or on the bank of a water course; or

(b) deposit any filth or other polluted and obnoxious matter in any dustbin or in any vehicle not intended for the removal of the same; or

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth and other polluted and obnoxious matter.

358. If any premises are not properly and regularly scavenged or cleansed or are in a filthy and unwholesome condition, the Commissioner may cause them to be scavenged and cleansed and recover the expenses from the owner or, as the case may be, occupier as an arrear of tax under this Act. Commissioner's power to get premises scavenged and cleansed.

359. (1) The Commissioner shall provide and maintain in proper and convenient places a sufficient number of public latrines and urinals. Public latrines, urinals, etc.

(2) Such public latrines and urinals shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

#### *Latrines and urinals*

360. (1) It shall not be lawful to construct any latrine or urinal for any premises except with the written permission of the Commissioner and in accordance with such terms not inconsistent with the provisions of this Act or any bye-laws made thereunder as he may prescribe. Construction of latrines and urinals.

(2) In prescribing any such terms the Commissioner may determine in each case—

(a) whether the premises shall be served by the service system or by the flush system or partly by the one and partly by the other; and

(b) what shall be the site or position of each latrine or urinal.

(3) If any latrine or urinal is constructed on any premises in contravention of the foregoing provisions, the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, alter, reconstruct, close or demolish such latrine or urinal and the expenditure incurred by the Commissioner in so doing shall be recoverable from the owner or occupier as an arrear of tax under this Act.

Latrines and  
urinals, etc.,  
in new  
buildings.

361. (1) It shall not be lawful to erect any building or execute any work on or in relation to such building without providing such latrine accommodation and urinal accommodation and accommodation for bathing or for washing clothes and utensils on each floor of such building as the Commissioner may prescribe.

(2) In prescribing any such accommodation the Commissioner may determine in each case—

(a) whether such building shall be served by the service system or by the flush system or partly by the one and partly by the other;

(b) what shall be the site or position of each latrine, urinal, bathing or washing place or site and their number on each floor and their clear internal dimensions.

(3) It shall not be lawful to erect a residential building composed of separate tenements on the flat system without providing at least one latrine and one bathing or washing place for servants on the ground floor of such building or at any other suitable place in the same premises.

(4) In this section the expression "to erect a building" has the same meaning as in section 331.

Latrines and  
urinals for  
labourers,  
etc.

362. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed, latrines and urinals of such description and number as the Commissioner may by notice require and within such time as may be fixed in the notice and shall keep the same in clean and proper order.

Provision of  
latrines and  
urinals for  
markets, etc.

363. The Commissioner may by notice require any owner or manager of a market, cart stand, cattle shed, theatre, railway station and other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex, latrines of such description and number and in such position as may be specified and to keep the same in clean and proper order.

364. The Commissioner may, by written notice—

Other provisions as to private latrines.

(a) require the owner or other person having the control of any private latrine or urinal not to put the same to public use; or

(b) require the owner or other person having the control of such private latrine or urinal which in the opinion of the Commissioner constitutes a nuisance, to remove the latrine or the urinal; or

(c) require any person having the control whether as owner, lessee or occupier of any land or building—

(i) to have any latrines provided for the same shut out by a sufficient roof, wall or fence from the view of persons passing by or dwelling in the neighbourhood; or

(ii) to cleanse in such manner as the Commissioner may prescribe in the notice any latrine or urinal belonging to the land or building; or

(d) where any premises intended or used for human habitation are without any latrine or urinal accommodation or are provided with insufficient latrine or urinal accommodation, require the owner, lessee or occupier of such premises to provide such or such additional latrine or urinal accommodation as he may prescribe, if necessary by causing any part of such premises to be vacated and demolished in accordance with bye-laws made in this behalf.

*Removal of congested buildings and buildings unfit for human habitation*

365. (1) Where it appears to the Commissioner that any block of buildings is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness, closeness, or faulty arrangement of streets, or of the want of proper drainage and ventilation, or of the impracticability of cleansing the buildings or other similar cause, he shall cause the block to be inspected by the Municipal Health Officer and the Municipal Engineer who shall make a report in writing to him regarding the sanitary condition of the block.

Removal of congested buildings.

(2) If upon receipt of such report the Commissioner considers that the sanitary condition of the block is likely to cause risk of disease to the inhabitants of the buildings or of the neighbourhood or otherwise to endanger the public health, he shall with the

639 M. of Law—86.



approval of the Standing Committee select the buildings which in his opinion should wholly or in part be removed in order to abate the unhealthy condition of the block and may thereupon by notice in writing require the owners of such buildings to remove them within such period as may be specified in the notice:

Provided that before issuing the notice reasonable opportunity should be afforded to the owners to show cause why the buildings should not be removed:

Provided further that the Commissioner shall make compensation to the owners for any buildings so removed which may have been erected under proper authority.

(3) If a notice under sub-section (2) requiring any owner of a building to remove it is not complied with, then, after the expiration of the time specified in the notice the Commissioner may himself remove the building required to be removed by the notice and recover from the owner of the building the expenses of such removal as an arrear of tax under this Act.

Power of Commissioner to require improvement of buildings unfit for human habitation.

366. (1) Where the Commissioner upon information in his possession is satisfied that any building is in any respect unfit for human habitation, he may, unless in his opinion the building is not capable at a reasonable expense of being rendered fit, serve upon the owner of the building a notice requiring him within such time not being less than thirty days as may be specified in the notice to execute the works of improvement specified therein and stating that in his opinion those works will render the building fit for human habitation.

(2) In addition to serving a notice under this section on the owner the Commissioner may serve a copy of the notice on any other person having an interest in the building whether as a lessee, mortgagee or otherwise.

(3) In determining whether a building can be rendered fit for human habitation at a reasonable expense regard shall be had to the estimated cost of the work necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

Enforcement of notice requiring execution of works of improvement.

367. If a notice under section 366 requiring the owner of the building to execute works of improvement is not complied with, then, after the expiration of the time specified in the notice the Commissioner may himself do the works required to be done by the notice and recover the expenses incurred in connection therewith as an arrear of tax under this Act.

368. (1) Where the Commissioner upon any information in his possession is satisfied that any building is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit he shall serve upon the owner of the building and upon any other person having an interest in the building, whether as a lessee, mortgagee or otherwise a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

Power of  
Commis-  
sioner to  
order demo-  
lition of  
buildings  
unfit for  
human ha-  
bitation.

(2) If any of the persons upon whom a notice has been served under sub-section (1), appears in pursuance thereof before the Commissioner and gives an undertaking to him that such person shall, within a period specified by the Commissioner, execute such works of improvement in relation to the building as will, in the opinion of the Commissioner, render the building fit for human habitation or an undertaking that the building shall not be used for human habitation until the Commissioner on being satisfied that it has been rendered fit for that purpose, cancels the undertaking, the Commissioner shall not make an order of demolition of the building.

(3) If no such undertaking as is mentioned in sub-section (2) is given, or if in a case where any such undertaking has been given, any work of improvement to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the Commissioner shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order not being less than thirty days from the date of the order, and that it shall be demolished within six weeks after the expiration of that period.

(4) Where an order of demolition of a building under this section has been made, the owner of the building or any other person having an interest therein, shall demolish that building within the time specified in that behalf by the order, and if the building is not demolished within that time, the Commissioner shall demolish the building and sell the materials thereof.

(5) Any expenses incurred by the Commissioner under sub-section (4) if not satisfied out of the proceeds of the sale of materials of the building shall be recovered from the owner of the building or any other person having an interest therein as an arrear of tax under this Act.

(6) In determining for the purposes of section 366 and this section whether a building is unfit for human habitation, regard shall

be had to its condition in respect of the following matters, that is to say,—

- (a) repair;
- (b) stability;
- (c) freedom from damp;
- (d) natural light and air;
- (e) water supply;
- (f) drainage and sanitary conveniences;
- (g) facilities for storage, preparation and cooking of food and for the disposal of rubbish, filth and other polluted matter;

and the building shall be deemed to be unfit as aforesaid if and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

(7) For the purposes of section 366, section 367 and this section, "work of improvement" in relation to a building includes any one or more of the following works, namely:—

- (a) necessary repairs;
- (b) structural alterations;
- (c) provision of light points and water taps;
- (d) construction of drains, open or covered;
- (e) provision of latrines and urinals;
- (f) provision of additional or improved fixtures and fittings;
- (g) opening up on paving of courtyard;
- (h) removal of rubbish, filth and other polluted and obnoxious matter;
- (i) any other work including the demolition of any building or any part thereof which, in the opinion of the Commissioner, is necessary for executing any of the works specified above.

(8) The provisions of section 365, section 366, section 367 and this section shall not apply in relation to any building in any area which has been declared to be a slum area under the Slum Areas (Improvement and Clearance) Act, 1956.

96 of 1956.

Insanitary  
huts and  
sheds.

369. Where the Commissioner upon any information in his possession is satisfied that any hut or shed used as a dwelling house or as a stable or for any other purpose, is likely, by reason of its being constructed without a plinth or upon a plinth of insufficient height or without proper means of drainage or on account of the impracticability of scavenging and cleansing it or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger public

health or safety, he may by notice in writing require the owner or occupier of the hut or shed or the owner or occupier of the land on which the hut or shed stands to remove or alter the hut or shed or carry out such improvement thereof as the Commissioner may deem necessary within such time as may be specified in the notice.

*Regulation of washing by washermen*

370. (1) The Commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their callings except at such places as he may appoint for the purpose.

Prohibition against washing by washermen.

(2) When any such prohibition has been made, no person who is by calling a washerman shall in contravention of such prohibition wash clothes except for himself or for personal and family service or for hire on or within the premises of the hirer, at any place other than a place appointed under sub-section (1).

*Prevention of dangerous diseases*

371. Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person whom he knows or has reason to believe to be suffering from a dangerous disease, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering shall forthwith give information respecting the existence of such disease to the Municipal Health Officer.

Obligation to give information of dangerous disease.

372. (1) When any person suffering from any dangerous disease is found to be—

Removal to hospital of patients suffering from dangerous disease.

(a) without proper lodging or accommodation, or

(b) living in a room or house which he neither owns or pays rent for nor occupies as the guest or relative of any person who owns, or pays rent for it, or

(c) living in a *sarai*, hotel, boarding house or other public hostel, or

(d) lodged in premises occupied by members of two more families,

the Commissioner or any person authorised by him in this behalf, may on the advice of any medical officer of the rank not inferior to that of an assistant surgeon remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment and may do anything necessary for such removal.

(2) The Corporation shall if required by the Central Government erect an infectious diseases hospital of such type and dimension as that Government may direct.

Disinfection  
of buildings  
and articles.

373. Where the Commissioner is of opinion that the cleansing and disinfection of any building or part of a building or of any articles in such building or part which are likely to retain infection, or the renewal of flooring of any building or part of such building, and the renewal of plastering of the walls thereof, would tend to prevent or check the spread of any dangerous disease; he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as the case may be, or to renew the said flooring and if necessary, the said plastering also within such time as may be specified in the notice:

Provided that where in the opinion of the Commissioner the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the Commissioner may at the expense of the Municipal Fund cleanse and disinfect the building, part or articles, or, as the case may be, renew the flooring and if necessary, the plastering also.

Destruction  
of infectious  
huts or  
sheds.

374. (1) Where the destruction of any hut or shed is in the opinion of the Commissioner necessary to prevent the spread of any dangerous disease, the Commissioner may by notice in writing require the owner to destroy the hut or shed and the materials thereof within such time as may be specified in the notice.

(2) Where the Commissioner is satisfied that the destruction of any hut or shed is immediately necessary for the purpose of preventing the spread of any dangerous disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith or may himself cause it to be destroyed after giving not less than six hours' notice to the owner or occupier.

(3) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed, but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Means of  
disinfection.

375. (1) The Commissioner shall—

(a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding and other articles which have been exposed to infection;

(b) cause conveyances, clothing and other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as he may fix.

(2) The Commissioner may notify places at which articles of clothing, bedding and conveyances or other articles which have been exposed to infection shall be washed and if he does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(3) The Commissioner may direct the destruction of any clothing, bedding or other article likely to retain infection and may give such compensation as he thinks fit for any article so destroyed.

376. (1) In the event of Delhi or any part thereof being visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Commissioner, if he thinks that the other provisions of this Act and the provisions of any other law for the time being in force are insufficient for the purpose, may, with the previous sanction of the Corporation,—

Special measures in case of outbreak of dangerous epidemic diseases.

(a) take such special measures, and

(b) by public notice, give such directions to be observed by the public or by any class or section of the public,

as he thinks necessary to prevent the outbreak or spread of the disease:

Provided that where in the opinion of the Commissioner immediate measures are necessary, he may take action without such sanction as aforesaid and if he does so, shall forthwith report such action to the Corporation.

(2) No person shall commit a breach of any direction given under sub-section (1) and if he does so he shall be deemed to have committed an offence under section 188 of the Indian Penal Code.

377. (1) A person shall not send or take to any washerman or to any laundry or place set apart for the exercise by washermen of their calling, for the purpose of being washed or to any place for the purpose of being cleansed, any cloth or other article which he knows to have been exposed to infection from a dangerous disease unless that cloth or article has been disinfected by or to the satisfaction of the Municipal Health Officer.

Infected clothes not to be sent to washerman or to laundry.

(2) The occupier of any building in which a person is suffering from a dangerous disease shall, if required by the Municipal Health Officer, furnish to him the address of any washerman to whom or any laundry or other place to which clothes and other articles from the building have been, or will be, sent during the continuance of the disease, for the purpose of being washed or cleaned.

Contamina-  
tion and  
disinfection  
of public  
conveyance.

**378. (1) Whoever—**

(a) uses a public conveyance while suffering from a dangerous disease, or

(b) uses a public conveyance for the carriage of a person who is suffering from any disease, or

(c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver or person in charge of the conveyance, and further report without delay to the Commissioner the number of the conveyance and the name of the person so notified.

(2) Where any person suffering from, or the corpse of any person who has died from, a dangerous disease has been carried in a public conveyance which ordinarily plies in Delhi or any part thereof, the driver thereof shall forthwith report the fact to the Commissioner who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(3) No such conveyance shall be again brought into use until the Municipal Health Officer has granted a certificate stating that it can be used without causing risk of infection.

(4) Whoever fails to make to the Commissioner any report which he is required to make under this section shall be guilty of an offence.

Driver of  
conveyance  
not bound  
to carry  
persons  
suffering  
from dan-  
gerous  
disease.

**379.** Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of Delhi any person suffering from a dangerous disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

380. (1) Where any building or part of a building is intended to be let in which any person has, within six weeks immediately preceding, been suffering from a dangerous disease, the person letting the building or part shall, before doing so, disinfect the same in such manner as the Commissioner may by general or special notice direct together with all articles therein liable to retain infection.

Disinfection of buildings before letting the same.

(2) For the purposes of this section, the keeper of a hostel, lodging house or *sarai* shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

381. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any dangerous disease and is likely to be used in or taken into Delhi or any part thereof.

Disposal of infected articles without disinfection.

382. No person while suffering from, or in circumstances in which he is likely to spread, any dangerous disease, shall—

Prohibition of making or selling of food, etc., or washing of clothes by infected persons.

(a) make, carry or offer for sale or take any part in the business of making, carrying or offering for sale, any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

(b) take any part in the business of the washing or carrying of clothes.

383. When Delhi or any part thereof is visited or threatened by an outbreak of any dangerous disease the Commissioner may, by public notice, restrict in such manner or prohibit for such period as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of any flesh of any description of animal so specified.

Power to restrict or prohibit sale of food or drink.

384. (1) If the Commissioner is of opinion that the water in any well, tank or other place is likely, if used for drinking, to endanger, or cause the spread of, any disease, he may—

Control over wells and tanks, etc.

(a) by public notice, prohibit the removal or use of such water for drinking; or

(b) by notice in writing require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or



(c) take such other steps as he may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of Delhi or any part thereof being visited or threatened by an outbreak of a dangerous disease the Municipal Health Officer or any person authorised by him in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking and may further take such steps as he may think fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

Duty of persons suffering from dangerous disease.

385. No person shall,—

(a) knowing that he is suffering from a dangerous disease, expose other persons to the risk of infection by his presence or conduct in any public street or public place;

(b) having the care of a person whom he knows to be suffering from a dangerous disease, cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such street or place as aforesaid;

(c) place or cause to be placed in a dustbin or other receptacle for the deposit of rubbish, any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected properly;

(d) throw or cause to be thrown into any latrine or urinal any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected properly.

Disposal of infectious corpses where any person has died from any dangerous disease.

386. Where any person has died from any dangerous disease the Commissioner may, by notice in writing—

(a) require any person having charge of the corpse to convey the same to a mortuary thereafter to be disposed of in accordance with law, or

(b) prohibit the removal of corpses from the place where death occurred except for the purpose of being burnt, buried or for being conveyed to a mortuary.

*Special conditions regarding essential services*

Conditions of service of sweepers and certain other class of persons employed in municipal service.

387. (1) No person being a sweeper employed by the Corporation shall, in the absence of any contract authorising him so to do and without reasonable cause, resign his employment or absent himself from his duty without having given one month's notice to the Commissioner or shall neglect or without reasonable cause refuse to perform his duties.

(2) The Corporation may by resolution direct that on or from such date as may be specified in the resolution, the provisions of this section shall apply in the case of any specified class of persons employed by the Corporation whose functions are intimately concerned with public health or safety.

388. No sweeper, being employed for doing house scavenging of any building shall discontinue to do such house scavenging without reasonable cause or without having given fourteen days' notice to his employer.

Conditions of service of sweepers employed for doing house scavenging.

*Burning and burial grounds*

389. The Commissioner may, by notice in writing, require the owner or person in charge of any burning or burial ground to supply such information as may be specified in the notice concerning the condition, management, or position of such ground.

Power to call for information regarding burning and burial grounds.

390. (1) No place which has not been used as a burning or burial ground before the commencement of this Act shall be so used without the permission in writing of the Commissioner.

Permission for use of new burning or burial ground.

(2) Such permission may be granted subject to any conditions which the Commissioner may think fit to impose for the purpose of preventing any annoyance to, or danger to the health of, any person residing in the neighbourhood.

391. (1) Where the Commissioner, after making or causing to be made local enquiry is of opinion that any burning or burial ground has become offensive to, or dangerous to the health of, persons residing in the neighbourhood, he may, with the previous sanction of the Standing Committee, by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

Power to require closing of burning and burial grounds.

(2) No corpses shall be burnt or buried at the burning or burial ground in respect of which a notice has been issued under this section.

392. The Commissioner may by public notice prescribe routes by which alone corpses may be removed to burning or burial ground.

Removal of corpses.

*Disposal of dead animals*

393. (1) Whenever any animal in charge of any person dies, the person in charge thereof shall within twenty-four hours either—

Disposal of dead animals

(a) convey the carcass to a place provided or appointed under section 352 for the final disposal of the carcasses of dead animals, or

(b) give notice of the death to the Commissioner whereupon he shall cause the carcass to be disposed of.

(2) In respect of the disposal of the carcass of a dead animal under clause (b) of sub-section (1) the Commissioner may charge such fee as he may by public notice prescribe.

## CHAPTER XVIII

### VITAL STATISTICS

Appointment  
of Chief  
Registrar  
and regis-  
trars.

394. (1) The Municipal Health Officer shall be the Chief Registrar of births and deaths for Delhi and shall keep in such form as may be prescribed by bye-laws a register of all births and deaths occurring in Delhi.

(2) The Commissioner shall for the purposes of this Chapter appoint such number of persons to be registrars of births and deaths as he deems necessary and define the respective areas which shall be under the charge of such registrars.

Duties of  
registrar.

395. The registrar shall keep himself informed of every birth or death occurring within the area under his charge and shall ascertain and register as soon as conveniently may be after the event, and without fee or reward such particulars in respect of every birth or death as may be prescribed by bye-laws made in this behalf.

Information  
of births  
and deaths.

396. (1) It shall be the duty of the father or mother of every child born in Delhi and in default of the father or mother, of any relation of the child living in the same premises, and in default of such relation, of the person having charge of the child, to give to the best of his knowledge and belief to the registrar of the area concerned within eight days after such birth, information containing such particulars as may be prescribed by bye-laws made in this behalf.

(2) It shall be the duty of the nearest relation present at the time of the death or in attendance during the last illness of any person dying in Delhi and in default of such relation, of any person present or in attendance at the time of the death, and of the occupier of the premises in which to his knowledge the death took place and in default of the person hereinbefore mentioned, of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give to the best of his knowledge and belief to the registrar of the area within which the death took place information containing such particulars as may be prescribed by bye-laws made in this behalf.

(3) If a birth or death occurs in the hospital, none of the persons mentioned in sub-section (1) or, as the case may be, in sub-section (2) shall be bound to give information required by that sub-section, but it shall be the duty of the medical officer in charge of the hospital within twenty-four hours after the birth or death, to send to the Municipal Health Officer a notice containing such particulars as may be prescribed by bye-laws made in this behalf.

## CHAPTER XIX

### PUBLIC SAFETY AND SUPPRESSION OF NUISANCES

#### Nuisances

397. (1) No person shall—

Prohibition  
of nuisances.

(a) in any public street or public place—

(i) ease himself; or

~~(ii) loiter, or beg importunately, for alms; or~~  
~~(iii) expose or exhibit, with the object of exciting~~  
~~charity, any deformity or disease or any offensive sore or~~  
~~wound; or~~

(iv) carry meat exposed to public view; or

(v) picket animals, or collect carts; or

(vi) being engaged in the removal of rubbish, filth or other polluted and obnoxious matter wilfully or negligently permit any portion thereof to spill or fall, or neglect to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or

(vii) without proper authority affix upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or

(viii) without proper authority deface or write upon or otherwise mark any building, monument, post, wall, fence, tree or other thing; or

(ix) without proper authority remove, destroy, deface or otherwise obliterate any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder; or

(x) without proper authority displace, damage, make any alteration in, or otherwise interfere with, the pavement, gutter, storm water-drain, flags or other materials of any

↓ Omitted by Act 52 of 1964, s. 2 & Sch I (wef 29-12-64)

such street, or any lamp bracket, direction-post, hydrant or water-pipe maintained by the Corporation in any such street or place, or extinguish a public light; or

(xi) carry rubbish, filth or other polluted and obnoxious matter at any hour prohibited by the Commissioner by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the Commissioner, or fail to close such cart or receptacle when in use; or

(b) carry rubbish, filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the Commissioner by public notice; or

(c) deposit, or cause or permit to be deposited, earth or materials of any description or any rubbish or polluted and obnoxious matter in any place not intended for the purpose in any public street or public place or waste or unoccupied land under the management of the Corporation; or

(d) make any grave or burn or bury any corpse at any place not set apart for such purpose; or

(e) at any time or place at which the same has been prohibited by the Commissioner by public or special notice, beat a drum or tom-tom, or blow a horn or trumpet, or beat any utensil, or sound any brass or other instrument, or play any music; or

(f) disturb the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker; or

(g) let loose any animal so as to cause, or negligently allow any animal to cause, injury, danger, alarm or annoyance to any person; or

(h) save with the written permission of the Commissioner and in such manner as he may authorise, store or use night-soil, cow-dung, manure, rubbish or any other substance emitting an offensive smell; or

(i) use or permit to be used as a latrine any place not intended for that purpose.

(2) Every person shall take all reasonable means to prevent every child under the age of twelve years being in his charge from easing himself in any public street or public place.

(3) The owner or keeper of any animal shall not allow it straying in a public street or public place without a keeper.

(4) Any animal found straying as aforesaid may be removed by an officer or employee of the Corporation or by any police officer to a pound.

(5) [Swine] found straying in a public street or public place shall be liable to be destroyed by any officer or other employee of the Corporation appointed in this behalf.

398. Where the Commissioner is of opinion that there is a nuisance on any land or building, he may, by notice in writing, require the person by whose act, default or sufferance the nuisance arises or continues or the owner, lessee or occupier of the land or building, or any one or more of these persons, to remove or abate the nuisance by taking such measures in such manner and within such period as may be specified in the notice.

Power of Commissioner to require removal or abatement of nuisance.

#### Dogs

399. (1) The Corporation may, by bye-laws made in this behalf,—

Registration and control of dogs.

(a) require the registration, by the registration authority appointed by the Commissioner in this behalf of all dogs kept within Delhi;

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week.

(2) The Commissioner may—

(a) cause to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without

Subs. by Act 58 of 1960, S. 3 & Sch. II (L. No. 26-12-60)

marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed and cause them to be destroyed accordingly.

(3) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

(4) No one, being the owner or person in charge of any dog, shall allow it to be at large in any public street or public place without being muzzled and without being secured by a chain lead in any case in which—

(a) he knows that the dog is likely to annoy or intimidate any person, or

(b) the Commissioner has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads.

(5) No one shall—

(a) allow any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or

(b) set on or urge any dog or other animal to attack, worry or intimidate any person, or

(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, fail or neglect to give immediate information of the fact to the Commissioner or give information which is false.

*Prevention of fire, etc.*

Stacking or  
collecting  
inflammable  
materials.

400. The Commissioner may, by public notice, prohibit in any case where such prohibition appears to him to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place which may be specified in the notice.

Care of  
naked lights.

401. No person shall set a naked light on or near any building in any public street or other public place in such manner as to cause danger of fire:

Provided that nothing in this section shall be deemed to prohibit the use of lights for the purposes of illumination on the occasion of a festival or public or private entertainment.

402. No one shall discharge any fire-arm or let off fireworks or fire-balloons, or engage in any game in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property. Discharging fireworks, fire-arms, etc.

403. Where any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in the opinion of the Commissioner, in a ruinous state, for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Commissioner may by notice in writing require the owner or part-owner or person claiming to be the owner or part-owner thereof or failing any of them the occupier thereof to remove the same or may require him to repair, protect or enclose the same in such manner as he thinks necessary; and if the danger is, in the opinion of the Commissioner, imminent, he shall forthwith take such steps as he thinks necessary to avert the same. Power to require buildings, wells, etc. to be rendered safe.

404. The Commissioner may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner of any land or building, or the lessee or the person claiming to be the lessee of any such land which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves or is used for gaming or immoral purposes or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice. Enclosure of waste land used for improper purposes

## CHAPTER XX

### MARKETS, SLAUGHTER HOUSES, TRADES AND OCCUPATIONS

#### *Maintenance and regulation of markets and slaughter houses*

405. (1) The Commissioner, when authorised by the Corporation in this behalf, may provide and maintain municipal markets and slaughter houses in such number as he thinks fit together with stalls, shops, sheds, pens and other buildings and conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter houses and may provide and maintain in any such markets, buildings and places machines, weights, scales and measures for the weighing or measurement of goods sold therein. Provision of municipal markets and slaughter houses.

(2) Municipal markets and slaughter houses shall be under the control of the Commissioner who may at any time, by public notice, close any municipal market or slaughter house or any part thereof.



Use of  
municipal  
markets.

**406. (1)** No person shall, without the general or special permission in writing of the Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) Any person contravening the provisions of sub-section (1), and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Commissioner or any officer or employee of the Corporation authorised by the Commissioner in this behalf.

Private  
markets and  
slaughter  
houses.

**407. (1)** No place other than a municipal market shall be used as a market unless such place has been licensed as a market by the Commissioner.

(2) No place other than a municipal slaughter house shall be used as a slaughter house:

Provided that nothing in this sub-section shall be deemed—

(a) to restrict the slaughter of any animal in any place on the occasion of any religious festival or ceremony, subject to such conditions (non-compliance with which shall be punishable under this Act) as the Commissioner may, by public or special notice, impose in this behalf, or

(b) to prevent the Commissioner, with the sanction of the Corporation, from setting apart places for the slaughter of animals in accordance with religious custom.

Conditions  
of grant of  
licence for  
private  
market.

**408. (1)** The Commissioner may charge such fees as he thinks fit to impose for the grant of a licence to any person to open a private market and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder, as he thinks fit to impose.

(2) When the Commissioner refuses to grant any licence, he shall record a brief statement of the reasons for such refusal.

(3) The Commissioner may, with the previous approval of the Standing Committee and for reasons to be recorded, suspend a licence in respect of a private market for such period as he thinks fit or cancel such licence.

(4) A private market of which the licence has been suspended or cancelled as aforesaid shall be closed with effect from such date as may be specified in the order of suspension or cancellation.

Prohibition  
of keeping  
market open  
without  
licence, etc.

**409. (1)** No person shall keep open for public use any market in respect of which a licence is required by or under this Act without obtaining a licence therefor, or while the licence therefor is suspended or after the same has been cancelled.

(2) When a licence to open a private market is granted or refused or is suspended or cancelled the Commissioner shall cause a notice of the grant, refusal, suspension or cancellation to be posted in such language or languages as he thinks necessary in some conspicuous place by or near the entrance to the place to which the notice relates.

**410.** No person knowing that any market has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Act or that the licence granted therefor is for the time being suspended or that it has been cancelled, shall sell or expose for sale any animal or article in such market.

Prohibition of use of unlicensed markets.

**411.** (1) No animal or article shall be sold or exposed for sale within a distance of one hundred yards of any municipal market or licensed private market without the permission of the Commissioner.

Prohibition of business and trade near a market.

(2) Any person contravening the provisions of sub-section (1) and any animal or article exposed for sale by such person may be summarily removed by or under the orders of the Commissioner or any officer or employee of the Corporation appointed by him in this behalf.

**412.** The Commissioner, with the previous approval of the Standing Committee, may—

Levy of stallages, rents and fees.

(a) charge such stallages, rents or fees as may from time to time be fixed by him in this behalf—

(i) for the occupation or use of any stall, shop, stand, shed or pen in a municipal market or municipal slaughter house,

(ii) for the right to expose articles for sale in a municipal market,

(iii) for the use of machines, weights, scales and measures provided for in any municipal market; and

(iv) for the right to slaughter animals in any municipal slaughter house, and for the feed of such animals before they are ready for slaughter; or

(b) farm the stallages, rents and fees chargeable as aforesaid or any portion thereof for such period as he may think fit; or

(c) put up to public auction or dispose of by private sale, the privilege of occupying or using any stall, shop, stand, shed or pen in a municipal market or municipal slaughter house for such period and on such conditions as he may think fit.

Stallages,  
rents, etc.,  
to be pub-  
lished.

413. A copy of the table of stallages, rents and fees, if any, chargeable in any municipal market or municipal slaughter house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter house printed in such language or languages as the Commissioner may direct, shall be affixed in some conspicuous place in the market or slaughter house.

Power to  
expel lepers  
and dis-  
turbers, etc.,  
from  
markets.

414. The person in charge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any dangerous disease, who sells or exposes for sale therein any article or who, not having purchased the same handles any article exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

Butcher's,  
fish-monger's  
and poulter-  
er's licence.

415. (1) No person shall without or otherwise than in conformity with a licence from the Commissioner carry on the trade of a butcher, fish-monger, poulterer or importer of flesh intended for human food or use any place for the sale of flesh, fish or poultry intended for human food:

Provided that no licence shall be required for any place used for the sale or storage for sale of preserved flesh or fish contained in airtight or hermetically sealed receptacles.

(2) The Commissioner may by order and subject to such conditions as to supervision and inspection as he thinks fit to impose grant a licence or may by order refuse for reasons to be recorded, to grant the same.

(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the licence.

(4) If any place is used for the sale of flesh, fish or poultry in contravention of the provisions of this section, the Commissioner may stop the use thereof by such means as he may consider necessary.

#### *Trades and occupations*

Factory, etc.,  
not to be  
established  
without per-  
mission of  
the Com-  
missioner.

416. (1) No person shall, without the previous permission in writing of the Commissioner, establish in any premises, or materially alter, enlarge or extend, any factory, workshop or trade premises in which it is intended to employ steam, electricity, water or other mechanical power.

(2) The Commissioner may refuse to give such permission, if he is of the opinion that the establishment, alteration, enlargement or

extension of such factory, workshop or trade premises, in the proposed position would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

**417. (1)** No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, namely:—

Premises not to be used for certain purposes without licence.

(a) any of the purposes specified in Part I of the Eleventh Schedule;

(b) any purpose which is, in the opinion of the Commissioner dangerous to life, health or property or likely to create a nuisance;

(c) keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof; or

(d) storing any of the articles specified in Part II of the Eleventh Schedule except for domestic use of any of those articles:

Provided that the Corporation may declare that premises in which the aggregate quantity of articles stored for sale does not exceed such quantity as may be prescribed by bye-laws in respect of any such articles shall be exempted from the operation of clause (d).

(2) In prescribing the terms of a licence granted under this section for the use of premises as mills or iron yards or for similar purposes the Commissioner may, when he thinks fit, require the licensee to provide a space or passage within the premises for carts for loading and unloading purposes.

(3) The Corporation shall fix a scale of fees to be paid in respect of premises licensed under sub-section (1):

Provided that no such fee shall exceed five hundred rupees.

**418. (1)** If any horses, cattle or other quadruped animals or birds are kept on any premises in contravention of the provisions of section 417, or are found abandoned and roaming or tethered on any street or public place or on any land belonging to the Corporation, the Commissioner or any officer empowered by him may seize them and may cause them to be impounded or removed to such place as may be appointed by the Government or the Corporation for this purpose and the cost of seizure of these animals or birds and of impounding

Seizure of certain animals.

or removing them and of feeding and watering them shall be recoverable by sale by auction of these animals or birds:

Provided that anyone claiming such animal or bird may, within seven days of the seizure get them released on his paying all expenses incurred by the Commissioner in seizing, impounding or removing and in feeding and watering such animal or bird, and on his producing a licence for keeping these animals and birds issued under the provisions of section 417.

(2) Whenever the Commissioner is of opinion that the user of any premises for any of the purposes referred to in sub-section (1) of section 417 is causing a nuisance and such nuisance should be immediately stopped, the Commissioner may order the owner or the occupier of the premises to stop such nuisance within such time as may be specified in the order and in the event of the failure of the owner or occupier to comply with such order, the Commissioner may himself or by an officer subordinate to him cause such user to be stopped.

(3) Without prejudice to the foregoing provisions of this section any person by whom or at whose instance any horses, cattle or other quadruped animals or birds are so kept, abandoned or tethered, shall also be punishable under this Act.

Power of Commissioner to prevent use of premises in particular areas for purposes referred to in section 417.

419. (1) The Commissioner may give public notice of his intention to declare that in any area specified in the notice no person shall use any premises for any of the purposes referred to in sub-section (1) of section 417, which may be specified in such notice.

(2) No objections to any such declarations shall be received after a period of one month from the publication of the notice.

(3) The Commissioner shall consider all objections received within the said period, giving any person affected by the notice an opportunity of being heard during such consideration, and may thereupon make a declaration in accordance with the notice published under sub-section (1), with such modifications, if any, as he may think fit but not so as to extend its application.

(4) Every such declaration shall be published in the Official Gazette and in such other manner as the Commissioner may determine, and shall take effect from the date of its publication in the Official Gazette.

(5) No person shall, in any area specified in any declaration published under sub-section (4), use any premises for any of the purposes referred to in section 417 specified in the declaration and the Commissioner shall have the power to stop the use of any such premises by such means as he considers necessary.

420. No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf,— Licences for hawking articles, etc.

(a) hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not;

(b) use in any place his skill in any handicraft or for rendering services to and for the convenience of the public for the purposes of gain or making a living.

421. (1) No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep any eating house, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or any place where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale. Eating houses, etc., not to be used without licence from the Commissioner.

(2) The Commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of the opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any bye-law made in this behalf, whether the licensee is prosecuted under this Act or not.

422. No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep open any theatre, circus, cinema house, dancing hall or other similar place of public resort, recreation or amusement: Licensing and control of theatres, circuses and places of public amusement.

Provided that nothing in this section shall apply to private performances in any such place.

423. If the Commissioner is of opinion that any eating house, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or other place where the public are admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, circus, cinema house, dancing hall or similar other place of public resort, recreation or amusement is kept open without a licence or otherwise than in conformity with the terms of a licence granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary. Power of Commissioner to stop use of premises used in contravention of licences.

*Inspection of places of sales, etc.*

Power of Commissioner to inspect places where unlawful slaughter of animals, etc., is suspected.

424. (1) If the Commissioner or any person authorised by him in this behalf has reason to believe that any animal intended for human consumption is being slaughtered or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under this Act, he may, at any time by day or night without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any bye-law made under this Act at the time in force is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein.

(2) The Commissioner may remove and sell by auction or otherwise dispose of any animal or carcass of any animal or any flesh seized under sub-section (1).

(3) If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Commissioner or if the owner is convicted of an offence under this Act in respect of such animal, carcass or flesh, the proceeds of any sale under sub-section (1) shall vest in the Corporation.

(4) Any person slaughtering any animal or selling or exposing for sale the flesh of any such animal in any place or manner not duly authorised under the provisions of this Act may be arrested by any police officer without a warrant.

(5) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for affecting such entry.

## CHAPTER XXI

## IMPROVEMENT

Improvement Scheme.

425. Where the Commissioner upon information in his possession is satisfied as respects any area—

(a) that the buildings in that area are by reason of disrepair or sanitary defects unfit for human habitation or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets or the want of light, air, ventilation or proper conveniences, dangerous or injurious to the health of the inhabitants of the area; and

(b) that the most satisfactory method of dealing with the conditions in the area is the re-arrangement and reconstruction

of the streets and buildings in the area in accordance with an improvement scheme;

he may frame an improvement scheme in respect of the area in accordance with the bye-laws made in this behalf.

426. (1) An improvement scheme may provide for all or any of the following matters, namely:—

Matters to be provided for in an improvement scheme.

(a) the acquisition by agreement or under the Land Acquisition Act, 1894, of any property necessary for or affected by the execution of the scheme;

(b) the relaying out of any land comprised in the scheme;

(c) the redistribution of sites belonging to owners of property comprised in the scheme;

(d) the closure or demolition of buildings or portions of buildings unfit for human habitation;

(e) the demolition of obstructive buildings or portions thereof ;

(f) the construction and reconstruction of buildings;

(g) the construction and alteration of streets;

(h) the water supply, street lighting, drainage and other conveniences;

(i) the provision of open spaces for the benefit of any area comprised in the scheme;

(j) the sanitary arrangements required for the area comprised in the scheme;

(k) the provision of accommodation for any class of the inhabitants;

(l) the provision of facilities for communication;

(m) the sale, letting or exchange of any property comprised in the scheme;

(n) any other matter for which, in the opinion of the Commissioner it is expedient to make provision with a view to the improvement of the area to which the scheme relates.

(2) Where any land is designated in an improvement scheme as subject to acquisition or is required by the scheme to be kept as an open space, then, if at the expiration of ten years from the date of sanction of the scheme by the Central Government under sub-section (2) of section 427, the land is not acquired by the Commissioner, the owner of the land may serve on the Commissioner a notice requiring his interest in the land to be so acquired.



(3) If the Commissioner fails to acquire the land within a period of six months from the receipt of the notice, the improvement scheme shall have effect after the expiration of the said six months as if the land were not designated as subject to acquisition by the Commissioner or were not required to be kept as an open space.

Submission of improvement scheme to the Corporation for approval and to the Central Government for sanction.

427. (1) Every improvement scheme shall, as soon as may be after it has been framed, be submitted by the Commissioner for approval to the Corporation and the Corporation may either approve the scheme without modifications or with such modifications as it may consider necessary or reject the scheme with directions to the Commissioner to have a fresh scheme framed according to such directions.

(2) No improvement scheme approved by the Corporation under sub-section (1) shall be valid unless it has been sanctioned by the Central Government.

Rehousing scheme.

428. The Commissioner while framing an improvement scheme under this Chapter for any area may also frame a scheme (hereafter in this Act referred to as the rehousing scheme) for the construction, maintenance and management of such and so many buildings as he may consider necessary for providing accommodation for persons who are likely to be displaced by the execution of the improvement scheme.

Improvement scheme and rehousing scheme to comply with the master plan and zonal development plan.

429. No improvement scheme or rehousing scheme framed under this Chapter after a master plan for Delhi or a zonal development plan for any part thereof has been prepared in accordance with law shall be valid unless such scheme is in conformity with the provisions of the master plan or the zonal development plan.

## CHAPTER XXII

### POWERS, PROCEDURE, OFFENCES AND PENALTIES

#### *Licences and written permissions*

Signature, conditions, duration, suspension, revocation, etc., of licences and written permissions.

430. (1) Whenever it is provided in this Act or any bye-law made thereunder that a licence or a written permission may be granted for any purpose, such licence or written permission shall be signed by the Commissioner or by the officer empowered to grant the same under this Act or the bye-laws made thereunder or by any municipal officer authorised by the Commissioner or such officer in this behalf and shall specify in addition to any other matter required to be specified under any other provision of this Act or any provision of any bye-law made thereunder—

(a) the date of the grant thereof;

(b) the purpose and the period (if any) for which it is granted;

(c) restrictions or conditions, if any, subject to which it is granted,

(d) the name and address of the person to whom it is granted; and

(e) the fee, if any, paid for the licence or written permission.

(2) Except as otherwise provided in this Act or any bye-law made thereunder, for every such licence or written permission a fee may be charged at such rate as may from time to time be fixed by the Commissioner with the sanction of the Corporation and such fee shall be payable by the person to whom the licence or written permission is granted.

(3) Save as otherwise provided in this Act or any bye-law made thereunder any licence or written permission granted under this Act or any bye-law made thereunder may at any time be suspended or revoked by the Commissioner or by the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or any bye-law made thereunder relating to any matter for which the licence or permission has been granted:

Provided that—

(a) before making any order of suspension or revocation reasonable opportunity should be afforded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked;

(b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any bye-law made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or written permission is rescinded or until the licence or written permission is renewed.

(5) Every grantee of any licence or written permission granted under this Act shall at all reasonable times, while such licence or written permission remains in force, if so required by the Commissioner or the authority by whom it was granted, produce such licence or written permission.

*Entry and inspection*

Powers of entry and inspection.

431. The Commissioner, the General Manager (Electricity) ~~or the General Manager (Transport)~~ or any municipal officer or other municipal employee authorised in this behalf by any of the aforesaid municipal authorities or empowered in this behalf by or under any provision of this Act, may enter into or upon any land or building with or without assistants and workmen—

(a) for the purpose of ascertaining whether there is or has been on or in connection with the land or building any contravention of the provisions of this Act or any bye-law made thereunder;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Commissioner, the General Manager (Electricity) ~~or the General Manager (Transport)~~ or any municipal officer or employee authorised or empowered in this behalf to take any action or execute any work under this Act or any bye-law made thereunder;

(c) for the purpose of taking any action or executing any work authorised or required by this Act or any bye-law made thereunder;

(d) to make any inquiry, inspection, examination, measurement, valuation or survey authorised or required by or under this Act or necessary for the proper administration of this Act;

(e) generally for the purpose of efficient discharge of the functions by any of the municipal authorities under this Act or any bye-law made thereunder.

Power to enter land adjoining land in relation to any work.

432. (1) The Commissioner, the General Manager (Electricity) ~~or the General Manager (Transport)~~ or any person authorised in this behalf by any of the aforesaid municipal authorities or empowered in this behalf by or under any provision of this Act, may enter on any land within fifty yards of any work authorised by or under this Act with or without assistants and workmen for the

✓ Omitted by Act 71 of 1971, s 7 & Sec. 54. (G.E.F. 3-11-1971)

purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) The person so authorised shall, before entering on any such land, state the purpose thereof, and shall, if so required by the owner or occupier thereof, fence off so much of the land as may be required for such purpose.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Corporation in accordance with bye-laws made in this behalf to the owner or occupier of such land or to both for any such damage, whether permanent or temporary.

433. (1) It shall be lawful for the Commissioner, the General <sup>Breaking into</sup> Manager (Electricity) ~~or the General Manager (Transport)~~ or any <sup>buildings.</sup> person authorised in this behalf by any of the aforesaid municipal authorities or empowered in this behalf by or, under any provision of this Act, to make any entry into any place, and to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Commissioner, the General Manager (Electricity) ~~or the General~~ <sup>Manager (Transport)</sup> or the person authorised or empowered in this behalf, shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situate, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to the Standing Committee as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

434. Save as otherwise provided in this Act or any bye-law <sup>Time of</sup> made ~~thereunder~~, no entry authorised by or under this Act shall be made <sup>making</sup> ~~except~~ between the hours of sunrise and sunset. <sup>entry.</sup>

435. Save as otherwise provided in this Act or any bye-law <sup>Consent</sup> made ~~thereunder~~, no land or building shall be entered without the <sup>ordinarily</sup> consent <sup>to be</sup> of the occupier, or if there is no occupier, of the owner thereof <sup>obtained.</sup> and

4 Omitted by Act 71 of 1971, S. 7 & Sec. Sch (w.e.f. 3-11-1971)

no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty-four hours' written notice of the intention to make such entry :

Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for any of the purposes specified in section 417 or a stable for horses or a shed for cattle or a latrine or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder.

Regard to be had to social or religious usages

436. When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Prohibition of obstruction or molestation in execution of work.

437. No person shall obstruct or molest any person authorised or empowered by or under this Act or any person with whom the Corporation or any of the municipal authorities specified in section 44 has lawfully contracted, in the execution of his duty or of anything which he is authorised or empowered or required to do by virtue or in consequence of any of the provisions of this Act or any bye-law made thereunder, or in fulfilment of his contract, as the case may be.

#### Public notices and advertisements

Public notices how to be made known.

438. Every public notice given under this Act or any bye-law made thereunder shall be in writing under the signature of any of the following appropriate municipal authorities, that is to say, the Commissioner or the General Manager (Electricity) ~~or the General Manager (Transport)~~ or of any municipal officer authorised in this behalf by any of the aforesaid municipal authorities, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality or by publishing the same by beat of drum or by advertisement in local newspapers or by any two or more of these means and by any other means that the appropriate municipal authority may think fit.

Newspapers in which advertisements or notices to be published.

439. Whenever it is provided by this Act or any bye-law made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or information shall be published in local newspapers, such notice, notification or information shall be

∨ Omitted by Act 71 of 1971, S. 7 & sec. Sch. (w.e.f. 2-11-1971)

inserted, if practicable, in at least three newspapers in such languages as the Corporation may from time to time specify in this behalf:

Provided that if the Corporation publishes a municipal journal, a publication in that journal shall be deemed to be a publication in a newspaper of the language in which the said journal may be published.

#### Evidence

440. Whenever under this Act or any rule, regulation or bye-law made thereunder the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Commissioner or the General Manager (Electricity) ~~or the General Manager (Transport)~~ or of any municipal officer, a written document signed by any such municipal authority or officer purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Proof of consent, etc., of Commissioner, General Managers, etc.

#### Notices, etc.

441. Where any notice, bill, order or requisition issued or made under this Act or any rule, regulation or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule, regulation or bye-law, the notice, bill, order or requisition shall specify a reasonable time for doing the same.

Notices, etc., to fix reasonable time.

442. (1) Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule, regulation or bye-law made thereunder to bear the signature of the Commissioner or the General Manager (Electricity) ~~or the General Manager (Transport)~~ or of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of any such municipal authority or officer, as the case may be, stamped thereupon.

Signature on notices, etc., may be stamped.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 101.

443. All notices, bills, summonses and other documents required by this Act or any rule, regulation or bye-law made thereunder to be served upon, or issued to, any person, shall be served or issued by municipal officers or other municipal employees or by other persons authorised by any of the following appropriate municipal authorities, that is to say, ~~the Commissioner or the General Manager (Electricity) or the General Manager (Transport)~~.

Notices, etc., by whom to be served or issued.

✓ Omitted & Ins. by Act 7 of 1971, s. 7. & Sec. Sch. (w.e.f. 3-11-1971)

Service of  
notices,  
etc.

444. (1) Every notice, bill, summons, order, requisition or other document required or authorised by this Act or any rule, regulation or bye-law made thereunder to be served or issued by or on behalf of the Corporation, or by any of the municipal authorities specified in section 44 or any municipal officer, on any person shall, save as otherwise provided in this Act or such rule, regulation or bye-law, be deemed to be duly served—

(a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either—

- (i) sent by registered post, or
- (ii) delivered at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

- (i) sent by registered post, or
- (ii) delivered at the said place of business;

(c) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

- (i) sent by registered post, or
- (ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served and—

- (i) is given or tendered to him, or
- (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the Union territory of Delhi, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or

building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises the Commissioner may by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) Nothing in sections 442 and 443 and in this section shall apply to any summons issued under this Act by a court.

(7) A servant is not a member of the family within the meaning of this section.

445. Notwithstanding anything contained in sections 443 and 444 a bill for any tax or a notice of demand may be served by sending it by ordinary post with a pre-paid letter under a certificate of posting addressed to the appropriate person specified in section 444 at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

Service of bills for tax or notice of demand by ordinary post.

446. In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule, regulation or bye-law made thereunder, requiring such person to execute any work or to do any act it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of

Powers in case of non-compliance with notice, etc.



the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Commissioner on demand and if not paid within ten days after such demand, shall be recoverable as an arrear of tax under this Act.

*Recovery of expenses*

Liability of occupier to pay in default of owner.

447. (1) If any notice, order or requisition has been issued to any person in respect of property of which he is the owner, the authority or officer at whose instance such notice, order or requisition has been issued, may require the occupier of such property or of any part thereof to pay to him, instead of to the owner, any rent payable by him in respect of such property, as it falls due up to the amount recoverable from the owner under section 446:

Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name or address of the person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under section 446 as an arrear of tax under this Act,

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1), shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

Execution of work by occupier in default of owner and deduction of expenses from rent.

448. Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or any bye-law made thereunder, the occupier, if any, of such land or building may, with the approval of the Commissioner, execute the said work and he shall, subject to any contract between the owner and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him to the owner.

Relief to agents and trustees.

449. (1) Where any person, by reason of his receiving rent of immovable property as a receiver, agent or trustee, or of his being as a receiver, agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act or any bye-law made thereunder, be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling a receiver, agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any receiver, agent or trustee has claimed and established his right to relief under this section, the Commissioner may, by notice in writing require him, to apply to the discharge of his obligation as aforesaid the first moneys which may come to his hands on behalf, or for the use, of the owner, and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

*Payment of compensation*

450. In any case not otherwise provided for in this Act or in any bye-law made thereunder, the Commissioner with the previous approval of the Standing Committee, or with respect to matters relating to the Delhi Water Supply and Sewage Disposal Undertaking with the previous approval of the Delhi Water Supply and Sewage Disposal Committee, the General Manager (Electricity) and the General Manager (Transport) with the previous approval respectively of the Delhi Electric Supply Committee and the Delhi Transport Committee, may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act or any bye-law in the Commissioner or the General Managers or in any municipal officer or other municipal employee.

General power to pay compensation.

(✓) xxx  
(✓) xxx  
(✓) xxx

451. (1) Any person who has been convicted of an offence against this Act or any bye-law made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Corporation resulting from the said offence as the appropriate municipal authority may consider reasonable.

Compensation to be paid by offenders for damage caused by them.

(2) In the event of a dispute regarding the amount of compensation payable under sub-section (1) such amount shall, on application made to him, be determined by the magistrate before whom the said person was convicted of the said offence; and on non-payment of the amount of compensation so determined the same shall be recovered under a warrant from the said magistrate as if it were a fine imposed by him on the person liable therefor.

*Recovery of expenses or compensation in case of dispute*

452. (1) If, when the Commissioner demands payment of any expenses referred to in section 446, his right to demand the same or the amount of the demand is disputed within ten days after such

Reference the court of the district judge in certain cases.

↓ Omitted by Act 71 of 1971, S 74 Sec. Sch. (wef 3-11-1971)

demand, the Commissioner shall ~~refer the case for determination to the court of the district judge of Delhi.~~

(2) The Commissioner shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by him, and shall, after the decision, proceed to recover only such amount, if any, as is thereby declared to be due in the manner referred to in section 446.

Application to the court of the district judge in other cases.

453. (1) Where, in any case not provided for by section 452, the Corporation or any municipal authority or any municipal officer or other municipal employee is required by this Act or by any bye-law made thereunder to pay any expenses or any compensation, the amount to be so paid and if necessary, the apportionment of the same, shall, in case of dispute, be determined by the court of the district judge of Delhi on application having been made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

(2) If the amount of any expenses or compensation ascertained in accordance with sub-section (1) is not paid by the person liable therefor on demand, it shall be recoverable as if the same were due under a decree passed by the court of the district judge in an original suit tried by it.

Power to sue for expenses or compensation.

454. Instead of proceeding in the manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any court of competent jurisdiction.

#### *Recovery of certain dues*

Mode of recovery of certain dues.

455. In any case not expressly provided for in this Act or any bye-law made thereunder any sum due to the Corporation on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or any such bye-law may be recoverable from any person from whom such sum is due as an arrear of tax under this Act:

Provided that no proceedings for the recovery of any sum under this section shall be commenced after the expiry of three years from the date on which such sum becomes due.

4 Subs by Act 42 of 1984, S. 8.

## Obstruction of owner by occupier

456. (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Act or any bye-law made thereunder or with any notice, order or requisition issued under such provision, apply to the court of the district judge of Delhi; and where such application is made within any time that may be fixed for the compliance with such provision or notice, order or requisition, the owner shall not be liable for his failure to comply with the provision, or notice, order or requisition within the time so fixed.

Right of owner to apply to the court of the district judge in case of obstruction by occupier.

↓ [The Appellate Tribunal or the court, as the case may be]

(2) The court, on receipt of such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or notice, order or requisition and may also, if it thinks fit direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of the order referred to in sub-section (2), the occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be specified in the order; and in the event of his continued refusal to do so, the owner shall be discharged during the continuance of such refusal, from any liability which may have been otherwise incurred by reason of his failure to comply with the said provision or notice, order or requisition.

## Proceedings before the court of the district judge

457. The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed, as far as it can be made applicable, in the disposal of applications, appeals or references that may be made to the court of the district judge of Delhi under this Act or any bye-law made thereunder.

General powers and procedure of the court of the district judge.

458. (1) The Central Government may, by notification in the Official Gazette, prescribe what fee shall be paid—

Fees in proceedings before the court of the district judge.

(a) on any application, appeal or reference under this Act or any bye-law made thereunder to the court of the district judge of Delhi; and

(b) for the issue, in connection with any inquiry or proceedings before that court under this Act or such bye-law, of any summons or other process:

↓. Su. l. s. by Act 42 of 1984, S. 9.

Provided that the fee, if any, prescribed under clause (a) shall not, in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees leviable for the time being under the provisions of the Court-fees Act, 1870, in cases in which the amount of the claim or subject matter is of a like amount.

(2) The Central Government may, by like notification, determine the person by whom the fee, if any, prescribed under clause (a) of sub-section (1), shall be payable.

(3) No application, appeal or reference shall be received by the court of the district judge until the fee, if any, prescribed therefor under clause (a) of sub-section (1) has been paid :

Provided that the court may in any case in which it thinks fit so to do,—

(i) receive an application, appeal or reference made by or on behalf of a poor person, and

(ii) issue process on behalf of any such person,

without payment or on part payment of the fees prescribed under this section.

Repayment  
of half fees  
on settle-  
ment before  
hearing.

459. Whenever any application, appeal or reference made under this Act or any bye-law made thereunder to the court of the district judge is settled by agreement between the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the court to the parties by whom the same have respectively been paid.

Power of  
the court of  
the district  
judge to  
delegate  
certain  
powers and  
to make  
rules.

460. The court of the district judge of Delhi may—

(a) delegate, either generally or specially, to the court of an additional district judge, power to receive applications, appeals and references under this Act or any rule, regulation or bye-law made thereunder, and to hear and determine such applications, appeals and references; *[election petitions, ]*

(b) with the approval of the Central Government, make rules not inconsistent with this Act or any rule, regulation or bye-law made thereunder, providing for any matter connected with the exercise of the jurisdiction conferred upon the court by this Act which is not herein specifically provided for.

1. Ins. by Act 42 of 1961, s. 18 (w.e.f. 12.9.61).

[C1] 461. Whoever—

Offences and penalties

Punishment for certain offences.

(a) contravenes any provision of any of the sections, sub-sections, clauses, provisos or other provisions of this Act mentioned in the first column of the Table in the Twelfth Schedule; or

(b) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or other provisions,

shall be punishable—

(i) with fine which may extend to the amount, or with imprisonment for a term which may extend to the period, specified in that behalf in the third column of the said Table or with both; and

(ii) in the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

462. Any councillor or alderman, or any member, not being a councillor or an alderman, of the Delhi Electric Supply Committee, ~~the Delhi Transport Committee, the Delhi Water Supply and Sewage Disposal Committee or of any other committee of the Corporation, who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under section 9 it is permissible for a councillor to have without being thereby disqualified for being a councillor or an alderman, and the Commissioner, the General Manager (Electricity), ~~the General Manager (Transport)~~ or any municipal officer or other municipal employee who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under clause (i) of sub-section (1) of section 9 or sub-clauses (ii) and (iii) of clause (c) of sub-section (2) of that section it is permissible for a councillor or an alderman to have, without being thereby disqualified for being a councillor or an alderman, shall be deemed to have committed the offence made punishable under section 168 of the Indian Penal Code.~~

Punishment for acquiring share or interest in contract, etc., with the Corporation.

15 of 1860.

↓ Omitted by Act 71 of 1971, s.7 & sec. Sch. (w.e.f. 3.11.1971).

2 Re-numbered and amended by Act 42 of 1984, s.10. (w.e.f. 10.12.1985).

Punishment  
for offences  
relating to  
terminal tax.

463. Whoever brings within the Union territory of Delhi any goods liable to terminal tax without the payment of such tax shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both, and the court trying an offence under this section may, on such conviction, also confiscate the goods in respect of which the offence has been committed.

Penalty for  
evasion of  
terminal  
taxes.

464. Where any goods imported into Delhi are liable to the payment of terminal tax, any person who, with the intention of evading payment of the tax introduces or attempts to introduce or causes or abets the introduction of any such goods within the Union territory of Delhi, upon which payment of terminal tax due on such introduction, has neither been made nor tendered, shall be punishable with fine which may extend to ten times the amount of such terminal tax.

General  
penalty.

465. Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

Offences by  
companies.

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

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

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

↓ G.S. by Act 42 of 1984, S. 71 (w.e.f. 10.12.1985)  
↓ S. 12, ibid (w.e.f. 10.12.1985).

OF 1957]

Delhi Municipal Corporation

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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.

~~467. Save as otherwise provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act except on the complaint of, or upon information received from, any of the following appropriate municipal authorities, that is to say, the Commissioner, the General Manager (Electricity), the General Manager (Transport) or a person authorised by any of them by a general or special order in this behalf.~~ Prosecutions

468. (1) Any of the following appropriate municipal authorities, that is to say, the Commissioner, the General Manager (Electricity), the General Manager (Transport) or any person authorised by any of them by general or special order in this behalf, may, either before or after the institution of the proceedings compound any offence made punishable by or under this Act: Composition of offences.

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Corporation or of any of the municipal authorities specified in section 44 unless and until the same has been complied with so far as the compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

*Magistrates and proceedings before magistrates*

469. (1) The Central Government may appoint one or more magistrates of the first class for the trial of offences against this Act and against any rule, regulation or bye-law made thereunder and may prescribe the time and place at which such magistrate or magistrates shall sit for the despatch of business. Municipal magistrates.

(2) Such magistrates shall be called municipal magistrates and shall besides the trial of offences as aforesaid, exercise all other powers and discharge all other functions of a magistrate as provided in this Act or any rule, regulation or bye-law made thereunder.

(3) Such magistrates and the members of their staff shall be paid such salary, pension, leave and other allowances as may, from time to time, be fixed by the Central Government.



(4) The Corporation shall, out of the Municipal Fund, pay to the Central Government the amounts of the salary, pension, leave and other allowances as fixed under sub-section (3) together with all other incidental charges in connection with the establishments of the said magistrates.

(5) Each such magistrate shall have jurisdiction over the whole of Delhi.

(6) For the purposes of the Code of Criminal Procedure, 1898, <sup>5 of 1898.</sup> all municipal magistrates appointed under this Act shall be deemed to be magistrates appointed under section 12 of the said Code.

(7) Nothing in this section shall be deemed to preclude any magistrate appointed hereunder from trying any offence under any other law.

Cognizance  
of offences.

× 470. All offences against this Act or any rule, regulation or bye-law made thereunder, whether committed within or without the limits of Delhi, shall be cognizable by a municipal magistrate and such magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence under any enactment which is repealed by, or which ceases to have effect under, this Act by reason only of his being liable to pay any municipal tax or rate or benefited out of the Municipal Fund.

Limitation  
of time for  
prosecution.

× 471. No person shall be liable to punishment for any offence against this Act or any rule, regulation or bye-law made thereunder, unless complaint of such offence is made before a municipal magistrate within six months next after—

(a) the date of the commission of such offence, or

(b) the date on which the commission or existence of such offence was first brought to the notice of the complainant.

Power of  
magistrate  
to hear  
cases in  
absence of  
accused  
when sum-  
moned to  
appear.

× 472. If any person summoned to appear before a magistrate to answer a charge of an offence against this Act or any rule, regulation or bye-law made thereunder fails to appear at the time and place mentioned in the summons, or on any date to which the hearing of the case is adjourned, the magistrate may hear and determine the case in his absence, if—

(a) service of the summons is proved to his satisfaction, and

(b) no sufficient cause is shown for the non-appearance of such person.

\* 473. (1) The Commissioner, the General Manager (Electricity) or the General Manager (Transport) or any municipal officer or other municipal employee authorised by any of the aforesaid municipal authorities in this behalf or any person who resides or owns property in Delhi, may complain to a municipal magistrate of the existence of any nuisance. Complaints concerning nuisances and procedure therefor.

(2) Upon the receipt of any such complaint the magistrate, after making such inquiry as he thinks necessary, may by written order direct the person responsible for the nuisance or the owner of the land or building on which the nuisance has taken place, to take such measures as to such magistrate may seem practicable and reasonable, and within such period as may be specified in the order, for abating, preventing, removing or remedying such nuisance and may direct any of the appropriate municipal authorities to put into force any of the provisions of this Act or any bye-law made thereunder.

(3) The magistrate may further direct the person found responsible for the nuisance to pay to the complainant such reasonable costs of and relating to the said complaint as he shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(4) Where in the opinion of the magistrate immediate action to prevent the nuisance is necessary he may dispense with the inquiry as required by sub-section (2) and make such order as he considers necessary forthwith.

(5) If the person directed to take action by an order under sub-section (2) or sub-section (3) fails to do so within the period specified in the order, the Commissioner or any other appropriate municipal authority may on the expiry of the said period proceed to take action as directed in the order or may take such other measures to abate, prevent, remove or remedy the nuisance as he considers necessary, and all expenses incurred in that connection shall be recoverable from the person against whom the magistrate has made the order as an arrear of tax under this Act.

#### *Powers and duties of police officers*

474. (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any rule, regulation or bye-law made thereunder, if— Arrest of offenders.

(a) the name and address of such person be unknown to him, and

(b) such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the nearest magistrate, for a period longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such magistrate.

Duties of  
police  
officers

475. It shall be the duty of all police officers to give immediate information to the Commissioner or any other appropriate municipal authority of the commission of, or the attempt to commit, any offence against this Act or any rule, regulation or bye-law made thereunder and to assist all municipal officers and other municipal employees in the exercise of their lawful authority.

#### Legal proceedings

Power to  
institute,  
etc., legal  
proceedings  
and obtain  
legal advice

476. (1) The Commissioner may—

(a) take, or withdraw from, proceedings against any person who is charged with—

(i) any offence against this Act or any rule, regulation or bye-law made thereunder; or

(ii) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act; or

(iii) committing any nuisance whatsoever;

(b) contest or compromise any appeal against rateable value or assessment of any tax or rate;

(c) take, or withdraw from, or compromise, proceedings under sections 451, 452 and 453 for the recovery of expenses or compensation claimed to be due to the Corporation;

(d) withdraw or compromise any claim for a sum not exceeding one thousand rupees against any person;

(e) defend any suit or other legal proceeding brought against the Corporation or against the Commissioner or a municipal officer or other municipal employee in respect of anything done or omitted to be done by any one of them in his official capacity;

(f) with the approval of the Standing Committee, admit or compromise any claim, suit or other legal proceeding brought against the Corporation or against the Commissioner or any

municipal officer or other municipal employee in respect of anything done or omitted to be done as aforesaid;

(g) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner on behalf of the Corporation;

(h) institute and prosecute any suit or other legal proceeding, or with the approval of the Standing Committee withdraw from or compromise any suit or any claim for any sum not exceeding five hundred rupees which has been instituted or made in the name of the Corporation or of the Commissioner;

(i) obtain such legal advice and assistance as he from time to time thinks necessary or expedient to obtain or as he may be required by the Corporation or the Standing Committee to obtain, for any of the purposes mentioned in the foregoing clauses or for securing lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or other municipal employee.

(2) Any reference in sub-section (1) to the Commissioner shall be construed—

(a) in relation to any matter specified in that sub-section pertaining to the Delhi Electric Supply Undertaking as a reference to the General Manager (Electricity);

~~(b) in relation to any such matter pertaining to the Delhi Transport Undertaking, as a reference to the General Manager (Transport).~~ (U)xxx

477. No suit or prosecution shall be entertained in any court against the Corporation or against any municipal authority or against any municipal officer or other municipal employee or against any person acting under the order or direction of any municipal authority or any municipal officer or other municipal employee, for anything which is in good faith done or intended to be done, under this Act or any rule, regulation or bye-law made thereunder. Protection of action of the Corporation, etc.

478. (1) No suit shall be instituted against the Corporation or against any municipal authority or against any municipal officer or other municipal employee or against any person acting under the order or direction of any municipal authority or any municipal officer or other municipal employee, in respect of any act done, or purporting to have been done, in pursuance of this Act or any rule, regulation or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the municipal office Notice to be given of suits.

✓ Omitted by Act 71 of 1974, S. 7 & Sec. 5h (w.e.f. 3-11-1971)

and, in the case of such officer, employee or person, unless notice in writing has also been delivered to him or left at his office or place of residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of residence of the intending plaintiff, and unless the plaint contains a statement that such notice has been so left or delivered.

(2) No suit, such as is described in sub-section (1), shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(3) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit.

### CHAPTER XXIII

#### RULES, REGULATIONS AND BYE-LAWS

Supple-  
mental pro-  
visions res-  
pecting rules.

479. (1) Any rule which the Central Government is empowered to make under this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees.

~~(2) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.~~

Supple-  
mental pro-  
visions res-  
pecting re-  
gulations.

480. (1) Any regulation which may be made by the Corporation under this Act, may be made by the Central Government within one year of the establishment of the Corporation; and any regulation so made may be altered or rescinded by the Corporation in the exercise of its powers under this Act.

(2) No regulation made by the Corporation under this Act shall have effect until it has been approved by the Central Government and published in the Official Gazette.

Power to  
make bye-  
laws.

481. (1) Subject to the provisions of this Act the Corporation may, in addition to any bye-laws which it is empowered to make by any

1. Subs. by Act 42 of 1961, s. 19 (w.e.f. 12.9.61).
2. Subs. by Act 55 of 1974, s. 11 (w.e.f. 10.1.75).

other provision of this Act, make bye-laws to provide for all or any of the following matters, namely:—

*A. Bye-laws relating to taxation*

(1) the maintenance of tax books and registers by the Commissioner and the particulars which such books and registers should contain;

(2) the inspection of and the obtaining of copies and extracts from such books and registers and fees, if any, to be charged for the same;

(3) the publication of rates of taxes as determined by the Corporation from time to time;

(4) the requisition by the Commissioner of information and returns from persons liable to pay taxes;

(5) the notice to be given to the Commissioner by any person who becomes the owner or possessor of a vehicle or animal in respect of which any tax is payable under this Act;

(6) the wearing of badge by the driver of any such vehicle and the display of number plate on such vehicle;

(7) the submission of returns by persons liable to pay any tax under this Act;

16 of 1908. (8) the collection by the registrar or sub-registrar of Delhi appointed under the Indian Registration Act, 1908, of the additional stamp duty payable to the Corporation under this Act, the periodical payment of such duty to the Corporation and the maintenance by such registrar or sub-registrar of separate accounts in relation thereto;

(9) any other matter relating to the levy, assessment, collection, refund or remission of taxes under this Act;

*B. Bye-laws relating to water supply, drainage and sewage disposal*

(1) the power of the Commissioner to close water works for the supply of water, whether for domestic purposes or not, or for gratuitous use and to prohibit the sale and use of water for the purpose of business;

(2) the connection of supply pipes for conveying to any premises a supply of water from a municipal water works;

(3) the making and renewing connections with municipal water works;

(4) the power of the Commissioner to take charge of private connections;

(5) the power of the Commissioner to alter the position of connections;

(6) the equitable distribution of water supplied to occupiers;

(7) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any municipal water works and the stamping of pipes and fittings and fees for such stamping;

(8) the size, material, quality and description of pipes, cisterns and fittings which are found on an examination under the provisions of this Act to be so defective that they cannot be effectively repaired;

(9) the provision and maintenance of meters when water is supplied by measurement;

(10) the prohibition of fraudulent and unauthorised use of water and the prohibition of fraud in connection with meters;

(11) the maintenance of pipes, cisterns and other water works;

(12) the regulation or prohibition of the discharge or deposit of offensive or obstructive matter, polluted water or other polluted and obnoxious matter into sewers;

(13) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation shafts, pipes, latrines, urinals, cesspools and other drainage works;

(14) the cleansing of drains;

(15) the prohibition of erection of buildings over drains without the permission of the Commissioner;

(16) the connection of private drains with municipal drains;

(17) the location and construction of cesspools;

(18) the covering and ventilation of cesspools;

(19) the period or periods of the day during which trade effluent may be discharged from any trade premises into municipal drains;

(20) the exclusion from trade effluent of all condensing water;

(21) the elimination from trade effluent, before it enters a municipal drain, of any constituent which in the opinion of the corporation would, either alone or in combination with any matter with which it is likely to come into contact while passing through municipal drains, injure or obstruct those drains or make specially difficult or expensive the treatment or disposal of the sewage from those drains;

(22) the maximum quantity of trade effluent which may without any consent or permission, be discharged from any trade premises into municipal drains on any one day and the highest rate at which trade effluent may, without such consent or permission, be discharged from any trade premises into municipal drains;

(23) the regulation of the temperature of trade effluent at the time of its discharge into municipal drains and the securing of the neutrality of trade effluent (that is to say, that it is neither acid nor alkaline) at the time of such discharge;

(24) the charges to be paid to the Corporation by occupiers of trade premises for the reception of trade effluent into municipal drains and disposal thereof;

(25) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into municipal drains from trade premises;

(26) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into municipal drains, and the testing of such meters;

**C. Bye-laws relating to electric supply**

all matters relating to the conduct and management of the Delhi Electric Supply Undertaking;

~~**D. Bye-laws relating to transport services**~~

(1) the issue of passes <sup>to the employees and aldermen and J</sup> to the employees employed in connection with the affairs of the Delhi Transport Undertaking and the conditions subject to which such passes may be issued;

639 M. of Law-92.

1. Ins. by Act 42 of 1961, S. 20 (retrospectively).  
 2. Omitted by Act 71 of 1971, S. 7 & Sec. 311 (w.e.f. 3-11-1971)



- (2) the grant of refund in respect of unused tickets and concessional passes;
- (3) the disposal of unclaimed articles and property and the period after the expiration of which such unclaimed articles and property may be sold by public auction or otherwise;
- (4) the regulation of the carriage of passengers and goods in the road transport services of the undertaking including the levy and collection of fares and charges for such carriage;
- (5) any other matter relating to the ~~conduct and management of the Delhi Transport Undertaking;~~

*E. Bye-laws relating to streets*

- (1) the closure of streets when any work is in progress and alternative passage during the progress of such work;
- (2) the erections of a temporary nature during festivals;
- (3) the setting up of hoards on buildings adjacent to streets during their construction or repair;
- (4) the precautions to be taken when permission is granted to any private individual for opening or breaking up any public street and the fees to be paid for the restoration of a street in its original condition;
- (5) the permission, regulation or prohibition of use or occupation of any street or place by itinerant vendors or hawkers or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall and the fees chargeable for such occupation;
- (6) any other matter in connection with the construction, repair, maintenance, naming, numbering and lighting of streets for which provision is necessary or should be made;

*F. Bye-laws relating to buildings*

- (1) the regulation or restriction of the use of sites for buildings for different areas;
- (2) the regulation or restriction of buildings in different areas;
- (3) the form of notice of erection of any building or execution of any work and the fee in respect of the same;
- (4) the plans and documents to be submitted together with such notice and the information and further information to be furnished;

(5) the level and width of foundation, level of lowest floor and stability of structure;

(6) the construction of buildings and the materials to be used in the construction of buildings;

(7) the height of buildings whether absolute or relative to the width of streets or to different areas;

(8) the number and height of storeys composing a building and the height of rooms and the dimensions of rooms intended for human habitation;

(9) the provision of open spaces, external and internal, and adequate means of light and ventilation;

(10) the provision of means of egress in case of fire, fire-escapes and water lifting devices;

(11) the provision of secondary means of access for the removal of house refuse;

(12) the materials and methods of construction of external and party walls, roofs and floors;

(13) the position, materials and methods of construction of hearths, smoke-escapes, chimneys, stair-cases, latrines, drains and cesspools;

(14) the provision of lifts;

(15) the paving of yards;

(16) the restrictions on the use of inflammable materials in buildings;

(17) the restriction on construction of foundation on certain sites;

(18) the measures to be taken to protect buildings from damp arising from sub-soil;

(19) the wells, tanks and cisterns and pumps for the supply of water for human consumption in connection with buildings;

(20) in the case of wells, the dimensions of the well, the manner of enclosing it and if the well is intended for drinking purposes the means which shall be used to prevent pollution of the water;

(21) the supervision of buildings;

(22) the setting back of garages and shops from the regular line of a street;

(23) the construction of portable structures and permission for such construction;

*G. Bye-laws relating to sanitation and public health*

- (1) the position of latrines and urinals;
- (2) the provision of air spaces between latrines and buildings or places used for various purposes;
- (3) the white-washing of buildings;
- (4) the provision of living accommodation for sweepers in buildings newly erected requiring ten or more latrines;
- (5) the regulation or prohibition of the stabling or herding of animals or any class of animals so as to prevent danger to public health;
- (6) the seizure of ownerless animals straying within the limits of Delhi and the regulation and control of pounds;
- (7) the fixing and regulation of the use of public bathing and washing places;
- (8) the prevention of the spread of dangerous diseases;
- (9) the segregation in or the removal or exclusion from any part of Delhi or the destruction of animals suffering or reasonably suspected to be suffering from any infectious or contagious disease;
- (10) the supervision, regulation, conservation and protection from injury, contamination or trespass, of sources and means of public water supply and of appliances for the distribution of water;
- (11) the enforcement of compulsory vaccination and inoculation;
- (12) the proper disposal of corpses, the regulation and management of burning and burial places and other places for the disposal of corpses and the fees chargeable for the use of such places where the same are provided or maintained at the expense of the Municipal Fund;

*H. Bye-laws relating to vital statistics*

- (1) the prescribing of qualifications of persons to be appointed as registrars under Chapter XVIII;
- (2) the registration of births, deaths and marriages and the taking of a census;

I. *Bye-laws relating to public safety suppression of nuisances.*

the regulation or prohibition for the purpose of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance and for the regulation or prohibition of which no provision is made elsewhere by this Act;

J. *Bye-laws relating to markets, slaughter houses, trades and occupations*

(1) the days on, and the hours during which any market or slaughter house may be kept open for use;

(2) the regulation of the design, ventilation and drainage of markets and slaughter houses and the materials to be used in the construction thereof;

(3) the keeping of markets and slaughter houses and the lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth, rubbish and other polluted and obnoxious matter therefrom and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;

(4) the manner in which animals shall be admitted in a slaughter house;

(5) the manner in which animals may be slaughtered;

(6) the provision of passages of sufficient width between the stalls in market buildings and market places for the convenient use of the public and the prevention of encroachment of which passages;

(7) the setting apart of separate areas for different classes of articles in market buildings and market places;

(8) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;

(9) the destruction of carcasses which from any disease or any other cause are found after slaughter to be unfit for human consumption;

(10) the regulation of the entry of animals into slaughter house and the bringing out of the carcasses of such animals after slaughter and the fee to be paid for use of slaughter houses;

(11) the proper custody and care of animals for the keeping of which licences are granted under section 417;

(12) the regulation of the import of animals and flesh within Delhi;

(13) the rendering necessary of licences for the use of premises within Delhi as stables or cow-houses or as an accommodation for sheep, goat or buffalo, and the fees payable for such licences and the conditions subject to which such licences may be granted, refused, suspended or revoked;

(14) the regulation of *sarais*, hotels, *dak bungalows*, lodging houses, boarding houses, buildings, let-in-tenements, residential clubs, restaurants, eating houses, cafes, refreshment rooms and places of public recreation, entertainment or resort;

(15) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise injurious, offensive or dangerous effects arising or likely to arise therefrom;

(16) the regulation of the posting of bills and advertisements and of the position, size, shade or style of the name boards, sign-boards and sign-posts;

(17) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;

(18) the procedure regarding the grant of permit to establish a factory, workshop or trade premises;

(19) the regulation of smoke in factories, workshops and trade premises;

(20) the regulation of sanitary conditions in factories, workshops, and trade premises;

(21) the regulation of the use in any factory, workshop or trade premises of whistle, trumpet, siren, or horn worked by steam, compressed air, electricity or other mechanical means;

(22) the prevention of nuisance in any market building, market place, slaughter house or any factory, workshop or trade premises;

#### **K. Bye-laws relating to improvement**

(1) the form and content of an improvement scheme or a rehousing scheme;

(2) the procedure to be followed in connection with the framing, submission, approval and sanction of such schemes;

(3) the local inquiries and other hearings that may be held before a scheme is framed, approved or sanctioned;

(4) the alteration of an improvement scheme or a rehousing scheme after approval and sanction;

*L. Bye-laws relating to miscellaneous matters*

(1) the prevention and extinction of fire;

(2) the circumstances and the manner in which owners of land or building in Delhi temporarily absent therefrom or not resident therein may be required to appoint as their agents for all or any of the purposes of this Act or of any bye-laws made thereunder, persons residing within or near Delhi;

(3) the maintenance of schools and the furtherance of education generally;

(4) the regulation and control of municipal hospitals and dispensaries;

(5) the rendering necessary of licences—

(a) for the proprietors or drivers of hackney-carriages, cycle-rickshaws, *thelas* and *rehries* kept or plying for hire or used for hawking articles;

(b) for persons working as job-porters for the conveyance of goods;

(6) the classification of cinema theatres for the purposes of the Fourth Schedule;

(7) any other matter which is to be or may be prescribed by bye-laws made under this Act or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Corporation, necessary for the efficient municipal government of Delhi.

(2) Any bye-law which may be made under sub-section (1) may be made by the Central Government within one year of the establishment of the Corporation; and any bye-law so made may be altered or rescinded by the Corporation in the exercise of its powers under sub-section (1).

482. (1) Any bye-law made under this Act may provide that a contravention thereof shall be punishable—

(a) with fine which may extend to five hundred rupees; or

(b) with fine which may extend to five hundred rupees and in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention; or

Penalty for  
breaches of  
bye-laws.

↓ Ins. by Act 20 of 1983, S. 2 & Sch. (w.e.f. 15.3.1984)

(c) with fine which may extend to twenty rupees for every day during which the contravention continues, after the receipt of a notice from the Commissioner or any municipal officer duly authorised in that behalf, by the person contravening the bye-law requiring such person to discontinue such contravention:

Provided that a contravention of any bye-law relating to the road transport services may be punishable with imprisonment which may extend to three months, or with fine which may extend to fifteen hundred rupees, or with both.

(2) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief, if any, caused by such contravention.

Supple-  
mental  
provisions  
respecting  
bye-laws.

483. (1) Any power to make bye-laws conferred by this Act is conferred subject to the conditions of the bye-laws being made after previous publication and in the case of such bye-laws being made by the Corporation of their not taking effect until they have been approved by the Central Government and published in the Official Gazette.

(2) The Central Government in approving a bye-law may make any change therein which appears to it to be necessary.

(3) The Central Government may, after previous publication of its intention cancel any bye-law which it has approved, and thereupon the bye-law shall cease to have effect.

Bye-laws to  
be available  
for inspec-  
tion and  
purchase.

484. (1) A copy of all bye-laws made under this Act shall be kept at the municipal office and shall, during office hours, be open free of charge to inspection by any inhabitant of Delhi.

(2) Copies of all such bye-laws shall be kept at the municipal office and shall be sold to the public at cost price either singly or in collections at the option of the purchaser.

#### CHAPTER XXIV

##### CONTROL

Power of  
Central  
Government  
to require  
production  
of docu-  
ments.

485. The Central Government may at any time require the Commissioner—

(a) to produce any record, correspondence, plan or other document in his possession or under his control;

(b) to furnish any return, plan, estimate, statement, account or statistics relating to the proceedings, duties or works of the Corporation or any of the municipal authorities;

(c) to furnish or obtain and furnish any report.

486. The Central Government may depute any person in the Inspection. service of Government to inspect or examine any municipal department or office or any service or work undertaken by the Corporation or any of the municipal authorities or any property belonging to the Corporation and to report thereon and the Corporation and every municipal authority and all municipal officers and other municipal employees shall be bound to afford the person so deputed access at all reasonable times to the premises and properties of the Corporation and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

487. (1) If, whether on receipt of any information or report obtained under section 485 or section 486 or otherwise, the Central Government is of opinion—  
Directions by Central Government.

(a) that any duty imposed on the Corporation or any municipal authority by or under this Act has not been performed or has been performed in an imperfect, insufficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty,

it may direct the Corporation or the municipal authority concerned, within such period as it thinks fit, to make arrangements to its satisfaction for the proper performance of the duty, or, as the case may be, to make financial provision to its satisfaction for the performance of the duty and the Corporation or the municipal authority concerned shall comply with such direction:

Provided that, unless in the opinion of the Central Government the immediate execution of such order is necessary, it shall before making any direction under this section give the Corporation or the municipal authority concerned an opportunity of showing cause why such direction should not be made.

(2) Without prejudice to the generality of the provisions of subsection (1), the Central Government may at any time issue to the municipal authorities concerned directions in relation to the management of the Delhi Electric Supply Undertaking ~~or the Delhi Transport Undertaking~~ or the Delhi Water Supply and Sewage Disposal Undertaking or in relation to any question of policy concerning any such Undertaking; and the municipal authorities concerned shall comply with such directions.

(3) In case of any difference of opinion as to what is a question of policy the decision of the Central Government shall be final.

639 M of Law—93

↓ Omitted by Act 71 of 1971, s. 74 sec. Sch. (w.e.f. 3-11-1971)



Power to provide for enforcement of direction under section 487.

488. If, within the period fixed by a direction made under sub-section (1) of section 487, any action the taking of which has been directed under that sub-section has not been duly taken, the Central Government may make arrangements for the taking of such action and may direct that all expenses connected therewith shall be defrayed out of the Municipal Fund.

Power of Central Government to give directions in relation to primary schools, etc.

489. (1) The Central Government may give the Corporation all such directions as it considers necessary in respect of subjects, curricula, text books, standards and methods of teaching in primary schools vested in the Corporation or maintained wholly or partly by grants paid out of the Municipal Fund and in respect of such other matters as that Government considers necessary and the Corporation shall comply with all such directions.

(2) It shall be lawful for any officer appointed by the Central Government in this behalf to inspect any such school; and all reasonable facilities shall be given to such officer in connection with the inspection.

(3) The Central Government, after considering the report of inspection made by such officer, may give the Corporation such directions as it considers necessary and the Corporation shall comply with such directions.

Supersession of the Corporation.

490. (1) If, in the opinion of the Central Government, the Corporation is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or any other law or exceeds or abuses its powers the Central Government may by an order published, together with a statement of the reasons therefor, in the Official Gazette, declare the Corporation to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order:

Provided that before making an order of supersession as aforesaid reasonable opportunity shall be given to the Corporation to show cause why such order of supersession should not be made.

(2) When the Corporation is superseded by an order under sub-section (1),—

(a) all councillors and aldermen shall, on such date as may be specified in the order, vacate their offices as such councillors and aldermen without prejudice to their eligibility for election under clause (d);

(b) during the period of supersession of the Corporation, all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law shall be exercised and performed by such officer or authority as the Central Government may appoint in that behalf;

(c) all property vested in the Corporation shall, until it is reconstituted, vest in the Central Government;

(d) before the expiry of the period of supersession, election shall be held for the purpose of reconstituting the Corporation.

(3) An order of supersession made under this section together with a statement of the reasons therefor shall be laid before each House of Parliament as soon as may be after it has been made.

## CHAPTER XXV

### MISCELLANEOUS

491. The Commissioner may by order direct that any power conferred or any duty imposed on him by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any municipal officer or other municipal employee specified in the order.

Power to delegate functions of Commissioner.

492. No notice, order, requisition, licence, permission in writing or any other document issued under this Act shall be invalid merely by reason of defect of form.

Validity of notices and other documents.

493. A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of any municipal authority shall, if duly certified by the legal keeper thereof or other person authorised by the Commissioner in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters and transactions.

Admissibility of document or entry as evidence.

494. No municipal officer or other municipal employee shall, in any legal proceedings to which the Corporation is not a party, be required to produce any register or document the contents of which can be proved under section 493 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

Evidence of municipal officer or employee.

Prohibition against obstruction of Mayor or any municipal authority, etc.

495. No person shall obstruct or molest the Corporation or any municipal authority, the Mayor or the Deputy Mayor, any councillor or aldermen or any person employed by the Corporation or any person with whom the Commissioner has entered into a contract on behalf of the Corporation, in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of any provision of this Act or of any rule, regulation or bye-law made thereunder.

Prohibition against removal of mark.

496. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or of any rule or bye-law made thereunder.

Prohibition against removal or obliteration of notice.

497. No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate any notice exhibited by or under orders of the Corporation or any municipal authority or any municipal officer or other municipal employee specified by the Commissioner in this behalf.

Prohibition against unauthorised dealings with public place or materials.

498. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on any land vested in the Corporation or in any way obstruct the same.

Liability of Commissioner, etc., for loss, waste or mis-application of Municipal Fund or property.

499. (1) Every councillor and aldermen, the Commissioner, the General Manager (Electricity), ~~the General Manager (Transport)~~ and every municipal officer and other municipal employee shall be liable for the loss, waste or mis-application of any money or other property owned by or vested in the Corporation, if such loss, waste or mis-application is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the Corporation with the previous sanction of the Central Government or by the Central Government.

(2) Every such suit shall be instituted within three years after the date on which the cause of action arose.

Councillors and municipal officers and employees to be public servants.

500. Every councillor and aldermen, the Commissioner, the General Manager (Electricity), ~~the General Manager (Transport)~~ and every municipal officer and other municipal employee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and in the definition of "legal remuneration" in section 161 of that Code the word "Government" shall, for the purpose of this section, be deemed to include the Corporation. 45 of 1860.

✓ Omitted by Act 71 of 1971, S. 7 & sec. Sch. (w.e.f. 3-11-1971)

501. (1) As soon as may be after the 1st day of April in every year and not later than such date as may be fixed by the Central Government in this behalf, the Corporation shall submit to that Government a detailed report of the municipal government of Delhi during the preceding year in such form as that Government may direct.

Annual  
administra-  
tion report.

(2) The Commissioner shall prepare such report and the Corporation shall consider it and forward the same to the Central Government with its resolution thereon, if any.

(3) Copies of the report shall be kept for sale at the municipal office.

502. Save as provided in this Act, nothing contained in this Act shall be construed as authorising the disregard by the Corporation or any municipal authority or any municipal officer or other municipal employee of any law for the time being in force.

Other laws  
not to be  
disregarded.

503. The Central Government may, by order in the Official Gazette, exempt from the payment of any tax, rate, fee or other charge payable under the provisions of this Act, any diplomatic or consular mission of a foreign State or the High Commission of a Commonwealth country and any official of such mission or High Commission.

Exemption  
of diplomatic  
or consular  
missions  
from pay-  
ment of  
tax, etc.

504. (1) Save as expressly provided in this Act and unless the context otherwise requires,—

Construction  
of refer-  
ences.

(a) any reference in this Act to the Commissioner and the Standing Committee shall be construed—

(i) in relation to any matter pertaining to the Delhi Electric Supply Undertaking, as a reference respectively to the General Manager (Electricity) and the Delhi Electric Supply Committee;

~~(ii) in relation to any matter pertaining to the Delhi Transport Undertaking, as a reference respectively to the General Manager (Transport) and the Delhi Transport Committee; and~~

(b) any reference in this Act to the Standing Committee shall be construed in relation to any matter pertaining to the Delhi Water Supply and Sewage Disposal Undertaking, as a reference to the Delhi Water Supply and Sewage Disposal Committee.

↓ Omitted by Act 71 of 1971, S. 7 & sec. Sch. (w.e.f. 3-1-1971)

(2) After the establishment of the Corporation any reference in any enactment, rule, bye-law, order, scheme, notification or other instrument having the force of law, to any of the bodies or local authorities specified in the Second Schedule shall, unless the context or subject otherwise requires, be construed as a reference to the Corporation.

Amendment  
of Delhi Act  
3 of 1955.

~~505. In the Delhi Panchayat Raj Act, 1954,~~

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

“(2) It extends only to the rural areas of the Union territory of Delhi except—

(a) such areas thereof as are included in any estate owned by the Central Government or any local authority; and

(b) such other areas thereof as are held and occupied for a public purpose or a work of public utility and declared as such under section 1 of the Delhi Land Reforms Act, 1954, by the Chief Commissioner, or VIII of 1954 acquired under the Land Acquisition Act, 1894, or any I of 1894. other enactment relating to acquisition of land for a public purpose.

*Explanation.*—In this sub-section the expression “rural areas” has the meaning assigned to it in the Delhi Municipal Corporation Act, 1957.”;

(b) in section 2, clause (8) shall be omitted;

(c) in section 18, clauses (d), (e), (f), (l), (n), (o) and (t) shall be omitted;

(d) in section 19, for clause (o), the following clause shall be substituted, namely:—

“(o) regulating the use of manure and fertilisers;”;

(e) sections 21, 22 and 23 shall be omitted;

(f) in section 34, the figures and word “23 or” shall be omitted;

(g) in section 39,—

(i) in sub-section (1), clauses (iii) and (iv) shall be omitted; and

(ii) sub-section (3) shall be omitted;

(h) in section 45, under heading “A. Obligatory”,—

(i) in clause 1, the word “hospitals” shall be omitted;

and

Rep. by Act 58 of 1960, s. 28 Sch I (w/ 26.12.60)

(ii) in clause 4, for the words and figures "sections 23 and", the word "section" shall be substituted;

(i) in section 54, the figures "21, 22, 23" shall be omitted;

(j) in section 102, in sub-section (2), clause (ix), the words "and dispensaries" in clause (x) and clauses (xi) and (xxvi) shall be omitted;

(k) in section 104, in sub-section (1), clauses (a), (b) and (d) shall be omitted.

506. In the Representation of the People Act, 1950,—

Amendment  
of Act 43  
of 1950.

(a) in section 27A—

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

"(3) The electoral college for the Union territory of Delhi shall consist of—

(a) the councillors of the Delhi Municipal Corporation; and

(b) ten persons to represent the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board, to be chosen by direct election on the basis of adult suffrage in accordance with rules made by the Central Government in this behalf;"

(ii) in sub-section (4), the words "of that Act" shall be added at the end;

(b) in the Fifth Schedule, in the second column for the figures "40", the figures "90" shall be substituted.

507. Notwithstanding anything contained in the foregoing provisions of this Act,—

Special  
provisions  
as to rural  
areas.

(a) the Corporation with the previous approval of the Central Government, may, by notification in the Official Gazette, declare that any portion of the rural areas shall cease to be included therein and upon the issue of such notification that portion shall be included in and form part of the urban areas;

(a) the Corporation with the previous approval of the Central Government may, by notification in the Official Gazette,—

(i) exempt the rural areas or any portion thereof from such of the provisions of this Act as it deems fit,

(ii) levy taxes, rates, fees and other charges in the rural areas or any portion thereof at rates lower than those at which such taxes, rates, fees and other charges are levied in the urban areas or exempt such areas or portion from any such tax, rate, fee or other charge;

(c) the Corporation shall pay a Gaon Sabha—

(i) an amount equal to the proceeds of the tax on profession, trades, callings and employments, as and when that tax is levied in the Gaon Sabha area, and

(ii) an amount equal to such portion of the proceeds of the property taxes on lands and buildings in that area as may from time to time be determined by the Corporation,

after deducting the cost of collection from such proceeds.

*Explanation.*—In this section the expressions “Gaon Sabha” and “Gaon Sabha area” have the same meanings as in the Delhi Panchayat Raj Act, 1954. *Delhi*  
Delhi Act  
3 of 1955.

Special provisions as to Red Fort area.

508. (1) In administering the provisions of this Act within the Red Fort area the Corporation shall comply with the military rules and regulations for the time being in force within that area.

(2) in this section the expression “Red Fort area” means the Red Fort and such areas contiguous thereto as may be declared by the Central Government by notification in the Gazette of India to be included within the Red Fort area.

## CHAPTER XXVI

### SUPPLEMENTAL AND TRANSITIONAL PROVISIONS

Power of Central Government to make first appointments.

509. (1) Notwithstanding anything contained in section 60 or in section 89 or section 92, the first appointment to the post of the General Manager (Electricity) ~~or the General Manager (Transport)~~ or the first appointment to the post of any municipal officer or other municipal employee may be made by the Central Government so however that the term of any such appointment shall not in any case exceed three years: ↓

Provided that the power under this sub-section shall not be exercised after the expiry of three years from the commencement of this Act.

(2) Notwithstanding anything contained in section 96, in making any appointment under sub-section (1) it shall not be necessary for the Central Government to consult the Union Public Service Commission.

↓ Omitted by Act 71 of 1971, S. 7 & Sec. Sch. (w.e.f. 3-11-1971)

(3) Every person appointed under sub-section (1) shall receive such salary and allowances as the Central Government may determine.

3 of 1911.

510. (1) Notwithstanding anything contained in the Punjab Municipal Act, 1911, or as the case may be, the Punjab District Boards Act, 1883, as in force in Delhi, as from the commencement of this Act,—

Provisions relating to existing local authorities in Delhi till the establishment of the Corporation.

(a) the persons who immediately before such commencement are members of any of the local authorities specified in items 1 to 10 of the Second Schedule shall cease to be such members;

(b) all the powers, duties and functions which may, under any of the aforesaid Acts or any other law, be exercised and performed by any such local authority, or by its President or Chairman, or by any committee thereof shall, until the establishment of the Corporation, be exercised and performed by a person (whether an officer of Government or not) to be appointed by the Central Government with such designation as it may specify:

Provided that the same person may be appointed in respect of all the aforesaid local authorities.

(2) Nothing in sub-section (1) shall be construed as effecting or implying in any way the dissolution of the aforesaid local authorities as bodies corporate.

511. (1) Every officer and other employee of each of the bodies and local authorities specified in the Second Schedule shall, on and from the establishment of the Corporation, be transferred to and become an officer or other employee of the Corporation with such designation as the Commissioner may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Corporation had not been established, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Corporation:

Provisions as to employees of bodies and local authorities whose functions are taken over by the Corporation.

Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Central Government:

Provided further that any service rendered by any such officer or other employee before the establishment of the Corporation shall be deemed to be service rendered under the Corporation.

(2) The Commissioner may employ any officer or other employee transferred to the Corporation under sub-section (1) in the discharge of such functions under this Act as the Commissioner may think proper and every such officer or other employee shall discharge those functions accordingly.



Special provisions as to the area transferred from New Delhi to Delhi.

512. (1) In this section "transferred area" means that area of Delhi which immediately before the commencement of this Act is included within the local limits of the New Delhi Municipal Committee but as from such commencement is included in and forms part of Delhi by virtue of the provisions of this Act.

(2) As from the establishment of the Corporation,—

(a) all lands and buildings (together with all interests of whatsoever nature and kind therein) situated in the transferred area and vested in the New Delhi Municipal Committee immediately before such establishment shall pass to and vest in the Corporation;

(b) all stores, articles and other movable properties belonging to the New Delhi Municipal Committee immediately before such establishment and utilised for or in connection with the transferred area shall pass to and vest in the Corporation;

(c) all appointments, notifications, orders, schemes, rules, forms, notices or bye-laws made or issued or any licence or permission granted by the New Delhi Municipal Committee immediately before such establishment in or in connection with the transferred area shall, in so far as they are not inconsistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted under the provisions of this Act unless and until they are superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions;

(d) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the New Delhi Municipal Committee immediately before such establishment for or in connection with the transferred area shall be deemed to have been incurred, entered into, engaged to be done by, with or for the Corporation or the municipal authority concerned;

(e) all assessments, valuations, measurements or divisions made by the New Delhi Municipal Committee immediately before such establishment in or in connection with the transferred area shall in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act unless and until they are superseded by any assessment, valuation, measurement or division made by the Corporation or the municipal authority concerned under the said provisions.

(f) all rates, taxes, fees, rents and other sums of money due to the New Delhi Municipal Committee in, or in relation to, the transferred area immediately before such establishment shall be deemed to be due to the Corporation;

(g) all rates, taxes, fees, rents and other charges leviable in, or in relation to, the transferred area shall unless and until they are varied by the Corporation, continue to be levied at the same rate at which they were being levied by the New Delhi Municipal Committee immediately before such establishment;

(h) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the New Delhi Municipal Committee immediately before such establishment for any matter in relation to the transferred area may be continued or instituted by or against the Corporation;

(i) every officer and other employee serving under the New Delhi Municipal Committee immediately before such establishment in connection with the transferred area shall be transferred to and become an officer or other employee of the Corporation with such designation as the Commissioner may determine and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the Corporation had not been established and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Corporation:

Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Central Government:

Provided further that any service rendered by any such officer or other employee before the establishment of the Corporation shall be deemed to be service rendered under the Corporation:

Provided also that the Commissioner may employ any such officer or other employee in the discharge of such functions under this Act as the Commissioner may think proper and every such officer or other employee shall discharge those functions accordingly.

(3) As soon as may be after the commencement of this Act, the Central Government shall decide—

(a) which stores, articles and other movable properties referred to in clause (b) of sub-section (2) have been utilised

by the New Delhi Municipal Committee for or in connection with the transferred area;

(b) which debts, obligations, liabilities, contracts, matters and things referred to in clause (d) of the said sub-section have been incurred, entered into or engaged to be done by, with or for the New Delhi Municipal Committee for or in connection with the transferred area;

(c) which officers and other employees referred to in clause (i) of that sub-section served under the said Committee in connection with the transferred area.

(4) In case of any dispute in relation to any of the matters referred to in the various clauses of sub-section (2) other than clauses (b), (d) and (i), the dispute may be referred to the Central Government by the Corporation or the New Delhi Municipal Committee and the decision of that Government shall be final.

Expenditure in connection with the municipal affairs from the commencement of this Act to the adoption of the budget by the Corporation.

513. (1) Any expenditure incurred during the period between the commencement of this Act and the establishment of the Corporation under any of the provisions of this Act shall be borne by the Central Government and the amount of the expenditure so incurred shall on such establishment be recoverable by that Government out of the Municipal Fund.

(2) If in respect of the period between the establishment of the Corporation and the adoption of the first budget by the Corporation further expenditure from the Municipal Fund becomes necessary over and above the expenditure theretofore authorised for that year by the sanctioned budget estimates of the various bodies and local authorities specified in the Second Schedule, the Corporation shall adopt a supplementary statement showing the estimated amount of that expenditure.

(3) Every item of expenditure shown in the supplementary statement as adopted by the Corporation shall be deemed to be expenditure covered by a current budget-grant within the meaning of section 102.

(4) The supplementary statement shall be prepared, presented and adopted in such manner and shall provide for such matters as may be determined by the Corporation.

Limits of New Delhi Municipality

514. Notwithstanding anything contained in the Punjab Municipal Act, 1911, as applicable to New Delhi Municipality or in any notification issued thereunder, the limits of that Municipality shall be as described in the First Schedule. 3 of 1911.

515. If any difficulty arises in relation to the transition from the provisions of any of the enactments referred to in section 516, or in giving effect to the provisions of this Act, the Central Government may, by order as occasion requires, do anything which appears to it to be necessary for the purpose of removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiration of two years from the establishment of the Corporation.

516. (1) As from the date of the establishment of the Corporation,—

Repeal, etc. and savings.

23 of 1926.  
13 of 1950.

(a) the Delhi Joint Water and Sewage Board Act, 1926, and the Delhi Road Transport Authority Act, 1950, shall stand repealed; and

(b) the enactments specified in the Thirteenth Schedule shall cease to have effect within Delhi.

(2) Notwithstanding the provisions of sub-section (1) of this section or of clause (a) of sub-section (2) of section 286,—

(a) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under any of the Acts or enactments referred to in sub-section (1) of this section or under the Act referred to in clause (a) of sub-section (2) of section 286 and in force immediately before the establishment of the Corporation, shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for any of the bodies or local authorities specified in the Second Schedule before such establishment shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation or the municipal authority concerned;

(c) all budget estimates, assessments, valuations, measurements or divisions made by any of the aforesaid bodies or local authorities shall in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act unless and until

they are superseded by any budget estimate, assessment, valuation, measurement or division made by the Corporation or the municipal authority concerned under the said provisions;

(d) all properties, movable and immovable and all interests of whatsoever nature and kind therein, vested in any of the aforesaid bodies and local authorities immediately before such establishment shall, with all rights of whatsoever description, used, enjoyed or possessed by any such body or authority, vest in the Corporation;

(e) all rates, taxes, fees, rents and other sums of money due to any of the aforesaid bodies or local authorities immediately before such establishment shall be deemed to be due to the Corporation;

(f) all rates, taxes, fees, rents, fares and other charges shall, until and unless they are varied by the Corporation continue to be levied at the same rate at which they were being levied by the aforesaid bodies or local authorities immediately before such establishment;

(g) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against any of the aforesaid bodies or local authorities may be continued or instituted by or against the Corporation.

## THE FIRST SCHEDULE

[See section 2 (32) and section 514]

## BOUNDARIES OF NEW DELHI

The area bounded by—

the junction of the Pusa Road and Upper Ridge Road towards east along the new Link Road, the Panchkuin Road up to its junction with the Old Gurgaon Road; thence towards north-east along the old Gurgaon Road and Chelmsford Road up to the New Delhi Railway Station; thence towards south and south-east along the railway line up to its junction with the Hardinge Bridge; thence towards south along the Mathura Road up to its junction with Lodi Road; thence towards south along the Lodi Road up to its junction with the first road leading to Lodi Colony; thence towards south along the first road leading to Lodi Colony up to its junction with the ring railway; thence towards west along the railway line up to its junction with the Qutab Road; thence towards south along the Qutab Road up to its junction with Kaushak Nulla; thence towards east along the Kaushak Nulla up to its junction with the boundary of the New Delhi Municipality; thence towards south and thence towards west along the boundary of the New Delhi Municipality and along the south boundary of the Medical Enclave up to its junction with the Ring Road near Gwalior Potteries; thence towards north-west along the Ring Road up to its junction with Kitchner Road; thence towards north along the Upper Ridge Road up to the starting point.

## THE SECOND SCHEDULE

[See sections 99, 286, 504, 511 and 516]

## BODIES AND LOCAL AUTHORITIES WHOSE FUNCTIONS ARE TAKEN OVER BY THE CORPORATION

1. The Municipal Committee, Delhi.
2. The Notified Area Committee, Civil Station.
3. The Notified Area Committee, Red Fort.
4. The Municipal Committee, Delhi-Shahdara.
5. The Municipal Committee, West Delhi.
6. The Municipal Committee, South Delhi.
7. The Notified Area Committee, Mehrauli.
8. The Notified Area Committee, Najafgarh.
9. The Notified Area Committee, Narela.
10. The District Board, Delhi
11. The Delhi State Electricity Board.
12. ~~The Delhi Road Transport Authority.~~
13. The Delhi Joint Water and Sewage Board.

↳ Omitted by Act 71 of 1974, s. 7 & Sec. Sch. (w.e.f. 3-11-1971)

## THE THIRD SCHEDULE

(See section 136)

## RATES OF TAXES LEVIABLE ON VEHICLES AND ANIMALS

	Maximum amount of tax per annum	
	For vehicles with pneumatic tyres	For vehicles without pneumatic tyres
	Rs.	Rs.
1. Each four-wheeled vehicle drawn by camels, horses, ponies, mules, donkeys, bullocks or buffaloes—		
(a) Labour carts . . . . .	12	24
(b) Other vehicles in this class . . . . .	32	48
2. Each two-wheeled vehicle drawn by camels, horses, ponies, mules, donkeys, bullocks or buffaloes—		
(a) Labour carts . . . . .	8	16
(b) Other vehicles in this class . . . . .	15	24
3. Each vehicle drawn or impelled otherwise than by camels, horses, ponies, mules, donkeys, bullocks, buffaloes or machinery . . . . .	8	12
Maximum amount of tax per annum		
4. Each cycle rickshaw . . . . .	6	
5. Each bicycle . . . . .	3	
6. Each camel . . . . .	10	
7. Each horse, pony or mule of a height of 12 hands or upwards . . . . .	20	
8. Each horse, pony or mule of a height of less than 12 hands . . . . .	10	
9. Each bullock or buffalo kept for draught or pack purposes . . . . .	8	
10. Each donkey/ass kept for draught or pack purposes or for riding . . . . .	6	
11. Each pig . . . . .	4	
12. Each dog . . . . .	5	
13. Each she-buffalo kept for milking . . . . .	50	
14. Each cow kept for milking . . . . .	30	

## THE FOURTH SCHEDULE

(See section 140)

## THEATRE-TAX

Type of entertainment	Maximum amount of tax
1. Class I cinema theatre . . . . .	Rs. 10 per show.
2. Class II cinema theatre . . . . .	Rs. 7 per show.
3. Drama, concert, circus, variety entertainment or tamasha . . . . .	Rs. 7 per show.
4. Carnival or fete . . . . .	Rs. 10 per day.
5. Any other entertainment . . . . .	Rs. 7 per show or if there are no separate shows Rs. 7 per day.

*Explanation.*—For the purposes of this Schedule class I cinema theatres and class II cinema theatres mean theatres classified respectively as class I cinema theatres and class II cinema theatres by bye-laws made in this behalf.

## THE FIFTH SCHEDULE

(See section 142)

## TAX ON ADVERTISEMENTS OTHER THAN ADVERTISEMENTS PUBLISHED IN THE NEWSPAPERS

S. No.	Particulars	Maximum amount of tax per annum
		Rs.
I	Non-illuminated advertisements on land, building, wall, hoardings, frame, post, structures, etc.—	
	(a) For a space up to 10 sq. ft . . . . .	18
	(b) For a space over 10 sq. ft. and up to 25 . . . . .	30
	(c) For every additional 25 sq. ft. or less . . . . .	30



S. No	Particulars	Maximum amount of tax per annum
		Rs.
2	Non-illuminated advertisements carried on vehicles, drawn by bullocks, horses or other animals, human beings, cycle or any other device carried on any vehicle or tramcar—	
	(a) For a space up to 50 sq. ft. . . . .	120
	(b) For every additional 50 sq. ft. or less . . . . .	120
3	Illuminated advertisement boards carried on vehicles—	
	(a) For a space up to 50 sq. ft. . . . .	240
	(b) For every additional 50 sq. ft. or less . . . . .	240
4	Non-illuminated advertisement boards, carried by sandwich boardmen—	
	(a) For each board not exceeding 10 sq. ft. . . . .	24
	(b) For each board exceeding 10 sq. ft. and up to 25 sq. ft. . . . .	48
	(c) For each additional 10 sq. ft. in area or less . . . . .	24
5	Illuminated advertisement boards carried by sandwich boardmen—	
	(a) For each board not exceeding 10 sq. ft. . . . .	48
	(b) For each board exceeding 10 sq. ft. and up to 25 sq. ft. . . . .	96
	(c) For each additional 10 sq. ft. in area or less . . . . .	48
6	Illuminated advertisements on land, building, wall or hoardings, frame, post, structures, etc.—	
	(a) For a space up to 2 sq. ft. . . . .	24
	(b) For a space over 2 sq. ft. and up to 5 sq. ft. . . . .	48

S. No.	Particulars	Maximum amount of tax per annum
		Rs.
	(c) For a space over 5 sq. ft. and up to 25 sq. ft.	60
	(d) For every additional 25 sq. ft. or less	60
7	Advertisements exhibited on screens in cinema houses and other public places by means of lantern slides or similar devices—	
	(a) For a space up to 5 sq. ft.	96
	(b) For a space over 5 sq. ft. and up to 25 sq. ft.	120
	(c) For every additional 25 sq. ft. or less	120
8	Non-illuminated advertisements suspended across streets—	
	(a) For a space up to 10 sq. ft.	18
	(b) For a space over 10 sq. ft. and up to 25 sq. ft.	30
	(c) For every additional 25 sq. ft. or less	30
	<i>N. B.</i> —The tax for item 8 will be in addition to the space which will be chargeable according to the scale to be determined by the Commissioner.	
9	Non-illuminated advertisement hoardings standing blank but bearing the name of the advertiser or with the announcement "To be let" displayed thereon—	
	(a) For a space up to 10 sq. ft.	9
	(b) For a space over 10 sq. ft. and up to 25 sq. ft.	15
	(c) For every additional 25 sq. ft. or less	15
10	Permission to auctioneers to put up not more than two boards of reasonable size advertising each auction sale, other than those in the premises where the auction is held, one on a prominent site in the locality and one on Municipal lamp post.	200 (including the rent for exhibiting the board on a municipal lamp post).

## THE SIXTH SCHEDULE

(See section 149)

## TAX ON BUILDING APPLICATIONS

S. No.	Area	For the first	For the second
		storey	storey or any subsequent storey
		Rs.	Rs. per storey
1	For a ground area up to 100 sq. yds.	20	40
2	For a ground area of more than 100 sq. yds. but not exceeding 250 sq. yds.	60	120
3	For a ground area of more than 250 sq. yds. but not exceeding 500 sq. yds.	150	300
4	For a ground area of more than 500 sq. yds. but not exceeding 1,000 sq. yds.	300	600
5	For a ground area of more than 1,000 sq. yds.	600	1,500

*N. B. 1.*—For purposes of assessment and calculation of the tax, ground area shall mean the area of the portion which is proposed to be built upon including the internal courtyard.

*N. B. 2.*—For purposes of the above Schedule, the basement where provided will be regarded as the first storey, the ground floor over the basement as the second storey and so on.

↓ [ 337 ] *N. B. 3.*—In cases where an application is deemed to have been sanctioned under the provisions of section ~~336~~ the tax shall become payable in the same manner as in cases where an application is sanctioned.

*N. B. 4.*—In case an application is rejected 5 per cent. of the tax due shall be retained and the balance shall be refunded to the applicant, under the orders of the Commissioner.

1. Subs. by Act 42 of 1961, S. 21 (w.e.f. 12.9.61).

THE SEVENTH SCHEDULE

[See section 154 (1)]

NOTICE OF DEMAND

To

Shri/Shrimati

residing at

Please take notice that the Commissioner demands from the sum of \_\_\_\_\_ due from \_\_\_\_\_ on account of \_\_\_\_\_ (here describe the property, occupation, circumstance or thing in respect of which the sum is payable) leviable under \_\_\_\_\_ for the period of \_\_\_\_\_ commencing on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and ending on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and that if, within thirty days from the service of this notice, the said sum is not paid to the Commissioner or sufficient cause for non-payment is not shown to the satisfaction of the Commissioner a warrant of distress or attachment will be issued for the recovery of the same with costs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(Signed)

Commissioner,  
Delhi Municipal Corporation.

THE EIGHTH SCHEDULE

[See section 156 (1)]

FORM OF WARRANT

(Here insert the name of the officer charged with the execution of the warrant)

WHEREAS A.B. of \_\_\_\_\_ has not paid, and has not shown satisfactory cause for the non-payment of, the sum of \_\_\_\_\_ due on account of \_\_\_\_\_ (here describe the liability) for the period of \_\_\_\_\_ commencing on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and ending with \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, which sum is leviable under \_\_\_\_\_;

AND WHEREAS thirty days have elapsed since the service on him of notice of demand for the same;

THIS is to direct you to distrain, the movable attach the immovable property

property of the said A. B. of a value approximately equal to (described below) the said sum of Rs. \_\_\_\_\_ subject to the provisions of the Delhi Municipal Corporation Act, 1957, and the bye-laws made thereunder and forthwith to certify to me, together with this warrant, all particulars of the seized property attached by you thereunder.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(Signed)

Commissioner,  
Delhi Municipal Corporation

Description of immovable property

## THE NINTH SCHEDULE

[See section 157 (2)]

## FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE

To

Shri/Shrimati  
residing at

\*Here describe the liability

Please take notice that I have this day seized the property specified in the inventory annexed hereto, for the value of \_\_\_\_\_ due for the liability\* mentioned in the margin for the period commencing on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and ending with the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, together with Rs. \_\_\_\_\_ due for service of notice of demand, and that unless within ten days from the date of the service of this notice you pay to the Commissioner the said amount, together with the costs of recovery, the said property will be sold by public auction.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

(Signature of officer executing the  
warrant)

Inventory.

(Here state particulars of property seized.)

## THE TENTH SCHEDULE

[See section 178 (1)]

## RATES OF TERMINAL TAXES ON GOODS

Articles	Terminal tax payable per maund of gross weight except where otherwise stated.
<b>Rs.</b>	
<i>Class I.—Articles of food and drink</i>	
1. Refined sugar, i.e., khand, sugar candy, bura, qand, kachchi khand, ilaichidana, nuqal, batasha, ola, khand-ka-khilona, gindora khand and all kinds of sharbat or shira khand not in bottle.	1.75
2. Unrefined sugar, i.e., gur, shakkar, shira, rab, mizan khand, muthia, sonthia, gindora and tiloncha-khand (a sort of unrefined sugar).	
3. Ghee including vegetable ghee, and admixtures of ghee also vegetable solidified oil, dripping, marvo, trex, cocogold, purico, crisco and cocogem.	1.75

Articles	Terminal tax payable per maund of gross weight except where otherwise stated
	Rs.
4. Butter and cream . . . . .	1·75
5. Dried fruits and nuts excluding betel-nuts . . . . .	0·29
6. Betel-nuts . . . . .	0·07
7. Provisions (not included in any other class) including oilman's stores, confectionary, jams, pickles, cheese, coffee and essences of fruits.	1·17
8. Country sweets made wholly or partly from or coated with sugar (refined or unrefined) fresh meat, fish and eggs.	0·15
9. Oranges, apples, locat, peaches (aru), grapes, lichi, melon (kharbooza), lemon (of all kinds), pears (nashpati), plums (alucha), appricot (khubani), banana, pomegranates (anar), sarda, water-melon (tarbuz), cus- tard apple (sharifa) and raspberry.	0·15
10. Country and foreign liquors . . . . .	1·17
11. Bhang . . . . .	0·07
12. Betel leaf . . . . .	1·75
13. Tea (Indian or foreign) . . . . .	0·29
14. Grain or pulses including parched grains . . . . .	0·04
15. Flour . . . . .	0·04
16. Animal fat, tallow and oil of all kinds except oils mentioned in Class III, V and IX.	0·29
<i>Class II.—Animals</i>	
1. Oxen, cows, buffaloes and calves (per head)	0·58
2. Sheep, goats, lambs and kids (per head) . . . . .	0·15
3. Pigs (per head) . . . . .	0·58

Articles	Terminal tax payable per maund of gross weight except where otherwise stated
	Rs.
<i>Class III.—Articles used for fuel, lighting and washing</i>	
1. Mava oil . . . . .	0·15
2. Kerosene oil (per gallon) . . . . .	0·02
3. Diesel oil . . . . .	0·07
4. Methylated spirit . . . . .	0·15
5. All sorts of oil-seeds including cotton seeds . . . . .	0·04
6. Wax and tallow candles . . . . .	0·04
7. Chandeliers, globes, lamps, chimneys and all other articles made of glass intended for electric or gas lighting, etc. (except electric bulbs)	0·04
8. Chandeliers, globes, lamps, lanterns, electric poles, electric bulbs and all other articles made of metal intended for electric or gas lighting, etc.	0·36
9. Potash, ritha, soda, saji, multani, saltpetre, alum, khari (sitta) salt and other saline substances.	0·04
10. Soap of all kinds . . . . .	0·04
11. Carbide . . . . .	0·04
12. Fireworks and their component parts . . . . .	0·04
13. Steam-coal, soft coke and hard coke . . . . .	0·04
<i>Class IV.—Articles used in the construction of buildings</i>	
1. Wood (unmanufactured), i.e., wood which can be used for building purposes including trunk of trees, bamboos and ballies, but not firewood.	0·02
2. Wood (manufactured), i.e., all manufactured wood which can be used for building purposes, including karies, planks, sleepers, beams, doors and door frames, etc.	0·07

Articles	Terminal tax payable per maund of gross weight except where otherwise stated
	Rs.
3. Stone for building (except Agra stone as defined in item 4 below, marble and lime stone), bajri, kankar, lime of kankar, coal ashes, reh, surkhi, rori, brick-bats or broken bricks.	0·01
4. Agra stone, <i>i.e.</i> , stone so named in the market irrespective of its place of origin.	0·04
5. Chalk, chalk powder, kharia mitti, lime stone, lime, Harsaru, flooring stone and white and coloured stone chips.	0·04
6. Dammar, bitumen and asphalt . . . . .	0·04
7. Cement . . . . .	0·15
8. Marble and tiles of all kinds (other than those referred in item 9).	0·22
9. Tiles of common earth, <i>e.g.</i> , Allahabad tiles (per thousand).	0 58
10. Marble chips . . . . .	0·04
11. Asbestos sheets . . . . .	0·11
12. Whole bricks of all sizes (per thousand)	0·58
13. Paints and colour washes . . . . .	0·15
14. Peori, ramraj, hiramzi, geru and sailkhari .	0·04
15. Roofing felt, roofing board and canec insulating board.	0·29
<i>Class V.—Drugs, spices and perfumes</i>	
1. All foreign medicines including mineral waters, syrups and medicinal tinctures, soda bicarb and caustic soda (imported in packages or boxes), sulphur in bottles and packets, iron sulphate, barium sulphate, hæmorrhagic septicæm'a serum, dextrosol, castor oil in bottles, potash permanganate, glucose, oxygen gas, camphor oil, sugar of milk, medicated coloured and fragrant syrup.	0·44



Articles	Terminal tax payable per maund of gross weight except where otherwise stated
	Rs.
2. All Indian medicines including gulqand, sharbat in bottle, araq, majun, cowries, etc., soda bicarb and caustic soda (imported in bags or drums), Amritanjan, ivory dust, Sudha Sindhu and Bal Sudha, Khansol and Zandu Drakshasava.	0.07
3. Hair oil and perfumed oil of all kinds . . . . .	0.58
4. Spices and wet imli excluding saltpetre . . . . .	0.07
5. Opium . . . . .	0.15
6. Charas . . . . .	0.15
<i>Class VI.—Tobacco</i>	
1. All sorts of foreign tobacco, cigars, cheroots and cigarettes of all kinds.	0.87
2. Indian tobacco 3rd quality (Kanni) . . . . .	0.04
3. Indian tobacco 1st and 2nd qualities, i.e., all tobacco not included in Class VI items 1 and 2.	0.15
4. Biries and biri leaves . . . . .	0.15
<i>Class VII.—Piecegoods and textile fabrics</i>	
1. Piecegoods made of cotton, wool or any admixture of these and articles made thereof including thread and yarn, dhoties, saris, dopattas, pagrees, safas, chadras, towels, bedspreads, sheets, blankets, tents, carpets, durries, pillows, razais, laces, edgings, ribbons, handkerchief in bales (i.e., not cut up), old clothes imported in bulk, and all such goods as are not made up ready for wearing.	0.29
2. Piecegoods made of silk and artificial silk or any admixture of these and articles made thereof including shawls, doshalas, laces, edgings and ribbons.	0.58
3. Unginned cotton . . . . .	0.11

Articles	Terminal tax payable per maund of gross weight except where otherwise stated
	Rs.
4. Ginned cotton . . . . .	0.22
5. Cotton waste and waste yarn cotton . . . . .	0.07
6. Raw wool, hemp and other fibres, and rope . . . . .	0.04
7. Hides and skins . . . . .	0.29
8. Jute gunny bags and jute cloth . . . . .	0.11
9. Leather, including harness, saddles, bags, boxes, desi shoes, chappal and all other articles made of leather excluding boots, shoes, slippers and sandals.	0.58
10. Apparel, boots and shoes including slippers and sandals (other than desi shoes and chappal), drapery, millinery, caps and hats, ready-made clothes, barret caps and hat shapes, etc.	1.75
11. Hosiery including knitted woollen caps . . . . .	1.17
12. Lametta including kinari, gota, gold and silver lace, wire and thread real or imitation.	1.17
<i>Class VIII.—Metals and articles made of metals</i>	
1. Metals (iron and steel-wrought and unwrought) including bars, sheets, girders, iron, stanchions, top columns, girders fitted with rivets, metallic-ores and scrap iron.	0.07
2. Tin scrap . . . . .	0.06
3. Metals (hardware and cutlery), <i>i.e.</i> , knives, razors, scissors, needles, tin plates, rivets, nails, screws, bolts, nuts, enamelled ware (other sanitary fittings) wire, wire-nettings, hinges, locks, pipes, post and pans, weights, empty tins, iron and tin boxes and iron furniture, etc.	0.44

Articles	Terminal tax payable per maund of gross weight except where otherwise stated
	Rs.
4. Metals (all other kinds—manufactured and unmanufactured) including bicycles, perambulators, carriages, sewing machines, harmoniums, type-writers, ice-machines, soda-water machines, clocks and watches, spectacles—their cases and frames, umbrella frames and handles, brass, copper, german silver, aluminium, bronze, zinc and articles made thereof, channels of all kinds and for whatever purpose imported, sanitary fittings, iron washers, bicycle saddles, radio goods, and tram car parts.	0·36
N. B.—Sanitary fittings include baths, water closets, lavatory basins, bidets (tubs), urinals, flushing cistern, sinks and water taps.	
5. Motor cars—	
(a) 2 seater (each) . . . . .	17·50
(b) 4 or more seater each) . . . . .	39·37
6. Chassis and lorries—	
(a) without body (each) . . . . .	29·17
(b) with body (each) . . . . .	35·00
7. Component parts of motor cars . . . . .	1·17
8. Old component parts of motor vehicles . . . . .	0·36
9. Stoppers made of <del>metal</del> metal. 7/4 . . . . .	0·58
10. Complete motor cycle without side car (each) . . . . .	5·83
11. Motor cycle with side car (each) . . . . .	7·00
<i>Class IX.—Miscellaneous</i>	
1. Dyes and tans including green coloured sand (for mixing with mehndi) boot polishes, indigo, safflower (kusum) and all kinds of colouring matter.	0·15

1. Subs. by Act 42 of 1961, S. 22 (w.e.f. 12.9.61).

Articles	Terminal tax payable per maund of gross weight except where otherwise stated
	Rs.
2. Stationery including paper, paste boards and all articles made thereof including waste papers, cards, cardboards, forms, envelopes, calendars, ink, pens, pencils, inkpots, inkstands, takhtis, pincushions, nibs, holders, pins, pads, drawing instruments, paper weights, rulers, measuring tapes, slates manufactured or unmanufactured, strawboard, gelatine paper, account books, ledger and cash books.	0·18
3. Chemicals (except those chargeable under any other class), distilled water and sulphur in casks or barrels or bags.	0·15
4. Horn and articles made of horn except buttons.	0·04
5. Lac and cork and articles made thereof	0·04
6. Kikar bark and other bark including bark dust	0·04
7. Wood (manufactured) such as walking sticks, empty barrels, country carts, umbrella sticks of cane or bamboo (manufactured or unmanufactured), wooden payas and pattis.	0·07
8. Furniture other than iron furniture	0·18
9. Articles of sports and games including playing cards.	0·58
10. Goods imported by circus, theatres, carnivals, etc.	0·22
11. Glass and articles made thereof (except glass, tiles, empty glass phials having lids, glass beads and other imitation jewels).	0·04
12. Articles made of china, stone, earth (glazed or unglazed) including drain pipes and drain fitting, but excluding sanitary fittings, earthen tiles and toys made of china clay or earth.	0·04
13. Empty glass phials having lids	0·18

Articles	Terminal tax payable per maund of gross weight except where otherwise stated
	Rs.
14. Celluloid goods including celluloid sheets and imitation mother pearl sheets.	1·75
15. Nut, shell, horn and ivory buttons . . . . .	0·36
16. Glass beads and other imitation jewels . . . . .	0·36
17. Toilet powders and cosmetic creams including tooth pastes, powders and creams.	1·17
18. Ivory and articles made thereof . . . . .	1·75
19. Rubber goods including rubber gloves, and bakelite goods.	0·36
20. Disinfectants—dry or liquid—including Flit, Creosote, shell tox and naphthalene ball.	0·36
21. Lubricating oil . . . . .	0·15
22. Grease . . . . .	0·29
23. Photographic accessories including pictures, photos and printed pictures.	1·17
24. Coir matting . . . . .	0·15
25. Toys made of celluloid . . . . .	1·75
26. Toys made of china clay or earth . . . . .	0·15
27. Toys made of cotton, rubber, paper, wood and metals.	0·36
28. All kinds of cinema carbons . . . . .	0·36
29. Vaseline, Vaseline Pomade, petroleum, jelly, or amber petroleum (grease) and Yardley Brilliantine.	0·44
30. Safety fuses and cartridges . . . . .	0·04
31. All other articles not chargeable under any other class.	0·04

## THE ELEVENTH SCHEDULE

(See section 417)

## PART I

## PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENCE

Carrying out any of the following trades or operations connected with trades :—

1. Baking.
2. Cinematograph films. Shooting of—
3. Cinematograph films by any process whatsoever. Treating of—
4. Chillies or masala or corn or seeds. Grinding of by mechanical means—
5. Cloth, yarn or leather in indigo or in other colours. Dyeing or printing of—
6. Cloth or yarn. Bleaching—
7. Eating house or a catering establishment. Keeping of an—
8. Grain. Parching—
9. Ground-nut seeds, tamarind seeds or any other seeds. Parching—
10. Hair dressing saloon or a barber's shop. Keeping of a—
11. Hides or skins, whether raw or dried. Tanning, pressing or packing—
12. Laundry shop. Keeping a—
13. Leather goods. Manufacturing of by mechanical means—
14. Litho press. Keeping a—
15. Lodging house. Keeping of a—
16. Metal. Casting—
17. Precious metals. Refining of— or recovering of them from embroideries—
18. Printing press. Keeping a—
19. Sweetmeat shop except in premises already licensed as an eating house. Keeping—

20. Carrying on the trade or business of or any operation connected with the trade of—

- (i) Autocar or autocycle servicing or repairing
- (ii) Blacksmithy.
- (iii) Coppersmithy.
- (iv) Electro-plating.
- (v) Glass bevelling.
- (vi) Glass cutting.
- (vii) Glass polishing.
- (viii) Goldsmithy.
- (ix) Marble cutting, grinding, dressing or polishing.
- (x) Metal (ferrous or non-ferrous or antimony but excluding previous metal) cutting or treating metal by hammering, drilling, pressing, filing, polishing, heating or by any other process whatever or assembling parts of metal.
- (xi) Photography-studio.
- (xii) Radio (wireless receiving set) selling, repairing, servicing or manufacturing.
- (xiii) Silversmithy.
- (xiv) Spinning or weaving cotton, silk, art silk, or jute or wool with the aid of power.
- (xv) Stone grinding, cutting, dressing or polishing.
- (xvi) Timber or wood sawing or cutting by mechanical or electric power.
- (xvii) Tinsmithy
- (xviii) Washerman's trade.
- (xix) Welding of metal by electric, gas or any process whatsoever.

21. Manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process whatever any of the following articles:—

- (i) Aerated waters.
- (ii) Bakelite goods.
- (iii) Bidis (indigenous cigarettes), snuff, cigars or cigarettes.
- (iv) Bitumen.
- (v) Blasting powder.
- (vi) Bones.

- (vii) Bricks or tiles by hand power.
- (viii) Bricks or tiles by mechanical power.
- (ix) Brushes.
- (x) Candles.
- (xi) Catgut.
- (xii) Celluloid or celluloid goods.
- (xiii) Cement concrete designs or models.
- (xiv) Charcoal.
- (xv) Chemicals.
- (xvi) Cinematograph films stripping in connection with any trade.
- (xvii) Cosmetics or toilet goods.
- (xviii) Cotton, cotton refuse, cotton waste, cotton yarn, silk, silk yarn, silk inclusive of waste yarn, art silk, art silk waste, art silk yarn, wool or woollen refuse or waste.
- (xix) Cotton seeds.
- (xx) Dammar.
- (xxi) Dynamite.
- (xxii) Fat.
- (xxiii) Fireworks.
- (xxiv) Flax.
- (xxv) Ink for printing, writing, stamping, etc.
- (xxvi) Gas.
- (xxvii) Ghee.
- (xxviii) Glass or glass articles.
- (xxix) Gunpowder.
- (xxx) Hemp.
- (xxxi) Ice (including dry ice).
- (xxxii) Insecticide or disinfectants.
- (xxxiii) Leather cloth or rexina cloth or water-proof cloth.
- (xxxiv) Lime.
- (xxxv) Linseed oil.
- (xxxvi) Matches for lighting (including Bengai matches).
- (xxxvii) Mattresses and pillows.
- (xxxviii) Offal.
- (xxxix) Oil-cloth.
- (xl) Oil other than petroleum (either by mechanical power or by hand power or *ghani* driven by bullock or any other animal).



- (xli) Pharmaceutical or medical products.
- (xlii) Rubber or rubber goods.
- (xliii) Paints.
- (xliv) Paper or cardboard.
- (xlv) Pickers from hides.
- (xlvi) Pitch.
- (xlvii) Plastic goods.
- (xlviii) Pottery by hand power.
- (xlix) Pottery by mechanical or any power other than hand power.
  - (I) Sanitary ware of china-ware.
  - (ii) Soap.
  - (iii) Sugar.
  - (iiii) Sweetmeat and confectionery goods.
  - (iv) Tallow.
  - (v) Tar.
  - (vi) Varnishes.
  - (vii) Wooden furniture, boxes, barrels, khokas, or other articles of wood or of plywood or of sandal wood.

## PART II

## ARTICLES WHICH MAY NOT BE STORED IN ANY PREMISES WITHOUT A LICENCE

1. Asafoetida.
2. Ashes.
3. Bamboos.
4. Bidi leaves.
5. Blasting powder.
6. Blood.
7. Bones, bone meal or bone powder.
8. Camphor.
9. Carbide of calcium.
10. Cardboard.
11. Celluloid or celluloid goods.
12. Charcoal.
13. Chemicals, liquid.
14. Chemicals, non-liquid.
15. Chillies.

16. Chlorate mixture.
17. Cinematograph films—non-inflammable or acetate or safety base.
18. Cloth in pressed bales or boras.
19. Cloth or clothes of cotton, wool, silk, art silk, etc.
20. Coal.
21. Cocoanut fibre.
22. Coke.
23. Compound gas, such as oxygen gas, hydrogen gas, nitrogen gas, carbon dioxide gas, sulphur dioxide gas, chlorine gas, acetylene gas, etc.
24. Copra.
25. Cotton including Kahok, surgical cotton and silky cotton.
26. Cotton refuse or waste or cotton yarn refuse or waste.
27. Cotton seed.
28. Detonators.
29. Dry leaves.
30. Dynamite.
31. Explosive paint such as nitro-cellulose paint, lacquer paint, enamel paint, etc.
32. Fat.
33. Felt.
34. Fins.
35. Firewood.
36. Fireworks.
37. Fish (dried).
38. Flax.
39. Fulminate.
40. Fulminate of mercury.
41. Fulminate of silver.
42. Gelatine.
43. Gelignite.
44. Grass.
45. Gun-cotton.
46. Gunpowder.
47. Gunny bags.
48. Hair.
49. Hay or fodder.

50. Hemp.
51. Hessian cloth (gunny-bag cloth).
52. Hides (dried).
53. Hides (raw).
54. Hoofs.
55. Horns.
56. Incense or eses.
57. Jute.
58. Khokas, boxes, barrels, furniture or any other article of wood.
59. Lacquer.
60. Leather.
61. Matches for lighting (including Bengal matches).
62. Methylated spirit, denatured spirit or French polish.
63. Nitro-cellulose.
64. Nitro-compound.
65. Nitro-glycerine.
66. Nitro-mixture.
67. Offal.
68. Oil, other than petroleum.
69. Oilseeds including almonds, but excluding cotton seeds.
70. Old paper or waste paper including old newspapers, periodicals, magazines, etc.
71. Packing stuff (paper cuttings, husk, saw dust, etc.).
72. Paints.
73. Paper other than old paper in pressed bales or loose or in reams.
74. Petroleum, other than dangerous petroleum, as defined in the Petroleum Act, 1934.
75. Phosphorus.
76. Plastic or plastic goods.
77. Plywood.
78. Rags, including small pieces or cuttings of cloth hessian cloth gunny-bag cloth, silk, art silk or woollen cloth.
79. Rosin or dammar Battar otherwise known as Ral.
80. Safety fuses, fog signals, cartridges, etc.
81. Saltpetre.
82. Sandalwood.

83. Silk waste, or ilk yarn waste, art silk waste, or art silk yarn waste.
84. Sisal fibre.
85. Skins (raw or dried).
86. Straw.
87. Sulphur.
88. Tallow.
89. Tar, pitch, dammar or bitumen.
90. Tarpauline.
91. Thinner.
92. Timber.
93. Turpentine.
94. Varnish.
95. Wool (raw).
96. Yarn other than waste yarn.

### THE TWELFTH SCHEDULE

(See section 461)

#### PENALTIES

*Explanation.*—The entries in the second column of the following table headed "Subject" are not intended as definitions of the offences prescribed in the provisions mentioned in the first column or even as abstracts of those provisions, but are inserted merely as reference to the subject thereof.

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 128, sub-sections (1) and (2).	Failure to give notice of transfer or devolution of land or building.	Rs. 50	
Section 128, sub-section (3).	Failure to produce instrument of transfer.	Rs. 50	
Section 129	Failure to give notice of erection of new building, etc.	Rs. 50	

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 130	Failure to give notice of demolition or removal of building.	Rs. 50	
Section 131	Failure to comply with requisition to furnish information, etc.	Rs. 50	
Section 135, sub-section (2).	Wilful delay or obstruction of valuers.	Rs. 50	
Section 143	Prohibition of advertisement without permission.	Rs. 200	Rs. 50
Section 168	Failure to give notice of vacant land or building.	Rs. 50	Rs. 5
Section 172, sub-section (2).	Non-compliance with the requisition of attendance before the Commissioner.	Rs. 50	
Section 175	Failure to disclose liability	Rs. 100	
Section 214	Use for non-domestic purposes of water supplied for domestic purposes.	Rs. 100	Rs. 5
Section 219, sub-section (1).	Non-compliance with the requisition to take water supply.	Rs. 200	Rs. 20
Section 220	Prohibition to occupy new premises without arrangement for water supply.	Rs. 200	Rs. 20
Section 232	Waste or misuse of water	Rs. 50	
Section 233	Refusal of admittance, etc.	Rs. 100	
Section 236, sub-section (1).	Laying of water pipes, etc., in a position where the same may be injured or water therein polluted.	Rs. 100	Rs. 10

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 236, sub-section (2).	Construction of latrines, etc., in a position where pipes may be injured or water therein polluted.	[Rs. 100] 4	Rs. 100 - 100 4
Section 241	Injury to, or interference with free flow of contents of municipal drain or drains communicating with municipal drain.	[Rs. 50] 4	Rs. 50 - 100 4
Section 242, sub-section (2).	Private drain not to be connected with municipal drain without notice.	Rs. 50	Rs. 5
Section 243	Non-compliance with requisition for drainage of undrained premises.	Rs. 100	Rs. 25
Section 244	Erection of new premises without drains.	Rs. 1,000	
Section 245	Non-compliance with requisition of maintenance of drainage works for any group or block of premises.	Rs. 50	Rs. 5
Section 246	Non-compliance with direction to close or limit the use of private drains in certain cases.	Rs. 50	Rs. 5
Section 247	Non-compliance with Commissioner's orders regarding the use of a drain by a person other than the owner thereof.	Rs. 50	
Section 248	Non-compliance with requisition for keeping sewage and rain water drains distinct.	Rs. 50	
Section 249	Non-compliance with requisition for the pavement of courtyard, etc.	Rs. 50	
Section 251	Connection with municipal water works or drains without written permission.	Rs. 200	Rs. 50

4 Ins. & omitted by Act 42 of 1961, S. 23 (wef. 12.7.61).

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 254, sub-section (4).	Non-compliance with requisition to close, remove or divert a pipe or drain.	Rs. 50	Rs. 5
Section 272, sub-section (1).	Execution of work by a person other than a licensed plumber.	Rs. 200	
Section 272, sub-section (2).	Failure to furnish when required, name of licensed plumber employed.	Rs. 100	
Section 272, sub-section (6).	Licensed plumbers not to demand more than the charges prescribed.	Rs. 100	
Section 272, sub-section (8).	Licensed plumbers not to contravene bye-laws or execute work carelessly or negligently, etc.	Rs. 100	
Section 273	Prohibition of wilful or neglectful acts relating to water or sewage works.	Rs. 100	
Section 305, sub-section (3).	Construction of building within the regular line of street without permission.	Rs. 1,000	Rs. 100
Section 307	Failure to comply with requisition to set back buildings to regular line of street.	Rs. 200	Rs. 50
Section 310	Failure to comply with requisition to set forward buildings to regular line of street.	Rs. 200	Rs. 10
Section 313, sub-section (5).	Utilising, selling or otherwise dealing with any land or laying out a private street otherwise than in conformity with orders of the Standing Committee.	Rs. 500	Rs. 25 <del>CLXXX</del>
Section 314, sub-section (1), clauses (a) and (b).	Failure to comply with requisition to show cause for alteration of street or for appearance before the Commissioner.	Rs. 50	Rs. 5

↓ Subs and omitted by Act 2 of 1984, s. 13 (w.e.f. 10.12.1985)

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
Section 315, sub- section (1).	Failure to comply with requisition on owner of private street or owner of adjoining land or building to level, etc., such street.	Rs. 100	Rs. 10
Section 317, sub- section (1).	Prohibition of projections upon streets, etc.	Rs. 200	
Section 317, sub- section (2).	Failure to comply with requisition to remove projections from streets.	Rs. 200	
Section 318, sub- section (2).	Failure to comply with requisition to remove a verandah, balcony, etc., put up in accordance with section 317(1).	Rs. 200	
Section 319	Failure to comply with requisition to have ground floor doors, etc., so altered as not to open outwards.	Rs. 50	
Section 320, sub- section (1).	Erection, etc., of structures or fixtures which cause obstruction in streets.	Rs. 200	Rs. 10
Section 321	Deposit, etc., of things in streets.	Rs. 100	
Section 323, sub- sections (1) and (2).	Tethering of animals and milking of cattle in public streets.	Rs. 100	Rs. 5
Section 324, sub- section (4).	Unlawful removal of bar or shoring timber, etc., or removal or extinction of light.	Rs. 50	
Section 325, sub- section (1).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Rs. 200	Rs. 10



Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 327, sub-section (2).	Name of street and number of house not to be destroyed or defaced, etc.	Rs. 50	
Section 328, sub-section (1).	Failure to comply with requisition to repair, protect or enclose a dangerous place.	Rs. 100	Rs. 25
Section 330, sub-section (1).	Removal, etc., of lamps.	Rs. 100	
Section 330, sub-section (2).	Wilfully and negligently extinguishing lights in public streets, etc.	Rs. 50	
Section 332	Erection of a building without the sanction of the Commissioner.	<del>Rs. 1,000</del>	Rs. 50 <i>ex xx</i>
Section 333, sub-section (1).	Failure to give notice of intention to erect a building.	<del>Rs. 100</del>	
Section 334, sub-section (1).	Failure to give notice of intention to make additions, etc., to buildings.	<del>Rs. 100</del>	
Section 337, sub-section (4).	Commencement of work without notice, etc.	Rs. 10,000	Rs. 500
Section 339	Failure to comply with requisition to round off buildings at corners of streets.	Rs. 100	Rs. 5
Section 340, sub-section (1).	Erection of buildings on new streets without levelling.	Rs. 1,000	
Section 340, sub-section (2).	Erection of buildings or execution of work within regular line of street or in contravention of any scheme or plan.	Rs. 1,000	

↓. Subs and omitted by Act 42 of 1984, S. 13 (w.e. 6.10.12.1985).

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 342	Use of inflammable materials without permission.	Rs. 100	
Section 343	Failure to demolish buildings erected without sanction.	<del>Rs. 1,000</del>	<del>Rs. 25</del> <i>[for section of buildings in contravention of order]</i>
Section 344	Erection of buildings in contravention of conditions of sanction, etc.	Rs. 1,000	
Section 345	Failure to carry out alterations	<del>Rs. 500</del>	
Section 346, sub-sections (1) and (2).	Non-compliance with provision as to completion certificates, occupation or use, etc., without permission.	Rs. 200	Rs. 10
Section 347	Non-compliance with restrictions on user of buildings.	<del>Rs. 500</del>	<del>Rs. 25</del> $\frac{2}{3}$ <del>xxx</del>
Section 348, sub-sections (1) and (2).	Failure to comply with requisition to remove structures which are in ruins or likely to fall.	Rs. 500	Rs. 20
Section 349, sub-section (1).	Failure to comply with requisition to vacate buildings in dangerous condition, etc.	Rs. 200	
Section 353	Failure to provide for collection, removal and deposit of refuse and provision of receptacles.	Rs. 50	
Section 354	Failure to collect and remove filth and polluted matter.	Rs. 50	
Section 355, sub-section (2).	Scavenger's duties in certain cases not to be discharged by any person without permission.	Rs. 25	

$\frac{1}{3}$  Rs. by act 42 of 1961, S. 23 (w.e.f. 12.9.61).  
 $\frac{2}{3}$  Subs and omitted by Act 42 of 1981, S. 13 (w.e.f. 10.12.1985).

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
Section 356	Failure to comply with requisition for removal of rubbish, etc., from premises used as market, etc.	Rs. 100	
Section 357, sub-section (1).	Keeping rubbish and filth for more than twenty-four hours, etc.	Rs. 50	Rs. 10
Section 357, sub-section (2).	Allowing filth to flow in streets	Rs. 50	
Section 357, sub-section (3).	Depositing rubbish or filth, etc., in street, etc.	Rs. 50	
Section 360, sub-section (1).	Latrines and urinals not to be constructed without permission or in contravention of terms prescribed.	Rs. 200	
Section 361, sub-section (1).	Failure to provide buildings newly erected or re-erected with latrine, urinal and other accommodation.	Rs. 500	
Section 361, sub-section (3).	Failure to provide residential buildings composed of separate tenements with latrine, bathing or washing place for servants on the ground floor.	Rs. 500	
Section 362	Failure to provide latrines for premises used by large number of people and to keep them clean and in proper order.	Rs. 100	Rs. 20
Section 363	Failure to comply with requisition to provide latrines for market, cattle shed, cart stand, etc., and to keep them clean and in proper order.	Rs. 100	Rs. 20

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 364, clauses (a), (b), (c) and (d).	Failure to comply with requisition to enforce provision of latrine or urinal accommodation, etc.	Rs. 100	Rs. 10
Section 365, sub-section (2).	Failure to comply with requisition for removal of congested buildings.	Rs. 1,000	
Section 366 . . .	Failure to comply with requisition to improve buildings unfit for human habitation.	Rs. 1,000	
Section 368 sub-sections (1), (2), (3) and (4).	Failure to comply with order of demolition of buildings unfit for human habitation.	Rs. 1,000	
Section 369 . . .	Failure to comply with requisition of the Commissioner to remove insanitary huts and sheds, etc.	Rs. 100	Rs. 15
Section 370, sub-section (1).	Prohibition against washing by washerman.	Rs. 25	
Section 371 . . .	Failure to give information of dangerous disease.	Rs. 100	
Section 373 . . .	Failure to comply with requisition to cleanse and disinfect buildings or articles.	Rs. 50	
Section 374 . . .	Failure to comply with requisition to destroy infectious huts or sheds.	Rs. 50	
Section 375 . . .	Washing of clothing, bedding, etc., at any place not notified by the Commissioner.	Rs. 25	

Section, sub-section, clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
Section 377, sub-section (1).	Sending infected clothes to washerman or laundry.	Rs. 25	
Section 377, sub-section (2).	Failure to furnish address of washerman or laundry to which clothes have been sent.	Rs. 25	
Section 378, sub-sections (1), (2) and (3).	Use of public conveyances by persons suffering from a dangerous disease, etc.	Rs. 50	
Section 380	Failure to disinfect buildings before letting the same.	Rs. 100	
Section 381	Disposal of infected articles without disinfection.	Rs. 50	
Section 382	Making or selling of food, etc., or washing of clothes by infected persons.	Rs. 50	
Section 383	Sale of food or drink in contravention of restriction or prohibition of the Commissioner.	Rs. 50	
Section 384	Removal or use of water from wells and tanks in contravention of prohibition of Commissioner.	Rs. 50	
Section 385	Exposure of persons to risk of infection by the presence or conduct of a person suffering from a dangerous disease, etc.	Rs. 100	
Section 386	Removal of infectious corpses in contravention of the provisions of the section.	Rs. 50	
Section 387, sub-sections (1) and (2).	Absence of sweepers etc., from duty without notice.	Imprisonment which may extend to one month.	
Section 388	A sweeper employed for doing house scavenging not to discontinue work without notice.	Rs. 10	

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
Section 389	Failure to supply information by persons in charge of burning or burial grounds.	Rs. 50	
Section 390	Use of new burning or burial ground without permission.	Rs. 50	
Section 391, sub-section (1).	Failure to comply with requisition to close a burning or burial ground.	Rs. 50	
Section 391, sub-section (2).	Burning or burial of corpses in a burning or burial ground after it has been closed.	Rs. 50	
Section 392	Removal of corpses by other than prescribed routes.	Rs. 25	
Section 393, sub-section (1), clause (b).	Failure to give notice for removal of carcasses of dead animals.	Rs. 10	
Section 396, sub-sections (1) and (2).	Failure to give information of births and deaths.	Rs. 50	
Section 397, sub-sections (1), (2) and (3).	Commission of nuisances	Rs. 50	
Section 398	Failure to comply with requisition for removal or abatement of nuisance.	Rs. 500	Rs. 25
Section 399, sub-section (4).	Dogs not to be at large in a street without being secured by a chain lead.	Rs. 50	
Section 399, sub-section (5).	Ferocious dogs at large without being muzzled, etc.	Rs. 100	
Section 400	Stacking inflammable material in contravention of prohibition.	Rs. 50	
Section 401	Setting a naked light	Rs. 50	

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
Section 402	Discharging fireworks, fire-arms, etc., likely to cause danger.	Rs. 50	
Section 403	Failure to comply with requisition to render buildings, wells, etc., safe.	Rs. 50	
Section 404	Failure to comply with requisition to enclose land used for improper purposes.	Rs. 50	
Section 406, sub-section (1).	Sale in municipal markets without permission.	Rs. 200	
Section 407, sub-sections (1) and (2).	Use of places as private markets without a licence and use of places other than a municipal slaughter house as slaughter houses.	Rs. 500	Rs. 25
Section 407, sub-section (2), proviso (a)	Non-compliance with conditions imposed by Commissioner.	Rs. 50	
Section 409	Keeping market open without licence, etc.	Rs. 2,000	
Section 410	Sale in unlicensed market	Rs. 50	
Section 411	Carrying on business or trade near a market.	Rs. 50	
Section 414	Failure of person in charge of markets to expel lepers and disturbers from the market.	Rs. 50	
Section 415	Carrying on butcher's, fish-monger's or poulterer's trade without licence, etc.	Rs. 100	Rs. 10
Section 416	Establishment of factory, etc., without permission.	Rs. 5,000	Rs. 500

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
Section 417	Certain things not to be kept and certain trades and operations not to be carried on without a licence.	Rs. 1,000	Rs. 100
Section 418, sub-section (3).	Keeping, abandonment or tethering of animals, etc.	Rs. 100	
Section 419, sub-section (5)	Use of premises in contravention of declaration.	Rs. 500	
Section 420	Hawking articles for sale without a licence, etc.	Rs. 100	
Section 421	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	Rs. 100	Rs. 15
Section 422	Keeping open theatre, circus or other place of public amusement without licence or contrary to terms of licence.	Rs. 500	Rs. 50
Section 430, sub-section (5).	Failure to produce licence or written permission.	Rs. 50	Rs. 5
Section 431	Preventing the Commissioner or any person authorised in this behalf from exercising his powers of entry, etc.	Rs. 50	
Section 432	Preventing the Commissioner or any person authorised in this behalf from exercising his power of entry upon any adjoining land.	Rs. 50	
Section 437	Obstruction or molestation in execution of work.	Rs. 200	
Section 444, sub-section (4).	Failure to comply with requisition to state the name and address of owners of premises.	Rs. 50	



Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily Fine which may be imposed
Section 456, sub- section (3).	Failure of occupier of land or building to afford owner facilities for complying with provisions of the Act, etc., after eight days from issue of order by district judge.	Rs. 200	Rs. 50
Section 495	Obstruction of Mayor or any municipal authority, etc.	Rs. 200	
Section 496	Removal of any mark set up for indicating level, etc.	Rs. 100	
Section 497	Removal, etc., of notice exhibited by or under orders of the Corporation, Commissioner, etc.	Rs. 50	
Section 498	Unlawful removal of earth, sand or other material or deposit of any matter or making of any encroachment from any land vested in the Corporation.	Rs. 50	

### THE THIRTEENTH SCHEDULE

(See section 516)

#### ENACTMENTS CEASING TO HAVE EFFECT IN DELHI

1. The Punjab Municipal Act, 1911, as in force in Delhi immediately before the commencement of this Act.
2. The provisions of the City of Bombay Corporation Act, 1888, as in force in Delhi immediately before the commencement of this Act.
3. The provisions of the United Provinces Municipalities Act, 1916, as in force in Delhi immediately before the commencement of this Act.
4. The Punjab District Boards Act, 1883, as in force in the Union territory of Delhi immediately before the commencement of this Act.

Not Corrected: See India Code, Vol. VI - A.

## THE MINES AND MINERALS (REGULATION AND DEVELOPMENT) ACT, 1957

### ARRANGEMENT OF SECTIONS

#### PRELIMINARY

##### SECTIONS

1. Short title, extent and commencement.
2. Declaration as to expediency of Union control.
3. Definitions.

##### GENERAL RESTRICTIONS ON UNDERTAKING PROSPECTING AND MINING OPERATIONS

4. Prospecting or mining operations to be under licence or lease.
5. Restrictions on the grant of prospecting licences or mining leases.
6. Maximum area for which a prospecting licence or mining lease may be granted.
7. Periods for which prospecting licences may be granted or renewed.
8. Periods for which mining leases may be granted or renewed.
9. Royalties in respect of mining leases.

##### PROCEDURE FOR OBTAINING PROSPECTING LICENCES OR MINING LEASES IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT.

10. Application for prospecting licences or mining leases.
11. Preferential right of certain persons.
12. Registers of prospecting licences and mining leases.

##### RULES FOR REGULATING THE GRANT OF PROSPECTING LICENCES AND MINING LEASES

13. Power of Central Government to make rules in respect of minerals.

Not Corrected: See India Code

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SECTIONS

14. Sections 4 to 13 not to apply to minor minerals.
15. Power of State Governments to make rules in respect of minor minerals.
16. Power to modify mining leases granted before 25th October, 1949.

SPECIAL POWERS OF CENTRAL GOVERNMENT TO UNDERTAKE PROSPECTING OR MINING OPERATIONS IN CERTAIN CASES

17. Special powers of Central Government to undertake prospecting or mining operations in certain lands.

DEVELOPMENT OF MINERALS

18. Mineral development.

MISCELLANEOUS

19. Prospecting licences and mining leases to be void if in contravention of Act.
20. Act and rules to apply to all renewals of prospecting licences and mining leases.
21. Penalties.
22. Cognizance of offences.
23. Offences by companies.
24. Power of entry and inspection.
25. Recovery of certain sums as arrears of land revenue.
26. Delegation of powers.
27. Protection of action taken in good faith.
28. Rules and notifications to be laid before Parliament and certain rules to be approved by Parliament.
29. Existing rules to continue.
30. Power of revision of Central Government.
31. Relaxation of rules in special cases.
32. Amendments to Act 53 of 1948.
33. Validation of certain acts and indemnity.

THE FIRST SCHEDULE.—SPECIFIED MINERALS.

THE SECOND SCHEDULE.—RATES OF ROYALTY.

THE THIRD SCHEDULE.—AMENDMENTS TO THE MINES AND MINERALS (REGULATION AND DEVELOPMENT) ACT, 1948.

Not Corrected; See India Code, Vol. VI-A.

THE MINES AND MINERALS (REGULATION AND DEVELOPMENT) ACT, 1957

No. 67 OF 1957

[28th December, 1957]

An Act to provide for the regulation of mines and the development of minerals under the control of the Union.

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

PRELIMINARY

1. (1) This Act may be called the Mines and Minerals (Regulation and Development) Act, 1957. Short title, extent and commencement.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.
2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation of mines and the development of minerals to the extent hereinafter provided. Declaration as to expediency of Union control.
3. In this Act, unless the context otherwise requires,— Definitions.
- (a) "minerals" includes all minerals except mineral oils;
- (b) "mineral oils" includes natural gas and petroleum;
- (c) "mining lease" means a lease granted for the purpose of undertaking mining operations, and includes a sub-lease granted for such purpose;
- (d) "mining operations" means any operations undertaken for the purpose of winning any mineral;
- (e) "minor minerals" means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed

<sup>1</sup> 1st. June, 1958, vide Notification No. G.S.R. 432, dated the 29th May, 1958, see Gazette of India, 1958, Extraordinary Part II, Sec. 3 (i) p. 225.

purposes, and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral;

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

(g) "prospecting licence" means a licence granted for the purpose of undertaking prospecting operations;

(h) "prospecting operations" means any operations undertaken for the purpose of exploring, locating or proving mineral deposits; and

(i) the expressions, "mine" and "owner", have the meanings assigned to them in the Mines Act, 1952.

35 of 1952.

#### GENERAL RESTRICTIONS ON UNDERTAKING PROSPECTING AND MINING OPERATIONS

Prospect-  
ing or  
mining  
operations  
to be  
under  
licence or  
lease.

4. (1) No person shall undertake any prospecting or mining operations in any area, except under and in accordance with the terms and conditions of a prospecting licence or, as the case may be, a mining lease, granted under this Act and the rules made thereunder:

Provided that nothing in this sub-section shall affect any prospecting or mining operations undertaken in any area in accordance with the terms and conditions of a prospecting licence or mining lease granted before the commencement of this Act which is in force at such commencement.

(2) No prospecting licence or mining lease shall be granted otherwise than in accordance with the provisions of this Act and the rules made thereunder.

Restric-  
tions on  
the grant  
of pros-  
pecting  
licences or  
mining  
leases.

5. (1) No prospecting licence or mining lease shall be granted by a State Government to any person unless he—

(a) holds a certificate of approval in the prescribed form from the State Government;

(b) produces from the Income-tax Officer concerned an income-tax clearance certificate in the prescribed form; and

(c) satisfies such other conditions as may be prescribed.

*Explanation.*—For the purposes of this sub-section, a person shall be deemed to hold a certificate of approval notwithstanding that at the relevant time his certificate of approval has expired if an application for its renewal is pending at that time.

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(2) Except with the previous approval of the Central Government, no prospecting licence or mining lease shall be granted—

(a) as respects any mineral specified in the First Schedule,  
or

(b) to any person who is not an Indian national.

*Explanation.*—For the purposes of this sub-section, a person shall be deemed to be an Indian national—

1 of 1956.

(a) in the case of a public company as defined in the Companies Act, 1956, only if a majority of the directors of the company are citizens of India and not less than fifty-one per cent. of the share capital thereof is held by persons who are either citizens of India or companies as defined in the said Act;

(b) in the case of a private company as defined in the said Act, only if all the members of the company are citizens of India;

(c) in the case of a firm or other association of individuals, only if all the partners of the firm or members of the association are citizens of India; and

(d) in the case of an individual, only if he is a citizen of India.

6. (1) No person shall acquire in any one State in respect of any mineral or prescribed group of associated minerals—

(a) one or more prospecting licences covering a total area of more than fifty square miles; or

(b) one or more mining leases covering a total area of more than ten square miles:

Maximum area for which a prospecting licence or mining lease may be granted.

Provided that if the Central Government is of opinion that in the interests of mineral development it is necessary so to do, it may, for reasons to be recorded, permit any person to acquire one or more prospecting licences or mining leases covering an area in excess of the aforesaid maximum.

(2) For the purposes of this section, a person acquiring by, or in the name of, another person a prospecting licence or mining lease which is intended for himself shall be deemed to be acquiring it himself.

7. (1) The period for which a prospecting licence may be granted shall not—

(a) in the case of mica, exceed one year; and

(b) in the case of any other mineral, exceed two years.

Periods for which prospecting licences may be granted or renewed.

(2) A prospecting licence may be renewed for one or more periods each not exceeding the period for which the prospecting licence was originally granted if the State Government is satisfied that a longer period is required to enable the licensee to complete prospecting operations:

Provided that no prospecting licence granted in respect of a mineral specified in the First Schedule shall be renewed except with the previous approval of the Central Government.

Periods for which mining leases may be granted or renewed.

8. (1) The period for which a mining lease may be granted shall not—

(a) in the case of coal, iron ore or bauxite, exceed thirty years; and

(b) in the case of any other mineral, exceed twenty years.

(2) A mining lease may be renewed—

(a) in the case of coal, iron ore or bauxite, for one period not exceeding thirty years; and

(b) in the case of any other mineral, for one period not exceeding twenty years:

Provided that no mining lease granted in respect of a mineral specified in the First Schedule shall be renewed except with the previous approval of the Central Government.

(3) Notwithstanding anything contained in sub-section (2), if the Central Government is of opinion that in the interests of mineral development it is necessary so to do, it may, for reasons to be recorded, authorise the renewal of a mining lease for a further period or periods not exceeding in each case the period for which the mining lease was originally granted.

Royalties in respect of mining leases.

9. (1) The holder of a mining lease granted before the commencement of this Act shall, notwithstanding anything contained in the instrument of lease or in any law in force at such commencement, pay royalty in respect of any mineral removed by him from the leased area after such commencement, at the rate for the time being specified in the Second Schedule in respect of that mineral.

(2) The holder of a mining lease granted on or after the commencement of this Act shall pay royalty in respect of any mineral removed by him from the leased area at the rate for the time being specified in the Second Schedule in respect of that mineral.

(3) The Central Government may, by notification in the Official Gazette, amend the Second Schedule so as to enhance or reduce the

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rate at which royalty shall be payable in respect of any mineral with effect from such date as may be specified in the notification:

Provided that the Central Government shall not—

(a) fix the rate of royalty in respect of any mineral so as to exceed twenty per cent. of the sale price of the mineral at the pit's head, or

(b) enhance the rate of royalty in respect of any mineral more than once during any period of four years.

PROCEDURE FOR OBTAINING PROSPECTING LICENCES OR MINING LEASES IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT.

10. (1) An application for a prospecting licence or a mining lease in respect of any land in which the minerals vest in the Government shall be made to the State Government concerned in the prescribed form and shall be accompanied by the prescribed fee.

Application for prospecting licences or mining leases.

(2) Where an application is received under sub-section (1), there shall be sent to the applicant an acknowledgment of its receipt within the prescribed time and in the prescribed form.

(3) On receipt of an application under this section, the State Government may, having regard to the provisions of this Act and any rules made thereunder, grant or refuse to grant the licence or lease.

11. (1) Where a prospecting licence has been granted in respect of any land, the licensee shall have a preferential right for obtaining a mining lease in respect of that land over any other person:

Preferential right of certain persons.

Provided that the State Government is satisfied that the licensee has not committed any breach of the terms and conditions of the prospecting licence and is otherwise a fit person for being granted the mining lease.

(2) Subject to the provisions of sub-section (1), where two or more persons have applied for a prospecting licence or a mining lease in respect of the same land, the applicant whose application was received earlier shall have a preferential right for the grant of the licence or lease, as the case may be, over an applicant whose application was received later:

Provided that where any such applications are received on the same day, the State Government, after taking into consideration the matters specified in sub-section (3), may grant the prospecting licence



or mining lease, as the case may be, to such one of the applicants as it may deem fit.

(3) The matters referred to in sub-section (2) are the following:—

(a) any special knowledge of, or experience in, prospecting operations or mining operations, as the case may be, possessed by the applicant;

(b) the financial resources of the applicant;

(c) the nature and quality of the technical staff employed or to be employed by the applicant;

(d) such other matters as may be prescribed.

(4) Notwithstanding anything contained in sub-section (2) but subject to the provisions of sub-section (1), the State Government may for any special reasons to be recorded and with the previous approval of the Central Government, grant a prospecting licence or a mining lease to an applicant whose application was received later in preference to an applicant whose application was received earlier.

Registers of prospecting licences and mining leases.

12. (1) The State Government shall cause to be maintained in the prescribed form:—

(a) a register of applications for prospecting licences;

(b) a register of prospecting licensees;

(c) a register of applications for mining leases; and

(d) a register of mining lessees;

in each of which shall be entered such particulars as may be prescribed.

(2) Every such register shall be open to inspection by any person on payment of such fee as the State Government may fix.

#### RULES FOR REGULATING THE GRANT OF PROSPECTING LICENCES AND MINING LEASES

Power of Central Government to make rules in respect of minerals.

13. (1) The Central Government may, by notification in the Official Gazette, make rules for regulating the grant of prospecting licences and mining leases in respect of minerals and for purposes connected therewith.

(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 person by whom, and the manner in which, applications for prospecting licences or mining leases in respect of land

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in which the minerals vest in the Government may be made and the fees to be paid therefor;

(b) the time within which, and the form in which, acknowledgment of the receipt of any such application may be sent;

(c) the matters which may be considered where applications in respect of the same land are received on the same day;

(d) the persons to whom certificates of approval may be granted, the form of such certificates and the fees payable for the grant, or renewal thereof;

(e) the authority by which prospecting licences or mining leases in respect of land in which the minerals vest in the Government may be granted;

(f) the procedure for obtaining a prospecting licence or a mining lease in respect of any land in which the minerals vest in a person other than the Government and the terms on which, and the conditions subject to which, such a licence or lease may be granted or renewed;

(g) the terms on which, and the conditions subject to which, any other prospecting licence or mining lease may be granted or renewed;

(h) the facilities to be afforded by holders of mining leases to persons deputed by the Government for the purpose of undertaking research or training in matters relating to mining operations;

(i) the fixing and collection of dead rent, fines, fees or other charges and the collection of royalties in respect of--

(i) prospecting licences,

(ii) mining leases,

(iii) minerals mined, quarried, excavated or collected;

(j) the manner in which rights of third parties may be protected (whether by payment of compensation or otherwise) in cases where any such party may be prejudicially affected by reason of any prospecting or mining operations;

(k) the grouping of associated minerals for the purposes of section 6;

(l) the manner in which, and the conditions subject to which, a prospecting licence or a mining lease may be transferred;

(m) the construction, maintenance and use of roads, power transmission lines, tramways, railways, aerial ropeways, pipelines and the making of passages for water for mining purposes on any land comprised in a mining lease;

(n) the form of registers to be maintained under this Act;

(o) the disposal or discharge of any tailings, slime or other waste products arising from any mining or metallurgical operations carried out in a mine;

(p) the reports and statements to be submitted by holders of prospecting licences or owners of mines and the authority to which such reports and statements shall be submitted;

(q) the period within which applications for revision of any order passed by a State Government or other authority in exercise of any power conferred by or under this Act, may be made and the manner in which such applications shall be disposed of; and

(r) any other matter which is to be, or may be, prescribed under this Act.

Sections 4 to 13 not to apply to minor minerals.

14. The provisions of sections 4 to 13 (inclusive) shall not apply to prospecting licences and mining leases in respect of minor minerals.

Power of State Governments to make rules in respect of minor minerals.

15. (1) The State Government may, by notification in the Official Gazette, make rules for regulating the grant of prospecting licences and mining leases in respect of minor minerals and for purposes connected therewith.

(2) Until rules are made under sub-section (1), any rules made by a State Government regulating the grant of prospecting licences and mining leases in respect of minor minerals which are in force immediately before the commencement of this Act shall continue in force.

Power to modify mining leases granted before 25th October, 1949.

16. (1) All mining leases granted before the 25th day of October, 1949, shall, as soon as may be after the commencement of this Act, be brought into conformity with the provisions of this Act and the rules made under sections 13 and 18:

Provided that if the Central Government is of opinion that in the interests of mineral development it is expedient so to do, it may, for reasons to be recorded, permit any person to hold one or more such mining leases covering in any one State a total area in excess of that specified in clause (b) of section 6 or for a period exceeding that specified in sub-section (1) of section 8.

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(2) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of sub-section (1) and in particular such rules shall provide—

(a) for giving previous notice of the modification or alteration proposed to be made in any existing mining lease to the lessee and where the lessor is not the Central Government, also to the lessor and for affording him an opportunity of showing cause against the proposal;

(b) for the payment of compensation to the lessee in respect of the reduction of any area covered by the existing mining lease; and

(c) for the principles on which, the manner in which, and the authority by which, the said compensation shall be determined.

**SPECIAL POWERS OF CENTRAL GOVERNMENT TO UNDERTAKE PROSPECTING OR MINING OPERATIONS IN CERTAIN CASES**

17. (1) The provisions of this section shall apply only in respect of land in which the minerals vest in the Government of a State.

(2) Notwithstanding anything contained in this Act, the Central Government, after consultation with the State Government, may undertake prospecting or mining operations in any area not already held under any prospecting licence or mining lease, and where it proposes to do so, it shall, by notification in the Official Gazette,—

(a) specify the boundaries of such area;

(b) state whether prospecting or mining operations will be carried out in the area; and

(c) specify the mineral or minerals in respect of which such operations will be carried out.

(3) Where, in exercise of the powers conferred by sub-section (2), the Central Government undertakes prospecting or mining operations in any area, the Central Government shall be liable to pay prospecting fee, royalty, surface rent or dead rent, as the case may be, at the same rate at which it would have been payable under this Act, if such prospecting or mining operations had been undertaken by a private person under a prospecting licence or mining lease.

(4) The Central Government, with a view to enabling it to exercise the powers conferred on it by sub-section (2) may, after consultation with the State Government, by notification in the Official Gazette, declare that no prospecting licence or mining lease shall be granted in respect of any land specified in the notification.

Special powers of Central Government to undertake prospecting or mining operations in certain lands.

## DEVELOPMENT OF MINERALS

Mineral  
Development.

18. (1) It shall be the duty of the Central Government to take all such steps as may be necessary for the conservation and development of minerals in India, and for that purpose the Central Government may, by notification in the Official Gazette, make such rules as it thinks fit.

(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 opening of new mines and the regulation of mining operations in any area;

(b) the regulation of the excavation or collection of minerals from any mine;

(c) the measures to be taken by owners of mines for the purpose of beneficiation of ores, including the provision of suitable contrivances for such purpose;

(d) the development of mineral resources in any area;

(e) the notification of all new borings and shaft sinkings and the preservation of bore-hole records, and specimens of cores of all new bore-holes;

(f) the regulation of the arrangements for the storage of minerals and the stocks thereof that may be kept by any person;

(g) the submission of samples of minerals from any mine by the owner thereof and the manner in which and the authority to which such samples shall be submitted; and the taking of samples of any minerals from any mine by the State Government or any other authority specified by it in that behalf; and

(h) the submission by owners of mines of such special or periodical returns and reports as may be specified, and the form in which and the authority to which such returns and reports shall be submitted.

(3) All rules made under this section shall be binding on the Government.

## MISCELLANEOUS

Prospecting  
licences  
and  
mining leases  
to be void if  
in contra-  
vention of  
Act.

19. Any prospecting licence or mining lease granted, renewed or acquired in contravention of the provisions of this Act or any rules or orders made thereunder shall be void and of no effect.

*Explanation.*—Where a person has acquired more than one prospecting licence or mining lease in any State and the aggregate area covered by such licences or leases, as the case may be, exceeds the maximum area permissible under section 6, only that prospecting

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licence or mining lease the acquisition of which has resulted in such maximum area being exceeded shall be deemed to be void.

20. The provisions of this Act and the rules made thereunder shall apply in relation to the renewal after the commencement of this Act of any prospecting licence or mining lease granted before such commencement as they apply in relation to the renewal of a prospecting licence or mining lease granted after such commencement.

Act and rules to apply to all renewals of prospecting licences and mining leases.

21. (1) Whoever contravenes the provisions of sub-section (1) of section 4 shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalties.

(2) Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

22. No court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or the State Government.

Cognizance of offences.

23. (1) If the person committing an offence under this Act or any rules made thereunder is a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance 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;

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

Power of entry and inspection.

24. (1) For the purpose of ascertaining the position of the working, actual or prospective, of any mine or abandoned mine or for any other purpose connected with this Act or the rules made thereunder, any person authorised by the Central Government in this behalf, by general or special order, may—

- (a) enter and inspect any mine;
- (b) survey and take measurements in any such mine;
- (c) weigh, measure or take measurements of the stocks of minerals lying at any mine;
- (d) examine any document, book, register, or record in the possession or power of any person having the control of, or connected with, any mine and place marks of identification thereon, and take extracts from or make copies of such document, book, register or record;
- (e) order the production of any such document, book, register, record, as is referred to in clause (d); and
- (f) examine any person having the control of, or connected with, any mine.

(2) Every person authorised by the Central Government under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and every person to whom an order or summons is issued by virtue of the powers conferred by clause (e) or clause (f) of that sub-section shall be legally bound to comply with such order or summons, as the case may be.

45 of 1860.

Recovery of certain sums as arrear of land revenue.

25. Any rent, royalty, tax, fee or other sum due to the Government under this Act or the rules made thereunder or under the terms and conditions of any prospecting licence or mining lease may, on a certificate of such officer as may be specified by the State Government in this behalf by general or special order, be recovered in the same manner as an arrear of land revenue.

Delegation of powers

26. (1) The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may, in relation to such matters and subject to such conditions, if any, as may be specified in the notification 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 notification.

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(2) The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

(3) Any rules made by the Central Government under this Act may confer powers and impose duties or authorise the conferring of powers and imposition of duties upon any State Government or any officer or authority subordinate thereto.

27. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

28. (1) All rules made and notifications issued by the Central Government under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made or issued and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

Rules and notifications to be laid before Parliament and certain rules to be approved by Parliament.

(2) Without prejudice to the generality of the rule-making power vested in the Central Government, no rules made with reference to clause (c) of sub-section (2) of section 16 shall come into force until they have been approved, whether with or without modifications, by each House of Parliament.

53 of 1948.

29. All rules made or purporting to have been made under the *Mines and Minerals (Regulation and Development) Act, 1948*, shall, in so far as they relate to matters for which provision is made in this Act and are not inconsistent therewith, be deemed to have been made under this Act as if this Act had been in force on the date on which such rules were made and shall continue in force unless and until they are superseded by any rules made under this Act.

Existing rules to continue.

30. The Central Government may, of its own motion or on application made within the prescribed time by an aggrieved party, revise any order made by a State Government or other authority in exercise of the powers conferred on it by or under this Act.

Power of revision of Central Government.

31. The Central Government may, if it is of opinion that in the interests of mineral development it is necessary so to do, by order in writing and for reasons to be recorded, authorise in any case the grant, renewal or transfer of any prospecting licence or mining lease, or the working of any mine for the purpose of searching for or

Relaxation of rules in special cases.



winning any mineral, on terms and conditions different from those laid down in the rules made under section 13.

Amendments  
to Act 53 of  
1948.

32. The Mines and Minerals (Regulation and Development) Act, 1948, shall be amended in the manner specified in the Third Schedule.

Valida-  
tion of  
certain  
acts and  
indem-  
nity.

33. All acts of executive authority done, proceedings taken and sentences passed under the Mines and Minerals (Regulation and Development) Act, 1948, with respect to the regulation of mines and the development of minerals during the period commencing on the 26th day of January, 1950, and ending with the date of commencement of this Act by the Government or by any officer of the Government or by any other authority, in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the said Act, shall be as valid and operative as if they had been done, taken or passed in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any person whatsoever, on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

#### THE FIRST SCHEDULE

[See sections 5 (2) (a), 7(2) and 8(2)]

##### SPECIFIED MINERALS

1. Apatite and phosphatic ores.
2. Beryl.
3. Chrome ore.
4. Coal and lignite.
5. Columbite, samarskite and other minerals of the "rare earths" group.
6. Copper.
7. Gold.
8. Gypsum.
9. Iron ore.
10. Lead.
11. Manganese ore.
12. Molybdenum.
13. Nickel ores.
14. Platinum and other precious metals and their ores.
15. Pitchblende and other uranium ores.

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16. Precious stones.
17. Rutile.
18. Silver.
19. Sulphur and its ores.
20. Tin.
21. Tungsten ores.
22. Uraniferous allanite, monazite and other thorium minerals.
23. Uranium bearing tailings left over from ores after extraction of copper and gold, ilmenite and other titanium ores.
24. Vanadium ores.
25. Zinc.
26. Zircon.

THE SECOND SCHEDULE

(See section 9)

RATES OF ROYALTY

1. Coal . . . . . Five per cent. of f.o.r. price subject to a minimum of fifty *naye paise* per ton.

2. Mica—

*Either*

- |  |  |
|--|--|
| (a) Crude mica . . . . .   | One rupee per maund.                             |
| (b) Trimmed mica, all qualities other than heavy stained, dense stained and spotted. | Three rupees per maund.                          |
| (c) Trimmed mica other than that specified in item (b).                              | One rupee and fifty <i>naye paise</i> per maund. |
| (d) Waste and scrap mica . . . . .   | Twelve <i>naye paise</i> per maund.              |

*Or*

~~Six-and-a-quarter per cent. of the sale price of mica at the pit's mouth, at the option of the lessor.~~

3. Gold, silver, platinum and other precious metals and their ores, copper, lead and zinc ores. Six-and-a-quarter per cent. of the sale price at the pit's mouth.

4. Iron—

- (a) Used for extraction of iron within the country. Five per cent. of the sale price at the pit's mouth subject to a minimum of fifty *naye paise* per ton.

1. Subs. by notification No. G.S.R. 693, dated 6.8.1958, Gazette of India, Part II-Sec.3(i), page 642.

- (b) Used for other purposes . . . . . Five per cent. of the sale price at the pit's mouth subject to a minimum of one rupee per ton.
5. Precious stones . . . . . Twenty per cent. of the sale price at pit's mouth.

*Explanation.*—For the purpose of this item, “price” means the price of “raw, uncut stone”, that is to say, stone from which adhering rock, soil and mud have been removed by washing or any other simple means, but which has not been subjected to any other process.

## 6. Manganese—

- (a) Manganese dioxide . . . . . Fifteen per cent. of the sale price at the pit's mouth subject to a minimum of three rupees per ton.

## Manganese ore—

- (i) High grade (Forty-five per cent. Mn. and over). . . . . Twelve-and-a-half per cent. of the sale price at the pit's mouth subject to a minimum of two rupees per ton.
- (ii) Low grade (below Forty five per cent. Mn.). . . . . Ten per cent. of the sale price at the pit's mouth subject to a minimum of one rupee per ton.

## 7. Chromite—

- (a) Forty-five per cent.  $\text{Cr}_2\text{O}_3$  and above. . . . . Ten per cent. of the sale price at the pit's mouth subject to a minimum of two rupees and twenty-five *naye paise* per ton.
- (b) Less than Forty-five per cent.  $\text{Cr}_2\text{O}_3$ . . . . . Seven-and-a-half per cent. of the sale price at the pit's mouth subject to a minimum of one rupee and twelve *naye paise* per ton.

8. Limestone . . . . . Five per cent. of the sale price at the pit's mouth subject to a minimum of thirty-seven *naye paise* per ton.

9. Dolomite . . . . . Five per cent. of the sale price at the pit's mouth subject to a minimum of twenty-five *naye paise* per ton.

10. Graphite . . . . . Ten per cent. of the sale price at the pit's mouth.

11. China Clay . . . . . Seven-and-a-half per cent. of the sale price at the pit's mouth.

Not Corrected: See India Code

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12. Kyanite . . . . .	Ten per cent. of the sale price at the pit's mouth subject to a minimum of five rupees per ton.
13. Gypsum . . . . .	Twelve-and-a-half per cent of the sale price at the pit's mouth subject to a minimum of one rupee per ton.
14. All other minerals not hereinbefore specified.	Five per cent. of the sale price at the pit's mouth.

### THE THIRD SCHEDULE

(See section 32)

#### AMENDMENTS TO THE MINES AND MINERALS (REGULATION AND DEVELOPMENT) ACT, 1948

1. In the long title, omit the words "mines and", and for the word "minerals", substitute "mineral oil resources".
2. In the preamble, omit the words "mines and" and the words "to the extent hereinafter specified", and for the word "minerals", substitute "mineral oil resources".
3. In section 1,—
  - (i) in sub-section (1), for the words "Mines and Minerals", substitute "Oilfields"; and
  - (ii) in sub-section (2), omit the words "except the State of Jammu and Kashmir".
4. Omit section 2.
5. In section 3, in clauses (b), (c) and (d), for the word "minerals", substitute "mineral oils".
6. In section 5,—
  - (i) in sub-section (1), for the word "mineral" substitute "mineral oil"; and
  - (ii) in sub-section (2), in clause (a), for the word "minerals", substitute "mineral oils".
7. In section 6,—
  - (i) in sub-section (1), for the word "minerals", substitute "mineral oils";
  - (ii) in sub-section (2), omit clauses (a) and (b) and in clause (c), for the words "mineral resources", substitute "mineral oil resources"; and
  - (iii) in clauses (h) and (i), for the word "minerals", substitute "mineral oils".

Rep. by Act 58 of 1960, s. 2 & Sch I (orig 26.12.1960)

THE PAYMENT OF WAGES (AMENDMENT) ACT, 1957

No. 68 OF 1957

An Act further to amend the Payment of Wages Act, 1936.

[28th December, 1957]

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

Short title and commencement.

1. (1) This Act may be called the Payment of Wages (Amendment) Act, 1957.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1.

2. In section 1 of the Payment of Wages Act, 1936 (hereinafter referred to as the principal Act),—

(i) in sub-section (5), for the words “the Act”, the words “this Act” shall be substituted; and

(ii) in sub-section (6), for the words “two hundred rupees”, the words “four hundred rupees” shall be substituted.

Amendment of section 2.

3. In section 2 of the principal Act,—

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

‘(i) “factory” means a factory as defined in clause (m) of section 2 of the Factories Act, 1948;’

63 of 1948.

(ii) in clause (ii)—

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

“(c) inland vessel, mechanically propelled;”;

(2) after item (f), the following item shall be inserted, namely:—

“(g) establishment in which any work relating to the construction, development or maintenance of

<sup>1</sup>1st April, 1958, *vide* Notification No. S.O.353, dated 19th March, 1958, Gazette of India, Part II, Sec. 3 (ii), page 228.

buildings, roads, bridges or canals, or relating to operations connected with navigation, irrigation or the supply of water, or relating to the generation, transmission and distribution of electricity or any other form of power is being carried on;"; and

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

'(vi) "wages" means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes—

(a) any remuneration payable under any award or settlement between the parties or order of a court;

(b) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;

(c) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);

(d) any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions, but does not provide for the time within which the payment is to be made;

(e) any sum to which the person employed is entitled under any scheme framed under any law for the time being in force;

but does not include—

(1) any bonus (whether under a scheme of profit sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a court;

(2) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government;

(3) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;

(4) any travelling allowance or the value of any travelling concession;

(5) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; or

(6) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (d).'

Amendment  
of section 3.

4. In section 3 of the principal Act, in clause (a) of the proviso, for the words, brackets, letter and figures "clause (e) of sub-section (1) of section 9 of the Factories Act, 1934", the words, brackets, letter and figures "clause (f) of sub-section (1) of section 7 of the Factories Act, 1948" shall be substituted.

25 of 1934.

63 of 1948

Amendment  
of section 7.

5. In section 7 of the principal Act,—

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

"*Explanation II*.—Any loss of wages resulting from the imposition, for good and sufficient cause, upon a person employed of any of the following penalties, namely:—

(i) the withholding of increment or promotion (including the stoppage of increment at an efficiency bar);

(ii) the reduction to a lower post or time scale or to a lower stage in a time scale; or

(iii) suspension;

shall not be deemed to be a deduction from wages in any case where the rules framed by the employer for the imposition of any such penalty are in conformity with the requirements, if any, which may be specified in this behalf by the State Government by notification in the Official Gazette.";

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

"(d) deductions for house-accommodation supplied by the employer or by Government or any housing board set up under any law for the time being in force (whether the Government or the board is the employer or not) or any other authority engaged in the business of subsidising

house-accommodation which may be specified in this behalf by the State Government by notification in the Official Gazette;"; and

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

"(k) deductions, made with the written authorisation of the person employed for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956, or for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of any such Government;".

31 of 1956.

25 of 1934.

63 of 1948.

6. In section 14 of the principal Act, in sub-section (1), for the words, brackets and figures "sub-section (1) of section 10 of the Factories Act, 1934", the following shall be substituted, namely:—

Amendment  
of section  
14.

"sub-section (1) of section 8 of the Factories Act, 1948".

7. In section 17 of the principal Act,—

(i) in sub-section (1)—

Amendment  
of section  
17.

(a) for the words, brackets and figures "An appeal against a direction made under sub-section (3) or sub-section (4) of section 15", the following shall be substituted, namely:—

"An appeal against an order dismissing either wholly or in part an application made under sub-section (2) of section 15, or against a direction made under sub-section (3) or sub-section (4) of that section";

(b) for the words "the direction", the words "the order or direction" shall be substituted;

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

"(b) by an employed person or any official of a registered trade union authorised in writing to act on his behalf, if the total amount of wages claimed to have been withheld from the employed person or from the unpaid group to which the employed person belonged exceeds fifty rupees, or"; and

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

"(2) Save as provided in sub-section (1), any order dismissing either wholly or in part an application made under



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sub-section (2) of section 15, or a direction made under sub-section (3) or sub-section (4) of that section shall be final.”

Insertion of a new section 17A.

8. After section 17 of the principal Act, the following section shall be inserted, namely:—

Conditional attachment of property of employer or other person responsible for payment of wages.

“17A. (1) Where at any time after an application has been made under sub-section (2) of section 15 the authority, or where at any time after an appeal has been filed under section 17 by an employed person or any official of a registered trade union authorised in writing to act on his behalf the court referred to in that section, is satisfied that the employer or other person responsible for the payment of wages under section 3 is likely to evade payment of any amount that may be directed to be paid under section 15 or section 17, the authority or the court, as the case may be, except in cases where the authority or court is of opinion that the ends of justice would be defeated by the delay, after giving the employer or other person an opportunity of being heard, may direct the attachment of so much of the property of the employer or other person responsible for the payment of wages as is, in the opinion of the authority or court, sufficient to satisfy the amount which may be payable under the direction.

(2) The provisions of the Code of Civil Procedure, 1908, relating to attachment before judgment under that Code shall, so far as may be, apply to any order for attachment under sub-section (1).”

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