

# ACTS OF PARLIAMENT

1950

## CONTENTS

No. of Act.		PAGES
I	The Rehabilitation Finance Administration (Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	1-2
II	The Patents and Designs (Extension of Time) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	2-36 of 1957
III	The Insolvency Law (Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
IV	The Preventive Detention Act, 1950. <b>Not Corrected: See India Code</b>	
V	The Indian Tariff (Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
VI	The Imports and Exports (Control) Amendment Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
VII	The High Courts (Seals) Act, 1950. <b>Not Corrected: See India Code</b>	
VIII	The Control of Shipping (Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
IX	The Indian Tea Control (Amendment) Act, 1950	
X	The Immigrants (Expulsion from Assam) Act, 1950. <b>Not Corrected: See India Code</b>	
XI	The Indian Railways (Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
XXII	The Emblems and Names (Prevention of Improper Use) Act, 1950. <b>Not Corrected: See India Code</b>	1-2
XIII	The Delhi Road Transport Authority Act, 1950. <b>Rep. by Act. 36 of 1957</b>	36-1 of 1957
XIV	The Criminal Law Amendment Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
XV	The Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950. <b>Not Corrected: See India Code</b>	1
XVI	The Prevention of Corruption (Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	1-26 of 1957
XVII	The Dargah Khawaja Sahab (Emergency Provisions) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
XVIII	The Special Criminal Courts (Jurisdiction) Act, 1950. <b>Not Corrected: See India Code</b>	
XIX	The Parliament (Prevention of Disqualification) Act, 1950. <b>Not Corrected: See India Code</b>	
XX	The Banking Companies (Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
XXI	The Indian Tariff (Second Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
XXII	The Capital Issues (Continuance of Control) Amendment Act, 1950. <b>Rep. by Act. 36 of 1957</b>	1
XXIII	The Appropriation (Railways) Act, 1950.	1-2
XXIV	The Appropriation Act, 1950.	1-3
XXV	The Finance Act, 1950.	1-17
XXVI	The Drugs (Control) Act, 1950. <b>Not Corrected: See India Code</b>	4
XXVII	The Government Premises (Eviction) Act, 1950. <b>Not Corrected: See India Code</b>	
XXVIII	The Sholapur Spinning and Weaving Company (Emergency Provisions) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	1-5
XXIX	The Transfer of Prisoners Act, 1950. <b>Not Corrected: See India Code</b>	
XXX	The Part C States (Laws) Act, 1950. <b>Not Corrected: See India Code</b>	
XXXI	The Administration of Evacuee Property Act, 1950. <b>Not Corrected: See India Code</b>	
XXXII	The Indian Patents and Designs (Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
XXXIII	The Opium and Revenue Laws (Extension of Application) Act, 1950. <b>Not Corrected: See India Code</b>	1-4
XXXIV	The Foreign Exchange Regulation (Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
XXXV	The Repealing and Amending Act, 1950. <b>Rep. by Act. 36 of 1957</b>	
XXXVI	The Nawab Salamat Jung Bahadur (Administration of Assets) Act, 1950. <b>Not Corrected: See India Code</b>	1-6
XXXVII	The Indian Tariff (Third Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	1 of 1957
XXXVIII	The Inland Steam-vessels (Amendment) Act, 1950. <b>Rep. by Act. 36 of 1957</b>	1 of 1957
XXXIX	The Appropriation (No. 2) Act, 1950.	1-2

No. of Act.		PAGES
<b>XL</b>	The Army and Air Force (Disposal of Private Property) Act, 1950 <b>Not Corrected: See India Code</b>	1-6
<b>XLII</b>	The Bhopal and Vindhya Pradesh <b>Not Corrected: See India Code</b>	
<b>XLIII</b>	The Ajmer Tenancy and Land Records Act, 1950 <b>Rep. by Act 36 of 1957</b>	1-7
<b>XLIV</b>	The Representation of the People Act, 1950 <b>Not Corrected: See India Code</b>	
<b>XLV</b>	The Displaced Persons (Claims) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1-4
<b>XLVI</b>	The Air Force Act, 1950 <b>Not Corrected: See India Code</b>	1-44
<b>XLVII</b>	The Army Act, 1950 <b>Not Corrected: See India Code</b>	1-4 5
<b>XLVIII</b>	The Insurance (Amendment) Act, 1950	1-48
<b>XLIX</b>	The Industrial Disputes (Appellate Tribunal) Act, 1950	1-13
<b>L</b>	The Contingency Fund of India Act, 1950 <b>Rep. by Act 36 of 1957</b>	1
<b>LI</b>	The Preventive Detention (Amendment) Act, 1950	1
<b>LII</b>	The Census (Amendment) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1
<b>LIII</b>	The Essential Supplies (Temporary Powers) Amendment Act, 1950	1-3
<b>LIV</b>	The Cantonment Laws (Extension and Amendment) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1
<b>LV</b>	Finance Laws (Amendment) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1
<b>LVI</b>	The Influx from Pakistan (Control) Amendment Act, 1950	1
<b>LVII</b>	The Minimum Wages (Amendment) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1
<b>LVIII</b>	The Naval Forces (Miscellaneous Provisions) Act, 1950 <b>Not Corrected: See India Code</b>	
<b>LIX</b>	The Dentists (Amendment) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1
<b>LX</b>	The Salaries of Ministers (Amendment) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1
<b>LXI</b>	The Appropriation (No. 3) Act, 1950	1
<b>LXII</b>	The Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1950 <b>Not Corrected: See India Code</b>	1
<b>LXIII</b>	The Allianz Und Stuttgarter Life Insurance Bank (Transfer) Act, 1950 <b>Not Corrected: See India Code</b>	1-3
<b>LXIV</b>	The Ajmer Tenancy and Land Records (Amendment) Act, 1950	1
<b>LXV</b>	The Road Transport Corporations <b>Not Corrected: See India Code</b>	
<b>LXVI</b>	The Ajmer Rural Boards and Municipalities (Amendment) Act, 1950 <b>Not Corrected: See India Code</b>	1
<b>LXVII</b>	The Administration of Evacuee Property (Amendment) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1
<b>LXVIII</b>	The Cooch-Bihar (Assimilation of <b>Not Corrected: See India Code</b>	
<b>LXIX</b>	The Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950 <b>Rep. by Act 36 of 1957</b>	1-2
<b>LXX</b>	The Indian Tariff (Fourth Amendment) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1-2
<b>LXXI</b>	The Supply and Prices of Goods Act, 1950 <b>Rep. by Act 36 of 1957</b>	1-2
<b>LXXII</b>	The Indian Income-tax (Amendment) Act, 1950	1-2
<b>LXXIII</b>	The Essential Supplies (Temporary Powers) Amendment Act, 1950	1
<b>LXXIV</b>	The Representation of the People (Amendment) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1
<b>LXXV</b>	The Telegraph Wires (Unlawful Possession) Act, 1950 <b>Not Corrected: See India Code</b>	
<b>LXXVI</b>	The Indian Nursing Council (Amendment) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1
<b>LXXVII</b>	The State Railway Provident Fund (Temporary Provisions) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1-3
<b>LXXVIII</b>	The Appropriation (Railways) No. 2 Act, 1950	1-2
<b>LXXIX</b>	The Khaddar (Protection of Names) <b>Not Corrected: See India Code</b>	
<b>LXXX</b>	The Appropriation (No. 4) Act, 1950 <b>Rep. by Act 36 of 1957</b>	1-3
<b>LXXXI</b>	The Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1950	1

*Rep. by Act*





TABLE

SHOWING THE EFFECT OF PARLIAMENTARY LEGISLATION OF 1950.

PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1839	XXXII	Interest Act	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1841	X	Registration of Ships Act.	Ditto.	<i>Ibid.</i>
1850	XI	Registration of Ships Act (1841) Amendment Act.	Ditto.	<i>Ibid.</i>
1850	XVIII	Judicial Officers' Protection Act.	Ditto.	<i>Ibid.</i>
1850	XIX	Apprentices Act	Ditto.	<i>Ibid.</i>
1850	XXI	Caste Disabilities Removal Act.	Ditto.	<i>Ibid.</i>
1850	XXXIV	State Prisoners Act	Ditto.	<i>Ibid.</i>
1850	XXXVII	Public Servants (Inquiries) Act.	Ditto.	<i>Ibid.</i>
1855	XII	Legal Representatives' Suits Act.	Ditto.	<i>Ibid.</i>
1855	XIII	Fatal Accidents Act	Ditto.	<i>Ibid.</i>
1856	IX	Bills of Lading Act	Ditto.	<i>Ibid.</i>
1856	XV	Hindu Widows' Remarriage Act.	Ditto.	<i>Ibid.</i>
1857	XIII	Opium Act	Extended to whole of India except the State of Jammu and Kashmir. S. 1 ins. and preamble rep. in part.	30 and 33 s. 2 and sch.
		Any law corresponding to Opium Act, 1857, in force in any Part B State other than Jammu and Kashmir, or in the merged territory of Cooch-Bihar.	Rep. with saving	33, s. 4.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1858	III	State Prisoners Act	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1860	XXI	Societies Registration Act.	Ditto.	<i>Ibid.</i>
1860	XLV	Penal Code	Ditto.	<i>Ibid.</i>
			Ss. 361 and 375 am. in application to Manipur State.	
			S. 489-A am. in part.	35, s. 3 and sch. II.
1861	V	Police Act	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1862	III	Government Seal Act	Ditto.	<i>Ibid.</i>
1863	XXIII	Waste-lands (claims) Act	Ditto.	<i>Ibid.</i>
1865	III	Carriers Act	Ditto.	<i>Ibid.</i>
1866	XXI	Native Converts' Marriage Dissolution Act.	Extended to Tripura and Vindhya Pradesh States.	<i>Ibid.</i>
1867	XVI	Acting Judges Act	Extended to Tripura, Vindhya Pradesh and Manipur States.	<i>Ibid.</i>
1867	XXV	Press and Registration of Books Act.	Ditto.	<i>Ibid.</i>
			Preamble am. in part.	35, s. 3 and sch. II.
1869	IV	Divorce Act	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1870	VII	Court-fees Act	Ditto.	<i>Ibid.</i>
1871	I	Cattle-trespass Act	Ditto.	<i>Ibid.</i>
1871	XXIII	Pensions Act	Ditto.	<i>Ibid.</i>
1871	XXXI	Weights and Measures of Capacity Act.	Ditto.	<i>Ibid.</i>

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1872	I	Evidence Act	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1872	III	Special Marriage Act	Ditto.	<i>Ibid.</i>
1872	IX	Contract Act.	Ditto.	<i>Ibid.</i>
1872	XV	Christian Marriage Act	Extended to Tripura and Vindhya Pradesh States.	<i>Ibid.</i>
1873	V	Government Savings Banks Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	<i>Ibid.</i>
1873	X	Oaths Act	Extended to Tripura and Vindhya-Pradesh States.	<i>Ibid.</i>
1874	III	Married Women's Property Act.	Ditto.	<i>Ibid.</i>
1874	IV	Foreign Recruiting Act	Extended to Tripura, Vindhya Pradesh and Manipur States.	<i>Ibid.</i>
1875	IX	Majority Act	Ditto.	<i>Ibid.</i>
1875	XVIII	Law Reports Act	Ditto.	<i>Ibid.</i>
1877	I	Specific Relief Act	Ditto.	<i>Ibid.</i>
1878	I	Opium Act	Ditto.	<i>Ibid.</i>
			Extended to whole of India except the State of Jammu and Kashmir.	33, s. 2 and sch.
			Ss. 1 and 3 am. in part.	
		Any law Corresponding to Revenue Recovery Act, in force in any Part B State other than Jammu and Kashmir, or in the merged territory of Cooch-Bihar.	Rep. with saving	33, s. 4.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1878	VI	Treasure-trove Act . . .	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1878	VIII	Sea Customs Act . . .	Extended to whole of India except the State of Jammu and Kashmir.  "India" subs. for "the States" throughout Act.  Ss. 1, 3 and 18 am. S. 3A ins.  A law corresponding to Sea Customs Act, 1878, but other than this Act, in force in any State other than Jammu and Kashmir immediately before the 1st April, 1950.	25 & 30, ss. 11 and 3.  25, s. 11 and 4th sch.  s. 13.
1878	XI	Arms Act . . .	Extended to Tripura, Vindhya Pradesh and Manipur States.  S. 19 am. in part.	35, s. 3 and 2nd sch.
1879	XVIII	Legal Practitioners Act . . .	Extended to Tripura and Vindhya Pradesh States.	30, s. 3 and sch.
1880	I	Religious Societies Act . . .	Extended to Tripura, Vindhya Pradesh and Manipur States.	<i>Ibid.</i>
1880	XIII	Vaccination Act . . .	Ditto. . .	<i>Ibid.</i>
1881	XI	Municipal Taxation Act . . .	Ditto. . .	<i>Ibid.</i>
1881	XXVI	Negotiable Instruments Act . . .	Ditto. . .	<i>Ibid.</i>
1882	II	Trusts Act . . .	Ditto. . .	<i>Ibid.</i>
1882	IV	Transfer of Property Act . . .	Extended to Tripura and Vindhya Pradesh States.	<i>Ibid.</i>
1882	VII	Powers-of-Attorney Act . . .	Extended to Tripura, Vindhya Pradesh and Manipur States.	<i>Ibid.</i>



## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1884	IV	Explosives Act	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3 & sch
1885	XVIII	Land Acquisition (Mines) Act.	Ditto.	<i>Ibid.</i>
1886	VI	Births, Deaths and Marriages Registration Act.	Ditto.	<i>Ibid.</i>
1886	XI	Tramways Act	Ditto.	<i>Ibid.</i>
1887	VII	Suits Valuation Act	Extended to Tripura and Vindhya Pradesh States.	<i>Ibid.</i>
1887	IX	Provincial Small cause Courts Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	<i>Ibid.</i>
1888	III	Police Act	Ditto.	<i>Ibid.</i>
1889	IV	Merchandise Marks Act	Ditto.	<i>Ibid.</i>
1890	I	Revenue Recovery Act	Whole of India except the State of Jammu and Kashmir.	30 & 33, s. 2(1).
			Ss. 1 and 4 am. in part.	33, s.2(2) and sch.
		Any law corresponding to Opium Act, 1878, in force in any Part B State other than Jammu and Kashmir, or in the merged territory of Cooch-Bihar.	Rep. with saving.	33, s.4.
1890	VI	Charitable Endowments Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3,
1890	VIII	Guardians and Wards Act.	Ditto.	<i>Ibid.</i>
1890	IX	Railways Act	S. 27A ins.	11, s.2.
1890	XI	Prevention of Cruelty to Animals Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1891	XVIII	Bankers' Books Evidence Act.	Ditto	<i>Ibid.</i>
1893	IV	Partition Act.	Ditto	<i>Ibid.</i>
1894	I	Land Acquisition Act.	Ditto	<i>Ibid.</i>

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1894	IX	Prisons Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s.3.
1897	III	Epidemic Diseases Act..	Ditto	<i>Ibid.</i>
1897	IV	Fisheries Act.	Ditto	<i>Ibid.</i>
1897	V	Amending Act	Third sch. am. in part.	35, s. 3. and 2nd sch.
1897	X	General Clauses Act.	Extended to Tripura, Vindhya Pradesh, and Manipar States.	30, s.3.
1898	III	Lepers Act.	Ditto	<i>Ibid.</i>
1898	V	Code of Criminal Procedure.	Extended to Tripura and Vindhya Pradesh States.	30, s. 3.
			Offences to be cognizable under Act 31 of 1950 and offences may be tried summarily.	31, ss, 37 and 39.
			Second sch. am. in part	35, s. 3 and 2nd sch.
			Exclusion of ss. 260, 362 and 526 for the purposes of Act 70 of 1950.	70, s. 18.
1898	VI	Post Office Act	First sch. subs.	25, s.10 and 3rd sch.
			Extended to whole of India, with effect from 1st April, 1950.	25, s. 11. 30, s. 3.
1898	IX	Live-stock Importation Act.	Ditto	30, s. 3.
1899	II	Stamp Act	Ditto	<i>Ibid.</i>
1899	IV	Government Buildings Act.	Ditto	<i>Ibid.</i>
1900	III	Prisoners Act	S. 29 am. in part.	29, s. 4.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1900	III	Prisoners Act.— <i>contd.</i>	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1901	II	Tolls (Army and Air Force) Act.	Ditto	<i>Ibid.</i>
1903	VII	Works of Defence Act	Ditto	<i>Ibid.</i>
1903	XIV	Foreign Marriage Act.	Ditto	<i>Ibid.</i>
1903	XV	Extradition Act.	Ditto	<i>Ibid.</i>
1904	VII	Ancient Monuments Preservation Act.	Ditto	<i>Ibid.</i>
1905	IV	Railway Board Act	Ditto	<i>Ibid.</i>
1906	III	Coinage Act	Ditto	<i>Ibid.</i>
1908	V	Code of Civil Procedure	Extended to Tripura and Vindhya Pradesh States.  S. 115 not applied to the States of Bhopal and Vindhya Pradesh.	30, s. 3 and sch.  41, s. 34(3).
1908	VI	Explosive Substances Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1908	IX	Limitation Act	Ditto	<i>Ibid.</i>
1908	XIV	Criminal Law Amendment Act.	Ditto	<i>Ibid.</i>
1908	XV	Ports Act	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1908	XVI	Registration Act	S. 48a m. in part.  Extended to Tripura, Vindhya Pradesh and Manipur States.	35, s. 3. and 2nd sch. 30, s. 3.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1908	XVI	Registration Act— <i>contd.</i>	Prohibition of registration of documents in certain cases under Act 31 of 1950.	31, s. 41.
1909	III	Presidency towns Insolvency Act.	Ss. 12, 21 and 53 am. in part. S. 101-A ins. . . .	3, ss. 2 to 4. <i>Ibid</i> , s. 5.
1909	IV	Whipping Act . . . .	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1909	VII	Anand Marriage Act . . . .	Ditto . . . .	<i>Ibid</i> .
1910	IX	Electricity Act . . . .	Ditto . . . .	<i>Ibid</i> .
1911	II	Patents and Designs Act.	Ditto . . . .	<i>Ibid</i> .
			"India" subs. for "the States" throughout Act.	32, ss. 2 to 8.
			Ss. 1, 2, 75 and 78A am. in part. Ss. 22, 23 and 23A subs. S. 2A ins.	
1911	VIII	Army Act . . . .	Extended to Tripura, Vindhya Pradesh and Manipur States.  Rep. . . . .	30, s. 3, 40, s. 17. 46, s. 194 and sch.
1911	X	Prevention of Seditious Meetings Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1912	IV	Lunacy Act . . . .	Ditto . . . .	<i>Ibid</i> .
1912	XIII	Delhi Laws Act . . . .	S. 7 rep. with saving.	30, s. 4.
1913	II	Official Trustees Act . . . .	Extended to Tripura, Vindhya Pradesh & Manipur States.	30, s. 3.
1913	III	Administrator General's Act.	Ditto . . . .	<i>Ibid</i> .

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1913	VI	Mussalman Wakf Validating Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s.3.
1913	VII	Companies Act	Ditto	<i>Ibid.</i>
1914	II	Destructive Insects and Pests Act.	Ditto	<i>Ibid.</i>
1914	III	Copyright Act	Ditto	<i>Ibid.</i>
1914	IX	Local Authorities Loans Act.	Ditto	<i>Ibid.</i>
1916	VII	Medical Degrees Act	Ditto	<i>Ibid.</i>
1916	XV	Hindu Disposition of Property Act.	Ditto	<i>Ibid.</i>
1917	I	Inland Steam-vessels Act.	S. 70 am. in part.	38 s. 2.
1917	V	Destruction of Records Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1917	XVIII	Post Office Cash Certificates Act.	Ditto	<i>Ibid.</i>
1918	II	Cinematograph Act	Ditto	<i>Ibid.</i>
1918	XXII	Bronze Coin. (Legal Tender) Act.	Ditto	<i>Ibid.</i>
1919	I	Local Authorities Pensions and gratuities Act.	Ditto	<i>Ibid.</i>
1919	XII	Poisons Act	Ditto	<i>Ibid.</i>
1920	V	Provincial Insolvency Act.	Ss. 9 and 43 am. in part.	3, ss. 6 and 7.
			Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1920	X	Securities Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1920	XIV	Charitable and Religious Trusts Act.	Ditto	<i>Ibid.</i>
1920	XX	Army (Suspension of Sentences) Act.	Rep.	46, s. 194 and sch.



## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1923	IV	Mines Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1923	V	Boilers Act.	Ditto	<i>Ibid.</i>
1923	VI	Cantonments (House Accommodation) Act.	Ss. 1 and 2 am. in part.	53, ss. 2 & 3.
		Any law corresponding to the cantonments (House Accommodation) Act, 1923, in force in any of the Part B States immediately before the 19th June 1950.	Rep. with saving.	53, s. 10(2).
1923	VIII	Workmen's Compensation Act.	Extended to Tripura, Vindhya Pradesh and Manipur States	30, s. 3.
1923	XIV	Cotton Cess Act.	Ditto	<i>Ibid.</i>
1923	XIX	Official Secrets Act.	Ditto	<i>Ibid.</i>
1923	XXI	Merchant Shipping Act.	[Ditto	<i>Ibid.</i>
1923	XXIII	Legal Practitioners (Women) Act.	Ditto	<i>Ibid.</i>
1923	XLII	Mussalman Wakf Act?	Ditto	<i>Ibid.</i>
1924	II	Cantonments Act.	Ditto	<i>Ibid.</i>
			Ss. 1, 27, 29 and 31 am. S. 2A ins.	53, ss. 4—8.
		Any law corresponding to the Cantonments Act, 1924, in force in any of the Part B States immediately before the 19th June, 1950.	Rep. with saving.	53, s. 10(2).
1924	IV	Central Board of Revenue Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1924	XIX	Land Customs Act.  A law corresponding to Land Customs Act, 1924, but other than this Act, in force in any State other than Jammu and Kashmir immediately before the 1st April, 1950.	Extended to whole of India except the State of Jammu and Kashmir. Ss. 1, 2, 7 and sch. am. in part.  Rep. with saving	25 and 30, ss. 11 and 3, respectively.  S. 11 & 4th sch. S. 13.
1925	IV	Soldiers (Litigation) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1925	XII	Cotton Ginning and Pressing Factories Act.	Ditto	<i>Ibid.</i>
1925	XIX	Provident Funds Act.	Ditto S. 5 am. in part.	<i>Ibid.</i> 35, s. 3.
1925	XXVI	Carriage of Goods by Sea Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1925	XXXIX	Succession Act.	Extended to Tripura and Vindhya Pradesh States.	<i>Ibid.</i>
1926	III	Government Trading Taxation Act.  Any law corresponding to Govt. Trading Taxation Act in force in any Part B State other than Jammu and Kashmir, or in the merged territory of Cooch-Bihar	Extended to whole of India except the State of Jammu and Kashmir. Preamble rep. in part. Ss. 2 and 3 am. in part.  Rep. with saving.	30 and 33, s. 2.  <i>Ibid</i> and sch.  33, s. 4.
1926	VII	Naturalization Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.



## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1926	XII	Contempt of Courts Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1926	XVI	Trade Unions Act.	Ditto	<i>Ibid.</i>
1926	XXI	Legal Practitioners (Fees) Act.	Ditto	<i>Ibid.</i>
1926	XXXVIII	Bar Councils Act.	Ditto	<i>Ibid.</i>
1927	XVI	Forest Act.	Ditto	<i>Ibid.</i>
1927	XVII	Lighthouse Act.	Ditto	<i>Ibid.</i>
1928	XII	Hindu Inheritance (Removal of Disabilities) Act.	Ditto	<i>Ibid.</i>
1929	II	Hindu Law of Inheritance (Amendment) Act.	Ditto	<i>Ibid.</i>
1929	XIX	Child Marriage Restraint Act.	Ditto	<i>Ibid.</i>
1930	II	Dangerous Drugs Act.	Extended to whole of India except the State of Jammu and Kashmir. Ss. 1 and 39 am, in part.	30 and 33, ss. 3 and 2 respectively.
		Any law corresponding to Dangerous Drugs Act in force in any Part B State other than Jammu and Kashmir, or in the merged territory of Cooch-Bihar.	Rep. with saving	33, s. 4.
1930	III	Sale of Goods Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1930	XXIV	Lac Cess Act.	Ditto	<i>Ibid.</i>
1930	XXX	Hindu Gains of Learning Act.	Ditto	<i>Ibid.</i>
1930	XXXII	Mussalman Wakf Validating Act.	Ditto	<i>Ibid.</i>
	XVI	Provisional Collection of Taxes Act.	Ditto	<i>Ibid.</i>

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1931	XXIII	Press (Emergency Powers) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1932	IX	Partnership Act.	Ditto	<i>Ibid.</i>
1932	XII	Foreign Relations Act.	Ditto	<i>Ibid.</i>
1932	XIV	Air Force Act.	Ditto.	<i>Ibid.</i>
			Ss. 126 to 128 and ss. 128A to 128L rep.	40, s. 17.
			Rep. with the exception of ss. 126 to 128L.	45, s. 192.
1932	XX	Port Haj Committees Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1932	XXII	Tea Districts Emigrant Labour Act.	Ditto	<i>Ibid.</i>
1932	XXIII	Criminal Law Amendment Act.	Ditto	<i>Ibid.</i>
1933	II	Children (Pledging of Labour) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	<i>Ibid.</i>
1933	XXVII	Medical Council Act.	Ditto	<i>Ibid.</i>
1934	II	Reserve Bank of India Act.	Ditto	<i>Ibid.</i>
1934	VIII	Khaddar (Name Protection) Act.	Ditto	<i>Ibid.</i>
			Rep.	78, s. 3.
1934	XIX	Dock Labourers Act.	Ditto	30, s. 3.
1934	XX	Carriage by Air Act.	Ditto	<i>Ibid.</i>
1934	XXII	Aircraft Act.	Ditto	<i>Ibid.</i>
1934	XXX	Petroleum Act.	Ditto	<i>Ibid.</i>
1934	XXXII	Tariff Act.	Extended to whole of India except the State of Jammu and Kashmir.	25 & 30.
			First and second schedules and ss. 1, 2, 5, 6, 8 and 9, am. in part.	5, s. 2, 21, s. 2, 25, ss. 4, 5, 6 and 7 and 4th sch., 37 s. 2, 69, s. 3.
			S. 4A ins.	25, s. 11 & 4th sch. 69, s. 2.

## PART I.—Central Acts, repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
		Law corresponding to Tariff Act other than the Act itself in force in any State other than Jammu and Kashmir immediately before the 1st April, 1950.	Rep. with saving.	25, s. 11.
1934	XXXIV	Navy (Discipline) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1936	III	Parsi Marriage and Divorce Act.	Ditto.	<i>Ibid.</i>
1936	IV	Payment of Wages Act.	Ditto.	<i>Ibid.</i>
1937	I	Agricultural Produce (Grading and Marking) Act.	Ditto.	<i>Ibid.</i>
1937	XVIII	Hindu Women's Rights to Property Act.	Ditto.	<i>Ibid.</i>
1937	XIX	Arya Marriage Validation Act.	Ditto.	<i>Ibid.</i>
1937	XXV	Federal Court Act.	Ditto.	<i>Ibid.</i>
1937	XXVI	Muslim Personal Law (Shariat) Application Act.	Ditto.	<i>Ibid.</i>
1938	IV	Insurance Act.	Ditto. Ss. 1, 2, 3, 4, 7, 10, 11, 13, 19, 21, 28, 29, 30, 31, 35, 36, 37, 39, 40, 42, 47, 48, 48A, 49, 53, 64, 65, 70, 71, 85, 91, 92, 94, 98A, 100, 102, 116, 116A, 118, first and third schs. am. in part. Ss. 27, 33, 34 and 44 subs. Ss. 2A & 2B in Part I, 2C in Part II, 6A, 6B, 6C, 27A, 28A, 31A, 31B, 32A, 40A to 40C, 42A, 42B, 42C, 44A, 47A, 48B, 48C, 52A to 52G, 64A to 64T, 65A, 110C and new sixth sch. ins.	<i>Ibid.</i> 47,

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
		Any law corresponding to Insurance Act in force in any Part B State immediately before the commencement of Insurance (Amendment) Act, 1950.	S. 68, rep. "Controller" subs. for "Superintendent of Insurance" and "Superintendent" throughout Act. Rep. with saving.	47, s. 4. B. 66(2).
1938	V	Manoeuvres, Field Firing and Artillery Practice Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1938	VIII	Tea Control Act	Ditto. Ss. 1, 2, 3, 12, 26 and 27 am. in part. "India" subs. for "the States" in ss. 2, 11, 15, 16 & 27. "1950" subs. for "1948" in ss. 14, 26, 27 & 28. S. 25 rep.	<i>Ibid.</i> 9, ss. 2—10.
1938	XX	Criminal Law Amendment Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1938	XXIV	Employers' Liability Act.	Ditto.	<i>Ibid.</i>
1938	XXVI	Employment of Children Act.	Ditto.	<i>Ibid.</i>
1939	IV	Motor Vehicles Act.	Ditto.	<i>Ibid.</i>
			Applied to vehicles and employees of the Delhi Road Transport Authority subject to certain provisions specified in s. 47 of Act 13 of 1950.	13, s. 47.
1939	VIII	Dissolution of Muslim Marriages Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1939	IX	Standards of Weight Act.	Ditto.	<i>Ibid.</i>

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1939	XIX	Coal Mines Safety (Stowing) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
		Naval Reserve Forces (Discipline) Act.	Ditto.	<i>Ibid.</i>
1939	XXX	Commercial Documents Evidence Act.	Sch. am. in part.	35, s. 3 and 2nd sch.
1940	V	Trade Mark Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1940	X	Arbitration Act.	Ditto.	<i>Ibid.</i>
1940	XXIII	Drugs Act.	Ditto.	<i>Ibid.</i>
1940	XXVII	Agricultural Produce Cess Act.	Ditto.	<i>Ibid.</i>
1941	XIX	Mines Maternity Benefit Act.	Ditto.	<i>Ibid.</i>
1941	XX	Professions Tax Limitation Act.	Ditto.	<i>Ibid.</i>
1941	XXI	Federal Court Act.	Ditto.	<i>Ibid.</i>
1941	XXV	Railways (Local Authorities Taxation) Act.	Ditto.	<i>Ibid.</i>
1942	VII	Coffee Market Expansion Act.	Ditto.	<i>Ibid.</i>
1942	XVIII	Weekly Holidays Act.	Ditto.	<i>Ibid.</i>
1942	XIX	Industrial Statistics Act.	Ditto.	<i>Ibid.</i>
1942	XXVI	Federal Court (Supplemental Powers) Act.	Ditto.	<i>Ibid.</i>
1943	IX	Reciprocity Act.	Ditto.	<i>Ibid.</i>
1944	I	Central Excises and Salt Act.	First sch. am. in part. Extended to whole of India except the State of Jammu and Kashmir. "India" subs. for "the States" throughout Act. Ss. 1, 2, 5 and 37 am. in part.	25, s. 8. 25, s. 11. 25, s. 11. 4th sch.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1944	I	Central Excises and Salt Act.— <i>contd.</i>	Discontinuance of salt duty in India excluding the State of Jammu and Kashmir for the year beginning from 1-4-1950.	25, s. 9.
		Law corresponding to Central Excises and Salt Act other than the Act itself in force in any State other than Jammu and Kashmir immediately before the 1st April, 1950.	Rep. with saving	25, s. 13 (2).
1944	X	Coconut Committee Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1944	XVIII	Public Debt Act.	Ditto	<i>Ibid.</i>
1946	I	Workmen's Compensation (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1946	II	Mines (Amendment) Act.	Rep.	<i>Ibid.</i>
1946	III	Code of Criminal Procedure (Amendment) Act.	Rep.	<i>Ibid.</i>
1946	IV	Code of Criminal Procedure (Second Amendment) Act.	Rep.	<i>Ibid.</i>
1946	V	Professions Tax Limitation (Amendment) Act.	Rep.	<i>Ibid.</i>
1946	VI	Insurance (Amendment) Act.	Rep.	<i>Ibid.</i>
1946	VIII	Income-tax (Amendment) Act.	Rep.	<i>Ibid.</i>
1946	IX	Oilseeds Committee Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1946	XI	Provident Funds (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1946	XII	Trade Marks (Amendment) Act.	Rep.	<i>Ibid.</i>

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1946	XIII	Companies (Amendment) Act.	Rep. . . . .	35, s. 2. and 1st sch.
1946	XV	Coconut Committee (Amendment) Act.	Rep. . . . .	<i>Ibid.</i>
1946	XVI	Protective Duties Continuation Act.	Rep. . . . .	<i>Ibid.</i>
1946	XVII	Protective Duties Act .	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1946	XVIII	Soldiers (Litigation) Amendment Act.	Rep. . . . .	35, s. 2 and 1st Sch.
1946	XIX	Hindu Married Women's Right to Separate Residence and Maintenance Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1946	XX	Industrial Employment (Standing Orders) Act.	Ditto	<i>Ibid.</i>
1946	XXII	Mica Mines Labour Welfare Fund Act.	Ditto	<i>Ibid.</i>
1946	XXIV	Essential Supplies (Temporary Powers) Act.	Ditto	<i>Ibid.</i>
1946	XXV	Delhi Special Police Establishment Act.	Preamble rep. ss. 1, 2, 3, 7A and 17 am. ss. 2A, 13A and 13B ins. and s. 7 subs. Extended to Tripura, Vindhya Pradesh and Manipur States.	52 and 72, ss. 2 to 10.
			S. 7 rep. . . . .	35, s. 2 and 1st sch.
1946	XXVI	Special Tribunals (Supplementary Provisions) Act.	S. 4 rep. . . . .	<i>Ibid.</i>
1946	XXVIII	Hindu Marriage Disabilities Removal Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1946	XXIX	Tea Control (Amendment) Act.	Rep. . . . .	35, s. 2 and 1st sch.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1946	XXX	Registration of Transferred Companies (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1946	XXXI	Foreigners Act	S. 17 rep.	<i>Ibid.</i>
1947	I	Criminal Tribes (Amendment) Act.	Rep.	<i>Ibid.</i>
1947	II	Prevention of Corruption Act.	S. 1 am. in part. Extended to Tripura, Vindhya Pradesh and Manipur States.	16, s. 2. 30, s. 3.
1947	III	Extradition (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1947	IV	Coffee Market Expansion (Amendment) Act.	Rep.	<i>Ibid.</i>
1947	VI	Railways (Amendment) Act.	Rep.	<i>Ibid.</i>
1947	VII	Foreign Exchange Regulation Act.	Extended to Tripura, Vindhya Pradesh and Manipur States. Ss. 1, 2, 18 and 23 am. in part. Rep.	30, s. 3. 34, ss. 2-5. 34, s. 6.
		Any law corresponding to Foreign Exchange Regulation Act in force in any Part B State to which this Act extends immediately before its commencement.		
1947	VIII	Navy (Discipline) (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1947	XII	Railways (Transport of Goods) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1947	XIII	Dish Muslim Wokfs (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1947	XIV	Industrial Disputes Act.	Extended to Tripura, Vindhya Pradesh and Manipur States S. 40 rep. s. 15 am. in part. Ss. 1, 11, 18 and 19 am. in part. Ss. 17A and 33A ins. and Ss. 15, 33 and 36 subs.	30, s. 3. 35, s. 2 and 1st sch. 48, s. 34 and sch.



## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1947	XV	Armed Forces (Emergency Duties) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1947	XXVI	Trading with the Enemy (Continuance of Emergency Provisions) Act.	Ditto.	<i>Ibid.</i>
1947	XVIII	Imports and Exports (Control) Act.	Ditto.	<i>Ibid.</i>
			Ss. 1, 2 and 3 am. in part. S. 4 subs.	6, ss. 2—5.
1947	XXII	Income-tax and Excess Profits Tax (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1947	XXIV	Rubber (Production and Marketing) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1947	XXV	Tariff (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1947	XXVI	Control of Shipping Act.	S. 1 am. in part.	8, s. 2.
1947	XXVII	Motor Vehicles (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1947	XXVIII	Indian Coinage (Amendment) Act.	Rep.	<i>Ibid.</i>
1947	XXIX	Capital Issues (Continuance of Control) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
			Ss. 1 and 2 am. in part	22, ss. 2 & 3.
1947	XXX	Taxation on Income (Investigation Commission) Act.	Extended to whole of India except the State of Jammu and Kashmir.	33, s. 2.
			S. 1 am. in part.	33, s. 2(2) and sch.
		Any law in force immediately before the commencement of Taxation on Income (Investigation Commission) Act in any Part B State other than Jammu and Kashmir, corresponding to this Act.	<sup>a</sup> Life extended with modifications.	33, s. 3.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1947	XXXI	Antiquities (Export Control) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1947	XXXII	Coal Mines Labour Welfare Fund Act.	Ditto.	<i>Ibid.</i>
1947	XXXIII	Negotiable Instruments (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1947	XXXIV	Boilers (Amendment) Act.	R.p.	<i>Ibid.</i>
1947	XXXV	Pant Piploda Laws (Amendment) Act.	R.p.	<i>Ibid.</i>
1947	XXXVI	Medical Council (Amendment) Act.	R.p.	<i>Ibid.</i>
1947	XXXVIII	Foreigners (Amendment) Act.	R.p.	<i>Ibid.</i>
1947	XL	Foreign Exchange Regulation (Amendment) Act.	Rep.	<i>Ibid.</i>
1947	XLI	Merchant Shipping (Amendment) Act.	R.p.	<i>Ibid.</i>
1947	XLII	Finance (Supplementary) Act.	R.p.	<i>Ibid.</i>
1947	XLIII	United Nations (Security Council) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1947	XLVI	United Nations (Privileges and Immunities) Act.	Ditto.	<i>Ibid.</i>
1947	XLVIII	Nursing Council Act.	S. 10 am. in part.	75, s. 2.
1947	L	Delhi and Ajmer-Merwara Rent Control (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1947	LI	Cotton Cess (Amendment) Act.	R.p.	<i>Ibid.</i>
1947	LII	Ajmer-Merwara (Extension of Laws) Act.	R.p. with saving.	30, s. 4.
1947	LIII	Salaries of Ministers Act.	Ss. 2 and 4 am. in part. S. 3 subs.	59, ss. 2-4.
1948	I	Federal Court (Enlargement of Jurisdiction) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1948	II	Repealing and Amending Act.	Rep.	35, s. 2 and 1st sch.
1948	IV	Armed Forces (Emergency Duties) Amendment Act.	Rep.	<i>Ibid.</i>
1948	V	Tariff (Second Amendment) Act.	Rep.	<i>Ibid.</i>
1948	VI	Code of Civil Procedure (Amendment) Act.	Rep.	<i>Ibid.</i>
1948	VIII	Pharmacy Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1948	IX	Dockworkers (Regulation of Employment) Act.	Ditto.	<i>Ibid.</i>
1948	X	Insurance (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1948	XI	Minimum Wages Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1948	XII	Rehabilitation Finance Administration Act.	S. 3 am. in part with saving. Extended to Tripura, Vindhya Pradesh and Manipur States.	56, ss. 2 & 3.
1948	XIII	Railways (Transport of Goods) (Amendment) Act.	Ss. 1, 2, 3, 4, 10, 11 and 16 am. in part. Rep.	1, ss. 2-8. 35, s. 2, and 1st sch.
1948	XV	Industrial Finance Corporation Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1948	XVI	Dentists Act.	Ditto. S. 2 am. in part and be effective when notified. Ss. 21, 46 and 49 and sch. am. in part.	<i>Ibid.</i> 58, ss. 1 & 2. <i>Ibid.</i> , ss. 3 & 4.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1948	XVII	Army and Air Force (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1948	XVIII	Protective Duties Con- tinuation Act.	Rep.	<i>Ibid.</i>
1948	XIX	Tea Control (Amend- ment) Act.	Rep.	<i>Ibid.</i>
1948	XXI	Railways (Amendment) Act.	Rep.	<i>Ibid.</i>
1948	XXII	Power Alcohol Act.	Extended to Tri- pura, Vindhya Pradesh and Mani- pur States.	30, s. 3.
1948	XXIII	Taxation on Income (Investigation Com- mission) (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1948	XXIV	Aircraft (Amendment) Act.	Rep.	<i>Ibid.</i>
1948	XXV	Provincial Insolvency (Amendment) Act.	Rep.	<i>Ibid.</i>
1948	XXVII	Control of Shipping (Amendment) Act.	Rep.	<i>Ibid.</i>
1948	XXVIII	Delhi and Ajmer Mer- wara Rent Control (Amendment) Act.	Rep.	<i>Ibid.</i>
1948	XXIX	Atomic Energy Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1948	XXX	Lac Cess (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1948	XXXII	Road Transport Cor- porations Act.	Extended to Tripura, Vindhya Pradesh and Manipur States. Rep.	30, s. 3. 64, s. 44.
1948	XXXIII	Calcutta Port (Pilot- age) Act.	S. 11 rep.	35, s. 2 and 1st sch.
1948	XXXIV	Employees' State Insurance Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.

## PART I:--Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1948	XXXVI	Bombay, Calcutta and Madras Port Trusts (Constitution) (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1948	XXXVII	Census Act.	Extended to Tripura, Vindhya Prahesh and Manipur States. Ss. 1 and 14 am. in part. s. 2 ins.	30, s. 3. 51, ss. 2-4.
		Any law corresponding to Census Act in force in the States of Hyderabad and Mysore immediately before the commencement of Census (Amendment) Act, 1950.	Rep. with saving.	<i>Ibid.</i> , s. 5.
1948	XXXIX	Registration (Amendment) Act.	Rep.	35, s. 2 and 1st sch.
1948	XL	Matrimonial Census (War Marriages) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1948	XLII	Merchant Shipping (Amendment) Act.	Rep.	35, s. 2 and sch.
1948	XLIII	Army (Amendment) Act.	Rep.	<i>Ibid.</i>
1948	XLIV	Durgah Khawaja Saheb (Amendment) Act.	Rep.	<i>Ibid.</i>
1948	XLV	Telegraph (Amendment) Act.	Rep.	<i>Ibid.</i>
1948	XLVI	Coal Mines Provident Fund and Bonus Schemes Act.	Extended to Tripura, Vindhya Pradesh and Manipur States. Ss. 1, 2, 3 and Second sch. am. in part. S. 11A ins.	30, s. 3. 80, ss. 2-6.
1948	XLVII	Displaced Persons (Institution of Suits) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States. Ss. 1 and 2 am. in part. S. 8 subs.	30, s. 3. 68, ss. 2-4.

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
		Any law corresponding to Displaced Persons (Institution of Suits) Act and in force in any of the Part B States.	Rep. with saving . . .	68, s. 7.
1948	XLIX	Taxation on Income (Investigation Commission) (Second Amendment) Act.	Rep. . . . .	35, s. 2 and 1st sch.
1948	L	Cantonments (Amendment) Act.	Rep. . . . .	<i>Ibid.</i>
1948	LIII	Mines and Minerals (Regulation and Development) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1948	LIV	Electricity (Supply) Act.	Ditto. . . . .	<i>Ibid.</i>
1948	LV	Income-tax (Amendment) Act.	Rep. . . . .	35, s. 2 and 1st sch.
1948	LVI	Territorial Army Act.	S. 15 rep. . . . .	<i>Ibid.</i>
1948	LVII	Navy (Discipline) Amendment Act.	Rep. . . . .	<i>Ibid.</i>
1948	LIX	Cotton Cess (Amendment) Act.	Rep. . . . .	<i>Ibid.</i>
1948	LXI	Central Silk Board Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1948	LXII	Reserve Bank (Transfer to Public Ownership) Act.	S. 7 and sch. rep. . . . .	35, s. 2 and 1st sch.
1948	LXIII	Factories Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1948	LXIV	Essential Supplies (Temporary Powers) (Amendment) Act.	S. 119 and Table of Enactments repealed, rep. . . . .	35, s. 2 and 1st sch.
1948	LXV	Railways (Second Amendment) Act.	Rep. . . . .	<i>Ibid.</i>

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1949	X	Banking Companies Act.	<p>"in India" subs. for "in a State", "in any State" and "in the States". "Outside India" subs. for "elsewhere than in a State" and "outside the States" throughout Act.</p> <p>Ss. 1, 3, 5, 23 and 25 am. in part. Ss. 44A and 45 subs. and Part IIIA ins. Extended to Tripura, Vindhya Pradesh and Manipur States.</p>	<p>20, s. 3.</p> <p><i>Ibid.</i>, ss. 2 and 4 to 10.</p> <p>30, s. 3.</p>
1949	XIII	Central Tea Board, Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	<i>Ibid.</i>
1949	XIV	Finance Act.	Third sch. am. in part	54, s. 2.
1949	XXI	Hindu Marriages Validity Act.	<p>Extended to Tripura, Vindhya Pradesh and Manipur States.</p> <p>Provisions not affected save as otherwise expressly provided in Act 31 of 1950.</p>	<p>30, s. 3.</p> <p>31, s. 41.</p>
1949	XXII	<p>Payment of Taxes (Transfer of Property) Act.</p> <p>Any law corresponding to Payment of Taxes (Transfer of Property) Act in force in any Part B State, other than Jammu and Kashmir, or in the merged territory of of Cooh-Behar.</p>	<p>Extended to whole of India except the State of Jammu and Kashmir.</p> <p>Ss. 1 and 2 am. in part.</p> <p>Rep. with saving</p>	<p>33, s. 2.</p> <p>33, s. 2 (2) and sch.</p> <p>33, s. 4.</p>
1949	XXIII	Influx from Pakistan (Control) Act.	<p>Extended to Tripura, Vindhya Pradesh and Manipur States.</p> <p>Ss. 1 and 2 am. in part and s. 5A ins.</p>	<p>30, s. 3.</p> <p>55, ss. 2 to 4.</p>

## PART I.—Central Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1949	XXV	Displaced Persons (Legal Proceedings) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States. S. 7 am. in part.	30, s. 3.
		Any law corresponding to Displaced Persons (Legal Proceedings) Act in force in any of the Part B States.	Ss. 1 and 8 am. in part. Rep. with saving	35, s. 3 and 2nd sch. 68, ss. 5 and 6. 68, s. 7.
1949	XXX	Public Companies (Limitation of Dividends) Act.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1949	XXXVIII	Chartered Accountants Act.	Ditto	<i>Ibid.</i>
1950	IV	Preventive Detention Act.	S. 3 am. in part and s. 14 rep.	50, ss. 2 and 3.
1950	XXV	Finance Act.	First sch. am. in part.	54, s. 3.
1950	XXXI	Administration of Evacuee Property Act.	S. 58 subs. retrospectively.	66, s. 2.
1950	XLII	Ajmer Tenancy and Land Records Act.	Ss. 203 and 204 am. in part.	63, ss. 2 and 3.
1950	XLIII	Representation of the People Act.	Long title, ss. 2, 16, 26, 27 and 28 am. in part and s. 22A, part IVA and fifth sch. ins.	73, ss. 2—10.



## PART II.—Central Ordinances repealed, amended or otherwise affected.

Year of Ordinance.	No. of Ordinance.	Short title of Ordinance.	How affected.	No. and section of 1950 Act by which affected.
1940	IV	Currency Ordinance	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1941	X	Active Service Ordinance.	Rep.	46, s. 194 and sch.
1941	XI	Essential Services (Maintenance) Ordinance.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1942	XLI	Armed Forces (Special Powers) Ordinance.	Ditto	<i>Ibid.</i>
1943	XXXVI	Prisoners of War (Forfeiture of Emoluments) Ordinance.	Rep.	46, s.194 and sch.
1944	III	Restriction and Detention Ordinance.	Rep.	35, s. 2 and 1st sch.
1944	XXX	Army (Provision for Dependents) Ordinance.	Rep.	<i>Ibid.</i>
1944	XXXVIII	Criminal Law Amendment Ordinance.	Extended to Tripura, Vindhya Pradesh and Manipur States. S. 9A ins.	14 and 30, ss. 2 and 3 retrospectively.
1944	XLII	Post Office National Savings Certificates Ordinance.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1945	XL	Army (Forfeiture of Emoluments) Ordinance.	Rep.	35, s. 2 and 1st sch.
1945	XLVII	International Monetary Fund and Bank Ordinance.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1946	I	Repealing Ordinance.	Rep.	35, s.2 and 1st sch.
1946	VII	Criminal Law (1943 Amendment) Amending Ordinance.	Rep.	<i>Ibid.</i>
1946	VIII	Allied Forces (China) Ordinance.	Rep.	<i>Ibid.</i>

## PART II.—Central Ordinances repealed, amended or otherwise affected.

Year of Ordinance.	No. of Ordinance.	Short title of Ordinance.	How affected.	No. and section of 1950 Act by which affected,
1946 .	IX .	National Service (Technical Personnel) Amendment Ordinance.	Rep. . . .	35, s. 2 and 1st sch.
1946 .	XIII .	Army (Forfeiture of Emoluments) Amendment Ordinance.	Rep. . . .	<i>Ibid.</i>
1946 .	XIV .	Active Service (Amendment) Ordinance.	Rep. . . .	46, s. 194 and sch.
1949 .	XI .	Industrial Tribunals Payment of Bonus (National Savings Certificates) Ordinance.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s. 3.
1949 .	XXIII .	Banking Companies (Amendment) Ordinance.	Rep. with saving.	20, s. 12.
1949 .	XXIV .	Durgah Khawaja Saheb (Emergency Provisions) Ordinance.	Rep. with saving.	17, s. 9.
1949 .	XXVI .	Drugs (Control) Ordinance	Rep. with saving. .	26, s. 20.
1949 .	XXVII .	Administration of Evacuee Property Ordinance.	Rep. with saving. .	31, s. 58.
1949 .	XXIX .	Nawab Salar Jung Bahadur (Administration of Assets) Ordinance.	Rep. with saving. .	36, s. 11.
1949 .	XXX .	The Ajmer-Merwara Agrarian Relief (Second) Ordinance.	Rep. . . .	42, s. 2.
1950 .	I .	Undesirable Immigrants (Expulsion from Assam) Ordinance.	Rep. with saving .	10, s. 7.
1950 .	III .	Criminal Law Amendment Ordinance.	Ditto . . .	14, s. 3.
1950 .	V .	Displaced Persons (Claims) Ordinance.	Ditto . . .	44, s. 17.
1950 .	VI .	Insurance (Amendment) Ordinance.	Ditto . . .	47, s. 66.
1950 .	VII .	Special Criminal Courts (Jurisdiction) Ordinance.	Ditto . . .	18, s. 5.

## PART II.—Central Ordinances repealed, amended or otherwise affected.

Year of Ordinance.	No. of Ordinance.	Short title of Ordinance.	How affected.	No. and section of 1950 Act by which affected.
1950 .	X	Vindhya Pradesh Judicial Commissioner's Court) Ordinance.	Rep. with saving. .	41, s. 44.
1950 .	XI	Bhopal (Courts) Ordinance.	Ditto . .	<i>Ibid.</i>
1950 .	XIII	High Courts (Seals) Ordinance.	Ditto . .	7, s. 3.
1950 .	XV	Voluntary Surrender of Salaries (Exemption from Taxation) Ordinance.	Rep. . . .	61, s. 3.
1950 .	XVI	Dentists (Extension of Time) Ordinance.	Rep. . . .	58, s. 7.
1950 .	XVII	Minimum Wages (Extension of Time) Ordinance.	Rep. . . .	56, s. 4.
1950 .	XVIII	Cantonment Laws (Extension and Amendment) Ordinance.	Rep. with savings .	53, s. 10.
1950 .	XIX	Preventive Detention (Amendment) Ordinance.	Rep. with saving. .	50, s. 4.
1950 .	XX	Salaries of Ministers (Amendment) Ordinance.	Rep. . . .	59, s. 5.
1950 .	XXI	Naval Forces (Miscellaneous Provisions) Ordinance.	Rep. with saving. .	57, s. 5.
1950 .	XXII	Influx from Pakistan (Control) Amendment Ordinance.	Rep. with saving. .	55, s. 5.
1950 .	XXIII	Ajmer Tenancy and Land Records (Amendment) Ordinance.	Ditto . . .	63, s. 4.
1950 .	XXIV	Allianz Und Stuttgarter Life Insurance Bank (Transfer) Ordinance.	Rep. . . .	62, s. 8.
1950 .	XXVI	Supply and Prices of Goods Ordinance.	Rep. with saving. .	70, s. 27.

PART II.—*Central Ordinances repealed, amended or otherwise affected.*

Year of Ordinance.	No. of Ordinance.	Short title of Ordinance.	How affected.	No. and section of 1950 Act by which affected.
1950	XXVII	Administration of Evacuee Property (Amendment) Ordinance.	Rep.	66, s. 3.
1950	XXVIII	Income-Tax (Amendment) Ordinance.	Rep. with saving.	71, s. 6.
1950	XXIX	Representation of the People (Amendment) Ordinance.	Ditto	73, s. 11.
1950	XXX	Tariff (Amendment) Ordinance.	Ditto	69, s. 5.
1950	XXXI	Essential Supplies (Temporary Powers) Amendment Ordinance.	Ditto	72, s. 3.
1950	XXXII	Tariff (Second Amendment) Ordinance.	Ditto	69, s. 5.
1950	..	Preventive Detention (Extension of Duration) Order.	Rep.	4, s. 16.

PART III.—*Central Regulations repealed, amended or otherwise affected.*

Year of Regulation.	No. of Regulation.	Short title of Regulation.	How affected.	No. and section of 1950 Act by which affected.
1818 .	III .	Bengal State Prisoners Regulation.	Extended to Tripura, Vindhya Pradesh and Manipur States.	30, s.3.
1886 .	VI .	Ajmer Rural Boards Regulation.	S.5 am. in part .	65, s.2.
1888 .	I .	Ajmer Govt. Wards Regulation.	A landlord who habitually infringes the rights of a tenant shall be deemed to be disqualified to manage his own property within the meaning of s. 6.	42, s.112
1925 .	VI .	Ajmer Merwara Municipalities Regulation.	Ss. 30 and 43 am. in part.	65, ss. 3 and 4.

## PART IV.—State Acts repealed, amended or otherwise affected.

Year of Act.	No. of Act.	Short title of Act.	How affected.	No. and section of 1950 Act by which affected.
1886	IV	<p style="text-align: center;"><i>Madras</i></p> Railway Protection Act	S. 1 am.	35, s.3 and 2nd sch.
		<p style="text-align: center;"><i>Hyderabad and</i></p> Any law corresponding to Census Act, 1948, in force in the States of Hyderabad and Mysore.	Rep. with saving.	51, s.5.

*Repealed by Act 36 of 1957.*

**THE REHABILITATION FINANCE ADMINISTRATION  
(AMENDMENT) ACT, 1950**

**No. I of 1950**



**An Act to amend the Rehabilitation Finance Administration Act, 1948.**

[18th February, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Rehabilitation Finance Administration (Amendment) Act, 1950.

**2. Amendment of section 1, Act XII of 1948.**—In section 1 of the Rehabilitation Finance Administration Act, 1948 (hereinafter referred to as the said 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.”

**3. Amendment of section 2, Act XII of 1948.**—In section 2 of the said Act,—

(1) in clause (d),—

(a) in sub-clause (i), for the words “outside India”, the words “now forming part of Pakistan” shall be substituted; and

(b) in sub-clause (ii), for the words “outside India”, the words “in any area now forming part of Pakistan” shall be substituted; and

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

(e) “loan” means a sum of money advanced by the Administration—

(i) to a displaced person for the purpose of any business or industry in which he is engaged or intends to engage himself, or

(ii) in respect of any business or industry, a substantial portion of which is owned by displaced persons; and’

**4. Amendment of section 3, Act XII of 1948.**—In sub-section (1) of section 3 of the said Act, the following words shall be added at the end, namely:—

“or to any business or industry, a substantial portion of which is owned by displaced persons”.

**5. Amendment of section 4, Act XII of 1948.**—In section 4 of the said Act, in clauses (b) and (c), for the word “three” the word “four” shall be substituted.

**6. Amendment of section 10, Act XII of 1948.**—In section 10 of the said Act,—

(i) the words “and with the prior sanction of the Central Government” shall be omitted; and

(ii) to that section the following proviso shall be added, namely:—

“Provided that the appointment and the fixation of the salary, allowances and other conditions of service of the Deputy Chief Adminis-

2 **Rehabilitation Finance Administration (Amendment)** [ACT I OF 1950]

trator and such other officers as may be prescribed by the Central Government, shall be subject to the previous sanction of that Government."

7. Amendment of section 11, Act XII of 1948.—In sub-section (2) of section 11 of the said Act, for the words "All moneys belonging to the Administration", the words "Subject to any regulations that may be made in this behalf, all moneys belonging to the Administration which are not immediately required by the Administration for any purpose" shall be substituted.

8. Amendment of section 16, Act XII of 1948.—In sub-section (1) of section 16 of the said Act, for the words and figures "section 144 of the Indian Companies Act, 1913 (VII of 1913)", the words and figures "the Chartered Accountants Act, 1949 (XXXVIII of 1949)" shall be substituted.



*Repealed by Act 26 of 1957.*

**THE PATENTS AND DESIGNS (EXTENSION OF TIME)**

**ACT, 1950**

**No. II OF 1950**



*Lapsed*

An Act to provide in the case of displaced persons for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder.

[18th February, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title, extent and duration.**—(1) This Act may be called the Patents and Designs (Extension of Time) Act, 1950.

(2) It extends to the whole of India except Part B States.

(3) It shall be in force for a period of two years only, but upon the expiry of the said period section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if this Act had been then repealed by a Central Act.

**2. Definition.**—In this Act, “displaced person” means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from, or has left, his place of residence in such area after the first day of March, 1947, and has subsequently been residing in India.

**3. Power to extend time limits in the case of displaced persons.**—(1) In the case of any displaced person, the Controller of Patents and Designs appointed under the Indian Patents and Designs Act, 1911 (II of 1911), may, subject to such conditions, if any, as he thinks fit to impose, extend the time limited by or under that Act for doing any act, where he is satisfied that the doing of the act by the displaced person within the time so limited was prevented by causes connected with his being a displaced person.

(2) An extension under this section of the time for doing any act—

(a) may be for any period that the Controller thinks fit, notwithstanding that under the Indian Patents and Designs Act, 1911 (II of 1911), power is conferred to extend the time for doing that act for a specified period only; and

(b) may be granted, notwithstanding that that time expired before any application or request for extension was made, or that, by reason of that act not having been done within that time, the relevant application, patent, registration or proceeding has ceased or expired, or become void or invalid, or been treated as abandoned, or been refused.

(3) Where it appears to the Controller that an order allowing an extension of time, if made, may prejudicially affect the interest of any other person who, subsequent to the date on which the original application or proceeding by the displaced person should have been completed, has applied for or obtained a

2 *Patents and Designs (Extension of Time)* [ACT II OF 1950]

patent in respect of an identical invention, the Controller shall, if he makes an order allowing an extension of time, attach to such order such conditions as he may deem fit for protecting the interest of such other person.

**4. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the objects of this Act.

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

(a) the form and manner in which any application under this Act may be made by a displaced person; and

(b) the procedure to be adopted by the Controller for dealing with any such application.

*Repealed by Act 36 of 1957.*

**THE INSOLVENCY (LAW) (AMENDMENT) ACT, 1950.**

**No. III of 1950**



**An Act further to amend the law relating to insolvency.**

[18th February, 1950]

**BE** it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Insolvency Law (Amendment) Act, 1950.

2. **Amendment of section 12, Act III of 1909.**—To sub-section (1) of section 12 of the Presidency-towns Insolvency Act, 1909 (hereinafter referred to as the said Act), the following proviso shall be added, namely:—

“Provided that where the said period of three months referred to in clause (c) expires on a day when the Court is closed, the insolvency petition may be presented on the day on which the Court reopens.”

3. **Amendment of section 21, Act III of 1909.**—In sub-section (1) of section 21 of the said Act, for the words “the Court may, on the application of any person interested,” the words “the Court shall, on the application of any person interested” shall be substituted.

4. **Amendment of section 53, Act III of 1909.**—In sub-section (1) of section 53 of the said Act, for the words “before the date of the order of adjudication and before he had notice of the presentation of any insolvency petition by or against the debtor”, the words “before the date of the admission of the insolvency petition” shall be substituted.

5. **Insertion of new section 101A in Act III of 1909.**—In Part VII, after section 101 of the said Act, the following section shall be inserted, namely:—

“101A. *Exclusion of time in computation of period of limitation in certain cases.*—Where an order of adjudication has been annulled under this Act, in computing the period of limitation prescribed for any suit or other legal proceeding (other than a suit or legal proceeding in respect of which the leave of the Court was obtained under section 17) which might have been brought but for the making of an order of adjudication under this Act, the period from the date of the order of adjudication to the date of the order of annulment shall be excluded:

Provided that nothing in this section shall apply to any suit or other legal proceeding in respect of a debt provable but not proved under this Act.”

6. **Amendment of section 9, Act V of 1920.**—To sub-section (1) of section 9 of the Provincial Insolvency Act, 1920, the following proviso shall be added, namely:—

“Provided that where the said period of three months referred to in clause (c) expires on a day when the Court is closed, the insolvency petition may be presented on the day on which the Court re-opens.”

Price anna 1 or 1½.

7. Amendment of section 43, Act V of 1920.—In sub-section (1) of section 43 of the Provincial Insolvency Act, 1920, for the words "the order of adjudication shall be annulled and the provisions of section 37 shall apply accordingly", the following words shall be substituted, namely:—

"the Court may annul the order of adjudication or make such other order as it may think fit, and if the adjudication is so annulled, the provisions of section 37 shall apply."

See India Code vol. III

## THE PREVENTIVE DETENTION ACT, 1950

No. IV OF 1950



For Modified Act, see  
See Subject.

**An Act to provide for preventive detention in certain cases and matters connected therewith**

[25th February, 1950]

**BE** it enacted by Parliament as follows:—

1. **Short title, extent and duration.**—(1) This Act may be called the Preventive Detention Act, 1950.

(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to preventive detention for reasons connected with defence, foreign affairs or the security of India.

(3) It shall cease to have effect on the 1st day of April, 1951, save as respects things done or omitted to be done before that date.

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

(a) "State Government" means, in relation to a Part C State, the Chief Commissioner of the State; and

(b) "detention order" means an order made under section 3.

3. **Power to make orders detaining certain persons.**—(1) The Central Government or the State Government may—

(a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to—

(i) the defence of India, the relations of India with foreign powers, or the security of India, or

(ii) the security of the State or the maintenance of public order, or

(iii) the maintenance of supplies and services essential to the community, or

(b) if satisfied with respect to any person who is a foreigner within the meaning of the Foreigners Act, 1946 (XXXI of 1946), that with a view to regulating his continued presence in India or with a view to making arrangements for his expulsion from India,

it is necessary so to do, make an order directing that such person be detained:

(2) Any district magistrate or sub-divisional magistrate, or, in a presidency-town, the commissioner of police, may, if satisfied as provided in sub-clauses (i) and (ii) of clause (a) of sub-section (1), exercise the power conferred by the said sub-section.

(3) When any order is made under this section by a district magistrate, sub-divisional magistrate or commissioner of police, he shall forthwith report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the necessity for the order.

4. **Power to regulate place and conditions of detention.**—So long as a detention order is in force in respect of any person, he shall be liable to be removed to, and detained in, such place and under such conditions, including condi-

Price anna 1 or 1½d.

tions as to maintenance, discipline, and punishment for breaches of discipline, as the Central Government or, as the case may be, the State Government, may from time to time by general or special order specify.

5. Detention order not to be invalid by reason of place of detention.—No detention order made by an officer mentioned in sub-section (2) of section 3 shall be deemed to be invalid merely by reason that the place of detention specified in the order is situate outside the limits of the territorial jurisdiction of such officer.

6. Powers in relation to absconding persons.—If the Central Government or the State Government or an officer specified in sub-section (2) of section 3, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government or officer may—

(a) make a report in writing of the fact to a presidency magistrate or a magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the magistrate;

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

7. Grounds of order of detention to be disclosed to persons affected by the order.—(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, communicate to him the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order, in a case where such order has been made by the Central Government, to that Government, and in a case where it has been made by a State Government or an officer subordinate thereto, to the State Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

8. Constitution of Advisory Boards.—(1) The Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Act.

(2) Every such Board shall consist of two persons who are, or have been, or are qualified to be appointed as, Judges of a High Court, and such persons shall be appointed by the Central Government or the State Government, as the case may be.

9. Reference to Advisory Boards.—In every case where a detention order has been made under sub-clause (iii) of clause (a), or clause (b), of sub-section (1) of section 3, the Government making the order, or if the order has been made by an officer specified in sub-section (2) of section 3, the State Government to which such officer is subordinate, shall, within six weeks from the date of detention under the order, place before an Advisory Board constituted by it under section 8 the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been

made by an officer, also the report made by such officer under sub-section (3) of section 3.

**10. Procedure of Advisory Boards.—**(1) The Advisory Board shall, after considering the materials placed before it and, if necessary, after calling for such further information from the Central Government or the State Government or from the person concerned, as it may deem necessary, submit its report to the Central Government or the State Government, as the case may be, within ten weeks from the date of detention under the detention order.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

(3) Nothing in this section shall entitle any person against whom a detention order has been made to attend in person or to appear by any legal representative in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

**11. Confirmation of detention order.—**In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of the person concerned, the Central Government or the State Government, as the case may be, may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

**12. Duration of detention in certain cases.—**(1) Any person detained in any of the following classes of cases or under any of the following circumstances may be detained without obtaining the opinion of an Advisory Board for a period longer than three months, but not exceeding one year from the date of his detention, name'y, where such person has been detained with a view to preventing him from acting in any manner prejudicial to—

(a) the defence of India, relations of India with foreign powers or the security of India; or

(b) the security of a State or the maintenance of public order.

(2) The case of every person detained under a detention order to which the provisions of sub-section (1) apply shall, within a period of six months from the date of his detention, be reviewed where the order was made by the Central Government or a State Government, by such Government, and where the order was made by any officer specified in sub-section (2) of section 3, by the State Government to which such officer is subordinate, in consultation with a person who is, or has been, or is qualified to be appointed as, a Judge of a High Court nominated in that behalf by the Central Government or the State Government, as the case may be.

**13. Revocation of detention orders.—**(1) Without prejudice to the provisions of section 21 of the General Clauses Act, 1897 (X of 1897), a detention order may at any time be evoked or modified—

(a) notwithstanding that the order has been made by an officer mentioned in sub-section (2) of section 3, by the State Government to which that officer is subordinate or by the Central Government;

(b) notwithstanding that the order has been made by a State Government, by the Central Government.

(2) The revocation of a detention order shall not bar the making of a fresh detention order under section 3 against the same person.

**14. Disclosure of grounds of detention, etc.—**(1) No court shall, except for the purposes of a prosecution for an offence punishable under sub-section (2), allow any statement to be made, or any evidence to be given, before it of the substance of any communication made under section 7 of the grounds on which a detention order has been made against any person or of any representation made by him against such order; and, notwithstanding anything contained in any other law, no court shall be entitled to require any public officer to produce before it, or to disclose the substance of, any such communication or representation made, or the proceedings of an Advisory Board or that part of the report of an Advisory Board which is confidential.

(2) It shall be an offence punishable with imprisonment for a term which may extend to one year, or with fine, or with both, for any person to disclose or publish without the previous authorisation of the Central Government or the State Government, as the case may be, any contents or matter purporting to be contents of any such communication or representation as is referred to in sub-section (1):

Provided that nothing in this sub-section shall apply to a disclosure made to his legal adviser by a person who is the subject of a detention order.

**15. Protection of action taken under the Act.—**No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

**16. Repeal.—**The Preventive Detention (Extension of Duration) Order, 1950, is hereby repealed.



Repealed by Act 36 of 1957.

**THE INDIAN TARIFF (AMENDMENT) ACT, 1950**

**No. V OF 1950**



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

[24th February, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Tariff (Amendment) Act 1950.

**2. Amendment of the First Schedule, Act XXXII of 1934.**—In the First Schedule to the Indian Tariff Act, 1934,—

(i) in Item No. 11(2),—

(a) in the third column, the word “Protective” shall be inserted;

(b) in the fourth column, for the word “Free”, the figures and words “20 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 “March 31st, 1952” shall be inserted;

(ii) in Item No. 11(4),—

(a) in the fourth column, for the figures and words “18 per cent. *ad valorem*”, the figures and words “20 per cent. *ad valorem*” shall be substituted; and

(b) in the last column headed “Duration of protective rates of duty” for the word, figures and letters “March 31st, 1950”, the word, figures and letters “March 31st, 1952” shall be substituted;

(iii) in Item No. 11(5),—

(a) in the third column, for the word “Revenue” the word “Protective” shall be substituted;

(b) in the fourth column, for the figures and words “18 per cent. *ad valorem*”, the figures and words “20 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 “March 31st, 1952” shall be inserted;

(iv) in Item No. 72 (1), in the second column, for the words “The following textile machinery and apparatus by whatever power operated”, the words “Textile machinery and apparatus by whatever power operated (not otherwise specified)” shall be substituted;

(v) after Item No. 72(33), the following Item shall be inserted, namely:—

72(34)	The following cotton textile machinery and apparatus and parts thereof, by whatever power operated, namely, spinning ring frames spinning rings spindles and plain looms.	Protective	10 per cent. <i>ad valorem</i> .	..	..	March 31st, 1952.
--------	---	------------	----------------------------------	----	----	-------------------

Price anna 1 or 1½d.

THE UNIVERSITY OF CHICAGO



[The body of the document contains several paragraphs of text that are extremely faint and illegible due to the quality of the scan. The text appears to be a formal letter or report.]

*Repealed by Act 36 of 1957.*

**THE IMPORTS AND EXPORTS (CONTROL) AMENDMENT  
ACT, 1950  
No. VI OF 1950**



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

[27th February, 1950]

**BE** it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Imports and Exports (Control) Amendment Act, 1950.

2. **Amendment of section 1, Act XVIII of 1947.**—In section 1 of the Imports and Exports (Control) Act, 1947 (hereinafter referred to as the said Act),—

(a) in sub-section (2), for the words and letter “Part B States” the words “the State of Jammu and Kashmir” shall be substituted; and

(b) in sub-section (3), for the words “for a period of three years only” the words, figures and letters “until the 31st day of March, 1955” shall be substituted.

3. **Amendment of section 2, Act XVIII of 1947.**—In section 2 of the said Act,—

(a) in clause (b), for the words “the States” the word “India” shall be substituted; and

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

“(d) ‘India’ does not include the State of Jammu and Kashmir.”

4. **Amendment of section 3, Act XVIII of 1947.**—In section 3 of the said Act, for the words “the States” wherever they occur, the word “India” shall be substituted.

5. **Substitution of new section for section 4A in Act XVIII of 1947.**—For section 4A of the said Act, the following section shall be substituted, namely:—

“4A. *Fees for applications for, and issue or renewal of, licences.*—The Central Government may by order levy, subject to such exceptions, if any, in respect of any person or class of persons as may be specified in the order, any fee in respect of any application for any licence, or the issue or renewal of any licence, under any order made or deemed to have been made under this Act”.

Price anna 1 or 1½.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
LABORATORY OF ORGANIC CHEMISTRY



REPORT OF THE RESEARCH GROUP OF  
PROFESSOR ROBERT B. WOODWARD  
ON THE SYNTHESIS OF  
CORTISONE

BY  
ROBERT B. WOODWARD  
AND  
RICHARD C. BRIDGMAN  
AND  
ROBERT H. WOODWARD  
AND  
ROBERT H. WOODWARD

CHICAGO, ILLINOIS  
1955

THE UNIVERSITY OF CHICAGO PRESS  
54 EAST LAUREL STREET  
CHICAGO, ILLINOIS 60607

*See India Code vol. III*

THE HIGH COURTS (SEALS) ACT, 1950

No. VII OF 1950



An Act to provide for the use of seals of common form and design by the High Courts in the States

[27th February, 1950]

**BE** it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the High Courts (Seals) Act, 1950.

2. **Seals of High Courts.**—(1) Every High Court in a Part A State or Part B State shall have and use, as occasion may arise, a seal bearing a device and impression of the Asoka Capital within an exergue or label surrounding the same, with the following inscriptions at convenient places, namely, "THE SEAL OF THE HIGH COURT AT (or OF).....", followed by the name of the seat of the High Court or the name of the State, as the case may be, and "Satyameva Jayate" in Devanagari script.

(2) Every Court of the Judicial Commissioner for a Part C State shall have and use, as occasion may arise, a seal similar to the seal of a High Court in a Part A State, but with the first inscription reading "THE SEAL OF THE JUDICIAL COMMISSIONER'S COURT FOR....." followed by the name of the State.

(3) The provisions of this Act shall supersede any provision contrary thereto or inconsistent therewith contained in any Letters Patent, Order, direction or other law relating to the use of seals by High Courts.

3. **Repeal of Ordinance XIII of 1950.**—(1) The High Courts (Seals) Ordinance, 1950 (XIII of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

Price anna 1 or 1½.

THE STATE OF TEXAS

1901 to 1902



AN ACT TO AMEND AN ACT PASSED AT THE SECOND REGULAR SESSION OF THE TWENTY-NINTH LEGISLATURE OF THE STATE OF TEXAS, CHAP. 107, SECT. 1, RELATIVE TO THE REGISTRATION OF VOTERS.

SECTION 1. The following shall be the text of section one of chapter one hundred seven of the laws of this State, to-wit:

Section 1. The following shall be the text of section one of chapter one hundred seven of the laws of this State, to-wit: The registration of voters shall be held on the first day of August in each year, and the registration shall be held at the county seat of each county, and at such other places as the county commissioners may determine. The registration shall be held from the hour of nine o'clock in the forenoon to the hour of five o'clock in the afternoon. The registration shall be held in the presence of the county clerk, the county auditor, the county treasurer, the county judge, and such other officers as the county commissioners may determine. The registration shall be held in the presence of the voters of the county, and the voters shall be registered in the presence of the county clerk, the county auditor, the county treasurer, the county judge, and such other officers as the county commissioners may determine. The registration shall be held in the presence of the voters of the county, and the voters shall be registered in the presence of the county clerk, the county auditor, the county treasurer, the county judge, and such other officers as the county commissioners may determine.

SECTION 2. The following shall be the text of section two of chapter one hundred seven of the laws of this State, to-wit: The registration of voters shall be held on the first day of August in each year, and the registration shall be held at the county seat of each county, and at such other places as the county commissioners may determine. The registration shall be held from the hour of nine o'clock in the forenoon to the hour of five o'clock in the afternoon. The registration shall be held in the presence of the county clerk, the county auditor, the county treasurer, the county judge, and such other officers as the county commissioners may determine. The registration shall be held in the presence of the voters of the county, and the voters shall be registered in the presence of the county clerk, the county auditor, the county treasurer, the county judge, and such other officers as the county commissioners may determine.

*Repealed by Act 35 of 1957.*

THE CONTROL OF SHIPPING (AMENDMENT) ACT, 1950

No. VIII OF 1950



An Act further to amend the Control of Shipping Act, 1947.

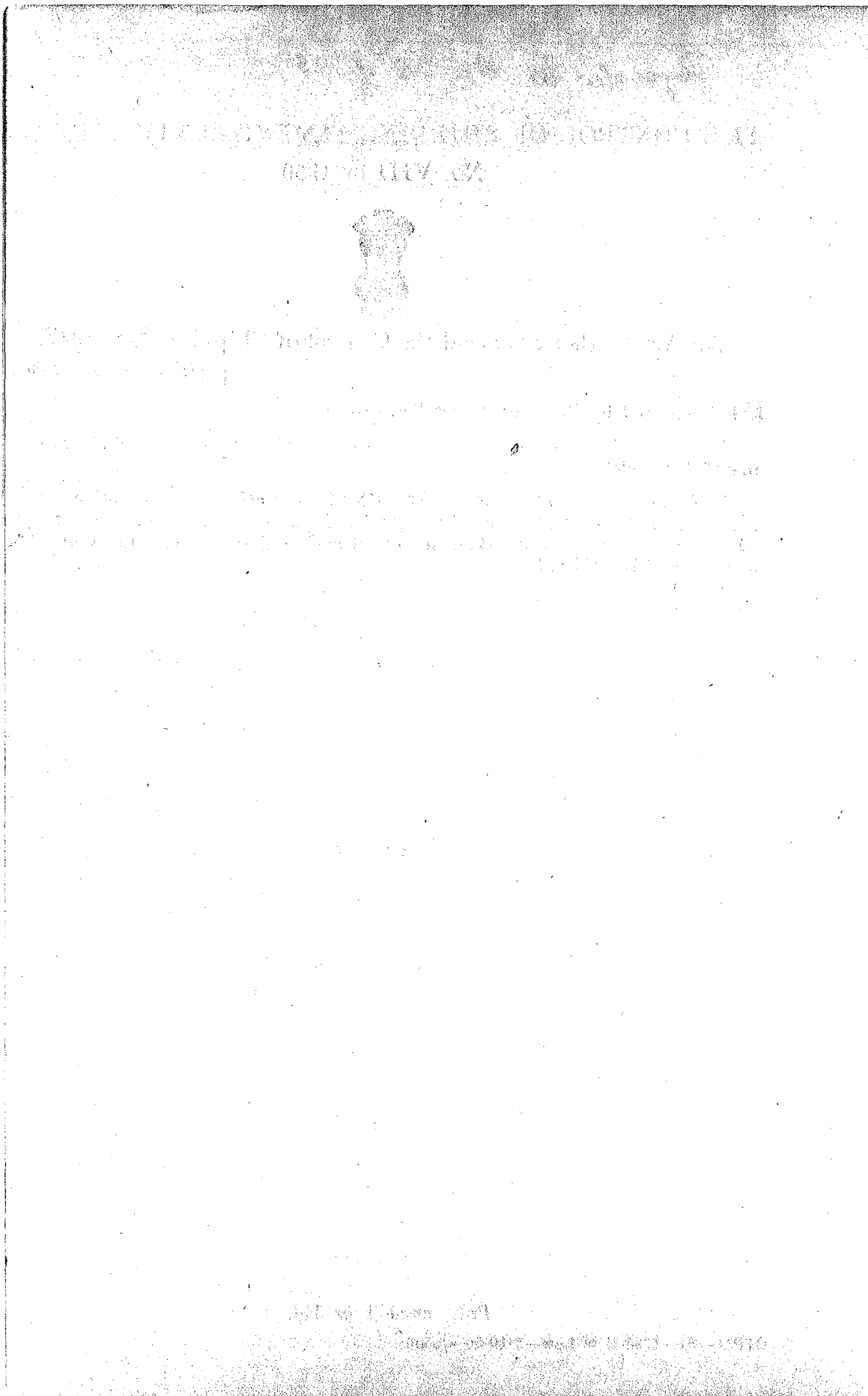
[27th February, 1950]

**BE** it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Control of Shipping (Amendment) Act, 1950.

2. **Amendment of section 1, Act XXVI of 1947.**—In sub-section (3) of section 1 of the Control of Shipping Act, 1947 (XXVI of 1947), for the figure "1950" the figures "1952" shall be substituted, and the proviso to that sub-section shall be omitted.

*Price anna 1 or 1½.*





# THE INDIAN TEA CONTROL (AMENDMENT) ACT, 1950

No. IX OF 1950



An Act further to amend the Indian Tea Control Act, 1938.  
[27th February, 1950]

**B**E it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Indian Tea Control (Amendment) Act, 1950.

(2) It shall come into force on the first day of April, 1950.

2. **Amendment of section 1, Act VIII of 1938.**—In section 1 of the Indian Tea Control Act, 1938 (hereinafter referred to as the said Act),—

(i) in sub-section (2), the words and letter “except Part B States” shall be omitted; and

(ii) in sub-section (4), for the figures “1950” the figures “1955” shall be substituted.

3. **Substitution of “India” for “the States” in sections 2, 11, 15, 16 and 27 in Act VIII of 1938.**—In clause (c) of section 2, in clause (a) of section 11, in the proviso to sub-section (1) of section 15, in the proviso to sub-section (2) of section 16, and in sub-section (1) of section 27 of the said Act, for the words “the States”, wherever they occur, the word “India” shall be substituted.

4. **Amendment of section 2, Act VIII of 1938.**—In section 2 of the said Act, clause (gg) shall be omitted.

5. **Amendment of section 3, Act VIII of 1938.**—In clause (c) of sub-section (1) of section 3 of the said Act, for the words and letter “one to represent tea estates in the States and one to represent tea estates in Part B States”, the words and letters “one to represent tea estates in Part A States and Part C States and one to represent tea estates in the States of Mysore and Travancore-Cochin” shall be substituted.

6. **Amendment of section 12, Act VIII of 1938.**—In sub-section (2) of section 12 of the said Act, for the words and letters “a Part A State or a Part C State”, the words “any State” shall be substituted.

7. **Substitution of “1950” for “1948” in sections 14, 26, 27 and 28 in Act VIII of 1938.**—In sub-section (1) of section 14, section 26, section 27 and in sub-section (1) of section 28 of the said Act, for the figures “1948”, wherever they occur, the figures “1950” shall be substituted.

8. **Omission of section 25, Act VIII of 1938.**—Section 25 of the said Act shall be omitted.

9. **Amendment of section 26, Act VIII of 1938.**—In section 26 of the said Act,—

(i) for the figures “1946” the figures “1948” shall be substituted; and

(ii) for the words “five per cent.” the words “two per cent.” shall be substituted.

10. **Amendment of section 27, Act VIII of 1938.**—In sub-sections (1) and (2) of section 27 of the said Act, for the words “four per cent.”, wherever they occur, the words “five per cent.” shall be substituted.

*Price anna 1 or 1½.*

MEMORANDUM FOR THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

DATE: 10/11/54

TO: SAC, NEW YORK (100-100000)

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

Reference is made to the report of SA [Illegible] dated 10/11/54.

The above information was obtained from [Illegible] and is being furnished to you for your information.

Very truly yours,  
[Illegible Signature]

Enclosure

100-100000-1000

**THE IMMIGRANTS (EXPULSION FROM ASSAM) ACT,**

1950

No. X OF 1950



**An Act to provide for the expulsion of certain immigrants from Assam.**

[1st March, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title and extent.**—(1) This Act may be called the Immigrants (Expulsion from Assam) Act, 1950.

(2) It extends to the whole of India.

**2. Power to order expulsion of certain immigrants.**—If the Central Government is of opinion that any person or class of persons, having been ordinarily resident in any place outside India, has or have, whether before or after the commencement of this Act, come into Assam and that the stay of such person or class of persons in Assam is detrimental to the interests of the general public of India or of any section thereof or of any Scheduled Tribe in Assam, the Central Government may by order—

(a) direct such person or class of persons to remove himself or themselves from India or Assam within such time and by such route as may be specified in the order; and

(b) give such further directions in regard to his or their removal from India or Assam as it may consider necessary or expedient;

Provided that nothing in this section shall apply to any person who on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been displaced from or has left his place of residence in such area and who has been subsequently residing in Assam.

**3. Delegation of power.**—The Central Government may, by notification in the Official Gazette, direct that the powers and duties conferred or imposed on it by section 2 shall, subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by—

(a) any officer subordinate to the Central Government;

(b) the Government of Assam or any officer subordinate to that Government.

**4. Power to give effect to orders, etc.**—Any authority empowered by or in pursuance of the provisions of this Act to exercise any power may, in addition to any other action expressly provided for in this Act, take or cause to be taken such steps, and use or cause to be used such force, as may in its opinion be reasonably necessary for the effective exercise of such power.

**5. Penalties.**—Any person who—

(a) contravenes or attempts to contravene or abets the contravention of any order made under section 2, or

*Immigrants (Expulsion from Assam)*

[ACT X OF 1950]

(b) fails to comply with any direction given by any such order, or

(c) harbours any person who has contravened any order made under section 2 or has failed to comply with any direction given by any such order,

shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.

**6. Protection to persons acting under this Act.**—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.

**7. Repeal and saving.**—(1) The Undesirable Immigrants (Expulsion from Assam) Ordinance, 1950 (I of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

*Repealed by Act 36 of 1957.*

**THE INDIAN RAILWAYS (AMENDMENT) ACT, 1950.**

**No. XI OF 1950**



An Act further to amend the Indian Railways Act, 1890.

[1st March, 1950]

**B**E it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Railways (Amendment) Act, 1950.

**2. Insertion of new section 27A in Act IX of 1890.**—After section 27 of the Indian Railways Act, 1890, the following section shall be inserted, namely:—

“27 A. *Power of Central Government to give directions in regard to transport of goods by railway administration.*—(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 to give special facilities for, or preference to, the transport of any such goods or class of goods consigned 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.

(2) Any order made under sub-section (1) shall cease to have effect after the expiry of six months from the date thereof, but it may be renewed from time to time.

(3) Notwithstanding anything contained in this Act, every railway administration shall be bound to comply with any direction given under sub-section (1), and any action taken by a railway administration in pursuance of any such direction shall not be deemed to be a contravention of section 28.”

*Price anna 1 or 1½.*

THE FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

[The body of the document contains several paragraphs of text that are extremely faint and illegible due to the quality of the scan. The text appears to be a formal report or memorandum.]

Page 1 of 1

*Enacted by Act 62 of 1950, s. 2 and Sch. (from 1-11-50).*

*See India Code Vol. IV.*

**THE EMBLEMS AND NAMES (PREVENTION OF  
IMPROPER USE) ACT, 1950.**

No. XII OF 1950



**An Act to prevent the improper use of certain emblems and names  
for professional and commercial purposes.**

[1st March, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title, extent, application and commencement.**—(1) This Act may be called the Emblems and Names (Prevention of Improper Use) Act, 1950.

(2) It extends to the whole of India ~~except the State of Jammu and Kashmir~~ */xxx 2* and also applies to citizens of India outside India.

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

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

(a) “emblem” means any emblem, seal, flag, insignia, coat-of-arms or pictorial representation specified in the Schedule;

(b) “competent authority” means any authority competent under any law for the time being in force to register any company, firm or other body of persons or any trade mark or design or to grant a patent;

(c) “name” includes any abbreviation of a name.

**3. Prohibition of improper use of certain emblems and names.**—Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of Government as may be authorised in this behalf by the Central Government.

**4. Prohibition of registration of certain companies, etc.**—(1) Notwithstanding anything contained in any law for the time being in force, no competent authority shall,—

(a) register any company, firm or other body of persons which bears any name, or

(b) register a trade mark or design which bears any emblem or name, or

(c) grant a patent in respect of an invention which bears a title containing any emblem or name,

if the use of such name or emblem is in contravention of section 3.

Price anna 1 or 1½.

*See Notif. No. SRO. 441, A 20. 8. 50, G.O. I, 1950, Pt. II, Sec 3, p-451.*

*Emblems and Names (Prevention of Improper Use)* [ACT XII OF 1950]

(2) If any question arises before a competent authority whether any emblem is an emblem specified in the Schedule or a colourable imitation thereof, the competent authority may refer the question to the Central Government, and the decision of the Central Government thereon shall be final.

5. **Penalty.**—Any person who contravenes the provisions of section 3 shall be punishable with fine which may extend to five hundred rupees.

6. **Previous sanction for prosecution.**—No prosecution for any offence punishable under this Act shall be instituted, except with the previous sanction of the Central Government or of any officer authorised in this behalf by general or special order of the Central Government.

7. **Savings.**—Nothing in this Act shall exempt any person from any suit or other proceeding which might, apart from this Act, be brought against him.

8. **Power of the Central Government to amend the Schedule.**—The Central Government may, by notification in the Official Gazette, add to or alter the Schedule, and any such addition or alteration shall have effect as if it had been made by this Act.

9. **Power to make rules.**—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

THE SCHEDULE

[See sections 2(a) and 3]

1. The name, emblem or official seal of the United Nations Organization.
2. The name, emblem or official seal of the World Health Organization.
3. The Indian National Flag.
4. ~~The official seal or emblem of the Government of India or of any State, or any other insignia or coat-of-arms used by any such Government or by a Department of any such Government.~~

*U. S. by Health Ministry, N.S.R.O 561 dt. 20.3.52*



*Repealed by Act 66 of 1957*

**THE DELHI ROAD TRANSPORT AUTHORITY ACT, 1950**  
**No. XIII of 1950**

**ARRANGEMENT OF SECTIONS**

**CHAPTER I**

**SECTIONS**

*Preliminary*

1. Short title, extent and commencement.
2. Definitions.

**CHAPTER II**

*The Delhi Road Transport Authority*

3. Incorporation.
4. Constitution of the Authority.
5. Term of office of members of the Authority.
6. Disqualifications for being chosen as, or for being, a member of the Authority.
7. Removal of members from office.
8. Resignation of office by the Chairman or an elected or nominated member.
9. Temporary absence of any member.
10. Vacancies amongst members or defect in the constitution not to invalidate acts or proceedings of the Authority.
11. Temporary association of persons with the Authority for particular purposes.
12. Meetings of the Authority.
13. Authentication of orders and other instruments of the Authority.
14. Allowances or fees for attendance at meetings or for performance of other duties.
15. Officers and servants of the Authority.
16. Functions and duties of the General Manager and the Chief Accounts Officer.

*Price Annas 2 or 3d.*

## SECTIONS

17. General disqualification of all officers and servants.
18. Appointment of Advisory Council.

## CHAPTER III

*Powers and duties of the Authority*

19. General duty of the Authority.
20. Powers of the Authority.
21. Delegation of powers and duties to the General Manager.
22. Preparation of schemes.
23. Sanction of schemes.
24. Extension of the operation of the road transport service of the Authority to areas within another State.
25. Power to alter or extend schemes.
26. Issue of passes.
27. Refund in respect of unused tickets and concessional passes.
28. Disposal of unclaimed articles and property.

## CHAPTER IV

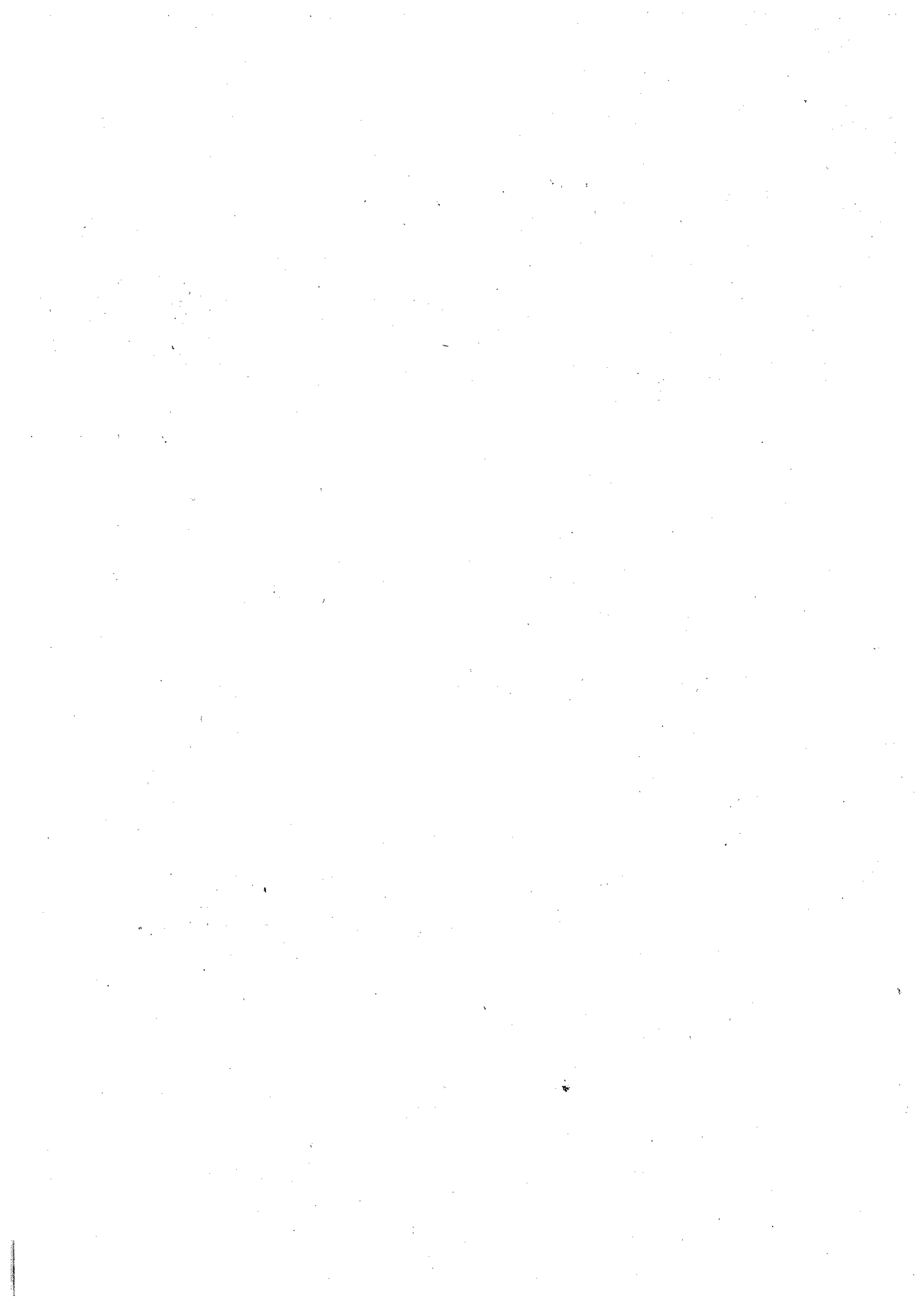
*Finance, Accounts and Audit*

29. General principles for Authority's finance.
30. Authority to assume obligations of the Central Government in respect of matters to which this Act applies.
31. Capital of the Authority.
32. Vesting of property in the Authority.
33. Fund of the Authority.
34. Payment of interest.
35. Provision for depreciation and reserve and other funds.
36. Powers of the Authority to spend.
37. Budget.
38. Accounts and audit.

## CHAPTER V

*Miscellaneous***SECTIONS**

39. Directions by the Central Government.
40. Returns and reports.
41. Power to order inquiries.
42. Power to control a part of the undertaking of the Authority.
43. Power to supersede the Authority.
44. Laying of report before Parliament of action taken under section 42 or section 43.
45. Compulsory acquisition of land for the Authority.
46. Compensation for acquisition of road transport undertakings.
47. Application of the provisions of the Motor Vehicles Act, 1939, or any rule made thereunder, to vehicles and employees of the Authority.
48. Provision as to third party risks.
49. Power of the Central Government to exempt vehicles of the Authority from the payment of certain charges.
50. Power of entry.
51. Members, officers and servants of the Authority to be public servants.
52. Power to make rules.
53. Power to make regulations.
54. Penalty for breach of any regulation made by the Authority under section 53.



Repealed by Act 66 of 1957



An Act to provide for the establishment and regulation of a Road Transport Authority for the promotion of a co-ordinated system of road transport in the State of Delhi.

[Union territory of Delhi] & [7th March, 1950]

BE it enacted by Parliament as follows:—

CHAPTER I

Preliminary

- 1. Short title, extent and commencement.—(1) This Act may be called the Delhi Road Transport Authority Act, 1950.
- (2) It extends to the whole of the State of Delhi [Union territory of Delhi]
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (1) "ancillary service" means any subsidiary service which provides amenities or facilities to persons making use of any road transport service of the Authority;
- (2) "Authority" means the Delhi Road Transport Authority;
- (3) "Delhi Transport Service" means the road transport service operated in the State of Delhi or in any extended area by the Authority and includes the road transport service operated by that name in that State by the Ministry of Transport of the Government of India before the establishment of the Authority;
- (4) "extended area" means any area or route to which the operation of any road transport service of the Authority has been extended in the manner provided in section 24;
- (5) "prescribed" means prescribed by rules made under this Act;
- (6) "road transport service" means a service carrying passengers or goods or both by road in vehicles for hire or reward;
- (7) "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;
- (8) words and expressions used but not defined in this Act and defined in the Motor Vehicles Act, 1939 (IV of 1939), have the meanings assigned to them in that Act.

LA 1950 see No. 51-745(1)/50, 927350, 941, 1950 Ex. p. 1090. Subs. by Act 24 of 1953.

## CHAPTER II

*The Delhi Road Transport Authority*

**3. Incorporation.**—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established an Authority by the name of the Delhi Road Transport Authority.

(2) The said Authority shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.

**4. Constitution of the Authority.**—(1) The Authority shall consist of seven members as follows:—

(a) one member to be elected by the members of the Delhi Municipal Committee;

(b) one member to be elected by the members of the Delhi District Board;

(c) one non-official having experience in transport, industrial, commercial or financial matters, to be nominated by the Central Government;

(d) three officials of whom one shall represent the Ministry of Finance, to be nominated by the Central Government; and

(e) the Chief Commissioner of Delhi, or an official nominated by him.

(2) The Central Government shall nominate a member of the Authority to be the Chairman thereof.

(3) Every election or nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

**5. Term of office of members of the Authority.**—(1) Save as otherwise expressly provided in this Act, the term of office of a member elected under clause (a) or clause (b) of sub-section (1) of section 4, or of a member nominated under clause (c) of that sub-section shall be three years commencing from the date on which his election or nomination, as the case may be, is notified.

(2) A member nominated by the Central Government under clause (d) of sub-section (1) of section 4, or by the Chief Commissioner of Delhi under clause (e) of that sub-section, shall hold office during the pleasure of the nominating authority.

(3) A member nominated as Chairman of the Authority under sub-section (2) of section 4 shall hold office as Chairman during the pleasure of the Central Government.

(4) A member of the Authority shall, on the expiration of his term of office, be eligible for re-election or renomination.

**6. Disqualifications for being chosen as, or for being, a member of the Authority.**—A person shall be disqualified for being chosen as, or for being, a member of the Authority—

(a) if he is found to be a lunatic or a person of unsound mind; or

(b) if he has been adjudged insolvent; or

(c) if he has been convicted of an offence involving moral turpitude; or

(d) if he has, directly or indirectly, any interest in any subsisting contract made with, or in any work being done for, the Authority except as a share-holder (other than a director or managing agent) in a public company as defined in section 2 of the Indian Companies Act, 1913 (VII of 1913), provided that where he is a share-holder, he shall disclose to the Central Government the nature and extent of shares held by him in such company; or

1.4.50. See Notif. No 51-TAGU/50, A 21.3.50, 9 of 1. 64, p-1095.

(e) if he has any financial interest in any other road transport undertaking.

**7. Removal of members from office.**—The Central Government may, by notification in the Official Gazette, remove from office any member of the Authority who—

(a) is or becomes subject to any of the disqualifications mentioned in section 6; or

(b) in the opinion of the Central Government, has failed or is unable to carry out his duties so as to render his removal necessary; or

(c) without excuse sufficient in the opinion of the Central Government, is absent without the leave of the Authority from more than four consecutive meetings of the Authority.

**8. Resignation of office by the Chairman or an elected or nominated member.**—The Chairman or an elected or nominated member of the Authority may resign his office by giving notice in writing to the Central Government and shall, on such resignation being accepted by that Government, be deemed to have vacated his office.

**9. Temporary absence of any member.**—If any member of the Authority is by infirmity or otherwise rendered temporarily 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.

**10. Vacancies amongst members or defect in the constitution not to invalidate acts or proceedings of the Authority.**—No act or proceeding of the Authority shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

**11. Temporary association of persons with the Authority for particular purposes.**—(1) The Authority may, with the previous approval of the Central Government, associate with itself in such manner and for such purposes as may be determined by regulations made under this Act any persons whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person associated with it by the Authority under sub-section (1) for any purpose shall have a right to take part in the discussions of the Authority relevant to that purpose, but shall not have a right to vote at a meeting of the Authority, and shall not be a member for any other purpose.

**12. Meetings of the Authority.**—(1) The Authority shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings as may be provided by regulations made under this Act.

(2) The Chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Authority.

(3) All questions at a meeting of the Authority shall be decided by a majority of votes of the members present, and in the case of an equality of votes, the Chairman or, in his absence, any other person presiding shall have a second or casting vote.

**13. Authentication of orders and other instruments of the Authority.**—All orders and decisions of the Authority shall be authenticated by the signature of the Chairman or any other member authorised by the Authority in this behalf, and all other instruments issued by the Authority shall be authenticated by the signature of the Secretary or any other officer of the Authority authorised in this manner in this behalf.

14. Allowances or fees for attendance at meetings or for performance of other duties.—Every member referred to in clauses (a), (b) and (c) of sub-section (1) of section 4 or other person associated with the Authority under section 11 shall be entitled to receive such allowances or fees as may be prescribed for attendance at meetings of the Authority or for performance of any duty assigned to him by the Authority for the purposes of this Act.

15. Officers and servants of the Authority.—(1) There shall be a General Manager and a Chief Accounts Officer of the Authority who shall be appointed by the Central Government.

(2) The Authority may appoint such other officers and servants as it considers necessary for the efficient performance of its functions.

(3) The conditions of appointment and service and the scales of pay of the officers and servants of the Authority shall—

(a) as respects the General Manager and the Chief Accounts Officer be such as may be prescribed, and

(b) as respects the other officers and servants be such as may, subject to the provisions of section 39, be determined by regulations made under this Act.

16. Functions and duties of the General Manager and the Chief Accounts Officer.—(1) The General Manager shall be the Chief Executive Officer of the Authority and all other officers and servants of the Authority shall be subordinate to him.

(2) The General Manager shall also be the *ex-officio* Secretary of the Authority and shall have the right of being present at any meeting of the Authority and of taking part in the discussions thereat, but he shall not vote upon any proposition or make any motion at such meeting.

(3) The Chief Accounts Officer shall have the right to record his views on every proposal involving expenditure from the fund of the Authority prior to the consideration of such proposal by the Authority.

(4) The other functions and duties of the General Manager and the Chief Accounts Officer shall be such as may be prescribed.

17. General disqualification of all officers and servants.—No person who has directly or indirectly, by himself or his partner or agent, any share or interest in any contract, by or on behalf of the Authority, or in any other road transport undertaking, shall become or remain an officer or servant of the Authority.

18. Appointment of Advisory Council.—There shall be constituted by the Central Government an Advisory Council consisting of not more than fifteen members to advise the Authority, and the functions of, the procedure to be followed by, the number and term of office of, and the manner of filling casual vacancies among, members of the Advisory Council shall be such as may be prescribed.

### CHAPTER III

#### *[Union territory of Delhi]* Powers and duties of the Authority

19. General duty of the Authority.—It shall be the general duty of the Authority so to exercise its powers under this Act as progressively to provide, or secure or promote the provision of, an efficient, adequate, economical and properly co-ordinated system of road transport services for passengers and goods in the ~~State of Delhi~~ and in any extended area:

Provided that nothing in this section shall be construed as imposing on the Authority either directly or indirectly, any form of duty or liability enforceable

*4 Subs. by the A.O. (no: 3), 1956.*



by proceedings before any court or tribunal to which it would not otherwise be subject.

**20. Powers of the Authority.**—(1) Subject to the provisions of this Act, the Authority shall have power—

(a) to operate road transport services in the ~~State of Delhi~~ <sup>Union Territory of Delhi</sup> and in any extended area;

(b) to provide for any ancillary service;

(c) to provide for its employees suitable conditions of service including the establishment of Provident Fund, living accommodation, places for rest and recreation and other amenities.

(2) Subject to the provisions of this Act, the powers conferred by sub-section (1) shall include power—

(a) to manufacture, purchase, maintain and repair rolling stock, vehicles, appliances, plant, equipment or any other thing required for the purpose of any of the activities of the Authority referred to in sub-section (1).

*Explanation.*—In this clause, the expression “manufacture” does not include the construction of the complete unit of a motor vehicle except for purposes of experiment or research;

(b) to acquire and hold such property, both movable and immovable, as the Authority may deem necessary for the purpose of any of the said activities, and to lease, sell or otherwise transfer any property held by it;

(c) to prepare schemes for the acquisition of, and to acquire, either compulsorily in accordance with such procedure as may be prescribed or by agreement, whether absolutely or for any period, the whole or any part of any undertaking of any other person to the extent to which the activities thereof consist of the operation of road transport services or ancillary services in the ~~State of Delhi~~ or in any extended area; <sup>Union Territory of Delhi</sup>

(d) to purchase by agreement or to take on lease any land and to erect thereon such buildings as may be necessary for the purpose of carrying on its undertaking;

(e) to authorise the disposal of scrap vehicles, old tyres, used oils, or any other stores of scrap value;

(f) to enter into and perform all such contracts as may be necessary for the performance of its duties and the exercise of its powers under this Act;

(g) to determine, with the previous approval of the Central Government and, in the case of a 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, the fares and freights for the carriage of passengers and goods in any road transport service operated by the Authority;

(h) to dispose of, without the previous sanction of the Central Government, during any year any assets of which the total valuation, determined in the prescribed manner, is less than fifty thousand rupees if the disposal of such assets is, after consultation with the Chief Accounts Officer of the Authority, considered necessary by the Authority in the interests of any of its activities referred to in sub-section (1);

(i) to purchase vehicles of such type as may be suitable for use in the road transport services operated by the Authority;

↳ Subs. by the A.O. (no. 3), 1956.

(j) 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 undertaking for use thereof by the Authority for the purposes of its undertaking;

(k) to do anything for the purpose of advancing the skill of persons employed by the Authority or the efficiency of the equipment of the Authority or of the manner in which that equipment is operated, including the provision by the Authority, and the assistance by the Authority to others for the provision, of facilities for training, education and research;

(l) 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 Authority by that other person at a through fare or freight;

(m) with the prior approval of the Central Government, to do all other things to facilitate the proper carrying on of the business of the Authority.

(3) Nothing in this section shall be construed as authorising the Authority, except with the previous permission of the Central Government,—

(i) to manufacture or maintain anything which is not required directly or indirectly for use for the purpose of the undertaking of the Authority or to repair, store or provide any service for, any vehicle which does not belong to the Authority or is not used directly or indirectly for the purpose of its undertaking;

(ii) 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;

(iii) to let vehicles on hire for the carriage of passengers or goods save as expressly provided by or under this Act.

(4) Except as otherwise provided by this Act, nothing in the foregoing provisions of this section shall be construed as authorising the disregard by the Authority of any law for the time being in force.

(5) The provisions of this section shall not be construed as limiting any power of the Authority conferred by or under any subsequent provision of this Act.

21. Delegation of powers and duties to the General Manager.—The Authority may, by general or special order in writing, delegate to the General Manager, subject to such conditions and limitations (if any) as may be specified in the order, such of its powers and duties under this Act as it may deem necessary for the efficient running of day-to-day administration of its undertaking.

22. Preparation of schemes.—With a view to nationalising or developing road transport services on any route or in any area within the <sup>↓ [Union territory of Delhi]</sup> ~~State of Delhi~~, the Authority may from time to time prepare 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, and the setting up of office and workshops;

↓ Subs. by the A.O. (no. 3), 1956.

(d) the purchase or acquisition of sites and lands suitable for any of the purposes specified in clause (c);

(e) the purchase of equipment, tools and spare parts for, and accessories to, vehicles;

(f) the recruitment of additional supervisory, operational and workshop staff necessary for the operation of the scheme; and

(g) such supplemental, incidental and consequential provisions as may appear to be necessary or expedient for any of the purposes aforesaid.

**23. Sanction of schemes.**—(1) The Authority shall, after a scheme has been prepared under section 22, obtain the advice of the Advisory Council thereon.

(2) The Authority may, after considering the advice so obtained and making such modifications in the scheme as it may deem necessary, sanction the scheme:

Provided that no sanction shall be accorded by the Authority to any scheme estimated to result in a capital expenditure exceeding fifty thousand rupees without the previous approval of the Central Government.

**24. Extension of the operation of the road transport service of the Authority to areas within another State.**—(1) If the Authority considers it to be expedient in the public interest to extend the operation of any of its road transport services to any route or area situated within another State, it may with the permission of the Central Government negotiate with the Government of that State regarding the proposed extension.

(2) If the Government of the other State approves the proposed extension, the Authority shall, after consulting the Advisory Council, prepare a scheme for the purpose and forward the same to that Government for its consent, and after such consent has been received, the Authority may, with the previous approval of the Central Government, sanction the scheme.

(3) After the scheme has been so sanctioned it shall be competent for the Authority to extend the operation of its road transport service to such route or area and when the operation of such service is so extended the Authority shall operate the service on that route or in that area subject to the provisions of any law in force in the State within which such route or area is situated.

**25. Power to alter or extend schemes.**—The Authority 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.

**26. Issue of passes.**—Subject to any regulations made under this Act, the Authority may authorise the issue of passes to its employees and other persons either free of cost or at concessional rates and on such conditions as it may deem fit to impose.

**27. Refund in respect of unused tickets and concessional passes.**—The Authority may, subject to any regulations made under this Act, authorise the grant of refund in respect of unused tickets and concessional passes.

**28. Disposal of unclaimed articles and property.**—(1) When any articles or goods have come into the possession of the Authority for carriage or otherwise and are not claimed by the owner or any other person appearing to the Authority to be entitled thereto, the Authority shall, if such owner or other person is known, cause a notice to be served upon him requiring him to remove the articles or goods within seven days of the service of such notice.

(2) If such owner or other person is not known or the notice cannot be served upon him or he does not comply with the requisition in the notice, the Authority may, after the expiration of such period as may be specified by regulations made under this Act, sell the articles or goods by public auction and shall, after deducting from the sale-proceeds expenses for holding the sale or any amount which may be due to the Authority, credit the surplus sale-proceeds, if any, to the fund of the Authority; and the sale-proceeds so credited may be paid on demand to any person who establishes his right thereto in a court of competent jurisdiction or within one year of such sale to the satisfaction of the Authority.

## CHAPTER IV

### *Finance, Accounts and Audit*

**29. General principles for Authority's finance.**—In carrying on its undertaking under this Act, the Authority shall act as far as possible on business principles.

**30. Authority to assume obligations of the Central Government in respect of matters to which this Act applies.**—All obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Central Government for any of the purposes of this Act before the establishment of the Authority, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Authority; and all suits or other legal proceedings instituted or which might but for the issue of the notification under sub-section (1) of section 3 have been instituted by or against the Central Government, may be continued or instituted by or against the Authority.

**31. Capital of the Authority.**—(1) All non-recurring expenditure incurred by the Central Government for and in connection with the Delhi Transport Service up to the date of establishment of the Authority and declared to be capital expenditure by that Government shall be treated as the capital provided by the Central Government to the Authority.

(2) The Central Government may provide any further capital that may be required by the Authority for the carrying on of the undertaking of the Authority or for purposes connected therewith on such terms and conditions, not inconsistent with the provisions of this Act, as the Central Government may determine.

(3) The Central Government may empower the Authority to borrow by issue of bonds or stocks or otherwise and to make necessary arrangements with banks for meeting its obligations and discharging its functions under this Act.

**32. Vesting of property in the Authority.**—All property, assets and funds owned or acquired by the Central Government for the purposes of the Delhi Transport Service before the establishment of the Authority shall on such establishment vest in the Authority.

**33. Fund of the Authority.**—(1) The Authority shall have its own fund and all receipts of the Authority shall be carried thereto and all payments by the Authority shall be made therefrom.

(2) Except as otherwise directed by the Central Government, all moneys belonging to that fund shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such securities as may be approved by the Central Government.

**34. Payment of interest.**—The Authority shall pay interest on the amount of capital provided by the Central Government under section 31 at such rate as may from time to time be fixed by the Central Government and such interest shall be deemed to be part of the expenditure of the Authority.

**35. Provision for depreciation and reserve and other funds.**—(1) The Authority shall make such provisions for depreciation and for reserve and other funds as the Central Government may from time to time direct.

(2) The management of these funds, the sums to be carried from time to time to the credit thereof and the application of the moneys comprised therein shall be determined in accordance with such directions as the Central Government may from time to time issue.

**36. Powers of the Authority to spend.**—The Authority shall have power to spend such sums as it thinks fit on objects authorised under this Act and such sums shall be treated as expenditure payable out of the fund of the Authority.

**37. Budget.**—(1) The Authority, in consultation with its Chief Accounts Officer, shall by the 31st day of October in each year prepare and submit to the Central Government for approval a budget for the next financial year showing the estimated receipts and expenditure during that financial year in such form as may be prescribed.

(2) Subject to the provisions of sub-section (3), no sum shall be expended by or on behalf of the Authority unless the expenditure of the same is covered by a current budget grant approved by the Central Government.

(3) The Authority may, with the previous approval of the Central Government,—

(a) sanction any re-appropriation within the grant from one head of the expenditure to another or from a provision made for one scheme to that in respect of another, subject to the condition that the aggregate budget grant is not exceeded;

(b) incur expenditure in excess of the limit provided in the budget approved by the Central Government under any head of expenditure or in connection with any particular scheme.

**38. Accounts and audit.**—(1) The Authority shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such times and in such manner as may be prescribed.

(3) As soon as the accounts of the Authority have been audited, the Authority shall send a copy thereof together with a copy of the report of the auditor thereon to the Central Government, and on receipt thereof the Central Government shall cause the audited accounts together with such report to be laid before Parliament.

## CHAPTER V

### Miscellaneous

**39. Directions by the Central Government.**—(1) The Central Government may, after consultation with the Authority, give to the Authority general instructions to be followed by the Authority, and such instructions may include

directions relating to the conditions of service and training of its employees, wages to be paid to its workers, reserves to be maintained by it and disposal of its profits or stocks.

(2) In the exercise of its powers and the performance of its duties under this Act, the Authority shall not depart from any general instructions issued under sub-section (1).

**40. Returns and reports.**—(1) The Authority shall furnish to the Central Government such returns, statistics, accounts and other information with respect to its property or activities or in regard to any proposed scheme as the Central Government may from time to time require.

(2) Without prejudice to the provisions of sub-section (1), the Authority shall, as soon as possible after the end of each financial year, submit to the Central Government a report on the activities of the Authority under this Act during that year and on its policy and programme, and the Central Government shall cause a copy of every such report to be laid before Parliament as soon as may be after it is received.

**41. Power to order inquiries.**—(1) The Central Government, with a view to satisfy itself that the powers and duties of the Authority under this Act are being exercised and performed properly, may at any time institute inquiries into all or any of the activities of the Authority.

(2) The Authority shall give all facilities for the proper conduct of such inquiries and shall produce before, or furnish to, the person or persons making such inquiries any document, account or information in the possession of the Authority which such person or persons may demand for the purposes of the inquiries.

**42. Power to control a part of the undertaking of the Authority.**—(1) If, on receipt of the report of any inquiry held under section 41 or otherwise, the Central Government is satisfied that it is necessary so to do in the public interest, the Central Government may, by notification in the Official Gazette, authorise any person to take over from the Authority, and, so long as that notification is in force, to administer in accordance with such directions as may be issued from time to time by that Government such part of the undertaking of the Authority as may be specified in the notification, and any person so authorised may, for the purpose of administering the said part of the undertaking, exercise all or any of the powers of the Authority or of any officer of the Authority, issue such directions as he thinks fit to the officers or servants of the Authority and employ any outside agency.

(2) The Central Government may by such notification direct that all charges and expenses incurred by the person so authorised together with such remuneration as the Central Government may allow from time to time to such person shall be paid within such time as may be fixed by the Central Government from the fund of the Authority, and if the expenses are not so paid, the Central Government may make an order directing the person having the custody of that fund to pay to the person so authorised such expenses in priority to any other charges against such fund and he shall, so far as the funds to the credit of the Authority admit, comply with the order of the Central Government.

**43. Power to supersede the Authority.**—(1) If the Central Government is of opinion that the Authority is unable to perform, or has persistently made default in the performance of, the duties imposed on it by or under this Act or has exceeded or abused its powers, the Central Government may, by notification in the Official Gazette, supersede the Authority for such period as may be specified in the notification:

Provided that before issuing a notification under this sub-section the Central Government shall give a reasonable time to the Authority to show cause why

it should not be superseded and shall consider the explanations and objections, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) all the members of the Authority shall, as from the date of supersession, vacate their offices as such members;

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Authority shall, during the period of supersession, be exercised and performed by such person or persons as the Central Government may direct; and

(c) all property vested in the Authority shall, during the period of supersession, vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further term as it may consider necessary; or

(b) reconstitute the Authority in the manner provided in section 4.

**44. Laying of report before Parliament of action taken under section 42 or section 43.**—The Central Government shall cause a full report of any action taken under section 42 or section 43 and the circumstances leading to such action to be laid before Parliament at the earliest possible opportunity.

**45. Compulsory acquisition of land for the Authority.**—Any land required by the Authority for carrying out any of the purposes of this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the authority as if the provisions of Part VII of the Land Acquisition Act, 1894 (I of 1894) were applicable to it and the Authority were a company within the meaning of clause (e) of section 3 of the said Act.

**46. Compensation for acquisition of road transport undertakings.**—Whenever the Authority acquires under this Act the whole or any part of any undertaking, there shall be paid by the Authority compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say,—

(a) where the amount of compensation is fixed by agreement and is approved by the Central Government, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached or the amount agreed is not approved by the Central Government, the amount shall, subject to rules made under this Act, be determined by an arbitral tribunal consisting of one nominee of the Authority, one nominee of the person to be compensated and a Chairman to be nominated by the Chief Justice of the High Court exercising jurisdiction in relation to the ~~State of Delhi~~ *Union Territory of Delhi*;

(c) an appeal shall lie to the district judge against the decision of the tribunal and the order of the district judge on such appeal shall be final.

**47. Application of the provisions of the Motor Vehicles Act, 1939, or any rules made thereunder, to vehicles and employees of the Authority.**—The Motor Vehicles Act, 1939 (in this section referred to as the said Act) shall have effect subject to the following provisions, namely:—

(a) The Central Government may, by notification in the Official Gazette, authorise, subject to such terms and conditions, if any, as it

↓ Subs. by the A.D. (no. 3) 1956.

may think 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 any Licensing Authority, any Registering Authority, any Motor Vehicles Inspector, any Traffic Inspector, any Regional Transport Authority or the State Transport Authority under the said Act or under any rules made thereunder in relation to the motor vehicles of the Authority 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 State carriage, contract carriage or public carriers' permit which has been granted or countersigned under Chapter IV of the said Act by any Regional Transport Authority in the ~~State of Delhi~~ or by the State Transport Authority, Delhi, and is valid within the whole or any part of ~~that state~~, and any order so passed shall be final.

*2 [Union territory of Delhi]*

*2 [that territory]*

(c) If the Central Government, by order in writing, so directs, any Regional Transport Authority within the ~~State 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 Authority or its employees from the provisions of the said Act or of any rules made thereunder relating to the carrying of certificates of registration and fitness and from all or any of the provisions of Chapter IV of the said Act.

(e) The Central Government may, by notification in the Official Gazette, exempt the motor vehicles of the Authority from the operation of the provisions of Chapter VIII of the said Act.

**48. Provision as to third party risk.**—No notification shall be issued under clause (e) of section 47 unless a fund has been established and is maintained by the Authority in accordance with the rules made in that behalf by the Central Government under this Act for meeting any liability arising out of the use of any vehicle of the Authority which the Authority or any person in the employment of the Authority may incur to third parties.

**49. Power of the Central Government to exempt vehicles of the Authority from the payment of certain charges.**—The Central Government may, by order in writing, exempt all or any of the vehicles of the Authority from the payment of any tolls or other charges leviable under any enactment for the use of the road within the ~~State of Delhi~~ *[Union territory of Delhi]*

**50. Power of entry.**—Whenever it is necessary for the Authority to carry out any of its works or to make any survey, examination or investigation, preliminary or incidental to the exercise of powers or the performance of duties by the Authority under this Act, any officer or servant of the Authority generally or specially empowered by the Authority may, with the previous permission of the district magistrate, enter upon any land or premises between sunrise and sunset, after giving reasonable notice of the intention to make such entry to the owner or occupier of such land or premises, and at any other time, with the consent in writing of the owner or occupier of such land or premises, for the purpose of the carrying out of such works or the making of such survey, examination or investigation.

*1/2 No. 51-TAG (12) / 50 dc 9.4.53.*  
*2/2 Subs. by the A.O. (no. 3), 1956.*



**51. Members, officers and servants of the Authority to be public servants.**—All members of the Authority, and all officers and servants of the Authority, whether appointed by the Central Government or the Authority, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

**52. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

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

- (a) the allowances or fees to be paid to any member or associate member of the Authority under section 14;
- (b) the conditions of appointment and service and the scales of pay of the General Manager and the Chief Accounts Officer of the Authority;
- (c) the functions and duties of the General Manager and the Chief Accounts Officer other than those specified in this Act;
- (d) the functions of, the procedure to be followed by the number and term of office of, and the manner of filling casual vacancies among, members of the Advisory Council;
- (e) the procedure for the compulsory acquisition by the Authority of the whole or any part of any undertaking;
- (f) the manner in which the total valuation of assets referred to in clause (h) of sub-section (2) of section 20 shall be determined;
- (g) the form in which the budget shall be prepared and submitted under sub-section (1) of section 37;
- (h) the forms and the manner in which the accounts of the Authority shall be maintained;
- (i) the time at which and the manner in which the accounts of the Authority shall be audited;
- (j) the form in which any return, statistics or report shall be furnished or submitted under section 40;
- (k) the procedure to be followed in determination of compensation by an arbitral tribunal under section 46;
- (l) the establishment and maintenance of a fund for meeting any liability referred to in section 48;
- (m) the service of notices and orders under this Act.

(3) All rules made under this section shall be laid for not less than fourteen days before 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.

**53. Power to make regulations.**—(1) The Authority may, with the previous sanction of the Central Government, make regulations not inconsistent with this Act and the rules made thereunder for the administration of the affairs of the Authority and for carrying out its functions under this Act.

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

- (a) the manner in which and the purposes for which persons may be associated with the Authority under section 11;
- (b) the time and place of meetings of the Authority and the procedure to be followed in regard to transaction of business at such meetings;

(c) the conditions of appointment and service and the scales of pay of officers and servants of the Authority other than the General Manager and the Chief Accounts Officer;

(d) the issue of passes to the employees of the Authority and other persons under section 26;

(e) the grant of refund in respect of unused tickets and concessional passes under section 27;

(f) the period after the expiration of which unclaimed articles or goods may be sold by public auction under sub-section (2) of section 28;

(g) the regulation of the carriage of passengers and goods in the road transport services of the Authority.

(3) All regulations made under this section shall, as soon as possible, be published in the Gazette of India.

**54. Penalty for breach of any regulation made by the Authority under section 53.**—The Central Government may by rule provide that the breach of any regulation made by the Authority under section 53 shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and when the breach is a continuing one, with a further fine not exceeding twenty rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

*Repealed by Act 36 of 1957.*

**THE CRIMINAL LAW AMENDMENT ACT, 1950**

**No. XIV OF 1950**



सत्यमेव जयते

An Act further to amend the Criminal Law Amendment Ordinance, 1944.

[9th March, 1950]

**B**E it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Criminal Law Amendment Act, 1950.
2. **Insertion of new section 9A in Ordinance XXXVIII of 1944.**—After section 9 of the Criminal Law Amendment Ordinance, 1944, the following section shall be inserted, namely:—

“9A. *Administration of attached property where Court ordering attachment has ceased to exercise jurisdiction in India.*—Where any property has been attached under this Ordinance by order of a district judge made before the 15th day of August, 1947, and such district judge has after that date ceased to exercise jurisdiction in the territories to which this Ordinance extends, that order of attachment shall be deemed to be an order made by the district judge within the local limits of whose jurisdiction the court taking cognizance of the scheduled offence is situate, and all functions of the district judge under this Ordinance in regard to the attached property shall be exercised by that district judge.”

3. **Repeal of Ordinance III of 1950.**—(1) The Criminal Law Amendment Ordinance, 1950 (III of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

Price anna 1 or 1½d.

GIPD—S1—1384 M of Law—5-10-50—3,500

THE JUDICIAL COMMISSIONERS' COURTS  
(DECLARATION AS HIGH COURTS ACT, 1950

No. XV OF 1950



An Act to declare the Judicial Commissioners' Courts in Part C States to be High Courts for certain purposes of the Constitution.

[10th March, 1950]

**B**E it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

2. **Definition.**—In this Act, "article" means an article of the Constitution.

3. **Declaration of certain courts as High Courts for certain purposes.**—Every court in a Part C State known, at the commencement of this Act, as the Court of the Judicial Commissioner for that State (hereinafter referred to as a Judicial Commissioner's Court), is hereby declared to be a High Court for the purposes of articles 132, 133 and 134.

4. **Appeals to the Supreme Court not to be barred on ground of judgment, etc., being of a single Judge.**—An appeal shall lie to the Supreme Court under the provisions of article 133 from any judgment, decree or final order of a Judicial Commissioner's Court notwithstanding that such judgment, decree or final order is that of a single Judge.

5. **Appeals to lie to the Supreme Court from judgment, decree, etc., whether passed or made before or after the commencement of the Act.**—Subject to any rules made under article 145 or any other law as to the time within which appeals to the Supreme Court are to be entered, an appeal shall lie to that Court from a judgment, decree or final order of a Judicial Commissioner's Court, under the provisions of article 132 or article 133, or from a judgment, final order or sentence of such Court under the provisions of article 134 whether such judgment, decree, final order or sentence, as the case may be, was passed or made before or after the commencement of this Act.

6. **Exceptions and modifications subject to which the provisions of Chapter V of Part VI of the Constitution apply to the Judicial Commissioners, Courts.**—The provisions of Chapter V of Part VI of the Constitution shall in their application to a Judicial Commissioner's Court have effect subject to the following exceptions and modifications, namely:—

(a) the provisions of articles 216, 217, 218, 220, 221, 222, 223, 224, 230, 231 and 232 shall not apply;

(b) references in article 219, in the proviso to clause (3) of article 227 and in article 229 to the Governor shall be construed as references to the Chief Commissioner of the State in relation to which that Court exercises jurisdiction,

Price anna 1 or 1½d.

*Repealed by Act 36 of 1957.*

**THE PREVENTION OF CORRUPTION (AMENDMENT)**  
**ACT, 1950**

**No. XVI OF 1950**



**An Act to amend the Prevention of Corruption Act, 1947**

**[10th March, 1950]**

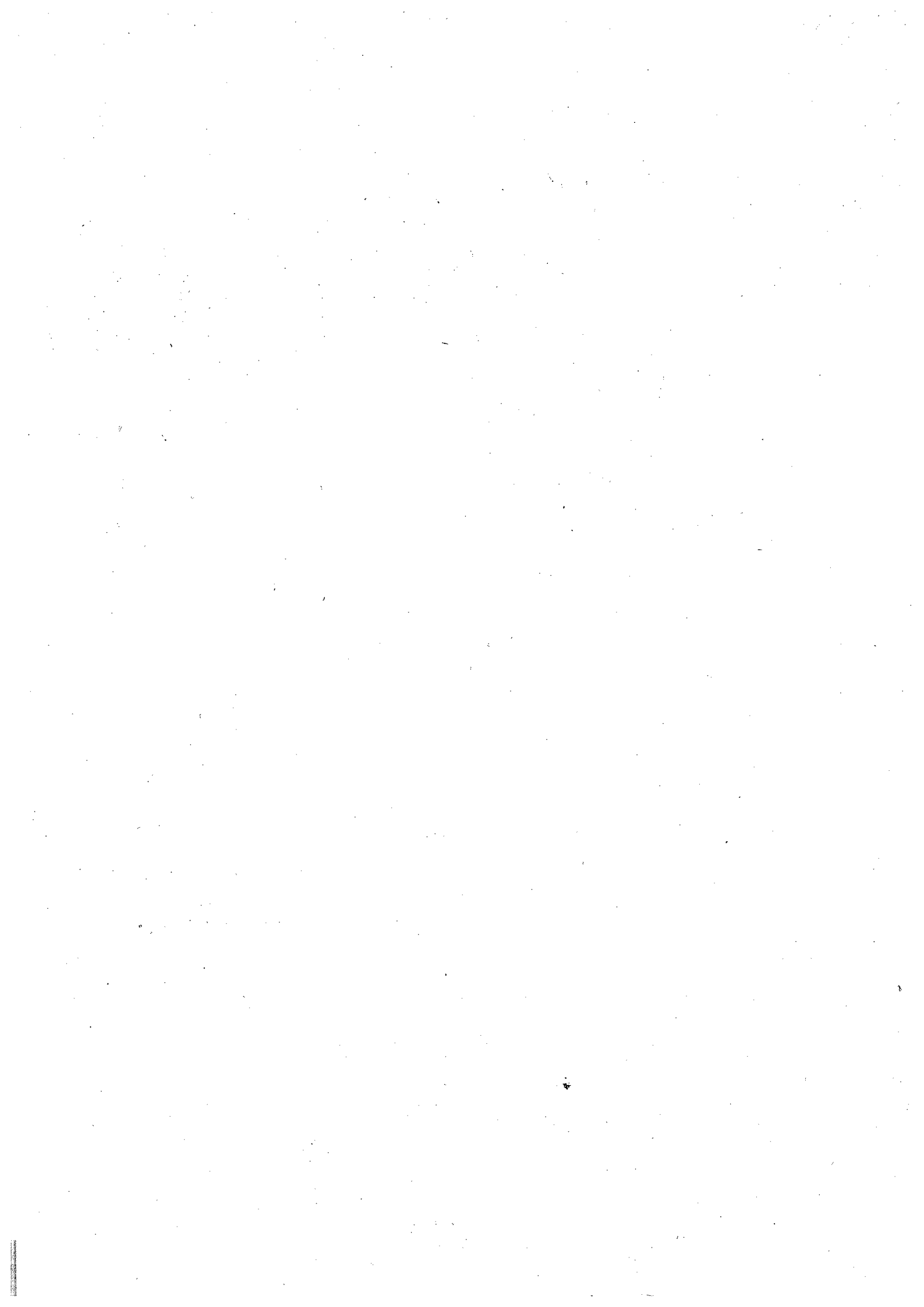
**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Prevention of Corruption (Amendment) Act, 1950.

**2. Amendment of section 1, Act II of 1947.**—In sub-section (3) of section 1 of the Prevention of Corruption Act, 1947, for the words “three years” the words “five years” shall be substituted.

*Price anna 1 or 1½.*

GIPD—SI—1407 M of Law—5-10-50—3,500



Repealed by Act 36 of 1955  
(from 1-3-1956)

THE DURGAH KHAWAJA SAHEB (EMERGENCY  
PROVISIONS) ACT, 1950  
No. XVII OF 1950



An Act to provide for the appointment of an interim administrator for the Durgah Khawaja Saheb, Ajmer, pending inquiry into its affairs and for certain ancillary matters.

[10th March, 1950]

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Durgah Khawaja Saheb (Emergency Provisions) Act, 1950.

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

(a) "the Act" means the Durgah Khawaja Saheb Act, 1936 (XXIII of 1936);

(b) "Chief Commissioner" means the Chief Commissioner, Ajmer;

(c) all words and expressions used herein and defined in the Act, but not hereinbefore defined, shall have the meanings respectively assigned to them in the Act.

3. **Appointment of Administrator and consequences thereof.**—Notwithstanding anything contained in the Act, the Central Government may, by notification in the Official Gazette, vest the administration and control of the Durgah Endowment, which are by sub-section (1) of section 4 of the Act vested in the Committee, in any person (hereinafter referred to as the Administrator), and upon such notification being issued,—

(a) the Administrator shall take the place of, and shall supersede, the Committee constituted under the Act;

(b) the Committee shall cease to have or exercise any powers of administration, control or management in respect of the Durgah Endowment under the Act;

(c) the members of all standing and special committees appointed by the Committee under the Act shall be deemed to have vacated their offices as such;

(d) the Sajjadanashin shall cease to have or exercise any rights over the lands comprised in the jagirdari villages of Hokran and Kishnpoor in Ajmer, whether on behalf of the Durgah Endowment or otherwise, and the administration, control or management of the said lands shall vest in the Administrator, the Sajjadanashin being paid the net income from the said lands after payment of all expenses and charges in respect thereof.

4. **Power to appoint Mutawalli and Advisory Committee.**—For the purpose of enabling him effectively to exercise his powers of administration, control or management of the Durgah Endowment, the Administrator may—

(a) appoint a Mutawalli and prescribe his powers and functions;

Price anna 1 or 1½.

(b) determine the remuneration payable to any Mutawalli appointed under this section;

(c) appoint any Advisory Committee, consisting of such number of Muslims as the Administrator may think fit, and prescribe its powers and functions.

**5. Procedure for decision of disputes in certain cases.**—(1) Notwithstanding anything contained in section 16 of the Act, where in the course of administration, control or management of the Durgah Endowment, a dispute arises between the Administrator on the one part and the Sajjadanashin, the Mutawalli, any Khadim and any person claiming to be the servant of the Durgah under some hereditary right, or any one or more of them, on the other part, and such dispute does not relate to any religious usage or custom or to the performance of any religious office, the dispute shall be referred to the Chief Commissioner for decision.

(2) If any question arises whether a dispute is a dispute relating to any religious usage or custom or to the performance of any religious office, the question shall be decided by the Chief Commissioner.

(3) Any decision of the Chief Commissioner under this section shall be final and shall not be called in question in any court, and no suit or other proceeding shall lie in any court for the adjudication of any matter which is required by this section to be decided by the Chief Commissioner.

(4) Any suit or other proceeding pending in any court at the commencement of this Act, which relates to any dispute required under the provisions of this section to be referred to the Chief Commissioner for decision shall on such commencement be deemed to have abated.

**6. Power of Administrator to solicit or receive offering on behalf of the Durgah.**—Notwithstanding any injunction issued by any court or anything contained in any law for the time being in force, it shall be lawful, and shall be deemed always to have been lawful, for the Administrator or any person appointed by him in this behalf to solicit or receive on behalf of the Durgah any *nazars* or offerings from any person, and all such *nazars* or offerings shall be deemed to be part of the Durgah Endowment for the purposes of the Act.

**7. Exercise of powers, etc., by the Administrator.**—Subject to the control of the Central Government, the Administrator shall exercise all the powers and discharge all the duties of the Committee under the Act in conformity with the provisions contained therein, in so far as such provisions are not inconsistent with anything contained in this Act.

**8. Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Administrator or any person acting under his direction in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

**9. Repeal and saving.**—(1) The Durgah Khawaja Saheb (Emergency Provisions) Ordinance, 1949 (XXIV of 1949), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued, appointment or order made or decision given) 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 this Act, as if this Act were in force on the day on which such thing was done or action was taken.



THE SPECIAL CRIMINAL COURTS (JURISDICTION)  
ACT, 1950

No. XVIII OF 1950

*See Indian Code Vol. III*



An Act to confer upon special criminal courts, constituted by or under certain State laws, jurisdiction to try offences against laws with respect to any of the matters enumerated in the Union List.

[10th March, 1950]

BE it enacted by Parliament as follows:—

1. **Short title and extent.**—(1) This Act may be called the Special Criminal Courts (Jurisdiction) Act, 1950.

(2) It extends to the whole of India except Part B States.

2. **Definition.**—In this Act, "special criminal court" means any special court of criminal jurisdiction constituted by or under any law included in the schedule.

3. **Jurisdiction of special criminal courts to try offences with respect to matters in the Union List.**—Notwithstanding anything contained in any law or the time being in force, it shall be lawful for any special criminal court to try offences against laws with respect to any of the matters enumerated in List I in the Seventh Schedule to the Constitution, if such court is otherwise competent to try such offence under the law constituting it.

4. **Power to add to Schedule.**—The Central Government may, by notification in the Official Gazette, add to the Schedule any other State law providing for the trial of offences by special criminal courts, and any such addition shall take effect as if such law had been included in the Schedule by this Act.

5. **Repeal of Ordinance VII of 1950.**—(1) The Special Criminal Courts (Jurisdiction) Ordinance, 1950 (VII of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

THE SCHEDULE

(See section 2)

Year	No.	Short title
1947	VI	The Bombay Public Security Measures Act, 1947.
	LXII	The Central Provinces and Berar Public Safety Act, 1948.
1949	III	The West Bengal Special Courts Ordinance, 1949.

Price anna 1 or 1½d.

PND—SI—1405 M of Law—5-10-50—3,500

*1 Added by S.R.O. 12, A 18.4.50, G.O. I, 1950, Pt II, Sec 3, p-49.*

*2 Added by S.R.O. 29, A 29.4.50, G.O. I, 1950, Pt II, Sec 3, p-49.*

*3 Added by S.R.O. 116, A 6.6.50, G.O. I, 1950, Pt II, Sec 3, p-137.*



*See India Code Vol. V A*

THE PARLIAMENT (PREVENTION OF  
DISQUALIFICATION) ACT, 1950

No. XIX OF 1950



An Act to make provision in regard to certain offices of profit  
under article 102 of the Constitution

[11th March, 1950]

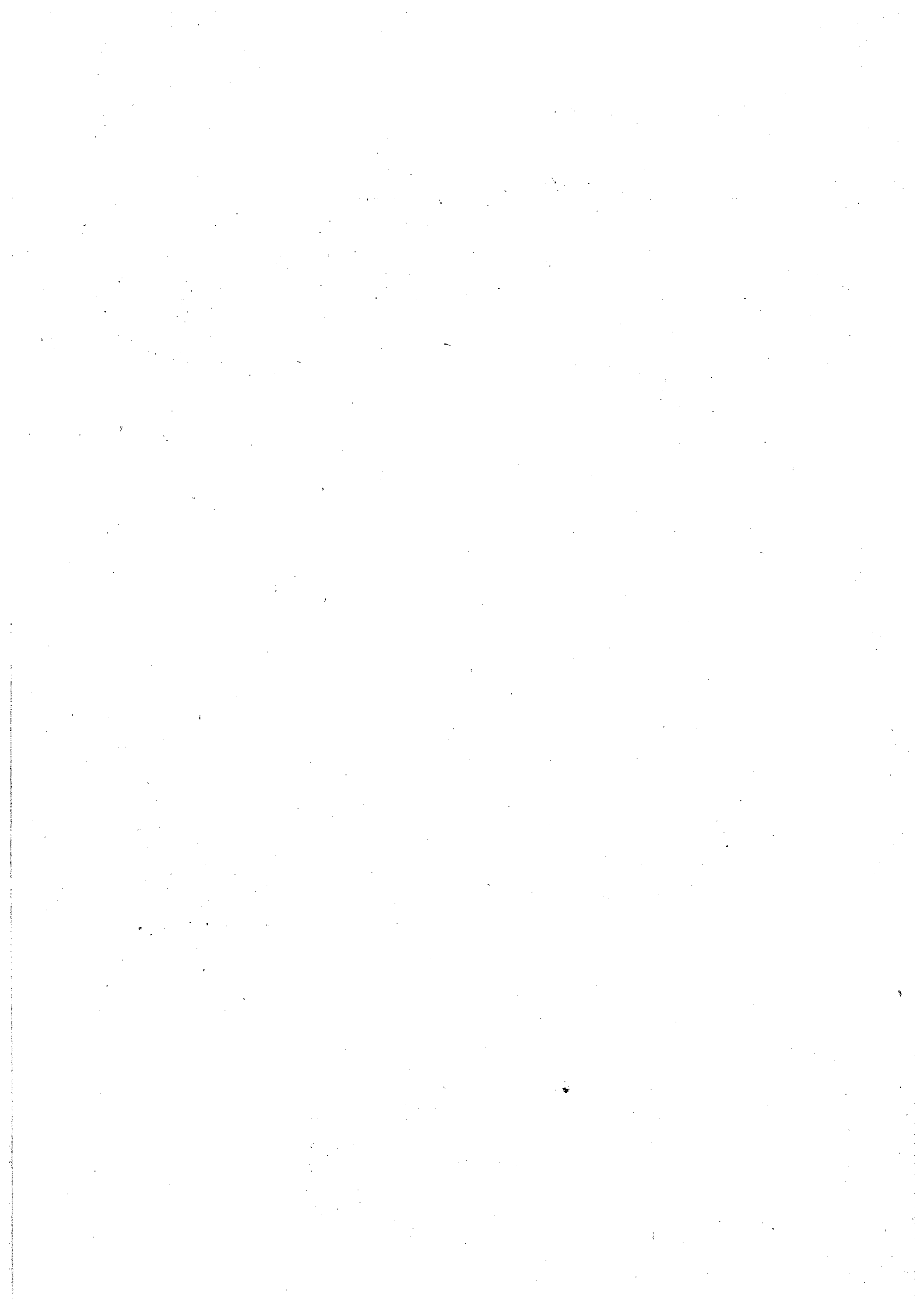
**B**E it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Parliament (Prevention of Disqualification) Act, 1950.

**2. Prevention of disqualification for membership of Parliament.**—A person shall not be disqualified for being chosen as, and for being, a member of Parliament by reason only of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State, namely, an office of & Minister of State or a Deputy Minister or a Parliamentary Secretary or a Parliamentary Under-Secretary.

*Price anna 1 or 1½.*

GIPD—SI—1404 M of Law—5-10-50—3,500



Repealed by Act 36 of 1957.

**THE BANKING COMPANIES (AMENDMENT) ACT, 1950**

**No. XIX OF 1950**



**An Act to amend the Banking Companies Act, 1949.**

[18th March, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Banking Companies (Amendment) Act, 1950.

**2. Amendment of section 1, Act X of 1949.**—In the Banking Companies Act, 1949 (hereinafter referred to as the said Act), for sub-section (2) of section 1, the following shall be substituted, namely:—

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

**3. Substitution of “outside India” for “elsewhere than in a State”, etc., in certain sections of Act X of 1949.**—In the said Act, wherever an expression mentioned in the first column of the Table hereunder printed occurs, unless that expression is expressly directed to be otherwise amended in this Act, there shall be substituted therefor the expression set opposite to it in the second column of that Table.

TABLE

1	2
in a State	} .....in India.
in any State	
in the States	
elsewhere than in a State	} .....outside India.
outside the States	

**4. Amendment of section 3, Act X of 1949.**—In section 3 of the said Act, for the word “State”, the words “part of India” shall be substituted.

**5. Amendment of section 5, Act X of 1949.**—In section 5 of the said Act, after clause (g) of sub-section (1), the following clause shall be inserted, namely:—

“(gg) ‘India’ means the States to which this Act extends;”.

**6. Amendment of section 23, Act X of 1949.**—In section 23 of the said Act, for the words “No banking company shall open a new place of business or change, otherwise than within the same city, town or village, the location of an existing place of business without obtaining the prior permission in writing of the Reserve Bank”, the following words shall be substituted, namely:—

“No banking company shall open a new place of business in any part of India or change, otherwise than within the same city, town or village,

Price anna 1 or 1½d.

the location of an existing place of business situated in any part of India, and no banking company incorporated in India shall open a new place of business outside India or change, otherwise than within the same city, town or village in any country or area outside India, the location of an existing place of business situated in that country or area without first obtaining the prior permission in writing of the Reserve Bank:”.

**7. Amendment of section 25, Act X of 1949.**—In section 25 of the said Act, for clause (a) of sub-section (3), the following clause shall be substituted, namely:—

“(a) “assets in India” shall be deemed to include export bills drawn in, and import bills drawn on and payable in, India and expressed in such currencies as the Reserve Bank may from time to time approve in this behalf and also such securities as the Reserve Bank may approve in this behalf, notwithstanding that all or any of the said bills or securities are held outside India;”.

**8. Insertion of new section 44A in Act X of 1949.**—After section 44 of the said Act, the following section shall be inserted, namely:—

“44A. *Procedure for amalgamation of banking companies.*—(1) Notwithstanding anything contained in any law for the time being in force, no banking company shall be amalgamated with another banking company, unless a scheme containing the terms of such amalgamation has been placed in draft before the shareholders of each of the banking companies concerned separately, and approved by a resolution passed by a majority in number representing two-thirds in value of the shareholders of each of the said companies, present either in person or by proxy at a meeting called for the purpose.

(2) Notice of every such meeting as is referred to in sub-section (1) shall be given to every shareholder of each of the banking companies concerned in accordance with the relevant articles of association, indicating the time, place and object of the meeting, and shall also be published at least once a week for three consecutive weeks in not less than two newspapers which circulate in the locality or localities where the registered offices of the banking companies concerned are situated, one of such newspapers being in a language commonly understood in the locality or localities.

(3) Any shareholder, who has voted against the scheme of amalgamation at the meeting or has given notice in writing at or prior to the meeting to the company concerned or to the presiding officer of the meeting that he dissents from the scheme of amalgamation, shall be entitled, in the event of the scheme being sanctioned by the Reserve Bank, to claim from the banking company concerned, in respect of the shares held by him in that company, their value as determined by the Reserve Bank when sanctioning the scheme and such determination by the Reserve Bank as to the value of the shares to be paid to the dissenting shareholder shall be final for all purposes.

(4) If the scheme of amalgamation is approved by the requisite majority of shareholders in accordance with the provisions of this section, it shall be submitted to the Reserve Bank for sanction and shall, if sanctioned by the Reserve Bank by an order in writing passed in this behalf, be binding on the banking companies concerned and also on all the shareholders thereof.

(5) Where a scheme of amalgamation is sanctioned by the Reserve Bank under the provisions of this section, the Reserve Bank shall transmit a copy of the order sanctioning the scheme to the registrar before whom the

banking companies concerned have been registered, and the registrar shall, on receipt of any such order, strike off the name of the company (hereinafter in this section referred to as the amalgamated banking company) which by reason of the amalgamation will cease to function.

(6) On the sanctioning of a scheme of amalgamation by the Reserve Bank, the property of the amalgamated banking company shall, by virtue of the order of sanction, be transferred to and vest in, and the liabilities of the said company shall, by virtue of the said order be transferred to, and become the liabilities of, the banking company which under the scheme of amalgamation is to acquire the business of the amalgamated banking company, subject in all cases to the terms of the order sanctioning the scheme."

9. Substitution of new section for section 45, Act X of 1949.—For section 45 of the said Act, the following section shall be substituted, namely:—

"45. *Restriction on compromise or arrangement between banking company and creditors.*—Notwithstanding anything contained in any law for the time being in force, no court shall sanction a compromise or arrangement between a banking company and its creditors or any class of them or between such company and its members or any class of them unless the compromise or arrangement is certified by the Reserve Bank as not being detrimental to the interests of the depositors of such company."

10. Insertion of new Part IIIA in Act X of 1949.—In the said Act, after Part III, the following shall be inserted as Part IIIA, namely:—

#### "PART IIIA

##### SPECIAL PROVISIONS FOR SPEEDY DISPOSAL OF WINDING UP PROCEEDINGS

45A. *Court defined.*—In this Part and in Part III, "Court" means the High Court exercising jurisdiction in the place where the registered office of the banking company which is being wound up is situated or, in the case of a banking company incorporated outside India which is being wound up, where its principal place of business is situated, and notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), or in any notification, order or direction issued thereunder or in any other law for the time being in force, no other court shall have jurisdiction to entertain any matter relating to or arising out of the winding up of a banking company.

45B. *Power of Court to decide all claims by or against banking companies.*—(1) Notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), or in any other law for the time being in force, the Court shall have full power to decide all claims made by or against any banking company (including claims by or against any of its branches in India) and all questions of priorities and all other questions whatsoever, whether of law or fact, which may relate to or arise in the course of the winding up of the banking company coming within the cognizance of the Court.

(2) There shall be a right of appeal from every order or decision made under this section which, so far as regards the Court expressing it, conclusively determines the rights of the parties with respect to any matter in controversy, and the Court may make rules prescribing the manner in which and the conditions subject to which any such appeal may be filed and heard.

(3) Subject to the provisions of sub-section (2) and notwithstanding anything contained in any other law for the time being in force, every such order or decision shall be final and binding for all purposes as between, on the one hand, the banking company and, on the other hand, all persons who are parties thereto and all persons claiming through or under them or any of them.

45C. *Special provisions for punishing offences in relation to companies being wound up.*—(1) Notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), the Code of Criminal Procedure, 1898 (Act V of 1898), or in any other law for the time being in force, the Court may, if it thinks fit, take cognizance of and try in a summary way any offence alleged to have been committed by any person who has taken part in the formation or promotion of the banking company which is being wound up or any past or present director, manager or officer thereof:

Provided that the offence is one punishable under the Indian Companies Act, 1913 (VII of 1913), with imprisonment for a term which does not exceed two years, or with fine which does not exceed one thousand rupees.

(2) In every case tried summarily under sub-section (1), the Court—

(a) need not summon any witness, if it is satisfied that the evidence of such witness will not be material,

(b) shall not be bound to adjourn a trial for any purpose unless such adjournment is, in the opinion of the Court, necessary in the interests of justice,

(c) shall, before passing sentence, record judgment embodying the substance of the evidence and also the particulars specified in section 263 of the Code of Criminal Procedure, 1898 (Act V of 1898), so far as that section may be applicable,

and nothing contained in sub-section (2) of section 262 of the Code of Criminal Procedure, 1898, shall apply to any such trial.

(3) All offences in relation to winding up alleged to have been committed by any person specified in sub-section (1) which are punishable under the Indian Companies Act, 1913 (VII of 1913), and which are not tried in a summary way under sub-section (1) shall, notwithstanding anything to the contrary contained in that Act or the Code of Criminal Procedure, 1898 (Act V of 1898), or in any other law for the time being in force, be taken cognizance of and tried by a Judge of the Court other than the Judge for the time being dealing with the proceedings for the winding up of the banking company.

(4) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Court shall take cognizance of any offence under this section without the accused being committed to it for trial and all such trials shall be without the aid of a jury.

45D. *Reserve Bank may tender advice in winding up proceedings.*—Where in any proceeding for the winding up of a banking company in which any person other than the Reserve Bank has been appointed as the official liquidator the Court has directed the official liquidator to obtain the advice of the Reserve Bank on any matter (which it is hereby empowered to do), it shall be lawful for the Reserve Bank to examine the records of any such proceeding and tender such advice on the matter as it may think fit.



45E. *District magistrate to assist official liquidator in taking charge of property of banking company being wound up.*—(1) For the purpose of enabling the official liquidator to take into his custody or under his control, all property, effects and actionable claims to which a banking company, which has been ordered to be wound up, is or appears to be entitled, the official liquidator may request in writing the district magistrate, within whose jurisdiction any property, books of account or other document of such banking company may be situate or is to be found, to take possession thereof, and the district magistrate shall, on such request being made to him, take possession of such property, books of account or other document and forward them to the official liquidator.

(2) For the purpose of securing compliance with the provisions of sub-section (1), the district magistrate may take or cause to be taken such steps and use or cause to be used such force as may in his opinion be necessary.

45F. *Special period of limitation.*—Notwithstanding anything to the contrary contained in the Indian Limitation Act, 1908 (IX of 1908), or in any other law for the time being in force, in computing the period of limitation prescribed for any suit or application by a banking company, the period of one year immediately preceding the date of the order for the winding up of the banking company shall be excluded.

45G. *Power of Court to make rules.*—The Court may make rules consistent with this Act concerning the mode of proceedings to be had for the decision of all claims or questions and all other proceedings, whether civil or criminal, which are to be decided pursuant to the provisions of Part III or Part IIIA and concerning all other matters for which provision has to be made for enabling the Court to effectively exercise its functions under the said provisions.

45H. *Power of Court to enforce orders.*—All orders made in any civil proceeding by a Court exercising jurisdiction under Part III or Part IIIA may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.”

11. *Transfer of pending proceedings in winding up to the Court exercising jurisdiction under this Act.*—Where any proceeding for the winding up of a banking company or any other proceeding, whether civil or criminal, which has arisen out of or in the course of such winding up, is pending in any court immediately before the commencement of this Act, it shall stand transferred on such commencement to the Court which would have had jurisdiction to entertain such proceeding if this Act had been in force on the date on which the proceeding commenced, and the Court to which the proceeding stands so transferred shall dispose of the proceeding as if this Act and the amendments made thereby were applicable thereto.

12. *Repeal of Ordinance XXIII of 1949.*—(1) The Banking Companies (Amendment) Ordinance, 1949, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

[The page contains extremely faint and illegible text, likely a document or report. The text is mostly obscured by a dark vertical band on the right side of the page and is too light to transcribe accurately.]

*Repealed by Act 36 of 1957.*

**THE INDIAN TARIFF (SECOND AMENDMENT) ACT 1950**

**No. XXI of 1950**



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

[15th March, 1950]

**BE** it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Indian Tariff (Second Amendment) Act, 1950.

2. **Amendment of the First Schedule, Act XXXII of 1934.**—In the First Schedule to the Indian Tariff Act, 1934,—

(i) in Items Nos. 21(3), 28(15), 28(20), 40(4), 40(5), 50(3), 63(30), 63(33), 63(34), 63(35), 64, 64(3), 64(4), 65(a), 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(4), 70(5), 70(6), 70(9), 72(12), 73(7) and 73(15), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "March 31st, 1950", the word, figures and letters "December 31st, 1951" shall be substituted;

(ii) in Items Nos. 18, 28(17), 30(9), 30(10), 70(2), 70(3) and 71(7), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "March 31st, 1950", the word, figures and letters "December 31st, 1952" shall be substituted;

(iii) in Item No. 72(11), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "March 31st, 1950", the word, figures and letters "December 31st, 1953" shall be substituted;

(iv) in Items Nos. 20(5), 20(8) and 20(9), in the last column headed "Duration of protective rates of duty", the word, figures and letters "March 31st, 1951" shall be inserted and shall be deemed to have been inserted from the 31st day of March, 1949;

(v) in Items Nos. 20(3) and 20(4), in the entry in the second column, for the words "canned or bottled", the words "canned, bottled or otherwise packed" shall be substituted;

(vi) in Item No. 20(8), in the entry in the second column, for the words "canned fruits, the following", the words "The following fruits, canned or otherwise packed", shall be substituted;

(vii) in Item No. 20(9), in the entry in the second column, after the word "canned", the words "or otherwise packed" shall be inserted;

(viii) in Item No. 72(13),—

(a) in the third column, for the word "Protective", the word "Revenue" shall be substituted; and

(b) the entry in the last column headed "Duration of protective rates of duty" shall be omitted;

(ix) for Item No. 28(16), the following Item shall be substituted, namely:—

"28(16)	Phosphoric acid	Revenue	30 per cent. <i>ad valorem.</i>	..	..	..";
---------	-----------------	---------	------------------------------------	----	----	------

Price anna 1 or 1½.

2. *Indian Tariff (Second Amendment)* [ACT XXI OF 1950]

(x) for item No. 28(18), the following Item shall be substituted, namely:—

"28 (18)	The following Sodium compounds, namely:—				
	(a) Sodium phosphates	Preferential revenue.	36 per cent. <i>ad valorem.</i>	26 per cent. <i>ad valorem.</i>	26 per cent. <i>ad valorem.</i>
	(b) Sodium sulphite—				
	(i) of British manufacture	Protective	Rs. 23 per cwt.	..	..
	(ii) not of British manufacture.	Protective	Rs. 26 per cwt.	..	..
	(c) Sodium bisulphite—				
	(i) of British manufacture	Protective	Rs.19 per cwt.	..	..
	(ii) not of British manufacture.	Protective	Rs. 21-8-0 per cwt.	..	..
(d) Sodium thiosulphate—					
(i) of British manufacture	Protective	Rs. 13 per cwt.	..	..	
(ii) not of British manufacture:	Protective	Rs. 15-8-0 per cwt.	..	..	
Provided that the articles dutiable under sub-items (b), (c) and (d) manufactured in a British Colony shall be deemed to be of British manufacture.					

(xi) for Item No. 45, the following Item shall be substituted, namely:—

"45	(a) Articles made of Paper and Papier Mache ; Stationery not otherwise specified, including drawing and copy books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter and other cards, including cards in booklet forms ; including also waste paper.	Revenue	37½ per cent. <i>ad valorem.</i>	..	..
	(b) Slates, all sorts	Revenue	37½ per cent. <i>ad valorem.</i>	..	..

(xii) for Item No. 72(14), the following Item shall be substituted, namely:—

"72 (14)	The following electric motors and component parts thereof but excluding control gear for the same, namely:— Squirrel cage induction motors of a brake-horse-power not exceeding 20, including fractional brake horse-power : Provided that only such articles shall be deemed to be component parts as are essential for the working of the electric motors and have been given for that purpose some special shape or quality which would not be essential for their use for any other purpose.	Protective	10 per cent. <i>ad valorem.</i>	..	..	December 31st, 1953.
----------	--	------------	---------------------------------	----	----	----------------------

(xiii) in Item No. 72(25), to the entry in the second column, the following Note shall be added, namely:—

"Note.—The machinery and component parts specified in Items 72(15) to 72(25) cover only machinery which would have been assessable under Items 72, 72(1) or 72(3) if they had not been specified under the aforesaid items".

*Repealed by Act 36 of 1957.*

**THE CAPITAL ISSUES (CONTINUANCE OF CONTROL)**  
**AMENDMENT ACT, 1950**

**No. XXII OF 1950**



**An Act to amend the Capital Issues (Continuance of Control)  
Act, 1947.**

[18th March, 1950]

**BE** it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Capital Issues (Continuance of Control) Amendment Act, 1950.

2. **Amendment of section 1, Act XXIX of 1947.**—In section 1 of the Capital Issues (Continuance of Control) Act, 1947 (hereinafter referred to as the said Act),—

(i) 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, and it applies also to citizens of India outside India.”;

(ii) in sub-section (3), for the figures “1950”, the figures “1952” shall be substituted.

3. **Amendment of section 2, Act XXIX of 1947.**—In section 2 of the said Act, for clause (c) the following clause shall be substituted, namely:—

‘(c) “States” means the territories comprised within the States to which this Act extends’.

Price anna 1 or 1½.

0001 70A 11/19/17A

0001 90 11/17/17 AM



[Faint, illegible text, likely bleed-through from the reverse side of the page]

# THE APPROPRIATION (RAILWAYS) ACT, 1950

No. XXIII of 1950



An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1951 for the purposes of railways.

[29th March, 1950]

BE it enacted by Parliament as follows:—

1. Short title.— This Act may be called the Appropriation (Railways) Act, 1950.

2. Issue of Rs. 2,78,64,64,000 out of the Consolidated Fund of India for the year 1950-51.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred and seventy-eight crores, sixty-four lakhs and sixty-four thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services relating to railways specified in column 2 of the Schedule.

3. Appropriation.—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 year ending on the 31st day of March, 1951.

## SCHEDULE

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
1	Railway Board . . . . .	34,13,000	..	34,13,000
2	Audit . . . . .	28,76,000	..	28,76,000
3	Miscellaneous Expenditure . . . . .	61,52,000	..	61,52,000
4	Working Expenses— Administration . . . . .	22,76,77,000	..	22,76,77,000
5	Working Expenses— Repairs and Maintenance . . . . .	51,84,68,000	..	51,84,68,000
6	Working Expenses— Operating Staff . . . . .	35,52,81,000	..	35,52,81,000
7	Working Expenses— Operation (Fuel) . . . . .	28,32,24,000	..	28,32,24,000

Price anna 1 or 1½.

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
8	Working Expenses— Operation other than Station Fuel	9,97,39,000	..	9,97,39,000
9	Working Expenses— Miscellaneous Expenses	15,02,26,000	..	15,02,26,000
9A	Working Expenses— Labour Welfare	3,12,68,000	..	3,12,68,000
10	Payments to Indian States and Companies	37,40,000	..	37,40,000
11	Working Expenses— Appropriation to Depreciation Fund	17,00,00,000	..	17,00,00,000
12A	Open Line Works— (Revenue) Labour Welfare	1,45,21,000	..	1,45,21,000
12B	Open Line Works— (Revenue) Other than Labour Welfare	2,29,76,000	..	2,29,76,000
13	Appropriation to Development Fund	10,00,00,000	..	10,00,00,000
14	Appropriation to Revenue Reserve Fund	2,00,65,000	..	2,00,65,000
15	Construction of New Lines	2,66,31,000	..	2,66,31,000
16	Open Line Works— Additions	14,33,52,000	..	14,33,52,000
17	Open Line Works— Replacements	22,72,67,000	..	22,72,67,000
18	Open Line Works— Development Fund	6,00,00,000	..	6,00,00,000
19	Capital Outlay on Vizagapatam Port	10,60,000	..	10,60,000
20	Dividend payable to General Revenue	31,84,98,000	..	31,84,98,000
	GRAND TOTAL	2,78,64,64,000	..	2,78,64,64,000



# THE APPROPRIATION ACT, 1950

No. XXIV OF 1950



An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1951.

[30th March, 1950]

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Appropriation Act, 1950:
2. **Issue of Rs. 19,24,94,34,000 out of the Consolidated Fund of India for the year 1950-51.**—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand nine hundred and twenty-four crores, ninety-four lakhs and thirty-four thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services specified in column 2 of the Schedule.
3. **Appropriation.**—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 year ending on the 31st day of March, 1951.

## SCHEDULE

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	Customs	2,05,50,000	..	2,05,50,000
2	Union Excise Duties	4,90,94,000	..	4,90,94,000
3	Taxes on Income (including Corpora- tion Tax).	2,68,48,000	..	2,68,48,000
4	Opium	1,21,02,000	..	1,21,02,000
5	Stamps	1,12,40,000	5,33,000	1,17,73,000
6	Forest	31,42,000	..	31,42,000
7	Irrigation (including Working Expen- ses), Navigation, Embankment and Drainage Works met from Revenue	25,50,000	91,000	26,41,000
8	Indian Posts and Telegraphs Depart- ment (including Working Expenses).	30,08,27,000	1,12,72,000	31,20,99,000
9	Cabinet	22,84,000	..	22,84,000
10	Parliament	28,33,000	50,000	28,83,000
11	Ministry of Home Affairs	67,37,000	..	67,37,000
12	Ministry of Information and Broadcasting	1,03,01,000	..	1,03,01,000
13	Ministry of Law	1,45,69,000	..	1,45,69,000
14	Ministry of Education	34,87,000	..	34,87,000
15	Ministry of Agriculture	27,08,000	..	27,08,000
16	Ministry of Health	6,25,000	..	6,25,000
17	Ministry of External Affairs	51,68,000	..	51,68,000
18	Ministry of Finance	1,18,88,000	..	1,18,88,000
19	Ministry of Commerce	58,23,000	..	58,23,000
20	Ministry of Labour	23,22,000	..	23,22,000
21	Ministry of Works, Mines and Power	13,00,000	..	13,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
22	Ministry of Communications . . . . .	5,28,000	..	5,28,000
23	Ministry of Transport . . . . .	24,29,000	..	24,29,000
24	Ministry of Food . . . . .	42,23,000	..	42,23,000
25	Ministry of States . . . . .	12,84,000	..	12,84,000
26	Ministry of Defence . . . . .	31,85,000	..	31,85,000
27	Ministry of Industry and Supply . . . . .	22,16,000	..	22,16,000
28	Ministry of Rehabilitation . . . . .	14,88,000	..	14,88,000
29	Payments to other Governments, De- partments, etc., on account of the administration of Agency Subjects and management of Treasuries . . . . .	16,62,000	..	16,62,000
30	Audit . . . . .	3,74,54,000	12,30,000	3,86,84,000
31	Administration of Justice . . . . .	2,71,000	9,12,000	11,83,000
32	Jails and Convict Settlements . . . . .	5,000	..	5,000
33	Police . . . . .	48,57,000	..	48,57,000
34	Ports and Pilotage . . . . .	44,89,000	..	44,89,000
35	Lighthouses and Lightships . . . . .	11,22,000	..	11,22,000
36	Ecclesiastical . . . . .	1,000	..	1,000
37	Tribal Areas . . . . .	1,20,41,000	..	1,20,41,000
38	External Affairs . . . . .	3,39,99,000	..	3,39,99,000
39	Survey of India . . . . .	75,99,000	..	75,99,000
40	Botanical Survey . . . . .	92,000	..	92,000
41	Zoological Survey . . . . .	2,93,000	..	2,93,000
42	Geological Survey . . . . .	36,29,000	..	36,29,000
43	Mines . . . . .	17,04,000	..	17,04,000
44	Archæology . . . . .	35,10,000	..	35,10,000
45	Meteorology . . . . .	80,80,000	..	80,80,000
46	Department of Scientific Research . . . . .	1,42,35,000	..	1,42,35,000
47	Other Scientific Departments . . . . .	1,25,43,000	..	1,25,43,000
48	Education . . . . .	1,02,37,000	..	1,02,37,000
49	Medical Services . . . . .	38,78,000	..	38,78,000
50	Public Health . . . . .	68,65,000	..	68,65,000
51	Agriculture . . . . .	1,30,97,000	..	1,30,97,000
52	Civil Veterinary Services . . . . .	26,52,000	..	26,52,000
53	Industries and Supplies . . . . .	4,33,15,000	..	4,33,15,000
54	Salt . . . . .	1,28,94,000	2,19,000	1,31,13,000
55	Overseas Communication Service . . . . .	65,97,000	2,50,000	68,47,000
56	Delhi Transport Service . . . . .	67,78,000	1,82,000	69,60,000
57	Telephone Factory . . . . .	21,57,000	3,36,000	24,93,000
58	Aviation . . . . .	3,20,03,000	..	3,20,03,000
59	Broadcasting . . . . .	2,04,75,000	..	2,04,75,000
60	Commercial Intelligence and Statistics . . . . .	55,69,000	..	55,69,000
61	Census . . . . .	18,01,000	..	18,01,000
62	Joint Stock Companies . . . . .	4,80,000	..	4,80,000
63	Indian Dairy Department . . . . .	7,11,000	..	7,11,000
64	Miscellaneous Departments . . . . .	1,73,40,000	..	1,73,40,000
65	Currency . . . . .	85,68,000	2,40,000	88,08,000
66	Mint . . . . .	87,80,000	..	87,80,000
67	Central Road Fund . . . . .	2,90,00,000	..	2,90,00,000
68	Communications (including National Highways). . . . .	3,62,50,000	..	3,62,50,000
69	Other Civil Works . . . . .	3,28,37,000	15,54,000	3,43,91,000
70	Territorial and Political Pensions . . . . .	28,43,000	4,46,26,000	4,74,69,000
71	Superannuation Allowances and Pen- sions . . . . .	2,65,40,000	5,04,000	2,70,44,000
72	Stationery and Printing . . . . .	1,73,83,000	..	1,73,83,000
73	Miscellaneous . . . . .	22,88,39,000	16,000	22,88,55,000
	Expenditure on Displaced Persons . . . . .	6,00,00,000	..	6,00,00,000

I No. of Vote	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
75	Defence Services—Effective Army . . .	1,41,33,37,000	..	1,41,33,37,000
76	Defence Services—Effective Navy . . .	8,47,64,000	..	8,47,64,000
77	Defence Services—Effective Air Force . . .	14,91,37,000	..	14,91,37,000
78	Defence Services—Non-effective charges . . .	15,03,50,000	4,000	15,03,54,000
79	Grants-in-aid to States . . .	11,56,00,000	3,34,00,000	15,40,00,000
80	Miscellaneous Adjustments between the Union and State Governments . . .	1,01,000	..	1,01,000
81	Resettlement and Development . . .	3,31,68,000	..	3,31,68,000
82	Civil Defence . . .	1,37,000	..	1,37,000
83	Pre-Partition Payments . . .	2,00,00,000	..	2,00,00,000
84	Delhi . . .	1,95,65,000	..	1,95,65,000
85	Ajmer . . .	80,11,000	..	80,11,000
86	Kutch . . .	41,55,000	..	41,55,000
87	Himachal Pradesh . . .	1,38,72,000	..	1,38,72,000
88	Bilaspur . . .	7,23,000	..	7,23,000
89	Bhopal . . .	83,96,000	..	83,96,000
90	Manipur . . .	28,21,000	..	28,21,000
91	Tripura . . .	42,18,000	..	42,18,000
92	Andaman and Nicobar Islands . . .	1,25,76,000	..	1,25,76,000
93	Relations with States . . .	47,24,000	..	47,24,000
	Interest on Debt and other Obligations and Reduction or Avoidance of Debt . . .	..	36,50,07,000	36,50,07,000
	Staff, Household and Allowances of the President . . .	..	15,76,000	15,76,000
	Union Public Service Commission . . .	..	16,53,000	16,53,000
94	Capital Outlay on Forests . . .	20,00,000	..	20,00,000
95	Capital Outlay on the India Security Press . . .	12,56,000	..	12,56,000
96	Capital Outlay on Indian Posts and Telegraphs (Not met from Revenue) . . .	5,97,26,000	..	5,97,26,000
97	Indian Posts and Telegraphs—Stores Suspense (Not met from Revenue) . . .	1,000	..	1,000
98	Capital Outlay on Industrial Development . . .	9,63,00,000	..	9,63,00,000
99	Capital Outlay on Civil Aviation . . .	1,49,98,000	..	1,49,98,000
100	Capital Outlay on Broadcasting . . .	60,00,000	..	60,00,000
101	Capital Outlay on Currency . . .	1,84,000	..	1,84,000
102	Capital Outlay on Mints . . .	49,60,000	..	49,60,000
103	Delhi Capital Outlay . . .	1,75,70,000	..	1,75,70,000
104	Capital Outlay on Civil Works . . .	2,97,01,000	..	2,97,01,000
105	Commuted Value of Pensions . . .	42,75,000	..	42,75,000
106	Payments to Retrenched Personnel . . .	1,000	..	1,000
107	Defence Capital Outlay . . .	2,15,00,000	..	2,15,00,000
108	Capital Outlay on Schemes of State Trading . . .	7,37,22,000	..	7,37,22,000
109	Capital Outlay on Development . . .	16,90,18,000	..	16,90,18,000
110	Interest-free and Interest-bearing Advances . . .	8,39,08,000	34,80,75,000	43,19,83,000
	Repayment of Debt . . .	..	14,50,47,03,000	14,50,47,03,000
	<b>GRAND TOTAL</b> . . .	<b>3,92,80,01,000</b>	<b>15,32,14,33,000</b>	<b>19,24,94,34,000</b>

EXHIBIT 10

Date	Description	Amount	Remarks
1/1/1980	...	...	...
1/15/1980	...	...	...
2/1/1980	...	...	...
2/15/1980	...	...	...
3/1/1980	...	...	...
3/15/1980	...	...	...
4/1/1980	...	...	...
4/15/1980	...	...	...
5/1/1980	...	...	...
5/15/1980	...	...	...
6/1/1980	...	...	...
6/15/1980	...	...	...
7/1/1980	...	...	...
7/15/1980	...	...	...
8/1/1980	...	...	...
8/15/1980	...	...	...
9/1/1980	...	...	...
9/15/1980	...	...	...
10/1/1980	...	...	...
10/15/1980	...	...	...
11/1/1980	...	...	...
11/15/1980	...	...	...
12/1/1980	...	...	...
12/15/1980	...	...	...
1/1/1981	...	...	...
1/15/1981	...	...	...
2/1/1981	...	...	...
2/15/1981	...	...	...
3/1/1981	...	...	...
3/15/1981	...	...	...
4/1/1981	...	...	...
4/15/1981	...	...	...
5/1/1981	...	...	...
5/15/1981	...	...	...
6/1/1981	...	...	...
6/15/1981	...	...	...
7/1/1981	...	...	...
7/15/1981	...	...	...
8/1/1981	...	...	...
8/15/1981	...	...	...
9/1/1981	...	...	...
9/15/1981	...	...	...
10/1/1981	...	...	...
10/15/1981	...	...	...
11/1/1981	...	...	...
11/15/1981	...	...	...
12/1/1981	...	...	...
12/15/1981	...	...	...
1/1/1982	...	...	...
1/15/1982	...	...	...
2/1/1982	...	...	...
2/15/1982	...	...	...
3/1/1982	...	...	...
3/15/1982	...	...	...
4/1/1982	...	...	...
4/15/1982	...	...	...
5/1/1982	...	...	...
5/15/1982	...	...	...
6/1/1982	...	...	...
6/15/1982	...	...	...
7/1/1982	...	...	...
7/15/1982	...	...	...
8/1/1982	...	...	...
8/15/1982	...	...	...
9/1/1982	...	...	...
9/15/1982	...	...	...
10/1/1982	...	...	...
10/15/1982	...	...	...
11/1/1982	...	...	...
11/15/1982	...	...	...
12/1/1982	...	...	...
12/15/1982	...	...	...
1/1/1983	...	...	...
1/15/1983	...	...	...
2/1/1983	...	...	...
2/15/1983	...	...	...
3/1/1983	...	...	...
3/15/1983	...	...	...
4/1/1983	...	...	...
4/15/1983	...	...	...
5/1/1983	...	...	...
5/15/1983	...	...	...
6/1/1983	...	...	...
6/15/1983	...	...	...
7/1/1983	...	...	...
7/15/1983	...	...	...
8/1/1983	...	...	...
8/15/1983	...	...	...
9/1/1983	...	...	...
9/15/1983	...	...	...
10/1/1983	...	...	...
10/15/1983	...	...	...
11/1/1983	...	...	...
11/15/1983	...	...	...
12/1/1983	...	...	...
12/15/1983	...	...	...
1/1/1984	...	...	...
1/15/1984	...	...	...
2/1/1984	...	...	...
2/15/1984	...	...	...
3/1/1984	...	...	...
3/15/1984	...	...	...
4/1/1984	...	...	...
4/15/1984	...	...	...
5/1/1984	...	...	...
5/15/1984	...	...	...
6/1/1984	...	...	...
6/15/1984	...	...	...
7/1/1984	...	...	...
7/15/1984	...	...	...
8/1/1984	...	...	...
8/15/1984	...	...	...
9/1/1984	...	...	...
9/15/1984	...	...	...
10/1/1984	...	...	...
10/15/1984	...	...	...
11/1/1984	...	...	...
11/15/1984	...	...	...
12/1/1984	...	...	...
12/15/1984	...	...	...
1/1/1985	...	...	...
1/15/1985	...	...	...
2/1/1985	...	...	...
2/15/1985	...	...	...
3/1/1985	...	...	...
3/15/1985	...	...	...
4/1/1985	...	...	...
4/15/1985	...	...	...
5/1/1985	...	...	...
5/15/1985	...	...	...
6/1/1985	...	...	...
6/15/1985	...	...	...
7/1/1985	...	...	...
7/15/1985	...	...	...
8/1/1985	...	...	...
8/15/1985	...	...	...
9/1/1985	...	...	...
9/15/1985	...	...	...
10/1/1985	...	...	...
10/15/1985	...	...	...
11/1/1985	...	...	...
11/15/1985	...	...	...
12/1/1985	...	...	...
12/15/1985	...	...	...
1/1/1986	...	...	...
1/15/1986	...	...	...
2/1/1986	...	...	...
2/15/1986	...	...	...
3/1/1986	...	...	...
3/15/1986	...	...	...
4/1/1986	...	...	...
4/15/1986	...	...	...
5/1/1986	...	...	...
5/15/1986	...	...	...
6/1/1986	...	...	...
6/15/1986	...	...	...
7/1/1986	...	...	...
7/15/1986	...	...	...
8/1/1986	...	...	...
8/15/1986	...	...	...
9/1/1986	...	...	...
9/15/1986	...	...	...
10/1/1986	...	...	...
10/15/1986	...	...	...
11/1/1986	...	...	...
11/15/1986	...	...	...
12/1/1986	...	...	...
12/15/1986	...	...	...
1/1/1987	...	...	...
1/15/1987	...	...	...
2/1/1987	...	...	...
2/15/1987	...	...	...
3/1/1987	...	...	...
3/15/1987	...	...	...
4/1/1987	...	...	...
4/15/1987	...	...	...
5/1/1987	...	...	...
5/15/1987	...	...	...
6/1/1987	...	...	...
6/15/1987	...	...	...
7/1/1987	...	...	...
7/15/1987	...	...	...
8/1/1987	...	...	...
8/15/1987	...	...	...
9/1/1987	...	...	...
9/15/1987	...	...	...
10/1/1987	...	...	...
10/15/1987	...	...	...
11/1/1987	...	...	...
11/15/1987	...	...	...
12/1/1987	...	...	...
12/15/1987	...	...	...
1/1/1988	...	...	...
1/15/1988	...	...	...
2/1/1988	...	...	...
2/15/1988	...	...	...
3/1/1988	...	...	...
3/15/1988	...	...	...
4/1/1988	...	...	...
4/15/1988	...	...	...
5/1/1988	...	...	...
5/15/1988	...	...	...
6/1/1988	...	...	...
6/15/1988	...	...	...
7/1/1988	...	...	...
7/15/1988	...	...	...
8/1/1988	...	...	...
8/15/1988	...	...	...
9/1/1988	...	...	...
9/15/1988	...	...	...
10/1/1988	...	...	...
10/15/1988	...	...	...
11/1/1988	...	...	...
11/15/1988	...	...	...
12/1/1988	...	...	...
12/15/1988	...	...	...
1/1/1989	...	...	...
1/15/1989	...	...	...
2/1/1989	...	...	...
2/15/1989	...	...	...
3/1/1989	...	...	...
3/15/1989	...	...	...
4/1/1989	...	...	...
4/15/1989	...	...	...
5/1/1989	...	...	...
5/15/1989	...	...	...
6/1/1989	...	...	...
6/15/1989	...	...	...
7/1/1989	...	...	...
7/15/1989	...	...	...
8/1/1989	...	...	...
8/15/1989	...	...	...
9/1/1989	...	...	...
9/15/1989	...	...	...
10/1/1989	...	...	...
10/15/1989	...	...	...
11/1/1989	...	...	...
11/15/1989	...	...	...
12/1/1989	...	...	...
12/15/1989	...	...	...
1/1/1990	...	...	...
1/15/1990	...	...	...
2/1/1990	...	...	...
2/15/1990	...	...	...
3/1/1990	...	...	...
3/15/1990	...	...	...
4/1/1990	...	...	...
4/15/1990	...	...	...
5/1/1990	...	...	...
5/15/1990	...	...	...
6/1/1990	...	...	...
6/15/1990	...	...	...
7/1/1990	...	...	...
7/15/1990	...	...	...
8/1/1990	...	...	...
8/15/1990	...	...	...
9/1/1990	...	...	...
9/15/1990	...	...	...
10/1/1990	...	...	...
10/15/1990	...	...	...
11/1/1990	...	...	...
11/15/1990	...	...	...
12/1/1990	...	...	...
12/15/1990	...	...	...
1/1/1991	...	...	...
1/15/1991	...	...	...
2/1/1991	...	...	...
2/15/1991	...	...	...
3/1/1991	...	...	...
3/15/1991	...	...	...
4/1/1991	...	...	...
4/15/1991	...	...	...
5/1/1991	...	...	...
5/15/1991	...	...	...
6/1/1991	...	...	...
6/15/1991	...	...	...
7/1/1991	...	...	...
7/15/1991	...	...	...
8/1/1991	...	...	...
8/15/1991	...	...	...
9/1/1991	...	...	...
9/15/1991	...	...	...
10/1/1991	...	...	...
10/15/1991	...	...	...
11/1/1991	...	...	...
11/15/1991	...	...	...
12/1/1991	...	...	...
12/15/1991	...	...	...
1/1/1992	...	...	...
1/15/1992	...	...	...
2/1/1992	...	...	...
2/15/1992	...	...	...
3/1/1992	...	...	...
3/15/1992	...	...	...
4/1/1992	...	...	...
4/15/1992	...	...	...
5/1/1992	...	...	...
5/15/1992	...	...	...
6/1/1992	...	...	...
6/15/1992	...	...	...
7/1/1992	...	...	...
7/15/1992	...	...	...
8/1/1992	...	...	...
8/15/1992	...	...	...
9/1/1992	...		

THE FINANCE ACT, 1950

No. XXV OF 1950



सत्यमेव जयते

An Act to give effect to the financial proposals of the Central Government for the year beginning on the 1st day of April 1950.

[31st March, 1950]

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Finance Act, 1950.

2. **Income-tax and super-tax.**—(1) Subject to the provisions of sub-sections (3), (4) and (5), for the year beginning on the 1st day of April, 1950,—

(a) income-tax shall be charged at the rates specified in Part I of the First Schedule, and

(b) rates of 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 those specified in Part II of the First Schedule. XI of 1922

(2) In making any assessment for the year ending on the 31st day of March, 1951, there shall be deducted from the total income of an assessee, in accordance with the provisions of section 15A of the Income-tax Act, an amount equal to one-fifth of the earned income, if any, included in his total income but not exceeding in any case four thousand rupees.

(3) In making any assessment for the year ending on the 31st day of March, 1951,—

(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

Price annas 2 or 3d.

XIV of 1949

securities", or any income from dividends in respect of which by virtue of section 49-B 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 Indian Finance Act, 1949, on his total income the same proportion as the amount of 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 Indian Finance Act, 1949, on his total income the same proportion as the amount of such inclusion bears to his total income.

(4) In making any assessment of the year ending on the 31st day of March, 1951,—

(a) 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 two annas in the rupee on the amount of such inclusion, whichever is less ;

XII of 1942

(b) where the total income of an assessee, not being a company, includes any profits and gains from life insurance business, the income-tax and super-tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of such taxes payable according to the rates applicable under the operation of the Indian Finance Act, 1942, on his total income the same proportion as the amount of such inclusion bears to his total income, so however that the aggregate of the taxes so computed in respect of such inclusion shall not in any case exceed the amount of tax payable on such inclusion at the rate of four and a half annas in the rupee.

(5) In cases to which section 17 of the Income-tax Act applies, the tax chargeable shall be determined as provided in that section, but with reference to the rates imposed by sub-section (1), and in accordance, where applicable, with the provisions of sub-sections (3) and (4) of this section.

(6) For the purposes of making any deduction of income-tax in the year beginning on the 1st day of April, 1950, under sub-section (2) or sub-section (2-B) of section 18 of the Income-tax Act from any earned income chargeable under the head "Salaries", the estimated total income of the assessee under this head shall, in computing the income-tax to be deducted, be reduced by an amount equal to one-fifth of such earned income, but not exceeding in any case four thousand rupees ; but no abatement shall be allowed by

the person responsible for paying the salary in respect of any donations made by the assessee to which section 15 B of the Income-tax Act is or may be applicable.

(7) 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 (6-AA) of section 2 of that Act.

**3. Amendment of Act XI of 1922.**—With effect from the 1st day of April, 1950, the following amendments shall be made in the Income-tax Act, namely:—

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

"(2) It extends to the whole of India, except the State of Jammu and Kashmir, and applies also within that State to all persons in the service of the Government of India or the Government of any State other than the State of Jammu and Kashmir." ;

(b) for clause (14-A) of section 2, the following clause shall be substituted, namely:—

'(14-A) "taxable territories" means—

(a) as respects any period before the 15th day of August, 1947, the territories then referred to as British India, but including Berar,

(b) as respects any period after the 14th day of August, 1947, and before the 26th day of January, 1950, the territories for the time being comprised in the Provinces of India, but excluding the merged territory of Cooch-Bihar,

(c) as respects any period after the 25th day of January and before the 1st day of April, 1950, the territories comprised in Part A States, but excluding the merged territory of Cooch-Bihar, and the territories comprised in Part C States, but excluding the States of Manipur, Tripura and Vindhya Pradesh

(d) as respects any period after the 31st day of March, 1950, and before the 13th day of April, 1950, the territory of India excluding the State of Jammu and Kashmir and the Patiala and East Punjab States Union, and

(e) as respects any period after the 12th day of April, 1950, the territory of India excluding the State of Jammu and Kashmir :

Provided that the taxable territories shall be deemed to include—

(a) the merged territories—

(i) as respects any period after the 31st day of March, 1949, for any of the purposes of this Act, and

(ii) as respects any period included in the previous year, for the purpose of making any assessment for the year ending on the 31st day of March, 1950, or for any subsequent year; and

(b) the whole of the territory of India excluding the State of Jammu and Kashmir—

(i) as respects any period, for the purposes of sections 4-A and 4-B,

(ii) as respects any period after the 31st day of March, 1950, for any of the purposes of this Act, and

(iii) as respects any period included in the previous year for the purpose of making any assessment of the year ending on the 31st day of March, 1951, or for any subsequent year; ;

(c) in *Explanation* 4 to sub-section (1) of section 4,—

(i) after the words “merged territories”, the words “or any of the Part B States other than the State of Jammu and Kashmir” shall be inserted, and

(ii) after the words “merged territory”, the words “or State” shall be inserted;

(d) in clause (xii) of sub-section (3) of section 4, for the figures “1950” the figures “1952” shall be substituted;

(e) for sub-section (2) of section 7, the following sub-section shall be substituted, namely:—

“(2) Any income which would be chargeable under this head if paid in the taxable territories shall be deemed to be so chargeable if paid in the State of Jammu and Kashmir by or on behalf of the Central Government or the Government of any State other than the State of Jammu and Kashmir.”

(f) in sub-clause (a) of clause (vi) of sub-section (2) of section 10, for the figures “1950” the figures “1952” shall be substituted;

(g) in sub-section (2) of section 44-B, for the word “one-twentieth”, the word “one-sixth” shall be substituted;

(h) in section 60-A, after the words “merged territories”, the words and letter “or to any Part B State” shall be inserted;

(i) in sub-clause (a) of clause (iv) of sub-section (2) of section 61, after the words “merged territories” the words, figures and letter “or before the 1st day of April, 1950, in any Part B State other than the State of Jammu and Kashmir” shall be inserted; and

(j) in sub-section (8) of section 66,—

(i) in clause (a), after the words and letter “Part A State” the words and letter “or Part B State” shall be inserted,



(ii) in clause (b), after the word "Ajmer" the words "and Vindhya Pradesh" shall be inserted,

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

"(ee) in relation to Manipur and Tripura, the High Court of Assam ;".

4. Alteration of certain duties of customs.—In the First Schedule to the Indian Tariff Act, 1934,—

XXXII of  
1934

(a) for Items Nos. 75, 75 (1), 75 (2) and 75 (3), the following Items shall be substituted, namely :—

" 75 Conveyances not otherwise specified and component parts and accessories thereof, other than parts and accessories of motor vehicles and batteries, also motor vans and motor lorries imported completely assembled.	Revenue	30% ad valorem.	..	..	..
75 (1) Motor cars, including taxi cabs, imported completely assembled.	Preferential revenue.	60% ad valorem.	54% ad valorem.	..	..
75 (2) Motor cycles and motor scooters, and articles (other than rubber tyres, tubes and batteries) adapted for use as parts and accessories thereof, except such articles as are also adapted for use as parts and accessories of other motor vehicles.	Preferential revenue.	45% ad valorem.	37½% ad valorem.	..	..
75 (3) Motor omnibuses imported completely assembled.	Preferential revenue.	30% ad valorem.	22½% ad valorem.	..	..

NOTE.—Motor vehicles, other than motor cycles and motor scooters, when imported otherwise than in a completely assembled condition, shall be dutiable as articles or parts of articles under Item No. 75 (9), 75 (10) or 75 (11), as the case may be."

(b) after Item No. 75 (8), the following Items shall be inserted, namely :—

" 75 (9) The following articles, and parts thereof, adapted for use as parts and accessories of motor vehicles other than motor cycles and motor scooters :

(i) the following engine components :  
gaskets, rubber mountings, hose pipes other than brake hose pipes, fuel pump diaphragms, fan belts, rubber components, mufflers, exhaust pipes and tail pipes ; and

(ii) the following frame and body components : carpets, cushion springs, door and window fittings, trim materials (leather, jute, canvas and leather cloth), bus bodies, station wagon bodies, truck bodies, steel cabs for lorries, pick up bodies, and parcel van bodies.

75 (10) The following articles, and parts thereof, adapted for use as parts and accessories of motor vehicles other than motor cycles and motor scooters :

Preferential revenue. 90% ad valorem. 84% ad valorem.

(i) the following engine components: brake hose pipes, crank shafts, cam shafts, cams, connecting rods, cylinder blocks and heads, manifolds, valves, valve springs, valve tappets, fly wheel, petrol tank, air cleaner, radiator, oil filter, fan, piston assembly (*viz.*, pistons, piston rings and gudgeon pins), fuel pump, water pump, timing gears and cylinder liners;

(ii) the following electrical components: starting motor, generator, head lamps and other lamps, fuses, switches, voltage and current regulator, ignition coil, cables and wires, and horn;

(iii) the following transmission and suspension components: ball and roller bearings, front and rear springs, king pins, shackle pins, bumpers, shock absorbers, spring hanger brackets, clutches, shackles, transmission gear and gear box, propeller shafts, universal joints, rear axle, front axle, front suspension, brake drums; and

(iv) the following frame and body components; seat runners, short members of chassis frame, and brackets.

75 (11) (a) Articles [other than rubber tyres, tubes, batteries and such other components as are specified in Items Nos. 75 (9) and 75 (10)] adapted for use as parts and accessories of motor vehicles other than motor cycles and motor scooters; and

Preferential revenue. 30% ad valorem. 24% ad valorem.

(b) Parts of mechanically propelled vehicles and accessories, not otherwise specified :

Preferential revenue. 30% ad valorem. 22½% ad valorem.

Provided that such articles as are ordinarily also used for other purposes than as parts and accessories of motor vehicles shall be dutiable at the rate of duty specified for such articles."

**5. Additional duties of customs.**—When any goods chargeable with a duty of customs under the First Schedule to the Indian Tariff Act, 1934, or under that Schedule read with any notification of the Central Government for the time being in force, are assessed to duty, there shall, up to the 31st day of March, 1951, be levied and collected

as an addition to, and in the same manner as the total amount so chargeable—

(a) a sum equal to such amount, in the case of goods comprised in Items Nos. 22 (2) and 22 (4);

(b) a sum equal to one-half of such amount, in the case of goods comprised in Items Nos. 48, 48 (1), 48 (2), 48 (4), 48 (5), 48 (6), 48 (7), 48 (8), 48 (10) and 51 (2), and in the case of textile manufactures specified in Item No. 49 when made wholly or mainly of any of the fabrics specified in Items Nos. 48, 48 (1), 48 (4), 48 (5), 48 (7), or 48 (10);

(c) a sum equal to two-fifths of such amount, in the case of goods comprised in Items Nos. 47 (2), 59 (2), 59 (4), and 59 (5); and

(d) a sum equal to one-fifth of such amount, in the case of goods comprised in any Item of the said Schedule other than those specified in clause (a), (b), or (c) of this section or in the Second Schedule to this Act:

Provided that in the case of goods comprised in Items Nos. 48 to 48 (10), both inclusive, and in the case of textile manufactures specified in sub-items (a) and (b) of Item No. 49, if the duty of excise for the time being leviable on like goods or, as the case may be, on the fabrics of which such textile manufactures are wholly or mainly made, exceeds the sum of—

(i) the duty of customs chargeable under the First Schedule to the Indian Tariff Act, 1934, or under that Schedule read with any notification of the Central Government for the time being in force, and

(ii) the additional duty of customs chargeable under clause (b) or (d) of this section, there shall, up to the 31st day of March, 1951, be levied and collected as a further addition to, and in the same manner as, the duties of customs so chargeable an amount equal to the aforesaid excess.

**6. Substitution of revenue duties for protective duties.**—In the First Schedule to the Indian Tariff Act, 1934, in each of the Items, No. 17 and No. 28 (19),—

(a) for the word "Protective" in the third column, the word "Revenue" shall be substituted; and

(b) the entry in the last column shall be omitted.

**7. Imposition and alteration of certain export duties.**—In the Second Schedule to the Indian Tariff Act, 1934,—

(a) for Item No. 2, the following Item shall be substituted, namely :—

" 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)	Ton of 2,240 lbs.	Rs. 50.
(ii) Hessians	Ton of 2,240 lbs.	Rs. 350.
(iii) All other descriptions of jute manufactures not otherwise specified.	Ton of 2,240 lbs.	Rs. 80.

(b) in Item No. 3, for the entry in the last column, the entry "Rs. 100" shall be substituted; and

(c) after Item No. 8, the following Items shall be inserted, namely:—

"9. Mustard oil . . . . .	lb.	8 annas
10. (a) Iron or steel, other than sheets, the following:	..	45% <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; 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 semifabricated form; tool steel in any unfabricated or semifabricated 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.

(b) Iron or steel, black sheets and galvanised sheets (plain and corrugated).		30% <i>ad valorem</i> .
---	--	-------------------------

11. Black pepper . . . . .		30% <i>ad valorem</i> .
----------------------------	--	-------------------------

I of 9414

8. Alteration of certain duties of central excise.—In the First Schedule to the Central Excises and Salt Act, 1944,—

(a) in Item No. 2, for the entries in the last columns against sub-items (1) (ii), (1) (iii), (2) (ii) and (2) (iii), the following entries shall, respectively, be substituted:—

- "Two rupees, fourteen annas and six pies per gross of boxes";
- "Two rupees and thirteen annas per gross of boxes";
- "One rupee and fifteen annas per gross of boxes"; and
- "One rupee and fourteen annas per gross of boxes";

(b) in Item No. 12, for the entries in the last column against sub-items (1) and (2), the entries "Twenty per cent. *ad valorem*" and "Five per cent. *ad valorem*" shall, respectively, be substituted.

9. Discontinuance of salt duty.—For the year beginning on the 1st day of April, 1950, no duty shall be levied on salt manufactured in, or imported by sea or land into, the territory of India excluding the State of Jammu and Kashmir.

10. Inland postage rates.—With effect from the 1st day of April, 1950, the Schedule contained in the Third Schedule to this Act shall be substituted for the First Schedule to the Indian Post Office Act, 1898.

VI of 1898

**11. Extention of certain Central acts to certain Part B States.—**

(1) With effect from the 1st day of April, 1950, the following Acts, namely :—

(i) the Sea Customs Act, 1878,	VIII of 1878
(ii) the Land Customs Act, 1924,	XIX of 1924
(iii) the Indian Tariff Act, 1934, and	XXXII of 1934
(iv) the Central Excises and Salt Act, 1944,	I of 1944

and all rules and orders made thereunder which are in force immediately before the commencement of this Act, are hereby extended to, and shall be in force in, the whole of India except the State of Jammu and Kashmir.

(2) With effect from the 1st day of April, 1950, the Indian Post Office Act, 1898 and all rules and orders made thereunder which are in force immediately before the commencement of this Act are hereby extended to, and shall be in force in, the whole of India.

(3) With effect from the 1st day of April, 1950, the amendments specified in the Fourth Schedule shall be made in the Acts specified therein.

**12. Removal of difficulties.**—If any difficulty arises in giving effect to the provisions of any of the Acts, rules or orders extended by section 3 or section 11 to any State or merged territory, the Central Government may, by order, make such provision, or give such direction, as appears to it to be necessary for removing the difficulty.

**13. Repeals and savings.**—(1) If immediately before the 1st day of April, 1950, there is in force in any Part B State other than Jammu and Kashmir or in Manipur, Tripura or Vindhya Pradesh or in the merged territory of Cooch-Bihar any law relating to income-tax or super-tax or tax on profits of business, that law shall cease to have effect except for the purposes of the levy, assessment and collection of income-tax and super-tax in respect of any period not included in the previous year for the purposes of assessment under the Indian Income-tax Act, 1922, for the year ending on the 31st day of March, 1951, or for any subsequent year, or, as the case may be, the levy, assessment and collection of the tax on profits of business for any chargeable accounting period ending on or before the 31st day of March, 1949 : **XI of 1922**

Provided that any reference in any such law to an officer, authority, tribunal or court shall be construed as a reference to the corresponding officer, authority, tribunal or court appointed or constituted under the said Act, and if any question arises as to who such corresponding officer, authority, tribunal or court is, the decision of the Central Government thereon shall be final :

Provided further that where under any such law, tax is chargeable on the total income including agricultural income, the assessment shall be made by the corresponding officer or authority referred to in the preceding proviso only in respect of income other than agricultural income, and the tax payable on such income shall be an amount bearing to the total amount of tax which would have been payable under the State law if a combined assessment had been made, the same proportion as such income bears to the total income including the agricultural income, so however that for this purpose any reduction of tax

allowed on the agricultural income by the State law shall not be taken into account.

(2) If immediately before the 1st day of April, 1950, there is in force in any State other than Jammu and Kashmir a law corresponding to, but other than an Act referred to in sub-section (1) or (2) of section 11, such law is hereby repealed with effect from the said date; and if immediately before, the said date there is in force in the State of Jammu and Kashmir a law corresponding to the Indian Post Office Act, 1898, such law is hereby repealed with effect from the said date:

VI of 1898

Provided that such repeal shall not affect (a) the previous operation of the corresponding law, or (b) any penalty, forfeiture or punishment ordered in respect of an offence committed against any such law, or (c) any investigation, legal proceeding or remedy in respect of such penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

## THE FIRST SCHEDULE

(See section 2)

### PART I

#### Rates of Income-tax

A. In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which paragraph B or C of this Part applies—

	Rate
1. On the first Rs. 1,500 of total income	Nil.
2. On the next Rs. 3,500 of total income	Nine pies in the rupee.
3. On the next Rs. 5,000 of total income	One anna and nine pies in the rupee.
4. On the next Rs. 5,000 of total income	Three annas in the rupee.
5. On the balance of total income	Four annas in the rupee :

Provided that—

(i) no income-tax shall be payable on a total income which before deduction of the allowance, if any, for earned income, 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 (before deduction of the said allowance, if any, for earned income) exceeds the said limit;

(iii) the income-tax payable on the total income as reduced by the allowance for earned income shall not exceed either—

(a) a sum bearing to half the amount by which the total income (before deduction of the allowance for earned income) exceeds the said limit the same proportion as such reduced total income bears to the unreduced total income, or

(b) the income-tax payable on the income so reduced at the rates herein specified,—

whichever is less.

The limit referred to in the above proviso shall be—

(i) Rs. 7,200 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 <sup>claim</sup> [entitled to a share ~~on~~ partition] who are not less than 18 years of age; or

(b) that it has at least two members <sup>claim</sup> [entitled to a share ~~on~~ partition] neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family; and

(ii) Rs. 3,600 in every other case.

B. In the case of every company—

Rate

On the whole of total income .. Four annas in the rupee:

Provided that in the case of a company which, in respect of its profits liable to tax under the Income-tax Act for the year ending on the 31st day of March, 1951, has made the prescribed arrangements for the declaration and payment within the territory of India excluding the State of Jammu and Kashmir, of the dividends payable out of such profits, and has deducted super-tax from the dividends in accordance with the provisions of sub-section (3-D) or (3-E) of section 18 of that Act—

(i) where the total income, as reduced by six and a half annas in the rupee and by the amount, if any, exempt from income-tax, exceeds the amount of any dividends (including dividends payable at a fixed rate) declared in respect of the whole or part of the previous year for the assessment for the year ending on the 31st day of March, 1951, and no order has been made under sub-section (I) of section 23-A of the Income-tax Act, a rebate shall be allowed, at the rate of one anna per rupee on the amount of such excess;

(ii) where the amount of dividends referred to in clause (i) above exceeds the total income as reduced by six and a half annas in the rupee and by the amount, if any, exempt from income-tax, there shall be charged on the total income an additional income-tax equal to the sum, if any, by which the aggregate amount of income-tax actually borne by such excess (hereinafter referred to as "the excess dividend") falls short of the amount calculated at the rate of five annas per rupee on the excess dividend.

For the purposes of the above proviso, the expression "dividend" shall have the meaning assigned to it in clause (6-A) of section 2 of the Income-tax Act, but any distribution included in that expression, made during the year ending on the 31st day of March, 1951, shall be deemed to be a dividend declared in respect of the whole or part of the previous year.

For the purposes of clause (ii) of the above proviso, the aggregate amount of income-tax actually borne by the excess dividend shall be determined as follows:—

(i) the excess dividend shall be deemed to be out of the whole or such portion of the undistributed profits of one or more years immediately preceding the previous year as would be jus

& Subs. by S. 3 of Act 54 of 1950. (retrospectively)

2 Ins. ibid

sufficient to cover the amount of the excess dividend and as have not likewise been taken into account to cover an excess dividend of a preceding year ;

(ii) such portion of the excess dividend as is deemed to be out of the undistributed profits of each of the said years shall be deemed to have borne tax,—

(a) If an order has been made under sub-section (1) of section 23-A of the Income-tax Act, in respect of the undistributed profits of that year, at the rate of five annas in the rupee, and

(b) in respect of any other year, at the rate applicable to the total income of the company, for that year reduced by the rate at which rebate, if any, was allowed on the undistributed profits.

C. In the case of every local authority and in every case in which under the provisions of the Income-tax Act, income-tax is to be charged at the maximum rate—

	Rate
On the whole of total income . . . . .	Four annas in the rupee.

## PART II

### Rates of Super-tax

A. In the case of every individual, Hindu undivided family, un-registered firm and other association of persons, not being a case to which any other paragraph of this Part applies—

	Rate
1. On the first Rs. 25,000 of total income . . . . .	Nil.
2. On the next Rs. 15,000 of total income . . . . .	Three annas in the rupee.
3. On the next Rs. 15,000 of total income . . . . .	Four annas in the rupee.
4. On the next Rs. 15,000 of total income . . . . .	Six annas in the rupee.
5. On the next Rs. 15,000 of total income . . . . .	Seven annas in the rupee.
6. On the next Rs. 15,000 of total income . . . . .	Seven and a half annas in the rupee.
7. On the next Rs. 50,000 of total income . . . . .	Eight annas in the rupee.
8. On the balance of total income . . . . .	Eight and a half annas in the rupee.

B. In the case of every local authority :—

	Rate
On the whole of total income . . . . .	Two and a half annas in the rupee.

C. In the case of an association of persons being a co-operative society (other than the Sanikatta Saltowners' Society in the State of Bombay) for the time being registered under the Co-operative Societies Act, 1912 or under any law of a State governing the registration of co-operative societies—

	Rate
1. On the first Rs. 25,000 of total income . . . . .	Nil.
2. On the balance of total income . . . . .	Two and a half annas in the rupee.



## D. In the case of every company :—

	Rate
On the whole of total income	Four and a half annas in the rupee :

## Provided that—

(i) a rebate at the rate of three annas per rupee 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, 1951, has made the prescribed arrangements for the declaration and payment in the territory of India excluding the State of Jammu and Kashmir of the dividend payable out of such profits and for the deduction of super-tax from dividends in accordance with the provisions of sub-section (3-D) or (3-E) of section 18 of that Act, and

(b) is a public company with total income not exceeding Rs. 25,000 ;

(ii) a rebate at the rate of two annas per rupee 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 ; and

(iii) a rebate at the rate of one anna per rupee of the total income shall be allowed in the case of any company which, not being entitled to a rebate under either of the preceding clauses, is—

(a) a public company whose shares were offered for sale in a recognised stock exchange at any time during the previous year, or

(b) a company all of whose shares were held at the end of the previous year by one or more such public companies as aforesaid :

Provided further that the super-tax payable by a company the total income of which exceeds Rs. 25,000 shall not exceed the aggregate of—

(a) the super-tax which would have been payable by the company if its total income had been Rs. 25,000, and

(b) half the amount by which its total income exceeds Rs. 25,000.

*Explanation.*—For the purposes of this paragraph of this Part, a company shall be deemed to be a public company only if it is neither a private company within the meaning of the Indian Companies Act, 1913, nor a company in which shares carrying more than fifty per cent. of the total voting power were, at any time during the previous year, held or controlled by less than six persons. VII of 1913

## THE SECOND SCHEDULE

(See section 5)

*Goods on which additional duty of customs is not leviable*XXXII of  
1934

A. Goods comprised in the following Items of the First Schedule to the Indian Tariff Act, 1934, namely :—

2, 4, 4(1), 4(3), 4(4), 4(5), 7(1), 8(1), 8(2), 8(3), 8(4), 8(5), 9(3), 9(5), 9(6), 9(7), 11(4), 11(5), 12(6), 13(4), 13(8), 13(9), 15, 15(5), 15(9), 15(10), 15(11), 15(12), 16, 16(1), 16(3), 20(1), 20(2), 20(3), 20(4), 20(5), 20(6), 20(7), 20(8), 20(9), 21(3), 21(4), 21(5), 21(6), 21(7), 21(8), 21(9), 22(3), 22(5), 24, 24(1), 24(2), 24(3), 25(1), 27(1), 27(2), 27(3), 27(4), 27(5), 27(6), 27(9), 28, 28(8), 28(14), 28(15), 28(16), 28(17), 28(18), 28(19), 28(20), 28(21), 28(22), 28(23), 28(24), 28(25), 28(26), 28(27), 28(28), 28(29), 28(30), 29, 29(1), 30, 30(1), 30(2), 30(9), 30(10), 30(11), 30(12), 30(13), 31(4), 34(3), 40(4), 40(5), 40(6), 40(7), 43, 44, 44(1), 45, 45(3), 46(3), 49(c), 49(2), 51, 52(4), 53(2), 55, 55(1), 55(2), 55(3), 60, 60(2), 60(3), 60(4), 60(5), 60(6), 61(2), 61(3), 61(8), 61(9), 61(11), 62(1), 62(2), 63(14), 63(30), 63(31), 63(32), 63(33), 63(34), 63(35), 64, 64(3), 64(4), 65, 66, 66(1), 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(2), 70(3), 70(4), 70(5), 70(6), 70(9), 71(2), 71(3), 71(7), 71(8), 71(9), 71(10), 72, 72(1), 72(2), 72(3), 72(4), 72(5), 72(11), 72(12), 72(13), 72(14), 72(15), 72(16), 72(17), 72(18), 72(19), 72(20), 72(21), 72(22), 72(23), 72(24), 72(25), 72(26), 72(27), 72(28), 72(33), 73(2), 73(4), 73(7), 73(8), 73(9), 73(10), 73(11), 73(12), 73(13), 73(14), 73(15), 74(2), 74(4), 75, 75(1), 75(2), 75(3), 75(5), 75(6), 75(7), 75(8), 75(9), 75(10), 75(11), 77(2), 77(4), 77(5), 78, 78(1), 79, 82(1), 84, 84(1), 85(1).

XXXII of  
1934

B. Goods comprised in the following Items of the First Schedule to the Indian Tariff Act, 1934, when the Customs Collector is satisfied that such goods are the produce or manufacture of Burma, namely :—

No. 7 (potatoes and onions only) and Nos. 9, 9(3), 13(2), 17 and 34(4) (a).

## THE THIRD SCHEDULE

(See section 10)

*Schedule to be substituted for the First Schedule to the Indian Post Office Act, 1898*

VI of 1898

## "THE FIRST SCHEDULE

## INLAND POSTAGE RATES

(See section 7)

*Letters*

For a weight not exceeding one tola . . . . . Two annas.  
For every tola, or fraction thereof, exceeding one tola . . . . . One anna.

*Postcards*

Singles . . . . . Nine pies.  
Reply . . . . . One and a half annas.

*Book, Pattern and Sample Packets*

For the first five tolas or fraction thereof . . . . .	Nine pies.
For every additional two and a half tolas, or fraction thereof, in excess of five tolas . . . . .	Three pies

*Registered Newspapers*

For a weight not exceeding ten tolas . . . . .	Three pies.
For a weight exceeding ten tolas and not exceeding twenty tolas . . . . .	Six pies.
For every twenty tolas, or fraction thereof, exceeding twenty tolas . . . . .	Six pies.

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

For a weight not exceeding ten tolas . . . . .	Six pies.
For every additional five tolas, or fraction thereof, in excess of ten tolas . . . . .	Three pies :

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

*Parcels*

For a weight not exceeding forty tolas . . . . .	Six annas.
For every forty tolas, or fraction thereof exceeding forty tolas . . . . .	Six annas."

THE FOURTH SCHEDULE

(See section 11)

*Amendments of Central Acts*

I. *The Sea Customs Act, 1878 (VIII of 1878).*

(1) Throughout the Act, for the words "the States" wherever they occur, the word "India" shall be substituted.

(2) In section 1, for the words and letter "Part B States", the words "the State of Jammu and Kashmir" shall be substituted.

(3) In section 3,—

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

"(e) 'foreign port' means any place not within the territory of India;

(ee) 'India' means the territory of India excluding the State of Jammu and Kashmir;" and

(b) clause (k) shall be omitted.

(4) After section 3, the following section shall be inserted, namely:—

"3A. *Power to define customs frontiers.*—The Central Government may, by notification in the Official Gazette, define the customs frontiers of India."

(5) In section 18,—

(a) for the word "States" wherever it occurs, the word "India" shall be substituted; and

(b) for clauses (f), (i) and (j), the following clauses shall, respectively, be substituted, namely:—

“(f) piece-goods manufactured outside India, such as are ordinarily sold by length or by the piece, if each piece has not been conspicuously marked—

(i) with the name of the manufacturer, exporter or wholesale purchaser in India, of the goods, and

(ii) with the real length of the piece in standard yards, inscribed in the international form of numerals;”

“(i) cotton yarn manufactured outside India, such as is ordinarily imported in bundles, if each bundle containing such yarn has not been conspicuously marked—

(i) with the name of the manufacturer, exporter, or wholesale purchaser in India, of the goods, and

(ii) with an indication of the weight and the count of the yarn contained in it, in accordance with the rules made under section 20 of the Indian Merchandise Marks Act, 1889;”

“(j) cotton sewing, darning, crochet or handicraft thread manufactured outside India, if each of the units in which the thread is supplied has not been conspicuously marked—

(i) with the name of the manufacturer, exporter, or wholesale purchaser in India, of the goods, and

(ii) with the length or weight of the thread contained in it and in such other manner as is required by the rules made under section 20 of the Indian Merchandise Marks Act, 1889.”

### II. *The Land Customs Act, 1924 (XIX of 1924).*

(1) In sub-section (2) of section 1, for the words and letter “Part B States” the words “the State of Jammu and Kashmir” shall be substituted.

(2) In clause (e) of section 2, for the words and letters “the territories comprised within Part A States and Part C States” the word “India” shall be substituted.

(3) In sub-section (2) of section 7, for the words and letters “Part A States and Part C States”, the word “India” shall be substituted.

(4) In the Schedule, for the word and figure “Sections 4”, the word, figures and letter “Sections 3-A, 4” shall be substituted.

### III. *The Indian Tariff Act, 1934 (XXXII of 1934).*

(1) In sub-section (2) of section 1, for the words and letter “Part B States” the words “the State of Jammu and Kashmir” shall be substituted.

(2) In sub-section (4) of section 2, section 5 and section 6, for the words and letters “a Part A State or a Part C State” wherever they occur, the word “India” shall be substituted.

(3) In section 5, sub-section (1) of section 9 and the First Schedule, for the words and letters, "Part A States and Part C States" the word "India" shall be substituted.

(4) In section 8, for the words "the States" the word "India" shall be substituted.

(5) In the First Schedule, Item No. 12 (1) shall be omitted.

*IV. The Central Excises and Salt Act, 1944 (I of 1944).*

(1) Throughout the Act, for the words "the States" wherever they occur, the word "India" shall be substituted.

(2) In sub-section (2) of section 1, for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

(3) In section 2, —

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

"(ee) 'India' means the territory of India excluding the State of Jammu and Kashmir;" and

(b) clause (jj) shall be omitted.

(4) In section 5, for the words and letter "the territory of a Part B State" the words "the State of Jammu and Kashmir" shall be substituted.

(5) In clause (iii) of sub-section (2) of section 37, for the words and letter "any specified Part B State" the words "the State of Jammu and Kashmir" shall be substituted.

*V. The Indian Post Office Act, 1898 (VI of 1898).*

(1) Throughout the Act, for the words "the States" wherever they occur, the word, "India" shall be substituted.

(2) The following shall be omitted, namely:—

(a) in sub-section (2) of section 1, the words and letter "except Part B States";

(b) clause (1) of section 2;

(c) in sub-section (1) of section 36 and in sub-section (1) of section 46, the words "Indian State corresponding to a" and the words and letter "Part B State"; and

(d) section 57.

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

... (faint text) ...

See India Code vol. IV

THE DRUGS (CONTROL) ACT, 1950

No. XXVI OF 1950

---

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Interpretation.
3. Drugs to which this Act applies.
4. Fixing of maximum prices and maximum quantities which may be held or sold.
5. Restrictions on sale, etc., where maximum is fixed under section 4.
6. General limitation on quantity which may be possessed at any one time.
7. Duty to declare possession of excess stocks.
8. Refusal to sell.
9. Cash memorandum to be given of certain sales.
10. Marking of prices and exhibiting list of prices and stocks.
11. Obligation to state price separately on composite offer.
12. Prohibition or regulation of the disposal of drugs.
13. Penalties.
14. Offences by corporations.
15. Procedure.
16. Powers of search and seizure.
17. Power to make rules.
18. Protection of action taken in good faith.
19. Saving of other laws.
20. Repeal of Ordinance XXVI of 1949.

THE OFFICE OF THE ATTORNEY GENERAL

STATE OF TEXAS

IN SENATE

COMMISSIONERS OF THE GENERAL LAND OFFICE

REPORT

FOR THE YEAR 1907

AS COMPILED BY THE COMMISSIONERS

AND PUBLISHED BY THE GENERAL LAND OFFICE

AT THE OFFICE OF THE ATTORNEY GENERAL, DALLAS, TEXAS, 1908

BY THE GENERAL LAND OFFICE, DALLAS, TEXAS

PRINTED BY THE GENERAL LAND OFFICE, DALLAS, TEXAS

FOR THE STATE OF TEXAS

1908

THE GENERAL LAND OFFICE, DALLAS, TEXAS

COMMISSIONERS OF THE GENERAL LAND OFFICE

AND PUBLISHED BY THE GENERAL LAND OFFICE

AT THE OFFICE OF THE ATTORNEY GENERAL, DALLAS, TEXAS, 1908

BY THE GENERAL LAND OFFICE, DALLAS, TEXAS

PRINTED BY THE GENERAL LAND OFFICE, DALLAS, TEXAS

FOR THE STATE OF TEXAS

1908

THE GENERAL LAND OFFICE, DALLAS, TEXAS

COMMISSIONERS OF THE GENERAL LAND OFFICE

AND PUBLISHED BY THE GENERAL LAND OFFICE

AT THE OFFICE OF THE ATTORNEY GENERAL, DALLAS, TEXAS, 1908



See India Code vol. IV

*Drugs (Control) Act, 1950*



An Act to provide for the control of the sale, supply and distribution of drugs.

[7th April, 1950].

**BE** it enacted by Parliament as follows:—

**1. Short title and extent.**—(1) This Act may be called the Drugs (Control) Act, 1950.

(2) It extends to all Part C States.

**2. Interpretation.**—(1) In this Act, unless the context otherwise requires,—

(a) “dealer” means a person carrying on, either personally or through any other person, the business of selling any drugs, whether wholesale or retail;

(b) “drug” means any drug as defined in clause (b) of section 3 of the Drugs Act, 1940 (XXIII of 1940), in respect of which a declaration has been made under section 3;

(c) “offer for sale” includes a reference to an intimation by a person of the price proposed by him for a sale of any drug, made by the publication of a price list, by exposing the drug for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

(d) “producer” includes a manufacturer.

(2) A drug shall be deemed to be in the possession of a person—

(i) when it is held on behalf of that person by another person or when held by that person on behalf of another person;

(ii) notwithstanding that it is mortgaged to another person.

**3. Drugs to which this Act applies.**—The Central Government may, by notification in the Official Gazette, declare any drug to be a drug to which this Act applies.

**4. Fixing of maximum prices and maximum quantities which may be held or sold.**—(1) The Chief Commissioner may, by notification in the Official Gazette, fix in respect of any drug—

(a) the maximum price or rate which may be charged by a dealer or producer;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer;

(c) the maximum quantity which may in any one transaction be sold to any person.

(2) The prices or rates and the quantities fixed in respect of any drug under this section may be different in different localities or for different classes of dealers or producers.

**5. Restrictions on sale, etc., where maximum is fixed under section 4.—No dealer or producer shall—**

(a) sell, agree to sell, offer for sale or otherwise dispose of, to any person any drug for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (1) of section 4;

(b) have in his possession at any one time a quantity of any drug exceeding the maximum fixed by notification under clause (b) of sub-section (1) of section 4; or

(c) sell, agree to sell or offer for sale to any person in any one transaction a quantity of any drug exceeding the maximum fixed by notification under clause (c) of sub-section (1) of section 4.

**6. General limitation on quantity which may be possessed at any one time.—**

(1) No person shall have in his possession at any one time a greater quantity of any drug to which this section applies than the quantity necessary for his reasonable needs.

(2) This section shall apply only to such drugs as the Chief Commissioner may, by order published in the Official Gazette, specify for the purpose:

Provided that nothing contained in this section shall apply to a dealer or producer in respect of any drug sold or produced by him.

**7. Duty to declare possession of excess stocks.—**Any person having in his possession a quantity of any drug exceeding that permitted by or under this Act shall forthwith report the fact to the Chief Commissioner or other officer empowered in this behalf by the Chief Commissioner, and shall take such action as to the storage, distribution or disposal of the excess quantity as the Chief Commissioner may direct.

**8. Refusal to sell.—**No dealer or producer shall, unless previously authorised to do so by the Chief Commissioner, without sufficient cause refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act.

*Explanation.*—The possibility or expectation of obtaining a higher price for a drug at a later date shall not be deemed to be a sufficient cause for the purpose of this section.

**9. Cash memorandum to be given of certain sales.—**(1) Every dealer or producer when selling any drug for cash shall, if the amount of the purchase is five rupees or more, in all cases, and, if the amount of the purchase is less than five rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The Chief Commissioner may, by notification in the Official Gazette, prescribe the particulars to be contained in any such cash memorandum.

(3) The Chief Commissioner may, by notification in the Official Gazette, exempt specified areas, classes of dealers or producers, or classes of drugs from the operation of this section.

**10. Marking of prices and exhibiting list of prices and stocks.**—(1) The Chief Commissioner may direct dealers or producers in general, or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale prices or to exhibit on the premises a price list of drugs held for sale and the quantities of such drugs in his possession, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(2) No dealer shall destroy, efface or alter or cause to be destroyed, effaced or altered any label or mark affixed to a drug and indicating the price marked by a producer.

**11. Obligation to state price separately on composite offer.**—Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any drug and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to that drug, if he is required to do so by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell that drug at the price so stated.

**12. Prohibition or regulation of the disposal of drugs.**—If in the opinion of the Chief Commissioner it is necessary or expedient so to do, he may, by order in writing—

(a) prohibit the disposal of any drug except in such circumstances and under such conditions as may be specified in the order;

(b) direct the sale of any drug to any such dealer or class of dealers and in such quantities as may be specified in the order;

and make such further orders as appear to him to be necessary or expedient in connection with any order issued under this section.

**13. Penalties.**—(1) Whoever contravenes any of the provisions of this Act or fails to comply with any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) A Court convicting any person of an offence punishable under this Act may order that the whole or any part of the stock of drugs in respect of which the offence was committed shall be forfeited to the Government.

(3) It shall be a defence for a person charged with a contravention of any of the provisions of this section to prove that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

**14. Offences by corporations.**—Where a person committing an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

**15. Procedure.**—(1) No person other than a police officer of or above the rank of an Inspector of Police or an officer not below the rank of an Inspector of Police authorised in this behalf by the Central Government by notification in the Official Gazette, shall investigate any offence under this Act.

(2) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the district magistrate.

**16. Powers of search and seizure.**—Any person competent to investigate any offence under this Act may search any place in which he has reason to believe

that an offence under this Act has been, or is being committed, and take possession of any stock of drugs in respect of which the offence has been or is being committed and the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall, so far as may be applicable, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code.

**17. Power to make rules.**—(1) The Central Government may make rules to carry out the purposes of this Act.

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

(a) the maintenance by dealers and producers generally, or by any dealer or producer in particular, of records of all sale and purchase transactions made by them;

(b) the furnishing of any such information as may be required with respect to the business carried on by any dealer or producer;

(c) the inspection of any books of account or other documents belonging to or under the control of any dealer or producer.

**18. Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

**19. Saving of other laws.**—The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating any of the matters dealt with in this Act.

**20. Repeal of Ordinance XXVI of 1949.**—(1) The Drugs (Control) Ordinance, 1949 (XXVI of 1949) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

3. Subs. by S. 3, Act 1950.  
4. Subs. and Ins. by S. 4, Act 1950.  
5. Subs. by S. 3 of Act 1950.  
6. Omitted Subs. by Act 62 of 1956 S. 2 + Sch. (from 1-11-56).

THE GOVERNMENT PREMISES (EVICTION) ACT, 1950.

No. XXVII OF 1950



See India Code  
Vol. IV

[Persons from public premises in certain cases] 2

An Act to provide for the eviction of certain persons from Government premises and for certain matters connected therewith.

[10th April 1950]

BE it enacted by Parliament as follows:—

[Public Premises] 3

1. Short title and extent.—(1) This Act may be called the Government Premises (Eviction) Act, 1950. ~~of the State of Jammu & Kashmir~~

(2) It extends to the whole of India except the States of Jammu and Kashmir and Delhi.

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

(a) "competent authority" means any person authorised by the Central Government, by notification in the Official Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(b) "Government premises" means any premises belonging to, or taken on lease or requisitioned by, the Central Government;

(c) "premises" means any building or part of a building and includes—

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of a building, and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(d) "prescribed" means prescribed by rules made under this Act.

3. Power to evict certain persons from Government premises.—(1) If the competent authority is satisfied—

[Public premises]

[public premises] 5

(a) that the person authorised to occupy any Government premises has, whether before or after the commencement of this Act,—

[or of any other authority competent to permit such sub-letting] (i) sub-let, without the permission of the Central Government, of the premises, the whole or any part of such premises, or

(ii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

(b) that any person is in unauthorised occupation of any Government premises, [public premises] 5

the competent authority may, by notice served by post or otherwise, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within fifteen days of the date of the service of the notice. ~~the State premises] 5~~ [public premises] 5

Price anna 1 or 1½d.

Subs. by 125 of Act 30 of 1951.

1. Subs. by S. 25 of Act 30 of 1952.  
2. Subs. by S. 5 of Act 52 of 1956.  
3. Subs. by S. 6 of Act 1956.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

~~4. Power to recover damages.—(1) Where any person is in unauthorised occupation of any Government premises, the competent authority may, in prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may, by notice served by post otherwise, order that person to pay the damages within such time as may be specified in the notice.~~

~~(2) If any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.~~

5. Appeal.—(1) Any person aggrieved by an order of the competent authority under section 3 or section 4 may, within ten days of the date of the service of the notice under section 3 or section 4, as the case may be, prefer an appeal to the Central Government.

Provided that the Central Government may entertain the appeal after the expiry of the said period of ten days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Central Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the order of the Central Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the Central Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

6. Bar of jurisdiction of civil courts.—No order made by the Central Government or the competent authority in the exercise of any power conferred by or under this Act shall be called in question in any court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

7. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

8. Delegation.—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the Central Government.

9. Penalty.—Any person who contravenes any provision of this Act or of any rule or order made thereunder or obstructs the lawful exercise of any power conferred by or under this Act shall be punishable with fine which may extend to one thousand rupees.

10. Power to make rules.—(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 form of notice and the manner in which it may be served;

Am.

(b) the circumstances under which rent in respect of Government premises may be recovered as an arrear of land revenue, 1, 1 public premises 2

(c) the manner in which damages for unauthorised occupation may be assessed; 1 and the matters which may be taken into account in assessing such damages 2

(d) the manner in which appeals may be preferred and the procedure to be followed in appeals;

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

(cc) the manner of service of any notice under this Act, 1.

1 Subs. by s.25 of Act 30 of 1952.

2 Subs. by s.6 of Act 52 of 1956.





*Repealed by Act 36 of 1957.*

**THE SHOLAPUR SPINNING AND WEAVING COMPANY  
(EMERGENCY PROVISIONS) ACT, 1950**

**No. XXVIII OF 1950**



**An Act to make special provision for the proper management and administration of the Sholapur Spinning and Weaving Company, Limited.**

[10th April, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Sholapur Spinning and Weaving Company (Emergency Provisions) Act, 1950.

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

(a) "Company" means the Sholapur Spinning and Weaving Company, Limited, registered under the Companies Act and having its registered office in Bombay;

(b) "Companies Act" means the Indian Companies Act, 1913 (VII of 1913);

(c) "directors" means the directors appointed under section 3;

(d) "notified order" means an order notified in the Official Gazette.

**3. Power of Central Government to appoint directors of the Company.**—The Central Government may, at any time, by notified order, appoint as many persons as it thinks fit to be directors of the Company for the purpose of taking over its management and administration and may appoint one of such directors to be the chairman.

**4. Effect of notified order appointing directors.**—On the issue of a notified order under section 3,—

(a) all persons holding office as directors of the Company immediately before the issue of the notified order shall be deemed to have vacated their offices as such;

(b) any contract of management between the Company and any managing agent thereof holding office as such immediately before the issue of the notified order shall be deemed to have terminated;

(c) the directors shall take such steps as may be necessary to take into their custody or under their control all the property, effects and actionable claims to which the Company is or appears to be entitled; and all the property and effects of the Company shall be deemed to be in the custody of the directors as from the date of the notified order;

(d) the directors shall be for all purposes the directors of the Company duly constituted under the Companies Act and shall alone be entitled to exercise all the powers of the directors of the Company, whether such powers are derived from the Companies Act or from the memorandum or articles of association or otherwise.

**5. Powers and duties of directors.**—(1) Subject to the control of the Central Government, the directors shall take such steps as may be necessary for the purpose of efficiently managing the business of the Company, and, in particular, the directors shall have power notwithstanding anything contained in the Companies Act or in the memorandum or articles of association of the Company,—

(a) to choose one of their number to be the chairman and to delegate to him or to any one or more of the directors all or any of their powers;

(b) to appoint any individual or firm to be the managing agent of the Company and to determine the terms and conditions of service of such managing agent;

(c) to raise funds in such manner and offer such security therefor as they think fit;

(d) to carry out such repairs as may be necessary in respect of any machinery or other property in their custody;

(e) to employ such persons as may be necessary for enabling them to efficiently discharge their duties, and define the conditions of service of such employees.

(2) The directors may, with the previous sanction of the Central Government, cancel or vary, either unconditionally or subject to such conditions as they think fit to impose, any contract or agreement entered into between the Company and any other person at any time before the issue of the notified order under section 3, if the directors are satisfied that such contract or agreement is detrimental to the interests of the Company.

**6. Statement of affairs to be made to directors.**—(1) On the issue of a notified order under section 3, there shall be made out and submitted to the directors a statement as to the affairs of the Company, verified by affidavit and containing the following particulars, namely,—

(a) the assets of the Company, stating separately the cash balance in hand and at the bank, if any;

(b) the debts and liabilities;

(c) the names, residences and occupations of the creditors, stating separately the amount of secured debts and unsecured debts and in the case of secured debts, the particulars of the securities, their value and the dates when they were given;

(d) the debts due to the Company and the names, residences and occupations of the persons from whom they are due and the amount likely to be realised therefrom.

(2) The statement shall be submitted and verified by one or more of the directors holding office as such immediately before the issue of the notified order under section 3 or by the secretary, manager or other chief officer of the Company holding office as such before the issue of the notified order as the directors may specify, and the statement shall be submitted within such time as may be so specified.

(3) If any person, without any reasonable excuse knowingly and wilfully, makes default in complying with the requirements of this section, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**7. Statements by beneficial owners of shares of Company.**—Every person, who has any interest in any share of the Company, which stands in the name of another person in the register of shareholders of the Company, shall, within such period as may be prescribed by the Central Government by notified order,

make a declaration in such form as may be prescribed (which shall be countersigned by the person in whose name the share is registered) to the Company declaring his interest in such share, and notwithstanding anything contained in any other law or in any contract to the contrary, a person who fails to make a declaration as aforesaid in respect of any share shall be deemed to have no right or title whatsoever in that share:

Provided that nothing in this section shall affect the right of any person who has an interest in any such share to establish in a Court his right thereto, if the person, in whose name the share is registered, refuses to sign the declaration as required by this section.

**8. Power of directors to institute proceedings against past directors, etc., for damages.**—(1) The directors may, if they are satisfied that it is necessary in the interest of the Company or in the public interest so to do, institute in the name of the Company such proceedings as they think fit for the recovery of damages for any fraud, misfeasance or other misconduct, in connection with the management of the affairs of the Company, committed by any person before the issue of the notified order under section 3, or for the recovery of any property of the Company which has been misapplied or wrongfully retained by any person.

(2) No director shall be personally liable for any costs or expenses incurred in connection with any proceedings instituted by virtue of this section.

**9. Penalties.**—If any person wilfully destroys or fails to deliver to the directors when required any books of account, registers or any other documents in his custody relating to the business of the Company, or retains any property of the Company, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**10. Filling up of casual vacancies among directors.**—(1) Casual vacancies occurring in the body of directors, whether caused by death, resignation or otherwise, shall be filled by nomination by the Central Government.

(2) No act of the directors shall be called in question on the ground merely of the existence of any vacancy among the directors or of any defect in the appointment of any of them.

**11. No right to compensation for termination of contract of managing agent or any other contract.**—(1) Notwithstanding anything contained in any law for the time being in force, no managing agent shall be entitled to any compensation for the premature termination under this Act of any contract of management entered into by him with the Company, and no person shall be entitled to compensation in respect of the cancellation or variation under this Act of any contract or agreement entered into between him and the Company.

(2) Nothing contained in sub-section (1) shall affect the right of any such managing agent or person to recover from the Company moneys recoverable otherwise than by way of such compensation.

**12. Cancellation of appointment of directors.**—(1) If at any time it appears to the Central Government that the purpose of the order appointing the directors has been fulfilled or that for any other reason it is unnecessary that the order should remain in force, it may direct the directors to call a meeting of the shareholders of the Company for the purpose of nominating a new body of directors and, on the nomination of a new body, the Central Government may, by notified order, cancel the appointment of directors made under this Act.

**Sholapur Spinning and Weaving Company**  
(Emergency Provisions)

[ACT XXVIII]

(2) On the cancellation of any such appointment, the directors shall be divested of the management and administration of the Company, and such management and administration shall vest in the new body of directors.

**13. Application of the Companies Act.**—(1) Notwithstanding anything contained in the Companies Act or in the memorandum or articles of association of the Company,—

(a) it shall not be lawful for the shareholders of the Company or any other person to nominate or appoint any person to be a director of the Company;

(b) no resolution passed at any meeting of the shareholders of the Company shall be given effect to unless approved by the Central Government;

(c) no proceeding for the winding up of the Company or for the appointment of a receiver in respect thereof shall lie in any court unless by or with the sanction of the Central Government.

(2) Subject to the provisions contained in sub-section (1) and to the other provisions in this Act, and subject to such exceptions, restrictions and limitations as the Central Government may, by notified order, specify, the Companies Act shall continue to apply to the Company in the same manner as it applied thereto before the issue of the notified order under section 3.

**14. Effect of Act on other laws.**—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in any instrument having effect by virtue of any law other than this Act.

**15. Directors to be public servants.**—Every director appointed under section 3 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

**16. Delegation of powers.**—The Central Government may, by notified order, direct that all or any of the powers exercisable by it under this Act may be exercised by the Government of Bombay and where any powers are so delegated they shall be exercisable subject to such directions as the Central Government may issue from time to time.

**17. Protection of action taken under Act.**—(1) No suit, prosecution or other legal proceeding shall lie against any director in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceeding shall lie against the Central Government, the Government of Bombay or any director 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.

**18. Power to make rules.**—(1) The Central Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, any rules made under sub-section (1) may provide for—

(a) the manner in which the directors may exercise their powers under this Act;

(b) the manner in which books of account shall be maintained by the directors and audited;

(c) the submission of specified or periodical returns and reports by the directors to any specified authority in connection with the affairs of the Company.

**19. Repeal and savings.**—The Sholapur Spinning and Weaving Company (Emergency Provisions) Ordinance, 1950 (11 of 1950), is hereby repealed:

Provided that the repeal shall not affect—

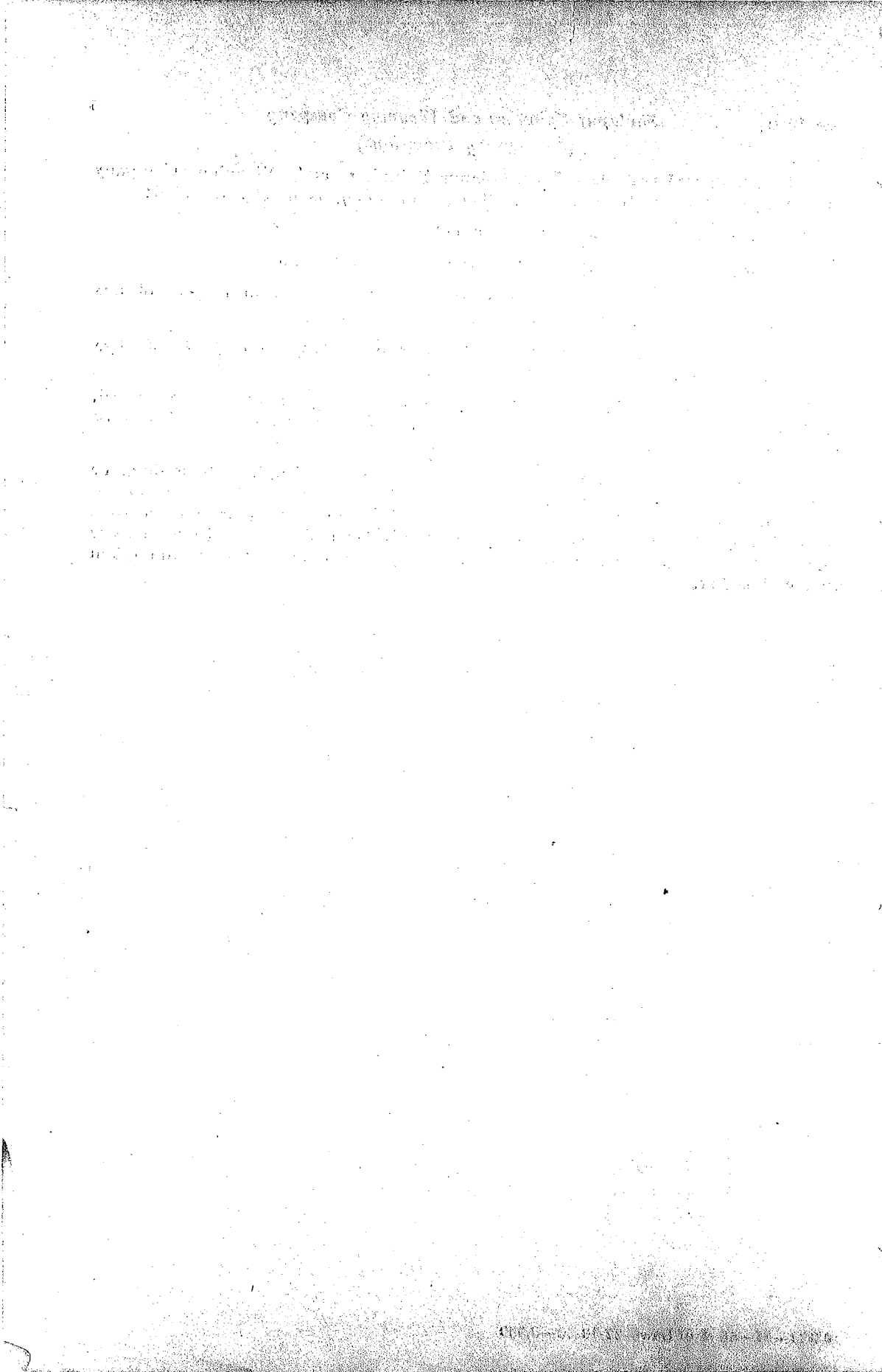
(a) the previous operation of the said Ordinance, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Ordinance, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken, including any notified order issued, appointment made or direction given under the said Ordinance, shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.



*Rep. by Act 36 of 1957, 2nd and First Schedule.*

## THE TRANSFER OF PRISONERS ACT, 1950

No. XXIX OF 1950



*See India Code Vol.*

*5-B*

An Act to provide for the removal from one State to another of persons confined in a prison

[12th April, 1950]

BE it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Transfer of Prisoners Act, 1950.

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

2. Definitions.—In this Act,—

(a) "court" includes any officer lawfully exercising civil, criminal or revenue jurisdiction;

~~(b) "Government" or "State Government", in relation to a Part of State, means the Chief Commissioner of that State;~~

(c) "prison" includes any place which has been declared by a State Government, by general or special order, to be a subsidiary jail.

3. Removal of prisoners from one State to another.—(1) Where any person is confined in a prison in a State,—

(a) under sentence of death, or

(b) under, or in lieu of, a sentence of imprisonment or transportation,

or

(c) in default of payment of a fine, or

(d) in default of giving security for keeping the peace or for maintaining good behaviour;

the Government of that State may, with the consent of the Government of any other State, by order, provide for the removal of the prisoner from that prison to any prison in the other State.

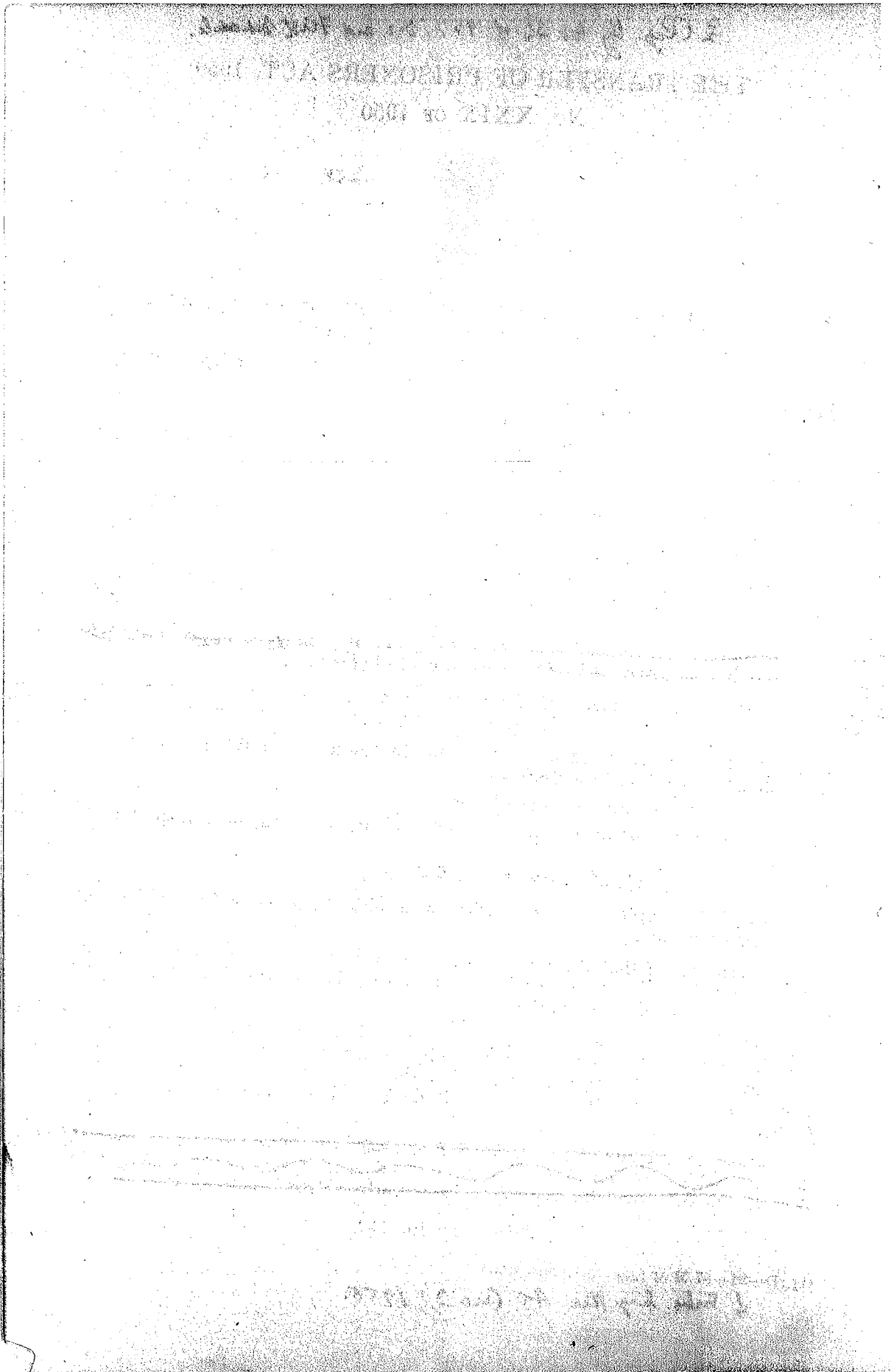
(2) The officer in charge of the prison to which any person is removed under sub-section (1) shall receive and detain him, so far as may be, according to the exigency of any writ, warrant or order of the court by which such person has been committed, or until such person is discharged or removed in due course of law.

~~4. Amendment of section 29, Act III of 1900.—In sub-section (1) of section 29 of the Prisoners Act, 1900, the words "or, with the consent of the State Government concerned, to any prison in any other State" shall be omitted.~~

Price anna 1or 1½d.

GLD—SI—57 M of Law—5-10-50—3,500

*Subs. by the A.O. (no. 3), 1956.*





THE PART C STATES (LAWS) ACT, 1950

No. XXX of 1950



See India Code  
Vol. II

An Act to provide for the extension of laws to certain Part C States.

[15th April, 1950]

**B**E it enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Part C States (Laws) Act, 1950.

(2) It shall come into force on the 16th day of April, 1950.

**2. Power to extend enactments to certain Part C States.**—The Central Government may, by notification in the Official Gazette, extend to any Part C State (other than Coorg and the Andaman and Nicobar Islands) or to any part of such State, with such restrictions and modifications as it thinks fit, any enactment which is in force in a Part A State at the date of the notification; and, provision may be made in any enactment so extended for the repeal or amendment of any corresponding law (other than a Central Act) which is for the time being applicable to that Part C State.

**3. Extension of laws to Tripura, Vindhya Pradesh and Manipur.**—(1) The Acts and Ordinances specified in the Schedule to the Merged States (Laws) Act, 1949 (LIX of 1949), are hereby extended to, and shall be in force in, the States of Tripura and Vindhya Pradesh, as they are generally in force in the territories to which they extend immediately before the commencement of this Act.

(2) The Acts and Ordinances referred to in sub-section (1), other than those specified in the Schedule to this Act, are hereby extended to, and shall be in force in, the State of Manipur as they are generally in force in the territories to which they extend immediately before the commencement of this Act:

Provided that the Indian Penal Code (Act XLV of 1860) in its application to the State of Manipur shall have effect as if—

(a) in section 361, for the word "eighteen" the word "fifteen" had been substituted, and

(b) in section 375, for the word "sixteen" in clause *Fifthly* the word "fourteen" had been substituted, and for the word "fifteen" in the *Exception* the word "thirteen" had been substituted.

(3) For the purpose of facilitating the application in the said States of any such Act or Ordinance as aforesaid, any court or other authority may construe the Act or Ordinance with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

**4. Repeals and savings.**—Section 7 of the Delhi Laws Act, 1912 (XIII of 1912), the Ajmer-Merwara (Extension of Laws) Act, 1947 (LII of 1947), and any law which immediately before the commencement of this Act is in force in any of the States of Manipur, Tripura and Vindhya Pradesh and corresponds to an Act or Ordinance extended to that State by this Act, are hereby repealed:

Price anna 1 or 1½.

Provided that the repeal shall not affect—

- (a) the previous operation of any such law, or
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or
- (c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, bye-law or scheme framed, certificate, patent, permit or licence granted or registration effected, under such law shall be deemed to have been done or taken under section 2 or, as the case may be, under the corresponding provision of the Act or Ordinance as now extended to the State by section 3, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said section 2 or, as the case may be, under the said Act or Ordinance.

#### THE SCHEDULE

[see section 3(2)]

Acts not extended to Manipur by section 3 of this Act.

Year	No	Short title
1866	XXI	The Native Convert's Marriage Dissolution Act, 1866.
1872	XV	The Indian Christian Marriage Act, 1872.
1873	X	The Indian Oaths Act, 1873.
1874	III	The Married Women's Property Act, 1874.
1879	XVIII	The Legal Practitioners Act, 1879.
1882	IV	The Transfer of Property Act, 1882.
1887	VII	The Suits Valuation Act, 1887.
1898	V	The Code of Criminal Procedure, 1898.
1908	V	The Code of Civil Procedure, 1908.
1925	XXXIX	The Indian Succession Act, 1925.

**THE ADMINISTRATION OF EVACUEE PROPERTY ACT  
1950**

No. XXXI OF 1950

*See India Code  
Vol. IV*

**ARRANGEMENT OF SECTIONS**

**CHAPTER I**

**PRELIMINARY**

**SECTIONS**

1. Short title and extent.
2. Definitions.
3. References to enactments not in force in Part B States.
4. Act to override other laws.

**CHAPTER II**

**EVACUEE PROPERTY AND VESTING THEREOF IN THE CUSTODIAN**

5. Appointment of Custodian-General, Deputy Custodians-General, etc.
6. Appointment of Custodians, etc.
7. Notification of evacuee property.
8. Vesting of evacuee property in the Custodian.
9. Power of Custodian to take possession of evacuee property vested in him.
10. Powers and duties of the Custodian generally.
11. Special provisions with respect to certain trust properties.
12. Power to vary or cancel leases or allotments of evacuee property.
13. Payments to Custodian to be valid discharge.
14. Recouping of expenditure by Custodian.
15. Maintenance of accounts by Custodian.
16. Restoration of property.

**CHAPTER III**

**CERTAIN CONSEQUENCES OF PROPERTY VESTING IN CUSTODIAN**

17. Exemption from attachment, sale, etc.
18. Occupancy or tenancy right not to be extinguished.

**CHAPTER IV**

**PROPERTY OF INTENDING EVACUEES**

19. Declaration of person as intending evacuee

*Price annas 3 or 4d.*

**SECTIONS**

20. Consequences of declaration that a person is an intending evacuee.
21. Powers of Custodian generally in respect of property of intending evacuees.
22. Declaration of property of intending evacuee as evacuee property in certain cases.
23. Intending evacuee acquiring evacuee or abandoned property in Pakistan for inadequate consideration to make good the deficiency.

**CHAPTER V**

**APPEALS, REVIEW AND REVISION**

24. Appeals from orders under sections 7, 16, 19 and 40.
25. Appeals from other orders.
26. Powers of review or revision of Custodian, etc.
27. Powers of revision of Custodian-General.
28. Finality of orders under this Chapter.

**CHAPTER VI**

**PENALTIES AND PROCEDURE**

29. Penalty for failure to surrender possession of evacuee property.
30. Penalty for wrongfully paying or receiving rents, etc.
31. Penalty for concealing evacuee property.
32. Penalty for causing damage to evacuee property.
33. Penalty for false declaration in certain cases.
34. Penalty for offences not expressly provided for.
35. Penalty for offences committed by companies.
36. Penalty for abetment.
37. Offences to be cognizable.
38. Procedure for prosecution.
39. Offences may be tried summarily.

**CHAPTER VII**

**MISCELLANEOUS**

40. Restriction on transfer by evacuees.
41. Prohibition of registration of documents in certain cases.
42. Submission of information to Custodian in respect of evacuee property.
43. Vesting of property in Custodian not affected by death of evacuee, etc.
44. Certain officers to be public servants.

**SECTIONS**

45. Powers of the Custodian while holding inquiry.
46. Jurisdiction of civil courts barred in certain matters.
47. Protection of action taken in good faith.
48. Recovery of arrears.
49. Record to be public documents.
50. Notice of suits to the Custodian.
51. Fees payable to the Custodian.
52. Power to exempt.
53. Power to give directions.
54. Power of Central Government to take action with regard to evacuee property.
55. Delegation of powers.
56. Power to make rules.
57. Temporary amendment of section 54 of the Indian Income-tax Act, 1922.
58. Repeal and saving.

Continuation of Form 100-100

41. Powers of the Executive Director shall be as follows:

42. The Executive Director shall have the right to:

43. The Executive Director shall have the right to:

44. The Executive Director shall have the right to:

45. The Executive Director shall have the right to:

Administration of Evacuee Property Act, 1950

Sec India  
Code Vol. IV



~~For this Act the  
Suppl. Continuation  
Modified Control Acts.~~

An Act to provide for the administration of evacuee property and for certain matters connected therewith

[17th April, 1950]

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. Short title and extent.—(1) This Act may be called the Administration of Evacuee Property Act, 1950.

(2) It extends to the whole of India except the States of Assam, West Bengal, Tripura, Manipur and Jammu and Kashmir.

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

(a) "allotment" means the grant by a person duly authorised in this behalf of a right of use or occupation of any immovable evacuee property to any other person, but does not include a grant by way of lease;

(b) "Custodian-General" means the Custodian-General of Evacuee Property in India appointed by the Central Government under section 5;

(c) "Custodian" means the Custodian for the State, and includes any Additional, Deputy or Assistant Custodian of evacuee property appointed in that State;

(d) "evacuee" means any person,—

(i) who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances, leaves or has, on or after the 1st day of March, 1947, left, any place in a State for any place outside the territories now forming part of India, or

(ii) who is resident in any place now forming part of Pakistan and who for that reason is unable to occupy, supervise or manage in person his property in any part of the territories to which this Act extends, or whose property in any part of the said territories has ceased to be occupied, supervised or managed by any person or is being occupied, supervised or managed by an unauthorised person, or

(iii) who has, after the 14th day of August, 1947, obtained, otherwise than by way of purchase or exchange, any right to, interest in or benefit from any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan; [27]

Explanation.—For the purposes of sub-clause (iii), the acquisition of any right to, interest in or benefit from any such property as is referred to in that sub-clause by a firm, private limited company or trust of which any person or any member of the family of such person wholly dependent on him for the ordinary necessities of life is a partner, member or beneficiary, as the case may be, shall be deemed to be an acquisition by that person within the meaning of that sub-clause.

292 + Renumbered by s. 2 of Act 11 of 1952

277 / (e) "intending evacuee" means any person who, after the 14th day of August, 1947,—

(i) has transferred to Pakistan his assets or any part thereof situated in any part of the territories to which this Act extends:

Provided that the transfer to Pakistan of any reasonable sum of money in accordance with the rules made in this behalf by the Central Government, for the purpose of financing any transaction in the ordinary course of his trade or for the maintenance of any member of the family of such person shall not be deemed to be a transfer of assets within the meaning of this sub-clause, or

(ii) has acquired, if the acquisition has been made in person, by way of purchase or exchange, or if the acquisition has been made by or through a member of his family, in any manner whatsoever, any right to, interest in, or benefit from any property, which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan,

**Explanation.**—For the purposes of sub-clause (ii), the acquisition of any right to, interest in or benefit from any such property as is referred to in that sub-clause by a firm, private limited company or trust of which any person is a partner, member or beneficiary, as the case may be, shall be deemed to be an acquisition by that person within the meaning of that sub-clause; or

(iii) has, by the execution of any document of transfer in writing, whether registered or not, or by means of any other document in writing, sought to effect an exchange of the whole or any part of his property situated in any part of the territories to which this Act extends, with any property situated in Pakistan;

and includes any person against whom an intention to settle in Pakistan is established from his conduct or from documentary evidence;

(f) "evacuee property" means any property in which an evacuee has any right or interest (whether personally or as a trustee or as a beneficiary or in any other capacity), and includes any property—

(1) which has been obtained by any person from an evacuee after the 14th day of August, 1947, by any mode of transfer, unless such transfer has been confirmed by the Custodian, or

(2) belonging to any person who, after the 18th day of October, 1949, has done or does any of the acts specified in clause (e) of section 2, or in which any such person has any right or interest, to the extent of such right or interest;

but does not include—

(i) any ornament and any wearing apparel, cooking vessels or other household effects in the immediate possession of an evacuee;

(ii) any property belonging to a joint stock company, the registered office of which was situated before the 15th day of August, 1947, in any place now forming part of Pakistan and continues to be so situated after the said date;

(g) "member of the family" means any member of the family of any person who is wholly dependent upon the earnings of such person for the provision of the ordinary necessities of life or who shares with such person in the ordinary expenses of the household to which they jointly belong or who owns property or carries on business jointly with such person;

In sup. 2 of Act 22 of 1951 (retrospectively) omitted and sub. 2 of Act 11 of 1953.



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

(i) "property" means property of any kind, and includes any right or interest in such property;

(j) "unauthorised person" means any person (whether duly empowered in this behalf by the evacuee or otherwise) who, after the 14th day of August, 1947, has been occupying, supervising or managing the property of an evacuee without the approval of the Custodian.

~~3. References to enactments not in force in Part B States. In the application of this Act to any Part B State, unless the context otherwise requires, references to any enactment in force in Part A States but not in force in that Part B State shall be construed as references to the corresponding enactment, if any, in force in that Part B State.~~ / x x 1/2

4. Act to override other laws.—The provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

## CHAPTER II

### EVACUEE PROPERTY AND VESTING THEREOF IN THE CUSTODIAN

5. Appointment of Custodian-General, Deputy Custodians-General, etc.—The Central Government may, by notification in the Official Gazette, appoint a Custodian-General and as many Deputy and Assistant Custodians-General as may be necessary for the purpose of discharging the duties imposed upon the Custodian-General and the Deputy and Assistant Custodians-General by or under this Act.

6. Appointment of Custodians, etc.—(1) The State Government may, in consultation with the Custodian-General, by notification in the Official Gazette, appoint for the State a Custodian, and as many Additional, Deputy or Assistant Custodians of evacuee property as may be necessary for the purpose of discharging the duties imposed on the Custodian by or under this Act.

(2) Subject to the provisions of this Act, all Custodians, Additional, Deputy or Assistant Custodians of evacuee property shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Custodian-General.

(3) Subject to the provisions of sub-section (2) Additional, Deputy and Assistant Custodians shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Custodian for the State, but the State Government may, by general or special order, provide for the distribution of work among them.

7. Notification of evacuee property.—(1) Where the Custodian is of opinion that any property is evacuee property within the meaning of this Act, he may, after causing notice thereof to be given in such manner as may be prescribed to the persons interested, and after holding such inquiry into the matter as the circumstances of the case permit, pass an order declaring any such property to be evacuee property.

(2) Where a notice has been issued under sub-section (1) in respect of any property, such property shall, pending the determination of the question whether it is evacuee property or otherwise, be incapable of being transferred or charged in any way, except with the leave of the Custodian, and no person shall be capable of taking any benefit from such transfer or charge except with such leave.

*1/2 Omitted by s. 3 of Act 11 of 1953.*

(3) The Custodian shall, from time to time, notify, either by publication in the Official Gazette or in such other manner as may be prescribed, all properties declared by him to be evacuee properties under sub-section (1).

**8. Vesting of evacuee property in the Custodian.—**(1) Any property declared to be evacuee property under section 7 shall be deemed to have vested in the Custodian for the State,—

(a) in the case of the property of an evacuee as defined in sub-clause (i) of clause (d) of section 2, from the date on which he leaves or left any place in a State for any place outside the territories now forming part of India;

(b) in the case of the property of an evacuee as defined in sub-clause (ii) of clause (d) of section 2, from the 15th day of August, 1947; and

(c) in the case of any other property, from the date of the notice given under sub-section (1) of section 7 in respect thereof.

(2) Where immediately before the commencement of this Act, any property in a State had vested as evacuee property in any person exercising the powers of Custodian under any law repealed hereby, the property shall, on the commencement of this Act, be deemed to be evacuee property declared as such within the meaning of this Act and shall be deemed to have vested in the Custodian appointed or deemed to have been appointed for the State under this Act, and shall continue to so vest:

Provided that where at the commencement of this Act there is pending before the High Court, the Custodian or any other authority for or in any State any proceeding under section 8 or section 30 of the Administration of Evacuee Property Ordinance, 1949 (XII of 1949), or under any other corresponding law repealed by the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), then notwithstanding anything contained in this Act or in any other law for the time being in force, such proceeding shall be disposed of as if the definitions of 'evacuee property' and 'evacuee' contained in section 2 of this Act had become applicable thereto.

(3) Where any property in a State belonging to a joint stock company had vested in any person exercising the powers of a Custodian under any law previously in force, then nothing contained in clause (f) of section 2 shall affect the operation of sub-section (2), but the State Government may, by notification in the Official Gazette, direct that the Custodian shall be divested of any such property in such manner and after such period as may be specified in the notification.

(4) Where after any evacuee property has vested in the Custodian any person is in possession thereof, he shall be deemed to be holding in behalf of the Custodian and shall on demand surrender possession of it to Custodian or to any other person duly authorised by him in this behalf.

**9. Power of Custodian to take possession of evacuee property vested in him.—**If any person in possession of any evacuee property refuses or fails on demand to surrender possession thereof to the Custodian or to any person duly authorised by him in this behalf, the Custodian may use or cause to be used such force as may be necessary for taking possession of such property and may, for this purpose, after giving reasonable warning and facility to any woman not appearing in public to withdraw, remove or break open any lock, bolt or any door or do any other act necessary for the said purpose.

**10. Powers and duties of the Custodian generally.—**(1) Subject to the provisions of any rules that may be made in this behalf, the Custodian may take such measures as he considers necessary or expedient for the purposes of securing, administering, preserving and managing any evacuee property and generally for the purpose of enabling him satisfactorily to discharge any of the

duties imposed on him by or under this Act and may, for any such purpose as aforesaid, do all acts and incur all expenses necessary or incidental thereto.

(2) Without prejudice to the generality of the provisions contained in subsection (1), the Custodian may, for any of the purposes aforesaid,—

- (a) carry on the business of the evacuee;
- (b) appoint a manager for the property of the evacuee or for carrying on any business or undertaking of the evacuee and authorise the manager to exercise any of the powers of the Custodian under this section;
- (c) enter, or authorise any other person to enter, any land or premises to inspect any evacuee property;
- (d) take all such measures as may be necessary to keep any evacuee property in good repair;
- (e) complete any building which has vested in him and which requires to be completed;
- (f) require any person, notwithstanding anything to the contrary contained in any other law for the time being in force relating to the disclosure of any information by a public servant or any other person, to furnish such returns, accounts or other information in relation to any property and to produce such documents in his possession as the Custodian considers necessary for the discharge of his duties under this Act;
- (g) require any banking company to furnish such information as the Custodian may require with respect to remittances made after the 14th day of August, 1947, to any such area outside India as may be specified by the Custodian, either generally, or with reference to any person or class of persons;
- (h) search any building or place in which the Custodian has reason to believe that any evacuee property or any document tending to show that any person is an evacuee or that any property is evacuee property is being kept or concealed and take possession thereof;
- (i) take such action as may be necessary for the recovery of any debt due to the evacuee;
- (j) institute, defend or continue any legal proceeding in any civil or revenue court on behalf of the evacuee or refer any dispute between the evacuee and any other person to arbitration or compromise any claims, debts or liabilities on behalf of the evacuee;
- (k) raise on the security of the evacuee property such loans as may be necessary;
- (l) in any case where the evacuee property which has vested in the Custodian consists of a share or shares in a company, exercise, notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913) or in the articles of association of the company, the same rights in the matter of making a requisition for the convening of a meeting or of presenting a petition to the court under the provisions of the Indian Companies Act, 1913, or the articles of association of the company or in any other matter as the evacuee shareholder himself could have done had he been present, although the name of the Custodian does not appear in the register of members of the company;
- (m) incur any expenditure, including the payment of taxes, duties, cesses and rates to Government or to any local authority or of any amounts due to any employee of the evacuee or of any debt due by the evacuee to any person;

2 Ins. Aug 3-4 of Act 11 of 1953.

(n) pay to the evacuee, or to any member of his family or to any other person as in the opinion of the Custodian is entitled thereto, any sums of money out of the funds in his possession;

(o) transfer in any manner whatsoever any evacuee property, notwithstanding anything to the contrary contained in any law or agreement relating thereto:

Provided that the Custodian shall not sell any immovable property or any business or other undertaking of the evacuee, except with the previous approval of the Custodian-General;

(p) invest any money held by him in any of the securities approved by the Central Government or in the prescribed manner;

(q) delegate, by general or special order, all or any of his functions under this Act to such officers or persons as he thinks fit:

Provided that the Custodian shall not delegate any of his functions under clause (g) or clause (h) to any officer or person below the rank of an Assistant Custodian.

**11. Special provisions with respect to certain trust properties.—(1)** Where any evacuee property which has vested in the Custodian is property in trust for a public purpose of a religious or charitable nature, the property shall remain vested in the Custodian only until such time as fresh trustees are appointed in the manner provided by law, and pending the appointment of fresh trustees the trust property and the income thereof shall be applied by the Custodian for fulfilling, as far as possible, the purpose of the trust.

*Explanation.*—In this sub-section 'property in trust for a public purpose of a religious or charitable nature' includes a public *wakf* and the expression 'trustee' includes a *mutawalli* of such *wakf*.

(2) In respect of any *Wakf-alal-aulad*,—

(a) where the *mutawalli* is an evacuee, the property forming the subject-matter of the *wakf* shall vest in the Custodian subject to the rights of the beneficiaries under the *wakf*, if any, who are not evacuees;

(b) where not all the beneficiaries are evacuees, the rights and interests of such of the beneficiaries as are evacuees shall alone vest in the Custodian.

**12. Power to vary or cancel leases or allotments of evacuee property.—(1)** Notwithstanding anything contained in any other law for the time being in force, the Custodian may cancel any allotment or terminate any lease or amend the terms of any lease or agreement under which any evacuee property is held or occupied by a person, ~~where such allotment, lease or agreement has been granted or entered into after the 14th day of August, 1947.~~

(2) Where by reason of any action taken under sub-section (1), any person ceased to be entitled to possession of any evacuee property, he shall on demand by the Custodian surrender possession of such property to the Custodian or to any person duly authorised by him in this behalf.

(3) If any person fails to surrender possession of any property on demand under sub-section (2), the Custodian may, notwithstanding anything to the contrary contained in any other law for the time being in force, eject such person and take possession of such property in the manner provided in section 9.

**13. Payments to Custodian to be valid discharge.—(1)** Any amount due to any evacuee in respect of any property which has vested in the Custodian or in respect of any transaction entered into by the evacuee, shall be paid to the Custodian by the person liable to pay the same.

*1/2 Sules. + added by s. 5 of Act 11 of 1953.  
2nd by s. 6, ibid.*

(2) Any payment made otherwise than in accordance with sub-section (1) shall not discharge the person paying it from his obligation to pay the amount due, and shall not affect the right of the Custodian to enforce such obligation against any such person.

**14. Recouping of expenditure by Custodian.**—Any expenditure incurred by the Custodian in the exercise of any power conferred by or under this Act shall, in relation to any evacuee property in respect of which it has been incurred, be a charge on such property and shall, subject to the provisions of section 51, have priority over all other charges on the property, and such expenditure may be met or recouped by the Custodian out of the income accruing from such property or the sale proceeds thereof.

**15. Maintenance of accounts by Custodian.**—(1) The Custodian shall maintain a separate account of the property of each evacuee possession whereof has been taken by him, and shall cause to be made therein entries of all receipts and expenditure in respect thereof.

(2) The accounts shall be maintained in such form and in such manner as may be prescribed.

(3) The State Government shall cause the accounts maintained under this section to be inspected and audited at such intervals and by such persons as may be prescribed.

**16. Restoration of property.**—(1) The Custodian may, on application made to him in this behalf in writing by an evacuee or any person claiming to be the owner of an evacuee, restore, subject to such terms and conditions as he may think fit to impose, the evacuee property to which the evacuee or other person would have been entitled if this Act were not in force.

Provided that the applicant produces in support of his application a certificate from the Central Government, or from any person authorised by it in his behalf, to the effect that the evacuee property may be so restored if the applicant is otherwise entitled thereto.

(2) On receipt of an application under sub-section (1), the Custodian shall cause public notice thereof to be given in the prescribed manner and, after holding a summary inquiry into the claim in such manner as may be prescribed, may—

(a) make a formal order declaring that the property shall be restored to the applicant; or

(b) reject the application; or

(c) refer the applicant to a civil court for the determination of his claim and title to the property:

Provided that no order for restoration shall be made under this section, unless provision has been made in the prescribed manner for the recovery of any amount due to the Custodian in respect of the property or the management thereof.

(3) Upon the restoration of the property to the evacuee or to the heir, as the case may be, the Custodian shall stand absolved of all responsibilities in respect of the property so restored, but such restoration shall not prejudice the rights, if any, in respect of the property which any other person may be entitled to enforce against the person to whom the property has been so restored:

Provided that every lease granted in respect of the property by or on behalf of the Custodian shall have effect against the person to whom restoration is made until such lease is determined by lapse of time or by operation of law.

*Section 16 of Act 11 of 1953.*

2 Subs. by S. 8 of Act 11 of 1953 (retrospectively)  
3 omitted by S. 9 of Act 11 of 1953.

Administration of Evacuee Property

[ACT XXXI

(4) The Custodian shall, on demand, furnish to the evacuee or to the heir, as the case may be, a statement containing an abstract of the account of the income received and expenditure incurred in respect of the property.

CHAPTER III

CERTAIN CONSEQUENCES OF PROPERTY VESTING IN CUSTODIAN

17. ~~Exemption from attachment, sale, etc.—(1) Save as otherwise expressly provided in this Act, no property which has vested in the Custodian shall be liable to attachment, distress or sale in execution of an order of court or of any other authority, and no injunction in respect of any such property shall be granted by any court or other authority.~~

~~(2) Save as otherwise expressly provided in this Act, any attachment or injunction subsisting on the commencement of this Act in respect of any evacuee property which has vested in the Custodian shall cease to have effect on such commencement, and any transfer of evacuee property under orders of a court or any other authority made after the 1st day of March, 1947, shall be set aside, if an application is made to such court or authority by or at the instance of the Custodian within six months from the commencement of this Act.~~

~~18. Occupancy or tenancy right not to be extinguished.—Nothing contained in any other law for the time being in force shall be deemed to extinguish the right of occupancy in any land or the site of any house or other building of an evacuee which has vested in the Custodian and notwithstanding anything contained in any such law, neither the evacuee nor the Custodian, whether an occupancy tenant or as a tenant for a fixed term of any land or the site of any house or other building, shall be liable to be ejected or deemed to become so liable on any ground whatsoever for any default of the Custodian.~~

CHAPTER IV

PROPERTY OF INTENDING EVACUEES

19. ~~Declaration of person as intending evacuee.—(1) Where the Custodian has reason to believe that a person is an intending evacuee, he may, by notice served in the prescribed manner, call upon such person to show cause why he should not be declared an intending evacuee, and shall, after holding such inquiry into the matter as the circumstances thereof permit, and after taking such evidence as may be produced by or on behalf of the person showing cause, pass an order (stating the reasons therefor) either declaring such person to be an intending evacuee or closing the case.~~

~~(2) Any declaration made under sub-section (1) shall be published in the Official Gazette.~~

~~(3) The Custodian may, pending determination of the question whether any person is an intending evacuee or otherwise, attach in the prescribed manner any property in the State in which such person has a right or interest, and during the pendency of such attachment, the property shall be incapable of being transferred or charged in any way, except with the leave of the Custodian, and no person shall be capable of taking any benefit from such transfer or charge except with such leave.~~

20. ~~Consequences of declaration that a person is an intending evacuee.—No person, in respect of whom a declaration has been made under section 19 that he is an intending evacuee, shall transfer in any manner whatsoever any immovable property, in which he has any right or interest, situated in any part of the territories to which this Act extends, except with the previous approval of the Custodian, and any transfer made in contravention of the provisions of this section shall be void and of no effect.~~

↓ Subs. by S. 3 of Act 22 of 1951 (retrospectively)

**21. Powers of Custodian generally in respect of property of intending evacuees.**—For the purposes of preserving any property in which any person in respect of whom a declaration has been made under section 19 that he is an intending evacuee has any right or interest, the Custodian may,—

(a) by order in writing, require any such person to furnish such returns, accounts or other information in relation to any such property and to produce such documents in his possession as the Custodian may require;

(b) inspect the books of account or other documents maintained by or in the possession of such person;

(c) pass such orders or direct such action to be taken in relation to any such property as may be considered by him to be necessary;

(d) by order in writing, prohibit the transfer to Pakistan of any sum of money belonging to any such person or permit such transfer subject to such conditions and restrictions as the Custodian may think fit to impose.

**22. Declaration of property of intending evacuee as evacuee property in certain cases.**—If the Custodian is satisfied—

(a) that any person in respect of whom a declaration has been made under section 19 that he is an intending evacuee, has made a transfer of any property in contravention of section 20, or has failed to comply with any order made under clause (c) or clause (d) of section 21; or

(b) after such inquiry as may be prescribed, that the circumstances relating to any person, in respect of whom a declaration has been so made on the ground that after the 14th day of August, 1947, and before the 13th day of October, 1949, he had done any of the acts specified in sub-clauses (i) to (iii) of clause (e) of section 2, are such as may be prescribed as constituting a preparation for his migrating to Pakistan,

the Custodian may declare any property situated in the State in which such person has any right or interest to be evacuee property, and on the issue of such notification any property specified in the notification shall be deemed to be evacuee property which has vested in the Custodian within the meaning of this Act.

*Explanation.*—The following shall be deemed to be some of the circumstances prescribed under clause (b), namely,—

(i) the transfer to Pakistan by any person referred to in that clause of a substantial portion of his assets situated in any part of the territories to which this Act extends, or

(ii) the acquisition of, or the declaration of an intention to acquire, Pakistan nationality by any such person.

**23. Intending evacuee acquiring evacuee or abandoned property in Pakistan for inadequate consideration to make good the deficiency.**—(1) Where any person in respect of whom a declaration has been made under section 19 that he is an intending evacuee has either personally or through any other agency acquired, whether before or after the commencement of this Act, any right to, interest in or benefit from any property which is treated as evacuee or abandoned property under any law for the time being in force in Pakistan for a consideration which, in the opinion of the Custodian, is neither reasonable nor adequate, the Custodian may, after notice to such person and

after affording him a reasonable opportunity of being heard and after holding such inquiry as the circumstances of the case permit, determine, by order in writing, the amount, if any, by which the consideration, in his opinion, falls short of the real value of the property so acquired, and require such person to pay the amount to the Custodian within such time as may be specified in the order:

(2) If the amount is not paid within the time specified, or within such further time as the Custodian may allow, the Custodian may take possession of so much of the property of such intending evacuee as would be sufficient to cover the amount in the case of movable property, or as would afford a reasonable security for the recovery of the amount in the case of immovable property.

(3) The Custodian may, for the purpose of realising any amount payable by such intending evacuee under the provisions of this section, transfer in any manner whatsoever any immovable property which has been taken possession of by him under sub-section (2).

## CHAPTER V

## APPEALS, REVIEW AND REVISION

24. Appeals from orders under sections 7, 16, 19 and 40.—(1) Any person aggrieved by an order made under section 7, section 16, section 19 or section 40 may prefer an appeal in such manner and within such time as may be prescribed,—

(a) to the Custodian, where the original order has been passed by a Deputy or Assistant Custodian;

(b) to the Custodian-General, where the original order has been passed by the Custodian, an Additional Custodian or an Authorised Deputy Custodian:

Provided that where the appeal is preferred on the ground that the aggrieved is not an evacuee within the meaning of sub-clause (iii) of clause (a) of section 2, or that the property is not evacuee property within the meaning of sub-clause (2) of clause (f) of section 2, the appeal shall be preferred in the manner prescribed in section 25.

(2) The Custodian to whom an appeal is preferred under clause (a) of sub-section (1) may dispose of it himself or may make it over for disposal to an Additional Custodian or to a Deputy Custodian authorised by the Custodian in writing in this behalf (in this Chapter referred to as the Authorised Deputy Custodian):

Provided that no appeal from an order of a Deputy Custodian shall be made over for disposal to the Authorised Deputy Custodian.

25. Appeals from other orders.—(1) Any person aggrieved by an order,—

(a) under section 7 declaring his property as evacuee property on the ground that he is an evacuee within the meaning of sub-clause (iii) of clause (d) of section 2, or that the property is evacuee property within the meaning of sub-clause (2) of clause (f) of section 2, or

(b) under section 22 declaring any property of an intending evacuee to be evacuee property,

may prefer an appeal, in such manner and within such time as may be prescribed, to the district judge nominated in this behalf by the State Government.

2 omitted & Subs. by S. 10 of Act 11 of 1953.  
2 Subs. by S. 11, ibid.



(2) For the purpose of hearing any appeal under sub-section (1) the State Government shall nominate one or more district judges and define the local limits of their jurisdiction.

**26. Powers of review or revision of Custodian, etc.—**(1) The Custodian, Additional Custodian or Authorised Deputy Custodian may at any time, either on his own motion or on application made to him in this behalf, call for the record of any proceeding under this Act which is pending before, or has been disposed of by, an officer subordinate to him for the purpose of satisfying himself as to the legality or propriety of any orders passed in the said proceeding, and may pass such order in relation thereto as he thinks fit:

Provided that the Custodian, Additional Custodian or Authorised Deputy Custodian shall not pass an order under this sub-section revising or modifying any order prejudicial to any person without giving such person a reasonable opportunity of being heard:

Provided further that if one of the officers aforesaid takes action under this sub-section, it shall not be competent for any other officer to do so.

(2) The Custodian, Additional Custodian or Authorised Deputy Custodian (but not a Deputy or an Assistant Custodian) may, after giving notice to the parties concerned, review his own order.

~~(3) The Custodian, Additional Custodian or Authorised Deputy Custodian may from time to time, on application made to him in this behalf, review any declaration made by him in relation to any intending evacuee:~~

~~Provided that no such application shall be entertained unless—~~

~~(a) where an appeal or any other proceeding in respect of such declaration is pending under this Act, six months have elapsed from the date of the decision in such appeal or other proceeding, or~~

~~(b) where no appeal has been preferred, six months have elapsed from the date on which the time prescribed for the filing of an appeal under this Act in respect of such declaration would have expired:~~

~~Provided further that every declaration made in review under this sub-section shall not take effect unless confirmed by the Custodian-General.~~

**27. Powers of revision of Custodian-General.—**(1) The Custodian-General may at any time, either on his own motion or on application made to him in this behalf, call for the record of any proceeding in which any district judge or Custodian has passed an order for the purpose of satisfying himself as to the legality or propriety of any such order and may pass such order in relation thereto as he thinks fit:

Provided that the Custodian-General shall not pass an order under this sub-section prejudicial to any person without giving him a reasonable opportunity of being heard.

(2) Notwithstanding anything contained in sub-section (1), where in respect of any proceeding called for under sub-section (1), the Custodian-General is of opinion that the district judge is in error in holding any person not to be an evacuee or any property not to be evacuee property, he shall not pass any order in relation thereto but shall refer the matter, with his own opinion thereon, to the High Court to which the district judge is otherwise subordinate.

(3) Any reference made under sub-section (2) shall be heard by a Bench of the High Court consisting of not less than two Judges, and the Custodian-General shall dispose of the proceeding in accordance with the decision of the High Court.

*2 omitted by S. 12 of Act 11 of 1953.*

**28. Finality of orders under this Chapter.**—Save as otherwise expressly provided in this Chapter, every order made by the Custodian-General, district judge, Custodian, Additional Custodian, Authorised Deputy Custodian, Deputy Custodian or Assistant Custodian shall be final and shall not be called in question in any court by way of appeal or revision or in any original suit, application or execution proceeding.

## CHAPTER VI

### PENALTIES AND PROCEDURE

**29. Penalty for failure to surrender possession of evacuee property.**—Any person who fails to comply with a notice or demand by or on behalf of the Custodian under the provisions of this Act to surrender possession of any evacuee property shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

**30. Penalty for wrongfully paying or receiving rents, etc.**—Any person who pays to or receives from any other person any sum of money in respect of any property which he knows or has reason to believe to be evacuee property shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both:

Provided that nothing contained in this section shall apply to render punishable any payment made to or received by the Custodian.

**31. Penalty for concealing evacuee property.**—Any person who wilfully conceals any property which he knows or has reason to believe to be evacuee property shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

**32. Penalty for causing damage to evacuee property.**—Any person who wilfully destroys or causes damage to any evacuee property or unlawfully converts it to his own use shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

**33. Penalty for false declaration in certain cases.**—Any person who—

(i) for the purpose of obtaining an allotment or lease of any evacuee property, makes a declaration or statement which is false or which he either knows or has reason to believe to be false, or does not believe to be true, or

(ii) furnishes any return, account of information which is material to any of the purposes of this Act and which is false or which he either knows or has reason to believe to be false or does not believe to be true,

shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

**34. Penalty for offences not expressly provided for.**—Any person who contravenes any provision of this Act or of any rule or order made thereunder, or obstructs the lawful exercise of any power conferred by or under this Act, or makes default in complying with any requirement of this Act or of any rule or order made thereunder, shall, if no express provision is made by this Act for punishment of such contravention, obstruction or default, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

**35. Penalty for offences committed by companies.**—If the person charged with an offence under this Act is a company or other body corporate, the director, manager, secretary or other officer of the company or other body corporate directly concerned in the management thereof shall, unless he proves

that the offence took place without his knowledge or that he exercised due diligence to prevent such contravention, be deemed to be guilty of such contravention.

**36. Penalty for abetment.**—Any person who abets any of the offences punishable under this Act shall be punishable with the punishment provided for the offence.

**37. Offences to be cognizable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), all offences under this Act shall be cognizable.

**38. Procedure for prosecution.**—No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the State Government or of any officer authorised in this behalf, by general or special order, by the State Government.

**39. Offences may be tried summarily.**—Any magistrate empowered to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), may, if an application is made in this behalf by the complainant and the magistrate thinks fit, try any offence under this Act in accordance with the provisions contained in sections 261 and 265 of that Code, but nothing contained in sub-section (2) of section 262 of that Code shall apply to any such trial.

## CHAPTER VII

### MISCELLANEOUS

**Section 23. Transfer of property by evacuees.**—(1) No transfer of any right or interest in any property made in any manner whatsoever after the 14th day of August, 1947, by or on behalf of any person whose property is notified or declared to be evacuee property, shall be effective so as to confer any rights or remedies on the parties to such transfer or on any person claiming under them unless it is confirmed by the Custodian.

(2) An application for confirmation of such transfer may be made by the transferor or the transferee or any person claiming under, or lawfully authorised by, either of them to the Custodian within two months from the date of transfer or within two months from the commencement of this Act or within two months from the date of the notification or declaration referred to in sub-section (1), whichever is later.

(3) The provisions of section 5 of the Indian Limitation Act, 1908 (IX of 1908) shall apply to an application under sub-section (2).

(4) The Custodian shall hold an inquiry into the application in the prescribed manner and may reject the application, if he is of opinion that—

(a) the transaction has not been entered into in good faith or for valuable consideration, or

(b) the transaction is prohibited under any law for the time being in force, or

(c) the transaction ought not to be confirmed for any other reason.

(5) If the application is not rejected under sub-section (4), the Custodian may confirm the transfer either unconditionally or subject to such terms and conditions as he thinks fit to impose.

*2 Subs. by S. 13 of Act 11 of 1953.*

~~41. Prohibition of registration of documents in certain cases.—(1) When any document required to be registered under the Indian Registration Act, 1908 (XVI of 1908), purports to transfer any right or interest in any property in contravention of the provisions contained in section 20 or section 40, no registering officer shall register any such document and no revenue officer shall sanction any mutation of names in respect thereof, unless the party presenting the document for registration produces a certificate from the Custodian declaring that the property is not property belonging to an intending evacuee or that it is not evacuee property or that the transaction has been confirmed or that the Custodian has given his previous approval to the transfer.~~

~~(2) Save as otherwise expressly provided herein, nothing contained in sub-section (1) shall be deemed to affect the provisions contained in the Payment of Taxes (Transfer of Property) Act, 1949 (XXII of 1949), or in any other law for the time being in force relating to the registration of documents.~~

42. Submission of information to Custodian in respect of evacuee property.—As soon as may be but not later than sixty days from the commencement of this Act, every person who is occupying, supervising or managing any property without the approval of the Custodian which he knows or has reason to believe to be evacuee property, shall submit to the Custodian or to any person authorised by him in this behalf full information relating to such property, including the date from which or the period during which he has been occupying, supervising or managing it, and a detailed account of the rents, profits, income or other benefits received from the said property from the date from which or for the period during which he has been occupying, supervising or managing it.

43. Vesting of property in Custodian not affected by death of evacuee, etc.—Where in pursuance of the provisions of this Act any property has vested in the Custodian, neither the death of the evacuee at any time thereafter nor the fact that the evacuee who had a right or interest in that property had ceased to be an evacuee at any material time shall affect the vesting or render invalid anything done in consequence thereof.

44. Certain officers to be public servants.—The Custodian-General, the Custodian and every other person duly appointed to discharge any duties imposed on them by this Act or the rules or orders made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

45. Powers of the Custodian while holding inquiry.—For the purposes of holding any inquiry under this Act, the Custodian shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit, in respect of the following matters, namely:—

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the discovery and production of documents;
- (c) any prescribed matter;

and the inquiry by the Custodian shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860), and the Custodian shall be deemed to be a court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1908 (Act V of 1908).

46. Jurisdiction of civil courts barred in certain matters.—Save as otherwise expressly provided in this Act, no civil or revenue court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any property or any right to or interest in any property is or is not evacuee property; or

~~(b) to entertain or adjudicate upon any question whether any person is or is not an intending evacuee; or~~

(c) to question the legality of any action taken by the Custodian-General or the Custodian under this Act; or

(d) in respect of any matter which the Custodian-General or the Custodian is empowered by or under this Act to determine.

47. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Custodian-General or the Custodian or any person acting under the direction of the Custodian in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the Central Government, the State Government, the Custodian-General or the Custodian or any other person in respect of any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

48. Recovery of arrears.—Any sum due to the State Government or to the Custodian under the provisions of this Act may be recovered as if it were an arrear of land revenue.

49. Record to be public documents.—All records prepared or registers maintained under this Act shall be deemed to be public documents within the meaning of the Indian Evidence Act, 1872 (I of 1872), and shall be presumed to be genuine until the contrary is proved.

50. Notice of suits to the Custodian.—(1) If in any suit it appears to the civil or revenue court that a question relating to the property of an evacuee or an intending evacuee is involved, the court shall not proceed to determine that question until after notice has been given to the Custodian.

(2) A court may, at any stage of a suit or proceeding, either on its own motion or on application made in this behalf by the Custodian, make an order that the Custodian shall be added as a party to the suit or proceeding, if the court is satisfied that such addition is necessary or proper for the satisfactory determination of the suit or proceeding.

51. Fees payable to the Custodian.—(1) The State Government may fix the fees payable to the Custodian for the management or disposal of any property vested in him.

(2) Such fees shall be payable out of the income or sale proceeds of such property and shall be a first charge on the property.

~~52. Power to exempt.—The Central Government may, by notification in the Official Gazette, exempt any person or class of persons or any property or class of property from the operation of all or any of the provisions of this Act.~~

53. Power to give directions.—The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions contained in this Act or of any rules or orders made thereunder.

*1 omitted by S. 14 of Act 11 of 1953.*  
*2 Subs. by S. 15, ibid.*

**54. Power of Central Government to take action with regard to evacuee property.**—The Central Government may, for the purpose of regulating the administration of any property which has vested in the Custodian under the provisions of this Act, pass such order or direct such action to be taken in relation thereto as, in its opinion, the circumstances of the case require and as is not inconsistent with any of the provisions contained in this Act.

**55. Delegation of powers.**—(1) The Central Government may direct that any power exercisable by it under this Act shall be exercisable also by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government as may be specified in the direction.

(2) The State Government may, by general or special order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by an officer subordinate to the State Government.

(3) Subject to the provisions of this Act and of the rules and orders made thereunder, the Custodian-General may delegate all or any of his powers under this Act to any Deputy or Assistant Custodian-General.

(4) Subject to the provisions of this Act and of the rules and orders made thereunder, the Custodian may delegate all or any of his powers under this Act to any Additional, Deputy or Assistant Custodian, subject to such conditions, if any, as may be specified by the Custodian.

**56. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the terms and conditions of service of the Custodian-General;

(b) the manner in which inquiries under this Act may be held;

(c) the manner in which evacuee properties which have vested in the Custodian may be notified;

(d) the manner in which

↓ (bb) the transfer by the Custodian of any case pending before any officer subordinate to him or the withdrawal to himself for disposal of any case so pending or the exercise of any similar powers by the Custodian General in respect of cases pending before any officer subordinate to him; 7;

any attachment may be made by the Custodian;

(g) the manner in which trust properties which have vested in the Custodian may be administered or otherwise dealt with;

(h) the circumstances in which, and the conditions subject to which, the Custodian may sell any immovable property vested in him, and the procedure governing the grant of leases and the period for which leases may be granted;

(i) the circumstances in which leases and allotments may be cancelled or terminated or the terms of any lease or agreement varied;

(j) the securities in which the Custodian may invest any moneys held by him;

(k) the manner in which any moneys due to the Custodian may be recovered;

↓ Ms. by S. 16 of Act 4 of 1953.

3. Rules & Ins. Reg. 8, 16 of Act 11 of 1953.

(l) the form and manner in which books of accounts and other records shall be maintained by the Custodian;

(m) the form in which any notice under this Act may be issued, the manner of its service and publication and the form in which any demand may be made by the Custodian;

(n) the nature of cases and the circumstances in which and the conditions subject to which certificates for restoration of property under section 16 may be issued;

(o) the nature of cases and the circumstances in which the Custodian may refer an applicant under section 16 to a civil court;

(p) the powers vested in a civil court which may be exercised by the Custodian while holding any inquiry under this Act;

(q) the nature of cases and the circumstances in which the Custodian may refer an applicant under section 16 to a civil court;

<sup>3</sup> [(q) the manner in which applications for the previous approval of the Custodian may be made under section 40 and the matters which he shall take into account in granting such approval, and the nature of cases and the circumstances in which the Custodian may confirm or refuse to confirm a transfer under that section: ]

make rules providing for all or any of the following matters, namely:—

(a) the terms and conditions of service of the Custodian and other officers appointed under this Act and for the furnishing of security by them;

(b) the work to be performed by the Custodian and the Additional, Deputy and Assistant Custodians;

(c) the delegation of powers of the Custodian to the Additional, Deputy

<sup>3</sup> [(4) All rules made under sub-sections (1) and (2) after the commencement of the Administration of Evacuee Property (Amendment) Act, 1953 shall be laid for not less than fourteen days before Parliament as soon as possible after they are made.]

(e) the persons by whom and the times at which books of account maintained under this Act may be inspected and audited

57. Temporary amendment of section 54 of the Indian Income-tax Act, 1922.—During the continuance of this Act, sub-section (3) of section 54 of the Indian Income-tax Act, 1922 (XI of 1922) shall have effect as if after clause (c) thereof, the following clause had been inserted, namely:—

<sup>3</sup> [58. Repeals and savings.—(1) The Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), and the Hyderabad Administration of Evacuee Property Regulation (Hyderabad No. XII of 1359F), are hereby repealed.

(2) If, immediately before the commencement of this Act, there is in force in any State to which this Act extends any law which corresponds to this Act and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

(3) The repeal by this Act of the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), or the Hyderabad Administration of Evacuee Property Regulation (Hyderabad No. XII of 1359F) or of any corresponding law shall not affect the previous operation of that Ordinance, Regulation or corresponding law, and subject thereto, anything done or any action taken in the exercise of any power conferred by or under that Ordinance, Regulation or corresponding law, 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 day on which such thing was done or action was taken.]

Ord  
of  
bee  
as  
was  
GIP





*Repealed by Act 36 of 1957.*

**THE INDIAN PATENTS AND DESIGNS (AMENDMENT)  
ACT, 1950**

**No. XXXII of 1950**



**An Act further to amend the Indian Patents and Designs Act, 1911.**

[18th April, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Patents and Designs (Amendment) Act, 1950.

**2. Amendment of Act II of 1911.**—In the Indian Patents and Designs Act, 1911 (hereinafter referred to as the said Act), for the words “the States”, wherever they occur, the word “India” shall be substituted.

**3. Amendment of section 1, Act II of 1911.**—In section 1 of the said 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.”

**4. Amendment of section 2, Act II of 1911.**—In section 2 of the said Act,—

(a) for clause (7), the following clause shall be substituted, namely:—

“(7) ‘High Court’ means, with reference to any area,—

(a) in relation to a Part A State or a Part B State, the High Court for that State;

(b) in relation to Ajmer, the High Court at Allahabad;

(c) in relation to Bhopal and Vindhya Pradesh, the High Court at Nagpur;

(d) in relation to Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab;

(e) in relation to Coorg, the High Court at Madras;

(f) in relation to Kutch, the High Court at Bombay;

(g) in relation to Manipur and Tripura, the High Court of Assam;

(h) in relation to the Andaman and Nicobar Islands, the High Court at Calcutta.”

(b) after clause (7), the following clause shall be inserted, namely:—

“(7A) ‘India’ does not include the State of Jammu and Kashmir.”

**and** clause (15) shall be omitted.

Price anna 1 or 1½.

5. Insertion of new section 2A in Act II of 1911.—After section 2 of the said Act, the following section shall be inserted, namely:—

“2A. *Rule of construction in application of Act to Part B States.*—In the application of this Act to any Part B State, unless the context otherwise requires,—

(a) references to any enactment in force in Part A States but not in force in that Part B State shall be construed as references to the corresponding law, if any, in force in that State;

(b) references to a court or authority in existence in Part A States but not in existence in that Part B State shall be construed as references to the corresponding court or authority, if any, in that State.”

6. Substitution of new sections for sections 22, 23 and 23A in Act II of 1911.—For sections 22, 23 and 23A of the said Act, the following sections shall be substituted, namely:—

“22. *Application for licence.*—(1) At any time after the expiration of three years from the date of the sealing of a patent any person interested may apply to the Controller upon any one or more of the grounds specified in sub-section (2) for a licence under the patent.

(2) The grounds upon which an application under sub-section (1) may be made are as follows, that is to say,—

(a) that the patented invention, being capable of being commercially worked in India, has not been commercially worked therein or is not being so worked to the fullest extent that is reasonably practicable;

(b) that a demand for the patented article in India is not being met to an adequate extent or on reasonable terms, or is being met to a substantial extent by importation of the patented article from other countries;

(c) that the commercial working of the invention in India is being prevented or hindered by the importation of the patented article from other countries;

(d) that by reason of the refusal of the patentee to grant a licence or licences on reasonable terms—

(i) a market for the export of the patented article manufactured in India is not being supplied, or

(ii) the working or efficient working in India of any other patented invention which makes a substantial contribution to the establishment or development of commercial or industrial activities in India is unfairly prejudiced;

(e) that by reason of conditions imposed by the patentee upon the grant of licences under the patent, or upon the purchase, hire or use of the patented article or process, the manufacture, use or sale of materials not protected by the patent or the establishment or development of commercial or industrial activities in India is unfairly prejudiced.

(3) An application under this section may be made by any person notwithstanding that he is already the holder of a licence under the patent; and no person shall be estopped from alleging any of the matters specified in sub-section (2) by reason of any admission made by him, whether in such a licence or otherwise, or by reason of his having accepted such a licence.

(4) In this section the expression 'patented article' includes any article made by a patented process.

23. *Relief in respect of an application under section 22.*—(1) Where an application is made under section 22 the Controller may make an order granting any of the following reliefs, that is to say, the Controller may—

(a) grant a licence to the applicant upon such terms as the Controller thinks fit; and may also where the circumstances so require direct that all other existing licences in respect of the patent shall be revoked, or that the patentee shall forfeit any right which he may have as a patentee, to make, use, exercise or vend the invention or to grant licences under the patent;

(b) revoke any existing licence held by the applicant and grant a new licence upon such terms as the Controller thinks fit, or amend any licence held by the applicant in such manner as the Controller may think fit;

(c) grant a licence under the patent to such customers of the applicant and on such terms as the Controller thinks fit, if the Controller is satisfied that the manufacture, use or sale of materials not protected by the patent is unfairly prejudiced by reason of conditions imposed by the patentee upon the grant of licences under the patent or upon the purchase, hire or use of the patented article or process:

Provided that where the application is made on the ground that the patented invention is not being commercially worked in India or is not being worked to the fullest extent that is reasonably practicable and it appears to the Controller that the time which has elapsed since the granting of the patent has for any reason been insufficient to enable it to be so worked, he may, by order, adjourn the application for such period as will, in his opinion, give sufficient time for the invention to be so worked.

(2) Except in cases where the terms of a licence have been settled by mutual agreement and such terms otherwise provide, any person to whom a licence has been granted under sub-section (1) shall be entitled to call upon the patentee to take proceedings to prevent any infringement of the patent and if the patentee refuses or neglects to do so within two months after being so called upon, the licensee may institute proceedings for the infringement in his own name as though he were the patentee, making the patentee a defendant and a patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

23A. *Endorsement of patent on application by Government.*—(1) At any time after the expiration of three years from the date of the sealing of a patent, the Central Government may apply to the Controller upon any one or more of the grounds specified in sub-section (2) of section 22 for the endorsement of the patent with the words 'Licences of Right'.

(2) An application under this section may also be made on the ground that by the refusal of the patentee to grant a licence or licences on reasonable terms the establishment or development of commercial or industrial activities in India is unfairly prejudiced or the development of an industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest, is being prevented or hindered.

(3) Where a patent of addition is in force, any application under sub-section (1) either for the endorsement of the original patent or the patent of addition shall be deemed to be an application for the endorsement of both the patents and where any such application is granted or refused it shall be deemed to have been granted or refused in respect of both the patents.

(4) All endorsements of patents made under this section shall be entered in the Register of Patents maintained under section 20.

(5) For the removal of doubts it is hereby declared that nothing in this section shall affect the right of the Central Government or any State Government to make an application for the grant of a licence in respect of any industrial undertaking or trading activity owned or carried on by such Government.

23B. *Provision as to patents endorsed 'Licences of Right'.—(1) Where the Controller has made an endorsement upon a patent 'Licences of Right'—*

(a) any person shall at any time after such endorsement be entitled as of right to a licence under the patent upon such terms as in default of agreement may be settled by the Controller on the application either of the patentee or of the person applying for a licence;

(b) the Controller may, on the application of a person holding a licence granted under the patent before the endorsement, order the licence to be revoked and grant a new licence by virtue of the endorsement upon terms to be settled in the aforesaid manner;

(c) if in proceedings for the infringement of the patent (otherwise than by the importation of the patented article from other countries) the infringing defendant is ready and willing to take a licence upon terms to be settled by the Controller, no injunction against him shall be awarded, and the amount recoverable against him by way of damages, if any, shall not exceed double the amount which would have been recoverable against him as licensee if the licence had been dated prior to the earliest infringement;

(d) the renewal fees payable in respect of a patent so endorsed shall, as from the date of the endorsement, be one moiety only of the fees which would otherwise have been payable.

(2) The provisions of sub-section (2) of section 23 shall apply to any licence granted under sub-section (1) as they apply to a licence granted under the said section 23.

23C. *Exercise of powers on application under section 22 or section 23A.—(1) The powers of the Controller upon an application under section 22 or section 23A shall be exercised with a view to securing the following general purposes, that is to say,—*

(a) that inventions which can be worked on a commercial scale in India and which should in the public interest be so worked shall be worked therein without undue delay and to the fullest extent that is reasonably practicable;

(b) that the inventor or other person beneficially entitled to a patent shall receive reasonable remuneration having regard to the nature of the invention;

(c) that the interests of any person for the time being working or developing an invention in India under the protection of a patent is not unfairly prejudiced.

(2) Subject to the provisions of sub-section (1), the Controller shall, in determining whether to make an order in pursuance of any such application or not, take account of the following matters, that is to say,—

(a) the nature of the invention, the time which has elapsed since the sealing of the patent and the measures already taken by the patentee or any licensee to make full use of the invention;

(b) the ability of any person to whom a licence is to be granted under the order to work the invention to the public advantage; and

(c) the risks to be undertaken by that person in providing capital and working the invention if the application is granted;

but shall not take account of matters subsequent to the making of the application.

23D. *Procedure on application under section 22 or section 23A.*—

(1) Every application under section 22 or section 23A shall specify the nature of the order sought by the applicant and shall contain a statement setting out the nature of the applicant's interest, if any, and the facts upon which the application is based.

(2) Where the Controller is satisfied, upon consideration of any such application, that a *prima facie* case has been made out for the making of an order, he shall direct the applicant to serve copies of the application upon the patentee and any other persons appearing from the Register of Patents to be interested in the patent in respect of which the application is made.

(3) The patentee or any other person desiring to oppose the application may, within such time as may be prescribed or within such further time as the Controller may on application made either before or after the expiration of the prescribed time allow, give to the Controller notice of opposition.

(4) Any such notice of opposition shall contain a statement setting out the grounds on which the application is opposed.

(5) Where any such notice of opposition is duly given the Controller shall notify the applicant, and shall give to the applicant and the opponent an opportunity to be heard before deciding the case.

23E. *Supplementary provisions with respect to orders under section 23 or section 23B.*—(1) Any order made by the Controller under section 23 or section 23B for the grant of a licence shall, without prejudice to any other mode of enforcement have effect as if it were a deed, executed by the patentee and all other necessary parties, granting a licence in accordance with the order.

(2) Notwithstanding anything contained in this Act no order shall be made in pursuance of an application under section 23 or section 23A or section 23B which would be at variance with any treaty, convention, arrangement or engagement applying to India and any other country.

23F. *Appeals.*—(1) An appeal shall lie to the High Court at Calcutta from any order of the Controller made under section 23 or section 23A or under clause (a) or clause (b) of sub-section (1) of section 23B.

(2) Every such appeal shall be made within three months of the date of the order passed by the Controller and shall be in writing and accompanied by the prescribed fee.

(3) In calculating the said period of three months, the time, if any, occupied in granting a copy of the order appealed against shall be excluded.

23G. *Procedure for hearing of appeals.*—(1) When an appeal has been preferred to the High Court at Calcutta under section 23F, it shall be heard by a Bench of not less than two Judges.

(2) The Bench hearing the appeal may, if it thinks fit, and shall, on the request of the parties to the appeal, call in the aid of an assessor specially qualified for the purpose, and hear the appeal wholly or partially with his assistance.

(3) The remuneration, if any, to be paid to an assessor under this section shall in every case be determined by the High Court and be paid by it as part of the expenses of the execution of this Act."

7. **Amendment of section 75, Act II of 1911.**—In section 75 of the said Act, after clause (7) the following clause shall be inserted, namely.—

"(8) applications for endorsement of patent with the words 'Licences of Right',".

8. **Amendment of section 78A, Act II of 1911.**—In sub-section (4) of section 78A of the said Act, the words "or the law of any Part B State" and the words "or in that State, as the case may be" shall be omitted.

Original  
A. 3/

**THE OPIUM AND REVENUE LAWS (EXTENSION OF APPLICATION) ACT, 1950**

**No. XXXIII OF 1950**

See India Code.  
Vol. VII-B.



An Act to provide for the extension of certain opium and revenue laws to certain parts of India.

[18th April, 1950.]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Opium and Revenue Laws (Extension of Application) Act, 1950.

**2. Extension of certain opium and revenue laws to certain parts of India.**—

(1) The following Acts, namely,—

- (i) the Opium Act, 1857 (XIII of 1857),
- (ii) the Opium Act, 1878 (I of 1878),
- (iii) the Revenue Recovery Act, 1890 (I of 1890),
- (iv) the Government Trading Taxation Act, 1926 (II of 1926),
- (v) the Dangerous Drugs Act, 1930 (II of 1930),
- (vi) the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), and
- (vii) the Payment of Taxes (Transfer of Property) Act, 1949 (XXII of 1949),

and all rules and orders made thereunder, which are in force immediately before the commencement of this Act in certain parts of India, are hereby extended to and shall be in force in, the rest of India except the State of Jammu and Kashmir.

(2) The amendments specified in the Schedule shall be made in the aforesaid Acts.

**3. Modifications in State laws relating to income-tax investigation.**—If immediately before the commencement of this Act there is in force in any Part B State other than Jammu and Kashmir any law (hereinafter in this section referred to as "the State law") corresponding to the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), that law shall continue to remain in force with the following modifications, namely:—

(a) all cases referred to or pending before the State Commission (by whatever name called) in respect of matters relating to taxation on income other than agricultural income shall stand transferred to the Central Commission for disposal:

Provided that the Central Commission shall not, by reason merely of the transfer of any case under the provisions of this section, be bound to recall or rehear any witness who has given evidence in the case, and may act on the evidence already recorded by or produced before the Commission which was originally investigating into the case;

(b) subject to the other provisions contained in this section, the State law shall, so far as may be, apply to determine the procedure that may be followed, and the powers that may be exercised, by the Central Commission in the disposal of the cases transferred to it under clause (a);

Price anna 1 or 1½d.

Subs. by S.2 of Act 44 of 1951 (retrospectively)

(c) any reference in the State law, by whatever form of words, to the State Government or the State Commission shall, in relation to income other than agricultural income, be construed as a reference to the Central Government or the Central Commission, as the case may be;

(d) the report of the Central Commission shall be submitted to the Central Government, and the Central Government may, by order in writing, direct that such proceedings as it thinks fit under the law in force in the State relating to income-tax, super-tax or excess profits tax or any other law, shall be taken against the person to whose case the report relates in respect of his income other than agricultural income, and upon such a direction being given, all such proceedings may be taken and completed under the appropriate law applicable in the State, as if the direction had been given and the proceedings had been instituted thereunder;

(e) where under any law in force in the State the agricultural income of an assessee is to be included in his total income for the purpose of determining the tax payable by him, the tax payable in respect of his income other than agricultural income shall be an amount bearing to the total amount of tax which would have been payable under the appropriate law in force in the State if a combined assessment had been made, the same proportion as such income bears to the total income including the agricultural income:

Provided that for this purpose any reduction of tax allowed on the agricultural income by the appropriate law in force in the State shall not be taken into account.

*Explanation.*—In this section, "Central Commission" means the Income tax Investigation Commission constituted under the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947).

**4. Repeals and savings.**—If immediately before the commencement of this Act there is in force in any Part B State, other than Jammu and Kashmir, or in the merged territory of Cooch Behar any law corresponding to any of the Acts specified in section 2, other than the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), that law shall, upon the commencement of this Act, stand repealed:

Provided that such repeal shall not affect—

- (a) the previous operation of that law, or
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against that law, or
- (c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

Provided further that anything done or any action taken under any provision of that law shall be deemed to have been done or taken under the corresponding provision of the Central Act as now extended to the State and shall continue in force accordingly.

**5. Removal of difficulties.**—If any difficulty arises in giving effect to the provisions of any of the Acts, rules or orders now extended to any part of India in which they were not in force before the commencement of this Act, the Central Government may, by order published in the Official Gazette, make such provisions or give such direction as appears to it to be necessary for removing the difficulty.



## THE SCHEDULE

[See section 2 (2)]

Enactments amended

Year	No.	Short title	Amendments
1	2	3	4
1857	XIII	The Opium Act, 1857	<p>(1) In the preamble, omit the words "in the Presidency of Fort William in Bengal".</p> <p>(2) Insert the following as section 1 namely :—</p> <p>"1. <i>Short title and extent.</i>—(1) This Act may be called the Opium Act, 1857.</p> <p>(2) It extends to the whole of India except the State of Jammu and Kashmir".</p>
1878	I	The Opium Act, 1878	<p>(1) In section 1, for the words beginning with "It shall extend to" and ending with the words "directs in this behalf", substitute the following namely :—</p> <p>"It extends to the whole of India except the State of Jammu and Kashmir".</p> <p>(2) In section 3, for the definitions of "import", "export", "transport", "sale" and "sell", substitute the following, namely :—</p> <p>"customs frontiers" means any of the customs frontiers of India as defined by the Central Government under section 3A of the Sea Customs Act, 1878 (VIII of 1878);</p> <p>"import" and "export" mean respectively to bring into, or take out of, a State otherwise than across any customs frontiers;</p> <p>"transport" means to remove from one place to another within the same State;</p> <p>"sale" does not include sale for export across customs frontiers, and "sell" shall be construed accordingly'.</p>
1890	I	The Revenue Recovery Act, 1890.	<p>(1) In sub-section (2) of section 1, for the words and letter "Part B States" substitute the words "the State of Jammu and Kashmir".</p> <p>(2) In sub-section (4) of section 4, for the words and letters "a Part A State or a Part C State" substitute the words "any State to which this Act extends".</p>
1926	III	The Government Trading Taxation Act, 1926.	<p>(1) In the preamble, omit the words "or the Government of any Acceding State or other Indian State".</p> <p>(2) In section 2,—</p> <p>(a) in sub-section (1), for the words, "i, Part A States and Part C States" substitute the word "India";</p> <p>(b) omit sub-section (1A);</p> <p>(c) in sub-section (3), add the following words at the end, namely :—</p> <p>'and "India" means the territory of India excluding the State of Jammu and Kashmir'.</p> <p>(3) In section 3, for the words "upon an Acceding State or other Indian State" substitute the words and letter "upon a Part B State".</p>

4 *Opium and Revenue Laws (Extension of Application)* [Act xxxiii of 1950]

Year 1	No. 2	Short title 3	Amendments 4
1930	II	The Dangerous Drugs Act, 1930.	(1) In sub-section (2) of section 1, for the words and letter "Part B States" substitute the words "the State of Jammu and Kashmir". (2) In sub-section (1) of section 39, for the words and letters "or an Act of the Legislature of a Part A State or Part C State" substitute the words "or an Act of any State Legislature".
1947	XXX	The Taxation on Income (Investigation Commission) Act, 1947.	In sub-section (2) of section 1, for the words and letter "Part B State" substitute the words "the State of Jammu and Kashmir".
1949	XXII	The Payment of Taxes (Transfer of Property) Act, 1949.	(1) In sub-section (2) of section 1, for the words and letter "Part B States" substitute the words "the State of Jammu and Kashmir". (2) In the <i>Explanation</i> to section 2, for the words and letter "Part B States" substitute the words "the State of Jammu and Kashmir".

*Repealed by Act 36 of 1957.*

**THE FOREIGN EXCHANGE REGULATION (AMENDMENT)  
ACT, 1950**

**No XXXIV of 1950**



**An Act further to amend the Foreign Exchange Regulation  
Act, 1947.**

[18th April, 1950]

It is enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Foreign Exchange Regulation (Amendment) Act, 1950.

2. **Amendment of section 1, Act VII of 1947.**—In sub-section (2) of section 1 of the Foreign Exchange Regulation Act, 1947 (hereinafter referred to as the said Act), for the words and letter "Part B States", the words "the State of Jammu and Kashmir" shall be substituted.

3. **Amendment of section 2, Act VII of 1947.**—In section 2 of the said Act,—

(i) in clause (k), for the words and figures "Indian Securities Act, 1920" the words and figures "Public Debt Act 1944" shall be substituted;

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

'(m) "the States" means the territories comprised within the States to which this Act extends;';

(iii) the existing clause (m) shall be relettered as clause (n); and

(iv) after clause (n), as so relettered, the following clause shall be added, namely:—

"(o) any reference to an enactment which does not extend to a Part B State shall be construed as a reference to the corresponding enactment, if any, for the time being in force in that State."

4. **Amendment of section 18, Act VII of 1947.**—In section 18 of the said Act,—

(i) in sub-section (1), the words "or the United Kingdom" shall be omitted; and

(ii) in sub-section (2), the words "United Kingdom or" shall be omitted.

5. **Amendment of section 23, Act VII of 1947.**—In section 23 of the said Act,—

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

"(2) Notwithstanding anything contained in section 82 of the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any magistrate of the first class, specially empowered in this behalf by the State Government, and for any presidency magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of an offence punishable under this section.";

and

Price anna 1 or 11d.

(ii) the existing sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4), respectively.

6. Repeals and savings.—(1) If immediately before the commencement of this Act, there is in force, in any Part B State to which this Act extends, a law corresponding to the Foreign Exchange Regulation Act, 1947 (VII of 1947), such law shall, upon the commencement of this Act, stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the repealed law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Foreign Exchange Regulation Act, 1947, as amended by this Act, as if that Act as so amended were in force on the date on which such thing was done or action was taken.

Repealed by Act 36 of 1957.

**THE REPEALING AND AMENDING ACT, 1950**

**No. XXXV OF 1950**



**An Act to repeal certain enactments and to amend certain other enactments.**

[19th April, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Repealing and Amending Act, 1950.

**2. Repeal of certain enactments.**—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

**3. Amendment of certain enactments.**—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

**4. Savings.**—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;

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	1	3	4
<i>Acts of the Central Legislature</i>			
1946	I	The Workmen's Compensation (Amendment) Act, 1946.	The whole
1946	II	The Indian Mines (Amendment) Act, 1946	The whole
1946	III	The Code of Criminal Procedure (Amendment) Act, 1946.	The whole

Price *anna* 1 or 1½d.

Year 1	No. 2	Short title 3	Extent of repeal 4
<i>Acts of the Central Legislature—contd.</i>			
1946	IV	The Code of Criminal Procedure (Second Amendment) Act, 1946.	The whole
1946	V	The Professions Tax Limitation (Amendment) Act, 1946.	The whole
1946	VI	The Insurance (Amendment) Act, 1946 . . .	The whole
1946	VIII	The Indian Income-tax (Amendment) Act, 1946.	The whole
1946	XI	The Provident Funds (Amendment) Act, 1946.	The whole
1946	XII	The Trade Marks (Amendment) Act, 1946 . . .	The whole
1946	XIII	The Indian Companies (Amendment) Act, 1946.	The whole
1946	XV	The Indian Coconut Committee (Amendment) Act, 1946.	The whole
1946	XVI	The Protective Duties Continuation Act, 1946.	The whole
1946	XVIII	The Indian Soldiers (Litigation) Amendment Act, 1946.	The whole
1946	XXV	The Delhi Special Police Establishment Act, 1946.	Section 7
1946	XXVI	The Special Tribunals (Supplementary Provisions) Act, 1946.	Section 4
1946	XXIX	The Indian Tea Control (Amendment) Act, 1946.	The whole
1946	XXX	The Registration of Transferred Companies (Amendment) Act, 1946.	The whole
1946	XXXI	The Foreigners Act, 1946 . . . . .	Section 17
1947	I	The Criminal Tribes (Amendment) Act, 1947.	The whole
1947	III	The Indian Extradition (Amendment) Act, 1947.	The whole
1947	IV	The Coffee Market Expansion (Amendment) Act, 1947.	The whole
1947	VI	The Indian Railways (Amendment) Act, 1947.	The whole
1947	VIII	The Indian Navy (Discipline) (Amendment) Act, 1947.	The whole
1947	XIII	The Delhi Muslim Wakfs (Amendment) Act, 1947.	The whole
1947	XIV	The Industrial Disputes Act, 1947 . . . . .	Section 40
1947	XXII	The Income-tax and Excess Profits Tax (Amendment) Act, 1947.	The whole
1947	XXV	The Indian Tariff (Amendment) Act, 1947	The whole

Year 1	No. 2	Short title 3	Extent of repeal 4
<i>Acts of the Central Legislature—contd.</i>			
1947	XXVII	The Motor Vehicles (Amendment) Act, 1947.	The whole
1947	XXVIII	The Indian Coinage (Amendment) Act, 1947	The whole
1947	XXXIII	The Negotiable Instruments (Amendment) Act, 1947.	The whole
1947	XXXIV	The Indian Boilers (Amendment) Act, 1947	The whole
1947	XXXV	The Panth Piploda Laws (Amendment) Act, 1947	The whole
1947	XXXVI	The Indian Medical Council (Amendment) Act, 1947.	The whole
1947	XXXVIII	The Foreigners (Amendment) Act, 1947	The whole
1947	XL	The Foreign Exchange Regulation (Amendment) Act, 1947.	The whole
1947	XLI	The Indian Merchant Shipping (Amendment) Act, 1947.	The whole
1947	XLII	The Indian Finance (Supplementary) Act, 1947.	The whole
1947	L	The Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1947.	The whole
1947	LI	The Indian Cotton Cess (Amendment) Act, 1947.	The whole
1948	II	The Repealing and Amending Act, 1947	The whole
1948	IV	The Armed Forces (Emergency Duties) Amendment Act, 1947.	The whole
1948	V	The Indian Tariff (Second Amendment) Act, 1947.	The whole
1948	VI	The Code of Civil Procedure (Amendment) Act, 1948.	The whole
1948	X	The Insurance (Amendment) Act, 1948.	The whole
1948	XIII	The Railways (Transport of Goods) (Amendment) Act, 1948.	The whole
1948	XVII	The Indian Army and the Indian Air Force (Amendment) Act, 1948.	The whole
1948	XVIII	The Protective Duties Continuation Act, 1948.	The whole
1948	XIX	The Indian Tea Control (Amendment) Act, 1948.	The whole
1948	XXI	The Indian Railways (Amendment) Act, 1948	The whole
1948	XXIII	The Taxation on Income (Investigation Commission) (Amendment) Act, 1948.	The whole
1948	XXIV	The Indian Aircraft (Amendment) Act, 1948	The whole

Year 1	No. 2	Short title 3	Extent of repeal 4
<i>Acts of the Central Legislature—concl'd.</i>			
1948	XXV	The Provincial Insolvency (Amendment) Act, 1948.	The whole
1948	XXVII	The Control of Shipping (Amendment) Act, 1948.	The whole
1948	XXVIII	The Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1948.	The whole
1948	XXX	The Indian Lac Cess (Amendment) Act, 1948 .	The whole
1948	XXXIII	The Calcutta Port (Pilotage) Act, 1948 .	Section 11
1948	XXXVI	The Bombay, Calcutta and Madras Port Trusts (Constitution) (Amendment) Act, 1948.	The whole
1948	XXXIX	The Indian Registration (Amendment) Act, 1948.	The whole
1948	XLII	The Indian Merchant Shipping (Amendment) Act, 1948.	The whole
1948	XLIII	The Indian Army (Amendment) Act, 1948 .	The whole
1948	XLIV	The Durgah Khawaja Saheb (Amendment) Act, 1948.	The whole
1948	XLV	The Indian Telegraph (Amendment) Act, 1948.	The whole
1948	XLIX	The Taxation on Income (Investigation Commission) (Second Amendment) Act, 1948.	The whole
1948	L	The Cantonments (Amendment) Act, 1948 .	The whole
1948	LV	The Indian Income-tax (Amendment) Act, 1948.	The whole
1948	LVI	The Territorial Army Act, 1948 . . . . .	Section 15
1948	LVII	The Indian Navy (Discipline) Amendment Act, 1948.	The whole
1948	LIX	The Indian Cotton Cess (Amendment) Act, 1948.	The whole
1948	LXII	The Reserve Bank (Transfer to Public Ownership) Act, 1948.	Section 7 and Schedule
1948	LXIII	The Factories Act, 1948 . . . . .	Section 110 and the Table of Enactments repealed
1948	LXIV	The Essential Supplies (Temporary Powers) (Amendment) Act, 1948.	The whole
1948	LXV	The Indian Railways (Second Amendment) Act, 1948.	The whole
<i>Ordinances made by the Governor-General</i>			
1944	III	The Restriction and Detention Ordinance, 1944	The whole
1944	XXX	The Army (Provision for Dependents) Ordinance, 1944.	The whole



Year 1	No. 2	Short title 3	Extent of repeal 4
<i>Ordinances made by the Governor-General—contd.</i>			
1945	XI	The Army (Forfeiture of Emoluments) Ordinance, 1945.	The whole
1946	I	The Repealing Ordinance, 1946	The whole
1946	VII	The Criminal Law (1943 Amendment) Amending Ordinance, 1946.	The whole
1946	VIII	The Allied Forces (China) Ordinance, 1946	The whole
1946	IX	The National Service (Technical Personnel) Amendment Ordinance, 1946.	The whole
1946	XIII	The Army (Forfeiture of Emoluments) Amendment Ordinance, 1946.	The whole

## THE SECOND SCHEDULE

*Amendments*

(See section 3)

Year 1	No. 2	Short title 3	Amendments 4
<i>Acts of the Central Legislature</i>			
1860	XLV	The Indian Penal Code	In the <i>Explanation</i> to section 489A for the figures, letters and word "49C and 489D" the figures, letters and word "489C, 489D and 489E" shall be substituted.
1867	XXV	The Press and Registration of Books Act, 1867.	In the preamble, for the words "periodicals containing news", the word "newspapers" shall be substituted.
1878	XI	The Indian Arms Act, 1878	In clause (i) of section 19, the words and figures "section 14 or" shall be omitted.
1897	V	The Amending Act, 1897.	In the third Schedule, the entry relating to Act XII of 1874 shall be omitted.
1898	V	The Code of Criminal Procedure, 1898.	In Schedule II, in the second column, in the entry relating to section 222, for the words "transportation or transportation" the words "transportation or" shall be substituted.
1908	XV	The Indian Ports Act, 1908.	In clause (e) of section 48, for the words "any port within the territories administered by the Governor of Fort Saint George in Council", the words "any port in the State of Madras or the port of Gopalpur in the State of Orissa" shall be substituted.
1925	XIX	The Provident Funds Act, 1925.	In sub-section (2) of section 5, for the words and figures "the Succession Certificate Act, 1889", the words and figures "the Indian Succession Act, 1925" shall be substituted.

Year 1	No. 2	Short title 3	Amendments 4
<i>Acts of the Central Legislature—contd.</i>			
1939	XXX	The Commercial Documents Evidence Act, 1939.	In item 7, of Part I of the Schedule, for the words "British India Load Line Certificate", the words "Indian Load Line Certificate" shall be substituted.
1947	XIV	The Industrial Disputes Act, 1947.	In the proviso to sub-section (2) of section 15, after the words "the House of the People", where they occur last, the word "may" shall be inserted.
1949	XXV	The Displaced Persons (Legal Proceedings) Act, 1949.	In section 7, for the words and figures "Order XXI of the Code of Civil Procedure", the words and figures "Order XXI of the First Schedule to the Code of Civil Procedure" shall be substituted.
<i>Act of the Madras Legislature</i>			
1886	IV	The Railway Protection Act, 1886.	In section 1, for the words "It extends to the territories administered by the Governor in Council of Fort St. George", the words "It extends to the whole of the State of Madras" shall be substituted.

*See India Code vol. VI B*

**THE NAWAB SALAR JUNG BAHADUR  
(ADMINISTRATION OF ASSETS) ACT, 1950**

**No. XXXVI of 1950**



An Act to provide for the administration of the assets of the late Nawab Salar Jung Bahadur of Hyderabad and for matters connected therewith.

[19th April, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title and extent.**—(1) This Act may be called the Nawab Salar Jung Bahadur (Administration of Assets) Act, 1950.

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

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

(a) “assets” means all the items of property of the Nawab specified in the Schedule, and includes any other item of property added to the Schedule by notification under section 7;

(b) “Committee” means the Salar Jung Estate Committee appointed for the purpose of administering the estate of the Nawab under the Salar Jung Estate (Administration) Regulation (No. XXXIV of 1358F) of Hyderabad;

(c) “the Nawab” means Nawab Salar Jung Bahadur of Hyderabad who died on the 2nd day of March, 1949; and

(d) “Schedule” means the Schedule to this Act.

**3. Vesting of assets in Committee.**—All the assets of the Nawab shall vest in the Committee and shall be administered by the Committee subject to the control of the Central Government.

**4. Powers of Committee.**—(1) Subject to any rules that may be made in this behalf, the Committee may take such measures as it considers necessary or expedient for the purposes of administering and managing the assets which

have vested in it and may for any such purpose do all acts and incur all expenditure necessary or incidental thereto.

(2) Without prejudice to the generality of the powers given to it by sub-section (1), the Committee may, for any of the purposes aforesaid,—

(a) operate on any account standing in the name of the Nawab in any banking company;

(b) take such action as may be necessary for the recovery of any debt due to the Nawab;

(c) transfer in any manner whatsoever the assets or any part thereof;

(d) invest or re-invest any assets in such security as the Committee may think fit.

(3) The Committee may, for the more convenient exercise of any of its powers, authorise, by resolution, any of its members to act on behalf of the Committee in respect of such matters as may be specified.

**5. Payment to Committee to be valid discharge.**—(1) Any payment made to the Committee in the discharge of any obligation in relation to any asset shall be a full and valid discharge to the person making the payment from all liability in respect thereof.

(2) Any payment made otherwise than in accordance with sub-section (1) shall not be deemed to discharge the person paying it from his obligation to make the payment and shall not affect the right of the Committee to enforce such obligation against that person.

**6. Transfers otherwise than by Committee or without its consent void.**—

(1) Any transfer or other disposition of any asset made by any person after the 2nd day of March, 1949, and before the 12th day of November, 1949, shall be void and shall be deemed always to have been void unless confirmed by the Committee.

(2) Any transfer or other disposition of any asset purporting to be made by any person other than the Committee after the 12th day of November, 1949, shall be void and of no effect, and, notwithstanding anything contained in any law for the time being in force, the asset shall be deemed to be and always to have been vested in the Committee.

**7. Power to add to Schedule.**—The Central Government may, by notification in the Official Gazette, add to the items of property in the Schedule any other item which in its opinion represents property belonging to the Nawab, and on the issue of such notification, any property so added, shall be deemed always to have been included in the Schedule for the purposes of this Act.

**8. Bar of jurisdiction.**—No suit or other legal proceeding for the enforcement of any right or remedy in respect of any asset shall be instituted in any court by any person other than the Committee save with the previous consent of the Central Government.

*2 Rep. by Act 36 of 1957, S. 2 and First Sch.*

of 1950] Nawab Salar Jung Bahadur (Administration of Assets) 3

9. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Committee for anything which is in good faith done or intended to be done in pursuance of this Act.

10. Power to make rules.—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act and, in particular, for the effective exercise of the powers vested in the Committee under this Act.

11. ~~Repeal of Ordinance XXIX of 1949.~~ (1) ~~The Nawab Salar Jung Bahadur (Administration of Assets) Ordinance, 1949 (XXIX of 1949), is hereby repealed.~~

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

SCHEDULE  
(See section 2)

ASSETS OF THE LATE NAWAB SALAR JUNG BAHADUR  
SHARES

Item No.	Description of property	No. of shares	Amount	In whose custody	Remarks
1	2	3	4	5	6
1	Government Promissory Notes, 1896-97.	4	Rs. 12,000	Imperial Bank of India, Hyderabad (Deccan).	
2	The Tata Hydro-Electric Power Supply Co., Ltd. (Bombay).	180 Ordinary.	18,000	Do.	
3	The Tata Hydro-Electric Power Supply Co., Ltd. (Bombay).	500 7 per cent. Preference.	50,000	Do.	
4	The Andhra Valley Power Supply Co., Ltd. (Bombay).	50 Ordinary.	50,000	Do.	
5	The Tata Power Co., Ltd. (Bombay).	110 Ordinary.	1,10,000	Do.	
6	Do. . . . .	100 7 per cent. Preference.	1,00,000	Do.	
7	The Tata Iron and Steel Co., Ltd. (Bombay).	300 7½ per cent. Second Preference.	30,000	Do.	

1	2	3	4	5	6
			Rs.		
8	The Indian Iron and Steel Co., Ltd. (Calcutta).	1,500 Ordinary.	15,000	Imperial Bank of India Hyderabad (Deccan).	
9	The Associated Cement Companies, Ltd. (Bombay).	19,209 Ordinary.	19,20,900	18,583 shares in the custody of the Central Bank of India, Ltd. (Bombay).	Pledged as security against overdraft.
10	Do. . . . .	..	..	626 shares in the custody of the Imperial Bank of India, Hyderabad (Deccan).	
11	The British India Corporation, Ltd. (Calcutta).	10,067 Ordinary.	50,335	Imperial Bank of India, Hyderabad (Deccan).	
12	Spencer & Co., Ltd. (Madras).	860 Ordinary.	8,600	Do.	
13	Spencer & Co., Ltd. (Madras).	10,012 6½ per cent. 'A' Preference.	1,00,120	Do.	
14	Spencer & Co., Ltd. (Madras).	4,248 8 per cent. 'B' Preference.	42,480	Imperial Bank of India, Hyderabad (Deccan).	
15	P. Orr & Sons, Ltd. (Madras).	250 6 per cent. Preference.	25,000	Do.	
16	Powells, Ltd. (Bombay)	200	5,000	Do.	
17	The Buckingham and Carnatic Co., Ltd. (Madras).	650 Ordinary.	65,000	Do.	
18	Young India Cotton Mills, Ltd. (Calcutta).	200 Ordinary.	5,000	Do.	
19	Imperial Bank of India (Bombay Reg.).	155 Fully paid.	77,500	Central Bank of India, Ltd., Bombay.	Pledged as security against overdraft.
20	Do. . . . .	560 Contributory.	70,000	Do.	Do.
21	Imperial Bank of India (Calcutta Reg.).	7 Fully paid.	3,500	Do.	Do.
22	Do. . . . .	14 Contributory.	1,750	Do.	Do.
23	The Central Bank of India, Ltd. (Bombay).	1,500 Rs. 25 paid up.	37,500	Imperial Bank of India, Hyderabad (Deccan).	
24	Do. . . . .	300 'A'	7,500	Do.	

	2	3	4	5	6
25	Jupiter General Insurance Co., Ltd. (Bombay).	750 6½ per cent. Preference.	Rs. 7,500	Imperial Bank of India Hyderabad (Deccan). Do.	
26	Do.	100 Ordinary.	1,500	Do.	
27	The Madras Swadeshi Emporium Ltd. (Madras.)	500	5,000	Do.	
28	The Vulcan Insurance Co., Ltd. (Bombay).	1,600	16,000	Do.	
29	The Bombay Electric Supply and Tramways Co., Ltd. (In voluntary liquidation.)	265 Ordinary.	13,250	Do.	
30	The Industrial and Prudential Assurance Co., Ltd. (Bombay).	300 Ordinary.	1,800	Do.	
31	The Deccan Tobacco Works, Ltd. (Poona).	200 Ordinary.	8,000	Do.	

LIFE INSURANCE POLICIES

Item No.	Name of company	Policy No.	Amount	In whose custody	Remarks
1	2	3	4	5	6
			Rs.		
32	The Prudential Assurance Co., Ltd.	3600081	1,00,000	With Company.	
33	The Gresham Life Assurance Society, Ltd.	784360	2,75,000	Do.	
34	The Bombay Life Assurance Co., Ltd.	42537	2,00,000	Do.	
35	The North British and Mercantile Insurance Co., Ltd. (Calcutta).	09927-P	£2,000	Do.	
36	The Hindustan Co-operative Insurance Society, Ltd.	109450	50,000	Do.	
37	Allianz und Stuttgarter Life Insurance Bank, Ltd. (New Delhi).	HZ-5994	10,000	..	Deducted under instructions from the Government of India, on policy which matured in 1948.

1/2 Sns. by m. No 21700/19-11-53 Gazette of India Pt. II Sec. 3 p. 1972

6 Nawab Salar Jung Bahadur (Administration of Assets) [ACT XXXVI OF 1950]

BANK DEPOSIT

Item No.	Description of property	Amount	Remarks
1	2	3	4
		Rs. A. P.	
38	Current Account with Imperial Bank of India (Bombay).	95,625 2 8	(as at 30-4-1949).

BUILDINGS

Item No.	Description of property	In whose custody	Remarks
1	2	3	4
39	House in Ootacamund "Woodcock Hall".	Salar Jung Estate Committee.	
40	House in Poona "Gladhurst"	Do.	

*1/2. G.O. No. 2170 of 19-11-53. (Gazette of India)  
Dt. 11 Dec. 53 p. 1972.*



*Repealed by Act 36 of 1957.*

**THE INDIAN TARIFF (THIRD AMENDMENT) ACT, 1950**

**No. XXXVII of 1950**



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

[24th April, 1950]

**B**E it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Tariff (Third Amendment) Act, 1950.

**2. Amendment of the First Schedule, Act XXXII of 1934.**—In the First Schedule to the Indian Tariff Act, 1934,—

(i) for Item No. 28(4), the following Item shall be substituted, namely:—

“28(4)	Soda ash, including calcined natural soda and manufactured sesqui-carbonates—					
	(a) manufactured in a British Colony.	Protective	40 per cent. <i>ad valorem.</i>	..	..	December 31st, 1952.
	(b) not manufactured in a British Colony.	Protective	50 per cent. <i>ad valorem.</i>	..	..	December 31st, 1952”;

(ii) in Item No. 60(6), in the second column, for the words “Sheet and plate glass”, the words “Plate glass” shall be substituted;

(iii) after Item No. 60(6), the following Item shall be inserted, namely:—

“60(7)	Sheet glass . . . .	Protective	45 per cent. <i>ad valorem.</i>	..	..	December 31st, 1952”;
--------	---------------------	------------	---------------------------------	----	----	-----------------------

(iv) after Item No. 73(15), the following Item shall be inserted, namely:—

“73(16)	Electrical accessories made of plastics, such as wall plugs, switches, ceiling roses and lamp holders—					
	(a) of British manufacture	Protective	30 per cent. <i>ad valorem.</i>	..	..	December 31st, 1952.
	(b) not of British manufacture.	Protective	40 per cent. <i>ad valorem.</i>	..	..	December 31st, 1952”;

(v) after Item No. 82(2), the following Item shall be inserted, namely:—

“82(3)	Phenol-formaldehyde moulding powder.	Protective	30 per cent. <i>ad valorem.</i>	..	..	December 31st, 1952”.
--------	--------------------------------------	------------	---------------------------------	----	----	-----------------------

Price anna 1 or 1½.

THE NATIONAL LABOR UNION AMMUNITION WORKERS  
LOCAL NO. 1000



OFFICE OF THE NATIONAL LABOR UNION AMMUNITION WORKERS  
LOCAL NO. 1000

6

MEMORANDUM FOR THE NATIONAL LABOR UNION AMMUNITION WORKERS  
LOCAL NO. 1000

DATE: [Illegible]

TO: [Illegible]

FROM: [Illegible]

SUBJECT: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

*Repealed by Act 36 of 1957.*  
**THE INLAND STEAM-VESSELS (AMENDMENT) ACT, 1950**  
**No. XXXVIII OF 1950**



**An Act further to amend the Inland Steam-vessels Act, 1917.**  
[24th April, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Inland Steam-vessels (Amendment) Act, 1950.

**2. Amendment of section 70, Act I of 1917.**—In section 70 of the Inland Steam-vessels Act, 1917,—

(i) for the words “State Government”, the words “Central Government” shall be substituted; and

(ii) the proviso shall be omitted.

Price anna 1 or 1½d.

THE UNIVERSITY OF MICHIGAN LIBRARY



Faint, illegible text, possibly bleed-through from the reverse side of the page.

Faint text at the bottom of the page, possibly a page number or reference.

Faint text at the bottom of the page, possibly a date or location.

**THE APPROPRIATION (No. 2) ACT, 1950**

**No. XXXIX of 1950**



**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 year ending on the 31st day of March, 1951.**

[28th April, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Appropriation (No. 2) Act, 1950.

**2. Issue of Rs. 4,38,36,000 out of the Consolidated Fund of India for the year 1950-51.**—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, thirty-eight lakhs and thirty-six thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services specified in column 2 of the Schedule.

**3. Appropriation.**—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 year ending on the 31st day of March, 1951.

**SCHEDULE**

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
7	Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works met from Revenue	12,000	..	12,000
61	Census	41,000	..	41,000
68	Communications (including National Highways)	27,39,000	..	27,39,000
69	Other Civil Works	16,55,000	..	16,55,000
70	Territorial and Political Pensions	5,18,000	..	5,18,000
71	Superannuation Allowances and Pensions	4,60,000	..	4,60,000
72	Stationery and Printing	1,65,000	..	1,65,000
74	Expenditure on Displaced Persons	49,000	..	49,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament Rs.	Charged on the Consoli- dated Fund Rs.	Total Rs.
89A	Vindhya Pradesh . . . . .	1,77,75,000	..	1,77,75,000
104	Capital Outlay on Civil Works . . . . .	20,89,000	..	20,89,000
410	Interest-free and Interest-bearing Ad- vances . . . . .	1,83,33,000	..	1,83,33,000
	<b>GRAND TOTAL</b>	<b>4,38,36,000</b>	<b>..</b>	<b>4,38,36,000</b>

THE ARMY AND AIR FORCE (DISPOSAL OF PRIVATE  
PROPERTY) ACT, 1950.

No. XL OF 1950

*See - India Code -*

*Vol. 5*



An Act to provide for the disposal of the private property of persons subject to the Army Act, 1950 or the Air Force Act, 1950, who die or desert or are ascertained to be of unsound mind or while on active service are officially reported to be missing.

[28th April, 1950]

**B**E it enacted by Parliament as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Army and Air Force (Disposal of Private Property) Act, 1950.

(2) It extends to the whole of India, and applies to citizens of India and persons subject to the Army Act, 1950, or the Air Force Act, 1950, wherever they may be.

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

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

(1) "Committee" means the Committee of Adjustment constituted under section 4;

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

(3) "regimental and other debts in camp or quarters" includes—

(i) in relation to any person subject to the Army Act, 1950, moneys due as military debts, namely, sums due in respect of or of any advance in respect of—

(a) quarters;

(b) mess, band and other regimental accounts;

(c) military clothing, appointments and equipments, not exceeding a sum equal to three months' pay of the deceased and having become due within eighteen months before the date of his death; and

(ii) in relation to any person subject to the Air Force Act, 1950, moneys due as air force debts, namely, sums due in respect of or of any advance in respect of—

(a) quarters;

(b) mess, band and other service accounts;

(c) air force clothing, appointments and equipments, not exceeding a sum equal to three months' pay of the deceased and having become due within eighteen months before the date of his death;

Price annas 2 on 3d.

↓ 21-7-50, 123 no. SRO 123, 22.7.50, *India, 1950, Pt. II, Sec 3, p-87.*

(4) "representation" includes probate, letters of administration, with or without the will annexed and a succession certificate, constituting a person executor or administrator of the estate of a deceased person or authorising him to receive or realise the assets of a deceased person;

(5) "representative" means any person who has taken out representation, but does not include an Administrator General;

(6) all words and expressions used herein and defined in the Army Act, 1950, or the Air Force Act, 1950, and not in this Act defined shall be deemed to have the meanings respectively attributed to them by those Acts.

**3. Property of deceased persons and deserters other than officers.**—(1) On the death or desertion of any person, not being an officer, subject to the Army Act, 1950, or the Air Force Act, 1950, as the case may be, the commanding officer of the corps, department, detachment or unit to which the deceased or deserter belonged, shall, as soon as may be and subject to any rules that may be made in this behalf—

(a) secure all the movable property belonging to the deceased or deserter that is in camp or quarters, and cause an inventory thereof to be made,

(b) draw the pay and allowances due to such person,

(c) make due provision for the payment of regimental and other debts in camp or quarters, if any, of such persons.

(2) In the case of a deceased person, the commanding officer,—

(a) if in any case not otherwise provided for by rules made under this Act it appears to him to be necessary to make provision for the payment of regimental and other debts in camp or quarters, the funeral expenses of the deceased and the expenses, if any, incurred by the commanding officer in respect of the estate of the deceased, shall, and—

(b) in any other case, may,—

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 officer 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 other institution, and such agent, manager or other officer shall be bound to comply with the requisition.

(3) Where any money has been paid by a banking company, society or other institution in compliance with a requisition made under sub-section (2), no person shall have any claim against the banking company, society or other institution in respect of such money.

(4) Where the representative of a deceased has given security to the satisfaction of the commanding officer for the payment of the regimental and other debts in camp or quarters, if any, and of the funeral expenses of the deceased in cases where no provision for the payment of such expenses has been made otherwise and of the expenses, if any, incurred by the commanding officer in respect of the estate of the deceased, the commanding officer shall deliver over the property received by him under sub-section (1) and (2) to that representative, whereupon his responsibility for the administration of the estate of the deceased shall cease.



(5) In the case of a deceased whose estate has not been dealt with under sub-section (4), or under section 10, and in the case of a deserter, the commanding officer,—

(i) if in any case it is necessary in his opinion so to do for the purpose of securing the payment of the regimental and other debts in camp or quarters of the deceased or deserter, the funeral expenses of the deceased, if any, and the expenses, if any, incurred by the commanding officer in respect of the estate of the deceased or deserter, shall, and

(ii) in any other case, may

cause the movable property of the deceased or deserter, as the case may be, to be sold or converted into money.

(6) The commanding officer shall, out of the moneys received, collected or realised under sub-sections (1), (2) and (5), pay the regimental and other debts in camp or quarters, if any, of the deceased or deserter, as the case may be, the expenses, if any, incurred by the commanding officer in respect of the estate of the deceased or deserter, and in the case of a deceased his funeral expenses in cases where no provision for the payment of such expenses has been made otherwise.

(7) The surplus, if any, after payment of the debts and expenses specified in sub-section (6), shall,—

(a) in the case of a deceased, be paid to his representative, if any, or in the event of no claim to such surplus being established within twelve months after the death, to the prescribed person; and

(b) in the case of a deserter, be forthwith paid to the prescribed person, and shall, on the expiry of three years from the date of desertion, be forfeited to the Central Government, unless the deserter shall have surrendered or been apprehended in the meantime:

Provided that the prescribed person may, if the deserter has not surrendered or been apprehended in the meantime, pay the whole or any part of the surplus received by him under clause (b) to the wife or children or any other dependant of the deserter at any time during the said period of three years.

*Explanation.*—In this section and in section 4, the word “officer” with reference to persons subject to the Air Force Act, 1950, includes a warrant officer who has died or deserted.

**4. Property of officers who die or desert.**—The provisions of section 3 shall also apply to the disposal of the property of any officer subject to the Army Act, 1950 or the Air Force Act, 1950, who dies or deserts, but with the following modifications, namely:—

(i) the functions of the commanding officer under section 3 shall be performed by a Committee of Adjustment constituted in this behalf in the prescribed manner;

(ii) the surplus, if any, after payment of the debts and expenses specified in sub-section (6) of section 3, shall in the case of a deceased officer, be paid to the prescribed person.

**5. Decision of questions as to regimental and other debts in camp or quarters.**—If in any case a doubt or difference arises as to what are the regimental and other debts in camp or quarters of a deceased or deserter 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.

**6. Representative powers of commanding officer or Committee.**—For the purpose of the exercise of his or its duties under section 3 or section 4, the commanding officer or the Committee, as the case may be, shall, to the exclusion of all other persons and authorities whomsoever or whatsoever have the same rights and powers as if he or it had taken out representation to the estate of the deceased, and any receipt given by the commanding officer or the Committee, as the case may be, shall have effect accordingly.

**7. Power of Central Government to hand over estate of deceased person to the Administrator General.**—(1) Notwithstanding anything contained in the Administrator General's Act, 1913 (III of 1913), an Administrator General shall not interpose in any manner in relation to any property of a deceased which has been dealt with under the provisions of section 3 or section 4, except in so far as he is expressly required or permitted 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 shall be handed over by the commanding officer or the Committee, as the case may be, to the Administrator General of a State for administration, and thereupon the commanding officer or the Committee, as the case may be, shall make over the estate to such Administrator General.

(3) Where under this section any estate is handed over to the Administrator General, the Administrator General shall administer such estate in accordance with the provisions of the Administrator General's Act, 1913 (III of 1913), or, if that Act is not in force in any State, of the corresponding law in force in that State:

Provided that the regimental and other debts in camp or quarters of the deceased, if any, shall be paid by the Administrator General 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 in the prescribed manner to the prescribed person.

(5) The Administrator General shall not charge in respect of his duties under this section any fee exceeding three per cent. of the gross amount coming to or remaining in his hands after payment of the regimental and other debts in camp or quarters.

**8. Disposal of surplus by prescribed persons.**—On receipt of the surplus referred to in sub-section (7) of section 3 or clause (ii) of section 4 or sub-section (4) of section 7, the prescribed person shall,—

(a) if he knows of a representative of the deceased, pay the surplus to that representative;

(b) if he does not know of any such representative and the surplus has not been disposed of under section 10, 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 a 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 bar the claim of any person to such surplus or any part thereof, if he is otherwise entitled to it.

**J. Disposal of effects, not money.**—Where any part of the estate of a deceased person consists of effects, securities or other property not converted into money, the provisions of sub-section (7) of section 3, clause (ii) of section 4 and section 8, 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 representative of the deceased.

**10. Disposal of certain property without production of probate, etc.**—Property deliverable and money payable to the representative of a deceased under section 3 or section 4 or section 8 may, if the total amount or value thereof does not exceed five thousand rupees and if the prescribed person thinks fit, be delivered or paid to any person appearing to him to be entitled to receive it or to administer the estate of the deceased without requiring such person to produce any probate, letters of administration, succession certificate or other such conclusive evidence of title.

**11. Discharge of commanding officer, Committee, prescribed person and the Central Government.**—Any payment or application of money or application, 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 section 3, section 4, section 8, section 9 or section 10 shall be valid and shall be a full discharge to the commanding officer, the Committee or the prescribed person, as the case may be, and to the Central Government from all further liability in respect of that money or property; but nothing herein contained shall affect the right of any executor or administrator or other representative, or of any creditor of the deceased against any person to whom such payment or delivery has been made.

**12. Property in the hands of commanding officer, Committee or prescribed person not to be assets where commanding officer, Committee or prescribed person is stationed.**—Any property coming into the hands of the commanding officer or the Committee or the prescribed person under section 3, section 4 or sub-section (4) of section 7 shall not, by reason thereof, be deemed to be assets or effects at the place in which that commanding officer or the Committee or the prescribed person is stationed, and it shall not be necessary by reason thereof that representation be taken out in respect of that property for that place.

**13. Saving of rights of representative.**—After the commanding officer, or the Committee has paid to the prescribed person the surplus of the property of any deceased under sub-section (7) of section 3 or clause (ii) of section 4, any representative of the deceased or any Administrator General, shall, as regards any property of the deceased not collected by the commanding officer or the Committee, as the case may be, and not forming part of the aforesaid surplus, have the same rights and duties as if sections 3 and 4 had not been enacted.

**14. Application of sections 3 to 13 to persons of unsound mind or to persons reported missing on active service.**—The provisions of sections 3 to 13 shall, so far as they can be made applicable, also apply in the case of a person subject to the Army Act, 1950, or the Air Force Act, 1950, as the case may be, who, notwithstanding anything contained in the Indian Lunacy Act, 1912 (IV of 1912), is ascertained in the prescribed manner to be of unsound mind, or who, while on active service, is officially reported missing, as if he 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:

Provided that in the case of a person so reported missing, no action shall be taken under sub-sections (2) to (6) of section 3 or section 4 or section 7 until such time as he is officially presumed to be dead.

**15. Appointment of Standing Committee of Adjustment in certain cases.—**When an officer dies or deserts or is ascertained in the prescribed manner to be of unsound mind or while on active service is officially reported missing, the references in the foregoing provisions of this Act 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 shall alone be entitled to perform all the functions of the Committee under this Act.

**16. Power to make rules.—**(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the purposes of this Act.

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

(a) prescribe the manner in which any property belonging to a deceased or deserter may be secured or collected and his regimental and other debts in camp or quarters paid;

(b) provide for the payment of the funeral expenses of any deceased;

(c) provide for the constitution of the Committee of Adjustment or any Standing Committee of Adjustment under this Act;

(d) specify the person who shall be regarded as the prescribed person for the purposes of this Act;

(e) prescribe the circumstances in which the estate of any deceased shall be handed over to the Administrator General;

(f) prescribe the form and manner in which a notice under section 8 shall be published;

(g) prescribe the procedure by which any person may be ascertained to be of unsound mind.

**17. Repeals.—**Chapter XII of the Indian Army Act, 1911 (VIII of 1911), and sections 126 to 128 inclusive, and sections 128A to 128L inclusive, of the Indian Air Force Act, 1932 (XIV of 1932), are hereby repealed.

*See India Code vol. III*

**THE BHOPAL AND VINDHYA PRADESH (COURTS)  
ACT, 1950**

**No. XLI of 1950.**

---

**ARRANGEMENT OF SECTIONS**

**CHAPTER I**

**PRELIMINARY**

**SECTIONS**

1. Short title and extent.
2. Definitions.

**CHAPTER II**

**COURT OF THE JUDICIAL COMMISSIONER**

3. Establishment of the Court of the Judicial Commissioner.
4. Qualifications for appointment as Judicial Commissioner or Additional Judicial Commissioners.
5. Casual vacancy in the office of the Judicial Commissioner.
6. Rank, precedence and responsibility of Judicial Commissioner.
7. Exercise of jurisdiction by Judicial Commissioner and Additional Judicial Commissioners.
8. Civil and criminal jurisdiction of the Court of the Judicial Commissioner.
9. Registrar and ministerial officers.
10. Registers, books and accounts and statements to be kept by Judicial Commissioner.
11. Procedure of the Court of the Judicial Commissioner.
12. Admission and removal of advocates, vakils and pleaders.
13. Seat of the Court of the Judicial Commissioner.

*Price annas 2 or 3d.*

## CHAPTER III

## SUBORDINATE COURTS

## SECTIONS.

14. Classes of courts.
15. Civil districts and district judges.
16. Additional district judges.
17. Munsiffs and subordinate judges.
18. District court to be principal civil court of original jurisdiction.
19. Original jurisdiction of district courts.
20. Original jurisdiction of subordinate judges and munsiffs.
21. Local limits of jurisdiction of munsiffs and subordinate judges.
22. Powers of the Chief Commissioner to regulate the institution of particular class of suits.
23. Honorary subordinate judges or munsiffs.
24. Small cause jurisdiction of subordinate judge or munsiff.
25. Exercise by subordinate judges of jurisdiction of district court in certain proceedings.
26. Place of sitting of courts.
27. Control of courts by district judges.
28. Ministerial officers of courts.
29. Delegation of powers of district judge and district court.

## CHAPTER IV

## APPELLATE AND REVISIONAL JURISDICTION IN CIVIL CASES

30. Appeals from original decrees.
31. Appeals from appellate decrees.
32. Finality of appellate decree of district court.
33. Period of limitation.
34. Revisional powers of the Court of the Judicial Commissioner.
35. Court-fees payable on revision.

## CHAPTER V

## MISCELLANEOUS

36. Temporary vacancies in office of district judge.
37. Delegation of powers of district judge.
38. Temporary vacancy in office of subordinate judge.
39. Continuance of powers of officers.
40. Vacations.
41. Power to make rules.
42. Abolition of certain courts.
43. Existing rights not affected.
44. Repeals and savings.

*Bhopal and Vindhya Pradesh (Courts) Act, 1950*



**An Act to provide for the establishment of Judicial Commissioners' Courts and other courts in Bhopal and Vindhya Pradesh.**

[10th May, 1950.]

**BE** it enacted by Parliament as follows :—

**CHAPTER I**

**PRELIMINARY**

**1. Short title and extent.**—(1) This Act may be called the Bhopal and Vindhya Pradesh (Courts) Act, 1950.

(2) It extends to the States of Bhopal and Vindhya Pradesh.

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

(i) "Chief Commissioner" means the Chief Commissioner of the State;

(ii) "Court of the Judicial Commissioner" means the Court of the Judicial Commissioner of the State and includes the Court of the Additional Judicial Commissioner, if any;

(iii) "district court" means the court of the district judge and includes the court of an additional district judge;

(iv) "land suit" means a suit for the establishment of title to land or for possession of land or in which any right or interest in land is claimed;

(v) "small cause suit" means a suit of the nature cognizable by a court of small causes under the Provincial Small Cause Courts Act, 1887 (IX of 1887);

(vi) "State" means the State of Bhopal or the State of Vindhya Pradesh, as the case may be;

(vii) "unclassified suit" means a suit which is neither a land suit nor a small cause suit.

**CHAPTER II**

**COURT OF THE JUDICIAL COMMISSIONER**

**3. Establishment of the Court of the Judicial Commissioner.**—There shall be established for each of the States of Bhopal and Vindhya Pradesh a Court to be known as the Court of the Judicial Commissioner which shall consist of the Judicial Commissioner and one or more Additional Judicial Commissioners as the Central Government may think fit to appoint thereto.

**4. Qualifications for appointment as Judicial Commissioners or Additional Judicial Commissioners.**—A person shall not be qualified for appointment as a Judicial Commissioner or an Additional Judicial Commissioner, unless he—

(a) is qualified to be appointed as a Judge of a High Court under clause (2) of article 217 of the Constitution; or

(b) has been the Chief Justice or a Judge of the High Court of Bhopal or Vindhya Pradesh, as the case may be, or

(c) has for at least five years served as, or exercised the powers of, a district judge in the State; or

(d) has served for at least ten years as a subordinate judge in the State; or

(e) is or has acted as the Legal Remembrancer of the State; or

(f) has for at least ten years been a pleader of the High Court of Bhopal or Vindhya Pradesh, as the case may be, or before the establishment of any of those Courts of any court exercising the highest civil and criminal jurisdiction in the State.

**5. Casual vacancy in the office of the Judicial Commissioner.**—On the occurrence of a vacancy in the office of the Judicial Commissioner, the Additional Judicial Commissioner, if any, or, if there be more than one Additional Judicial Commissioner, the senior among them, shall, pending the appointment of the Judicial Commissioner, act as the Judicial Commissioner.

**6. Rank, precedence and responsibility of Judicial Commissioner.**—The Judicial Commissioner shall have rank and precedence before the Additional Judicial Commissioner and shall be responsible for the administration and generally for the distribution of business of the Court of the Judicial Commissioner.

**7. Exercise of jurisdiction by Judicial Commissioner and Additional Judicial Commissioners.**—Save as provided by this Act and subject to such orders as the Judicial Commissioner may make as regards the distribution of business between himself and the Additional Judicial Commissioners, the jurisdiction of the Court of the Judicial Commissioner may be exercised by the Judicial Commissioner or by any Additional Judicial Commissioner.

**8. Civil and criminal jurisdiction of the court of the Judicial Commissioner.**—Save as otherwise provided by this Act or any other law for the time being in force, the Court of the Judicial Commissioner shall, with reference to any civil or criminal proceeding under any law for the time being in force in the State be the highest court of appeal, revision or reference.

**9. Registrar and ministerial officers.**—(1) The Judicial Commissioner may appoint a Registrar and such other ministerial officers as may be necessary for the administration of justice by the Court of the Judicial Commissioner and for the exercise of powers and the performance of the duties conferred or imposed on it by this Act or any other law for the time being in force.

(2) The Judicial Commissioner may make rules for delegating to the Registrar such powers and duties of a judicial, quasi-judicial or non-judicial nature as he deems fit.

**10. Registers, books and accounts and statements to be kept by Judicial Commissioner.**—(1) The Court of the Judicial Commissioner shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court and shall forward to the Chief Commissioner, such of those registers, books and accounts and such statements of the work done in the Court as may from time to time be required by the Chief Commissioner.

(2) The Court of the Judicial Commissioner shall also comply with such requisitions as may be made by the Central Government or the Chief Commissioner for certified copies of, or extracts from, the records of the Court of the Judicial Commissioner or any court subordinate thereto.



**11. Procedure of the Court of the Judicial Commissioner.**—Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Act V of 1908), or the Code of Criminal Procedure, 1898 (Act V of 1898), the Court of the Judicial Commissioner may record evidence and judgments in such manner and prescribe such forms to be used in proceedings before it as it may direct by rules made by it with the sanction of the Chief Commissioner.

**12. Admission and removal of advocates, vakils and pleaders.**—(1) The Court of the Judicial Commissioner may, subject to such rules as it may with the sanction of the Chief Commissioner make, admit proper persons to be advocates, vakils and pleaders in any court in the State and may remove or suspend from practice on reasonable cause any person so admitted and may authorise such advocates, vakils and pleaders to plead and to act for suitors and accused persons :

Provided that advocates, vakils and pleaders who, immediately before the 25th day of January, 1950, held a *sanad* for practising in the High Court of the State shall be entitled to appear, plead and act as advocates, vakils and pleaders in the Court of the Judicial Commissioner and in all courts subordinate thereto.

(2) No person other than an advocate, vakil or pleader shall be allowed to plead and act for suitors and accused persons, except that any suitor may appear, plead or act on his own behalf or on behalf of a co-suitor if so authorised.

**13. Seat of the Court of the Judicial Commissioner.**—The Court of the Judicial Commissioner for Bhopal shall sit at Bhopal and the Court of the Judicial Commissioner for Vindhya Pradesh shall sit at Rewa :

Provided that either Court may sit at such other place or places as the Judicial Commissioner may, with the approval of the Chief Commissioner, from time to time, appoint.

### CHAPTER III

#### SUBORDINATE COURTS

**14. Classes of courts.**—In addition to the Court of the Judicial Commissioner and the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887 (IX of 1887), and the courts established under any other law for the time being in force, there shall be the following classes of civil courts, namely :—

- (i) the court of the district judge ;
- (ii) the court of a subordinate judge ;
- (iii) the court of a munsiff :

Provided that in the case of the State of Vindhya Pradesh, courts of subordinate judges shall be established only with effect from such date as the State Government may, by notification in the Official Gazette, specify.

**15. Civil districts and district judges.**—(1) For the purposes of this Chapter the Chief Commissioner may, by notification in the official Gazette, divide the State into civil districts and may alter the limits or the number of such districts and may determine the headquarters of each such district.

(2) The Chief Commissioner shall, after consultation with the Judicial Commissioner, appoint as many persons as he thinks necessary to be district judges and shall post one such person to each district as district judge of that district :

Provided that the same person may, if the Chief Commissioner thinks fit, be appointed to be the district judge of two or more districts.

**16. Additional district judges.**—(1) When the business pending before the court of a district judge requires the aid of an additional judge or judges for its speedy disposal the Chief Commissioner may, after consultation with the Judicial Commissioner, appoint such additional district judges as may be necessary.

(2) An additional district judge so appointed shall discharge any of the functions of a district judge which the district judge may assign to him, and in the discharge of his functions he shall exercise the same powers as the district judge.

**17. Munsiffs and subordinate judges.**—(1) The Chief Commissioner may, after consultation with the Judicial Commissioner, fix the number of subordinate judges and munsiffs to be appointed and, if there is a vacancy in that number, may, subject to the rules, if any, made under sub-section (2), appoint such person as is nominated by the Judicial Commissioner to the vacancy.

(2) The Chief Commissioner may, after consultation with the Judicial Commissioner, make rules as to the qualifications of persons to be appointed as subordinate judges and munsiffs.

**18. District court to be principal civil court of original jurisdiction.**—The court of the district judge shall be the principal civil court of original jurisdiction in the district.

**19. Original jurisdiction of district courts.**—Save as otherwise provided by any other law for the time being in force, the court of the district judge shall have original jurisdiction in civil suits without limit as regards the value.

**20. Original jurisdiction of subordinate judges and munsiffs.**—The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a subordinate judge or a munsiff shall be determined by the Chief Commissioner, after consultation with the Judicial Commissioner, in such manner as he thinks fit.

**21. Local limits of jurisdiction of munsiffs and subordinate judges.**—(1) The local limits of the jurisdiction of a subordinate judge or a munsiff shall be such as the Chief Commissioner may, by notification in the Official Gazette, define.

(2) When the Chief Commissioner posts a subordinate judge to a district, the local limits of the district shall, in the absence of any directions to the contrary, be the local limits of his jurisdiction.

**22. Powers of the Chief Commissioner to regulate the institution of particular class of suits.**—Notwithstanding anything contained in sections 18, 19, 20 and 21, the Chief Commissioner may, by order published in the Official Gazette, direct that any particular class or classes of suits shall only be instituted in any particular court or courts.

**23. Honorary subordinate judges or munsiffs.**—(1) The Chief Commissioner may, after consultation with the Judicial Commissioner, appoint any person to be an honorary subordinate judge or an honorary munsiff and may confer on such judge or munsiff all or any of the powers conferrable under this Act on a subordinate judge or a munsiff, as the case may be, with respect to any class of suits or withdraw or suspend the exercise of any powers so conferred.

(2) Any person on whom powers are conferred under sub-section (1) shall be deemed for the purposes of this Act to be a subordinate judge or a munsiff, as the case may be.

**24. Small cause jurisdiction of subordinate judge or munsiff.**—The Chief Commissioner may, by notification in the Official Gazette, confer within such local limits as he thinks fit on a subordinate judge or a munsiff the jurisdiction of a judge of the Court of Small Causes under the Provincial Small Cause Courts Act, 1887 (IX of 1887), for the trial of small cause suits up to such value, not exceeding five hundred rupees in the case of a subordinate judge or one hundred rupees in the case of a munsiff as the Chief Commissioner thinks fit, and may withdraw any jurisdiction so conferred.

**25. Exercise by subordinate judges of jurisdiction of district court in certain proceedings.**—(1) The Judicial Commissioner may, by general or special order, authorise any subordinate judge to take cognizance of, and any district judge to transfer to a subordinate judge under his control, any proceeding or any class of proceeding, specified in such order, under—

- (a) the Indian Succession Act, 1925 (XXXIX of 1925); or
- (b) the Guardians and Wards Act, 1890 (VIII of 1890); or
- (c) the Provincial Insolvency Act, 1920 (V of 1920).

(2) The district judge may withdraw any such proceeding taken cognizance of by, or transferred to, a subordinate judge under his control, and may either dispose of it himself or transfer it to any other competent court.

(3) Proceedings taken cognizance of by, or transferred to, a subordinate judge under this section shall be disposed of by him, subject to the rules applicable to like proceedings in the court of the district judge.

**26. Place of sitting of courts.**—(1) The Chief Commissioner may by order fix the place or places at which any court constituted under this Chapter is to be held.

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the court.

(3) Save as otherwise provided by an order under this section, a court constituted under this Chapter may be held at any place within the local limits of its jurisdiction.

**27. Control of courts by district judges.**—Subject to the general superintendence and control of the Judicial Commissioner, the district judge shall have control over all the civil courts within the local limits of his jurisdiction.

**28. Ministerial officers of courts.**—(1) The ministerial officers of the district court shall be appointed by the district judge.

(2) The ministerial officers of civil courts under the control of the district judge shall be appointed by the district judge.

(3) Every appointment under this section shall be subject to such rules as the Judicial Commissioner, with the approval of the Chief Commissioner, may make in this behalf.

**29. Delegation of powers of district judge and district court.**—The district judge may, with the previous sanction of the Judicial Commissioner, delegate to the judge of any court under his control all or any of the powers conferred on the district judge by section 27 of this Act and on a district court by section 24 of the Code of Civil Procedure, 1908 (Act V of 1908), to be exercised by such judge in any specified portion of the district, subject to the control of the district judge.

## CHAPTER IV

### APPELLATE AND REVISIONAL JURISDICTION IN CIVIL CASES

**30. Appeals from original decrees.**—Save as otherwise provided by any law for the time being in force, appeals from decrees of courts exercising original jurisdiction shall lie as follows :—

- (a) from a decree of a munsiff in any suit and of a subordinate judge in a suit the value of which does not exceed five thousand rupees, to the court of the district judge, and

(b) in all other cases, to the Court of the Judicial Commissioner :

Provided that the Judicial Commissioner, with the previous sanction of the Chief Commissioner may, by notification in the Official Gazette, direct that appeals lying to the court of the district judge from all or any of the decrees passed by a munsiff in any unclassified suit the value of which does not exceed one hundred rupees shall be preferred to such subordinate judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly, and the court of such subordinate judge shall be deemed to be the court of the district judge for the purposes of all appeals so preferred.

**31. Appeals from appellate decrees.**—(1) Save as otherwise provided by any law for the time being in force a second appeal shall lie to the Court of the Judicial Commissioner in any of the following cases from an appellate decree of a district court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely :—

(a) in a small cause suit or unclassified suit—

(i) if the value of the suit is one thousand rupees or upwards, or the decree involves directly some claim to, or question respecting property of like value and the decree of the district court varies or reverses, otherwise than as to costs, the decree of the court below, or

(ii) if the value of the suit is two thousand five hundred rupees or upwards, or the decree of the district court involves directly some claim to, or question respecting, property of like value ;

(b) in a land suit—

(i) if the value of the suit is two hundred and fifty rupees or upwards or the decree involves directly some claim to, or question respecting, property of like value, and the decree of the district court varies or reverses, otherwise than as to costs, the decree of the court below, or

(ii) if the value of the suit is one thousand rupees or upwards, or the decree of the district court involves directly some claim to, or question respecting, property of like value.

(2) The provisions of Order XLII of the Code of Civil Procedure, 1908 (Act V of 1908) other than rule 34 of the said Order, shall apply, so far as may be, to a second appeal under this section and to the execution of a decree passed on any such appeal.

**32. Finality of appellate decree of district court.**—Subject to the provisions of sections 31 and 34 an appellate decree of a district court shall be final.

**33. Period of limitation.**—(1) The period of limitation for a second appeal under section 31 shall be ninety days from the date of the decree appealed against.

(2) In computing such period and in all other respects not herein specified the period of limitation of the appeal shall be governed by the provisions of the Indian Limitation Act, 1908 (IX of 1908).

**34. Revisional powers of the Court of the Judicial Commissioner.**—(1) The Court of the Judicial Commissioner may call for the record of any case which has been decided by a civil court subordinate to it and in which no appeal lies to it, and

(a) if any civil court by which the case was decided appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction with material irregularity, or

(b) if on an application made to it the Court of the Judicial Commissioner is of opinion that there is an important question of law or custom involved and that such question requires further consideration,

the Court of the Judicial Commissioner may make such order in the case as it thinks fit:

Provided that—

(i) no application under clause (b) shall be entertained after the expiration of ninety days from the date of the order in respect of which the application is made unless the applicant satisfies the Court of the Judicial Commissioner that he had sufficient cause for not making the application within that period,

(ii) no such application shall be admitted in a small cause suit under the value of one thousand rupees or in an unclassified suit under the value of two hundred rupees,

(iii) on any such application the Court of the Judicial Commissioner shall not revise the decision of the court below except in so far as such decision involves a question of law or custom in respect of which the application has been admitted, and

(iv) when any such application has been admitted, the Court of the Judicial Commissioner shall, subject to proviso (iii), treat the matter of the application as if it were an appeal.

*Explanation.*—A question of procedure is not a question of law or custom within the meaning of clause (b).

(2) In computing the period of limitation mentioned in proviso (i) to sub-section (1) and in all other respects not herein specified, the period of limitation of the application shall be governed by the provisions of the Indian Limitation Act, 1908 (IX of 1908).

(3) Section 115 of the Code of Civil Procedure, 1908 (Act V of 1908), shall not apply to the States of Bhopal or Vindhya Pradesh.

**35. Court-fees payable on revision.**—(1) The court-fees payable on applications to the Court of the Judicial Commissioner for the exercise of its jurisdiction under section 34 shall be the same as those for the time being payable on like applications to the High Court of Judicature at Nagpur.

(2) If the Court of the Judicial Commissioner, on an application in respect of which the fee payable under sub-section (1) has been paid, sets aside or modifies a decree or order of the court below or remands the case for a fresh decision, the Court of the Judicial Commissioner may grant to the applicant a certificate authorising him to receive back from the Collector of the district in which such court is situated the full amount of such fee or such part thereof as the Court of the Judicial Commissioner, having regard to the circumstances of the case, may think fit.

## CHAPTER V

### MISCELLANEOUS

**36. Temporary vacancies in office of district judge.**—In the event of the death of a district judge or of his being prevented from performing his duties by illness or other cause or of his absence from the civil district on leave, the additional district judge, if any, in the district or if there are more than one the first in rank among them or where there is no additional district judge the first in rank of the subordinate judges, if any, shall assume charge of the district court, without interruption to his ordinary duties, and while so in charge, shall perform the duties of a district judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated as the additional district judge, or the subordinate judge, as the case may be, in charge of the district and shall continue in such charge until the office of the district judge has been resumed, or assumed by an officer duly appointed thereto.

**37. Delegation of powers of district judge.**—Any district judge leaving the headquarters and proceeding on duty to any place within his district may delegate to an additional district judge, or where there is no such additional district judge, to a subordinate judge at the headquarters, the power of performing such duties, specified in section 36 as may be emergent, and such officer shall be designated as the additional district judge or the subordinate judge, as the case may be, in charge of the headquarters.

**38. Temporary vacancy in office of subordinate judge.**—In the event of the death, suspension or temporary absence of any subordinate judge or a munsiff, the district judge may empower the judge of any subordinate court or the court of a munsiff of the same civil district to perform the duties of the judge of the vacated subordinate court or the court of the munsiff as the case may be, either at the place of such court or of his own court ; but in every such case the registers and records of the two courts shall be kept distinct.

**39. Continuance of powers of officers.**—Where any person holding an office in the service of the State Government who has been invested with any powers under this Act throughout any local area is transferred or posted to an equal or higher office of the same nature within a like local area, he shall, unless the Chief Commissioner otherwise directs, or has otherwise directed, exercise the same powers in the local area to which he is so transferred or posted.

**40. Vacations.**—(1) Subject to the approval of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as closed holidays in the Court of the Judicial Commissioner and the civil courts subordinate to that Court.

(2) The list shall be published in the Official Gazette.

(3) Any judicial act done by a civil court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

**41. Power to make rules.**—The Court of the Judicial Commissioner may, from time to time, make rules consistent with this Act and any other law for the time being in force—

- (a) for the supervision of all courts subordinate to the Court of the Judicial Commissioner and their inspection ;
- (b) for the translation of any papers filed in the Court of the Judicial Commissioner and the preparation of paper books for the hearing of appeals and the copying, typing or printing of any such papers or translations and the recovery from the persons at whose instance or on whose behalf papers are filed, of the expenses thereby incurred ;
- (c) the fees to be charged for processes issued by civil courts, or by any officer of any such court and the fee payable in any suit or proceeding in any such court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceedings ;
- (d) the manner in which proceedings of civil courts shall be kept and recorded, the manner in which paper books for the hearing of appeals shall be prepared and the granting of copies ;
- (e) all matters relating to officers of court ;
- (f) declaring what persons shall be permitted to act as petition writers in the courts subordinate thereto ;
- (g) regulating the issue of licences to such persons, the conduct of business by them and the scale of fees to be charged by them ; and
- (h) determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.

**42. Abolition of certain courts.**—All civil courts, other than the Court of the Judicial Commissioner, which are in existence in the State of Vindhya Pradesh at the commencement of this Act (hereinafter referred to as “the existing civil courts”), are hereby abolished.

**43. Existing rights not affected.**—(1) The abolition of any existing civil court under section 42 shall not prejudicially affect the continued operation of any notice served, injunction issued, direction made or proceeding taken before the commencement of this Act by such civil court under the powers then conferred upon it.

(2) Every appeal, suit or other proceeding pending before any of the existing civil courts immediately before the commencement of this Act shall, on such commencement, stand transferred to the court exercising the jurisdiction under this Act which corresponds, so far as may be, to the jurisdiction of the court in which the proceeding was pending, and the court to which the proceeding so stands transferred shall proceed to try, hear and determine the matter as if it had been pending in that court.

(3) Every decree or order made or sentence passed by any of the existing civil courts shall be deemed for the purposes of execution to have been made or passed by the corresponding court established under this Act.

*Explanation.*—In this sub-section, the expression “corresponding court” means the court in which the case or proceeding in which the decree or order was made or sentence was passed would have lain, if the case or proceeding had been instituted after the commencement of this Act.

(4) Where any existing civil court has by reason of its abolition under section 42 ceased to have jurisdiction with respect to any suit or proceeding, any proceeding in relation to that suit or proceeding which if that court had not ceased to have jurisdiction might have been had therein may be had in the court to which the business of the former court has been transferred under this section.

**44. Repeals and savings.**—The Vindhya Pradesh (Judicial Commissioner's Court) Ordinance, 1950 (X of 1950) and the Bhopal (Courts) Ordinance, 1950 (XI of 1950) are hereby repealed :

Provided that the repeal by this Act of any of the Ordinances aforesaid shall not affect—

- (a) the previous operation thereof; or
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Ordinance so repealed; or
- (c) any investigation, legal proceeding or remedy in respect of any such punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :

Provided further that, subject to the provisions of the preceding proviso, anything done or any action taken, including any appointment or delegation made, notification, instruction or direction issued, or any rule, regulation or form issued or framed under any Ordinance hereby repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

General and Special Provisions

1. Addition of certain courts. All courts other than the Court of the Federal Circuit, which are in existence in the State of Virginia, shall be deemed to be courts of this Act (hereinafter referred to as "the courts") and shall be deemed to be courts of this Act.

2. Extension of the term of office of judges. The term of office of any judge of any court of this State, who is elected or appointed to office on or after the date of the enactment of this Act, shall be extended to the date of the expiration of the term of office of the judge as determined by the provisions of this Act.

3. Extension of the term of office of judges. The term of office of any judge of any court of this State, who is elected or appointed to office on or after the date of the enactment of this Act, shall be extended to the date of the expiration of the term of office of the judge as determined by the provisions of this Act.

4. Extension of the term of office of judges. The term of office of any judge of any court of this State, who is elected or appointed to office on or after the date of the enactment of this Act, shall be extended to the date of the expiration of the term of office of the judge as determined by the provisions of this Act.

5. Extension of the term of office of judges. The term of office of any judge of any court of this State, who is elected or appointed to office on or after the date of the enactment of this Act, shall be extended to the date of the expiration of the term of office of the judge as determined by the provisions of this Act.

6. Extension of the term of office of judges. The term of office of any judge of any court of this State, who is elected or appointed to office on or after the date of the enactment of this Act, shall be extended to the date of the expiration of the term of office of the judge as determined by the provisions of this Act.

7. Extension of the term of office of judges. The term of office of any judge of any court of this State, who is elected or appointed to office on or after the date of the enactment of this Act, shall be extended to the date of the expiration of the term of office of the judge as determined by the provisions of this Act.

8. Extension of the term of office of judges. The term of office of any judge of any court of this State, who is elected or appointed to office on or after the date of the enactment of this Act, shall be extended to the date of the expiration of the term of office of the judge as determined by the provisions of this Act.

9. Extension of the term of office of judges. The term of office of any judge of any court of this State, who is elected or appointed to office on or after the date of the enactment of this Act, shall be extended to the date of the expiration of the term of office of the judge as determined by the provisions of this Act.



THE AJMER TENANCY AND LAND RECORDS ACT, 1950

No. XLII of 1950

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS.

1. Short title, extent and commencement.
2. Repeal.
3. Savings.
4. Definitions.
5. Power of landlord and tenant to act through agent.

CHAPTER II

PRIMARY RIGHTS

6. Primary rights of a tenant.
7. Prohibition of certain acts.
8. Prohibition against deprivation of certain rights.
9. Certain rights of landlord.

CHAPTER III

*Niji jot*

10. Definition.
11. Application for demarcation.
12. Order of demarcation of *niji jot*.
13. Demarcation.
14. Status of tenant of *niji jot*.
15. Succession to *niji jot*.
16. Collector's powers to let to tenants.

Price annas 7 or 8d.

## CHAPTER IV

## CLASSES OF TENANTS

## SECTIONS.

17. Classes of tenants.
18. Occupancy tenants.
19. Exproprietary tenants.
20. Acquisition of exproprietary rights.
21. Relinquishment of exproprietary rights.
22. Hereditary tenants.
23. Land in which hereditary rights shall not accrue.
24. Non-occupancy tenants.

## CHAPTER V

## DEVOLUTION TRANSFER, EXTINCTION, DIVISION, EXCHANGE AND ACQUISITION

*Devolution and transfer of tenancies*

25. Interest of a tenant, if heritable and transferable.
26. Prohibition against certain kind of transfer or sub-lease.
27. Right to sub-let.

*Extinction of tenancies*

28. Tenancy, when extinguished.
29. Life tenancy of female, when extinguished.
30. Rights of sub-tenant on extinction of tenant's interest.
31. Vacating of holding on extinction of right.
32. Possession of land not vacated.

*Division, exchange and acquisition of holdings*

33. Division of holdings.
34. Co-tenant's right to claim division of produce.
35. Right of tenant in land received in exchange.
36. Exchange of land for consolidation of cultivated area.
37. Acquisition of land by the landlord for certain purposes.
38. Decision of certain disputes arising out of acquisition proceedings.
39. Reinstatement of tenant ejected under section 37.
40. Acquisition of proprietary right by tenant.

## CHAPTER VI

## GENERAL PROVISIONS RELATING TO TENANCIES

*Leases*

41. Right to written lease and procedure to obtain it.
42. Registration of leases.

*Declaration of rights*

SECTIONS.

43. Declaration of rights in certain cases

*Improvements*

44. Right of certain tenants to make improvements.

45. Right of non-occupancy tenants to make improvements.

46. Right of landlord to make improvement.

47. Provision when both landlord and tenant want to make the same improvement.

48. Restrictions on making improvement.

49. Compensation for improvement, when permissible.

50. Determination of compensation.

51. Works benefiting other land.

52. Disputes as regards improvements.

*Trees*

53. Right of tenant paying fixed money rent to plant tree.

54. Right of a tenant paying *batai* or *bighori* to plant tree.

55. Tenant's rights in tree existing at the commencement of the Act.

56. Decision of disputes regarding trees.

*Surrender and abandonment*

57. Surrender by tenant.

58. Abandonment.

59. Taking possession of holding surrendered or abandoned.

60. Dispute arising out of surrender and abandonment of land.

CHAPTER VII

PREMIA AND OTHER LEVIES

61. Acceptance of premium, how far permissible.

62. *Lag, neg* and cess.

CHAPTER VIII

RENT AND ITS RECOVERY

PART I—*Basic rent of tenants.*

63. Liability for payment of rent.

64. Scale of rent for different classes of tenants.

65. Status and liability of person permitted to retain possession.

PART II—*Payment and recovery of rent*

*General Provisions*

SECTIONS.

66. Hypothecation of produce towards payment of rent.
67. Procedure when produce is attached by civil or revenue court.
68. Right of landlord to collect rent from cultivator.
69. No cartage allowed.
70. Presumption as to payment by tenant and application of such payment.
71. Modes of making payment of money rent.
72. Right to get receipt.
73. Penalty for not issuing proper receipt.
74. Obligation of Chief Commissioner to print and supply books of receipt.
75. Penalty for non-production of receipt book with counterfoils.

*Produce rents*

76. Rights and liabilities in respect of produce.
77. Application for officer to make division.
78. Application for *kuta*.
79. Procedure on application.
80. Collector to publish return of current prices.
81. Assessment of *bighori* by court.
82. Commutation of *batai* rent into *bighori* in certain cases.
82. Payment of commuted rent.

*Arrears*

84. Rent when and how payable.
85. Claim for arrears of rent.
86. Interest in cases of arrears of rent.
87. Landlord's power to charge irrigation dues.
88. Method of recovering *sayar*.
89. Realisation of *sayar* as arrears of revenue.

PART III—*Emergency provision*

90. Recovery of arrears in the event of general refusal to pay.
91. Application of certain sections to *biswadars*.

CHAPTER IX

EJECTMENT OF TENANTS

*General*

SECTIONS.

- 92. Arrears deemed satisfied when tenant is ejected.
- 93. Decree for arrears, how executed.
- 94. Adjustment of arrears and compensation on ejectment.
- 95. Entry of landholder on land from which tenant is ordered to be ejected.

*Grounds of ejectment*

- 96. Grounds of ejectment.
- 97. Special grounds of ejectment of non-occupancy tenants.

*Procedure for ejectment*

- 98. Procedure in ejectment for decreed arrears.
- 99. Procedure for ejectment on other grounds.
- 100. Application for ejectment of non-occupancy tenants.
- 101. Procedure on application.

*Remedies for wrongful ejectment*

- 102. Remedies for wrongful ejectment.
- 103. Procedure on application.

*Ejectment of person occupying land without title*

- 104. Ejectment of person occupying land without title.
- 105. Procedure on application.
- 106. Consequences of failure to file application under section 102 or 104.
- 107. No separate relief claimable, if not claimed in revenue court.

CHAPTER X

COMPENSATION AND PENALTIES

- 108. Tenant's right to claim inquiry for illegal exaction and other matters.
- 109. Power to award compensation in proceedings for arrears of rent.
- 110. Prosecution of landholder for illegal exaction.
- 111. Compensation for exaction by landholder and for false complaint by tenant.
- 112. Penalty for habitual infringement of rights of tenant.
- 113. Penalty for illegal entry on a holding.
- 114. Compensation, how realisable.

CHAPTER XI

GRANTS

SECTIONS.

115. Exemption of *muafidar*.
116. Interpretation.
117. Grant which cannot be resumed.
118. Grounds on which certain grants may be resumed.
119. How to deal with resumable grant.
120. Application of certain Chapters and sections to grantees.
121. Grants, how far transferable.
122. Void transactions.
123. Power to hear cases of grantees.

CHAPTER XII

PREPARATION OF RECORD-OF-RIGHTS AND DETERMINATION AND MODIFICATION OF RENT AND RENT-RATES

124. Applicability of Part III.

PART I—Preparation and maintenance of maps and records

125. Power to form and alter *patwaris*' circles.
126. Appointment of *patwaris*.
127. Appointment of *girdawars*.
128. Cadre and pay of *girdawars* and *patwaris*.
129. *Girdawars* and *patwaris* to be public servants.
130. Maintenance of maps and fieldbooks.
131. Obligation of owners as to boundary marks.
132. Record-of-rights.
133. Contents of certain registers.
134. Registers of revenue-paying, revenue-assigned and revenue-free villages.
135. The annual registers.
136. Obligation to furnish information necessary for compilation of certain record-of-rights.
137. Decision of disputes.
138. Inquiry into cases.
139. Certain decisions, no bar to civil suit.
140. Value of entries and decisions in contested cases.
141. Appointment and punishment of *lambardars* and *patels*.

PART II—Record and rent-rate operations and the appointment of officers

142. Record and rent-rate operations.
143. Powers of the record officer, assistant record officer and rent-rate officer.
144. Sanctioned rates.
145. Duration of rent-rate.

*Procedure in determining cash rent-rates***ACTIONS.**

146. Circle and soil classification.
147. Basis of rates for hereditary tenants.
148. Provision for rates in special cases.
149. Procedure in publishing and sanctioning rates.
150. Civil suit relating to record-of-rights and certain other matters barred.

**PART III—Commutation, abatement, enhancement, and determination of rent**

151. Commutation of rent from kind to cash.
152. Commutation of rent from cash to kind.
153. Grounds of abatement of fixed money rent.
154. Grounds of enhancement of fixed money rent.
155. Order for determination, commutation or variation of rent, when to take effect.
156. Joinder of parties in cases relating to variation of rent.
157. Determination of rent on partial ejection.
158. Rent, how calculated for commutation, variation or determination.
159. Meaning of "substantial" in certain sections.
160. Basis of variation of rent in certain cases.
161. Period for which rent is not liable to modification.
162. Applications for variation of rent, by whom to be entertained.

**CHAPTER XIII****EXTRAORDINARY AND EMERGENCY PROVISIONS**

163. Revision of rent and revenue in an emergency.
164. Remission or suspension of rent in agricultural calamities.
165. Bar to collection of rent remitted or suspended.
166. Period of suspension to be excluded in computing period of limitation.
167. Remission for calamity by court decreeing claim for arrears.
168. Jurisdiction of certain courts excluded in cases of remission and suspension of rent or revenue.

**CHAPTER XIV****PROCEDURE AND JURISDICTION OF COURTS***General provisions*

169. Cases cognizable by revenue courts.
170. Procedure of revenue courts.
171. Application of Indian Limitation Act, 1908 (IX of 1908).
172. Limitation in cases under this Act.
173. Payment of court-fees under this Act.

*Subordination of courts*

**174.** Subordination of courts.

*Powers of courts and places for holding courts*

**175.** Place of sitting of revenue courts.

**176.** Chief Commissioner's power to confer powers.

**177.** Collector's power to place assistant commissioner in charge of sub-division.

**178.** Collector's powers to authorise certain courts to entertain and dispose of applications.

**179.** Powers of revenue courts to refer cases for investigation and report

**180.** Powers of Chief Commissioner to create *shamlat* committee and courts

*Confirmation of orders*

**181.** Decree or order to be final in certain circumstances.

**182.** Submission to confirming court.

**183.** Form of decree or order to be submitted for confirmation.

**184.** Procedure for confirmation.

*Review*

**185.** Review by the Chief Commissioner.

**186.** Review by other courts.

*Revision.*

**187.** Revision.

*Transfer of cases*

**188.** Power to transfer cases.

**189.** Power of collector to transfer and withdraw cases.

**190.** Sub-divisional officer's power to transfer cases.

**191.** Power of record officer to transfer and withdraw cases.

**192.** Transfer of cases by the district judge.

*Question of proprietary right in revenue court*

**193.** Dispute as regards ownership of land.

**194.** Procedure when plea of proprietary right raised in revenue court.

*Question of tenancy right in civil courts.*

**195.** Procedure when plea of tenancy raised in civil court.

*Conflict of jurisdiction*

**196.** Reference to Judicial Commissioner.



CHAPTER XV

MISCELLANEOUS PROVISIONS

SECTIONS.

- 197. Provision for injunction and appointment of receiver.
- 198. Cases in which legal practitioners may appear.
- 199. Persons who may appear before a revenue court.
- 200. Costs in revenue courts.
- 201. Power of revenue court to summon persons.
- 202. Mode of service of summons or notice.

CHAPTER XVI

POWER TO MAKE RULES

- 203. Power to make rules.

CHAPTER XVII

TRANSITIONAL PROVISIONS

- 204. Reinstatement of tenant ejected before commencement of this Act.
- 205. Provision for pending and other cases.

THE FIRST SCHEDULE.—*General.*

THE SECOND SCHEDULE.—*Name of estates.*

1. Introduction  
2. Theory  
3. Experiment  
4. Discussion  
5. Conclusions

### APPENDIX

1. Data  
2. Calculations

### REFERENCES

1. J. D. Jackson, *Classical Electrodynamics*, Wiley, 1975.  
2. L. D. Landau and E. M. Lifshitz, *Classical Theory of Fields*, Butterworths, 1962.  
3. R. F. Feynman, *Quantum Electrodynamics*, Wiley, 1962.  
4. S. M. Sitenko, *Scattering of Electromagnetic Waves*, Springer, 1971.

*Ajmer Tenancy and Land Records Act, 1950*



An Act to declare and amend the law relating to agricultural tenancies, record-of-rights and certain other matters in Ajmer.

[10th May, 1950]

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Ajmer Tenancy and Land Records Act, 1950.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force at once, except Part III of Chapter XII which shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint in this behalf.

**2. Repeal.**—(1) The Ajmer-Merwara Agrarian Relief (Second) Ordinance, 1949 (XXX of 1949), is hereby repealed.

(2) When this Act or any portion thereof comes into force in Ajmer, so much of any Act, Regulation or notification in force therein, or any condition of a *jagir* or *istimrari sanad*, as is inconsistent with this Act or with such portion, shall be deemed to have been repealed or superseded by this Act or by such portion, as the case may be.

**3. Sayings.**—Any rule, notification, proclamation and order issued, authority and power conferred, lease granted, right acquired, liability incurred, rent fixed, and any other thing done under any Act, Ordinance, Regulation or notification, or under any *jagir* or *istimrari sanad*, as the case may be, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been respectively issued, conferred, granted, acquired, incurred, fixed and done under this Act.

**4. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(1) all words and expressions used to denote the possessor of any right, title or interest, whether the same be proprietary or otherwise, shall be deemed to include the predecessors and successors in right, title or interest of such person;

(2) "agricultural year" means the year commencing on the first day of June and ending on the thirty-first day of May next following;

(3) "agriculturist" means a person who earns his livelihood wholly or principally—

(a) by the cultivation of land personally, or through servants or by hired labour, or

(b) as artisan or field-labourer, paid in cash or kind for work connected with agriculture, and includes—

(i) a landlord whose interest in the stable land of the village does not exceed 120 acres, and

(ii) a tenant who sub-lets his land in accordance with the provisions of this Act;

**Explanation.**—An agriculturist who, without any intention of changing his profession as such, temporarily ceases to so earn his livelihood, or who is prevented from so earning his livelihood by age or bodily infirmity, or by absence due to service in the military, naval or air forces of India, or by confinement in prison, does not thereby cease to be an agriculturist;

(4) "assistant commissioner" includes an additional assistant commissioner and an extra assistant commissioner;

(5) "batai" means division of the produce on the threshing-floor;

(6) "bighori" means money rent per bigha of land;

(7) "biswadar" means—

(a) any person who is recorded as plot-proprietor in the settlement *khewat* of 1874 and is continuously so recorded since, or who, but for an error or omission, would have been so continuously recorded; or

(b) any member of the proprietary body who becomes an owner of land under section 7 of the Ajmer Land and Revenue Regulation, 1874 (II of 1874), or

(c) any person who becomes, or is declared, a *biswadar* under the provisions of this Act, and includes a person admitted to the occupation of land under a lease guaranteeing hereditary rights of ownership and enjoyment on condition of his permanently developing such land by sinking a well or otherwise, and who accordingly developed such land and was, before the commencement of this Act, recorded as plot-proprietor thereof in the *khewat*;

(8) "cess" means a cess declared payable under sub-section (2) of section 62;

(9) "collector" means the collector of Ajmer or any other office appointed by the Chief Commissioner to discharge the functions of a collector under this Act, and includes an additional collector;

(10) "confirming court" means a court to which the record of a case is submitted in accordance with the provisions of this Act for confirmation of any decree or order passed therein;

(11) "decree" means an order which is drawn up in the form of a decree as prescribed;

(12) "holding" means a parcel or parcels of land held under one lease, engagement or grant or, in the absence of such lease, engagement or grant, under one tenure, and in section 26 includes a well on a holding;

(13) "improvement" means, with reference to a tenant's holding,—

(i) a dwelling house erected on the holding by the tenant for his own occupation, or a cattle-shed, or a store-house or any other construction for agricultural purposes, erected or set up by him on his holding, and

(ii) any work which adds materially to the value of the holding and is consistent with the purpose for which it was let, and which, if not executed on the holding, is either executed directly for its benefit or is, after execution, made directly beneficial to it, and, subject to the foregoing provisions of this clause, includes—

(a) the construction of a well, water channel, and other work for the supply or distribution of water for agricultural purposes,

(b) the construction of any work for the drainage of land, or for the protection of land from floods, or from erosion or other damage by water,

(c) the reclaiming, clearing, enclosing, levelling, or terracing of land,

(d) the erection in the immediate vicinity of the holding, otherwise than on the village site, of a building required for the convenient or profitable use or occupation of the holding,

(e) the construction of a tank or other work for the storage of water for agricultural purposes, and

(f) the renewal or reconstruction of any of the foregoing works, or such alterations therein, or additions thereto, as are not of the nature of mere repairs:

Provided that such clearance, water channel, levelling, embankment, enclosure, temporary well or other work as is made in the ordinary course of cultivation and without incurring any special expenditure shall not be deemed to be an improvement;

*Explanation.*—A work which benefits several holdings may be deemed to be an improvement with respect to each of such holdings;

(14) "istimrari estate" means an estate in respect of which an *istimrari sanad* has been granted by the Chief Commissioner before the commencement of the Ajmere Land and Revenue Regulation, 1877 (II of 1877); and

"*istimrardar*" means the person to whom such *sanad* has been granted, or any other person who becomes entitled to the *istimrari* estate in succession to him in accordance with the provisions of the said Regulation;

(15) "*jagirdar*" means a person to whom the revenue of any land has been assigned under a *sanad* issued by the Chief Commissioner before the commencement of the Ajmere Land and Revenue Regulation, 1877;

(16) "*khudkasht*" means land cultivated by a proprietor as such, either himself, or by servants or by hired labour;

(17) "kuta" means an estimate or appraisement of the standing crop;

(18) "lag" means—

(a) a levy in cash imposed on a tenant—

(i) on the occasion of a ceremony in the family of the landlord or the tenant, or

(ii) by way of tax on a well or plough or as fee for settlement of rent accounts; or

(b) any other levy in cash over and above the rent payable by a tenant, but does not include a fee specified in the First Schedule or an assessment leviable, or a local rate payable under any law for the time being in force in the State;

(19) "land" means land which is let or held for the raising of crops or garden produce, or for purposes subservient thereto, and includes land covered by water used for the purpose of growing *singhara* or other produce, but does not include land for the time being occupied by a building or appurtenant thereto, other than a building which is an improvement;

(20) "landholder" means the person to whom rent is, or, but for a contract, express or implied, would be, payable, and includes *shamlat* committee created or recognised under the provisions of section 180;

(21) "landlord" means the proprietor of a village, or of a share or specified plot therein, and includes—

(i) in case of land in respect of which an *istimrari sanad* has been granted, any person by whom an estate, a village, or a portion of an estate or village is held, whether under a separate engagement to pay revenue or otherwise;

(ii) a *jagirdar*; and

(iii) a trustee, a manager, a superintendent, a *mutawalli*, or a body of persons appointed to administer a religious endowment, a trust, or *waqf* property, or the *shamlat deh* land of a village;

*Explanation.*—In clauses (20) and (21), the word "landholder" or "landlord" shall include—

(i) a mortgagee with possession,

(ii) a lessee of proprietary right, and

(iii) in case of property of which superintendence has been assumed by the Court of Wards under section 6 of the Ajmere Government Wards Regulation, 1888 (I of 1888) or which has been attached under section 82 of the Ajmere Land and Revenue Regulation, 1877 (II of 1877), the collector;

(22) "lease" includes the counterpart of a lease;

(23) "legal practitioner" means any person who is, for the time being enrolled as an advocate or pleader by the Judicial Commissioner of Ajmer;

(24) "minor" means a person who, under section 3 of the Indian Majority Act, 1875 (IX of 1875), has not attained majority;

(25) "*muafi*" means a definite portion of land held revenue-free under a *sanad* issued by the Chief Commissioner, and a "*muafidar*" means the holder of such *muafi*;

(26) "neg" means—

(a) a levy in kind imposed on a tenant as—

(i) *seri*, *sawai-batti* or any other kind of levy made on the division of the produce of a holding, or

(ii) *kasas* (dishes) of food or sweetmeats given on the occasion of marriage or any other ceremony or the money equivalent thereof; or

(b) any other levy in kind over and above the rent payable by a tenant;

(27) "order" means the formal expression of a decision of any authority under this Act;

(28) "*parabund-barani*" means enclosed low lying land, the cultivation of which depends on the rainfall and the silt deposited thereon by the inflow of water from the catchment area;

(29) "pay", "payable" and "payment", when used with reference to rent, include "deliver", "deliverable" and "delivery";

(30) "prescribed" means prescribed by rules made under this Act.

(31) "produce of a holding" means a crop or any other produce of the land standing on the holding, or which has been grown on the holding and has been reaped or gathered, and is deposited on the holding or on a threshing floor;

(32) "State" means the State of Ajmer;

(33) "rent" means whatever is paid or payable in money or kind, or partly in money and partly in kind, by a tenant on account of the use or occupation of land held by him;

(34) "registered" means registered under any law for the time being in force for the registration of documents;

(35) "revenue court" means all or any of the following authorities when acting under this Act or any rule made thereunder, namely,—

(i) the Chief Commissioner,

(ii) the collector,

(iii) a record officer, an assistant record officer and a rent-rate officer,

(iv) a sub-divisional officer,

(v) an assistant commissioner,

(vi) a *tahsildar*,

(vii) a *naib-tahsildar* empowered by the collector under clause (b) of section 178, and

(viii) a person or a body of persons invested with powers to hear and dispose of cases under clause (a) or (b) of section 180;

(36) "revenue" means land revenue;

(37) "sayar" means whatever is payable by a lessee or licensee on account of the right of gathering produce, forest rights, fisheries or the use of water for irrigation from artificial sources; and includes a fee specified in the First Schedule;

(38) "stable land" means land which, because of facilities of irrigation, quality of the soil or other advantages, is capable of being regularly cultivated, and is demarcated as stable land by the rent-rate officer, or any other authority, appointed for the purpose, and, subject to the foregoing provisions, includes—

(i) land in the bed of a tank or *nadi* which dries up in time for the *rabi* sowing, and

(ii) *mal*, *gormia* or *parabund-barani*;

Provided that, until such time as demarcation is made, the provisions regarding demarcation shall not be deemed to be a part of this clause;

*Explanation.*—A land which is capable of being regularly cultivated shall not cease to be so regarded if, in any year, it has been left fallow, or could not be cultivated on account of failure of rainfall or for any other reason;

(39) "sub-tenant" means a person who holds land from the tenant thereof, or from a rent-free grantee, or from a grantee at a favourable rate of rent, and by whom rent is, or, but for a contract express or implied, would be, payable;

(40) "tenant" means a person who holds land of another person and is, or, but for a contract express or implied, would be, liable to pay rent for such land to such other person and, except when a contrary intention appears, includes a sub-tenant, but does not include—

(a) a person to whom a tenancy holding is transferred otherwise than under the provisions of this Act,

(b) except as otherwise provided, a rent-free grantee, a grantee at a favourable rate of rent or a holder of village service grant, and

(c) a person to whom only the right to cut grass or to graze cattle is granted, whether with or without consideration; and

(41) "year of settlement" means, with reference to any area of the State, any year or period between November 1940 and June 1947 during which the record or settlement operations were in force in such area.

**5. Power of landlord and tenant to act through agent.**—Anything which is by this Act required or permitted to be done by a landlord or a tenant may be done by his authorised agent, and, in the absence of evidence of a contrary intention, in dealings between a landlord and a tenant such agent shall be deemed to be acting under the authority of his principal:

Provided that, except as provided in section 198, a legal practitioner or his clerk or employee, or a petition-writer shall not act as authorised agent of such landlord or tenant.

*Explanation.*—In this section "authorised agent" includes a *kamdar* of a *lagirdar* or *istimrardar*.



## CHAPTER II

## PRIMARY RIGHTS

**6. Primary rights of a tenant.**—A tenant, other than a sub-tenant, shall have a right—

(i) subject, in the case of clause (a), or (b), to the provisions of the First Schedule and to the payment of fee, if any, specified therein—

(a) to possess, in the village in which his holding is situated, a site on which he may build one residential house for himself and his family and, when necessary, to repair and rebuild it, to sell the materials of such house and, with the written consent of the landlord, to transfer the right of residence therein to any tenant of such village;

*Explanation.*—In this clause 'residential house' shall include a cattleshed, and a store-house for stocking fodder, manure and agricultural implements.

(b) to use the waste-land of the village for grazing and pasturing his cattle and other domestic animals and for threshing corn;

(ii) when rent is paid by *batai* or *bighori*, to allow only prescribed weights and measures to be used for determining such rent; and

(iii) where in any area *bighori* is charged at customary rate, to grow cotton at such rate on not more than one-fourth of the irrigable area of his holding.

**7. Prohibition of certain acts.**—(1) A tenant shall not be—

(i) ejected from his holding otherwise than in accordance with the provisions of this Act, or

(ii) evicted from his residential house, other than a house which is an improvement, merely because he has surrendered, or has been ejected from, his holding in the village; or

(iii) compelled to render any service, or to allow the use of his cattle or agricultural implements, to his landholder, with or without remuneration.

(2) The provisions of this section and of sections 6 and 62 shall, so far as they are applicable, apply to a rent-free grantee, a grantee at a favourable rate of rent, a holder of village service grant, and an artisan or a village-workman, paid in cash or kind, for work connected with agriculture as they apply to a hereditary tenant.

**8. Prohibition against deprivation of certain rights.**—(1) Notwithstanding any custom or contract to the contrary, every lease or agreement between a landholder and a tenant, whether made before or after the commencement of this Act, which purports, or would operate, to prohibit or restrict a tenant from acquiring, exercising or enforcing any right conferred on, or secured to, him by this Act, shall be void to the extent of such prohibition or restriction.

(2) When land, not previously cultivated, has been reclaimed by, or at the expense of, the landholder and let to a tenant, or has been let to a tenant in order that it should be reclaimed by him or at his expense, then for a period of twelve years after such land was let, nothing in sub-section (1) shall be construed as affecting any condition of a contract which relates to payment of rent or to enhancement, abatement or variation of rent of such land, or which provides that, during any period for which such land is to be held free of rent or on favourable terms, the tenant is liable to ejection for breach of any such condition.

**Explanation.**—When land has remained uncultivated for a period of five years, it shall, for the purposes of sub-section (2), be deemed to be land not previously cultivated.

**9. Certain rights of landlord.**—Subject, in case of clause (iii), to the conditions of an *istimrari sanad* and to the provisions of any law for the time being in force, a landlord shall have a right—

(i) where in any area *bighori* is charged at customary rate and cotton is grown on more than one-fourth of the irrigable area of the holding of a tenant, to charge rent on the land in excess of the one-fourth area on which cotton is grown at a rate specified in the second proviso to section 64;

(ii) at all reasonable times, to enter, or depute his servant, agent or surveyor to enter, upon any land comprised in his estate for the purpose of surveying and measuring such land or for any other lawful purpose; and

(iii) if he has a proprietary interest in an *istimrari* estate, to open or work a mine or grant a lease for the purpose, or to undertake, or to issue a licence to any other person to undertake, prospecting work for discovering new sources of supply of minerals.

### CHAPTER III

#### *Niji jot*

**10. Definition.**—*Niji jot* means *khudkasht* demarcated under the provision of this Chapter.

**11. Application for demarcation.**—(1) If, at the commencement of this Act, the proprietor of a village or a part thereof or a specific area therein, was cultivating any land as *khudkasht*, he may, within six months of such commencement, apply to the sub-divisional officer for demarcation of such *khudkasht* as *niji jot*.

(2) With his application, the applicant shall file a list, giving the area and survey number or other description of the *khudkasht* to be so demarcated and such other particulars as may be prescribed.

**12. Order of demarcation of *niji jot*.**—(1) On the receipt of such application, the sub-divisional officer shall issue a proclamation calling upon all persons who claim an interest in such land to file objections, if any, within the period specified in such proclamation.

(2) If, after hearing the objections, if any, and making such further inquiry as he deems fit, the sub-divisional officer is satisfied that the land to be demarcated as *niji jot* has been held by the applicant as his *khudkasht* since the agricultural year beginning on the first day of June, 1948, he shall pass an order for the demarcation of such land as *niji jot* and submit the record of the case for confirmation of the order passed by him to the collector.

**13. Demarcation.**—The sub-divisional officer shall have the demarcation made on the spot and shall prepare and place on record a map, indicating the plots demarcated as *niji jot*.

**14. Status of tenant of *niji jot*.**—A landlord may let his *niji jot* subject to the same restrictions as apply to sub-letting by a hereditary tenant under section 27:

Provided that if such landlord lets his land which is *niji jot* in contravention of the provisions of this section, such land shall cease to be *niji jot* and the person to whom the land is so let shall become hereditary tenant thereof.

**15. Succession to *niji jot*.**—On the death of the holder of *niji jot*, the *niji jot* rights shall devolve in accordance with the law which regulates the succession of proprietary right in such land.

**16. Collector's powers to let to tenants.**—If the collector is satisfied that the landlord of an estate or village, without good reason, keeps large areas of his *niji jot* and other culturable land uncultivated, or that an emergency has arisen for bringing under cultivation land which has not been previously cultivated or, if previously cultivated, has remained uncultivated for more than three years, he may,

(i) with the previous sanction of the Chief Commissioner, take possession of such land, and

(ii) notwithstanding anything to the contrary contained in this Act, allot it for cultivation on such terms and conditions as may be prescribed, and

the person to whom the land is so allotted shall, unless he is the landlord of such land, be deemed to have been admitted as tenant within the meaning of clause (b) of section 22:

Provided that, while giving his sanction under clause (i), the Chief Commissioner may exempt from its operation any land which is used as pasture land or threshing-floor, or for some other purpose for the benefit of the public.

#### CHAPTER IV

##### CLASSES OF TENANTS

**17. Classes of tenants.**—There shall be, for the purposes of this Act, the following classes of tenants, namely,—

- (a) occupancy tenants;
- (b) exproprietary tenants;
- (c) hereditary tenants; and
- (d) non-occupancy tenants.

**18. Occupancy tenants.**—Every person—

(a) other than a person to whom the provisions of section 7 of the Ajmere Land and Revenue Regulation, 1877 (II of 1877) apply, who, before the commencement of this Act, was admitted to the occupation of land and who has, before such commencement, sunk a well, reclaimed or otherwise developed such land, or

(b) who was recorded in the year of settlement as tenant with a permanent right of tenancy (*mazara-i-mustaqil*) and has continued in possession since,

shall be called an occupancy tenant.

**19. Exproprietary tenants.**—Every person who—

(a) is, at the commencement of this Act, an exproprietary tenant in accordance with the provisions of the Ajmere Land and Revenue Regulation, 1877, or

(b) acquires exproprietary rights in accordance with the provisions of this Act,

shall be called an exproprietary tenant.

**20. Acquisition of exproprietary rights.**—(1) If the whole of the interest of a sole proprietor of a village or of a specific area thereof is transferred, either by foreclosure or sale in execution of a decree or order of a civil or revenue court, or by voluntary alienation, otherwise than (a) by gift or (b) by exchange of specific areas between co-sharers of the village, he shall become an exproprietary tenant of the whole of his *khudkasht* in such village or area which he has cultivated continuously for three years or more at the date of such transfer, and shall be entitled to hold the same at a rate payable by an exproprietary tenant under sections 63 and 64.

(2) If a part only of the interest of a sole proprietor of a village or of a specific area thereof is so transferred, or where there are two or more co-sharers in the proprietary interest of a village or of specific area thereof, and such transfer relates to the whole or part of the proprietary interest of some of them, exproprietary rights shall accrue in so much of *khudkasht* so cultivated as appertains or corresponds to the part of the interest so transferred and, unless by mutual agreement the transferor and the transferee have demarcated the area in which exproprietary rights have accrued, and fixed the rent, not higher than the rent specified in sections 63 and 64, the sub-divisional officer shall, in the course of mutation proceedings or, if more convenient, in a separate proceeding, started on his own motion, or on the application of the exproprietary tenant or the landlord, or on the report of the *patwari*, demarcate such area and declare the rent in accordance with the provisions of sub-section (1).

(3) A mortgage shall be deemed to be a voluntary alienation within the meaning of sub-section (1), if it has the effect of transferring proprietary possession of the land mortgaged from the mortgagor to the mortgagee but not otherwise.

(4) Notwithstanding anything in sub-section (1), (2) or (3), exproprietary rights shall not accrue in grove-land, or in land transferred for any purpose inconsistent with the existence of a right of cultivation therein.

(5) After disposing of the case for demarcation of the exproprietary area and declaration of rent thereon under sub-section (2), the sub-divisional officer shall submit the record of the case for confirmation of the order passed by him to the collector.

**21. Relinquishment of exproprietary rights.**—(1) Save as otherwise provided in sub-section (2), an agreement for the relinquishment of exproprietary rights shall be void, whether such agreement was entered into before or after such rights accrued.

(2) Notwithstanding anything contained in the first proviso to section 57, where the land transferred by mortgage of the kind specified in sub-section (3) of section 20 consists wholly of a specific area of *khudkasht* of three or more years, the mortgagor may, by simultaneous agreement in writing, waive his exproprietary rights, and in that case the mortgaged land shall, if the mortgagor redeems the mortgage within ten years of the date of the transfer, be restored to him unencumbered with any tenancy rights.

**22. Hereditary tenants.**—Subject to the provisions of section 23, every person who—

(a) is, at the commencement of this Act, a tenant of land, not being an exproprietary tenant, an occupancy tenant or a sub-tenant, or

(b) is, after the commencement of this Act, admitted as a tenant otherwise than as a sub-tenant, or otherwise than as a tenant to whom *niji jot* is let in accordance with the provisions of section 14, or

(c) under the provisions of this Act, acquires hereditary rights, shall be called a hereditary tenant.

*Explanation.*—For the purposes of this section, the word “sub-tenant” shall not include a person who holds land from a relation, dependant or servant of the landholder or, in an estate mentioned in the Second Schedule, from a transferee of an interest in a holding or part thereof, whether the transfer was made before or after the commencement of this Act, unless such relation, dependant, servant or transferee proves to the satisfaction of the court that he is a genuine tenant of such land or such holding or part thereof.

**23. Land in which hereditary rights shall not accrue.**—Notwithstanding anything in this Act, hereditary rights shall not accrue in—

(i) unstable land, or

(ii) grove-land, pasture-land, *bir*, or land, covered by water, used for the purpose of growing *singhara* or other produce, or

(iii) land used for casual or occasional cultivation in the bed of a river or a stream, or

(iv) land acquired or held for a public purpose or for a work of public utility, or

(v) the *khudkasht* of a landlord who is serving in the military, naval or air forces of India, so long as he remains in such service and for two years after the cessation of such service:

Provided that where there are several co-sharers in such *khudkasht* and not all of them are in such service, the provisions of this clause shall apply only when the co-sharers who are not in such service belong to one or more of the following classes, namely, females, minors, lunatics, idiots or persons incapable of cultivating by reason of blindness or physical infirmity, or confinement in prison.

**24. Non-occupancy tenants.**—All tenants other than occupancy tenants, exproprietary tenants and hereditary tenants shall be non-occupancy tenants.

## CHAPTER V

### DEVOLUTION, TRANSFER, EXTINCTION, DIVISION, EXCHANGE AND ACQUISITION

#### *Devolution and transfer of tenancies*

**25. Interest of a tenant, if heritable and transferable.**—The interest of an occupancy tenant, an exproprietary tenant, a hereditary tenant and a non-occupancy tenant is heritable, but is not transferable, otherwise than by sub-lease as hereinafter provided, or by transfer or surrender to a co-tenant.

**26. Prohibition against certain kind of transfer or sub-lease.**—(1) No tenant shall sub-let, or otherwise transfer, the whole or any portion of his holding in consideration of a debt, whether reserving or not reserving rent to be paid periodically.

(2) No sub-tenant shall sub-let the whole or any portion of his holding.

**27. Right to sub-let.**—(1) Subject to the provisions of section 26 and sub-sections (2) to (4) of this section, a tenant may sub-let the whole or any portion of his holding.

(2) No occupancy, expropriary or hereditary tenant shall sub-let the whole or any portion of his holding—

(a) to a person other than an agriculturist, or

(b) for a term exceeding three years:

Provided that a period of not less than three years shall intervene between the expiry of one sub-lease and the beginning of the next sub-lease.

(3) No non-occupancy tenant, other than a sub-tenant, shall sub-let the whole or any portion of his holding for a term exceeding one year.

(4) The rent payable by a sub-tenant to an occupancy, an expropriary, a hereditary or a non-occupancy tenant shall be an amount not exceeding one and one-fifth of rent payable by such tenant to his land-holder:

Provided that the restrictions imposed by clause (b) of sub-section (2) on sub-letting of a holding or portion thereof shall not apply when the lessor is a female, a minor, a lunatic, an idiot, or a person incapable of cultivating by reason of blindness, or any physical infirmity, or service in the military, naval or air forces of India, or confinement in prison:

Provided further that, in the case of a holding held jointly by more persons than one, the provisions of the first proviso shall not apply unless all such persons belong to one or more of the categories specified therein.

#### *Extinction of tenancies*

**28. Tenancy, when extinguished.**—The interest of a tenant in his holding or part thereof, as the case may be, shall be extinguished—

(a) when he dies, leaving no heir entitled to inherit; or

(b) when his ejection is ordered; or

(c) subject to the provisions of sections 57 and 58, when he surrenders or abandons the holding; or

(d) when his land is acquired under the Land Acquisition Act, 1894 (I of 1894); or

(e) when he is deprived of possession of his holding otherwise than in accordance with the provisions of this Act and has not applied for recovery of possession within the period of limitation specified in section 102 or 104, as the case may be; or

(f) when the mortgage referred to in section 21 has been redeemed by the mortgagor as provided in that section; or

(g) when he acquires, or succeeds to, the entire proprietary right in his holding, or where the holder of the entire proprietary right over a holding inherits or otherwise acquires the tenancy rights in such holding:

Provided that no order of ejection which is submitted for confirmation under the provisions of this Act shall extinguish the tenancy, until such order has become final.

**29. Life tenancy of female, when extinguished.**—Notwithstanding anything contained in section 28, the surrender of her holding by a female tenant with life interest shall not extinguish her tenancy, unless such surrender is made with the written consent of nearest reversioner.

**30. Rights of sub-tenant on extinction of tenant's interest.**—(1) Subject to the provisions of sub-section (2), the extinction of the interest of a tenant shall operate to extinguish the interest of any sub-tenant holding under him.

(2) When the right of a tenant in any land is extinguished under the provisions of clause (g) of section 28 the sub-tenant, if any, of such land shall become a hereditary tenant.

**31. Vacating of holding on extinction of right.**—Except as otherwise provided in this Act, when the interest of a tenant or sub-tenant is extinguished, he shall vacate his holding, but shall have, in respect of the removal of any crop the same rights as a tenant would have upon ejection in accordance with the provisions of this Act.

**32. Possession of land not vacated.**—(1) If a sub-tenant, to whom the provisions of section 31 apply, does not vacate the holding, the person entitled to possession of such holding shall, on application to the *tahsildar* be put in possession thereof.

(2) The *tahsildar* shall, after deciding the dispute, if any, arising between the parties, submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

#### *Division, exchange and acquisition of holdings*

**33. Division of holdings.**—(1) A division of a holding shall be effected—

(a) by agreement between the co-tenants; or

(b) by the order of the *tahsildar*, passed on an application under this section by a co-tenant against the others and the landholder:

Provided that no such agreement shall be binding on the landholder, unless he agrees thereto in writing:

Provided further that no such application shall be entertained if, as a result of division, the area of the share of a co-tenant is reduced to less than ten acres.

(2) If the holding to be divided is assessed to fixed money rent, the division shall be accompanied by the distribution of rent payable in respect of each portion of the holding so divided.

(3) After deciding the case, the *tahsildar* shall submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

**34. Co-tenant's right to claim division of produce.**—(1) In case of a holding to which the second proviso to sub-section (1) of section 33 applies, the *tahsildar* may, on the application of a co-tenant, specify the share of such co-tenant in the produce of such holding and depute an officer to divide the produce in accordance with the provisions of sub-sections (1) to (3) of section 77 which shall, *mutatis mutandis*, apply to such proceedings.

(2) The order of the *tahsildar* under sub-section (1) shall not affect the right of a co-tenant to obtain a declaration in respect of his share in such holding under clause (ii) of sub-section (1) of section 43.

**35. Right of tenant in land received in exchange.**—A landlord may, with the consent of a tenant, give in exchange land which is not let, for any land held by such tenant, and such tenant shall have the same right in the land so received by him in exchange as he had in the land given in exchange.

**36. Exchange of land for consolidation of cultivated area.—**(1) A person, who wishes to consolidate the area which he cultivates, may apply to the sub-divisional officer to exchange the whole or any portion of such area for land cultivated by another person.

(2) If, on receipt of an application under sub-section (1), the sub-divisional officer is satisfied that reasonable grounds exist, he shall grant such application, either in whole or in part, and shall allot to such other person land which is cultivated by the applicant and which is approximately equal in value to, and of the same quality as, the land received by the applicant:

Provided that, to such extent as any land to be exchanged is not approximately equal in value and of the same quality, the sub-divisional officer shall award monetary compensation to balance the advantages and disadvantages, collect such compensation as arrears of revenue, and pay it to the persons entitled.

(3) After the order passed under sub-section (2) is complied with, each person shall have, in respect of the land which he receives in exchange, the same right as he had in the land which he gives in exchange.

(4) No order of exchange shall be passed under this section—

(a) in respect of land which is cultivated by a non-occupancy tenant, or is burdened with any lease, mortgage or other encumbrance; or

(b) between persons who are not landlords, or tenants of the same landlord, or who do not stand to one another in the relation of landlord and tenant.

(5) After deciding the case, the sub-divisional officer shall submit the record for confirmation of the order passed by him to the collector:

Provided that, if any area is under record operations, all applications under this section relating to such area shall be filed in the court of the record officer.

(6) If the application is decided by the record officer, the record shall be submitted for confirmation of the order passed by him to the Chief Commissioner.

**37. Acquisition of land by the landlord for certain purposes.—**(1) A landlord may apply to the collector to acquire for him land held by a tenant for any of the following purposes, namely,—

(a) for farming on improved lines; or

(b) for making any water-course, reservoir or tank for irrigation purposes; or

(c) for opening or working a lime-stone, *kankar* or other mineral quarry; or

(d) for undertaking, or allowing any other person to undertake, prospecting work to discover new sources of supply of mines and minerals; or

(e) for the proper working or developing of a mine or mining industry.

(2) The landlord shall, in case of an application under clause (a), and may, in case of an application under any other clause, file a list of his plots available in the same or in a neighbouring village, out of which the tenant may make a selection in exchange for the land applied for.

(3) On getting such application, the collector shall issue a proclamation calling upon persons who claim any interest in such land, either as proprietor or otherwise, to file objections, if any, within the period specified in the proclamation.



(4) If the collector is satisfied that reasonable grounds exist, he shall order the acquisition of the land applied for, or such part thereof as he deems fit, settle the question of compensation in accordance with the provisions of sub-sections (5) and (7) and order the ejection of the tenant from the land acquired.

(5) The collector, before passing an order of ejection under sub-section (4), shall proceed as follows:—

(i) if an agreement, which in the opinion of the collector is not unfair, is arrived at, he shall give effect to it; and

(ii) failing such agreement he shall—

(a) in case of an application under clause (a) of sub-section (1), give to the tenant an option to select plots included in the list and allot to him, out of the plots so selected, an area of land approximately equal in value to, and of the same quality as, the land acquired; and

(b) in case of an application under clause (b), (c), (d) or (e) of sub-section (1), give to the tenant an option to select plots included in the list, if one is filed under sub-section (2), and allot to him, out of the plots so selected, an area of land approximately equal in value to, and of the same quality as, the land acquired, but if the tenant claims monetary compensation only or if no list is filed under sub-section (2), the collector shall award to the tenant monetary compensation for his interest in such land; and

(c) to such extent as the land given in exchange under sub-clause (a) or (b) is not approximately equal in value and of the same quality, award monetary compensation to balance the advantages and disadvantages.

(6) If any land is allotted to the tenant under sub-section (5), he shall have the same right in such land as he had in the land from which he is ordered to be ejected.

(7) If, as a result of an order of acquisition, the interest of any person, other than the tenant of the land to be acquired, is adversely affected, the collector shall award to such person monetary compensation for the loss suffered by such person in consequence of such order.

(8) After deciding the case, the collector shall submit the record for confirmation of the order passed by him to the Chief Commissioner.

(9) The amount of monetary compensation awarded under this section shall be recovered as arrears of revenue and paid to the person entitled.

**38. Decision of certain disputes arising out of acquisition proceedings.—(1)** If, in the course of proceedings under section 37, a question of proprietary right arises, the collector shall decide the dispute and submit the record of the case for confirmation of the order passed by him to the Chief Commissioner.

Provided that the collector may, if he deems fit, instead of deciding such dispute, grant to any party a certificate declaring that the matter is fit to be determined by a civil court and dismiss the application for acquisition of land.

(2) The person to whom such certificate is granted may, within three months of the grant thereof, institute a suit to establish his right in a court of competent jurisdiction, and such court may, upon the production of such certificate, entertain such suit.

(3) Where a party, to whom such certificate has been granted, fails to institute a suit within the time allowed, he shall be deemed to have instituted such suit and lost it.

(4) The dismissal of an application under the proviso to sub-section (1) shall be no bar to the entertainment of a second application for acquisition filed by the landlord, if—

(i) in the civil suit, instituted under the provisions of the said proviso, the question of proprietary right is determined in his favour; or

(ii) in case a certificate to file a suit has been granted to a person other than the landlord, no such suit has been filed within the period allowed under sub-section (2).

**39. Reinstatement of tenant ejected under section 37.—(1)** When a tenant is ejected under section 57, he shall, on application made to the sub-divisional officer, be entitled to be reinstated in the land acquired on the conditions specified in sub-section (3), if the person for whom the land was acquired—

(a) does not, within two years from the date of such ejection, use it for the purpose for which it was acquired; or

(b) uses it for any other purpose within a period of five years from the date of such ejection.

(2) Such application shall be made—

in case of clause (a) of sub-section (1), within six months of the expiry of the period of two years; and

in case of clause (b) of sub-section (1), within six months of the land being used for any other purpose.

(3) The sub-divisional officer, on receiving such application, shall, if the conditions specified in clause (a) or (b) of sub-section (1) are satisfied, reinstate the ejected tenant in the land acquired with the same rights and liabilities and at the same rate of rent as at the date of ejection on condition that such tenant, before his reinstatement, restores to the person from whom the land was acquired the land or money or both awarded to him by way of compensation under section 37.

(4) After the decision of the case, the sub-divisional officer shall submit the record for confirmation of the order passed by him to the collector.

**40. Acquisition of proprietary right by tenant.—(1)** If a tenant, other than a non-occupancy tenant, desires to acquire proprietary right in his holding, he may apply, in the prescribed form, to the collector for acquisition of such right:

Provided that no such application shall lie in respect of a part of a holding.

(2) On receipt of application under sub-section (1), a notice shall be served on the landlord and a copy thereof shall be affixed in a prominent place in the village, stating that the tenant of such holding has applied for an order of acquisition, and that the landlord or any other person interested in such proceeding may file any objections within one month of the affixation of such notice.

(3) The collector, after deciding the objections filed, shall, if he finds the applicant entitled to acquisition, assess the amount of—

(a) compensation on account of the holding which shall be twelve times the annual rental value of such holding, calculated at sanctioned rates applicable to hereditary tenants;

(b) compensation for any improvement, if any, made by the landlord on such holding; and

(c) the revenue payable on such holding in the manner prescribed; and

pass an order that, on payment of such compensation within the period allowed by the collector, the tenant shall become the *biswadar* of his holding and shall be liable to pay the revenue assessed thereon.

(4) After the decision of the case, the collector shall submit the record of the case for confirmation of the order passed by him to the Chief Commissioner.

(5) The landlord shall, after the tenant has become *biswadar*, be entitled to claim reduction in the revenue payable by him as prescribed.

## CHAPTER VI

### GENERAL PROVISIONS RELATING TO TENANCIES

#### *Leases*

41. **Right to written lease and procedure to obtain it.**—(1) The tenant of a holding shall be entitled to receive, from his landholder, a written lease, consistent with the provisions of this Act, drawn up in the prescribed form.

(2) If the lease is not issued to the tenant, or it does not contain the particulars required to be stated therein, or contains particulars which the tenant does not accept as correct, he may make an application to the *tahsildar* and claim the lease in the proper form.

(3) Along with his application the tenant shall file three copies of the draft lease in the prescribed form, stating therein all the particulars in accordance with the terms settled between him and his landholder, and shall verify each copy as a plaint.

(4) The *tahsildar* shall, on receipt of the application, issue notice accompanied by a copy of the lease to the landholder to file objections, if any, within the period specified therein.

(5) If the landholder appears and admits the correctness of the lease, or, after due service of the notice, does not appear, the *tahsildar* shall sign and date the lease, put his official seal on it and deliver it to the tenant.

(6) If the landholder files an objection, the *tahsildar* shall decide it, and, if the tenant is entitled to a lease, deliver the lease in the manner provided by sub-section (5).

(7) If the lease is delivered to the tenant under sub-section (5) or (6), a true copy thereof shall be furnished to the landholder and a copy of such lease shall be placed on the record of the case.

(8) The *tahsildar* shall submit the record of the case for confirmation of the order passed by him under sub-section (6) to the sub-divisional officer.

(9) A lease so delivered shall be deemed to be registered under the Indian Registration Act, 1908 (XVI of 1908) and the terms thereof, in so far as they are consistent with the provisions of this Act, shall be binding on the parties thereto.

**42. Registration of leases.**—(1) A lease for a period exceeding one year, or from year to year, or for reclaiming any land shall be made by a registered instrument only.

(2) Notwithstanding anything contained in sub-section (1), the parties to such lease may, in lieu of registering the same, obtain the attestation thereto of a *girdawar*, a *naib-tahsildar*, or a *tahsildar*, within whose jurisdiction the land leased is situated in accordance with the provisions of sub-section (4).

(3) Such instrument shall be presented for attestation in duplicate.

(4) The attesting officer shall, after satisfying himself as to the identity of the parties and the execution of the instrument, make, sign and date an endorsement thereon to the effect that he has so satisfied himself, and shall deliver one copy to the lessor and the other to the lessee:

Provided that no such instrument shall be accepted for attestation, unless it is presented within four months of its execution.

(5) An instrument so attested shall be deemed to be registered within the meaning of the Indian Registration Act, 1908 (XVI of 1908).

#### Declaration of rights

**43. Declaration of rights in certain cases.**—(1) In case of doubt or dispute, the landholder or the tenant may apply for a declaration as to any of the following matters:—

(i) the rent payable or any other particulars prescribed for the lease;

(ii) the right of a person claiming to be a tenant or a joint tenant of a holding, or the specification of his share in such holding;

(iii) question of status of a tenant;

(iv) whether a particular plot is—

(a) *niji jot*, or

(b) stable or unstable land.

(2) Such application shall be filed in the court of the sub-divisional officer who shall decide the dispute in accordance with the provisions of this Act, and submit the record of the case for confirmation of the order passed by him to the collector.

#### Improvements

**44. Right of certain tenants to make improvements.**—An occupancy, an exproprietary or a hereditary tenant may make any improvement, but he shall not construct a tank unless he has obtained the written consent of the landholder.

**45. Right of non-occupancy tenants to make improvements.**—No non-occupancy tenant shall make any improvement except with the written consent of his landholder:

Provided that, if such tenant is a sub-tenant, he shall not make any improvement unless—

(a) it is an improvement which his landholder could himself have made; and

(b) he has obtained the written consent of his landholder.

**46. Right of landlord to make improvement.**—(1) A landlord may, with the sanction of the sub-divisional officer, make an improvement on, or affecting, the holding of a tenant:

Provided that no such sanction shall be required if the tenant of such holding is a non-occupancy tenant, or the improvement which the landlord desires to make is a well.

(2) If the sub-divisional officer refuses to give sanction, he shall submit the record of the case for confirmation of the order passed by him to the collector.

**47. Provision when both landlord and tenant want to make the same improvement.**—(1) If both the landlord and the tenant want to make the same improvement which they are entitled to make under this Act, the sub-divisional officer shall, on application, allow the tenant to execute the work within a specified period and may, on reasonable cause being shown, extend such period from time to time:

Provided that the total period of such extensions shall not exceed six months.

(2) If the tenant fails to execute the work within such period or extended period, the landlord shall have the right to make such improvement.

**48. Restrictions on making improvement.**—Nothing in this Chapter shall entitle a tenant or a landholder to make an improvement on, or detrimental to, any land, not included in the holding to be benefited by such improvement, unless he is in possession of such land as owner, or has obtained the written consent of the landlord and of the tenant, if any, of such land.

**49. Compensation for improvement, when permissible.**—A tenant who has made a work of the kind to which the provisions of clause (13) of section 4 apply, whether such work was made before or after the commencement of this Act, shall be entitled to claim compensation—

(a) if an order of ejectment is passed against him; or

(b) if he has been wrongfully ejected from his land and has not recovered possession thereof:

Provided that in case of a dwelling house mentioned in sub-clause (i) of clause (13) of section 4, the tenant may, instead of claiming compensation, sell or remove the materials thereof or, with the written consent of the landlord and within such period as the court deciding the claim for compensation may specify, transfer the right of residence therein to any tenant of the village:

Provided further that except in case of such dwelling house, compensation shall not be payable for any work made more than thirty years prior to the date on which the order of ejectment was passed or the tenant was wrongfully ejected.

**50. Determination of compensation.**—When, under any provision of this Act, a court has to determine the amount of compensation due on account of an improvement, it shall have regard—

(a) to the amount by which the value or the produce of the holding, or the value of that produce, is increased by the work,

(b) to the condition of such work and the probable duration of its effect,

(c) to the extent or benefit to which the landholder or the tenant may be entitled under section 51, and

(d) to the labour and capital required for the making of such work, allowing for—

(i) any reduction or remission of rent or any other advantage allowed to the tenant by the landholder in consideration of the work,

(ii) any assistance given to the tenant by the landholder in money, material or labour, and

(iii) in the case of reclamation or of conversion of unirrigated to irrigated land, the length of time during which the party claiming compensation has had the benefit of the improvement.

**51. Works benefiting other land.**—(1) If a tenant has made an improvement on land from which he is ejected, the landholder shall, on payment of compensation, if awarded, become the owner of the work, but the tenant shall be entitled to the benefit of the work in respect of the land remaining in his possession to the same extent and in the same manner as it was hitherto benefited thereby.

(2) If a tenant has made an improvement on land which remains in his possession after he is ejected from the other portion of his holding, the landholder shall, in accordance with the conditions laid down by the court, be entitled to the benefit of such work in respect of the land from which the tenant has been ejected to the same extent and in the same manner as it was hitherto benefited thereby.

**52. Disputes as regards improvements.**—If a question arises between a tenant and his landholder—

(a) as to the right to make an improvement; or

(b) as to whether a work contravenes the provisions of section 48; or

(c) as to whether a particular work is an improvement; or

(d) as to the right to the benefit of an improvement under section 51,

the sub-divisional officer shall, on the application of either party, decide the question and submit the record of the case for confirmation of the order passed by him to the collector.

#### *Trees*

**53. Right of tenant paying fixed money rent to plant tree.**—A tenant, other than a non-occupancy tenant, who pays fixed money rent may plant on his holding any tree:

Provided that—

(a) he shall not plant any tree in such a way as to diminish the value of any land, not included in his holding; and

(b) he shall, in the absence of a written agreement to the contrary, continue to be liable to pay the full rent of the holding.

**54. Right of a tenant paying *batai* or *bighori* to plant tree.**—A tenant, other than a non-occupancy tenant, who pays rent by *batai*, or *bighori* or partly by *batai* and partly by *bighori*, may plant any tree with the written consent of his landlord on such terms as may be settled between them:

Provided that he shall not plant any tree in such a way as to diminish the value of any land, not included in his holding.

**55. Tenant's rights in tree existing at the commencement of the Act.**—(1) Any tree standing at the commencement of this Act on the holding of a tenant, not being a sub-tenant, shall vest in such tenant, if he has continuously been in possession of such holding for not less than twelve years immediately before such commencement.

(2) If a tree does not vest in such tenant under sub-section (1), he may—

(i) if such tree hinders the cultivation of the holding, fell it with the previous sanction of the *tahsildar* and after notice in writing to the landlord or his agent, and deliver the timber thereof to such landlord or agent;

or

(ii) appropriate such tree and pay to the landholder such price as the *tahsildar* may, on the application of the tenant, fix.

(3) The *tahsildar* shall, if the order giving or refusing sanction for felling such tree or fixing the price thereof is passed in a contested case, submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

**56. Decision of disputes regarding trees.**—If a dispute arises between a landlord and a tenant as to the right to plant any tree, or the manner of planting it, or regarding the ownership of any tree, the dispute shall, on the application of either party, be decided by the sub-divisional officer who shall submit the record of the case for confirmation of the order passed by him to the collector.

*Surrender and abandonment*

**57. Surrender by tenant.**—Subject to the provisions of section 29, a tenant, not bound by a lease or other agreement to continue to occupy any holding in the following year, may—

(i) by means of a registered letter, sent to his landholder before the first day of March in any year, notify his intention to surrender his holding at the end of the agricultural year, whether such holding is or is not held by a sub-tenant; and

(ii) surrender his holding by giving up possession thereof accordingly:

Provided that an exproprietary tenant shall not surrender his holding or any part thereof except to his own landholder, and unless (a) a period of two years has elapsed from the date of accrual of the exproprietary rights, and (b) such tenant has obtained the previous sanction of the collector:

Provided further that nothing in this section shall affect any arrangement by which a tenant, other than an exproprietary tenant, and the landholder may agree to the surrender of the whole or any portion of the holding.

**58. Abandonment.**—(1) Subject to the provisions of sub-sections (2) and (3), a tenant, who ceases to cultivate his holding and leaves the neighbourhood, shall not lose his interest in such holding, if he leaves in charge thereof a person responsible for payment of the rent as it falls due and gives written notice to the landholder of such arrangement.

(2) If the person so left in charge is a person—

(a) on whom, in the event of the tenant's death, the tenant's interest would devolve, or

(b) who is to manage the holding for the benefit of the person on whom, in the event of the tenant's death, the tenant's interest would devolve, the tenant shall, on the expiry of a period of seven years, lose his interest in his holding unless he, within such period, resumes cultivation thereof, and such interest shall devolve on the person on whom the interest of the tenant would devolve in the event of his death.

(3) If the person so left in charge is not a person mentioned in sub-section (2), the tenant shall, on the expiry of a period of three years, be deemed to have abandoned his holding, unless within such period he resumes cultivation thereof.

(4) A tenant who ceases to cultivate and leaves the neighbourhood, otherwise than in accordance with the provisions of sub-section (1), shall be deemed to have abandoned his holding.

59. Taking possession of holding surrendered or abandoned.—A landholder may enter upon, and occupy, the land surrendered or abandoned in accordance with the provisions of this Act.

60. Dispute arising out of surrender and abandonment of land.—(1) If a dispute arises as to—

(a) the right of a tenant to surrender his holding or part thereof, or

(b) the right of a landholder to enter upon and occupy the land under the provisions of section 59,

either party may, within three months from the date of such dispute, apply to the *tahsildar* for decision.

(2) The *tahsildar* shall decide the dispute and submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

## CHAPTER VII

### PREMIA AND OTHER LEVIES

61. Acceptance of premium; how far permissible.—No landholder shall accept a premium for admitting a person to a holding:

Provided that this prohibition shall not apply to a landlord who confers *biswadari* right in any waste or unimproved land or common land of a village.

62. *Lag, neg* and cess.—(1) Notwithstanding any custom or contract to the contrary, no *lag*, or *neg*, by whatever name called or known, shall, in addition to the rent of the holding, be levied on, or recovered from, a tenant:

Provided that this prohibition shall not apply to a village development cess levied under sub-section (2).

(2) The Chief Commissioner may, with the previous approval of the Central Government, declare that the tenants of any village shall be liable to pay a village development cess, not exceeding two and a half per cent. of the rental to be applied for such purposes, and to be collected and disbursed in such manner, as may be prescribed in this behalf.

(3) In case of doubt, the Chief Commissioner may determine whether any levy is a levy prohibited by sub-section (1).

## CHAPTER VIII

### RENT AND ITS RECOVERY.

#### PART I—Basic rent of tenants

63. Liability for payment of rent.—Every occupancy, expropriatory, hereditary or non-occupancy tenant shall be liable to pay rent in accordance with the provisions of section 64:

Provided that if, at the commencement of this Act, a lower rent is payable by a tenant, or, after such commencement, a lower rent is agreed upon between him and his landholder, he shall be liable to pay such rent only.



**64. Scale of rent for different classes of tenants.**—Subject to the provisions of section 63, a tenant shall be liable to pay rent in accordance with the following scale:—

(a) a hereditary or a non-occupancy tenant, other than a sub-tenant	one-fifth of the produce of his holding ;
(b) an occupancy tenant	one-sixth of the produce of his holding ;
(c) an exproprietary tenant	one-eighth of the produce of his holding :

Provided that if in any area *bighori* at customary rate is payable for any crop, a tenant may elect to pay such rate for such crop :

Provided further that if a tenant grows cotton, or a crop in which cotton predominates, on more than one fourth of the irrigable area of his holding, the rent of such excess area shall be payable at double the *bighori* at customary rates.

**Explanation.**—In this section the expression “produce of his holding” shall not include the straw chaff (*bhusa*) of the *rabi* or the dry stalks of *kharij* crop.

**65. Status and liability of person permitted to retain possession.**—Notwithstanding anything contained in section 106, a person occupying any vacant land in contravention of the provisions of this Act shall, if permitted in writing by the landlord to retain possession of such land, become a hereditary tenant thereof and shall be liable to pay rent in accordance with the provisions of sections 63 and 64.

#### PART II—Payment and recovery of rent General provisions

**66. Hypothecation of produce towards payment of rent.**—The produce of every holding, whether sub-let or not, shall be deemed to be hypothecated to the landlord for the rent payable in respect of such holding and, until the demand for such rent has been satisfied, no other claim on such produce shall be enforced by sale in execution of a decree of a civil or revenue court, or otherwise.

**67. Procedure when produce is attached by civil or revenue court.**—(1) If the produce of any holding is attached by an order of a civil or revenue court, such court shall give notice of such attachment to the landlord who may apply to such court to sell the produce and pay to him, out of the proceeds of the sale thereof, any arrears of rent due in respect of such holding up to the date of the attachment.

(2) If such court, on inquiry, finds the landlord's claim to the whole or any part of the rent to be proved, it shall sell the produce or such portion thereof as it may deem fit, and apply the proceeds of the sale, in the first instance, to satisfy such claim.

**68. Right of landlord to collect rent from cultivator.**—(1) If the rent of a holding which is sub-let, or is left in charge of another person under section 58, is payable to the landlord by *batai*, he may collect such rent from the sub-tenant or such person:

Provided that if any rent is so collected by the landlord, the sub-tenant may deduct such rent from any rent payable by him to his landholder.

(2) If any conflict arises between the claims of the landlord and the tenant of such holding to collect rent from the sub-tenant, the claim of the landlord shall prevail.

**69. No cartage allowed.**—When rent is paid by *batai*, the landholder shall not claim or receive any additional quantity of the produce or its money equivalent for cartage to his own residence or to any market-place.

**70. Presumption as to payment by tenant and application of such payment.**—If a tenant makes a payment to his landholder, the payment shall, in the absence of a direction to the contrary, be deemed to have been made on account of rent, and shall be credited to any year, instalment or holding, specified by the tenant:

Provided that no such payment shall be applied to the discharge of an arrear of rent which has been outstanding for more than two years at the date of such payment.

**71. Modes of making payment of money rent.**—(1) A payment of a money rent may be made by a tenant to his landholder, either direct or by money order:

Provided that the acceptance by a landholder of a sum paid by money-order shall not, by itself or by virtue of any thing written on the money-order form, be deemed to constitute an admission by him as to the amount of rent payable or due on account of any particular year, instalment or holding, or an admission that the payer is a tenant.

(2) When such rent is sent by money-order, in the case of acceptance, the payee's receipt and in the case of refusal, the endorsement of such refusal on the money-order form, duly stamped by the post office, shall be admissible in evidence without formal proof and shall, until the contrary is proved, be presumed to be a correct record of such acceptance or refusal.

**72. Right to get receipt.**—(1) Every tenant, lessee or licensee who makes payment on account of rent, *sayar* or premium shall be entitled to obtain forthwith from the landholder a written receipt signed by the landholder or his agent.

(2) The landholder shall, from a book printed under section 74, give a separate receipt for each sum paid on account of rent, *sayar* or premium, and shall prepare and retain a counterfoil of each receipt given by him.

**73. Penalty for not issuing proper receipt.**—If a receipt is not issued in the prescribed form, or does not contain substantially the particulars required to be stated therein, or if a joint receipt for rent, *sayar* or premium has been given in contravention of the provisions of sub-section (2) of section 72, it shall be presumed, until the contrary is proved, to be an acquittance in full of all demands for rent, *sayar*, or premium, as the case may be, up to the date on which the receipt was given.

**74. Obligation of Chief Commissioner to print and supply books of receipt.**—The Chief Commissioner shall cause to be printed and kept for sale to landholders, at all *tahsil* headquarters, books of receipts with counterfoils in the prescribed form at a rate, not exceeding the actual cost of production, plus five per cent. thereon to cover incidental charges.

**75. Penalty for non-production of receipt book with counterfoils.**—If, in any proceeding under this Act between a landholder and a tenant in which the payment of rent, *sayar* or premium is in dispute, the landholder, when ordered by the court to produce the book of receipts with counterfoils which he is required to retain under section 72, fails to produce it, the court may accept the plea of the tenant regarding such payment as correct or may make any presumption against the landholder which it considers reasonable.

## Produce rents

76. Rights and liabilities in respect of produce.—(1) When rent is payable by *batai*, the tenant shall have a right to the exclusive possession of the crop and to cut and harvest it in due course of husbandry without any interference on the part of the landholder, but shall not be entitled to cut any portion of the produce of his holding or to remove it from the threshing-floor at such time or in such manner as to prevent the due division thereof at the proper time.

(2) If a landholder prevents a tenant from tending, cutting, gathering or storing the crop, or otherwise interferes with harvesting operations, he shall be liable, on the complaint of the tenant, to pay to him such sum, not exceeding one hundred rupees, as may be awarded as compensation and such sum shall be recovered as arrears of revenue and paid to the tenant.

(3) Such complaint shall be made in writing to the sub-divisional officer who shall inquire into, and decide, the case and submit the record for confirmation of the order passed by him to the collector.

(4) If the tenant cuts or removes any portion of the produce of his holding, contrary to the provisions of sub-section (1), such produce shall, for the purpose of determining the share of the landholder, be deemed to be equal to that of the best crop of the same kind grown at that harvest on similar land in the neighbourhood.

77. Application for officer to make division.—(1) When the rent of any land is payable by *batai*, the tenant may, when the crop is ripe, apply to the *tahsildar*, requesting that an officer be deputed to make the division and, subject to the payment of the prescribed fee, the *tahsildar* shall, within ten days of such payment, depute an officer for the purpose.

(2) The officer so deputed shall proceed to the spot on a day of which notice shall be given to the landholder and the tenant, cause the crop to be cut or gathered, and stored, and, after such inquiry as he deems fit, get the produce divided in accordance with the shares to which the parties may be respectively entitled.

(3) The weighment charges or other expenses, if any, incurred in making the division, shall be borne by the parties in proportion to their shares in the produce.

(4) In making the division, such officer shall take the assistance of assessors to be appointed, as nearly as may be, in accordance with the provisions of sub-sections (2) and (3) of section 79, draw up a note specifying the share of produce delivered to each party and other necessary particulars, explain such note to the parties and assessors, get it signed by them and submit it with his report to the *tahsildar*.

(5) Such officer shall not allow any levy prohibited by sub-section (1) of section 62 to be charged at the time of *batai*, and in his report to the *tahsildar* he shall state that no such levy was charged.

(6) If either the landholder or the tenant is dissatisfied with the division he may, within fifteen days of such division, complain in writing to the *tahsildar* who shall inquire into the matter and, if necessary, pass a decree for money in favour of the party entitled, and submit the record of the case for confirmation of the decree or order passed by him to the sub-divisional officer. If no such complaint is made, the *tahsildar* shall confirm the note of the officer deputed.

(7) The sub-divisional officer may confirm, amend or set aside the decree or order or pass such other order as he deems fit.

(8) A decree for money passed under sub-section (6) or (7) shall, if against the tenant, be deemed to be a decree for arrears of rent and, if against the landholder, be realised in accordance with the provisions of sections 88 and 89.

**78. Application for *kuta*.**—If, by an agreement between a landholder and his tenant, the *batai* rent of a holding is payable in cash by *kuta*, either party may apply in the prescribed form to the *tahsildar* to depute an officer to make the *kuta*.

**79. Procedure on application.**—(1) On receipt of an application under section 78, and on payment of the prescribed fee, the *tahsildar* shall, within ten days of such payment, issue a written notice to the landholder and the tenant to attend on such date and at such time and place as may be specified in the notice, and shall depute an officer by whom the *kuta* shall be made.

(2) On the day, and at the time and place, so fixed, such officer shall attend and call upon each party to appoint a resident of the neighbourhood as an assessor to assist him.

(3) If any party fails to attend, or refuses to appoint an assessor, such officer shall appoint an assessor on his behalf and shall, with the assistance of the assessors so appointed, make the *kuta* and deliver an award in the prescribed form and submit the same with a report of the proceedings to the *tahsildar*.

(4) The *tahsildar* shall issue notice to the parties to file objections, if any, to the award within fifteen days of the date of service of such notice and shall, after hearing such objections and making such inquiry, as he considers necessary, accept or modify such award and submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

(5) The sub-divisional officer may, after further inquiry, if necessary, confirm or modify the award.

(6) After the award has become final, the *tahsildar* shall assess the money value of the rent payable to the landholder and pass a decree for arrears of rent against the tenant.

**80. Collector to publish return of current prices.**—Within one month of the end of harvesting operations in a *tahsil*, or as soon thereafter as may be, the collector shall prepare, in the prescribed manner, a return of market prices current at the harvest time of all food and non-food crops grown in such *tahsil* and the return so prepared shall be accepted for assessing the money value of the produce of a holding in cases triable under this Act:

Provided that if, in any area, the Central Government has fixed any price for any agricultural produce such price shall be accepted for making such assessment.

**81. Assessment of *bighori* by court.**—(1) In case of *bighori*—

(a) if the landholder or the tenant neglects to measure the area sown at the proper time, or

(b) if there is a dispute about the extent of the area sown, the length of the measuring chain, or the manner of measurement of such area,

either party may make an application to the *tahsildar*, requesting that a measurer be appointed to measure such area.

With the application, the applicant shall deposit such fee as may be prescribed.

(2) The provisions of sub-sections (1) to (3) of section 79 shall apply to an application made under this section, as if for the words "*kuta*" and "officer", wherever they occur in such sub-sections, the words "measurement" and "measurer" respectively were substituted.

(3) On receipt of the measurer's award, the *tahsildar* shall issue notice to the parties to file objections, if any, within fifteen days of the date of service of such notice and, after hearing such objections, pass a decree for the arrears of rent found due, and submit the record of the case for confirmation of the decree passed by him to the sub-divisional officer.

**82. Commutation of *batai* rent into *bighori* in certain cases.—**(1) Where a tenant, other than a non-occupancy tenant, has heretofore paid his rent by *batai*, or partly by *bighori* and partly by *batai*, he may apply to the sub-divisional officer to commute his rent paid by *batai* into *bighori*.

(2) The sub-divisional officer shall, in accordance with the table of rates prepared in the prescribed manner, declare the *bighori* which such tenant shall be liable to pay.

**83. Payment of commuted rent.—**The rent commuted under the provisions of section 82 shall become payable from June next following the date of the order and shall remain in force for three agricultural years unless, at the end of such period, the landlord and the tenant, by a joint application made to the sub-divisional officer, get the period extended for any term agreed upon between them.

#### Arrears

**84. Rent when and how payable.—**(1) Subject to the provisions of this Act, the rent of a tenant shall be payable as follows:—

- (i) in case of *batai* or *bighori*—
  - (a) as agreed upon between the tenant and the landholder,
  - (b) in the absence of any such agreement, according to local custom, and
- (ii) in case of fixed money rent, in instalments proportionate to the revenue instalments payable one month before the dates appointed for the payment of the revenue instalments.

(2) Rent, or any instalment thereof, not paid by due date, shall be deemed to be in arrears.

**85. Claim for arrears of rent.—**(1) If rent, which is payable by *batai* or *bighori*, is in arrears, or if the tenant has, without sufficient cause, failed to cultivate his holding, the landholder may, within two years of the date on which rent became payable, apply to the *tahsildar* for the recovery of arrears of rent.

(2) An application for the recovery of fixed money-rent shall be made to the *tahsildar* within two years of the date on which such rent became payable.

(3) For purposes of the assessment of the rent recoverable under sub-section (1)—

(i) in case of *batai*, the provisions of sub-section (4) of section 76 shall apply, and

(ii) in case of *batai* or *bighori*, the entire area of the holding of the defendant shall, in the absence of evidence to the contrary, be deemed to have been actually cultivated during the period to which the claim relates.

(4) The *tahsildar* shall decide the case and submit the record for confirmation of the decree passed by him to the sub-divisional officer.

**86. Interest in cases of arrears of rent.**—When a court passes a decree for arrears of rent under the provisions of this Chapter, it shall allow interest on the amount decreed from the date of such decree till the date of its satisfaction at the rate of one anna per rupee per annum simple interest unless, for reasons to be recorded in writing, it disallows the interest or allows interest at a lower rate.

**87. Landlord's power to charge irrigation dues.**—If a landlord has constructed a tank, whether before or after the commencement of this Act, he shall, subject to the rules made by the Chief Commissioner, be entitled to charge irrigation dues from persons irrigating land from such tank, at such rates as may be prescribed.

**88. Method of recovering sayar.**—(1) A landlord to whom any sum is due on account of *sayar* may, on an application to the *tahsildar*, recover the same by attachment and sale of the property of the defaulter with the exception of the following:—

(a) the necessary wearing apparel, cooking utensils, beds and bedding of the defaulter, and of his wife and children and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;

(b) his implements of husbandry and such cattle and seed grain as may, in the opinion of the court, be necessary to enable him to earn his livelihood as an agriculturist; and

(c) houses and other buildings belonging to the defaulter and actually occupied by him or used by him as a cattle-shed.

(2) If, in the course of any proceeding under sub-section (1), any claim is preferred to, or any objection is made to the attachment of, any property by any person, whether a party to such proceeding or not, the *tahsildar* shall decide the dispute and submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

**89. Realisation of sayar as arrears of revenue.**—(1) If, in the opinion of the *tahsildar* the arrears of *sayar* cannot be recovered under section 88, he may move the sub-divisional officer to sanction the collection of such arrears as arrears of revenue.

(2) The sub-divisional officer may, if he is satisfied that such arrears cannot be recovered under section 88, direct the *tahsildar* to recover such arrears as arrears of revenue.

(3) Any arrears of *sayar* recovered under section 88 or under this section shall be paid by the *tahsildar* to the person entitled.

### PART III.—Emergency provision

**90. Recovery of arrears in the event of general refusal to pay.**—(1) In case of any general refusal to pay rent or any demand on account of *sayar* to persons entitled to collect the same in any area, the Chief Commissioner may, by notification in the Official Gazette, declare that such rent or demand may be recovered in accordance with the provisions of sub-section (2).

(2) In any area to which a notification made under sub-section (1) applies, a landlord entitled to collect such rent or demand may, notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, apply in writing to the *tahsildar* to recover the same; and the *tahsildar* shall, after satisfying himself that the amount claimed is due, recover the same with costs as arrears of revenue and submit the record of the case

for confirmation of the orders passed, and the action taken, by him to the collector.

(3) The collector may, after examining the record, order that, after deducting from the amount recovered the collection charges which shall not ordinarily exceed seven per cent. of the amount so recovered, the balance shall be made over to the person entitled:

Provided that the total amount deducted as court-fee under section 173 and collection charges shall not, in the aggregate, exceed fourteen and a half per cent. of the amount so recovered.

(4) No order passed under this section shall debar a landholder from recovering, under the provisions of this Act, any amount due to him which has not been recovered under this section.

PART IV.—*Payment of revenue by biswadars to jagirdars and muafidars.*

**91. Application of certain sections to *biswadars*.**—(1) The provisions of sections 62, 66, 67, 69 to 77, 81, 87 to 90 and 108 to 112 shall apply to a *biswadar* in relation to a *jagirdar* or a *muafidar*, as if in such sections for the word 'tenant', the word '*biswadar*' and for the word 'landlord' or 'landholder' the word '*jagirdar*' or '*muafidar*', as the case may be, and for the word "rent" the words "revenue payable by a *biswadar*", were substituted.

(2) The amount of a decree for arrears of revenue passed against a *biswadar*, if not satisfied within thirty days of the date when such decree becomes final shall, on the application of the decree-holder, be recovered by the *tahsildar* as arrears of revenue and paid to the person entitled.

## CHAPTER IX

### EJECTMENT OF TENANTS

#### *General*

**92. Arrears deemed satisfied when tenant is ejected.**—Subject to the provisions of sub-section (2) of section 94, when a tenant is ejected from his holding for non-payment of arrears of rent, all arrears, whether decreed or not, and irrigation dues due in respect of such holding on the date of ejectment shall be deemed to have been satisfied.

**93. Decree for arrears, how executed.**—No decree for arrears of rent shall be executed against a tenant otherwise than in the manner provided by section 98.

**94. Adjustment of arrears and compensation on ejectment.**—(1) A court, deciding any proceeding under this Act by which a tenant is ejected from his holding or part thereof shall, before passing an order of ejectment, award the amount of compensation due to him on account of an improvement, a tree or a crop belonging to him and existing on such holding:

Provided that if, on the date of such order, no arrears of rent, decreed or undecreed, or irrigation dues are outstanding against him on account of such holding and there is a tree or crop upon the land, he may cut and remove such tree and, subject to such payment and such other terms as the court passing the order may specify, use such land for tending, gathering and removing such crop.

(2) If, on such date, any such arrears are outstanding against the tenant and the amount of compensation awarded to him under sub-section (1) exceeds the amount recoverable from him as such arrears, the order for ejectment shall be conditional on the payment into court by the landholder of the balance due to the tenant within such time as the court may direct; and if the amount of such compensation does not exceed such arrears, any claim for compensation made by the tenant shall be deemed to have been satisfied on his ejectment.

**95. Entry of landholder on land from which tenant is ordered to be ejected.—**

(1) A landholder may enter upon possession of a holding or part thereof from which a tenant is ordered to be ejected:

Provided that he shall not enter upon such holding or part unless—

(a) in a case to which the proviso to sub-section (1) of section 94 applies, the tenant has gathered and removed the crop in due course of husbandry; and

(b) the amount of compensation, if any, awarded by the court has been paid into court or adjusted in accordance with the provisions of sub-section (2) of section 94.

(2) If the amount of compensation awarded under sub-section (1) of section 94 has not been paid into court or adjusted in accordance with sub-section (2) of that section, the order of ejection shall be cancelled, and the landholder shall be liable to pay to the tenant the cost of the proceedings which shall be collected as arrears of revenue and paid to the tenant.

(3) If the tenant offers any resistance or obstruction to entry on land on which a landholder has become entitled to enter under sub-section (1), the court passing the order of ejection shall, on the application of the landholder, direct that such landholder be put into possession of such land and where he is still resisted or obstructed in obtaining possession, the court may, at his instance, order the tenant to be detained in the civil prison under rule 98 of Order XXI of the Code of Civil Procedure, 1908 (V of 1908).

(4) The court hearing any proceeding by which a tenant is ejected from his holding or part thereof shall decide all disputes arising under section 94 or this section and such decision shall be subject to confirmation by the court to which the record of such proceeding is submitted for confirmation.

*Grounds of ejection*

**96. Grounds of ejection.**—A tenant shall be liable to ejection from his holding on one or more of the following grounds:—

(a) that a final decree against him for arrears of rent in respect of that holding has remained unsatisfied; or

(b) that he is guilty of any act detrimental to the land in that holding, or inconsistent with the purpose for which it was let; or

(c) where rent is payable by *batai*, that for three successive years he has, without sufficient cause, failed to cultivate his holding; or

(d) that he or any person holding from him has broken a condition on breach of which he is, by special contract which is not contrary to the provisions of section 8, liable to be ejected; or

(e) that he has sub-let or otherwise transferred his holding or part thereof in contravention of the provisions of this Act:

Provided that the use of one-twentieth part of a plot included in a holding for growing grass or for the construction of enclosures on such part for stock raising, or for any purpose subservient to agriculture, shall not constitute a ground for ejection under clause (b).

**97. Special grounds of ejection of non-occupancy tenants.**—A non-occupancy tenant, other than a sub-tenant to whom the provisions of section 82 apply, shall be liable to ejection on the ground that he holds only as a tenant from year to year, or under a lease which has expired or will expire by the end of the current agricultural year.



## Procedure for ejection

**98. Procedure in ejection for decreed arrears.**—(1) Immediately after a decree for arrears of rent passed under section 77, 79, 81 or 85 has become final, the *tahsildar* shall cause a notice to be served on the tenant stating the amount due under the decree, and requiring him, within two months from the service of the notice, to pay such amount into court.

(2) If the amount is so paid, the *tahsildar* shall record satisfaction on the decree and grant a receipt therefor which shall operate as an acquittance for the amount deposited as if such amount had been received by the decree holder and pay such amount to the person entitled to receive it.

(3) If the amount is not so paid by the tenant the *tahsildar* shall order his ejection from his holding or part thereof as prescribed and submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

(4) The sub-divisional officer may—

(a) on the application of the tenant, extend the time for the payment of the decretal amount for a period, not exceeding two months from the date of such order; or

(b) allow payment into court of such amount by instalments and specify the time for payment thereof; or

(c) confirm the order of ejection.

(5) If the sub-divisional officer by order extends the time for the payment of the decretal amount or allows payment by instalments and such order is duly complied with, the order of ejection shall be set aside.

(6) If the decretal amount or any instalment is not paid into court within the period allowed under clause (a) or (b) of sub-section (4), the sub-divisional officer shall confirm the order of ejection.

**99. Procedure for ejection on other grounds.**—(1) When a landholder desires to eject a tenant on one or more of the grounds specified in clauses (b) to (e) of section 96, he shall file an application in the court of the sub-divisional officer containing such particulars as may be prescribed.

(2) If the sub-divisional officer finds that the tenant is liable to ejection, he shall pass a conditional order for his ejection either from the entire holding or from such portion thereof, as, having regard to all the circumstances of the case, he considers desirable and shall also direct that—

(i) in the case of an order under clause (b), (c) or (d) of section 96, the tenant shall repair the damage, or pay such compensation as the court may direct within two months from the date of the order, or such further time as the court may, for reasons to be recorded, allow; and

(ii) in the case of an order under clause (e) of that section, the tenant shall obtain surrender of, or eject the sub-lessee or other transferee from, the holding or part thereof which is sub-let or otherwise transferred in contravention of the provisions of this Act and resume possession of such holding or part, as the case may be, within such time as the court may specify.

(3) If the sub-divisional officer is satisfied that the tenant has complied with the order passed under sub-section (2), he shall cancel the order of ejection, but if he is not so satisfied, he shall make the order of ejection absolute and shall, in either case, submit the record for confirmation of the order passed by him to the collector:

Provided that no application for ejectment shall be entertained on the ground mentioned in clause (c) of section 96, if the landholder has recovered under section 85 the arrears of rent for the period the tenant has failed to cultivate his holding.

**100. Application for ejectment of non-occupancy tenant.**—A landholder who desires to eject a non-occupancy tenant to whom section 97 applies may, in the month of May, make an application in duplicate to the *tahsildar* stating the following particulars:—

- (a) the name, description and place of residence of the landholder;
- (b) the name, description and place of residence of the tenant;
- (c) a description of the holding, specifying the name of the village, the rent payable, and, unless the holding can be otherwise adequately described, the *khassa* number and area of each field; and
- (d) the ground on which ejectment is applied for.

**101. Procedure on application.**—(1) The *tahsildar* shall send one copy of the application to the tenant and inform him that he may file objections, if any, within thirty days of the receipt of such application.

(2) If the tenant admits his liability to ejectment, or has not appeared within such period, the *tahsildar* shall pass an order for his ejectment.

(3) If the tenant contests his liability to ejectment on the ground that he is not a tenant, or claims occupancy, exproprietary or hereditary rights, or denies the right of the landholder to eject, the *tahsildar* shall forward the record to the sub-divisional officer for trial of the case.

(4) On receipt of the record, the sub-divisional officer shall hear and decide the case and submit the record for confirmation of the order passed by him to the collector.

(5) If the liability to ejectment is contested on any other ground, the *tahsildar* shall decide the case and submit the record for confirmation of the order passed by him to the sub-divisional officer.

#### *Remedies for wrongful ejectment.*

**102. Remedies for wrongful ejectment.**—A tenant ejected by his landholder, otherwise than in accordance with the provisions of this Act may, within one year of such ejectment, apply to the sub-divisional officer—

- (a) for possession of the holding;
- (b) for compensation for wrongful dispossession; and
- (c) for compensation for any improvement he may have made, or for a tree belonging to him.

**103. Procedure on application.**—(1) If the court finds that the tenant has been wrongfully ejected, it shall proceed as follows:—

(a) if the tenant is not entitled to remain in possession after the expiry of the agricultural year in which the order is passed, the order shall not be for recovery of possession, but for costs only, or, if compensation has been claimed and found due, for compensation and costs only;

(b) when the order is for recovery of possession, compensation, if claimed and found due, may be awarded for wrongful dispossession but not for an improvement or a tree;

(c) where an order is given for compensation for wrongful dispossession, but not for possession, the compensation shall be for the whole period during which the tenant was entitled to remain in possession.

(2) If the order is for recovery of possession, the sub-divisional officer shall put the tenant wrongfully ejected in possession.

(3) After the decision of the case, the sub-divisional officer shall submit the record for confirmation of the order passed by him to the collector.

(4) Any amount awarded as compensation shall be recovered as arrears of revenue and paid to the person entitled.

*Ejection of person occupying land without title*

**104. Ejection of person occupying land without title.**—(1) A person, other than a landholder mentioned in section 102, taking or retaining possession of a plot of land otherwise than in accordance with the provisions of this Act shall, on the application made to the sub-divisional officer, be liable to ejection and also to pay damages.

(2) Such application shall be made—

(a) if the unauthorised occupation has existed from a date prior to the commencement of this Act, within two years of the commencement of this Act;

(b) in any other case, within three years from the date when the unauthorised occupation first began.

**105. Procedure on application.**—(1) If, on application under section 104, the sub-divisional officer is satisfied that any person taking or retaining possession of a plot of land is liable to ejection, he shall order the ejection of such person and award damages which may extend to four times the annual rental value of such plot, calculated in accordance with the sanctioned rates applicable to hereditary tenants.

(2) If, on the date of the order of ejection, there is any ungathered crop or other produce belonging to the person ordered to be ejected, the applicant shall become owner thereof.

(3) The sub-divisional officer shall submit the record of the case for confirmation of the order passed by him to the collector.

(4) Any damages awarded under this section shall be recovered as arrears of revenue and paid to the person entitled.

**106. Consequences of failure to file application under section 102 or 104.**—If no application under section 102 or 104 is made within the period of limitation prescribed therefor, and the person ejecting the tenant from, or taking or retaining possession of, land, otherwise than in accordance with the provisions of this Act, cultivates such land, such person shall become—

(i) if he possesses proprietary interest in such land, *khudkasht*-holder;

or

(ii) if he does not possess proprietary or tenancy interest in such land, a hereditary tenant.

**107. No separate relief claimable, if not claimed in revenue court.**—A person who has made an application under section 102 or 104, shall not be entitled to institute a separate suit or proceeding in a civil court for any relief which he might and ought to have claimed and has not claimed.

CHAPTER X

COMPENSATION AND PENALTIES

**108. Tenant's right to claim inquiry for illegal exaction and other matters.**—If any landholder or his agent—

(i) dishonestly collects a premium prohibited by this Act, or any sum, or produce in excess of the amount which is due as arrears of rent, or as *sayar*, or

(ii) charges interest on an arrear of rent, not expressly allowed by this Act or at a rate exceeding that allowed by this Act, or

(iii) realises, by proceedings in court or otherwise, any rent of which payment has been remitted, or, before the expiry of the period of suspension, any rent of which payment has been suspended under the provisions of this Act, or

(iv) habitually refuses or neglects to deliver to the tenant a receipt, or does not prepare and retain a counterfoil of the receipt in the manner prescribed by this Act, or

(v) without reasonable cause, credits or applies a payment made towards rent otherwise than in accordance with the provisions of this Act,

the sub-divisional officer shall, on the application of the tenant, if made within six months of the contravention of the provision of this Act to which the complaint relates, institute an inquiry and, if he is satisfied that the charge is established, shall award to the tenant monetary compensation not exceeding two hundred rupees and submit the record of the case for confirmation of the order passed by him to the collector.

**109. Power to award compensation in proceedings for arrears of rent.—(1)** If, in the course of proceedings for the realisation of arrears of rent, the trial or the confirming court finds that the landholder has committed any of the acts enumerated in clauses (i) to (v) of section 108, it may award to the tenant compensation, not exceeding one hundred rupees.

(2) If such compensation is awarded by the trial court, the record of the case shall be submitted for confirmation of the order passed by it to the sub-divisional officer, and if by the confirming court, to the collector.

**110. Prosecution of landholder for illegal exaction.—**If a landholder or his agent collects from a tenant any *lag* or *neg*, he shall be deemed to have committed an offence of extortion within the meaning of the Indian Penal Code (Act XLV of 1860).

**111. Compensation for exaction by landholder and for false complaint by tenant.—(1)** If a landholder compels his tenant to render any service, or makes use of any cattle or any agricultural implement of his tenant against the will of such tenant, whether for remuneration or not, the sub-divisional officer shall, on the application of the tenant made within one month of such service or use and on the charge being established, award to the tenant a sum, not exceeding one hundred rupees, as compensation.

(2) If, as a result of inquiry, the sub-divisional officer finds that the complaint is false, and either vexatious or frivolous, he shall award to the landholder a sum, not exceeding one hundred rupees, as compensation.

(3) After deciding the case, the sub-divisional officer shall submit the record for confirmation of the order passed by him to the collector.

**112. Penalty for habitual infringement of rights of tenant.—**If a landlord habitually infringes the rights of a tenant under this Act, he shall, notwithstanding anything in section 7 of the Ajmere Government Wards Regulation, 1888 (I of 1888), be deemed to be a "landlord who is disqualified to manage his own property" within the meaning of section 6 of the said Regulation and his property shall be liable to be taken under the superintendence of the Court of Wards.

**113. Penalty for illegal entry on a holding.**—(1) A tenant against whom an order of ejectment from a holding or any portion thereof has become final and who re-enters into or remains in occupation of such holding or such portion, as the case may be, without the written consent of the person entitled to admit him as tenant, shall be deemed to have committed an offence of criminal trespass within the meaning of the Indian Penal Code (Act XLV of 1860).

(2) If a landholder enters upon a holding in the possession of a tenant with the object of dispossessing him of such holding, otherwise than under the provisions of this Act, such landholder shall be deemed to have committed an offence of criminal trespass within the meaning of the Indian Penal Code.

(3) Where a person is convicted of such offence and it appears to the court convicting him that the tenant or the landholder has, by reason of anything done in the course of the commission of the offence, been dispossessed of any land, the court shall order such tenant or landholder to be reinstated in such land.

**114. Compensation, how realisable.**—Any compensation awarded under this Chapter shall be recovered as arrears of revenue and paid to the person entitled.

## CHAPTER XI

### GRANTS

**115. Exemption of *muafidar*.**—The provisions of this Chapter shall not apply to a *muafidar*.

**116. Interpretation.**—(1) A rent-free grant means a grant by a landlord of a right to hold land rent-free with or without consideration.

(2) A grant of land at a favourable rate of rent means a grant held at a rent which, at the time when such grant was made, was below the rent generally payable by a tenant-at-will for land of the same class in the neighbourhood.

(3) A village service grant means a grant made rent-free or at a favourable rate of rent on condition of rendering any service to the village community.

**117. Grant which cannot be resumed.**—(1) No claim shall be entertained for the resumption of a grant—

(a) in *khalsa* area, if such grant has been held from a date prior to 1818; or

(b) in any other part of the State, if such grant has been held from a date prior to 1874; or

(c) which is hereditary and was made out of personal regard for the grantee or in lieu of his past services and loyalty to the grantor and his family; or

(d) which is held unconditionally; or

(e) which is not resumable under the terms of the grant; or

(f) to a charitable institution or for the maintenance of a sacred building so long as such institution or building exists.

(2) A holder of a grant to which clause (a), (b), (c), (d) or (e) of sub-section (1) applies and who has continuously been in possession thereof for twenty-five years immediately before the commencement of this Act, may, on an application made within one year of such commencement and on payment of compensation adjudged under sub-section (3), be declared a *biswadar* of such grant and shall, on such declaration, be liable to pay such revenue as may be fixed thereon.

(3) The compensation to be paid under sub-section (2) shall be four times the annual rental value of such grant, calculated at sanctioned rates applicable to hereditary tenants.

(4) On a declaration being made under sub-section (2), the sub-tenant, if any, of such grant shall become a hereditary tenant thereof.

(5) When land revenue is fixed on a grant in respect of which a declaration is made, the proprietor of such grant shall as prescribed be entitled to claim reduction in the revenue payable by him by an amount equal to the amount of revenue fixed under sub-section (2).

**118. Grounds on which certain grants may be resumed.**—Subject to the provisions of section 117, a landlord may apply for the resumption of a grant—

(i) in case of a grant held for the performance of religious service, on the ground—

(a) that the object for which the grant was made has ceased to exist; or

(b) that the grantee has died, leaving no heir entitled to succeed him under the law applicable to the deceased; or

(c) that the grantee has ceased to render the service which he is bound to render;

(ii) in case of a grant for the performance of secular service, on the ground that the landlord no longer requires such service or the grantee has ceased to render such service;

(iii) in case of a village service grant, on the ground that the grantee has ceased to render the service;

(iv) in case of a grant held for the life-time of the grantee or for a term, on the ground that the grantee has died or the term has expired, as the case may be;

(v) in case the grant is held at the pleasure of the grantor, on the ground that it is so held;

(vi) in case of a grant to which the provisions of clause (f) of section 117 apply, on the ground that the institution or the building has ceased to exist.

**119. How to deal with resumable grant.**—If the trial court finds on inquiry that the grant is resumable under section 118, it shall—

(i) in a case to which the provisions of sub-clause (a) or (b) of clause (i), or clause (ii), (iv), (v) or (vi) of section 118 apply, declare the person in possession—

(a) a hereditary tenant if, on the date of the application for resumption, such person has been in continuous occupation of such grant for twelve years or more; or

(b) as holding without title, if the period of his occupation on such date is less than twelve years, and order his ejection from such grant; and

(ii) in a case to which the provisions of sub-clause (c) of clause (i) or clause (iii) of section 118 apply, order the ejection of the grantee and appoint a suitable successor in-office with or without the consent of the landlord, as the court deems fit.

**120. Application of certain Chapters and sections to grantees.**—(1) A grantee may—

- (i) obtain a declaration of his status;
- (ii) make improvements and claim compensation therefor;
- (iii) plant trees;
- (iv) claim reinstatement in his holding, if wrongfully dispossessed; and
- (v) eject a person taking or retaining possession of his land in contravention of the provisions of this Act and claim damages—

and the respective provisions of the Act relating to such matters shall, *mutatis mutandis*, apply to him as they apply to a hereditary tenant.

(2) The provisions of Parts II and III of Chapter VIII and of section 62 and sections 108 to 110 and sections 164 to 168 shall, *mutatis mutandis*, apply to a grantee at a favourable rate of rent as they apply to a hereditary tenant.

(3) The provisions of sections 88, 89 and 111 and of Chapters XIV and XV, so far as they are applicable, shall apply to a grantee as they apply to a hereditary tenant.

(4) The amount of a decree for arrears of rent passed against a grantee at a favourable rate of rent, if not satisfied within four months of the date on which such decree becomes final, shall, on an application to the *tahsildar*, be recovered under sections 88 and 89 as if it were a sum due on account of *sayar* and paid to the person entitled.

**121. Grants, how far transferable.**—(1) Except as otherwise provided in sub-section (2), no grantee shall transfer by sale, mortgage, gift or otherwise his interest in a grant which is liable to resumption under the provisions of this Act.

(2) No grantee shall let the whole or any portion of his holding for a term exceeding three years, or within three years of any portion of such holding being held by a sub-tenant.

**122. Void transactions.**—A transaction by which a grantee transfers or lets his holding or a portion thereof in contravention of the provisions of section 121 shall be void.

**123. Power to hear cases of grantees.**—An application under section 117, 118 or 120, shall be entertained, heard and decided by the sub-divisional officer who shall submit the record of the case for confirmation of the order or the decree passed by him to the collector.

## CHAPTER XII

### PREPARATION OF RECORD-OF-RIGHTS AND DETERMINATION AND MODIFICATION OF RENT AND RENT-RATES

**124. Applicability of Part III.**—No notification under sub-section (3) of section 1 shall be made in respect of Part III of this Chapter, unless, in the area to which such part is applied, rent-rates have been determined and the record-of-rights has been framed in accordance with the provisions of this Chapter:

Provided that if the Chief Commissioner is satisfied that in such area the rent-rates determined in the year of settlement and the record-of-rights framed in such year and maintained since are reliable, he may accept such rent-rates, with or without modification, and such record-of-rights, as framed and determined in accordance with the provisions of this Chapter.

#### PART I.—Preparation and maintenance of maps and records

**125. Power to form and alter *Patwaris'* circles.**—The collector may, with the previous sanction of the Chief Commissioner, divide the area of the State

into *mahals*, *thoks* or other convenient units, and arrange them into *girdawars*' and *patwaris*' circles and may alter the number and limits of such circles, but no such division, arrangement or alteration shall be final unless it has been sanctioned by the Chief Commissioner.

**126. Appointment of *patwaris*.**—The collector shall appoint a *patwari* to each circle for preparing and maintaining the record-of-rights and registers specified in this Act and for performing such other duties as the Chief Commissioner may prescribe.

**127. Appointment of *girdawars*.**—The collector shall appoint one or more *girdawars* in each *tahsil* for the proper supervision, maintenance and correction of the annual registers and records, and for such other duties as the Chief Commissioner may prescribe.

**128. Cadre and pay of *girdawars* and *patwaris*.**—The Chief Commissioner may fix the cadre, grades and pay of *girdawars* and *patwaris* and other staff required for the preparation and maintenance of the record-of-rights.

**129. *Girdawars* and *patwaris* to be public servants.**—Every *girdawar* and *patwari* shall be deemed to be a public servant within the meaning of the Indian Penal Code (Act XLV of 1860).

**130. Maintenance of maps and fieldbooks.**—The collector shall maintain a map and a fieldbook of each village in the State and shall cause annually, or at such longer intervals as may be prescribed, to be recorded therein all changes in the boundaries of each village, *mahal* or field, and shall correct any error in such map or fieldbook.

**131. Obligation of owners as to boundary marks.**—(1) Every landlord of a village, *mahal* or field is bound to maintain and keep in repair the permanent boundary marks and the collector may at any time order such landlord—

(a) to erect proper boundary marks on such village, *mahal* or field; or

(b) to repair or renew, in such form and with such material as he may order all such boundary marks.

(2) If such order is not complied with within thirty days from the communication thereof, or such longer period as the collector may allow, he shall cause such boundary marks to be erected, repaired or renewed, and shall recover the charges incurred from the landlord concerned as arrears of revenue.

(3) Survey marks shall, as prescribed, be maintained and kept in repair by the collector.

**132. Record-of-rights.**—(1) There shall be a record-of-rights for each village, or if a *mahal* or other unit formed under section 125 consists of two or more villages or portions of villages, the record may be prepared for each such village or portion separately.

(2) The record-of-rights shall include the following documents:—

(i) a *khewat* which shall comprise—

(a) a register of all the proprietors in the village, including the proprietors of specific areas, and, in estates mentioned in the Second Schedule, maintenance-holders; and

(b) a register of *jagirdars* and *muafidars*.

(ii) a *khatauni* which shall be a register of persons cultivating or occupying land as tenants or otherwise; and

(iii) a *wajib-ul-ara* which shall be a record of customs obtaining in the State or any part thereof.



*Explanation.*—In this section the word “proprietor” shall include a person in possession of proprietary rights under a mortgage or lease.

**133. Contents of certain registers.**—The registers specified in clauses (i) and (ii) or sub-section (2) of section 132 shall specify the nature and extent of the interest of each person recorded therein and shall be prepared in the prescribed form.

**134. Registers of revenue-paying, revenue-assigned and revenue-free villages.**—The collector shall prepare and maintain—

(a) a register of all revenue-paying villages, *mahals*, *thoks* or other units, specifying the revenue assessed on each and the person by, or through, whom it is payable; and

(b) a register of all revenue-free and revenue-assigned villages and areas, specifying the authority and conditions for exemption or assignment, as the case may be.

**135. The annual registers.**—(1) The collector shall be responsible for maintaining the record-of-rights specified in clauses (i) and (ii) of sub-section (2) of section 132, and, for that purpose, shall annually, or at such longer intervals as may be prescribed, cause to be prepared an amended set of such registers, and the registers so prepared shall be called annual registers.

(2) The collector shall cause to be recorded in the annual registers all changes that may take place as a result of succession or transfer or otherwise, and shall correct any error in such registers.

(3) No entry in the *wajib-ul-ars* shall be altered except as a result of inquiry in any settlement or record operations in the State.

**136. Obligation to furnish information necessary for compilation of certain record-of-rights.**—(1) Every person, obtaining possession by succession or transfer of any proprietary or other right which is required by this Act or any rule made thereunder to be recorded in any register prescribed by clause (i) or clause (ii) of sub-section (2) of section 132, shall report such succession or transfer to the prescribed authority. If such person is a minor or otherwise disqualified, the guardian in charge of his property shall make such report.

(2) Every such person, or, if he is a minor or otherwise disqualified, his guardian, shall furnish, on the requisition of the *patwari*, *girdwar* or any other officer or employee of the revenue department, engaged in compiling such register, all information necessary for the correct compilation thereof.

(3) No revenue court shall entertain any application under this Act by the person so succeeding or otherwise obtaining possession, until such person, or, if he is a minor or otherwise disqualified, his guardian, has made a report required by this section.

*Explanation.*—In this section, the word “transfer” shall include a family settlement.

**137. Decision of disputes.**—All disputes affecting the entries in the annual registers shall be decided in the following manner:—

(i) those relating to entries to be made in the *khewat*, on the basis of possession or, if possession is doubtful, on the basis of summary inquiry into the question of title;

(ii) those relating to class or tenure of any tenant, the rent payable by him or any other matter to be recorded in the *khatauni*, in accordance with the provisions of this Act and the terms of the lease, if any, so far as they are consistent with such provisions; and

(iii) those relating to boundaries, on the basis of the survey map, and in case one was not prepared or is not available, on the basis of actual possession.

**138. Inquiry into cases.**—(1) Contested cases relating to entries in the annual registers and to boundary disputes shall be heard and decided by the sub-divisional officer who shall submit the record of the case for confirmation of the order passed by him to the collector.

(2) Uncontested cases shall be disposed of by the *tahsildar*.

**139. Certain decisions, no bar to civil suit.**—No entry made or order passed under section 138, relating to entries in the *khawat*, or to boundary disputes, shall debar any person from establishing his right to any property in a court of competent jurisdiction.

**140. Value of entries and decisions in contested cases.**—Subject to the provisions of section 139, the decision given under sub-section (1) of section 138 shall be binding on the parties to the dispute and an entry made in the *khawat* or *khatauni* under the order of the sub-divisional officer or the collector in a contested case shall be presumed to be correct until the contrary is proved.

**141. Appointment and punishment of *lambardars* and *patels*.**—The collector may appoint one or more *lambardars* or *patels* in a village, *mahal* or *thok* and may suspend, remove or dismiss them.

**PART II.—Record and rent-rate operations and the appointment of officers.**

**142. Record and rent-rate operations.**—(1) The Central Government may, by notification in the Official Gazette, order that in any estate mentioned in the Second Schedule or group of such estates or in any other area of the State, a preparation or revision of the record-of-rights or survey or re-survey, or the determination of rent-rates for any class or classes of soils, or some or all of these operations be taken in hand, whether by revision of the most recent records and rent-rates or otherwise, and may appoint an officer as a record officer or rent-rate officer to be in charge of record or rent-rate operations, as the case may be, and as many assistant record officers as it deems fit.

(2) From the date of the notification every such estate or group of estates or other area shall be held to be under record, or rent-rate operations or both, as the case may be, until the issue of another notification, declaring such operations to be closed therein.

**143. Powers of the record officer, assistant record officer and rent-rate officer.**—(1) For such period and to such extent as he deems fit, the Chief Commissioner may empower the record officer or the rent-rate officer—

(i) to perform the duties and exercise the powers of a collector under Part I of this Chapter; and

(ii) to commute, abate, enhance and determine rents in accordance with the provisions of Part III of this Chapter in any area to which such Part has been applied.

(2) An assistant record officer shall exercise such powers of the record officer or any other revenue court as the Chief Commissioner may, by order in writing, specify, and shall submit the record of cases decided by him to the record officer for confirmation.

**144. Sanctioned rates.**—The sanctioned rates shall be the rates determined under this Part:

Provided that if in any part of the State such rates have not been determined, a revenue court requiring the use of such rates, otherwise than for deciding abatement, enhancement or commutation of rent cases, shall in the manner prescribed work out appropriate rates after making local inspection

and considering the rent generally payable by tenants of the same class for land of the same class in the vicinity, and the rates so worked out shall be deemed to be the sanctioned rates.

**145. Duration of rent-rates.**—When rent-rates are determined for any area, they shall not, unless the Central Government otherwise directs, be determined again until a period of not less than twenty years has elapsed.

*Procedure in determining cash rent-rates*

**146. Circle and soil classification.**—(1) If, any estate or group of estates or any other area for which rent-rates in money are to be determined, has not been divided into assessment circles, or, if classification of the soil thereof has not been made, or if the Central Government orders a revision of the existing circles or soil classification or both, the rent-rate officer shall make circles and classify the soils, and shall propose rent-rates for each class of soil in each circle.

(2) If such estate, group of estates or area has previously been divided into assessment circles, the rent-rate officer shall propose separate rates for each circle, and for each separate class of soil previously demarcated therein, unless, by order of the Central Government, the circles or the classification of soils, or both are revised by him.

**147. Basis of rates for hereditary tenants.**—(1) The rates proposed by the rent-rate officer for hereditary tenants shall be based on genuine and stable rents paid by such tenants.

(2) In proposing rates in accordance with sub-section (1), the rent-rate officer shall have regard to the provisions of sections 63 and 64 and shall, before framing his proposals, take into consideration—

(a) the value of the produce with a view to seeing that the valuation of the holdings of hereditary tenants at the proposed rates does not exceed one-fifth of such value;

(b) the prices of agricultural produce prevailing in the main markets of the neighbourhood;

(c) the changes in the crops grown and in the amount of the produce;

(d) the rotation of crops and periods of rest which tenants usually allow to land;

(e) the average size of holdings in the circle and methods of cultivation;

(f) the results of crop-cutting experiments in the local area for which rates are proposed and in the different parts of the State generally;

(g) the level of *bighori* rates, if payable in any particular area in respect of certain crops; and

(h) such other matters as generally affect rents payable by tenants.

(3) In proposing rates for occupancy and exproprietary tenants, the rent-rate officer shall have regard to the scale of rents prescribed for such tenants in relation to the scale of rent payable by hereditary tenants under sections 63 and 64.

(4) The rent-rate officer shall also record for each village whether the rates proposed by him are applicable without modification to the village as a whole or to a specified area or class of soil therein, and in case they require modification, the extent of such modification; and, in their application to such village, area or class, the rates shall be deemed to be modified accordingly.

148. Provision for rates in special cases.—The rent-rate officer shall propose rates for the commutation of—

(a) rent paid by *batai*, or partly by *batai* and partly by *bighori*, into fixed money rent; and

(b) rent paid by *batai* into *bighori* at current rates.

149. Procedure in publishing and sanctioning rates.—(1) The rent-rate officer shall publish, in such manner as may be prescribed, the proposals and records made by him under sections 147 and 148 and shall receive and consider any objection which may be made to him.

(2) When such objections, if any, have been considered and disposed of, the rent-rate officer shall submit the proposals and records made by him after such modification, if any, as he may deem fit, to the Chief Commissioner.

(3) On receipt of the proposals, the Chief Commissioner may direct further inquiry into any of the matters contained therein and shall, if satisfied that such proposals have been rightly framed, submit them to the Central Government for acceptance.

(4) The Central Government shall either sanction the proposed circles, soil classification, rates and other matters recorded under sections 147 and 148, or may, for reasons to be recorded, sanction them with such modification as it deems fit, and the rates so sanctioned shall be sanctioned rates.

150. Civil suit relating to record-of-rights and certain other matters barred.—Subject to the provisions of section 139, no suit shall be brought in any civil court in respect of any matter concerning the entries in, or preparation of, a record-of-rights, the framing, publication, signing or attestation of such record or of any part of it, or the determination of rent-rates under the provisions of this Chapter.

**PART III.—Commutation, abatement, enhancement, and determination of rent**

151. Commutation of rent from kind to cash.—(1) Where an occupancy, an exproprietary or a hereditary tenant has heretofore paid his rent by *bighori* or *batai*, or partly by *bighori* and partly by *batai*, he may apply for the commutation of such rent to a fixed money rent:

Provided that in an area where rents are paid by *bighori* for some crops and by *batai* for others, the tenant may elect to have that portion of the rent which is payable by *batai* alone commuted into *bighori* on the basis of sanctioned rates appropriate to him, and in such case the court shall commute that portion which is payable by *batai* by fixing a rate of rent per *bigha* for *batai* crops grown on the holding.

152. Commutation of rent from cash to kind.—Where the rent of an occupancy, an exproprietary or a hereditary tenant has been commuted under section 151, he may, subject to the provisions of clause (ii) of section 161, apply that the rent of such holding be declared as payable by *batai* in accordance with the provisions of sections 63 and 64, or, if before commutation it was payable partly by *bighori* and partly by *batai*, in the manner it was payable before such commutation, and the court shall make such declaration.

153. Grounds of abatement of fixed money rent.—The fixed money rent or the *bighori*, determined under section 151, of an occupancy, an exproprietary or a hereditary tenant shall be liable to abatement on one or more of the following grounds:—

(a) that the rent payable by the tenant is substantially greater than the rent calculated at the sanctioned rates appropriate to him; or

missing

XVII to  
V VII

XVII to  
XVII

of 1950]

*Ajmer Tenancy and Land Records*

63

(b) that the productive power of the land held by the tenant has decreased by any cause beyond the control of the tenant during the currency of the present rent; or

(c) in case of fixed money rent, that the area of his holding has been decreased by diluvion, or by the taking up of land for a public purpose, or for a work of public utility.

**154. Ground of enhancement of fixed money rent.**—The fixed money rent or the *bighori*, determined under section 151, of an occupancy, an exproprietary or a hereditary tenant, shall be liable to enhancement on one or more of the following grounds:—

(a) that the rent payable by the tenant is substantially less than the rent calculated at the sanctioned rates appropriate to him; or

(b) that the productive power of the land held by the tenant has increased by an improvement effected by, or at the expense of, the landholder, other than a work in respect of which irrigation dues are payable under section 87 or which is carried out under the scheme sanctioned by the Central Government under section 5 of the Delhi and Ajmer-Merwara Land Development Act, 1948 (LXVI of 1948); or

(c) in case of fixed money rent, that the area of the holding has been increased by alluvion.

**155. Order for determination, commutation or variation of rent, when to take effect.**—Except as otherwise provided in sub-section (3) of section 163, every order for abatement, enhancement, commutation or determination of rent shall take effect from the commencement of the agricultural year, next following the date of such order.

**156. Joinder of parties in cases relating to variation of rent.**—(1) An application for commutation, abatement or enhancement of rent may be made against, or by, any number of tenants collectively:

Provided that all such tenants are tenants of the same landholder, and all the holdings in respect of which the application is made are situated in the same village.

(2) No order shall be passed in any such proceeding affecting the interest of any person, unless the court is satisfied that he has had an opportunity of being heard.

(3) The order shall specify the extent to which each of the holdings is affected thereby.

**157. Determination of rent on partial ejection.**—When a tenant is ejected under an order of a court from a part only of his holding which is assessed to fixed money rent, or being entitled to surrender a part of such holding legally surrenders such part, either he or his landholder may apply for the determination of the rent of the remainder.

**158. Rent, how calculated for commutation, variation or determination.**—Subject to the provisions of sections 160 and 163, when rent is to be determined or commuted into fixed money rent, or the fixed money rent or the *bighori* determined under section 151 is to be abated or enhanced, the court shall calculate the rent—

(a) in the case of hereditary tenants, in accordance with the rates sanctioned for hereditary tenants; and

(b) in case of occupancy and exproprietary tenants, in accordance with rates which shall conform to the scale prescribed for such tenants in relation to hereditary tenants under the provisions of sections 63 and 64:

Provided that, for special reasons to be recorded, the court may modify the sanctioned rates applicable to any particular case, and it shall modify such rates if it finds that, as a result of their application, the rent arrived at on commutation, abatement, enhancement or determination, as the case may be, is substantially different from the money value of the rent payable by the same class of tenants under the provisions of sections 63 and 64.

**159. Meaning of "substantial" in certain sections.**—For the purposes of sections 153, 154 and 158 a difference of ten per cent. or more shall be deemed to be substantial.

**160. Basis of variation of rent in certain cases.**—(1) In any proceedings for abatement of fixed money rent on the ground that the area of the holding has decreased by diluvion or by the taking up of land for a public purpose or for a work of public utility, or under the provisions of section 37, or for enhancement on the ground that the area of the holding has increased by alluvion, the court shall abate or enhance the rent with reference to the existing rent and the decrease or increase in the area of the holding.

(2) In any proceedings for enhancement of fixed money rent or the *bighora* determined under section 151 on the ground that the productive power of the holding has increased by an improvement effected by, or at the expense of, the landholder or for abatement of rent on the ground that such power has decreased by any cause beyond the control of the tenant, the court shall enhance or abate the rent with reference to the existing rent and the increase or decrease of the productive power.

(3) In an application for the determination of the fixed money rent of a portion of a holding under section 157, the court shall determine the rent with reference to the rent payable before ejection or surrender and the loss of area due to such ejection or surrender.

**161. Period for which rent is not liable to modification.**—Save as provided in section 163, when the rent of an occupancy, an exproprietary or a hereditary tenant has been commuted, abated or enhanced in accordance with the provisions of this Act, it shall not be liable to be commuted, abated or enhanced unless—

(i) in case of abatement or enhancement of rent—

(a) the revenue payable by the landlord has been revised; or

(b) there has occurred a decrease or increase in the productive power or the area of the land held by the tenant, as provided in clauses (b) and (c) of sections 153 and 154; or

(c) the sanctioned rates have been altered; and

(ii) in case of commutation of rent, a period of three years, or such longer period as may have been extended under section 83, has elapsed since the date of the last commutation order.

**162. Applications for variation of rent, by whom to be entertained.**—(1) Save as provided in sub-sections (2) and (3), all applications for commutation, abatement, enhancement or determination of rent shall be made to, and heard and decided by, the sub-divisional officer who shall submit the record of the case for confirmation of the order passed by him to the collector.

(2) When any area is under rent-rate operations, or when rent-rates have been determined under this Act for any area, or accepted under the proviso to section 124, and such area is placed under record operations, all such applications relating to such area shall be filed in the court of the rent-rate officer or the record officer, as the case may be.

(3) If such application is heard and decided by the rent-rate officer or the record officer, the record of the case shall be submitted for the confirmation of the order passed by him to the Chief Commissioner.

### CHAPTER XIII

#### EXTRAORDINARY AND EMERGENCY PROVISIONS

**163. Revision of rent and revenue in an emergency.—(1)** Notwithstanding anything in this Act or in any other law for the time being in force, when the Central Government is satisfied that an emergency has arisen in any area, it may appoint to such area an officer of the grade of an assistant commissioner and invest him with all or any of the following powers:—

(a) the powers of a rent-rate officer and a record officer;

(b) if sanctioned rates have not been determined or have not been accepted under the proviso to section 124 for such area, powers to commute, abate, enhance or determine rents summarily otherwise than in accordance with such rates; and

(c) powers to revise revenue assessed on any estate, *mahal*, village or *thok* in which rents have been commuted, abated, enhanced or determined under this Chapter.

(2) If, as a result of any order passed by the officer appointed under sub-section (1), the assets of any estate or area are increased or decreased, such officer shall increase or decrease, as the case may be, the revenue of such estate, village, *mahal* or *thok* in the proportion which such increased or decreased assets bear to the assets before such increase or decrease.

(3) Every order passed by such officer in exercise of the powers conferred on him under sub-section (1) shall be submitted for confirmation to the collector or such other officer as the Chief Commissioner may, by order, specify and shall take effect from such date as the officer passing it or the confirming court may direct.

**164. Remission or suspension of rent in agricultural calamities.—(1)** On the occurrence of an agricultural calamity, affecting the crops of any village or area, the Central Government or any authority empowered by it in this behalf, may remit or suspend for any period the whole or any portion of the rent payable by a tenant in respect of any holding affected by such calamity.

(2) When the Central Government or such authority remits or suspends rent, it shall remit or suspend for a like period the whole or portion of the revenue assessed on such village or area.

**165. Bar to collection of rent remitted or suspended.—**No landholder shall collect, under the provisions of this Act or otherwise, any rent the payment of which has been remitted or, during the period of suspension, any rent the payment of which has been suspended under section 164.

**166. Period of suspension to be excluded in computing period of limitation.—**When the payment of rent has been suspended in accordance with the provisions of section 164, the period during which the suspension continues shall be excluded in computing the period of limitation under this Act for the recovery of such rent.

**167. Remission for calamity by court decreeing claim for arrears.—(1)** If it appears to a court passing a decree for arrears of rent that the area of the holding was so decreased by diluvion or otherwise, or that the produce thereof was so diminished by drought, hail, pests, deposit of sand or other like calamity during the period for which the arrears are claimed, or that the full amount of rent payable by the tenant for that period cannot be equitably decreed, it may, with the sanction of the collector, allow such remission from the rent payable by the tenant for that period as it deems fit.

(2) The court allowing such remission shall submit the record of the case for confirmation of the order passed by it to the collector.

(3) No remission made under this section shall be deemed to vary the rent payable by the tenant otherwise than for the period in respect of which such remission was made.

(4) When remission of rent is granted in accordance with the provisions of this section, the collector shall, on the application of the landlord, grant a remission of revenue in proportion to the rent remitted for the corresponding area belonging to the same landlord.

**168. Jurisdiction of certain courts excluded in cases of remission and suspension of rent or revenue.**—Except as provided in this Act, an order for revision, remission or suspension of rent or revenue passed under this Chapter shall not be called in question in any court.

#### CHAPTER XIV

##### PROCEDURE AND JURISDICTION OF COURTS

###### General provisions

**169. Cases cognizable by revenue courts.**—A case which is cognizable by a revenue court under this Act shall be heard and decided by such court, and no court other than a revenue court shall, except as provided in this Act, hear or decide any such case, or any suit or application based on a cause of action in respect of which relief could be obtained in a revenue court.

*Explanation.*—If the cause of action is one in respect of which relief might be granted by the revenue court, it is immaterial that the relief asked for from the civil court is different from, greater than, or additional to, that which the revenue court could have granted.

**170. Procedure of revenue courts.**—The Chief Commissioner may frame rules for regulating the procedure of revenue courts and may, in doing so, extend or apply any provisions of the Code of Civil Procedure, 1908 (V of 1908), with or without modification:

Provided that until such rules are framed and, subject to them when framed, the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), shall, except when they are inconsistent with anything in this Act, or relate to special suits or proceedings outside the scope of this Act, apply, in so far as they are applicable, to proceedings under this Act.

**171. Application of Indian Limitation Act, 1908 (IX of 1908).**—Sections 4, 5 and 12, sub-section (2) of section 14 and sub-sections (1) and (2) of section 17 of the Indian Limitation Act, 1908 (IX of 1908), shall apply, *mutatis mutandis*, to applications and other proceedings under this Act.

**172. Limitation in cases under this Act.**—Except as provided in section 171, no application under this Act shall, if the period for filing it is specified therein, be filed after the expiry of such period.

**173. Payment of court-fees under this Act.**—(1) No court-fee shall be payable when the first application is filed by a party to any proceeding under this Act.

(2) Any second or subsequent application made in the course of the same proceeding shall bear a court-fee stamp of four annas only:

Provided that when, under this Act, any sum is collected by a revenue court as arrears of revenue or as *sayar* on behalf of an applicant or a party to a proceeding, or when the amount of a decree is paid into court under section 99, such court shall, notwithstanding anything in this Act, before making payment



to the person entitled, deduct seven and a half per cent. of the amount so collected or paid into court as court-fee and pay the balance to such person :

Provided further that if in any case, after issues have been framed and any evidence has been recorded, the first application is dismissed or withdrawn, the trial court or the confirming court, as the case may be, shall assess the amount of the court-fee which, but for the provisions of sub-sections (1) and (2), the applicant would have been liable to pay under the Court-Fees Act, 1870 (VII of 1870), as applied to the State, deduct the amount, if any, paid as court-fee under sub-section (2) and recover the balance as arrears of revenue.

*Subordination of courts*

**174. Subordination of courts.**—(1) All revenue courts in the State shall be subordinate to the Chief Commissioner.

(2) All revenue courts specified in sub-clauses (iv) to (viii) of clause (35) of section 4 shall be subordinate to the collector, and the revenue courts specified in sub-clauses (vi) to (viii) of the said clause shall be subordinate to the sub-divisional officer of the area within which they exercise jurisdiction.

(3) An assistant record officer shall be subordinate to the record officer.

*Powers of courts and places for holding courts*

**175. Place of sitting of revenue courts.**—(1) A revenue court mentioned in sub-clause (i), (ii) or (iii) of clause (35) of section 4 and, subject to the orders of the collector, a revenue court mentioned in sub-clause (v) of the said clause may hear and dispose of cases at any place within the State.

(2) A sub-divisional officer may hold his court at any place within his sub-division or, with the sanction of the collector, in any other part of the State.

(3) A *tahsildar* or a *naib-tahsildar* may hold his court at any place within his *tahsil*.

(4) A revenue court, mentioned in clause (a) or (b) of section 180, may sit in any part of the State specified by the collector.

**176. Chief Commissioner's power to confer powers.**—The Chief Commissioner may, by notification in the Official Gazette, confer on an assistant commissioner or a sub-divisional officer all or any of the powers of a collector under this Act to be exercised in respect of such cases or class of cases or such other matters as may be specified in such notification.

**177. Collector's power to place assistant commissioner in charge of sub-division.**—(1) The collector may place any assistant commissioner in charge of a sub-division and may remove him therefrom.

(2) The assistant commissioner so placed in charge shall be called a sub-divisional officer and shall, subject to the control of the collector, exercise all the powers conferred, and discharge all the duties imposed, upon the sub-divisional officer by this Act, or any rules made thereunder.

**178. Collector's powers to authorise certain courts to entertain and dispose of applications.**—The collector may, by order in writing, empower—

(a) an assistant commissioner to entertain and decide applications, and to receive and dispose of cases submitted for confirmation of a decree or an order passed by a *tahsildar*, which a sub-divisional officer is empowered under this Act to entertain, decide, receive or dispose of; and

(b) a *naib-tahsildar* of not less than three years standing, to entertain and dispose of such applications as a *tahsildar* is empowered under this Act to entertain and dispose of.

**179. Powers of revenue courts to refer cases for investigation and report.**—Any revenue court may refer any case which it is empowered to dispose of to any revenue court subordinate to it for investigation and report.

**180. Powers of Chief Commissioner to create *shamlat* committees and courts.**—The Chief Commissioner may—

(a) create an honorary court and invest it with powers to hear and dispose of cases which a *tahsildar* may hear and dispose of under the provisions of this Act;

(b) establish a *punchayat* in any village or group of villages of the State, and invest such *punchayat* with powers to hear and dispose of cases which a *tahsildar* may hear and dispose of under the provisions of this Act, and to perform such other duties as may be prescribed;

(c) sanction the creation of a *shamlat* committee in any village or town which has at least three hundred acres of stable land as *shamlat deh*; and

(d) define the jurisdiction of the courts created or established under clause (a) or (b) of this section and provide for submission of the cases decided by them for confirmation to courts specified by him:

Provided that no court so created or established under clause (a) or (b) shall hear or decide a case if such court or a member thereof is interested in the result of such case:

Provided further that if, at the commencement of this Act, there exists a *shamlat* committee in any village or town to which the provisions of clause (c) apply, the Chief Commissioner may recognize such committee as one created under this section.

#### Confirmation of orders

**181. Decree or order to be final in certain circumstances.**—Subject to the provisions of sections 185, 186 and 187, a decree or an order which is not required by this Act to be submitted to a confirming court shall be final.

**182. Submission to confirming court.**—When, under the provisions of this Act, a revenue court is required to submit the record of a case to a confirming court, it shall not comply with such provisions—

(i) unless any of the parties to such case has, within seven days of the decree or the order passed therein, made an application bearing a court-fee stamp of the value of two rupees and eight annas to such revenue court, requesting that the record be submitted for confirmation; or

(ii) if such decree or order is passed on the admission of a party to the case, or in terms of a compromise; or is based on the award of an arbitrator appointed by the parties; or

(iii) if the parties to the case apply in writing that they accept the decree or order as final:

Provided that if any party challenges a decree or an order mentioned in clause (ii) on the ground that it does not conform to the compromise or the award, or that it goes beyond it, such court shall, on the application of such party, submit the record to the confirming court.

**183. Form of decree or order to be submitted for confirmation.**—(1) An order submitted for confirmation shall contain a concise statement of the case, the points for determination, the decision thereon, and the reasons for such decision.

(2) A decree submitted for confirmation shall conform to the order passed and shall be prepared only in cases and in the form prescribed.

**184. Procedure for confirmation.**—When the record of a case is received by a confirming court and the provisions of the section under which such record is submitted do not specify the manner of confirmation, such court shall—

(i) call upon each of the parties to file, if he wishes to do so, a written statement setting forth, concisely and under distinct heads, the grounds of objection to the decree or order, numbered consecutively without any argument or narrative;

(ii) treat the written statement of the party against whom the decision was given by the trial court as memorandum of appeal, and that presented by the other party as memorandum of cross-objection; and

(iii) after hearing the parties or such of them as appear before him, pass an order which a court of appeal may pass under the provisions of Order 41 of the Code of Civil Procedure, 1908 (V of 1908):

Provided that no such written statement shall be entertained on behalf of a party who has not applied for submission of the record under clause (i) of section 182, unless it bears a court-fee stamp of the value of rupees two and annas eight.

#### Review

**185. Review by the Chief Commissioner.**—The Chief Commissioner may, on his own motion, or on the application of a party, review any decree or order passed by him and may rescind, vary or confirm it.

**186. Review by other courts.**—Every other revenue court may review its judgment, order or decree to correct clerical or arithmetical errors, or errors arising therein from any accidental slip or omission:

Provided that no application for review shall be entertained—

(a) after the record has been submitted to a confirming court; or

(b) if such application cannot be disposed of without recording further evidence.

#### Revision

**187. Revision.**—(1) The Chief Commissioner or, in respect of a decree or an order passed by a civil court, the Judicial Commissioner may, on the application of a party, call for the record of any case which is decided by a court subordinate to him and if such subordinate court appears—

(a) to have exercised a jurisdiction not vested in it by law, or

(b) to have failed to exercise a jurisdiction so vested, or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity,

he may make such order as he thinks fit.

(2) An application for revision shall be made within three months of the passing of an order or a decree sought to be revised.

#### Transfer of cases

**188. Power to transfer cases.**—The collector may, on the application of a party, transfer an application pending before a subordinate revenue court or a case submitted to such court for confirmation of a decree or an order from such court to any other court of competent jurisdiction:

Provided that if the collector refuses to transfer such application or case, he shall submit the record for confirmation of the order passed by him to the Chief Commissioner.

**189. Power of collector to transfer and withdraw cases.**—The collector may—

(a) transfer any case submitted to him or to any subordinate court for confirmation of a decree or an order to any subordinate court of competent jurisdiction; or

(b) by order recall to his own court any case pending for confirmation in a subordinate court; or

(c) withdraw from any court subordinate to him any case other than a case which is submitted to such court for confirmation, and try such case himself or transfer it to any other subordinate court of competent jurisdiction:

Provided that if the collector himself hears and decides any case withdrawn under clause (c) he shall submit the record for confirmation of the order passed by him in such case to the Chief Commissioner.

**190. Sub-divisional officer's power to transfer cases.**—A sub-divisional officer may, with the previous sanction of the collector, transfer any case or class of cases pending before him to any assistant commissioner competent to try such case or class of cases.

**191. Power of record officer to transfer and withdraw cases.**—A record officer may transfer any case or class of cases pending before him to any assistant record officer, and may withdraw any case or class of cases from an assistant record officer and try such case or class of cases himself or transfer the same to any other assistant record officer:

Provided that if the record officer himself tries any case so withdrawn, he shall submit the record for confirmation of the order passed by him in such case to the Chief Commissioner.

**192. Transfer of cases by the district judge.**—A district judge may, with the previous sanction of the Judicial Commissioner, transfer any case submitted to him for confirmation of an order or a decree to an additional district judge or to a subordinate judge, and such additional district judge or subordinate judge shall dispose of such case as if he had the powers of a district judge under this Act.

*Question of proprietary right in revenue court*

**193. Dispute as regards ownership of land.**—(1) If, in connection with any action taken by a landlord under clause (iii) of section 9, a dispute arises between him and any other person who claims to have a proprietary interest in the land in respect of which such action is taken, either party may apply to the collector for the decision of such dispute.

(2) On the receipt of such application, the collector shall follow the procedure specified in section 38 and the provisions of that section shall, *mutatis mutandis*, apply to the case.

(3) If, in consequence of the order passed by the collector, any loss results to a tenant or to any other person having an interest in the land to which such order relates, the collector shall, before submitting the record of the case to the confirming court, award monetary compensation to such tenant or other person.

(4) Any compensation awarded under this section shall be recovered as arrears of revenue and paid to the person entitled.

**194. Procedure when plea of proprietary right raised in revenue court.**—(1) Except as otherwise provided in sections 38 and 193, if in any proceeding, other than a proceeding under section 137, a question of proprietary right is

raised, and such question has not previously been determined by a court of competent jurisdiction, the revenue court shall frame an issue on the question of proprietary right, and submit the record to the competent civil court for the decision of that issue only.

*Explanation I.*—A plea of proprietary right which is clearly untenable and intended to oust the jurisdiction of the revenue court shall not be deemed to raise a question of proprietary right within the meaning of this section.

*Explanation II.*—A question of proprietary right does not include the question whether land is *khudkasht* or *niji jot*.

(2) The civil court, after reframing the issue, if necessary, shall decide such issue and return the record together with its finding thereon to the revenue court which submitted it.

(3) The revenue court shall then proceed to decide the case, accepting such finding and shall, notwithstanding anything in this Act, submit the record to the district judge for confirmation of the order or the decree passed by it.

#### *Question of tenancy right in civil courts*

**195. Procedure when plea of tenancy raised in civil court.**—(1) If in any suit relating to agricultural land instituted in a civil court, any question regarding tenancy right arises and such question has not been previously determined by a court of competent jurisdiction, the civil court shall frame an issue on the plea of tenancy and submit the record to the sub-divisional officer for decision of that issue only.

*Explanation.*—A plea of tenancy which is clearly untenable and intended only to oust the jurisdiction of the civil court shall not be deemed to raise a plea of tenancy.

(2) The sub-divisional officer, after reframing the issue, if necessary, shall decide such issue and return the record together with his finding thereon to the civil court which submitted it.

(3) The civil court shall then proceed to decide the suit, accepting the finding of the revenue court on the issue referred to it.

(4) The finding of the revenue court on such issue shall, for the purposes of appeal, be deemed to be part of the finding of the civil court.

#### *Conflict of jurisdiction*

**196. Reference to Judicial Commissioner.**—(1) Where either a civil or a revenue court is in doubt whether it is competent to try any case, the court may refer such case with a statement of the reasons therefor to the Judicial Commissioner:

Provided that if the court is a revenue court subordinate to the collector, no reference shall be made except with the previous sanction of the collector.

(2) On any such reference being made, the Judicial Commissioner may order the court either to proceed with the case or transfer such case to such other court as may be declared by him to be competent to try it.

### CHAPTER XV

#### MISCELLANEOUS PROVISIONS

**197. Provision for injunction and appointment of receiver.**—(1) If, in the course of any proceeding under this Act, it is proved by affidavit or otherwise—

(a) that any property, tree or crop standing on the land to which such proceeding relates is in danger of being wasted, damaged or alienated by any party to such proceeding, or

(b) that any party to such proceeding threatens, or intends, to remove or dispose of the said property, tree or crop to defeat the ends of justice, the revenue court before which any such proceeding is pending may grant a temporary injunction and, if necessary, appoint a receiver.

(2) Any person against whom an injunction has been granted under sub-section (1) may offer to give cash security of an amount determined by the court to compensate the other party in case the matter in dispute is decided against such person, and the court may withdraw the injunction on his depositing such security.

**198. Cases in which legal practitioners may appear.**—A legal practitioner shall be entitled to appear in any proceeding on behalf of a party before a revenue court under the provisions of this Act in the following cases only and in no others—

(i) to file a written statement, and to argue a case, before a confirming court,

(ii) to prosecute and defend cases under Chapters IX and X and Part III of Chapter XII, and

(iii) to file an application for revision under section 187 and to argue the case before the court hearing such application.

**199. Persons who may appear before a revenue court.**—A party to a proceeding or his authorised agent may appear, plead or act before a revenue court.

**200. Costs in revenue courts.**—A revenue court may allow and apportion the costs of any proceeding under this Act in any manner it thinks fit, but if it orders that costs shall not follow the event, it shall record its reasons for the order.

**201. Power of revenue court to summon persons.**—(1) A revenue court may summon any person whose attendance it considers necessary for the purpose of disposing of any proceeding before it.

(2) Unless exempted from personal appearance in court under sub-section (1) of section 133 of the Code of Civil Procedure, 1908 (Act V of 1908), a person so summoned shall appear at the time and place mentioned in the summons in person or, if the summons so allows, by his authorised agent.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes a statement, and to produce such document and other thing relating to any matter which may be within his power or possession as the court may require.

**202. Mode of service of summons or notice.**—(1) A summons issued by a court acting under this Act shall, if practicable, be served (a) personally on the person to whom it is addressed, or failing him on (b) his authorised agent or (c) an adult male member of his family who is residing with him.

(2) If service cannot be so made, or if any person mentioned in sub-section (1) refuses to accept service, the summons may be served by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or, if that person does not reside in the *tahsil* in which such court is held, and the case to which the summons relates has reference to land in that *tahsil*, then by posting a copy of the summons on some conspicuous place in or near the estate wherein the land is situated.

(3) If the summons relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the court so directs, be served by delivery of a copy thereof to such of those persons as the court nominates in this behalf and by proclamation or publication in a local paper of the contents thereof for the information of the other persons interested in such case.

(4) A summons may, if the court so directs, be served on the person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to such person under a certificate of posting.

(5) When a summons is served in accordance with the provisions of this section, it shall be deemed to have been duly served.

(6) For the purposes of this section "summons" shall include a "notice" which a court may issue under this Act.

## CHAPTER XVI

### POWER TO MAKE RULES

203. Power to make rules.—(1) The Chief Commissioner may make rules for the purpose of giving effect to the provisions of this Act.

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

- (a) for demarcation of pasture land and *niji jot*;
- (b) for the attestation of leases and agreements;
- (c) for the collection and disbursement of cesses, or assessment and recovery of irrigation dues, and for decision of disputes in respect of them;
- (d) for the training of *patwaris* and *girdawars*;
- (e) regulating the appointment and transfer of *girdawars* and *patwaris*, and other staff required for the maintenance of the record-of-rights, their salaries, qualifications, duties, leave, removal, dismissal or any other punishment;
- (f) prescribing the form, contents, method of preparation, attestation and maintenance of the record-of-rights, annual registers, maps, field-books, and other records to be kept under this Act;
- (g) for the erection of boundary and survey marks, and for their repairs and renewals, and for the recovery of costs in respect of such erection, repairs or renewals;
- (h) for providing the principles on which the part of the holding from which a tenant is to be ejected be determined and for the demarcation of such part;
- (i) for recording transfers and changes affecting interest in land, whether proprietary or otherwise;

(j) regulating the imposition of fines for failure to notify succession or transfer;

(k) for the appointment of *lambardars* and *patels*, the duties to be performed by them, the remuneration, if any, to be paid to them and for their removal and dismissal;

(l) for appeals or other modes of obtaining redress in cases of punishments inflicted on *girdawars*, *patwaris*, and other employees of land records establishment, and on *lambardars* and *patels*;

(m) for the guidance of officers in cases for the determination, enhancement, abatement and commutation of rent;

(n) for the guidance of record officers and rent-rate officers;

(o) for the remission and suspension of rent and revenue in agricultural calamities;

(p) defining the powers of various classes of officers and revenue courts to hear and dispose of cases;

(q) for the establishment of honorary courts and village *punchayats* and for regulating their work; and

(r) for collection of fines, compensation, damages or other sums imposed, awarded or ordered to be paid under the provisions of this Act and the rules made thereunder.

(3) In making any rule the Chief Commissioner may provide that any contravention of such rule shall be punishable with a fine not exceeding fifty rupees.

(4) All rules made under this Act shall be published in the Official Gazette and shall also be laid before Parliament, as soon as may be, after such publication.

## CHAPTER XVII

### TRANSITIONAL PROVISIONS

**204. Reinstatement of tenant ejected before commencement of this Act.—**  
(1) If, between the first day of June, 1942 and the commencement of this Act, the landlord of an estate mentioned in the Second Schedule had ejected a tenant from his holding, otherwise than in accordance with the Ajmere Land and Revenue Regulation, 1877 (II of 1877), such tenant may, within ~~three months~~ of such commencement, apply to the *tahsildar* to be reinstated in such holding.

(2) An application under this section shall state— 2 [nine months]

(i) the *khasra* number and area or other description of such holding and the name and address of the person who is in possession thereof;

(ii) if such holding is held by a tenant, the *khasra* number and area of other land in the possession of the landlord which may be given to the applicant in lieu of the holding from which he was so ejected; and

(iii) such other particulars as may be prescribed.

(3) The *tahsildar* shall, after hearing the parties and making such other inquiry as he deems fit, order—

(i) if such holding is in the possession of the landlord, that the applicant be reinstated in such holding; and

↓ See by S.R. of Act 63 of 1950.

2 Subs. by A. 3, 1950.



(ii) if such holding is held by a tenant, that an area of the land mentioned in clause (i) of sub-section (2) or any other land in the possession of the landlord which is approximately equal in value to the holding from which the applicant was so ejected be allotted to him and demarcated on the spot.

(4) If the applicant cannot be reinstated in his holding under clause (i), or allotted other land under clause (ii) of sub-section (3), the *tahsildar* shall award to the applicant monetary compensation which shall be six times the annual rental value of the holding from which he was so ejected calculated at sanctioned rates applicable to hereditary tenants, recover the amount of such compensation as arrears of revenue and pay it to him.

(5) No person shall be reinstated in his holding under this section unless, within such time as may be allowed by the *tahsildar*, he pays to the landlord compensation, calculated in accordance with the provisions of this Act, for any improvement on such holding made by such landlord.

(6) The applicant shall be a hereditary tenant of the land in which he is reinstated or which is allotted to him under this section.

(7) The *tahsildar* shall, after deciding the case, submit the record for confirmation of the order passed by him to the sub-divisional officer.

**205. Provision for pending and other cases.—**(1) After the commencement of this Act, no court shall entertain any proceeding for the establishment or enforcement of a claim, prohibited by, or inconsistent with, the provisions of this Act, whether such claim arose before or after such commencement.

(2) A proceeding, in respect of any matter covered by this Act, pending in any civil or revenue court at the commencement of this Act shall, notwithstanding anything contained in section 169, be heard and decided by such court in accordance with the corresponding provisions of this Act, and if there is no such corresponding provision, it shall be quashed.

(3) Notwithstanding anything contained in this Act, the record of every case in which the proceeding is so quashed shall be submitted for confirmation in accordance with the provisions of section 183 by the court quashing the proceeding to the court to which it is immediately subordinate and the court to which the record is so submitted shall follow the procedure specified in section 184.

## THE FIRST SCHEDULE

### General

1. The provisions of this Schedule and the rates of fees specified therein for occupying a house site in the village or for grazing and pasturing animals in the waste land of such village shall apply to tenants other than sub-tenants:

Provided that if, at the commencement of the Act, no such fee is charged in any village or estate from the tenants or any class of them or such fee was charged at a rate lower than that entered in this Schedule, such exemption or lower rate, as the case may be, shall continue in force as heretofore.

2. The fees for grazing and occupying a house-site shall be assessed annually by the *tahsildar* in the manner prescribed.

3. If any person has not paid grazing fee within six weeks of its becoming due, the *tahsildar* shall, on the application of the landlord, exclude the animals of such person from the waste-land until he has paid up his arrears.

*Fee for occupation of house-site*

4. A landlord shall provide a tenant with a house-site of reasonable dimensions, preferably in the village *abadi*.

*Explanation.*—For the purposes of this paragraph “reasonable dimensions” shall ordinarily mean—

(a) in the case of a tenant who has a residential house in the village, the present site of his house; and

(b) in the case of a tenant who has no such house, 800 square yards.

5. No premium shall be charged for providing any house-site, and the fee to be charged therefor shall not exceed one anna per 100 square yards per year.

*Grazing fee*

6. (1) No grazing fee shall be charged for the following classes of animals:—

(i) cows;

(ii) calves;

(iii) bullocks;

(iv) he-buffaloes;

(v) *padis* (up to two years of age);

(vi) *padas*; and

(vii) kids and lambs:

Provided that in *bir*, cows, calves, bullocks and he-buffaloes shall be allowed to graze on payment of one anna per head per annum and *padis* and *padas* on payment of one-half of such rate.

(2) A grazing fee at the following rates shall be payable for the other classes of animals:—

	<i>Bir</i>			Other waste land			
	Rs.	A.	P.	Rs.	A.	P.	
(i) She-buffaloes	0	12	0	0	3	0	per head per year.
(ii) <i>Jhotis</i> (over two years old)	0	6	0	0	1	6	per head per year.
(iii) Goats or sheep	0	1	6	<i>Nil</i>			per head per year.
(iv) Donkeys	0	4	0	<i>Nil</i>			per head per year.
(v) Ponies	0	4	0	<i>Nil</i>			per head per year.
(vi) Camels	0	8	0	0	4	0	per head per year.

7. Any dispute arising under this Schedule shall be decided by the *tahsildar* who shall submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

## THE SECOND SCHEDULE

*Names of estates*

- |                     |                      |
|---------------------|----------------------|
| 1. Binai.           | 42. Kharwa.          |
| 2. Sholyan.         | 43. Nasun.           |
| 3. Saholao.         |                      |
| 4. Sarana.          | 44. Bandanwara.      |
|                     | 45. Padlia.          |
| 5. Sawar.           | 46. Jotayan.         |
| 6. Piplaj.          | 47. Kalyanpura.      |
| 7. Deokheri.        | 48. Amargarh.        |
| 8. Basundni.        |                      |
| 9. Chandthali.      | 49. Mehrun.          |
| 10. Chausla.        | 50. Kadera.          |
| 11. Mehrun Khurd.   | 51. Tiswaria.        |
|                     | 52. Sankaria.        |
| 12. Masuda.         | 53. Nimode.          |
| 13. Sathana.        |                      |
| 14. Sakrani.        | 54. Para.            |
| 15. Lamba.          | 55. Kodah.           |
| 16. Nagar.          | 56. Meoda Khurd.     |
| 17. Shergarh.       | 57. Deogaon Baghera. |
| 18. Akrol.          | 58. Salari.          |
| 19. Lalawas.        |                      |
| 20. Jamola.         | 59. Govindgarh.      |
| 21. Sheopuri.       | 60. Tantoti.         |
| 22. Asan.           | 61. Baori.           |
|                     |                      |
| 23. Pisangan.       | 62. Barli.           |
| 24. Pranhera.       | 63. Gcela.           |
| 25. Khawas.         | 64. Nagelao.         |
| 26. Sadara.         | 65. Kanai Khurd.     |
| 27. Gulgaon.        |                      |
|                     | 66. Baghsuri.        |
| 28. Junia.          | 67. Bubania.         |
| 29. Bogla Kalahera. |                      |
| 30. Karonj.         | 68. Kerote.          |
| 31. Deolia Khurd.   | 69. Kurthal.         |
| 32. Manda.          | 70. Kanai Kalan.     |
| 33. Lasaria.        |                      |
| 34. Deolia Kalan.   | 71. Manoharpura.     |
| 35. Gudha Kalan.    | 72. Mewaria.         |
| 36. Jetpura.        | 73. Richmalian.      |
| 37. Nandsi.         | 74. Sathan.          |
| 38. Shokli.         |                      |
| 39. Arwar.          |                      |
| 40. Rammalian.      |                      |
| 41. Kaibania.       |                      |



THE REPRESENTATION OF THE PEOPLE ACT, 1950

No. XLIII of 1950

*See India Code Vol 11A*

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

SECTIONS

1. Short title.
2. Definitions.

PART II

ALLOCATION OF SEATS AND DELIMITATION OF CONSTITUENCIES

*The House of the People*

3. Allocation of seats in the House of the People.
4. Filling of seats in the House of the People.
5. Parliamentary constituencies.
6. Delimitation of Parliamentary constituencies.

*The State Legislative Assemblies*

7. Total number of seats in the Legislative Assemblies.
8. Assembly constituencies.
9. Delimitation of Assembly constituencies.

*The State Legislative Councils*

10. Allocation of seats in the Legislative Councils.
11. Delimitation of Council constituencies.

*Provisions as to orders delimiting constituencies*

12. Power to alter or amend orders.
13. Procedure as to orders delimiting constituencies.

*Price annas 2 or 3d.*

(ii)

**PART III**

**SECTIONS**

**REGISTRATION OF PARLIAMENTARY ELECTORS**

14. Definition.
15. Electoral roll for every constituency.
16. Disqualifications for registration in an electoral roll.
17. No person to be registered in more than one constituency.
18. No person to be registered more than once in any constituency.
19. Conditions of registration.
20. Meaning of "ordinarily resident".
21. Meaning of "qualifying date" and "qualifying period".
22. Electoral Registration Officers.
23. Annual preparation of electoral roll.
24. Period of operation of electoral rolls.
25. Revision or correction of electoral rolls in special cases.

**PART IV**

**REGISTRATION OF ELECTORS FOR STATE LEGISLATURES**

26. Preparation of electoral rolls for Assembly constituencies.
27. Preparation of electoral rolls for Council constituencies.

**PART V**

**GENERAL**

28. Power to make rules.
29. Validation of acts done previous to the commencement of the Act.
30. Jurisdiction of civil courts barred.

**THE FIRST SCHEDULE.**—Allocation of seats in the House of the People.

**THE SECOND SCHEDULE.**—Total number of seats in the Legislative Assemblies.

**THE THIRD SCHEDULE.**—Allocation of seats in the Legislative Councils.

**THE FOURTH SCHEDULE.**—Local Authorities for purposes of elections to Legislative Councils.

3. Ins. by S.2 of Act 67 of 1951  
6. Ins. + Added by S.3, ibid  
7. Re-amended + added by S.26 of Act 30 of 1953  
Representation of the People Act, 1950



An Act to provide for the allocation of seats in, and the delimitation of constituencies for the purpose of elections to, the House of the People and the Legislatures of States, the qualifications of voters at such elections, the preparation of electoral rolls, and matters connected therewith.

[The manner of filling seats in the Council of States to be filled by representatives of Part C States] 12th May, 1950.]

BE it enacted by Parliament as follows:—

#### PART I

#### PRELIMINARY

1. **Short title.**—This Act may be called the Representation of the People Act, 1950.

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

(a) "article" means an article of the Constitution;

(b) "Assembly constituency" means a constituency provided ~~by order~~ <sup>[by law] 8</sup> made under section 9 for the purpose of elections to the Legislative Assembly of a State;

(c) "Council constituency" means a constituency provided by order made under section 11 for the purpose of elections to the Legislative Council of a State;

(d) "Election Commission" means the Election Commission appointed by the President under article 324;

(e) "order" means an order published in the Official Gazette;

(f) "Parliamentary constituency" means a constituency provided ~~by section 6 or by order made thereunder~~ <sup>[by law] 8</sup> for the purpose of elections to the House of the People;

(g) "person" does not include a body of persons;

(h) "prescribed" means prescribed by rules made under this Act.

#### PART II

#### ALLOCATION OF SEATS AND DELIMITATION OF CONSTITUENCIES

##### The House of the People

3. **Allocation of seats in the House of the People.**—(1) The allocation of seats in the House of the People shall be as shown in the First Schedule.

(2) To each State <sup>and the areas</sup> specified in the first column of the First Schedule, there shall be allotted the number of seats specified in the second column thereof opposite to that State <sup>and those areas respectively</sup>.

1. Ins. by S.2 of Act 73 of 1950  
2. Ins. by S.3, ibid

3. Ins. by S.2 of Act 27 of 1951  
4. Subs. by S.44 of Part 2 of Act 49 of 1951.

2/3 Omitted by S. 4 of Act 2 of 1956.  
3/4 Omitted by S. 5, clerk  
4/5 Omitted by S. 6, clerk

Representation of the People

[ACT XLIII]

and to the Part B tribal areas]

4. Filling of seats in the House of the People.—(1) The seats allotted under section 3 to the State of Jammu and Kashmir and to the Andaman and Nicobar Islands shall be seats to be filled by persons nominated by the President.

(2) Save as aforesaid, all the other seats in the House of the People allotted to the States under that section shall be seats to be filled by persons chosen by direct election.

5. Parliamentary constituencies.—For the purpose of elections to the House of the People, there shall be the constituencies as provided by section 6 or by order made thereunder, and no other constituencies.

6. Delimitation of Parliamentary constituencies.—(1) Each State to which only one seat is allotted in the First Schedule shall form one constituency.

(2) As soon as may be after the commencement of this Act, the President shall, by order, determine—

- (a) the constituencies into which each State to which more than one seat is allotted in the First Schedule shall be divided;
- (b) the extent of each constituency;
- (c) the number of seats allotted to each constituency; and
- (d) the number of seats, if any, reserved for the scheduled castes or for the schedule tribes in each constituency.

The State Legislative Assemblies

7. Total number of seats in the Legislative Assemblies.—The total number of seats in the Legislative Assembly of each State specified in the first column of the Second Schedule, to be filled by persons chosen by direct election, shall be the number specified in the second column thereof opposite to that State.

8. Assembly constituencies.—For the purpose of elections to a Legislative Assembly, there shall be the constituencies provided by order under section 9, and no other constituencies.

9. Delimitation of Assembly constituencies.—As soon as may be after the commencement of this Act, the President shall, by order, determine—

- (a) the constituencies into which each State shall be divided for the purpose of elections to the Legislative Assembly of that State;
- (b) the extent of each constituency;
- (c) the number of seats allotted to each constituency; and
- (d) the number of seats, if any, reserved for the scheduled castes or for the scheduled tribes in each constituency.

The State Legislative Councils

10. Allocation of seats in the Legislative Councils.—(1) The allocation of seats in the Legislative Councils of the States having such Councils shall be as shown in the Third Schedule.

(2) In the Legislative Council of each State specified in the first column of the Third Schedule, there shall be the number of seats specified in the second column thereof opposite to that State, and of those seats,—

- (a) the numbers specified in the third, fourth and fifth columns shall be the numbers of seats to be filled by persons elected, respectively, by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171;

Amended by S. 4 of Act 6 of 1951



(b) the number specified in the sixth column shall be the number of seats to be filled by persons elected by the members of the Legislative Assembly of the State from amongst persons who are not members of that Assembly; and

(c) the number specified in the seventh column shall be the number of seats to be filled by persons nominated by the Governor or Rajpramukh, as the case may be, of the State in accordance with the provisions of clause (5) of article 171.

11. **Delimitation of Council constituencies.**—As soon as may be after the commencement of this Act, the President shall, by order, determine—

(a) the constituencies into which each State having a Legislative Council shall be divided for the purpose of elections to that 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 allotted to each constituency.

*Provisions as to orders delimiting constituencies*

12. **Power to alter or amend orders.**—The President may, from time to time, after consulting the Election Commission, by order, alter or amend any order made by him under section 6, section 9 or section 11. /xxx 2

13. **Procedure as to orders delimiting constituencies.**—(1) ~~As soon as may be after the commencement of this Act, there shall be set up by the Speaker~~ /xxx 2

(a) in respect of each Part A State and Part B State other than Jammu and Kashmir, an Advisory Committee consisting of not less than three, and not more than seven, Members of Parliament representing that State; and

(b) in respect of each Part C State other than ~~Pilappur~~, Coorg and the Andaman and Nicobar Islands, an Advisory Committee consisting of the Member or Members of Parliament representing that State. /xxx 1

(2) The Election Commission shall, in consultation with the Advisory Committee so set up in respect of each State, formulate proposals as to the delimitation of constituencies in that State under sections 6, 9 and 11 or such of these sections as may be applicable and submit proposals to the President for making the Orders under the said sections.

(3) Every Order made under section 6, section 9, section 11 or section 12 shall be laid before Parliament as soon as may be after it is made, and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the Order is so laid. /xxx 2

PART III

~~REGISTRATION OF PARLIAMENTARY ELECTORS~~

14. **Definition.**—In this Part, "constituency" means a Parliamentary constituency.

15. **Electoral roll for every constituency.**—For every constituency there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act under the superintendence, direction and control of the Election Commission.

16. **Disqualifications for registration in an electoral roll.**—(1) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court;

or

*In Omitted by S. 17 of Act 32 of 1954 (w.e.f. 1-7-1954)*

3/ Subs., by s. 13 of Act 2 of 1956.  
4/ Subs., & Om. thed. by s. 14, ibid.

↓ [and  
illegal]

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included.

17. No [Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that

18. No roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.]  
person shall be more than once.

19. Conditions of registration. Subject to the foregoing provisions of this Part, every person who—

(a) has been ordinarily resident in a constituency for not less than 180 days during the qualifying period, and

(b) was not less than 21 years of age on the qualifying date,

shall be entitled to be registered in the electoral roll for that constituency.

20. Meaning of "ordinarily resident".—(1) Save as hereinafter provided, a person shall be deemed to be ordinarily resident in a constituency if he ordinarily resides in that constituency, or owns, or is in possession of, a dwelling house therein.

(2) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(3) A member of the Armed Forces of the Union while living in any barrack, building or place belonging to or provided by, the Government shall not be deemed to be ordinarily resident in the constituency within which such barrack, building or place is situate, but shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for his service in the Armed Forces, he would have been ordinarily resident during that period or on that date.

4/ 1/2  
(4) Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, or any person who is employed under the Government of India in a post outside India, shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for the holding of any such office or employment, he would have been ordinarily resident during that period or on that date.

(5) The statement of any such person as is referred to in sub-section (3) or sub-section (4) made in the prescribed form and verified in the prescribed manner, that but for his service in the Armed Forces or but for his holding any such office or being employed in any such post as is referred to in sub-section (4) he would have been ordinarily resident in a specified place during any period or on any date, shall, in the absence of evidence to the contrary, be conclusive evidence of that fact.

(6) The wife of any such person as is referred to in sub-section (3) or sub-section (4) shall, if she be ordinarily residing with such person during any period, be deemed to be ordinarily resident during that period in the constituency specified by such person under sub-section (5).

↓ Ins. by s. 4 of Act 73 of 1956.  
2/ Subs. by s. 12 of Act 2 of 1956.

*2. Deleted by S. 15, 1950.*

(7) For the purpose of the electoral rolls first prepared under this Act, a person who is a citizen of India and has migrated from the territory of Pakistan into the territory of India before the 25th day of July, 1949, on account of disturbances or fear of disturbances in his former place of residence shall be deemed to have been ordinarily resident during any period or on any date in the constituency in which he was resident on the said day or, if any other constituency is specified by him in this behalf in the prescribed form and manner in that other constituency.

**21. Meaning of "qualifying date" and "qualifying period".**—For the purpose of this Part, the qualifying date and the qualifying period,—

(a) in the case of electoral rolls first prepared under this Act, shall be the 1st day of March, 1950, and the period beginning on the 1st day of April, 1947 and ending on the 31st day of December, 1949, respectively; and

(b) in the case of every electoral roll subsequently prepared under this Act, shall be the 1st day of March of the year in which it is prepared, and the year immediately preceding that year, respectively.

**22. Electoral Registration Officers.**—(1) The electoral roll for each constituency shall be prepared by an Electoral Registration Officer, who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf.

(2) An Electoral Registration Officer may, subject to any prescribed restrictions, employ such persons as he thinks fit in the preparation of the electoral roll for the constituency.

**23. Annual preparation of electoral roll.**—The electoral roll for each constituency shall be prepared every year in the prescribed manner by reference to the qualifying date:

Provided that it shall not be necessary to prepare any roll during the year 1951.

**24. Period of operation of electoral rolls.**—(1) Subject to the other provisions of this Act, the electoral roll for any constituency first prepared under this Act shall come into force immediately upon its final publication in accordance with the rules made under this Act and shall remain in force until the 30th day of September, 1952; and every electoral roll subsequently prepared under this Act shall come into force on the 1st day of October next after the qualifying date by reference to which that roll is prepared and shall remain in force until the 30th day of September next following.

(2) If for any reason, the electoral roll for any constituency or part of a constituency is in any year not finally published in the prescribed manner before the 1st day of October, then, until the day on which it is so published, the electoral roll in force immediately before the said 1st day of October shall continue in force as the electoral roll for that constituency or, as the case may be, that part of the constituency.

**25. Revision or correction of electoral rolls in special cases.**—Notwithstanding anything contained in sections 23 and 24—

(a) the Election Commission may at any time, for reasons to be recorded in writing, direct the revision in the prescribed manner of the electoral

*1. Ins. by S. 5 of Act 73 of 1950.*  
*2. Deleted by S. 14 of Act 2 of 1956.*

roll of any constituency or part of a constituency, and when a list containing any additions to, omissions from or alterations in, the electoral roll as a result of such revision has been finally published in the prescribed manner, the electoral roll shall be deemed to have been revised accordingly;

(b) the Electoral Registration Officer for a constituency, on application made to him for the correction of an existing entry in the electoral roll of the constituency for the time being in force shall, if he is satisfied after such inquiry as he thinks fit that the entry relates to the applicant and is erroneous or defective in any particular, amend, or cause the roll to be amended, accordingly.

*(Including the special provisions contained in Section 25A)*

## PART IV

## ELECTORAL ROLLS FOR COUNCIL CONSTITUENCIES.

*4* ~~26. Preparation of electoral rolls for Assembly constituencies.—The provisions of sections 15 to 25 shall apply in relation to Assembly constituencies as they apply in relation to Parliamentary constituencies.~~

**27. Preparation of electoral rolls for Council constituencies.—(1) In this section, "local authorities' constituency", "graduates' constituency" and "teachers' constituency" mean a constituency for the purpose of elections to a Legislative Council under sub-clause (a), sub-clause (b) and sub-clause (c), respectively, of clause (3) of article 171.**

~~(2) For the purpose of elections to the Legislative Council of a State in any local authorities' constituency, the electorate shall consist of members of such local authorities exercising jurisdiction in any place or area within the limit of that constituency as are specified in relation to that State in the Fourth Schedule.~~

(3) For the purpose of elections to the Legislative Council of a State in the graduates' constituencies and the teachers' constituencies, the State Government concerned may, with the concurrence of the Election Commission, by notification in the Official Gazette, specify—

(a) the qualifications which shall be deemed to be equivalent to that of a graduate of a university in the territory of India, and

(b) the educational institutions within the State not lower in standard than that of a secondary school.

~~(4) The provisions of sections 15, 16, 18, 20, 22, 23, 24 and 25 shall apply in relation to Council constituencies as they apply in relation to Parliamentary constituencies.~~

(5) Subject to the foregoing provisions of this section,—

*5* ~~(a) every person who on the qualifying date was a member of any such local authority within a local authorities' constituency as is referred to in sub-section (2) shall be entitled to be registered in the electoral roll for that constituency;~~

*5* ~~(a)~~ (b) every person who on the qualifying date was ordinarily resident in a graduates' constituency and has, for at least three years before that date, been either a graduate of a university in the territory of India or in possession of any of the qualifications specified under clause (a) of sub-section (3) by the State Government concerned, shall be entitled to be registered in the electoral roll for that constituency; and

*1* Ins. by s. 6 of Act 73 of 1950. *2* Omitted by s. 17, *clad.*  
*3* Ins. by s. 7, *clad.* *4* Ins. omitted and  
*5* Ins. by s. 16 of Act 2 of 1956. retained by s. 18, *clad.*

(e) every person who on the qualifying date was ordinarily resident in a teachers' constituency, and has, within the six years immediately before that date for a total period of at least three years, been engaged in teaching in any of the educational institutions specified under clause (b) of sub-section (3) by the State Government concerned shall be entitled to be registered in the electoral roll for that constituency.

~~(6) For the purpose of this section, the qualifying date in the case of every electoral roll shall be the 1st day of April of the year in which the roll is prepared.~~

## PART V

### GENERAL

28. Power to make rules.—(1) The Central Government may, after consulting the Election Commission, 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 particulars to be entered in the electoral rolls;

(b) the preliminary publication of electoral rolls ~~in the constituencies to which they relate;~~ <sup>1x2</sup>

(c) the manner in which and the time within which claims and objections as to entries in electoral rolls may be preferred;

(d) the constitution and appointment of revising authorities to dispose of claims and objections;

(e) the manner in which notices of claims or objections shall be published;

(f) the place, date and time at which claims or objections shall be heard and the manner in which claims or objections shall be heard and disposed of;

(g) the final publication of electoral rolls;

~~(h) the revision or correction of an electoral roll under section 25 and the final publication of the list referred to in that section;~~

(i) any other matter required to be prescribed by this Act.

### ~~29. Validation of acts done previous to the commencement of the Act.~~

~~All things done, and all steps taken, before the commencement of this Act with a view to facilitating the provisional preparation of electoral rolls for the purpose of elections to the House of the People or to the Legislatures of States shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done or taken under this Act as if it was in force at the time such things were done or such steps were taken.~~

30. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or

(b) to question the legality of any action taken by or under the authority of an Electoral Registration Officer, or of any decision given by any authority appointed under this Act for the revision of any such roll.

↓ Ins. by S. 8 of Act 73 of 1950.

↓ omitted by S. 9, ibid.

↓ Subs. & D. omitted by Sec. 7 of Act 32 of 54 (W. R. of 1.7.54)

3 Subs. & omitted by S. 44 & 5th Sch. of Act 49 of 1951

3 Subs. & D. omitted by Sec. 7 of Act 32 of 54 (W. R. of 1.7.54)

## THE FIRST SCHEDULE

(See section 3)

## Allocation of seats in the House of the People

↓ [or areas]	Name of State	Total number of seats
1		2
<i>Part A States.</i>		
<sup>1</sup> / <sub>2</sub> [1]	Assam	24
<sup>2</sup> / <sub>7</sub> [2]	X. Assam	12
<sup>3</sup> / <sub>7</sub> [3]	X. Bihar	55
<sup>4</sup> / <sub>7</sub> [4]	X. Bombay	45
<sup>5</sup> / <sub>7</sub> [5]	A. Madhya Pradesh	29
<sup>6</sup> / <sub>7</sub> [6]	X. Madras	75 [44] <sup>2</sup> / <sub>2</sub>
<sup>7</sup> / <sub>7</sub> [7]	Ø. Orissa	20
<sup>8</sup> / <sub>7</sub> [8]	∇ Punjab	18
<sup>9</sup> / <sub>7</sub> [9]	Ø. Uttar Pradesh	86
<sup>10</sup> / <sub>7</sub> [10]	Ø West Bengal	34
<i>Part B States.</i>		
1.	Hyderabad	25
2.	Jammu and Kashmir	6
3.	Madhya Bharat	11
4.	Mysore	11 [12] <sup>2</sup> / <sub>2</sub>
5.	Patiala and East Punjab States Union	5
6.	Rajasthan	20
7.	Saurashtra	6
8.	Travancore-Cochin.	12
<i>Part C States.</i>		
1.	Ajmer	2
2.	Bhopal	2
3.	<del>Bilaspur</del>	<del>1</del> [10] <sup>3</sup> / <sub>3</sub>
3.	[3] Coorg	1
[4]	[4] 5. Delhi	4
[5]	[5] 6. Himachal Pradesh	4 [3] <sup>3</sup> / <sub>3</sub>
[6]	[6] 7. Kutch	2
[7]	[7] 8. Manipur	2
[8]	[8] 9. Tripura	2
[9]	[9] 10. Vindhya Pradesh	6
[10]	[10] 11. Andaman and Nicobar Islands	1
[11]	[11] 12. Part B tribal areas	1
Total		490 [497] <sup>2</sup> / <sub>2</sub>

↓ Ins. & Subs. by S. 5 of Act 67 of 1951.  
 2. Renumbered Ins & Subs. by S. 11 of Act 30 of 1953.  
 3. Omitted renumbered Subs. by Act 32 of 1954 (sec. 17.5n).

or 1950]

Subs. by s. 17 of Act 30 of 1953 (from 2) - 4-54)  
 Subs. by s. 6 of Act 36 of 1954 (w.e.f. 2-10-54)  
 Representation of the People

**THE SECOND SCHEDULE**

(See section 7)

Total number of seats in the Legislative Assemblies

Name of State	Total number of seats
1	2
<i>Part A States.</i>	
1. Assam	108
2. Bihar	330
3. Bombay	315
4. Madhya Pradesh	232
5. Madras	375 (230) <sup>1</sup> / <sub>2</sub>
6. Orissa	140
7. Punjab	126
8. Uttar Pradesh	430
9. West Bengal	<del>258</del> [639] <sup>4</sup> / <sub>2</sub>
<i>Part B States.</i>	
1. Hyderabad	175
2. Madhya Bharat	99
3. Mysore	90 [104] <sup>1</sup> / <sub>2</sub>
4. Patiala and East Punjab States Union	60
5. Rajasthan	160
6. Saurashtra	60
7. Travancore-Cochin	108

**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)
1	2	3	4	5	6	7
<i>Part A States.</i>						
1. Bihar	72	24	6		24	12
2. Bombay	72	24	6		24	12
3. Madras	72	24	6		24	12
4. Punjab	40	13	3	3	13	8
Uttar Pradesh	72	24	6	6	24	12
West Bengal	51	17	4	4	17	9
<i>Part B State.</i>						
1. Mysore	40	13	3	3	13	8

<sup>1</sup>/<sub>2</sub> Renumbered, Ins. and Subs. by s. 15 of Act 30 of 1953.  
<sup>2</sup>/<sub>2</sub> Subs. by s. 17 of Act 36 of 1954 (w.e.f. 2-10-54)

**THE FOURTH SCHEDULE**

[See section 27(2)]

*Local Authorities for purposes of elections to Legislative Councils*

**BIHAR**

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Notified Area Committees.
- ~~5. The Patna Administration Committee.~~

**BOMBAY**

1. Municipalities.
2. District Local Boards.
3. Cantonment Boards.

**MADRAS**

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. ~~Major 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. [~~class I Panchayats~~]

**PUNJAB**

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
- ~~4. Small Town Committees.~~
5. Notified Area Committees.

**UTTAR PRADESH**

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Town Area Committees.
5. Notified Area Committees.

**WEST BENGAL**

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. Local Boards.

**MYSORE**

1. Municipalities.
2. District Boards.

1 Ins. by S. 3 of Act 27 of 1951.  
2 Subs. by S. 44 & 5<sup>th</sup> Schedule of Act 49 of 1951.  
~~GRFD-SI-100MofLaw-18-11-50-3,500~~  
3 Omitted, renumbered ins. by S. 6 of Act 67 of 1951.  
4 Subs. by S. 7, clad.



**THE DISPLACED PERSONS (CLAIMS) ACT, 1950**

No. XLIV of 1950



*Labsed*

An Act to provide for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan.

[18th May, 1950]

BE it enacted by Parliament as follows:—

1. Short title, extent and duration.—(1) This Act may be called the Displaced Persons (Claims) Act, 1950.

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

(3) It shall remain in force for a period of ~~two~~ <sup>three</sup> years only.] 4

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

(a) "claim" means the assertion of a right to the ownership of, or to any interest in,—

(i) any immovable property in West Pakistan which is situate within an urban area, or

(ii) such class of property in any part of West Pakistan other than in any urban area as may be notified by the Central Government in this behalf in the Official Gazette;

(b) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has, after the 1st day of March, 1947 left, or been displaced from, his place of residence in such area and who has been subsequently residing in India and includes any person who is resident in any place in India and who for that reason is unable or has been made unable to manage, supervise or control any immovable property belonging to him in Pakistan;

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

(d) "urban area" means any area within the limits of a corporation, a municipality, a municipal committee, a notified area committee, a town area, a small town committee or a cantonment, as those limits existed on the 15th day of August, 1947;

(e) "West Pakistan" means the territories of Pakistan excluding the Province of East Bengal.

3. Appointment of Registering Officers, etc.—(1) The Central Government may, by notification in the Official Gazette, appoint as many Registering Officers as may be necessary for the purpose of registering claims and every Registering Officer shall exercise his functions in such area or areas as may be specified in the notification.

\* Continued by *Prisanna* for 1st time in force by ordinance 5 of 1952.  
G. Subs. by S. 2 of Act 40 of 1952.

(2) A Registering Officer may, for the purpose of discharging his functions under this Act, appoint as many assistant registering officers as he may consider necessary and an assistant registering officer shall, subject to the general superintendence and control of the Registering Officer, have all the powers of a Registering Officer under this Act.

**4. Power to appoint the Chief Claims Commissioner, etc.—**(1) The Central Government may, by notification in the Official Gazette, appoint a Chief Claims Commissioner, a Joint or Deputy Chief Claims Commissioner, and as many Claims Commissioners and Claims Officers as may be necessary for the purpose of discharging the duties imposed on them by or under this Act, and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Act.

(2) Subject to the provisions of this Act, the Joint or Deputy Chief Claims Commissioner, all Claims Commissioners and Claims Officers shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Chief Claims Commissioner.

**5. Registration of claims.—**(1) A displaced person may, within such time, in such form and on payment of such fee as may be prescribed, submit his claim to a Registering Officer in the prescribed manner for the registration of such claim.

(2) On receipt of a claim under sub-section (1), the Registering Officer shall register the claim in the prescribed manner and forward the relevant papers to the Central Government or to an officer designated by the Central Government for this purpose.

**6. Jurisdiction of Claims Officers.—**(1) A Claims Officer shall have jurisdiction to decide such cases or such classes of cases as may, by general or special order, be transferred to him by the Central Government or by an officer empowered in this behalf by the Central Government.

(2) A Claims Officer shall hold a summary inquiry into the cases transferred to him and, after taking such evidence and examining such documents, as may be necessary, pass such orders as he thinks fit in relation to the verification of the claim and the valuation of such claim.

(3) The decision of the Claims Officer shall be final:

Provided that the Chief Claims Commissioner may call for the record of any case which has been decided by the Claims Officer and may make such order in the case as he thinks fit and no order varying the decision of the Claims Officer shall be made without giving the person concerned an opportunity of being heard.

**7. Powers of Claims Officers.—**(1) The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner, or a Claims Commissioner or Claims Officer shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any public record from any court or office;
- (d) issuing commissions for the examination of witnesses;
- (e) appointing guardians or next friends of any person who is a minor or of unsound mind;
- (f) any other matter which may be prescribed.

(2) A Claims Officer may, if he so thinks fit, and shall, if so required by the Chief Claims Commissioner, appoint one or more persons as assessors to advise him in any proceeding before him.

(3) The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner, a Claims Commissioner and a Claims Officer shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and any proceeding before any such Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 223 of the Indian Penal Code (Act XLV of 1860).

**8. Power to transfer cases.**—The Central Government or the Chief Claims Commissioner may, by order in writing, at any stage transfer any case pending before a Claims Officer to another Claims Officer and the Claims Officer, to whom the case is so transferred, may, subject to any special direction in the order of transfer, proceed from the stage at which it was so transferred.

**9. Certain officers to be public servants.**—The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner and all Claims Commissioners, Claims Officers, Registering Officers and assistant registering officers appointed under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

**10. Bar of jurisdiction of civil courts.**—No civil court shall have jurisdiction in respect of any matter which the Chief Claims Commissioner or the Claims Officer is empowered by or under this Act, to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

**11. Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Central Government or any person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

**12. Penalty.**—Any person who—

(a) submits, in respect of his claim under this Act, any information which he knows or has reason to believe to be false or which he does not believe to be true, or

(b) submits his claim to more than one Registering Officer,

shall be punishable with imprisonment which may extend to three years, or with fine, or with both.

**13. Penalty for abetment.**—Any person who abets any of the offences punishable under this Act shall be punishable with the punishment provided for the offence.

**14. Cognizance of offences by courts.**—No court shall take cognizance of any offence punishable under this Act save upon complaint in writing made by an officer authorised by the Central Government by general or special order in this behalf.

**15. Delegation of powers.**—(1) The Central Government may, by general or special order, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chief Claims Commissioner.

(2) Subject to the provisions of this Act and the rules made thereunder, the Chief Claims Commissioner may delegate all or any of his powers under this Act to the Joint or Deputy Chief Claims Commissioner or any Claims Commissioner as may be specified by the Chief Claims Commissioner.

**16. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the form and manner in which claims may be submitted by displaced persons to Registering Officers;

(b) levy of fee, subject to such exceptions, if any, in respect of any claim which may be submitted under section 5;

(c) the manner in which claims may be registered;

(d) the manner in which any inquiry may be held by Claims Officers, Claims Commissioners, the Joint or Deputy Chief Claims Commissioner or the Chief Claims Commissioner; the procedure to be followed by Claims Officers, Claims Commissioners, the Joint or Deputy Chief Claims Commissioner or the Chief Claims Commissioner;

(e) the powers vested in a civil court which may be exercised by a Claims Officer, Claims Commissioner, the Joint or Deputy Chief Claims Commissioner or the Chief Claims Commissioner while holding any inquiry under this Act;

(f) any other matter which has to be, or may be, prescribed under this Act.

**17. Repeal of Ordinance V of 1950.**—(1) The Displaced Persons (Claims) Ordinance, 1950 (V of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

THE AIR FORCE ACT, 1950

No. XLV of 1950

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

*See India Code*

SECTIONS.

1. Short title and commencement.
2. Persons subject to this Act.
3. Termination of application of the Act.
4. Definitions.

*Vol. 7*

CHAPTER II

SPECIAL PROVISIONS FOR THE APPLICATION OF ACT IN CERTAIN CASES

5. Application of Act to certain forces under the Central Government.
6. Special provision as to rank in certain cases.
7. Commanding Officer of persons subject to air force law under clause (d) of section 2.
8. Officers exercising powers in certain cases.
9. Power to declare persons to be on active service.

CHAPTER III

COMMISSION, APPOINTMENT AND ENROLMENT

10. Commission and appointment.
11. Ineligibility of aliens for enrolment.
12. Ineligibility of females for enrolment or employment.
13. Procedure before enrolling officer.
14. Mode of enrolment.
15. Validity of enrolment.
16. Persons to be attested.
17. Mode of attestation.

CHAPTER IV

CONDITIONS OF SERVICE

18. Tenure of service under the Act.
19. Termination of service by Central Government.

Price: annas 4 or 5d.

**SECTIONS.**

- 20. Dismissal, removal or reduction by Commander-in-Chief and other officers.
- 21. Power to modify certain fundamental rights in their application to persons subject to this Act.
- 22. Retirement, release or discharge.
- 23. Certificate on termination of service.
- 24. Discharge or dismissal when out of India.

**CHAPTER V**

**SERVICE PRIVILEGES**

- 25. Authorised deductions only to be made from pay.
- 26. Remedy of aggrieved airmen.
- 27. Remedy of aggrieved officers.
- 28. Immunity from attachment.
- 29. Immunity from arrest for debt.
- 30. Immunity of persons attending courts-martial from arrest.
- 31. Privileges of reservists.
- 32. Priority in respect of Air Force personnel's litigation.
- 33. Saving of rights and privileges under other laws.

**CHAPTER VI**

**OFFENCES**

- 34. Offences in relation to the enemy and punishable with death.
- 35. Offences in relation to the enemy and not punishable with death.
- 36. Offences punishable more severely on active service than at other times.
- 37. Mutiny.
- 38. Desertion and aiding desertion.
- 39. Absence without leave.
- 40. Striking or threatening superior officer.
- 41. Disobedience to superior officer.
- 42. Insubordination and obstruction.
- 43. Fraudulent enrolment.
- 44. False answers on enrolment.
- 45. Unbecoming conduct.
- 46. Certain forms of disgraceful conduct.
- 47. Ill-treating a subordinate.
- 48. Intoxication.

SECTIONS.

- 49. Permitting escape of person in custody.
- 50. Irregularity in connection with arrest or confinement.
- 51. Escape from custody.
- 52. Offences in respect of property.
- 53. Extortion and corruption.
- 54. Making away with equipment.
- 55. Injury to property.
- 56. False accusation.
- 57. Falsifying official documents and false declaration.
- 58. Signing in blank and failure to report.
- 59. Offences relating to courts-martial.
- 60. False evidence.
- 61. Unlawful detention of pay.
- 62. Offences in relation to aircraft and flying.
- 63. Other offences relating to aircraft and flying.
- 64. Disobedience of lawful command of captain of aircraft.
- 65. Violation of good order and air force discipline.
- 66. Miscellaneous offences.
- 67. Attempt.
- 68. Abetment of offences that have been committed.
- 69. Abetment of offences punishable with death and not committed.
- 70. Abetment of offences punishable with imprisonment and not committed.
- 71. Civil offences.
- 72. Civil offences not triable by court-martial.

CHAPTER VII

PUNISHMENTS

- 73. Punishments awardable by courts-martial.
- 74. Alternative punishments awardable by court-martial.
- 75. Combination of punishments.
- 76. Cashiering of officers.
- 77. Field punishment.
- 78. Position of field punishment in scale of punishments.
- 79. Result of certain punishments in the case of a warrant officer or non-commissioned officer.

## SECTIONS.

80. Retention in the ranks of a person convicted on active service.
81. Punishments otherwise than by court-martial.
82. Punishment of persons other than officers and warrant officers.
83. Requirement of sanction in certain cases.
84. Limit of punishments under section 82.
85. Punishments in addition to those specified in section 82.
86. Punishment of officers and warrant officers.
87. Transmission of proceedings.
88. Review of proceedings.
89. Superior air force authority.
90. Collective fines.

## CHAPTER VIII

## PENAL DEDUCTIONS

91. Deductions from pay and allowances of officers.
92. Deductions from pay and allowances of airmen.
93. Computation of time of absence or custody.
94. Pay and allowances during trial.
95. Limit of certain deductions.
96. Deduction from public money due to a person.
97. Pay and allowances of prisoner of war during inquiry into his conduct.
98. Remission of deductions.
99. Provision for dependants of prisoner of war from remitted deductions.
100. Provision for dependants of prisoner of war from his pay and allowances.
101. Period during which a person is deemed to be a prisoner of war.

## CHAPTER IX

## ARREST AND PROCEEDINGS BEFORE TRIAL

102. Custody of offenders.
103. Duty of commanding officer in regard to detention.
104. Interval between committal and court-martial.
105. Arrest by civil authorities.
106. Capture of deserters.
107. Inquiry into absence without leave.
108. Provost-marshals.



SECTIONS.

CHAPTER X

COURTS-MARTIAL

- 109. Different kinds of courts-martial.
- 110. Power to convene a general court-martial.
- 111. Power to convene a district court-martial.
- 112. Contents of warrants issued under sections 110 and 111.
- 113. Power to convene a summary general court-martial.
- 114. Composition of general court-martial.
- 115. Composition of district court-martial.
- 116. Composition of summary general court-martial.
- 117. Dissolution of court-martial.
- 118. Powers of general and summary general courts-martial.
- 119. Powers of district court-martial.
- 120. Prohibition of second trial.
- 121. Period of limitation for trial.
- 122. Liability of offender who ceases to be subject to Act.
- 123. Place of trial.
- 124. Choice between criminal court and court-martial.
- 125. Power of criminal court to require delivery of offender.
- 126. Successive trials by a criminal court and a court-martial.

CHAPTER XI

PROCEDURE OF COURTS-MARTIAL

- 127. Presiding Officer.
- 128. Judge Advocate.
- 129. Challenges.
- 130. Oaths of member, judge advocate and witness.
- 131. Voting by members.
- 132. General rule as to evidence.
- 133. Judicial notice.
- 134. Summoning witnesses.
- 135. Documents exempted from production.
- 136. Commissions for examination of witnesses.
- 137. Examination of a witness on commission.
- 138. Conviction of offence not charged.
- 139. Presumption as to signatures.

## SECTIONS.

140. Enrolment paper.
141. Presumption as to certain documents.
142. Reference by accused to Government officer.
143. Evidence of previous convictions and general character.
144. Lunacy of accused.
145. Subsequent fitness of lunatic accused for trial.
146. Transmission to Central Government of orders under section 145.
147. Release of lunatic accused.
148. Delivery of lunatic accused to relatives.
149. Order for custody and disposal of property pending trial.
150. Order for disposal of property regarding which offence is committed.
151. Powers of courts-martial when certain offences are committed by persons not subject to this Act.

## CHAPTER XII

## CONFIRMATION AND REVISION

152. Finding and sentence not valid, unless confirmed.
153. Power to confirm finding and sentence of general court-martial.
154. Power to confirm finding and sentence of district court-martial.
155. Limitation of powers of confirming authority.
156. Power to confirm finding and sentence of summary general court-martial.
157. Power of confirming authority to mitigate, remit or commute sentences.
158. Confirming of findings and sentences on board a ship.
159. Revision of finding or sentence.
160. Alteration of finding or sentence in certain cases.
161. Remedy against order, finding or sentence of court-martial.
162. Annulment of proceedings.

## CHAPTER XIII

## EXECUTION OF SENTENCES

163. Form of sentence of death.
164. Commencement of sentence of transportation or imprisonment.
165. Execution of sentence of transportation.
166. Execution of sentence of imprisonment.
167. Temporary custody of offender.

## SECTIONS.

- 168. Execution of sentence of imprisonment in special cases.
- 169. Conveyance of prisoner from place to place.
- 170. Execution of sentence of detention.
- 171. Communication of certain orders to prison officers.
- 172. Execution of sentence of fine.
- 173. Establishment and regulation of air force prisons.
- 174. Informality or error in the order or warrants.
- 175. Power to make rules in respect of prisons and prisoners.
- 176. Restriction of rule-making power in respect to corporal punishment.

## CHAPTER XIV

## PARDONS, REMISSIONS AND SUSPENSIONS

- 177. Pardon and remission.
- 178. Cancellation of conditional pardon, release on parole or remission.
- 179. Reduction of warrant officer or non-commissioned officer.
- 180. Suspension of sentence of transportation, imprisonment or detention.
- 181. Orders pending suspension.
- 182. Release on suspension.
- 183. Computation of period of suspension.
- 184. Order after suspension.
- 185. Reconsideration of case after suspension.
- 186. Fresh sentence after suspension.
- 187. Scope of power of suspension.
- 188. Effect of suspension and remission on dismissal.

## CHAPTER XV

## RULES

- 189. Power to make rules.
- 190. Power to make regulations.
- 191. Publication of rules and regulations in Gazette.
- 192. Repeal.

## CHAPTER XVI

## TRANSITORY PROVISIONS

- 193. Definition of "British officer".
- 194. Powers of British officer.

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
1011	1012	1013	1014	1015	1016	1017	1018	1019	1020
1021	1022	1023	1024	1025	1026	1027	1028	1029	1030
1031	1032	1033	1034	1035	1036	1037	1038	1039	1040
1041	1042	1043	1044	1045	1046	1047	1048	1049	1050
1051	1052	1053	1054	1055	1056	1057	1058	1059	1060
1061	1062	1063	1064	1065	1066	1067	1068	1069	1070
1071	1072	1073	1074	1075	1076	1077	1078	1079	1080
1081	1082	1083	1084	1085	1086	1087	1088	1089	1090
1091	1092	1093	1094	1095	1096	1097	1098	1099	1100

APPENDIX

1101	1102
1103	1104
1105	1106
1107	1108
1109	1110

THE AIR FORCE ACT, 1950

No. XLV OF 1950



*Sec. India Code*  
*Vol. i*

An Act to consolidate and amend the law relating to the government of the Air Force.

[18th May, 1950]

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. Short titles and commencement.—(1) This Act may be called the Air Force Act, 1950.

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

2. Persons subject to this Act.—The following persons shall be subject to this Act wherever they may be, namely:—

(a) officers and warrant officers of the Air Force;

(b) persons enrolled under this Act;

(c) persons belonging to the Indian Air Force Volunteer Reserve in the circumstances specified in section 3 of the Indian Air Force Volunteer Reserve (Discipline) Act, 1939 (XXXVI of 1939);

(d) persons not otherwise subject to air force law, who, on active service, in camp, on the march, or at any frontier post specified by the Central Government by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of the Air Force.

3. Termination of application of the Act.—Every person subject to this Act under clauses (a) to (c) of section 2 shall remain so subject until duly retired, discharged, released, removed, dismissed or cashiered from the service.

4. Definitions.—In this Act, unless the context otherwise requires,—

(i) "active service", as applied to a person subject to this Act, means the time during which such person—

(a) is attached to, or forms part of, a force which is engaged in operations against an enemy, or

(b) is engaged in air force operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or

(c) is attached to, or forms part of, a force which is in military occupation of any foreign country;

(ii) "aircraft" includes aeroplanes, balloons, kite balloons, airships, gliders or other machines for flying;

(iii) "aircraft material" includes any engines, fittings, guns, gear, instruments or apparatus for use in connection with aircraft, and any of its components and accessories and petrol oil, and any other substance used for providing motive power for planes;

(iv) "Air Force" means officers and airmen who by their commission, warrant, terms of enrolment or otherwise, are liable to render continuously for a term air force service to the Union in every part of the world or any specified part of the world, including persons belonging to the Indian Air Force Volunteer Reserve when called out on permanent service;

(v) "air force custody" means the arrest or confinement of a person according to the usages of the service and includes military or naval custody;

(vi) "air force law" means the law enacted by this Act and the rules made thereunder and includes the usages of the service;

(vii) "air force reward" includes any gratuity or annuity for long service or good conduct, badge pay or pension, and any other air force pecuniary reward;

(viii) "airman" means any person subject to this Act other than an officer;

(ix) "air officer" means any officer of the Air Force above the rank of group captain;

(x) "air signal" means any signal intended for the guidance of aircraft, whether given by flag, ground signal, light, wind indicator or in any manner whatsoever.

(xi) "Chief Legal Adviser" means a person appointed as such by the Commander-in-Chief to give advice on matters relating to air force law and to perform such other duties of a legal character as may arise in connection therewith;

(xii) "civil offence" means an offence which is triable by a criminal court;

(xiii) "Chief of the Air Staff" means the officer commanding the Air Force;

~~(xiv) "Commander-in-Chief" means the officer commanding-in-chief of the Air Force;~~

(xv) "commanding officer" used in relation to a person subject to this Act, means the officer for the time being in command of the unit or detachment to which such person belongs or is attached;

(xvi) "court-martial" means a court-martial held under this Act;

(xvii) "criminal court" means a court of ordinary criminal justice in any part of India, other than the State of Jammu and Kashmir;

(xviii) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to air force law to act;

(xix) "the Forces" means the regular Army, Navy and Air Force or any part of any one or more of them;

Subs by s2 of Act 19 of 1955 (from 7.5.55)

(xx) "non-commissioned officer" means a person holding a non-commissioned rank or an acting non-commissioned rank in the Air Force, and includes any person holding a non-commissioned rank or an acting non-commissioned rank in the Indian Air Force Volunteer Reserve when subject to this Act;

(xxi) "notification" means a notification published in the Official Gazette;

(xxii) "offence" means any act or omission punishable under this Act, and includes a civil offence, as hereinbefore defined;

(xxiii) "officer" means a person commissioned, gazetted or in pay as an officer in the Air Force, and includes—

(a) an officer of the Indian Air Force Volunteer Reserve who is for the time being subject to this Act;

(b) in relation to a person subject to this Act when serving under such conditions as may be prescribed, an officer of the regular Army or the Navy;

but does not include a junior commissioned officer, warrant officer, petty officer or non-commissioned officer;

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

(xxv) "provost-marshal" means a person appointed as such under section 108 and includes any of his deputies or assistants or any other person legally exercising authority under him or on his behalf;

(xxvi) "regulation" includes a regulation made under this Act;

(xxvii) "superior officer", when used in relation to a person subject to this Act, includes a warrant officer and a non-commissioned officer, and as regards persons serving under such conditions as may be prescribed, an officer, junior commissioned officer, warrant officer, petty officer and non-commissioned officer of the regular Army or the Navy;

(xxviii) "unit" includes—

(a) any body of officers and airmen for which a separate authorised establishment exists;

(b) any separate body of persons subject to this Act employed or any service and not attached to a unit as aforesaid;

(c) any other separate body of persons composed wholly or partly of persons subject to this Act, and specified as a unit by the Central Government;

(xxix) "warrant officer" means a person appointed, gazetted or in pay as a warrant officer of the Air Force and includes an acting warrant officer, a master warrant officer, and a warrant officer of the Indian Air Force Volunteer Reserve who is for the time being subject to this Act;

(xxx) all words and expressions used herein and defined in the Indian Penal Code (Act XLV of 1960) and not hereinbefore defined, shall be deemed to have the meanings respectively assigned to them by that Code.

## CHAPTER II

### SPECIAL PROVISIONS FOR THE APPLICATION OF ACT IN CERTAIN CASES

5. Application of Act to certain forces under the Central Government.—(1) The Central Government may, by notification, apply, with or without modifications, all or any of the provisions of this Act to any force raised and maintained in India and suspend the operation of any other enactment for the time being applicable to the said force.

(2) The provisions of this Act so applied shall have effect in respect of persons belonging to the said force as they have effect in respect of persons subject to this Act holding in the Air Force the same or equivalent rank as the aforesaid persons hold for the time being in the said force.

(3) The provisions of this Act so applied shall also have effect in respect of persons who are employed by, or are in the service of, or are followers of, or accompany any portion of the said force as they have effect in respect of persons subject to this Act under clause (d) of section 2.

(4) While any of the provisions of this Act apply to the said force, the Central Government may, by notification, direct by what authority any jurisdiction, powers or duties incident to the operation of these provisions shall be exercised or performed in respect of the said force.

**6. Special provision as to rank in certain cases.—**(1) The Central Government may, by notification, direct that any persons or class of persons subject to this Act under clause (d) of section 2, shall be so subject as officers, warrant officers or non-commissioned officers, and may authorise any officer to give a like direction and to cancel such direction.

(2) All persons subject to this Act other than officers, warrant officers and non-commissioned officers shall, if they are not persons in respect of whom notification or direction under sub-section (1) is in force, be deemed to be of rank inferior to that of a non-commissioned officer.

**7. Commanding officer of persons subject to air force law under clause (d) of section 2.—**(1) Every person subject to this Act, under clause (d) of section 2, shall, for the purposes of this Act, be deemed to be under the commanding officer of the unit, or detachment, if any, to which he is attached, and if he is not so attached under the command of any officer who may for the time being be named as his commanding officer by the officer commanding the force with which such person may for the time being be serving, or of any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said officer commanding the force.

(2) An officer commanding a force shall not place a person subject to this Act under clause (d) of section 2 under the command of an officer of official rank inferior to that of such person if there is present at the place where such person is any officer of higher rank under whose command he can be placed.

**8. Officers exercising powers in certain cases.—**(1) Whenever persons subject to this Act are serving under an officer commanding any air force formation not in this section specifically named, and being, in the opinion of the Central Government, not less than a squadron, the said Government may prescribe the officer by whom the powers which, under this Act, may be exercised by air officers in charge of commands, and officers commanding groups, wings and squadrons shall, as regards such persons, be exercised.

(2) The Central Government may confer such powers either absolutely, or subject to such restrictions, reservations, exceptions and conditions as it may think fit.

**9. Power to declare persons to be on active service.—**Notwithstanding anything contained in clause (i) of section 4, the Central Government may, by notification, declare that any persons or class of persons subject to this Act shall, with reference to any area in which they may be serving or with reference to any provision of this Act or of any other law for the time being in force, be deemed to be on active service within the meaning of this Act.



## CHAPTER III

## COMMISSION, APPOINTMENT AND ENROLMENT

10. **Commission and appointment.**—The President may grant, to such person as he thinks fit a commission as an officer or appoint any person as a warrant officer of the Air Force.

11. **Ineligibility of aliens for enrolment.**—No person who is not a citizen of India shall, except with the consent of the Central Government signified in writing, be enrolled in the Air Force:

Provided that nothing contained in this section shall bar the enrolment of the subjects of Nepal in the Air Force.

12. **Ineligibility of females for enrolment or employment.**—No female shall be eligible for enrolment or employment in the Air Force, except in such corps, department, branch or other body forming part of, or attached to any portion of, the Air Force as the Central Government may, by notification, specify in this behalf:

Provided that nothing contained in this section shall affect the provisions of any law for the time being in force providing for the raising and maintenance of any service auxiliary to the Air Force or any branch thereof in which females are eligible for enrolment or employment.

13. **Procedure before enrolling officer.**—Upon the appearance before the prescribed enrolling officer of any person desirous of being enrolled, the enrolling officer shall read and explain to him, or cause to be read and explained to him in his presence, the conditions of the service for which he is to be enrolled; and shall put to him the questions set forth in the prescribed form of enrolment, and shall, after having cautioned him that if he makes a false answer to any such question he will be liable to punishment under this Act, record or cause to be recorded his answer to each such question.

14. **Mode of enrolment.**—If, after complying with the provisions of section 13, the enrolling officer is satisfied that the person desirous of being enrolled fully understands the questions put to him and consents to the conditions of service, and if such officer perceives no impediment, he shall sign and shall also cause such person to sign the enrolment paper, and such person shall thereupon be deemed to be enrolled.

15. **Validity of enrolment.**—Every person who has for the space of three months been in receipt of pay as a person enrolled under this Act and been borne on the rolls of any unit shall be deemed to have been duly enrolled, and shall not be entitled to claim his discharge on the ground of any irregularity or illegality in his enrolment or on any other ground whatsoever; and if any person, in receipt of such pay and borne on the rolls as aforesaid, claims his discharge before the expiry of three months from his enrolment, no such irregularity or illegality or other ground shall, until he is discharged in pursuance of his claim, affect his position as an enrolled person under this Act or invalidate any proceedings, act or thing taken or done prior to his discharge.

16. **Persons to be attested.**—The following persons shall be attested, namely:—

- (a) all persons enrolled as combatants;
- (b) all persons selected to hold a non-commissioned or acting non-commissioned rank; and
- (c) all other persons subject to this Act as may be prescribed by the Central Government.

17. **Mode of attestation.**—(1) When a person who is to be attested is reported fit for duty, or has completed the prescribed period of probation, an oath or affirmation shall be administered to him in the prescribed form by his commanding officer in front of his unit or such portion thereof as may be present, or by any other prescribed person:

(2) The form of oath or affirmation prescribed under this section shall contain a promise that the person to be attested will bear true allegiance to the Constitution of India, as by law established, and that he will serve in the Air Force and go wherever he is ordered by land, sea or air, and that he will obey all commands of any officer set over him, even to the peril of his life.

(3) The fact of an enrolled person having taken the oath or affirmation directed by this section to be taken shall be entered on his enrolment paper, and authenticated by the signature of the officer administering the oath or affirmation.

(The Chief of the Air Staff) &

#### CHAPTER IV

##### CONDITIONS OF SERVICE

18. **Tenure of service under the Act.**—Every person subject to this Act shall hold office during the pleasure of the President.

19. **Termination of service by Central Government.**—Subject to the provisions of this Act and the rules and regulations made thereunder, the Central Government may dismiss, or remove from the service any person subject to this Act.

20. **Dismissal, removal or reduction by <sup>(Chief of the Air Staff) &</sup> ~~Commander-in-Chief~~ and other officers.**—(1) ~~The Commander-in-Chief~~ may dismiss or remove from the service any person subject to this Act other than an officer.

(2) ~~The Commander-in-Chief~~ may reduce to a lower grade or rank or the ranks, any warrant officer or any non-commissioned officer.

(3) An officer having power not less than an air officer in charge of a command or equivalent commander or any prescribed officer may dismiss or remove from the service any person serving under his command other than an officer or a warrant officer.

(4) On active service, an officer commanding the air forces in the field may reduce to a lower rank or to the ranks any warrant officer or non-commissioned officer under his command.

(5) ~~The Commander-in-Chief~~ or an officer specified in sub-section (3) may reduce to a lower class in the ranks any airman other than a warrant officer or non-commissioned officer.

(6) The commanding officer of an acting non-commissioned officer may order him to revert to his substantive rank as a non-commissioned officer, or if he has no such substantive rank, to the ranks.

(7) The exercise of any powers under this section shall be subject to the other provisions contained in this Act and the rules and regulations made thereunder.

21. **Power to modify certain fundamental rights in their application to persons subject to this Act.**—Subject to the provisions of any law for the time being in force relating to the Air Force or to any branch thereof, the Central Government may, by notification, make rules restricting in such manner and to such extent as may be specified the right of any person subject to this Act—

(a) to be a member of, or to be associated in any way with, any trade union or labour union, or any class of trade or labour unions or any society, institution or association, or any class of societies, institutions or associations,

& Subs. by S. 2 of Act 19 of 1955 (from 2.5.55)

(b) to attend or address any meeting or to take part in any demonstration organised by any body of persons for any political or other purposes;

(c) to communicate with the press or to publish or cause to be published any book, letter or other document.

**22. Retirement, release or discharge.**—Any person subject to this Act may be retired, released or discharged from the service by such authority and in such manner as may be prescribed.

**23. Certificate on termination of service.**—Every warrant officer, or enrolled person who is dismissed, removed, discharged, retired or released from the service shall be furnished by his commanding officer with a certificate, in the language which is the mother tongue of such person 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 Air Force.

**24. Discharge or dismissal when out of India.**—(1) Any person enrolled under this Act who is entitled under the conditions of his enrolment to be discharged, or whose discharge is ordered by competent authority, and who, when he is so entitled or ordered to be discharged, is serving out of India, and requests to be sent to India, shall, before being discharged, be sent to India with all convenient speed.

(2) Any person enrolled under this Act who is dismissed from the service and who, when he is so dismissed, is serving out of India, shall be sent to India with all convenient speed.

(3) Where any such person as is mentioned in sub-section (2) is sentenced to dismissal combined with any other punishment, such other punishment, or, in the case of a sentence of transportation, imprisonment or detention, a portion of such sentence, may be inflicted before he is sent to India.

(4) For the purposes of this section, the word "discharge" shall include release, and the word "dismissal" shall include removal.

## CHAPTER V

### SERVICE PRIVILEGES

**25. Authorised deductions only to be made from pay.**—The pay of every person subject to this Act due to him as such under any regulation, for the time being in force, shall be paid without any deduction other than the deductions authorised by or under this or any other Act.

**26. Remedy of aggrieved airmen.**—(1) Any airman who deems himself wronged by any superior or other officer may, if not attached to a unit or detachment, complain to the officer under whose command or orders he is serving; and may, if attached to a unit or detachment, complain to the officer commanding the same.

(2) When the officer complained against is the officer to whom any complaint should, under sub-section (1), be preferred, the aggrieved airman may complain to such officer's next superior officer; and if he thinks himself wronged by such superior officer, he may complain to ~~the Commander-in-Chief~~ *[The Chief of the Air Staff]*.

(3) Every officer receiving any such complaint shall make as complete an investigation into it as may be possible for giving full redress to the complainant; or, when necessary, refer the complaint to superior authority.

*Subs. by S. 2 of Act 19 of 1955 (from 2.5.55)*

✓ [the Chief of the Air Staff]

(4) Every such complaint shall be preferred in such manner as may from time to time be specified by the proper authority.

(5) The Central Government may revise any decision by ~~the Commander-in-Chief~~ under sub-section (2), but subject thereto, the decision of ~~the Commander-in-Chief~~ shall be final.

27. **Remedy of aggrieved officers.**—Any officer who deems himself wronged by his commanding officer or any superior officer and who on due application made to his commanding officer does not receive the redress to which he considers himself entitled, may complain to the Central Government in such manner as may from time to time be specified by the proper authority.

28. **Immunity from attachment.**—The arms, clothes, equipment, accoutrements or necessaries of any person subject to this Act shall not be seized, and the pay and allowances of any such person or any part thereof shall not be attached, by direction of any civil or revenue court or any revenue officer, in satisfaction of any decree or order enforceable against him.

29. **Immunity from arrest for debt.**—(1) No person subject to this Act shall, so long as he belongs to the Forces, be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue officer.

(2) The judge of any such court or the said officer may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section, and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no court-fee shall be payable by the complainant.

30. **Immunity of persons attending courts-martial from arrest.**—(1) No presiding officer or member of a court-martial, no judge advocate, no party to any proceeding before a court-martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial shall, while proceeding to, attending, or returning from, a court-martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

31. **Privileges of reservists.**—Every person belonging to the Air Force Reserve shall, when called out for, or engaged in, or returning from, training or service, be entitled to all the privileges accorded by sections 28 and 29 to a person subject to this Act.

32. **Priority in respect of Air Force personnel's litigation.**—(1) On the presentation to any court by or on behalf of any person subject to this Act of a certificate, from the proper air force 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.

(2) The certificate from the proper air force authority shall state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for.

✓ Subs. by S. 2 of Act 19 of 1955 (from 7.5.55)

(3) No fee shall be payable to the court in respect of the presentation of any such certificate, or of any application by or on behalf of any such person, for priority for the hearing of his case.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for its inability 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) If in any case a question arises as to the proper air force authority qualified to grant such certificate as aforesaid, such question shall be at once referred by the court to an officer having power not less than a group commander or equivalent commander whose decision shall be final.

**33. Saving of rights and privileges under other laws.**—The rights and privileges specified in the preceding sections of this Chapter shall be in addition to any others conferred on persons subject to this Act or on members of the regular Army, Navy and Air Force generally by any other law for the time being in force.

## CHAPTER VI

### OFFENCES

**34. Offences in relation to the enemy and punishable with death.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) shamefully abandons or delivers up any garrison, fortress, post, place or guard, committed to his charge, or which it is his duty to defend, or uses any means to compel or induce any commanding officer or other person to commit the said act; or

(b) intentionally uses any means to compel or induce any person subject to military, naval or air force law to abstain from acting against the enemy, or to discourage such person from acting against the enemy; or

(c) in the presence of the enemy, shamefully casts away his arms, ammunition, tools or equipment or misbehaves in such manner as to show cowardice; or

(d) treacherously holds correspondence with, or communicates intelligence to, the enemy or any person in arms against the Union; or

(e) directly or indirectly assists the enemy with money, arms, ammunition, stores or supplies; or

(f) treacherously or through cowardice sends a flag of truce to the enemy; or

(g) in time of war or during any air force operation, intentionally occasions a false alarm in action, camp or quarters or spreads reports calculated to create alarm or despondency; or

(h) in time of action leaves his commanding officer or his post, guard, picket, patrol or party without being regularly relieved or without leave; or

(i) having been made a prisoner of war, voluntarily serves with or aids the enemy; or

(j) knowingly harbours or protects an enemy not being a prisoner; or

(k) being a sentry in time of war or alarm, sleeps upon his post or is intoxicated; or

(l) knowingly does any act calculated to imperil the success of the military, naval or air forces of India, or any forces co-operating therewith or any part of such forces; or

(m) treacherously or shamefully causes the capture or destruction by the enemy of any aircraft belonging to the Forces; or

(n) treacherously uses any false air signal or alters or interferes with any air signal: or

(o) when ordered by his superior officer or otherwise under orders to carry out any air force operations, treacherously or shamefully fails to use his utmost exertions to carry such orders into effect;

shall, on conviction by court-martial, be liable to suffer death or such less punishment as is in this Act mentioned.

**35. Offences in relation to the enemy and not punishable with death.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) is taken prisoner, by want of due precaution, or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner, fails to rejoin his service when able to do so; or

(b) without due authority holds correspondence with or communicates intelligence to the enemy; or having come by the knowledge of any such correspondence or communication wilfully omits to discover it immediately to his commanding or other superior officer; or

(c) without due authority sends a flag of truce to the enemy; or

(d) negligently causes the capture or destruction by the enemy of any aircraft belonging to the Government; or

(e) when ordered by his superior officer, or otherwise under orders to carry out any warlike operations in the air, negligently or through other default fails to use his utmost exertions to carry such orders into effect;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

**36. Offences punishable more severely on active service than at other times.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) forces a safeguard, or forces or uses criminal force to a sentry; or

(b) breaks into any house or other place in search of plunder; or

(c) being a sentry sleeps upon his post, or is intoxicated; or

(d) without orders from his superior officer leaves his guard, piquet, patrol or post; or

(e) intentionally or through neglect occasions a false alarm in camp or quarters; or spreads reports calculated to create unnecessary alarm or despondency; or

(f) makes known the parole, watchword or countersign to any person not entitled to receive it; or knowingly gives a parole, watchword or countersign different from what he received; or

(g) without due authority alters or interferes with any air signal; shall, on conviction by court-martial;

if he commits any such offence when on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if he commits any such offence when not on active service, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**37. Mutiny.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) begins, incites, causes, or conspires with any other persons to cause, any mutiny in the military, naval or air forces of India or any forces co-operating therewith; or

(b) joins in any such mutiny; or

(c) being present at any such mutiny, does not use his utmost endeavours to suppress the same; or

(d) knowing or having reason to believe in the existence of any such mutiny, or of any intention to commit such mutiny or any such conspiracy, does not, without delay, give information thereof to his commanding or other superior officer; or

(e) endeavours to seduce any person in the military, naval or air forces of India from his duty or allegiance to the Union;

shall, on conviction by court-martial, be liable to suffer death or such less punishment as is in this Act mentioned.

**38. Desertion and aiding desertion.**—(1) Any person subject to this Act who deserts or attempts to desert the service shall on conviction by court-martial,

if he commits the offence on active service or when under orders for active service, be liable to suffer death or such less punishment as is in this Act mentioned; and

if he commits the offence under any other circumstances, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who knowingly harbours any such deserter shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(3) Any person subject to this Act who, being cognizant of any desertion or attempt at desertion of a person subject to this Act, does not forthwith give notice to his own or some other superior officer, or take any steps in his power to cause such person to be apprehended, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

**39. Absence without leave.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) absents himself without leave; or

(b) without sufficient cause overstays leave granted to him; or

(c) being on leave of absence and having received information from proper authority that any unit or detachment, to which he belongs, has been ordered on active service, fails, without sufficient cause, to rejoin without delay; or

(d) without sufficient cause fails to appear at the time fixed, at the parade or place appointed for exercise or duty; or

(e) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer, quits the parade or line of march; or

(f) when in camp or elsewhere, is found beyond any limits fixed, or in any place prohibited, by any general, local or other order, without a pass or written leave from his superior officer; or

(g) without leave from his superior officer or without due cause, absents himself from any school when duly ordered to attend there;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

**40. Striking or threatening superior officer.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) uses criminal force to, or assaults his superior officer; or

(b) uses threatening language to such officer; or

(c) uses insubordinate language to such officer;

shall, on conviction by court-martial,

if such officer is at the time in the execution of his office or, if the offence is committed on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

in other cases, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned:

Provided that in the case of an offence specified in clause (c), the imprisonment shall not exceed five years.

**41. Disobedience to superior officer.**—(1) Any person subject to this Act who disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office whether the same is given orally or in writing or by signal or otherwise shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who disobeys any lawful command given by his superior officer shall, on conviction by court-martial,

if he commits such offence when on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if he commits such offence when not on active service, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.



**42. Insubordination and obstruction.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being concerned in any quarrel, affray or disorder, refuses to obey any officer, though of inferior rank, who orders him into arrest, or uses criminal force to or assaults any such officer; or

(b) uses criminal force to, or assaults any person, whether subject to this Act or not, in whose custody he is lawfully placed, and whether he is or is not his superior officer; or

(c) resists an escort whose duty it is to apprehend him or to have him in charge; or

(d) breaks out of barracks, camp or quarters; or

(e) neglects to obey any general, local or other order; or

(f) impedes the provost-marshal or any person lawfully acting on his behalf or, when called upon, refuses to assist in the execution of his duty as a provost-marshal or any person lawfully acting on his behalf; or

(g) uses criminal force to or assaults any person bringing provisions or supplies to the Forces;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clauses (d) and (e) to two years, and in the case of the offences specified in the other clauses to ten years, or such less punishment as is in this Act mentioned.

**43. Fraudulent enrolment.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) without having obtained a regular discharge from the Air Force or otherwise fulfilled the conditions enabling him to enrol or enter, enrolls himself in, or enters the said force or any part of the military or the naval forces of India; or

(b) is concerned in the enrolment in any part of the Forces, of any person when he knows or has reason to believe such person to be so circumstanced that by enrolling he commits an offence against this Act;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**44. False answers on enrolment.**—Any person having become subject to this Act who is discovered to have made at the time of enrolment a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**45. Unbecoming conduct.**—Any officer or warrant officer who behaves in a manner unbecoming his position and the character expected of him shall, on conviction by court-martial, if he is an officer, be liable to be cashiered or to suffer such less punishment as is in this Act mentioned; and if he is a warrant officer, be liable to be dismissed or to suffer such less punishment as is in this Act mentioned.

**46. Certain forms of disgraceful conduct.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) is guilty of any disgraceful conduct of a cruel, indecent or unnatural kind; or

(b) malingers, or feigns, or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or

(c) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that person;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**47. Ill-treating a subordinate.**—Any officer, warrant officer or non-commissioned officer, who uses criminal force to or otherwise ill-treats any person subject to this Act, being his subordinate in rank or position, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**48. Intoxication.**—(1) Any person subject to this Act who is found in a state of intoxication, whether on duty or not, shall, on conviction by court-martial, if he is an officer, be liable to be cashiered or to suffer such less punishment as is in this Act mentioned; and if he is not an officer, be liable, subject to the provisions of sub-section (2), to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

(2) Where an offence of being intoxicated is committed by a person other than an officer when not on active service or not on duty, the period of imprisonment awarded shall not exceed six months.

**49. Permitting escape of person in custody.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) when in command of a guard, piquet, patrol or post, releases without proper authority, whether wilfully or without reasonable excuse, any person committed to his charge or refuses to receive any prisoner or person so committed; or

(b) wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard; shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and if he has not acted wilfully, to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

**50. Irregularity in connection with arrest or confinement.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or

(b) having committed a person to air force custody fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within forty-eight hours thereafter, to the officer or other person into whose custody the person arrested is committed, an account in writing signed by himself of the offence with which the person so committed is charged;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

**51. Escape from custody.**—Any person subject to this Act who, being in lawful custody, escapes or attempts to escape, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**52. Offences in respect of property.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) commits theft of any property belonging to the Government, or to any military, naval or air force mess, band or institution, or to any person subject to military, naval or air force law; or

(b) dishonestly misappropriates or converts to his own use any such property; or

(c) commits criminal breach of trust in respect of any such property; or

(d) dishonestly receives or retains any such property in respect of which any of the offences under clauses (a), (b) and (c) has been committed, knowing or having reason to believe the commission of such offence; or

(e) wilfully destroys or injures any property of the Government entrusted to him; or

(f) does any other thing with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

**53. Extortion and corruption.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) commits extortion; or

(b) without proper authority exacts from any person money, provisions or service;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

**54. Making away with equipment.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) makes away with, or is concerned in making away with, any arms, ammunition, equipment, instruments, tools, clothing or any other thing being the property of the Government issued to him for his use or entrusted to him; or

(b) loses by neglect anything mentioned in clause (a); or

(c) sells, pawns, destroys or defaces any medal or decoration granted to him;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clause (a) to ten years, and in the case of the offences specified in the other clauses to five years, or such less punishment as is in this Act mentioned.

**55. Injury to property.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) destroys or injures any property mentioned in clause (a) of section 54, or any property belonging to any military, naval or air force mess, band or institution, or to any person subject to military, naval or air force law, or serving with, or attached to, the Air Force; or

(b) commits any act which causes damage to, or destruction of, any property of the Government by fire; or

(c) kills, injures, makes away with, ill-treats or loses any animal entrusted to him;

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and if he has acted without reasonable excuse to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**56. False accusation.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) makes a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or

(b) in making a complaint under section 26 or section 27 makes any statement affecting the character of any person subject to this Act, knowing or having reason to believe such statement to be false, or knowingly and wilfully suppresses any material facts;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**57. Falsifying official documents and false declaration.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) in any report, return, list, certificate, book or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes, or is privy to the making of, any false or fraudulent statement; or

(b) in any document of the description mentioned in clause (a) knowingly makes, or is privy to the making of, any omission, with intent to defraud; or

(c) knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters or makes away with any document which it is his duty to preserve or produce; or

(d) where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or

(e) obtains for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

**58. Signing in blank and failure to report.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) when signing any document relating to pay, arms, ammunition, equipment, clothing, supplies or stores, or any property of the Government fraudulently leaves in blank any material part for which his signature is a voucher; or

(b) refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send;  
shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**59. Offences relating to courts-martial.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being duly summoned or ordered to attend as a witness before a court-martial, wilfully or without reasonable excuse, makes default in attending; or

(b) refuses to take an oath or make an affirmation legally required by a court-martial to be taken or made; or

(c) refuses to produce or deliver any document in his power or control legally required by a court-martial to be produced or delivered by him; or

(d) refuses when a witness to answer any question which he is by law bound to answer; or

(e) is guilty of contempt of court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

**60. False evidence.**—Any person subject to this Act who, having been duly sworn or affirmed before any court-martial or other court competent under this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**61. Unlawful detention of pay.**—Any officer, warrant officer or non-commissioned officer who, having received the pay of a person subject to this Act unlawfully detains or refuses to pay the same when due, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

**62. Offences in relation to aircraft and flying.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) wilfully or without reasonable excuse damages, destroys or loses any aircraft or aircraft material belonging to the Government; or

(b) is guilty of any act or neglect likely to cause such damage, destruction or loss; or

(c) without lawful authority disposes of any aircraft or aircraft material belonging to the Government; or

(d) is guilty of any act or neglect in flying, or in the use of any aircraft, or in relation to any aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person; or

(e) during a state of war, wilfully and without proper occasion, or negligently, causes the sequestration, by or under the authority of a neutral State, or the destruction in a neutral State, of any aircraft belonging to the Government;

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned, and, in any other case, to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**63. Other offences relating to aircraft and flying.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) signs any certificate in relation to an aircraft or aircraft material belonging to the Government without ensuring the accuracy thereof; or

(b) being the pilot of an aircraft belonging to the Government, flies it at a height less than such height as may be specified by the Commander-in-Chief, except while taking off or landing, or in such other circumstances as may be specified by the Commander-in-Chief; or

(c) being the pilot of an aircraft belonging to the Government, flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

**64. Disobedience of lawful command of captain of aircraft.**—Any person subject to this Act who, whatever his rank, commits any of the following offences, that is to say,—

(a) while he is in an aircraft disobeys any lawful command given by the captain of the aircraft, whether such captain is subject to this Act or not, as respects all matters relating to the flying or handling of the aircraft, or affecting the safety thereof; or

(b) being the captain of a glider aircraft towed by another aircraft disobeys any lawful command given by the captain of the towing aircraft, whether the latter is subject to this Act or not, as respects all matters aforesaid;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

**65. Violation of good order and air force discipline.**—Any person subject to this Act who is guilty of any act or omission which though not specified in this Act, is prejudicial to good order and air force discipline shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**66. Miscellaneous offences.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority; or

(b) by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person; or

(c) attempts to commit suicide, and in such attempt does any act towards the commission of such offence; or

(d) being below the rank of warrant officer, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to or returning from, any town or bazar, carrying a rifle, sword or other offensive weapon; or

(e) directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service; or

(f) commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**67. Attempt.**—Any person subject to this Act who attempts to commit any of the offences specified in sections 34 to 66 inclusive, and in such attempt does any act towards the commission of the offence shall, on conviction by court-martial, where no express provision is made by this Act for the punishment of such attempt, be liable,

if the offence attempted to be committed is punishable with death, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if the offence attempted to be committed is punishable with imprisonment, to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

**68. Abetment of offences that have been committed.**—Any person subject to this Act who abets the commission of any of the offences specified in sections 34 to 66 inclusive, shall, on conviction by court-martial, if the act abetted is committed in consequence of the abetment and no express provision is made by this Act for the punishment of such abetment, be liable to suffer the punishment provided for that offence or such less punishment as is in this Act mentioned.

**69. Abetment of offences punishable with death and not committed.**—Any person subject to this Act who abets the commission of any of the offences punishable with death under sections 34, 37 and sub-section (I) of section 38 shall, on conviction by court-martial, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

**70. Abetment of offences punishable with imprisonment and not committed.**—Any person subject to this Act who abets the commission of any of the offences specified in sections 34 to 66 inclusive, and punishable with imprisonment shall, on conviction by court-martial, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to one half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

**71. Civil offences.**—Subject to the provisions of section 72, any person subject to this Act who at any place in or beyond India commits any civil offence shall be deemed to be guilty of an offence against this Act and, if charged therewith

under this section shall be liable to be tried by a court-martial and, on conviction, be punishable as follows, that is to say,—

(a) if the offence is one which would be punishable under any law in force in India with death or with transportation, he shall be liable to suffer any punishment, other than whipping, assigned for the offence, by the aforesaid law and such less punishment as is in this Act mentioned; and

(b) in any other case, he shall be liable to suffer any punishment other than whipping, assigned for the offence by any law in force in India, or imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**72. Civil offences not triable by court-martial.**—A person subject to this Act who commits an offence of murder against a person not subject to military, naval or air force law, or of culpable homicide not amounting to murder against such a person or of rape in relation to such a person, shall not be deemed to be guilty of an offence against this Act and shall not be tried by a court-martial, unless he commits any of the said offences—

(a) while on active service, or

(b) at any place outside India, or

(c) at a frontier post specified by the said Government by notification in this behalf.

*Explanation.*—In this section and in section 71, "India" does not include the State of Jammu and Kashmir.

## CHAPTER VII.

### PUNISHMENTS

**73. Punishments awardable by courts-martial.**—Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by courts-martial according to the scale following, that is to say,—

(a) death;

(b) transportation for life or for any period not less than seven years, in respect of civil offences;

(c) imprisonment, either rigorous or simple, for any period not exceeding fourteen years;

(d) detention for a term not exceeding two years in the case of airmen;

(e) cashiering, in the case of officers;

(f) dismissal from service;

(g) reduction to the ranks or to a lower rank or classification, in the case of warrant officers and non-commissioned officers:

Provided that a warrant officer reduced to the ranks shall not be required to serve in the ranks as an airman;

(h) forfeiture of seniority of rank, in the case of officers, warrant officers and non-commissioned officers; and forfeiture of all or any part of their service for the purpose of promotion, in the case of any of them whose promotion depends upon length of service;

(i) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;

(j) severe reprimand or reprimand, in the case of officers, warrant officers and non-commissioned officers;



(h) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active service;

(l) forfeiture in the case of a person sentenced to cashiering or dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such cashiering or dismissal;

(m) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

**74. Alternative punishments awardable by court-martial.**—Subject to the provisions of this Act, a court-martial may, on convicting a person subject to this Act of any of the offences specified in sections 34 to 70 inclusive, award either the particular punishment with which the offence is stated in the said sections to be punishable, or, in lieu thereof, any one of the punishments lower in the scale set out in section 73, regard being had to the nature and degree of the offence.

**75. Combination of punishments.**—A sentence of a court-martial may award in addition to, or without any one other punishment, the punishment specified in clause (e) or clause (f) of section 73 and any one or more of the punishments specified in clauses (g) to (m) of that section.

**76. Cashiering of officers.**—An officer shall be sentenced to be cashiered before he is awarded any of the punishments specified in clauses (a) to (c) of section 73.

**77. Field punishment.**—(1) Where any person subject to this Act and under the rank of warrant officer commits any offence on active service, it shall be lawful for a court-martial to award for that offence any such punishment as is prescribed as a field punishment.

(2) Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb and shall not include flogging.

**78. Position of field punishment in scale of punishments.**—Field punishment shall for the purpose of commutation be deemed to stand next below dismissal in the scale of punishments specified in section 73.

**79. Result of certain punishments in the case of a warrant officer or a non-commissioned officer.**—A warrant officer or a non-commissioned officer sentenced by a court-martial to transportation, imprisonment, detention, field punishment or dismissal from the service shall be deemed to be reduced to the ranks.

**80. Retention in the ranks of a person convicted on active service.**—When, on active service, any enrolled person has been sentenced by a court-martial to dismissal, or to transportation, imprisonment or detention, whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks and such service shall be reckoned as part of his term of transportation, imprisonment or detention, if any.

**81. Punishments otherwise than by court-martial.**—Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of a court-martial and in the manner stated in sections 82 and 86.

**82. Punishment of persons other than officers and warrant officers.**—Subject to the provisions of section 84, a commanding officer or such other officer as is, with the consent of the Central Government, specified by the ~~Commander in Chief~~, may, in the prescribed manner, proceed against a person subject to this

[The Lt Chief of the Air Staff]

Subs. by S.2 of Act 19 of 1955 (from 2.5.55)

Act otherwise than as an officer or warrant officer who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say,—

- (a) detention up to twenty-eight days;
- (b) confinement to the camp up to fourteen days;
- (c) extra guards or duties not exceeding three in number;
- (d) deprivation of acting rank;
- (e) forfeiture of badge pay;
- (f) severe reprimand or reprimand;
- (g) fine up to fourteen days' pay in any one month;
- (h) penal deductions under clause (g) of section 92;
- (i) admonition;
- (j) any prescribed field punishment up to twenty-eight days, in the case of a person on active service.

**83. Requirement of sanction in certain cases.**—(1) Subject to the provisions of sub-section (2), the punishments mentioned in section 82 shall not be inflicted in respect of an offence under any of the sections 34, 35 and 36 when committed on active service or under any of the sections 37, 38, 40, 42(f) and (g), 43, 47, 52, 60, 62, 63, 64, 36(a), (b) and (c) and 71 except with the previous sanction in writing of an officer having power to convene a district court-martial.

(2) The said punishments may be awarded without such sanction in the case of any offence, other than an offence under section 34 or section 71, committed by persons who have not been enrolled as combatants.

**84. Limit of punishments under section 82.**—(1) An award of punishment under section 82 shall not include field punishment in addition to one or more of the punishments specified in clauses (a) and (b) of that section.

(2) In the case of an award of two or more of the punishments specified in clauses (a), (b) and (c) of the said section, the punishment specified in clause (b) or clause (c) shall take effect only at the end of the punishment specified in clause (a).

(3) When two or more of the punishments specified in the said clauses (a) and (b) are awarded to a person conjointly, or when already undergoing one or more of the said punishments, the whole extent of the punishments shall not exceed in the aggregate forty-two days.

(4) The punishments specified in clauses (a), (b), (c), (e), (g) and (j) of section 82 shall not be awarded to any person who is of the rank of non-commissioned officer or was, at the time of committing the offence for which he is punished, of such rank.

(5) The punishment specified in clause (f) of the said section shall not be awarded to any person below the rank of a non-commissioned officer.

**85. Punishments in addition to those specified in section 82.**—~~The Commander-in-Chief~~ <sup>[The Chief of the Air Staff]</sup> may, with the consent of the Central Government, specify such other punishments as may be awarded under section 82 in addition to or without any of the punishments specified in the said section, and the extent to which such other punishments may be awarded.

**86. Punishment of officers and warrant officers.**—An officer having power to convene a general court-martial or such other officer as is, with the consent of the Central Government, specified by ~~the Commander-in-Chief~~ <sup>[The Chief of the Air Staff]</sup> may, in the

1/2 Subs/Reg s. 2 of Act 19 of 1955 (from 7.5.55)

prescribed manner, proceed against an officer below the rank of squadron leader or a warrant officer, who is charged with an offence under this Act, and award one or more of the following punishments, that is to say,—

(a) forfeiture of seniority, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by a court-martial;

(b) severe reprimand or reprimand;

(c) stoppage of pay and allowance until any proved loss or damage occasioned by the offence of which he is convicted is made good but subject to the right of the accused specified in clause (a);

(d) forfeiture of pay and allowances for a period not exceeding three months for an offence under clause (e) of section 42 in so far as it consists of neglect to obey flying orders or under section 62 or section 63.

87. Transmission of proceedings.—In every case in which punishment has been awarded under section 86, certified true copies of the proceedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment, to a superior air force authority as defined in section 89.

88. Review of proceedings.—If any punishment awarded under section 86 appears to a superior air force authority as defined in section 89 to be illegal, unjust or excessive, such authority may cancel, vary or remit the punishment and make such other directions as may be appropriate in the circumstances of the case.

89. Superior air force authority.—For the purposes of sections 87 and 88, a “superior air force authority” means—

(a) in the case of punishments awarded by a commanding officer, any officer superior in command to such commanding officer;

(b) in the case of punishments awarded by any other authority, the Central Government, ~~the Commander-in-Chief~~ or other officer specified by ~~the Commander-in-Chief~~ [the Chief of the Air Staff] 1/2

90. Collective fines.—(1) Whenever any weapon or part of a weapon forming part of the equipment of a unit or detachment is lost or stolen, the officer commanding such unit or detachment may, after obtaining the report of a court of inquiry, impose a collective fine upon the warrant officers, non-commissioned officers and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

(2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.

## CHAPTER VIII

### PENAL DEDUCTIONS

91. Deductions from pay and allowances of officers.—The following penal deductions may be made from the pay and allowances of an officer, that is to say,—

(a) all pay and allowances due to an officer for every day he absents himself without leave, unless a satisfactory explanation has been given to his commanding officer and has been approved by the Central Government;

1/2 Subs. by S. 2 of Act 19 of 1955 (from 7.5.55)

(b) all pay and allowances for every day while he is in custody or under suspension from duty on a charge for an offence of which he is afterwards convicted by a criminal court or a court-martial or by an officer exercising authority under section 86;

(c) any sum required to make good the pay of any person subject to this Act which he has unlawfully retained or unlawfully refused to pay;

(d) any sum required to make good such compensation for any expenses, loss, damage or destruction occasioned by the commission of an offence as may be determined by the court-martial by whom he is convicted of such offence, or by an officer exercising authority under section 86;

(e) all pay and allowances ordered by a court-martial or an officer exercising authority under section 86 to be forfeited or stopped;

(f) any sum required to pay a fine awarded by a criminal court or a court-martial exercising jurisdiction under section 71;

(g) any sum required to make good any loss, damage, or destruction of public or service property which, after due investigation, appears to the Central Government to have been occasioned by the wrongful act or negligence on the part of the officer;

(h) all pay and allowances forfeited by order of the Central Government if the officer is found by a court of inquiry constituted by the ~~Commander-in-Chief~~ <sup>the Chief of the Air Staff</sup> in this behalf, to have deserted to the enemy, or while in enemy hands, to have served with, or under the orders of, the enemy or in any manner to have aided the enemy, or to have allowed himself to be taken prisoner by the enemy through want of due precaution or through disobedience of orders or wilful neglect of duty, or having been taken prisoner by the enemy, to have failed to rejoin his service when it was possible to do so;

(i) any sum required by order of the Central Government to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

**92. Deductions from pay and allowances of airmen.**—Subject to the provisions of section 95, the following penal deductions may be made from the pay and allowances of an airman, that is to say,—

(a) all pay and allowances for every day of absence either on desertion or without leave, or as a prisoner of war, and for every day of transportation or imprisonment awarded by a criminal court, or a court-martial, or of detention, or field punishment awarded by a court-martial or an officer exercising authority under section 82;

(b) all pay and allowances for every day while he is in custody on a charge for an offence of which he is afterwards convicted by a criminal court or a court-martial, or on a charge of absence without leave for which he is afterwards awarded detention or field punishment by an officer exercising authority under section 82;

(c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by an offence under this Act committed by him;

(d) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be specified by order of the Central Government or by such officer as may be specified by that Government;

*Subs. Regs. 2 of Act 19 of 1955 (from 7.5.55)*

(e) all pay and allowances ordered by a court-martial or by an officer exercising authority under section 82 or section 86 to be forfeited or stopped;

(f) all pay and allowances for every day between his being recovered from the enemy and his dismissal from the service in consequence of his conduct when being taken prisoner by, or while in the hands of, the enemy;

(g) any sum required to make good such compensation for any expenses, loss, damage or destruction caused by him to the Central Government or to any building or property as may be awarded by his commanding officer;

(h) any sum required to pay a fine awarded by a criminal court, a court-martial exercising jurisdiction under section 71, or an officer exercising authority under section 82 or section 90;

(i) any sum required by order of the Central Government or any prescribed officer to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

**93. Computation of time of absence or custody.**—For the purposes of clauses (a) and (b) of section 92—

(a) no person shall be treated as absent or in custody for a day unless the absence or custody has lasted, whether wholly in one day, or partly in one day and partly in another, for six consecutive hours or upwards;

(b) any absence or custody for less than a day may be reckoned as absence or custody for a day if such absence or custody prevented the absentee from fulfilling any air force duty which was thereby thrown upon some other person;

(c) absence or custody for twelve consecutive hours or upwards may be reckoned as absence or custody for the whole of each day during any portion of which the person was absent or in custody;

(d) a period of absence, or imprisonment, which commences before and ends after, midnight may be reckoned as a day.

**94. Pay and allowances during trial.**—In the case of any person subject to this Act who is in custody or under suspension from duty on a charge for an offence, the prescribed officer may direct that the whole or any part of the pay and allowances of such person shall be withheld, pending the result of his trial on the charge against him, in order to give effect to the provisions of clause (b) of sections 91 and 92.

**95. Limit of certain deductions.**—The total deductions from the pay and allowances of a person made under clauses (e) and (g) to (i) of section 92 shall not, except where he is sentenced to dismissal, exceed in any one month one-half of his pay and allowances for that month.

**96. Deduction from public money due to a person.**—Any sum authorised by this Act to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a pension.

**97. Pay and Allowances of prisoner of war during inquiry into his conduct.**—Where the conduct of any person subject to this Act when being taken prisoner by, or while in the hands of, the enemy, is to be inquired into under this Act or any other law, the ~~Commander-in-Chief~~ or any officer authorised by him may order that the whole or any part of the pay and allowances of such person shall be withheld pending the result of such inquiry.

*↳ [the Chief of the Air Staff]*

*↳ Subs. by S 2 of Act 19 of 1955 (from 7.5.55)*

98. **Remission of deductions.**—Any deduction from pay and allowances authorised by this Act may be remitted in such manner, and to such extent, and by such authority, as may from time to time be prescribed.

99. **Provision for dependants of prisoner of war from remitted deductions.**—In the case of all persons subject to this Act, being prisoners of war, whose pay and allowances have been forfeited under clause (h) of section 91 or clause (a) of section 92, but in respect of whom a remission has been made under section 98, it shall be lawful for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

100. **Provision for dependants of prisoner of war from his pay and allowances.**—It shall be lawful for proper provision to be made by the prescribed authorities for any dependants of any person subject to this Act, who is a prisoner of war or is missing, out of his pay and allowances.

101. **Period during which a person is deemed to be a prisoner of war.**—For the purposes of sections 99 and 100, a person shall be deemed to continue to be a prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 97, and if he is cashiered or dismissed from the service in consequence of such conduct, until the date of such cashiering or dismissal.

## CHAPTER IX

### ARREST AND PROCEEDINGS BEFORE TRIAL

102. **Custody of offenders.**—(1) Any person subject to this Act who is charged with an offence may be taken into air force custody.

(2) Any such person may be ordered into air force custody by any superior officer.

(3) Any officer may order into air force custody any officer, though he may be of a higher rank, engaged in a quarrel, affray or disorder.

103. **Duty of commanding officer in regard to detention.**—(1) It shall be the duty of every commanding officer to take care that a person under his command when charged with an offence is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him, without the charge being investigated, unless investigation within that period seems to him to be impracticable with due regard to the public service.

(2) Every case of a person being detained in custody beyond a period of forty-eight hours, and the reason thereof shall be reported by the commanding officer to the air or other officer to whom application would be made to convene a general or district court-martial for the trial of the person charged.

(3) In reckoning the period of forty-eight hours specified in sub-section (1), Sundays and public holidays shall be excluded.

(4) Subject to the provisions of this Act, the Central Government may make rules providing for the manner in which and the period for which any person subject to this Act may be taken into and detained in air force custody, pending the trial by any competent authority for any offence committed by him.

104. **Interval between committal and court-martial.**—In every case where any such person as is mentioned in section 102 and as is not on active service remains in such custody for a longer period than eight days, without a court-martial for his trial being ordered to assemble, a special report giving reasons for

the delay shall be made by his commanding officer in the manner prescribed; and a similar report shall be forwarded every eight days until a court-martial is assembled or such person is released from custody.

**105. Arrest by civil authorities.**—Whenever any person subject to this Act, who is accused of any offence under this Act, is within the jurisdiction of any magistrate or police officer, such magistrate or police officer shall aid in the apprehension and delivery to air force custody of such person upon receipt of a written application to that effect signed by his commanding officer.

**106. Capture of deserters.**—(1) Whenever any person subject to this Act deserts, the commanding officer of the unit or detachment to which he belongs, shall give written information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a magistrate, and shall deliver the deserter, when apprehended, into air force custody.

(2) Any police officer may arrest without warrant any person reasonably believed to be subject to this Act, and to be a deserter or to be travelling without authority, and shall bring him without delay before the nearest magistrate, to be dealt with according to law.

**107. Inquiry into absence without leave.**—(1) When any person subject to this Act has been absent from his duty without due authority for a period of thirty days, a court of inquiry shall, as soon as practicable, be assembled, and such court shall, on oath or affirmation administered in the prescribed manner, inquire respecting the absence of the person, and the deficiency, if any, in the property of the Government entrusted to his care, or in any arms, ammunition, equipment, instruments, clothing or necessaries, and if satisfied of the fact of such absence without due authority or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any; and the commanding officer of the unit to which the person belongs shall enter in the court-martial book of the unit a record of declaration.

(2) If the person declared absent does not afterwards surrender or is not apprehended, he shall, for the purposes of this Act, be deemed to be a deserter.

**108. Provost-marshals.**—(1) Provost-marshals may be appointed by ~~the Commander-in-Chief~~, or by any prescribed officer. *[the Chief of the Air Staff]*

(2) The duties of a provost-marshal are to take charge of persons confined for any offence, to preserve good order and discipline, and to prevent breaches of the same by persons serving in, or attached to, the Air Force.

(3) A provost-marshal may at any time arrest and detain for trial any person subject to this Act who commits, or is charged with, an offence, and may also carry into effect any punishment to be inflicted in pursuance of the sentence awarded by a court-martial, or by an officer exercising authority under section 82 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 purposes of sub-sections (2) and (3), a provost-marshal shall be deemed to include a provost-marshal appointed under the Army Act or the Navy Act and any person legally exercising authority under him or on his behalf.

*Subs. by S. 2 of Act 19 of 1955 (from 7.5.55).*

CHAPTER X  
COURTS-MARTIAL

109. Different kinds of courts-martial.—For the purposes of this Act there shall be three kinds of courts-martial, that is to say,—

- (a) general courts-martial;
- (b) district courts-martial; and
- (c) summary general courts-martial.

1/2 [The Chief of the Air Staff]

110. Power to convene a general court-martial.—A general court-martial may be convened by the Central Government or ~~the Commander-in-Chief~~ or by any officer empowered in this behalf by warrant of ~~the Commander-in-Chief~~.

111. Power to convene a district court-martial.—A district court-martial may be convened by an officer having power to convene a general court-martial, or by any officer empowered in this behalf by warrant of any such officer.

112. Contents of warrants issued under sections 110 and 111.—A warrant issued under section 110 or section 111 may contain such restrictions, reservations or conditions as the officer issuing it may think fit.

113. Power to convene a summary general court-martial.—The following authorities shall have the power to convene a summary general court-martial, namely:—

- (a) an officer empowered in this behalf by an order of the Central Government or of ~~the Commander-in-Chief~~; [The Chief of the Air Staff] 1/2
- (b) on active service, the officer commanding the forces in the field, or any officer empowered by him in this behalf;
- (c) an officer commanding any detached portion of the Air Force on active service when, in his opinion, it is not practicable, with due regard to discipline and the exigencies of the service, that an offence should be tried by a general court-martial.

114. Composition of general court-martial.—A general court-martial shall consist of not less than five officers, each of whom has held a commission for not less than three whole years and of whom not less than four are of a rank not below that of flight-lieutenant.

115. Composition of district court-martial.—A district court-martial shall consist of not less than three officers, each of whom has held a commission for not less than two whole years.

116. Composition of summary general court-martial.—A summary general court-martial shall consist of not less than three officers.

117. Dissolution of court-martial.—(1) If a court-martial after the commencement of a trial is reduced below the minimum number of officers required by this Act, it shall be dissolved.

(2) If, on account of the illness of the judge advocate or of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(3) The officer who convened a court-martial may dissolve such court-martial if it appears to him that the exigencies of the service or the necessities of discipline render it impossible or inexpedient to continue the said court-martial.

1/2 Subs. by s. 2 of Act 19 of 1955 (from 7.5.55)



(4) Where a court-martial is dissolved under this section, the accused may be tried again.

**118. Powers of general and summary general courts-martial.**—A general or summary general court-martial shall have power to try any person subject to this Act for any offence punishable therein and to pass any sentence authorised thereby.

**119. Powers of district court-martial.**—A district court-martial shall have power to try any person subject to this Act other than an officer or warrant officer for any offence made punishable therein, and to pass any sentence authorised by this Act other than a sentence of death, transportation, or imprisonment for a term exceeding two years.

**120. Prohibition of second trial.**—When any person subject to this Act has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been dealt with under section 82 or section 86, he shall not be liable to be tried again for the same offence by a court-martial or dealt with under the said sections.

**121. Period of limitation for trial.**—(1) Except as provided by sub-section (2), no trial by court-martial of any person subject to this Act for any offence shall be commenced after the expiration of a period of three years from the date of such offence.

(2) The provisions of sub-section (1) shall not apply to a trial for an offence of desertion or fraudulent enrolment or for any of the offences mentioned in section 37.

(3) In the computation of the period of time mentioned in sub-section (1), any time spent by such person as a prisoner of war, or in enemy territory, or in evading arrest after the commission of the offence, shall be excluded.

(4) No trial for an offence of desertion, other than desertion on active service or of fraudulent enrolment 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 with any portion of the Air Force.

**122. Liability of offender who ceases to be subject to Act.**—(1) Where an offence under this Act had been committed by any person while subject to this Act, and he has ceased to be so subject, he may be taken into and kept in air force custody, and tried and punished for such offence as if he continued to be so subject.

(2) Except as provided by sub-sections (3) and (4), any such person shall not be tried for an offence, unless his trial commences within six months after he had ceased to be subject to this Act.

(3) The provisions of sub-section (2) shall not apply to the trial of any such person for an offence of desertion or fraudulent enrolment or for any of the offences mentioned in section 37.

(4) Nothing contained in sub-section (2) shall affect the jurisdiction of a civil court to try any offence triable by such court as well as by a court-martial.

(5) When a person subject to this Act is sentenced by a court-martial to transportation or imprisonment, this Act shall apply to him during the term of

his sentence, though he is cashiered or dismissed from the Air Force, or has otherwise ceased to be subject to this Act, and he may be kept, removed, imprisoned and punished as if he continued to be subject to this Act.

(6) When a person subject to this Act is sentenced by a court-martial to death, this Act shall apply to him till the sentence is carried out.

123. Place of trial.—Any person subject to this Act who commits any offence against it may be tried and punished for such offence in any place whatever

124. Choice between criminal court and court-martial.—When a criminal court and a court-martial have each jurisdiction in respect of an offence, it shall be in the discretion of ~~the Commander-in-Chief~~, the officer commanding any group, wing or station in which the accused prisoner is serving or such other officer as may be prescribed to decide before which court the proceedings shall be instituted, and, if that officer decides that they should be instituted before a court-martial, to direct that the accused person shall be detained in air force custody.

125. Power of criminal court to require delivery of offender.—(1) When a criminal court having jurisdiction is of opinion that proceedings shall be instituted before itself in respect of any alleged offence, it may, by written notice, require the officer referred to in section 124 at his option, either to deliver over the offender to the nearest magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Central Government,

(2) In every such case the said officer shall either deliver over the offender in compliance with the requisition, or shall forthwith refer the question as to the court before which the proceedings are to be instituted for the determination of the Central Government whose order upon such reference shall be final.

126. Successive trials by a criminal court and a court-martial.—(1) A person convicted or acquitted by a court-martial may, with the previous sanction of the Central Government, be tried again by a criminal court for the same offence, or on the same facts.

(2) If a person sentenced by a court-martial under this Act or punished under section 82 or section 86 is afterwards tried and convicted by a criminal court for the same offence, or on the same facts, that court shall, in awarding punishment have regard to the punishment he may already have undergone for the said offence.

## CHAPTER XI

### PROCEDURE OF COURTS-MARTIAL

127. Presiding Officer.—At every general, district or summary general court-martial the senior member shall be the presiding officer.

128. Judge Advocate.—Every general court-martial shall, and every district or summary general court-martial may, be attended by a judge advocate, who shall be either an officer belonging to the department of the Chief Legal Adviser or if no such officer is available, an officer approved by the Chief Legal Adviser or any of his deputies.

129. Challenges.—(1) At all trials by general, district or summary general courts-martial, as soon as the court is assembled, the names of the presiding officer and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

↓ Subs. by s. 2 of Act 19 of Act 1955 (from 7.5.55)

↓ [The Chief of the Air Staff]

(2) If the accused objects to any such officer, his objection, and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

(3) If the objection is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the accused to object.

(4) When no challenge is made, or when challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

**130. Oaths of member, judge advocate and witness.**—(1) An oath or affirmation in the prescribed manner shall be administered to every member of every court-martial and to the judge advocate before the commencement of the trial.

(2) Every person giving evidence before a court-martial shall be examined after being duly sworn or affirmed in the prescribed form.

(3) The provisions of sub-section (2) shall not apply where the witness is a child under twelve years of age and the court-martial is of opinion that though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation.

**131. Voting by members.**—(1) Subject to the provisions of sub-sections (2) and (3), every decision of a court-martial shall be passed by an absolute majority of votes; and where there is an equality of votes on either the finding or the sentence, the decision shall be in favour of the accused.

(2) No sentence of death shall be passed by a general court-martial without the concurrence of at least two-thirds of the members of the court.

(3) No sentence of death shall be passed by a summary general court-martial without the concurrence of all the members.

(4) In matters other than a challenge or the finding or sentence, the presiding officer shall have a casting vote.

**132. General rule as to evidence.**—The Indian Evidence Act, 1872 (I of 1872), shall, subject to the provisions of this Act, apply to all proceedings before a court-martial.

**133. Judicial notice.**—A court-martial may take judicial notice of any matter within the general air force knowledge of the members.

**134. Summoning witnesses.**—(1) The convening officer, the presiding officer of a court-martial, the judge advocate or the commanding officer of the accused person, may, by summons under his hand, require the attendance, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(2) In the case of a witness amenable to air force authority, the summons shall be sent to his commanding officer, and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the magistrate within whose jurisdiction he may be or reside, and such magistrate shall give effect to the summons as if the witness were required in the court of such magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with reasonable precision.

**135. Documents exempted from production.—**(1) Nothing in section 134 shall be deemed to affect the operation of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), or to apply to any letter, postcard, telegram or other document in the custody of the postal or telegraph authorities.

(2) If any document in such custody is, in the opinion of any district magistrate, chief presidency magistrate, High Court or Court of Session, wanted for the purpose of any court-martial, such magistrate or court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such magistrate or court may direct.

(3) If any such document is, in the opinion of any other magistrate or of any commissioner of police or district superintendent of police, wanted for any such purpose, he may require the postal or telegraph authorities, as the case may be, to cause search to be made for and to detain such document pending the orders of any such district magistrate, chief presidency magistrate or High Court or Court of Session.

**136. Commissions for examination of witnesses.—**(1) Whenever, in the course of a trial by court-martial, it appears to the court 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, in the circumstances of the case, would be unreasonable, such court may address the Chief Legal Adviser in order that a commission to take the evidence of such witness may be issued.

(2) The Chief Legal Adviser may then, if he thinks necessary, 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.

(3) The magistrate or officer to whom the commission is issued, or, if he is the district magistrate, he or such magistrate of the first class as he appoints in this behalf, shall proceed to the 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 (Act V of 1898), or any corresponding law in force in a Part B State.

(4) When the witness resides in a tribal area or in any place outside India, the commission may be issued in the manner specified in Chapter XL of the Code of Criminal Procedure, 1898 (Act V of 1898), or of any corresponding law in force in a Part B State.

(5) In this and the next succeeding section, the expression "Chief Legal Adviser" includes a Deputy Chief Legal Adviser.

**137. Examination of a witness on commission.—**(1) The prosecutor and the accused person in any case in which a commission is issued under section 136 may respectively forward any interrogatories in writing which the court may think relevant to the issue, and the magistrate or officer executing the commission shall examine the witness upon such interrogatories.

(2) The prosecutor and the accused person may appear before such magistrate or officer 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 136 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder to the Chief Legal Adviser.

(4) On receipt of a commission and deposition returned under sub-section (3), the Chief Legal Adviser shall forward the same to the court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person; and the commission, the return thereto and the deposition shall be open to inspection by the prosecutor and the accused person, 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 court.

(5) In every case in which a commission is issued under section 136, the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

**138. Conviction of offence not charged.**—(1) A person charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged before a court-martial with attempting to desert may be found guilty of being absent without leave.

(3) A person charged before a court-martial with using criminal force may be found guilty of assault.

(4) A person charged before a court-martial with using threatening language may be found guilty of using insubordinate language.

(5) A person charged before a court-martial with any one of the offences specified in clauses (a), (b), (c) and (d) of section 52 may be found guilty of any other of these offences with which he might have been charged.

(6) A person charged before a court-martial with an offence punishable under section 71 may be found guilty of any other offence of which he might have been found guilty if the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), were applicable.

(7) A person charged before a court-martial with any offence under this Act may, on failure of proof of an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment.

(8) A person charged before a court-martial with any offence under this Act may be found guilty of having attempted or abetted the commission of that offence, although the attempt or abetment is not separately charged.

**139. Presumption as to signatures.**—In any proceeding under this Act, any application, certificate, warrant, reply, or other document purporting to be signed by an officer in the service of the Government shall, on production, be presumed to have been duly signed by the person by whom and in the character in which it purports to have been signed, until the contrary is shown.

**140. Enrolment paper.**—(1) Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given.

(2) The enrolment of such person may be proved by the production of the original or a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper.

**141. Presumption as to certain documents.**—(1) A letter, return or other document respecting the service of any person in, or the cashiering, dismissal or discharge of any person from, any portion of the Air Force, or respecting the circumstance of any person not having served in, or belonged to, any portion of the Forces, if purporting to be signed by or on behalf of the Central Government or ~~the Commander-in-Chief~~, or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document.

(2) An Army, Navy or Air Force List or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers or warrant officers therein mentioned, and of any appointment held by them and of the unit or branch of the services to which they belong.

(3) Where a record is made in any service book in pursuance of this Act or of any rules made thereunder or otherwise in pursuance of air force duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts therein stated.

(4) A copy of any record in any service book purporting to be certified to be a true copy by the officer having custody of such book shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of any officer or other person subject to this Act, or any portion of the Air Force, or has been apprehended by such officer or person, a certificate purporting to be signed by such officer, or by the commanding officer of that portion of the Air Force, or by the commanding officer of the unit, or detachment to which such person belongs, as the case may be, and stating the fact, date and place of such surrender or apprehension, and the manner in which he was dressed, shall be evidence of the matters so stated.

(6) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a police officer not below the rank of an officer in charge of a police station, a certificate purporting to be signed by such police officer and stating the fact, date and place of such surrender or apprehension and the manner in which he was dressed shall be evidence of the matters so stated.

(7) 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 and report may be used as evidence in any proceeding under this Act.

**142. Reference by accused to Government officer.**—(1) If at any trial for desertion or absence without leave, overstaying leave or not rejoining when warned for service, the person tried states in his defence any sufficient or reasonable excuse for his unauthorised absence, and refers in support thereof to any officer in the service of the Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the court shall address such officer and adjourn the proceedings until his reply is received.

(2) The written reply of any officer so referred to shall, if signed by him, be received in evidence and have the same effect as if made on oath before the court.

(3) If the court is dissolved before the receipt of such reply, or if the court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial.

**143. Evidence of previous convictions and general character.**—(1) When any person subject to this Act has been convicted by a court-martial of any

↓ Subs. by S. 2 of Act 19 of 1955 (from 7.5.55)

offence, such court-martial may inquire into, and receive and record evidence of any previous convictions of such person, either by a court-martial or by a criminal court, or any previous award of punishment under section 92 or section 86 and may further inquire into and record the general character of such person and such other matters as may be prescribed.

(2) Evidence received under this section may be either oral, or in the shape of entries in, or certified extracts from, court-martial books or other official records, and it shall not be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

**144. Lunacy of accused.**—(1) Whenever, in the course of a trial by a court-martial, it appears to the court that the person charged is by reason of unsoundness of mind incapable of making his defence, or that he committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or knowing that it was wrong or contrary to law, the court shall record a finding accordingly.

(2) The presiding officer of the court shall forthwith report the case to the confirming officer.

(3) The confirming officer to whom the case is reported under sub-section (2) may, if he does not confirm the finding, take steps to have the accused person tried by the same or another court-martial for the offence with which he was charged.

(4) A confirming officer confirming a finding in any case so reported to him under sub-section (2) shall order the accused person to be kept in custody in the prescribed manner and shall report the case for the orders of the Central Government.

(5) On receipt of a report under sub-section (4) the Central Government may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

**145. Subsequent fitness of lunatic accused for trial.**—Where any accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention under section 144, the officer commanding a unit or detachment within the area of whose command the accused is in custody or is detained, or any other officer prescribed in this behalf, may—

(a) if such person is in custody under sub-section (4) of section 144, on the report of a medical officer that he is capable of making his defence, or

(b) if such person is detained in a jail under sub-section (5) of section 144, on a certificate of the Inspector-General of Prisons, and if such person is detained in a lunatic asylum under the said sub-section on a certificate of any two or more of the visitors of such asylum that he is capable of making his defence,

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged, or, if the offence is a civil offence, by a criminal court.

**146. Transmission to Central Government of orders under section 145.**—A copy of every order made by an officer under section 145 for the trial of the accused shall forthwith be sent to the Central Government.

**147. Release of lunatic accused.**—Where any person is in custody under sub-section (4) of section 144 or under detention under sub-section (5) of that section—

(a) if such person is in custody under the said sub-section (4), on the report of a medical officer, or

(b) if such person is detained under the said sub-section (5), on a certificate from any of the authorities mentioned in clause (b) of section 145 that, in the judgment of such officer or authority such person may be released without danger of his doing injury to himself or to any other person, the Central Government may order that such person be released, or detained in custody, or transferred to a public lunatic asylum if he has not already been sent to such an asylum.

**148. Delivery of lunatic accused to relatives.**—Where any relative or friend of any person who is in custody under sub-section (4) of section 144 or under detention under sub-section (5) of that section desires that he should be delivered to his care and custody, the Central Government may upon application by such relative or friend and on his giving security to the satisfaction of that Government that the person delivered shall be properly taken care of and prevented from doing injury to himself or any other person, and be produced for the inspection of such officer, and at such times and places, as the Central Government may direct, order such person to be delivered to such relative or friend.

**149. Order for custody and disposal of property pending trial.**—When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a court-martial during a trial, 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.

**150. Order for disposal of property regarding which offence is committed.**—

(1) After the conclusion of a trial before any court-martial, the court or the officer confirming the finding or sentence of such court-martial or any authority superior to such officer, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise of any property or document produced before the court or in its custody, or regarding which any offences appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within India or not, be sent to a magistrate within whose jurisdiction such property for the time being is situated, and such magistrate shall thereupon cause the order to be carried into effect as if it were an order passed by him under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), or any corresponding law in force in a Part B State.

(3) 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.

**151. Powers of courts-martial when certain offences are committed by persons not subject to this Act.**—Any trial by a court-martial 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 (Act XLV of 1860), and the court-martial shall be deemed to be a court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).



## CHAPTER XII

## CONFIRMATION AND REVISION

**152. Finding and sentence not valid, unless confirmed.**—No finding or sentence of a general, district or summary general court-martial shall be valid except so far as it may be confirmed as provided by this Act.

**153. Power to confirm finding and sentence of general court-martial.**—The findings and sentences of general courts-martial may be confirmed by the Central Government, or by any officer empowered in this behalf by warrant of the Central Government.

**154. Power to confirm finding and sentence of district court-martial.**—The findings and sentences of district courts-martial may be confirmed by any officer having power to convene a general court-martial or by any officer empowered in this behalf by warrant of such officer.

**155. Limitation of powers of confirming authority.**—A warrant issued under section 153 or section 154 may contain such restrictions, reservations or conditions as the authority issuing it may think fit.

**156. Power to confirm finding and sentence of summary general court-martial.**—The findings and sentences of summary general courts-martial may be confirmed by the convening officer or if he so directs, by an authority superior to him.

**157. Power of confirming authority to mitigate, remit or commute sentences.**—(1) Subject to such restrictions, reservations or conditions as may be contained in any warrant issued under section 153 or section 154 and to the provisions of sub-sections (2) and (3), a confirming authority may, when confirming the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any punishment or punishments lower in the scale laid down in section 73.

(2) A sentence of transportation shall not be commuted for a sentence of imprisonment or detention for a term exceeding the term of transportation awarded by the court.

(3) A sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment awarded by the court.

**158. Confirming of findings and sentences on board a ship.**—When any person subject to this Act is tried and sentenced by a court-martial while on board a ship, the finding and sentence so far as not confirmed and executed on board the ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

**159. Revision of finding or sentence.**—(1) Any finding or sentence of a court-martial may be once revised by order of the confirming authority and on such revision, the court, if so directed by the confirming authority, may take additional evidence.

(2) The court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided that, if a general court-martial, it still consists of five officers, or, if a summary general or district court-martial, of three officers.

**160. Alteration of finding or sentence in certain cases.**—(1) Where a finding of guilty by a court-martial, which has been confirmed, is found for any reason to be invalid or cannot be supported by the evidence, the authority which would have had power under section 177 to commute the punishment awarded by the sentence, if the finding had been valid, may substitute a new finding and pass a sentence for the offence specified or involved in such finding:

Provided that no such substitution shall be made unless such finding could have been validly made by the court-martial on the charge and unless it appears that the court-martial must have been satisfied of the facts establishing the offence.

(2) Where a sentence passed by a court-martial which has been confirmed not being a sentence passed in pursuance of a new finding substituted under sub-section (1), is found for any reason to be invalid, the authority referred to in sub-section (1) may pass a valid sentence.

(3) The punishment awarded by a sentence passed under sub-section (1) or sub-section (2) shall not be higher in the scale of punishments than, or in excess of, the punishment awarded by, the sentence for which a new sentence is substituted under this section.

(4) Any finding substituted, or any sentence passed, under this section shall for the purposes of this Act and the rules made thereunder have effect as if it were a finding or sentence, as the case may be, of a court-martial.

**161. Remedy against order, finding or sentence of court-martial.**—(1) Any person subject to this Act who considers himself aggrieved by any order passed by a court-martial may present a petition to the officer or authority empowered to confirm any finding or sentence of such court-martial, and the confirming authority may take such steps as may be considered necessary to satisfy itself as to the correctness, legality or propriety of the order passed or as to the regularity of any proceeding to which the order relates.

(2) Any person subject to this Act who considers himself aggrieved by a finding or sentence of a court-martial which has been confirmed, may present a petition to the Central Government, ~~the Commander-in-Chief~~ or any prescribed officer superior in command to the one who confirmed such finding or sentence, and the Central Government, ~~the Commander-in-Chief~~ or other officer, as the case may be, may pass such order thereon as it or he thinks fit.

*↳ [The Chief of the Air Staff]*

**162. Annulment of proceedings.**—The Central Government, ~~the Commander-in-Chief~~ or any prescribed officer may annul the proceedings of any court-martial on the ground that they are illegal or unjust.

## CHAPTER XIII

### EXECUTION OF SENTENCES

**163. Form of sentence of death.**—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.

**164. Commencement of sentence of transportation or imprisonment.**—Whenever any person is sentenced by a court-martial under this Act to transportation, imprisonment or detention the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the presiding officer.

*↳ Subs. by A. 2 of Act 19 of 1955 (from 7.5.55)*

**165. Execution of sentence of transportation.**—Whenever any sentence of transportation is passed under this Act or whenever any sentence of death be commuted to transportation, the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

**166. Execution of sentence of imprisonment.**—(1) Whenever any sentence of imprisonment is passed under this Act or whenever any sentence of death or transportation is commuted to imprisonment, the confirming officer or such other officer as may be prescribed, shall, save as otherwise provided in sub-sections (3) and (4), direct either that the sentence shall be carried out by confinement in a military or air force prison or that it shall be carried out by confinement in a civil prison.

(2) When a direction has been made under sub-section (1) the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

(3) In the case of a sentence of imprisonment for a period not exceeding three months, the officers referred to in sub-section (1) may direct that the sentence shall be carried out by confinement in air force custody instead of in a civil or military or air force prison.

(4) On active service, a sentence of imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may from time to time appoint.

**167. Temporary custody of offender.**—Where a sentence of transportation or imprisonment is directed to be undergone in a civil prison, the offender may be kept in military or air force custody or in any other fit place, till such time as it is possible to send him to a civil prison.

**168. Execution of sentence of imprisonment in special cases.**—Whenever, in the opinion of an air or other officer commanding a group, any sentence or portion of a sentence of imprisonment cannot for special reasons, conveniently be carried out in a military or air force prison or in air force custody in accordance with the provisions of section 166 such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

**169. Conveyance of prisoner from place to place.**—A person under sentence of transportation or imprisonment may, during his conveyance from place to place, or when on board ship, aircraft, or otherwise, be subjected to such restraint as is necessary for his safe conduct and removal.

**170. Execution of sentence of detention.**—Whenever any sentence of detention is passed under this Act, or whenever any sentence of death, transportation or imprisonment is commuted to detention, the sentence shall be carried out by detaining the offender in any military or air force detention barracks, detention cells or other military or air force custody; and when the sentence is to be carried out by detention in any military or air force detention barracks, the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the detention barracks in which the person under sentence is to be detained, and shall forward the person under sentence to such detention barracks with the warrant.

**171. Communication of certain orders to prison officers.**—Whenever an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil, military or air force prison or detained in a military or air force detention barracks, a warrant in accordance with such order shall be forwarded by the officer making the order, or his staff officer, or such other person as may be prescribed, to the officer in charge of the prison or detention barracks in which such person is confined.

**172. Execution of sentence of fine.**—When a sentence of fine is imposed by a court-martial under section 71 whether the trial was held within India or not, a copy of such sentence, signed and certified by the confirming officer may be sent 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 (Act V of 1898), or any corresponding law in force in a Part B State, for the levy of fines as if it were a sentence of fine imposed by such magistrate.

**173. Establishment and regulation of air force prisons.**—The Central Government may set apart any building or part of a building, or any place under its control, as an air force prison or detention barracks for the confinement of persons sentenced to imprisonment or detention under this Act.

**174. Informality or error in the order or warrants.**—Whenever a person is sentenced to transportation, imprisonment or detention under this Act, and is undergoing the sentence in any place or manner in which he might be confined under a lawful order or warrant in pursuance of this Act, the confinement of such person shall not be deemed to be illegal only by reason of any informality or error in or as respects the order, warrant or other document, or the authority by which, or in pursuance whereof such person was brought into or is confined in any such place, and any such order, warrant or document may be amended accordingly.

**175. Power to make rules in respect of prisons and prisoners.**—The Central Government may make rules providing—

(a) for the government, management and regulation of air force prisons and detention barracks;

(b) for the appointment, removal and powers of inspectors, visitors, governors and officers thereof;

(c) for the labour of prisoners undergoing confinement therein, and for enabling such prisoners or persons to earn by special industry and good conduct, a remission of a portion of their sentence;

(d) for the safe custody of such prisoners or persons and the maintenance of discipline among them and the punishment, by personal correction, restraint or otherwise, of offences committed by them;

(e) for the application to air force prisons or detention barracks of any of the provisions of the Prisons Act, 1894 (IX of 1894), relating to the duties of officers of prisons and the punishment of persons not being prisoners;

(f) for the admission into any prison, at proper times and subject to proper restrictions, of persons with whom prisoners may desire to communicate, and for the consultation by prisoners under trial with their legal advisers without the presence as far as possible of any third party within hearing distance.

176. **Restriction of rule-making power in respect to corporal punishment.**—Rules made under section 175 shall not authorise corporal punishment to be inflicted for any offence, nor render the imprisonment more severe than it is under any law for the time being in force relating to civil prisons in India.

## CHAPTER XIV

## PARDONS, REMISSIONS AND SUSPENSIONS

177. **Pardon and remission.**—When any person subject to this Act has been convicted by a court-martial of any offence, the Central Government, ~~the~~ *1/2 [the Chief of the Air Staff]* Commander-in-Chief, an air or other officer commanding a group of, or the prescribed officer, may—

(a) either with or without conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or

(b) mitigate the punishment awarded; or

(c) commute such punishment for any less punishment or punishments mentioned in this Act:

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court; and a sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment so awarded;

(d) either with or without conditions which the person sentenced accepts, release the person on parole.

178. **Cancellation of conditional pardon, release on parole or remission.**—(1) 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, release or remission, and thereupon the sentence of the court shall be carried into effect as if such pardon, release or remission had not been granted.

(2) A person whose sentence of transportation, imprisonment or detention is carried into effect under the provisions of sub-section (1) shall undergo only the unexpired portion of his sentence.

179. **Reduction of warrant officer or non-commissioned officer.**—When under the provisions of section 79 a warrant officer or a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purpose of section 177 be treated as a punishment awarded by a sentence of a court-martial.

180. **Suspension of sentence of transportation, imprisonment or detention.**—(1) Where a person subject to this Act is sentenced by a court-martial to transportation, imprisonment or detention, the Central Government, ~~the~~ *1/2 [the Chief of the Air Staff]* Commander-in-Chief, or any officer empowered to convene a general or a summary general court-martial may suspend the sentence whether or not the offender has already been committed to prison or to air force custody.

(2) The authority or officer specified in sub-section (1) may in the case of an offender so sentenced direct that, until the orders of such authority or officer have been obtained, the offender shall not be committed to prison or to air force custody.

(3) The powers conferred by sub-section (1) and (2) may be exercised in the case of any such sentence which has been confirmed reduced or commuted.

*1/2 Subs. by s 2 of Act 19 of 1955 (from 2555)*

**181. Orders pending suspension.**—A confirming officer may, when confirming any sentence referred to in section 180, direct that the offender be not committed to prison or to air force custody until the orders of the authority or officer specified in section 180 have been obtained.

**182. Release on suspension.**—Where a sentence is suspended under section 180, the offender shall forthwith be released from custody.

**183. Computation of period of suspension.**—Any period during which the sentence is under suspension shall be reckoned as part of the term of such sentence.

**184. Order after suspension.**—The authority or officer specified in section 180 may, at any time while a sentence is suspended, order—

(a) that the offender be committed to undergo the unexpired portion of the sentence, or

(b) that the sentence be remitted.

**185. Reconsideration of case after suspension.**—(1) Where a sentence has been suspended, the case may at any time, and shall, at intervals of not more than four months, be reconsidered by the authority or officer specified in section 180, or by any air or other officer not below the rank of squadron leader duly authorised by the authority or officer specified in section 180.

(2) Where on such reconsideration by the officer so authorised it appears to him that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, he shall refer the matter to the authority or officer specified in section 180.

**186. Fresh sentence after suspension.**—Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then—

(a) if the further sentence is also suspended under this Act, the two sentences shall run concurrently;

(b) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall also be committed to prison or air force custody for the unexpired portion of the previous sentence, but both sentences shall run concurrently; and

(c) if the further sentence is for a period of less than three months and is not suspended under this Act, the offender shall be so committed on that sentence only, and the previous sentence shall, subject to any order which may be passed under section 184 or section 185, continue to be suspended.

**187. Scope of power of suspension.**—The powers conferred by sections 180 and 184 shall be in addition to and not in derogation of, the power of mitigation, remission and commutation.

**188. Effect of suspension and remission on dismissal.**—(1) Where in addition to any other sentence the punishment of dismissal has been awarded by a court-martial, and such other sentence is suspended under section 180, then, such dismissal shall not take effect until so ordered by the authority or officer specified in section 180.

(2) If such other sentence is remitted under section 184, the punishment of dismissal shall also be remitted.

## CHAPTER XV

## RULES

**189. Power to make rules.**—(1) The Central Government may make rules for the purpose of carrying into effect the provisions of this Act:

(2) Without prejudice to the generality of the power conferred by subsection (1), the rules made thereunder may provide for—

(a) the removal, retirement, release or discharge from the service of persons subject to this Act;

(b) the amount and incidence of fines to be imposed under section 90;

(c) the specification of the punishment which may be awarded as field punishments under sections 77 and 82;

(d) the assembly and procedure of courts of inquiry, the recording of summaries of evidence and the administration of oaths or affirmations by such courts;

(e) the convening and constituting of courts-martial and the appointment of prosecutors at trials by courts-martial;

(f) the adjournment, dissolution and sitting of courts-martial;

(g) the procedure to be observed in trials by courts-martial and the appearance of legal practitioners thereat;

(h) the confirmation, revision and annulment of, and petitions against, the findings and sentences of courts-martial;

(i) the carrying into effect of sentences of courts-martial;

(j) the forms of orders to be made under the provisions of this Act relating to courts-martial, transportation, imprisonment and detention;

(k) the constitution of authorities to decide for what persons, to what amounts and in what manner, provision should be made for dependants under section 100 and the due carrying out of such decisions;

(l) the relative rank of the officers, junior commissioned officers, warrant officers, petty officers and non-commissioned officers of the regular Army, Navy and Air Force when acting together;

(m) any other matter directed by this Act to be prescribed.

**190. Power to make regulations.**—The Central Government may make regulations for all or any of the purposes of this Act other than those specified in section 189.

**191. Publication of rules and regulations in Gazette.**—All rules and regulations made under this Act shall be published in the Official Gazette and, on such publication, shall have effect as if enacted in this Act.

**192. Repeal.**—The Indian Air Force Act, 1932 (XIV of 1932), with the exception of sections 126 to 128L thereof, is hereby repealed.

CHAPTER XVI

TRANSITORY PROVISIONS

193. Definition of "British officer".—(1) In this Chapter "British officer" means a person of non-Indian domicile holding a commission in His Majesty's Air Forces and serving in the Air Force.

(2) The expression "superior officer" in this Act shall be deemed to include a British officer.

194. Powers of British officer.—A British officer shall have all the powers conferred by this Act on an officer of corresponding rank or holding a corresponding appointment.



THE ARMY ACT, 1950

No. XLVI OF 1950

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

*See India Code  
Vol 3*

SECTIONS.

1. Short title and commencement.
2. Persons subject to this Act.
3. Definitions.

CHAPTER II

SPECIAL PROVISIONS FOR THE APPLICATION OF ACT IN CERTAIN CASES.

4. Application of Act to certain forces under Central Government.
5. Application of Act to forces of Part B States.
6. Special provision as to rank in certain cases.
7. Commanding officer of persons subject to military law under clause (i) of section 2.
8. Officers exercising powers in certain cases.
9. Power to declare persons to be on active service.

CHAPTER III

COMMISSION, APPOINTMENT AND ENROLMENT

10. Commission and appointment.
11. Ineligibility of aliens for enrolment.
12. Ineligibility of females for enrolment or employment.
13. Procedure before enrolling officer.
14. Mode of enrolment.
15. Validity of enrolment.
16. Persons to be attested.
17. Mode of attestation.

*Price annas 5 or 8d.*

## CHAPTER IV

## CONDITIONS OF SERVICE

## SECTIONS.

- 18. Tenure of service under the Act.
- 19. Termination of service by Central Government.
- 20. Dismissal, removal or reduction by Commander-in-Chief and by other officers.
- 21. Power to modify certain fundamental rights in their application to persons subject to this Act.
- 22. Retirement, release or discharge.
- 23. Certificate on termination of service.
- 24. Discharge or dismissal when out of India.

## CHAPTER V

## SERVICE PRIVILEGES

- 25. Authorised deductions only to be made from pay.
- 26. Remedy of aggrieved persons other than officers.
- 27. Remedy of aggrieved officers.
- 28. Immunity from attachment.
- 29. Immunity from arrest for debt.
- 30. Immunity of persons attending courts-martial from arrest.
- 31. Privileges of reservists.
- 32. Priority in respect of army personnel's litigation.
- 33. Saving of rights and privileges under other laws.

## CHAPTER VI

## OFFENCES

- 34. Offences in relation to the enemy and punishable with death.
- 35. Offences in relation to the enemy and not punishable with death.
- 36. Offences punishable more severely on active service than at other times.
- 37. Mutiny.
- 38. Desertion and aiding desertion.
- 39. Absence without leave.
- 40. Striking or threatening superior officers.
- 41. Disobedience to superior officer.
- 42. Insubordination and obstruction.
- 43. Fraudulent enrolment.

## SECTIONS.

44. False answers on enrolment.
45. Unbecoming conduct.
46. Certain forms of disgraceful conduct.
47. Ill-treating a subordinate.
48. Intoxication.
49. Permitting escape of person in custody.
50. Irregularity in connection with arrest or confinement.
51. Escape from custody.
52. Offences in respect of property.
53. Extortion and corruption.
54. Making away with equipment.
55. Injury to property.
56. False accusations.
57. Falsifying official documents and false declaration.
58. Signing in blank and failure to report.
59. Offences relating to courts-martial.
60. False evidence.
61. Unlawful detention of pay.
62. Offences in relation to aircraft and flying.
63. Violation of good order and discipline.
64. Miscellaneous offences.
65. Attempt.
66. Abetment of offences that have been committed.
67. Abetment of offences punishable with death and not committed.
68. Abetment of offences punishable with imprisonment and not committed.
69. Civil offences.
70. Civil offences not triable by court-martial.

## CHAPTER VII

## PUNISHMENT

71. Punishments awardable by courts-martial.
72. Alternative punishments awardable by court-martial
73. Combination of punishments.
74. Cashiering of officers.

## SECTIONS.

75. Field punishment.
76. Position of field punishment in scale of punishments.
77. Result of certain punishments in the case of a warrant officer or non-commissioned officer.
78. Retention in the ranks of a person convicted on active service.
79. Punishments otherwise than by court-martial.
80. Punishment of persons other than officers, junior commissioned officers and warrant officers.
81. Limit of punishments under section 80.
82. Punishments in addition to those specified in section 80.
83. Punishment of officers, junior commissioned officers and warrant officers by brigade commanders and others.
84. Punishment of officers, junior commissioned officers and warrant officers by area commanders and others.
85. Punishment of junior commissioned officers.
86. Transmission of proceedings.
87. Review of proceedings.
88. Superior military authority.
89. Collective fines.

## CHAPTER VIII

## PENAL DEDUCTIONS

90. Deductions from pay and allowances of officers.
91. Deductions from pay and allowances of persons other than officers.
92. Computation of time of absence or custody.
93. Pay and allowances during trial.
94. Limit of certain deductions.
95. Deduction from public money due to a person.
96. Pay and allowances of prisoner of war during inquiry into his conduct.
97. Remission of deductions.
98. Provision for dependants of prisoner of war from remitted deductions.
99. Provision for dependants of prisoner of war from his pay and allowances.
100. Period during which a person is deemed to be a prisoner of war.

CHAPTER IX

ARREST AND PROCEEDINGS BEFORE TRIAL.

SECTIONS.

- 101. Custody of offenders.
- 102. Duty of commanding officer in regard to detention.
- 103. Interval between committal and court-martial.
- 104. Arrest by civil authorities.
- 105. Capture of deserters.
- 106. Inquiry into absence without leave.
- 107. Provost-marshals.

CHAPTER X

COURTS-MARTIAL

- 108. Kinds of court-martial.
- 109. Power to convene a general court-martial.
- 110. Power to convene a district court-martial.
- 111. Contents of warrant issued under sections 109 and 110.
- 112. Power to convene a summary general court-martial.
- 113. Composition of general court-martial.
- 114. Composition of district court-martial.
- 115. Composition of summary general court-martial.
- 116. Summary court-martial.
- 117. Dissolution of courts-martial.
- 118. Powers of general and summary general courts-martial.
- 119. Powers of district courts-martial.
- 120. Powers of summary courts-martial.
- 121. Prohibition of second trial.
- 122. Period of limitation for trial.
- 123. Liability of offender who ceases to be subject to Act.
- 124. Place of trial.
- 125. Choice between criminal court and court-martial.
- 126. Power of criminal court to require delivery of offender.
- 127. Successive trials by a criminal court and court-martial.

CHAPTER XI

PROCEDURE OF COURTS-MARTIAL

- 128. Presiding officer.
- 129. Judge Advocate.
- 130. Challenges.

## SECTIONS.

131. Oaths of member, judge advocate and witness.
132. Voting by members.
133. General rule as to evidence.
134. Judicial notice.
135. Summoning witnesses.
136. Documents exempted from production.
137. Commissions for examination of witnesses.
138. Examination of a witness on commission.
139. Conviction of offence not charged.
140. Presumption as to signatures.
141. Enrolment paper.
142. Presumption as to certain documents.
143. Reference by accused to Government officer.
144. Evidence of previous convictions and general character.
145. Lunacy of accused.
146. Subsequent fitness of lunatic accused for trial.
147. Transmission to Central Government of orders under section 146.
148. Release of lunatic accused.
149. Delivery of lunatic accused to relatives.
150. Order for custody and disposal of property pending trial.
151. Order for disposal of property regarding which offence is committed.
152. Powers of court-martial in relation to proceedings under this Act.

## CHAPTER XII

## CONFIRMATION AND REVISION

153. Finding and sentence not valid, unless confirmed.
154. Power to confirm finding and sentence of general court-martial.
155. Power to confirm finding and sentence of district court-martial.
156. Limitation of powers of confirming authority.
157. Power to confirm finding and sentence of summary general court-martial.
158. Power of confirming authority to mitigate, remit or commute sentences.
159. Confirming of findings and sentences on board a ship.
160. Revision of finding or sentence.
161. Finding and sentence of a summary court-martial.

## SECTIONS.

- 162. Transmission of proceedings of summary courts-martial.
- 163. Alteration of finding or sentence in certain cases.
- 164. Remedy against order, finding or sentence of court-martial.
- 165. Annulment of proceedings.

## CHAPTER XIII

## EXECUTION OF SENTENCES

- 166. Form of sentence of death.
- 167. Commencement of sentence of transportation or imprisonment.
- 168. Execution of sentence of transportation.
- 169. Execution of sentence of imprisonment.
- 170. Temporary custody of offender.
- 171. Execution of sentence of imprisonment in special cases.
- 172. Conveyance of prisoner from place to place.
- 173. Communication of certain orders to prison officers.
- 174. Execution of sentence of fine.
- 175. Establishment and regulation of military prisons.
- 176. Informality or error in the order or warrant.
- 177. Power to make rules in respect of prisons and prisoners.
- 178. Restriction of rule-making power in regard to corporal punishment.

## CHAPTER XIV

## PARDONS, REMISSIONS AND SUSPENSIONS

- 179. Pardon and remission.
- 180. Cancellation of conditional pardon, release on parole or remission.
- 181. Reduction of warrant officer or non-commissioned officer.
- 182. Suspension of sentence of transportation or imprisonment.
- 183. Orders pending suspension.
- 184. Release on suspension.
- 185. Computation of period of suspension.
- 186. Order after suspension.
- 187. Reconsideration of case after suspension.
- 188. Fresh sentence after suspension.
- 189. Scope of power of suspension.
- 190. Effect of suspension and remission on dismissal.

CHAPTER XV

RULES

SECTIONS.

- 191. Power to make rules.
- 192. Power to make regulations.
- 193. Publication of rules and regulations in Gazette.
- 194. Repeals.

CHAPTER XVI

TRANSITORY PROVISIONS

- 195. Definition of "British officer".
- 196. Powers of British officer.

THE SCHEDULE





An Act to consolidate and amend the law relating to the government of the regular Army.

[20th May, 1950]

**BE** it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Army Act, 1950.

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

2. Persons subject to this Act.—(1) The following persons shall be subject to this Act wherever they may be, namely:—

(a) officers, junior commissioned officers and warrant officers of the regular Army;

(b) persons enrolled under this Act;

(c) persons belonging to the Indian Reserve Forces;

(d) persons belonging to the Indian Supplementary Reserve Forces when called out for service or when carrying out the annual test;

(e) officers of the Territorial Army, when doing duty as such officers, and enrolled persons of the said Army when called out or embodied or attached to any regular forces, subject to such adaptations and modifications as may be made in the application of this Act to such persons under sub-section (1) of section 9 of the Territorial Army Act, 1948 (LVI of 1948);

(f) persons holding commissions in the Army in India Reserve of Officers, when ordered on any duty or service for which they are liable as members of such reserve forces;

(g) officers appointed to the Indian Regular Reserve of Officers, when ordered on any duty or service for which they are liable as members of such reserve forces;

(h) persons belonging to the land forces of a Part B State, when such persons are attached to any body of the regular Army for service, or when the whole or a part of the said forces is acting with any body of the regular Army or is placed at the disposal of the Central Government in pursuance of a notification under section 5;

(i) persons not otherwise subject to military law who, on active service, in camp, on the march or at any frontier post specified by the Central Government by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of, the regular Army.

(2) Every person subject to this Act under clauses (a) to (h) of sub-section (1) shall remain so subject until duly retired, discharged, released, removed, dismissed or cashiered from the service.

3. Definitions.—In this Act, unless the context otherwise requires,—

(i) "active service", as applied to a person subject to this Act, means the time during which such person—

(a) is attached to, or forms part of, a force which is engaged in operations against an enemy, or

(b) is engaged in military operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or

(c) is attached to or forms part of a force which is in military occupation of a foreign country;

(ii) "civil offence" means an offence which is triable by a criminal court;

(iii) "civil prison" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894 (IX of 1894), or under any other law for the time being in force;

(iv) "~~Commander-in-Chief~~" means ~~the officer commanding in chief the regular Army;~~

(v) "commanding officer", when used in any provision of this Act, with reference to any separate portion of the regular Army or to any department thereof, means the officer whose duty it is under the regulations of the regular Army, or in the absence of any such regulations, by the custom of the service, to discharge with respect to that portion of the regular Army or that department, as the case may be, the functions of a commanding officer in regard to matters of the description referred to in that provision;

(vi) "corps" means any separate body of persons subject to this Act, which is prescribed as a corps for the purposes of all or any of the provisions of this Act;

(vii) "court-martial" means a court-martial held under this Act;

(viii) "criminal court" means a court of ordinary criminal justice in any part of India, other than the State of Jammu and Kashmir;

(ix) "department" includes any division or branch of a department;

(x) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to military law to act;

(xi) "the Forces" means the regular Army, Navy and Air Force or any part of any one or more of them,

(xii) "junior commissioned officer" means a person commissioned, gazetted or in pay as a junior commissioned officer in the regular Army or the Indian Reserve Forces, and includes a person holding a junior commission in the Indian Supplementary Reserve Forces, or the Territorial Army or a junior or equivalent commission in the land forces of a Part B State, who is for the time being subject to this Act.

*Subs. by S. 2 of Act 19 of 1955 (from 7.5.55)*

(xiii) "military custody" means the arrest or confinement of a person according to the usages of the service and includes naval or air force custody;

(xiv) "military reward" includes any gratuity or annuity for long service or good conduct, good service pay or pension, and any other military pecuniary reward;

(xv) "non-commissioned officer" means a person holding a non-commissioned rank or an acting non-commissioned rank in the regular Army or the Indian Reserve Forces, and includes a non-commissioned officer or acting non-commissioned officer of the Indian Supplementary Reserve Forces or the Territorial Army or the land forces of a Part B State, who is for the time being subject to this Act;

(xvi) "notification" means a notification published in the Official Gazette;

(xvii) "offence" means any act or omission punishable under this Act and includes a civil offence as hereinbefore defined;

(xviii) "officer" means a person commissioned, gazetted or in pay as an officer in the regular Army, and includes—

(a) an officer of the Indian Reserve Forces;

(b) an officer holding a commission in the Territorial Army granted by the President with designation of rank corresponding to that of an officer of the regular Army who is for the time being subject to this Act;

(c) an officer of the Army in India Reserve of Officers who is for the time being subject to this Act;

(d) an officer of the Indian Regular Reserve of Officers who is for the time being subject to this Act;

(e) an officer of the land forces of any Part B State who is for the time being subject to this Act;

(f) in relation to a person subject to this Act when serving under such conditions as may be prescribed, an officer of the Navy or Air Force;

but does not include a junior commissioned officer, warrant officer, petty officer or non-commissioned officer;

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

(xx) "provost-marshal" means a person appointed as such under section 107 and includes any of his deputies or assistants or any other person legally exercising authority under him or on his behalf;

(xxi) "regular Army" means officers, junior commissioned officers, warrant officers, non-commissioned officers and other enrolled persons who, by their commission, warrant, terms of enrolment or otherwise, are liable to render continuously for a term military service to the Union in any part of the world, including persons belonging to the Reserve Forces and the Territorial Army when called out on permanent service;

(xxii) "regulation" includes a regulation made under this Act;

(xxiii) "superior officer", when used in relation to a person subject to this Act, includes a junior commissioned officer, warrant officer and a non-commissioned officer, and, as regards persons placed under his orders, an officer, warrant officer, petty officer and non-commissioned officer of the Navy or Air Force;

(xxiv) "warrant officer" means a person appointed, gazetted or in pay as a warrant officer of the regular Army or of the Indian Reserve Forces, and includes a warrant officer of the Indian Supplementary Reserve Forces or of the Territorial Army or of the land forces of a Part B State who is for the time being subject to this Act;

(xxv) all words and expressions used but not defined in this Act and defined in the Indian Penal Code (Act XLV of 1860) shall be deemed to have the meanings assigned to them in that Code.

## CHAPTER II

### SPECIAL PROVISIONS FOR THE APPLICATION OF ACT IN CERTAIN CASES

**4. Application of Act to certain forces under Central Government.—**(1) The Central Government may, by notification, apply, with or without modifications, all or any of the provisions of this Act to any force raised and maintained in India under the authority of that Government, including any force maintained by a Part B State, and suspend the operation of any other enactment for the time being applicable to the said force.

(2) The provisions of this Act so applied shall have effect in respect of persons belonging to the said force as they have effect in respect of persons subject to this Act holding in the regular Army the same or equivalent rank as the aforesaid persons hold for the time being in the said force.

(3) The provisions of this Act so applied shall also have effect in respect of persons who are employed by or are in the service of or are followers of or accompany any portion of the said force as they have effect in respect of persons subject to this Act under clause (i) of section 2.

(4) While any of the provisions of this Act apply to the said force, the Central Government may, by notification, direct by what authority any jurisdiction, powers or duties incident to the operation of these provisions shall be exercised or performed in respect of the said force.

**5. Application of Act to forces of Part B States.—**(1) The Central Government may, by notification, direct that any person or persons belonging to the land forces of any Part B State shall be attached to any body of the regular Army or that the whole or a part of the said forces shall act with any body of the regular Army, or shall be placed at the disposal of the Central Government, and thereupon the persons so attached and members of the said force shall become subject to this Act.

(2) The relative rank of officers, junior commissioned officers, warrant officers and non-commissioned officers of such forces and of the regular Army shall be such as may be determined by the Central Government or by such other authority as may be prescribed.

**6. Special provision as to rank in certain cases.—**(1) The Central Government may, by notification, direct that any persons or class of persons subject to this Act under clause (i) of section 2 shall be so subject as officers, junior commissioned officers, warrant officers or non-commissioned officers and may authorise any officer to give a like direction and to cancel such direction.

(2) All persons subject to this Act other than officers, junior commissioned officers, warrant officers and non-commissioned officers shall, if they are not persons in respect of whom a notification or direction under sub-section (1) is in force, be deemed to be of a rank inferior to that of a non-commissioned officer.

**7. Commanding officer of persons subject to military law under clause (i) of section 2.—**(1) Every person subject to this Act under clause (i) of section 2 shall, for the purposes of this Act, be deemed to be under the commanding officer of the corps, department or detachment, if any, to which he is attached; and, if he is not so attached, under the command of any officer who may for the time being be named as his commanding officer by the officer commanding the force with which such person for the time being is serving, or any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said officer commanding the force.

(2) An officer commanding a force shall not place a person subject to this Act under clause (i) of section 2 under the command of an officer of rank inferior to that of such person, if there is present at the place where such person is any officer of a higher rank under whose command he can be placed.

**8. Officers exercising powers in certain cases.—**(1) Whenever persons subject to this Act are serving under an officer commanding any military organisation, not in this section specifically named and being in the opinion of the Central Government not less than a brigade, that Government may prescribe the officer by whom the powers, which under this Act may be exercised by officers commanding armies, army corps, divisions and brigades, shall, as regards such persons, be exercised.

(2) The Central Government may confer such powers, either absolutely or subject to such restrictions, reservations, exceptions and conditions, as it may think fit.

**9. Power to declare persons to be on active service.—**Notwithstanding anything contained in clause (i) of section 3, the Central Government may, by notification, declare that any person or class of persons subject to this Act shall, with reference to any area in which they may be serving or with reference to any provision of this Act or of any other law for the time being in force, be deemed to be on active service within the meaning of this Act.

### CHAPTER III

#### COMMISSION, APPOINTMENT AND ENROLMENT

**10. Commission and appointment.—**The President may grant, to such person as he thinks fit, a commission as an officer, or as a junior commissioned officer or appoint any person as a warrant officer of the regular Army.

**11. Ineligibility of aliens for enrolment.—**No person who is not a citizen of India shall, except with the consent of the Central Government signified in writing, be enrolled in the regular Army:

Provided that nothing contained in this section shall bar the enrolment of the subjects of Nepal in the regular Army.

**12. Ineligibility of females for enrolment or employment.—**No female shall be eligible for enrolment or employment in the regular Army, except in such corps, department, branch or other body forming part of, or attached to any portion of, the regular Army as the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided that nothing contained in this section shall affect the provisions of any law for the time being in force providing for the raising and maintenance of any service auxiliary to the regular Army or any branch thereof in which females are eligible for enrolment or employment.

**13. Procedure before enrolling officer.**—Upon the appearance before the prescribed enrolling officer of any person desirous of being enrolled, the enrolling officer shall read and explain to him, or cause to be read and explained to him in his presence, the conditions of the service for which he is to be enrolled; and shall put to him the questions set forth in the prescribed form of enrolment, and shall, after having cautioned him that if he makes a false answer to any such question he will be liable to punishment under this Act, record or cause to be recorded his answer to each such question.

**14. Mode of enrolment.**—If, after complying with the provisions of section 13, the enrolling officer is satisfied that the person desirous of being enrolled fully understands the questions put to him and consents to the conditions of service, and if such officer perceives no impediment, he shall sign and shall also cause such person to sign the enrolment paper, and such person shall thereupon be deemed to be enrolled.

**15. Validity of enrolment.**—Every person who has for the space of three months been in receipt of pay as a person enrolled under this Act and been borne on the rolls of any corps or department shall be deemed to have been duly enrolled, and shall not be entitled to claim his discharge on the ground of any irregularity or illegality in his enrolment or on any other ground whatsoever; and if any person, in receipt of such pay and borne on the rolls as aforesaid, claims his discharge before the expiry of three months from his enrolment, no such irregularity or illegality or other ground shall, until he is discharged in pursuance of his claim, affect his position as an enrolled person under this Act or invalidate any proceeding, act or thing taken or done prior to his discharge.

**16. Persons to be attested.**—The following persons shall be attested, namely:—

- (a) all persons enrolled as combatants;
- (b) all persons selected to hold a non-commissioned or acting non-commissioned rank; and
- (c) all other persons subject to this Act as may be prescribed by the Central Government.

**17. Mode of attestation.**—(1) When a person who is to be attested is reported fit for duty, or has completed the prescribed period of probation, an oath or affirmation shall be administered to him in the prescribed form by his commanding officer in front of his corps or such portion thereof or such members of his department as may be present, or by any other prescribed person.

(2) The form of oath or affirmation prescribed under this section shall contain a promise that the person to be attested will bear true allegiance to the Constitution of India as by law established, and that he will serve in the regular Army and go wherever he is ordered by land, sea or air, and that he will obey all commands of any officer set over him, even to the peril of his life.

(3) The fact of an enrolled person having taken the oath or affirmation directed by this section to be taken shall be entered on his enrolment paper, and authenticated by the signature of the officer administering the oath or affirmation.

*[The Chief of the Army Staff]*

## CHAPTER IV

## CONDITIONS OF SERVICE

18. Tenure of service under the Act.—Every person subject to this Act shall hold office during the pleasure of the President.

19. Termination of service by Central Government.—Subject to the provisions of this Act and the rules and regulations made thereunder the Central Government may dismiss, or remove from the service, any person subject to this Act.

20. Dismissal, removal or reduction by *[Chief of the Army Staff]* ~~Commander-in-Chief~~ and by other officers.—(1) ~~The Commander-in-Chief~~ may dismiss or remove from the service any person subject to this Act other than an officer.

(2) ~~The Commander-in-Chief~~ may reduce to a lower grade or rank or the ranks, any warrant officer or any non-commissioned officer.

(3) An officer having power not less than a brigade or equivalent commander or any prescribed officer may dismiss or remove from the service any person serving under his command other than an officer or a junior commissioned officer.

(4) Any such officer as is mentioned in sub-section (3) may reduce to a lower grade or rank or the ranks, any warrant officer or any non-commissioned officer under his command.

(5) A warrant officer reduced to the ranks under this section shall not, however, be required to serve in the ranks as a sepoy.

(6) The commanding officer of an acting non-commissioned officer may order him to revert to his permanent grade as a non-commissioned officer, or if he has no permanent grade above the ranks, to the ranks.

(7) The exercise of any power under this section shall be subject to the said provisions contained in this Act and the rules and regulations made thereunder.

21. Power to modify certain fundamental rights in their application to persons subject to this Act.—Subject to the provisions of any law for the time being in force relating to the regular Army or to any branch thereof, the Central Government may, by notification, make rules restricting to such extent and in such manner as may be necessary the right of any person subject to this Act—

(a) to be a member of, or to be associated in any way with, any trade union or labour union, or any class of trade or labour unions or any society, institution or association, or any class of societies, institutions or associations;

(b) to attend or address any meeting or to take part in any demonstration organised by any body of persons for any political or other purposes;

(c) to communicate with the press or to publish or cause to be published any book, letter or other document.

22. Retirement, release or discharge.—Any person subject to this Act may be retired, released or discharged from the service by such authority and in such manner as may be prescribed.

23. Certificate on termination of service.—Every junior commissioned officer, warrant officer, or enrolled person who is dismissed, removed, discharged, retired or released from the service shall be furnished by his commanding

*[Subs. by 12 of Act 19 of 1955 (from 7.5.55)]*

officer with a certificate, in the language which is the mother tongue of such person 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 regular Army.

**24. Discharge or dismissal when out of India.**—(1) Any person enrolled under this Act who is entitled under the conditions of his enrolment to be discharged, or whose discharge is ordered by competent authority, and who, when he is so entitled or ordered to be discharged, is serving out of India, and requests to be sent to India, shall, before being discharged, be sent to India with all convenient speed.

(2) Any person enrolled under this Act who is dismissed from the service and who, when he is so dismissed, is serving out of India, shall be sent to India with all convenient speed.

(3) Where any such person as is mentioned in sub-section (2) is sentenced to dismissal combined with any other punishment, such other punishment, or, in the case of a sentence of transportation or imprisonment, a portion of such sentence may be inflicted before he is sent to India.

(4) For the purposes of this section, the word "discharge" shall include release, and the word "dismissal" shall include removal.

## CHAPTER V

### SERVICE PRIVILEGES

**25. Authorised deductions only to be made from pay.**—The pay of every person subject to this Act due to him as such under any regulation for the time being in force shall be paid without any deduction other than the deductions authorised by or under this or any other Act.

**26. Remedy of aggrieved persons other than officers.**—(1) Any person subject to this Act other than an officer who deems himself wronged by any superior or other officer may, if not attached to a troop or company, complain to the officer under whose command or orders he is serving; and may, if attached to a troop or company, complain to the officer commanding the same.

(2) When the officer complained against is the officer to whom any complaint should, under sub-section (1), be preferred, the aggrieved person may complain to such officer's next superior officer.

(3) Every officer receiving any such complaint shall make as complete an investigation into it as may be possible for giving full redress to the complainant; or, when necessary, refer the complaint to superior authority.

(4) Every such complaint shall be preferred in such manner as may from time to time be specified by the proper authority.

(5) The Central Government may revise any decision by ~~the Commander-in-Chief~~ under sub-section (2), but, subject thereto, the decision of ~~the Commander-in-Chief~~ shall be final. *[the Chief of the Army Staff]*

**27. Remedy of aggrieved officers.**—Any officer who deems himself wronged by his commanding officer or any superior officer and who on due application made to his commanding officer does not receive the redress to which he considers himself entitled, may complain to the Central Government in such manner as may from time to time be specified by the proper authority.

**28. Immunity from attachment.**—Neither the arms, clothes, equipment, accoutrements or necessaries of any person subject to this Act, nor any animal used by him for the discharge of his duty, shall be seized, nor shall the pay and

*Subs. by s. 2 of Act 19 of 1955 (from 7.5.55)*



allowances of any such person or any part thereof be attached, by direction of any civil or revenue court or any revenue officer in satisfaction of any decree or order enforceable against him.

**29. Immunity from arrest for debt.**—(1) No person subject to this Act shall, so long as he belongs to the Forces, be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue officer.

(2) The judge of any such court or the said officer may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no court-fee shall be payable by the complainant.

**30. Immunity of persons attending courts-martial from arrest.**—(1) No presiding officer or member of a court-martial, no judge advocate, no party to any proceeding before a court-martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial shall, while proceeding to, attending, or returning from, a court-martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

**31. Privileges of reservists.**—Every person belonging to the Indian Reserve Forces shall, when called out for or engaged in or returning from, training or service, be entitled to all the privileges accorded by sections 28 and 29 to a person subject to this Act.

**32. Priority in respect of army personnel's litigation.**—(1) On the presentation to any court by or on behalf of any person subject to this Act of a certificate from the proper military 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.

(2) The certificate from the proper military authority shall state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for.

(3) No fee shall be payable to the court in respect of the presentation of any such certificate, or of any application by or on behalf of any such person, for priority for the hearing of his case.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for its inability 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) If in any case a question arises as to the proper military authority qualified to grant such certificate as aforesaid, such question shall at once be referred by the court to an officer having power not less than a brigade or equivalent commander whose decision shall be final.

**33. Saving of rights and privileges under other laws.**—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 subject to this Act or on members of the regular Army, Navy and Air Force generally by any other law for the time being in force.

## CHAPTER VI

### OFFENCES

**34. Offences in relation to the enemy and punishable with death.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) shamefully abandons or delivers up any garrison, fortress, post, place or guard, committed to his charge, or which it is his duty to defend, or uses any means to compel or induce any commanding officer or other person to commit any of the said acts; or

(b) intentionally uses any means to compel or induce any person subject to military, naval or air force law to abstain from acting against the enemy, or to discourage such person from acting against the enemy; or

(c) in the presence of the enemy, shamefully casts away his arms, ammunition, tools or equipment or misbehaves in such manner as to show cowardice; or

(d) treacherously holds correspondence with, or communicates intelligence to, the enemy or any person in arms against the Union; or

(e) directly or indirectly assists the enemy with money, arms, ammunition, stores or supplies; or

(f) treacherously or through cowardice sends a flag of truce to the enemy; or

(g) in time of war or during any military operation, intentionally occasions a false alarm in action, camp, garrison or quarters, or spreads reports calculated to create alarm or despondency; or

(h) in time of action leaves his commanding officer or his post, guard, picquet, patrol or party without being regularly relieved or without leave; or

(i) having been made a prisoner of war, voluntarily serves with or aids the enemy; or

(j) knowingly harbours or protects an enemy not being a prisoner; or

(k) being a sentry in time of war or alarm, sleeps upon his post or is intoxicated; or

(l) knowingly does any act calculated to imperil the success of the military, naval or air forces of India or any forces co-operating therewith or any part of such forces;

shall, on conviction by court-martial, be liable to suffer death or such less punishment as is in this Act mentioned.

**35. Offences in relation to the enemy and not punishable with death.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) is taken prisoner, by want of due precaution, or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner, fails to rejoin his service when able to do so; or

(b) without due authority holds correspondence with or communicates intelligence to the enemy or having come by the knowledge of any such correspondence or communication, wilfully omits to discover it immediately to his commanding or other superior officer; or

(c) without due authority sends a flag of truce to the enemy;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

**36. Offences punishable more severely on active service than at other times.—**

Any person subject to this Act who commits any of the following offences, that is to say,—

(a) forces a safeguard, or forces or uses criminal force to a sentry;

or

(b) breaks into any house or other place in search of plunder; or

(c) being a sentry sleeps upon his post, or is intoxicated; or

(d) without orders from his superior officer leaves his guard, picquet, patrol or post; or

(e) intentionally or through neglect occasions a false alarm in camp, garrison, or quarters; or spreads reports calculated to create unnecessary alarm or despondency; or

(f) makes known the parole, watchword or countersign to any person not entitled to receive it; or knowingly gives a parole, watchword or countersign different from what he received;

shall, on conviction by court-martial,

if he commits any such offence when on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if he commits any such offence when not on active service, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**37. Mutiny.—**Any person subject to this Act who commits any of the following offences, that is to say,—

(a) begins, incites, causes, or conspires with any other persons to cause any mutiny in the military, naval or air forces of India or any forces co-operating therewith; or

(b) joins in any such mutiny; or

(c) being present at any such mutiny, does not use his utmost endeavours to suppress the same; or

(d) knowing or having reason to believe in the existence of any such mutiny, or of any intention to mutiny or of any such conspiracy, does not, without delay, give information thereof to his commanding or other superior officer; or

(e) endeavours to seduce any person in the military, naval or air forces of India from his duty or allegiance to the Union;

shall, on conviction by court-martial, be liable to suffer death or such less punishment as is in this Act mentioned.

**38. Desertion and aiding desertion.—**(1) Any person subject to this Act who deserts or attempts to desert the service shall, on conviction by court-martial,

if he commits the offence on active service or when under orders for active service, be liable to suffer death or such less punishment as is in this Act mentioned; and

if he commits the offence under any other circumstances, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who, knowingly harbours any such deserter shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(3) Any person subject to this Act who, being cognizant of any desertion or attempt at desertion of a person subject to this Act, does not forthwith give notice to his own or some other superior officer, or take any steps in his power to cause such person to be apprehended, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

**39. Absence without leave.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) absents himself without leave; or

(b) without sufficient cause overstays leave granted to him; or

(c) being on leave of absence and having received information from proper authority that any corps, or portion of a corps, or any department, to which he belongs, has been ordered on active service, fails, without sufficient cause, to rejoin without delay; or

(d) without sufficient cause fails to appear at the time fixed at the parade or place appointed for exercise or duty; or

(e) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer, quits the parade or line of march; or

(f) when in camp or garrison or elsewhere, is found beyond any limits fixed, or in any place prohibited, by any general, local or other order, without a pass or written leave from his superior officer; or

(g) without leave from his superior officer or without due cause, absents himself from any school when duly ordered to attend there;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

**40. Striking or threatening superior officers.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) uses criminal force to or assaults his superior officer; or

(b) uses threatening language to such officer; or

(c) uses insubordinate language to such officer;

shall, on conviction by court-martial,

if such officer is at the time in the execution of his office or, if the offence is committed on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

in other cases, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned:

Provided that in the case of an offence specified in clause (c), the imprisonment shall not exceed five years.

**41. Disobedience to superior officer.**—(1) Any person subject to this Act who disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office whether the same is given orally, or in writing or by signal or otherwise, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who disobeys any lawful command given by his superior officer shall, on conviction by court-martial.

if he commits such offence when on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if he commits such offence when not on active service, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**42. Insubordination and obstruction.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being concerned in any quarrel, affray, or disorder, refuses to obey any officer, though of inferior rank, who orders him into arrest, or uses criminal force to or assaults any such officer; or

(b) uses criminal force to, or assaults any person, whether subject to this Act or not, in whose custody he is lawfully placed, and whether he is or is not his superior officer; or

(c) resists an escort whose duty it is to apprehend him or to have him in charge; or

(d) breaks out of barracks, camp or quarters; or

(e) neglects to obey any general, local or other order; or

(f) impedes the provost-marshal or any person lawfully acting on his behalf, or when called upon, refuses to assist in the execution of his duty as provost-marshal or any person lawfully acting on his behalf; or

(g) uses criminal force to or assaults any person bringing provisions or supplies to the forces;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clauses (d) and (e) to two years, and in the case of the offences specified in the other clauses to ten years, or such less punishment as is in this Act mentioned.

**43. Fraudulent enrolment.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) without having obtained a regular discharge from the corps or department to which he belongs, or otherwise fulfilled the conditions enabling him to enrol or enter, enrolls himself in, or enters the same or any other corps or department or any part of the naval or air forces of India or the Territorial Army; or

(b) is concerned in the enrolment in any part of the Forces of any person when he knows or has reason to believe such person to be so circumstanced that by enrolling he commits an offence against this Act;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**44. False answers on enrolment.**—Any person having become subject to this Act who is discovered to have made at the time of enrolment a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**45. Unbecoming conduct.**—Any officer, junior commissioned officer or warrant officer who behaves in a manner unbecoming his position and the character expected of him shall, on conviction by court-martial, if he is an officer, be liable to be cashiered or to suffer such less punishment as is in this Act mentioned; and, if he is a junior commissioned officer or a warrant officer, be liable to be dismissed or to suffer such less punishment as is in this Act mentioned.

**46. Certain forms of disgraceful conduct.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) is guilty of any disgraceful conduct of a cruel, indecent or unnatural kind; or

(b) malingers, or feigns, or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or

(c) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that person;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**47. Ill-treating a subordinate.**—Any officer, junior commissioned officer, warrant officer or non-commissioned officer who uses criminal force to or otherwise ill-treats any person subject to this Act, being his subordinate in rank or position, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**48. Intoxication.**—(1) Any person subject to this Act who is found in a state of intoxication, whether on duty or not, shall, on conviction by court-martial, if he is an officer, be liable to be cashiered or to suffer such less punishment as is in this Act mentioned; and, if he is not an officer, be liable, subject to the provisions of sub-section (2), to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

(2) Where an offence of being intoxicated is committed by a person other than an officer when not on active service or not on duty, the period of imprisonment awarded shall not exceed six months.

**49. Permitting escape of person in custody.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) when in command of a guard, picquet, patrol or post, releases without proper authority, whether wilfully or without reasonable excuse, any person committed to his charge, or refuses to receive any prisoner or person so committed; or

(b) wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard; shall, on conviction by court-martial, be liable, if he has acted wilfully to suffer imprisonment for a term which may extend to fourteen years or such

less punishment as is in this Act mentioned; and if he has not acted wilfully, to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

**50. Irregularity in connection with arrest or confinement.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or

(b) having committed a person to military custody fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within forty-eight hours thereafter, to the officer or other person into whose custody the person arrested is committed, an account in writing signed by himself of the offence with which the person so committed is charged;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

**51. Escape from custody.**—Any person subject to this Act who, being in lawful custody, escapes or attempts to escape, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**52. Offences in respect of property.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) commits theft of any property belonging to the Government, or to any military, naval or air force mess, band or institution, or to any person subject to military, naval or air force law; or

(b) dishonestly misappropriates or converts to his own use any such property; or

(c) commits criminal breach of trust in respect of any such property; or

(d) dishonestly receives or retains any such property in respect of which any of the offences under clauses (a), (b) and (c) has been committed, knowing or having reason to believe the commission of such offence; or

(e) wilfully destroys or injures any property of the Government entrusted to him; or

(f) does any other thing with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person;

shall, on conviction by court-martial be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

**53. Extortion and corruption.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) commits extortion; or

(b) without proper authority exacts from any person money, provisions or service;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

**54. Making away with equipment.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) makes away with, or is concerned in making away with, any arms, ammunition, equipment, instruments, tools, clothing or any other thing being the property of the Government issued to him for his use or entrusted to him; or

(b) loses by neglect anything mentioned in clause (a); or

(c) sells, pawns, destroys or defaces any medal or decoration granted to him;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend in the case of the offences specified in clause (a) to ten years, and in the case of the offences specified in the other clauses to five years, or such less punishment as is in this Act mentioned.

**55. Injury to property.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) destroys or injures any property mentioned in clause (a) of section 54 or any property belonging to any military, naval or air force mess, band or institution, or to any person subject to military, naval or air force law, or serving with, or attached to, the regular Army; or

(b) commits any act which causes damage to, or destruction of, any property of the Government by fire; or

(c) kills, injures, makes away with, ill-treats or loses any animal entrusted to him;

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and if he has acted without reasonable excuse, to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**56. False accusations.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) makes a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or

(b) in making a complaint under section 26 or section 27 makes any statement affecting the character of any person subject to this Act, knowing or having reason to believe such statement to be false or knowingly and wilfully suppresses any material facts;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**57. Falsifying official documents and false declaration.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) in any report, return, list, certificate, book or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes, or is privy to the making of any false or fraudulent statement; or

(b) in any document of the description mentioned in clause (a) knowingly makes, or is privy to the making of, any omission, with intent to defraud; or



(c) knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters or makes away with any document which it is his duty to preserve or produce; or

(d) where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or

(e) obtains for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any book or record or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

**58. Signing in blank and failure to report.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) when signing any document relating to pay, arms, ammunition, equipment, clothing, supplies or stores, or any property of the Government fraudulently leaves in blank any material part for which his signature is a voucher; or

(b) refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**59. Offences relating to courts-martial.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being duly summoned or ordered to attend as a witness before a court-martial, wilfully or without reasonable excuse, makes default in attending; or

(b) refuses to take an oath or make an affirmation legally required by a court-martial to be taken or made; or

(c) refuses to produce or deliver any document in his power or control legally required by a court-martial to be produced or delivered by him; or

(d) refuses when a witness to answer any question which he is by law bound to answer; or

(e) is guilty of contempt of court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

**60. False evidence.**—Any person subject to this Act who, having been duly sworn or affirmed before any court-martial or other court competent under this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**61. Unlawful detention of pay.**—Any officer, junior commissioned officer, warrant officer or non-commissioned officer who, having received the pay of a person subject to this Act unlawfully detains or refuses to pay the same when due, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

**62. Offences in relation to aircraft and flying.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) wilfully or without reasonable excuse damages, destroys or loses any aircraft or aircraft material belonging to the Government; or

(b) is guilty of any act or neglect likely to cause such damage, destruction or loss; or

(c) without lawful authority disposes of any aircraft or aircraft material belonging to the Government; or

(d) is guilty of any act or neglect in flying, or in the use of any aircraft, or in relation to any aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person; or

(e) during a state of war, wilfully and without proper occasion, or negligently, causes the sequestration, (by or under the authority of a neutral State, or the destruction in a neutral State of any aircraft belonging to the Government;

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned, and, in any other case, to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

**63. Violation of good order and discipline.**—Any person subject to this Act who is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and military discipline shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**64. Miscellaneous offences.**—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority; or

(b) by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person; or

(c) attempts to commit suicide, and in such attempt does any act towards the commission of such offence; or

(d) being below the rank of warrant officer, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to or returning from, any town or bazar, carrying a rifle, sword or other offensive weapon; or

(e) directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service; or

(f) commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving; shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

**65. Attempt.**—Any person subject to this Act who attempts to commit any of the offences specified in sections 34 to 64 inclusive and in such attempt does any act towards the commission of the offence, shall, on conviction by court-martial, where no express provision is made by this Act for the punishment of such attempt, be liable,

if the offence attempted to be committed is punishable with death, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if the offence attempted to be committed is punishable with imprisonment, to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

**66. Abetment of offences that have been committed.**—Any person subject to this Act who abets the commission of any of the offences specified in sections 34 to 64 inclusive shall, on conviction by court-martial, if the Act abetted is committed in consequence of the abetment and no express provision is made by this Act for the punishment of such abetment, be liable to suffer the punishment provided for that offence or such less punishment as is in this Act mentioned.

**67. Abetment of offences punishable with death and not committed.**—Any person subject to this Act who abets the commission of any of the offences punishable with death under sections 34, 37 and sub-section (1) of section 38 shall, on conviction by court-martial, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

**68. Abetment of offences punishable with imprisonment and not committed.**—Any person subject to this Act who abets the commission of any of the offences specified in sections 34 to 64 inclusive and punishable with imprisonment shall, on conviction by court-martial, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

**69. Civil offences.**—Subject to the provisions of section 70, any person subject to this Act who at any place in or beyond India commits any civil offence shall be deemed to be guilty of an offence against this Act and, if charged therewith under this section, shall be liable to be tried by a court-martial and, on conviction, be punishable as follows, that is to say,—

(a) if the offence is one which would be punishable under any law in force in India with death or with transportation, he shall be liable to suffer any punishment, other than whipping, assigned for the offence, by the aforesaid law and such less punishment as is in this Act mentioned; and

(b) in any other case, he shall be liable to suffer any punishment, other than whipping, assigned for the offence by the law in force in India, or imprisonment for a term which may extend to seven years, or such less punishment as is in this Act mentioned.

**70. Civil offences not triable by court-martial.**—A person subject to this Act who commits an offence of murder against a person not subject to military, naval or air force law, or of culpable homicide not amounting to murder against such a person or of rape in relation to such a person, shall not be deemed to be guilty of an offence against this Act and shall not be tried by a court-martial, unless he commits any of the said offences—

- (a) while on active service, or
- (b) at any place outside India, or
- (c) at a frontier post specified by the Central Government by notification in this behalf.

*Explanation.*—In this section and in section 69, "India" does not include the State of Jammu and Kashmir.

## CHAPTER VII

### PUNISHMENTS

**71. Punishments awardable by courts-martial.**—Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by courts-martial, according to the scale following, that is to say,—

- (a) death;
- (b) transportation for life or for any period not less than seven years;
- (c) imprisonment, either rigorous or simple, for any period not exceeding fourteen years;
- (d) cashiering, in the case of officers;
- (e) dismissal from the service;
- (f) reduction to the ranks or to a lower rank or grade or place in the list of their rank, in the case of warrant officers; and reduction to the ranks or to a lower rank or grade, in the case of non-commissioned officers:

Provided that a warrant officer reduced to the ranks shall not be required to serve in the ranks as a sepoy;

- (g) forfeiture of seniority of rank, in the case of officers, junior commissioned officers, warrant officers and non-commissioned officers; and forfeiture of all or any part of their service for the purpose of promotion, in the case of any of them whose promotion depends upon length of service;
- (h) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;
- (i) severe reprimand or reprimand, in the case of officers, junior commissioned officers, warrant officers and non-commissioned officers;
- (j) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active service;
- (k) forfeiture in the case of a person sentenced to cashiering or dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such cashiering or dismissal;
- (l) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

**72. Alternative punishments awardable by court-martial.**—Subject to the provisions of this Act, a court-martial may, on convicting a person subject to this Act of any of the offences specified in sections 34 to 68 inclusive, award either the particular punishment with which the offence is stated in the said sections to be punishable, or, in lieu thereof, any one of the punishments lower in the scale set out in section 71, regard being had to the nature and degree of the offence.

**73. Combination of punishments.**—A sentence of a court-martial may award in addition to, or without any one other punishment, the punishment specified in clause (d) or clause (e) of section 71 and any one or more of the punishments specified in clauses (f) to (l) of that section.

**74. Cashiering of officers.**—An officer shall be sentenced to be cashiered before he is awarded any of the punishments specified in clauses (a) to (c) of section 71.

**75. Field punishment.**—Where any person subject to this Act and under the rank of warrant officer commits any offence on active service, it shall be lawful for a court-martial to award for that offence any such punishment as is prescribed as a field punishment. Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb and shall not include flogging.

**76. Position of field punishment in scale of punishments.**—Field punishment shall for the purpose of commutation be deemed to stand next below dismissal in the scale of punishments specified in section 71.

**77. Result of certain punishments in the case of a warrant officer or non-commissioned officer.**—A warrant officer or a non-commissioned officer sentenced by a court-martial to transportation, imprisonment, field punishment or dismissal from the service, shall be deemed to be reduced to the ranks.

**78. Retention in the ranks of a person convicted on active service.**—When, on active service, any enrolled person has been sentenced by a court-martial to dismissal, or to transportation or imprisonment whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and such service shall be reckoned as part of his term of transportation or imprisonment, if any.

**79. Punishments otherwise than by court-martial.**—Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of a court-martial and in the manner stated in sections 80, 83, 84 and 85.

**80. Punishment of persons other than officers, junior commissioned officers and warrant officers.**—Subject to the provisions of section 81, a commanding officer or such other officer as is, with the consent of the Central Government, specified by the ~~Commander-in-Chief~~, may, in the prescribed manner, proceed against a person subject to this Act otherwise than as an officer, junior commissioned officer or warrant officer who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say,—

- (a) imprisonment in military custody up to twenty-eight days;
- (b) detention up to twenty-eight days;
- (c) confinement to the lines up to twenty-eight days;
- (d) extra guards or duties;
- (e) deprivation of a position of the nature of an appointment or of corps or working pay, and in the case of non-commissioned officers, also deprivation of acting rank or reduction to a lower grade of pay;
- (f) forfeiture of good service and good conduct pay;
- (g) severe reprimand or reprimand;
- (h) fine up to fourteen days' pay in any one month;
- (i) penal deductions under clause (g) of section 91;

↓ [the Chief of the Army Staff]

↓ Subs. by s. 2 of Act 19 of 1955 (from 7.5.55)

(j) any prescribed field punishment up to twenty-eight days, in the case of a person on active service.

**81. Limit of punishments under section 80.**—(1) An award of punishment under section 80 shall not include field punishment in addition to one or more of the punishments specified in clauses (a), (b) and (c) of that section.

(2) In the case of an award of two or more of the punishments specified in clauses (a), (b), (c) and (d) of the said section, the punishment specified in clause (c) or clause (d) shall take effect only at the end of the punishment specified in clause (a) or clause (b).

(3) When two or more of the punishments specified in the said clauses (a), (b) and (c) are awarded to a person conjointly, or when already undergoing one or more of the said punishments, the whole extent of the punishments shall not exceed in the aggregate forty-two days.

(4) The punishments specified in clauses (a), (b), (c) and (j), of section 80 shall not be awarded to any person who is of the rank of non-commissioned officer or was, at the time of committing the offence for which he is punished, of such rank.

(5) The punishment specified in clause (g) of the said section shall not be awarded to any person below the rank of a non-commissioned officer.

**82. Punishments in addition to those specified in section 80.**—~~The Commander-in-Chief~~ may, with the consent of the Central Government, specify such other punishments as may be awarded under section 80 in addition to or without any of the punishments specified in the said section, and the extent to which such other punishments may be awarded.

[The Chief of the Army Staff]

**83. Punishment of officers, junior commissioned officers and warrant officers by brigade commanders and others.**—An officer having power not less than a brigade, or an equivalent commander or such other officer as is, with the consent of the Central Government, specified by ~~the Commander-in-Chief~~ may in the prescribed manner, proceed against an officer below the rank of a field officer, a junior commissioned officer or a warrant officer, who is charged with an offence under this Act, and award one or more of the following punishments, that is to say,—

↓ [The Chief of the Army Staff]

(a) severe reprimand or reprimand;

(b) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

**84. Punishment of officers, junior commissioned officers and warrant officers by area commanders and others.**—An officer having power not less than an area commander or an equivalent commander or an officer empowered to convene a general court-martial or such other officer as is, with the consent of the Central Government, specified by ~~the Commander-in-Chief~~ may, in the prescribed manner, proceed against an officer below the rank of lieutenant-colonel, a junior commissioned officer or a warrant officer, who is charged with an offence under this Act, and award one or more of the following punishments, that is to say,—

[The Chief of the Army Staff]

(a) forfeiture of seniority, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by a court-martial;

(b) severe reprimand or reprimand;

(c) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good

↓ Subs. by S. 2 of Act 19 of 1955 (from 7.5.55)

*↳ [the Chief of the Army Staff]*

**85. Punishment of junior commissioned officers.**—A commanding officer or such other officer as is, with the consent of the Central Government, specified by ~~the Commander-in-Chief~~ may, in the prescribed manner, proceed against a junior commissioned officer who is charged with an offence under this Act and award the punishment of stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

**86. Transmission of proceedings.**—In every case in which punishment has been awarded under any of the sections 83, 84 and 85, certified true copies of the proceedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment, to a superior military authority as defined in section 88.

**87. Review of proceedings.**—If any punishment awarded under any of the sections 83, 84 and 85 appears to a superior military authority as defined in section 88 to be illegal, unjust or excessive, such authority may cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

**88. Superior military authority.**—For the purpose of sections 86 and 87, a 'superior military authority' means—

(a) in the case of punishments awarded by a commanding officer, any officer superior in command to such commanding officer;

(b) in the case of punishments awarded by any other authority, the Central Government, ~~the Commander-in-Chief~~ or other officer specified by ~~the Commander-in-Chief~~ *[the Chief of the Army Staff]* *↳*

**89. Collective fines.**—(1) Whenever any weapon or part of a weapon forming part of the equipment of a half squadron, battery, company or other similar unit is lost or stolen, the officer commanding the army, army corps, division or independent brigade to which such unit belongs may, after obtaining the report of a court of inquiry, impose a collective fine upon the junior commissioned officers, warrant officers, non-commissioned officers and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

(2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.

## CHAPTER VIII

### PENAL DEDUCTIONS

**90. Deductions from pay and allowances of officers.**—The following penal deductions may be made from the pay and allowances of an officer, that is to say,—

(a) all pay and allowances due to an officer for every day he absents himself without leave, unless a satisfactory explanation has been given to his commanding officer and has been approved by the Central Government;

(b) all pay and allowances for every day while he is in custody or under suspension from duty on a charge for an offence for which he is afterwards convicted by a criminal court or a court-martial or by an officer exercising authority under section 83 or section 84;

(c) any sum required to make good the pay of any person subject to this Act which he has unlawfully retained or unlawfully refused to pay;

(d) any sum required to make good such compensation for any expenses, loss, damage or destruction occasioned by the commission of an offence as may be determined by the court-martial by whom he is convicted of such offence, or by an officer exercising authority under section 83 or section 84;

*↳ Subs. by s. 2 of Act 19 of 1955 (from 7.5.55)*

(e) all pay and allowances ordered by a court-martial or an officer exercising authority under section 85 to be forfeited or stopped;

(f) any sum required to pay a fine awarded by a criminal court or a court-martial exercising jurisdiction under section 69;

(g) any sum required to make good any loss, damage, or destruction of public or regimental property which, after due investigation, appears to the Central Government to have been occasioned by the wrongful act or negligence on the part of the officer;

[The Chief  
of the  
Army  
Staff]

(h) all pay and allowances forfeited by order of the Central Government if the officer is found by a court of inquiry constituted by the ~~Com-  
mander-in-Chief~~ in this behalf, to have deserted to the enemy, or while in enemy hands, to have served with, or under the orders of, the enemy, or in any manner to have aided the enemy, or to have allowed himself to be taken prisoner by the enemy through want of due precaution or through disobedience of orders or wilful neglect of duty, or having been taken prisoner by the enemy, to have failed to rejoin his service when it was possible to do so;

(i) any sum required by order of the Central Government to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

**91. Deductions from pay and allowances of persons other than officers.—**

Subject to the provisions of section 94 the following penal deductions may be made from the pay and allowances of a person subject to this Act other than an officer, that is to say,—

(a) all pay and allowances for every day of absence either on desertion or without leave, or as a prisoner of war, and for every day of transportation or imprisonment awarded by a criminal court, a court-martial or an officer exercising authority under section 80, or of field punishment awarded by a court-martial or such officer;

(b) all pay and allowances for every day while he is in custody on a charge for an offence of which he is afterwards convicted by a criminal court or a court-martial, or on a charge of absence without leave for which he is afterwards awarded imprisonment or field punishment by an officer exercising authority under section 80;

(c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by an offence under this Act committed by him;

(d) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be specified by order of the Central Government or such officer as may be specified by that Government;

(e) all pay and allowances ordered by a court-martial or by an officer exercising authority under any of the sections 80, 83, 84 and 85, to be forfeited or stopped;

(f) all pay and allowances for every day between his being recovered from the enemy and his dismissal from the service in consequence of his conduct when being taken prisoner by, or while in the hands of, the enemy;

(g) any sum required to make good such compensation for any expenses, loss, damage or destruction caused by him to the Central Government or to any building or property as may be awarded by his commanding officer;

See Subs. by A. 2 of Act 19 of 1955 (from 7.5.55).



(h) any sum required to pay a fine awarded by a criminal court, a court-martial exercising jurisdiction under section 69, or an officer exercising authority under any of the sections 80 and 89;

(i) any sum required by order of the Central Government or any prescribed officer to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

**92. Computation of time of absence or custody.**—For the purposes of clauses (a) and (b) of section 91,—

(a) no person shall be treated as absent or in custody for a day unless the absence or custody has lasted, whether wholly in one day, or partly in one day and partly in another, for six consecutive hours or upwards;

(b) any absence or custody for less than a day may be reckoned as absence or custody for a day if such absence or custody prevented the absentee from fulfilling any military duty which was thereby thrown upon some other person;

(c) absence or custody for twelve consecutive hours or upwards may be reckoned as absence or custody for the whole of each day during any portion of which the person was absent or in custody;

(d) a period of absence, or imprisonment, which commences before, and ends after, midnight may be reckoned as a day.

**93. Pay and allowances during trial.**—In the case of any person subject to this Act who is in custody or under suspension from duty on a charge for an offence, the prescribed officer may direct that the whole or any part of the pay and allowances of such person shall be withheld, pending the result of his trial on the charge against him, in order to give effect to the provisions of clause (b) of sections 90 and 91.

**94. Limit of certain deductions.**—The total deductions from the pay and allowances of a person made under clauses (e), (g) to (i) of section 91 shall not, except where he is sentenced to dismissal, exceed in any one month one-half of his pay and allowances for that month.

**95. Deduction from public money due to a person.**—Any sum authorised by this Act to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a pension.

**96. Pay and allowances of prisoner of war during inquiry into his conduct.**—Where the conduct of any person subject to this Act when being taken prisoner by, or while in the hands of, the enemy, is to be inquired into under this Act or any other law, ~~the Commander-in-Chief~~ or any officer authorised by him may order that the whole or any part of the pay and allowances of such person shall be withheld pending the result of such inquiry. *[The Chief of the Army Staff]*

**97. Remission of deductions.**—Any deduction from pay and allowances authorised by this Act may be remitted in such manner and to such extent, and by such authority, as may from time to time be prescribed.

**98. Provision for dependants of prisoner of war from remitted deductions.**—In the case of all persons subject to this Act, being prisoners of war, whose pay and allowances have been forfeited under clause (h) of section 90 or clause (a) of section 91, but in respect of whom a remission has been made under section 97, it shall be lawful for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance there after remaining of such pay and allowances.

*See Subs. by S. 2 of Act 19 of 1955 (from 7.5.55)*

**99. Provision for dependants of prisoner of war from his pay and allowances.**—It shall be lawful for proper provision to be made by the prescribed authorities for any dependants of any person subject to this Act who is a prisoner of war or is missing, out of his pay and allowances.

**100. Period during which a person is deemed to be a prisoner of war.**—For the purposes of sections 98 and 99, a person shall be deemed to continue to be a prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 96, and if he is cashiered or dismissed from the service in consequence of such conduct, until the date of such cashiering or dismissal.

## CHAPTER IX

### ARREST AND PROCEEDINGS BEFORE TRIAL

**101. Custody of offenders.**—(1) Any person subject to this Act who is charged with an offence may be taken into military custody.

(2) Any such person may be ordered into military custody by any superior officer.

(3) An officer may order into military custody any officer, though he may be of a higher rank, engaged in a quarrel, affray or disorder.

**102. Duty of commanding officer in regard to detention.**—(1) It shall be the duty of every commanding officer to take care that a person under his command when charged with an offence is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him, without the charge being investigated, unless investigation within that period seems to him to be impracticable having regard to the public service.

(2) The case of every person being detained in custody beyond a period of forty-eight hours, and the reason thereof, shall be reported by the commanding officer to the general or other officer to whom application would be made to convene a general or district court-martial for the trial of the person charged.

(3) In reckoning the period of forty-eight hours specified in sub-section (1), Sundays and other public holidays shall be excluded.

(4) Subject to the provisions of this Act, the Central Government may make rules providing for the manner in which and the period for which any person subject to this Act may be taken into and detained in military custody, pending the trial by any competent authority for any offence committed by him.

**103. Interval between committal and court-martial.**—In every case where any such person as is mentioned in section 101 and as is not on active service remains in such custody for a longer period than eight days, without a court-martial for his trial being ordered to assemble, a special report giving reasons for the delay shall be made by his commanding officer in the manner prescribed, and a similar report shall be forwarded at intervals of every eight days until a court-martial is assembled or such person is released from custody.

**104. Arrest by civil authorities.**—Whenever any person subject to this Act, who is accused of any offence under this Act, is within the jurisdiction of any magistrate or police officer, such magistrate or police officer shall aid in the apprehension and delivery to military custody of such person upon receipt of a written application to that effect signed by his commanding officer.

**105. Capture of deserters.**—(1) Whenever any person subject to this Act deserts, the commanding officer of the corps, department or detachment to which he belongs, shall give written information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of

the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a magistrate, and shall deliver the deserter, when apprehended, into military custody.

(2) Any police officer may arrest without warrant any person reasonably believed to be subject to this Act, and to be a deserter or to be travelling without authority, and shall bring him without delay before the nearest magistrate, to be dealt with according to law.

**106. Inquiry into absence without leave.**—(1) When any person subject to this Act has been absent from his duty without due authority for a period of thirty days, a court of inquiry shall, as soon as practicable, be assembled, and such court shall, on oath or affirmation administered in the prescribed manner, inquire respecting the absence of the person, and the deficiency, if any, in the property of the Government entrusted to his care, or in any arms, ammunition, equipment, instruments, clothing or necessaries; and if satisfied of the fact of such absence without due authority or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any, and the commanding officer of the corps or department to which the person belongs shall enter in the court-martial book of the corps or department a record of the declaration.

(2) If the person declared absent does not afterwards surrender or is not apprehended, he shall, for the purposes of this Act, be deemed to be a deserter.

**107. Provost-marshals.**—(1) Provost-marshals may be appointed by ~~the~~ *the* ~~Commander-in-Chief~~ or by any prescribed officer. *1/2 [the Chief of the Army Staff]*

(2) The duties of a provost-marshal are to take charge of persons confined for any offence, to preserve good order and discipline, and to prevent breaches of the same by persons serving in, or attached to, the regular Army.

(3) A provost-marshal may at any time arrest and detain for trial any person subject to this Act who commits, or is charged with, an offence, and may also carry into effect any punishment to be inflicted in pursuance of the sentence awarded by a court-martial, or by an officer exercising authority under section 80 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 purposes of sub-sections (2) and (3), a provost-marshal shall be deemed to include a provost-marshal appointed under any law for the time being in force relating to the government of the Navy or Air Force, and any person legally exercising authority under him or on his behalf.

## CHAPTER X

### COURTS-MARTIAL

**108. Kinds of courts-martial.**—For the purposes of this Act there shall be four kinds of courts-martial, that is to say,—

- (a) general courts-martial;
- (b) district courts-martial;
- (c) summary general courts-martial; and
- (d) summary courts-martial.

*1/2 Subs. by S. 2 of Act 19 of 1955 (from 7.5.55)*

**109. Power to convene a general court-martial.**—A general court-martial may be convened by the Central Government or the ~~Commander-in-Chief~~ or by any officer empowered in this behalf by warrant of the ~~Commander-in-Chief~~.

**110. Power to convene a district court-martial.**—A district court-martial may be convened by an officer having power to convene a general court-martial or by any officer empowered in this behalf by warrant of any such officer.

**111. Contents of warrants issued under sections 109 and 110.**—A warrant issued under section 109 or section 110 may contain such restrictions, reservations or conditions as the officer issuing it may think fit.

**112. Power to convene a summary general court-martial.**—The following authorities shall have power to convene a summary general court-martial, namely,—

- (a) an officer empowered in this behalf by an order of the Central Government or of ~~the Commander-in-Chief~~; [the Chief of the Army Staff]
- (b) on active service, the officer commanding the forces in the field, or any officer empowered by him in this behalf;
- (c) an officer commanding any detached portion of the regular Army on active service when, in his opinion, it is not practicable, with due regard to discipline and the exigencies of the service, that an offence should be tried by a general court-martial.

**113. Composition of general court-martial.**—A general court-martial shall consist of not less than five officers, each of whom has held a commission for not less than three whole years and of whom not less than four are of a rank not below that of captain.

**114. Composition of district court-martial.**—A district court-martial shall consist of not less than three officers, each of whom has held a commission for not less than two whole years.

**115. Composition of summary general court-martial.**—A summary general court-martial shall consist of not less than three officers.

**116. Summary court-martial.**—(1) A summary court-martial may be held by the commanding officer of any corps, department or detachment of the regular Army, and he shall alone constitute the court.

(2) The proceedings shall be attended throughout by two other persons who shall be officers or junior commissioned officers or one of either, and who shall not as such, be sworn or affirmed.

**117. Dissolution of courts-martial.**—(1) If a court-martial after the commencement of a trial is reduced below the minimum number of officers required by this Act, it shall be dissolved.

(2) If, on account of the illness of the judge advocate or of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(3) The officer who convened a court-martial may dissolve such court-martial if it appears to him that military exigencies or the necessities of discipline render it impossible or inexpedient to continue the said court-martial.

(4) Where a court-martial is dissolved under this section, the accused may be tried again.

Subs. by S. 2 of Act 19 of 1955 (K. 7.5.55)

**118. Powers of general and summary general courts-martial.**—A general or summary general court-martial shall have power to try any person subject to this Act for any offence punishable therein and to pass any sentence authorised thereby.

**119. Powers of district courts-martial.**—A district court-martial shall have power to try any person subject to this Act other than an officer or a junior commissioned officer for any offence made punishable therein, and to pass any sentence authorised by this Act other than a sentence of death, transportation, or imprisonment for a term exceeding two years:

Provided that a district court-martial shall not sentence a warrant officer to imprisonment.

**120. Powers of summary courts-martial.**—(1) Subject to the provisions of sub-section (2), a summary court-martial may try any offence punishable under this Act.

(2) When there is no grave reason for immediate action and reference can without detriment to discipline be made to the officer empowered to convene a district court-martial or on active service a summary general court-martial for the trial of the alleged offender, an officer holding a summary court-martial shall not try without such reference any offence punishable under any of the sections 34, 37 and 69, or any offence against the officer holding the court

(3) A summary court-martial may try any person subject to this Act and under the command of the officer holding the court, except an officer, junior commissioned officer or warrant officer.

(4) A summary court-martial may pass any sentence which may be passed under this Act, except a sentence of death or transportation, or of imprisonment for a term exceeding the limit specified in sub-section (5).

(5) The limit referred to in sub-section (4) shall be one year if the officer holding the summary court-martial is of the rank of lieutenant-colonel and upwards, and three months if such officer is below that rank.

**121. Prohibition of second trial.**—When any person subject to this Act has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been dealt with under any of the sections 80, 83, 84 and 85, he shall not be liable to be tried again for the same offence by a court-martial or dealt with under the said sections.

**122. Period of limitation for trial.**—(1) Except as provided by sub-section (2), no trial by court-martial of any person subject to this Act for any offence shall be commenced after the expiration of a period of three years from the date of such offence.

(2) The provisions of sub-section (1) shall not apply to a trial for an offence of desertion or fraudulent enrolment or for any of the offences mentioned in section 37.

(3) In the computation of the period of time mentioned in sub-section (1), any time spent by such person as a prisoner of war, or in enemy territory, or in evading arrest after the commission of the offence, shall be excluded.

(4) No trial for an offence of desertion other than desertion on active service or of fraudulent enrolment 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 with any portion of the regular Army.

**123. Liability of offender who ceases to be subject to Act.**—(1) Where an offence under this Act had been committed by any person while subject to this Act, and he has ceased to be so subject, he may be taken into and kept in military custody, and tried and punished for such offence as if he continued to be so subject.

(2) No such person shall be tried for an offence, unless his trial commences within six months after he had ceased to be subject to this Act:

Provided that nothing contained in this sub-section shall apply to the trial of any such person for an offence of desertion or fraudulent enrolment or for any of the offences mentioned in section 37 or shall affect the jurisdiction of a criminal court to try any offence triable by such court as well as by a court-martial.

(3) When a person subject to this Act is sentenced by a court-martial to transportation or imprisonment, this Act shall apply to him during the term of his sentence, though he is cashiered or dismissed from the regular Army, or has otherwise ceased to be subject to this Act, and he may be kept, removed, imprisoned and punished as if he continued to be subject to this Act.

(4) When a person subject to this Act is sentenced by a court-martial to death, this Act shall apply to him till the sentence is carried out.

**124. Place of trial.**—Any person subject to this Act who commits any offence against it may be tried and punished for such offence in any place whatever.

**125. Choice between criminal court and court-martial.**—When a criminal court and a court-martial have each jurisdiction in respect of an offence, it shall be in the discretion of the officer commanding the army, army corps, division or independent brigade in which the accused person is serving or such other officer as may be prescribed to decide before which court the proceedings shall be instituted, and, if that officer decides that they should be instituted before a court-martial, to direct that the accused person shall be detained in military custody.

**126. Power of criminal court to require delivery of offender.**—(1) When a criminal court having jurisdiction is of opinion that proceedings shall be instituted before itself in respect of any alleged offence, it may, by written notice, require the officer referred to in section 125 at his option, either to deliver over the offender to the nearest magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Central Government.

(2) In every such case the said officer shall either deliver over the offender in compliance with the requisition, or shall forthwith refer the question as to the court before which the proceedings are to be instituted for the determination of the Central Government, whose order upon such reference shall be final.

**127. Successive trials by a criminal court and court-martial.**—(1) A person convicted or acquitted by a court-martial may, with the previous sanction of the Central Government, be tried again by a criminal court for the same offence, or on the same facts.

(2) If a person sentenced by a court-martial under this Act or punished under any of the sections 80, 83, 84 or 85 is afterwards tried and convicted by a criminal court for the same offence, or on the same facts, that court shall, in awarding punishment, have regard to the punishment he may already have undergone for the said offence.

## CHAPTER XI

## PROCEDURE OF COURTS-MARTIAL

128. **Presiding officer.**—At every general, district or summary general court-martial the senior member shall be the presiding officer.

129. **Judge Advocate.**—Every general court-martial shall, and every district or summary general court-martial may, be attended by a judge advocate, who shall be either an officer belonging to the department of the Judge Advocate General, or if no such officer is available, an officer approved of by the Judge Advocate General or any of his deputies.

130. **Challenges.**—(1) At all trials by general, district or summary general court-martial, as soon as the court is assembled, the names of the presiding officer and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

(2) If the accused objects to any such officer, his objection, and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer decide on the objection.

(3) If the objection is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer subject to the same right of the accused to object.

(4) When no challenge is made, or when challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

131. **Oaths of member, judge advocate and witness.**—(1) An oath or affirmation in the prescribed manner shall be administered to every member of every court-martial and to the judge advocate before the commencement of the trial.

(2) Every person giving evidence before a court-martial shall be examined after being duly sworn or affirmed in the prescribed form.

(3) The provisions of sub-section (2) shall not apply where the witness is a child under twelve years of age and the court-martial is of opinion that though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation.

132. **Voting by members.**—(1) Subject to the provisions of sub-sections (2) and (3), every decision of a court-martial shall be passed by an absolute majority of votes; and where there is an equality of votes on either the finding or the sentence, the decision shall be in favour of the accused.

(2) No sentence of death shall be passed by a general court-martial without the concurrence of at least two-thirds of the members of the court.

(3) No sentence of death shall be passed by a summary general court-martial without the concurrence of all the members.

(4) In matters, other than a challenge or the finding or sentence, the presiding officer shall have a casting vote.

133. **General rule as to evidence.**—The Indian Evidence Act, 1872 (1 of 1872), shall, subject to the provisions of this Act, apply to all proceedings before a court-martial.

**134. Judicial notice.**—A court-martial may take judicial notice of any matter within the general military knowledge of the members.

**135. Summoning witnesses.**—(1) The convening officer, the presiding officer of a court-martial, the judge advocate or the commanding officer of the accused person may, by summons under his hand, require the attendance, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(2) In the case of a witness amenable to military authority, the summons shall be sent to his commanding officer, and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the magistrate within whose jurisdiction he may be or reside, and such magistrate shall give effect to the summons as if the witness were required in the court of such magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with reasonable precision.

**136. Documents exempted from production.**—(1) Nothing in section 135 shall be deemed to affect the operation of sections 123 and 124 of the Indian Evidence Act, 1872 (I of 1872), or to apply to any letter, postcard, telegram or other document in the custody of the postal or telegraph authorities.

(2) If any document in such custody is, in the opinion of any district magistrate, chief presidency magistrate, High Court or Court of Session, wanted for the purpose of any court-martial, such magistrate or Court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such magistrate or Court may direct.

(3) If any such document is, in the opinion of any other magistrate or of any commissioner of police or district superintendent of police, wanted for any such purpose, he may require the postal or telegraph authorities, as the case may be, to cause search to be made for and to detain such document pending the orders of any such district magistrate, chief presidency magistrate or High Court or Court of Session.

**137. Commissions for examination of witnesses.**—(1) Whenever, in the course of a trial by court-martial, it appears to the court 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, in the circumstances of the case, would be unreasonable, such court may address the Judge Advocate General in order that a commission to take the evidence of such witness may be issued.

(2) The Judge Advocate General may then, if he thinks necessary, 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.

(3) The magistrate or officer to whom the commission is issued, or, if he is the district magistrate, he or such magistrate of the first class as he appoints in this behalf, shall proceed to the 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 (Act V. of 1898), or any corresponding law in force in a Part B State.



(4) When the witness resides in a tribal area or in any place outside India, the commission may be issued in the manner specified in Chapter XL of the Code of Criminal Procedure, 1898 (Act V of 1898), or of any corresponding law in force in a Part B State.

(5) In this and the next succeeding section, the expression "Judge Advocate General" includes a Deputy Judge Advocate General.

**138. Examination of a witness on commission.**—(1) The prosecutor and the accused person in any case in which a commission is issued under section 137 may respectively forward any interrogatories in writing which the court may think relevant to the issue, and the magistrate or officer executing the commission shall examine the witness upon such interrogatories.

(2) The prosecutor and the accused person may appear before such magistrate or officer 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 137 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Judge Advocate General.

(4) On receipt of a commission and deposition returned under sub-section (3), the Judge Advocate General shall forward the same to the court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person; and the commission, the return thereto and the deposition shall be open to inspection by the prosecutor and the accused person, 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 court.

(5) In every case in which a commission is issued under section 137, the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

**139. Conviction of offence not charged.**—(1) A person charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged before a court-martial with attempting to desert may be found guilty of being absent without leave.

(3) A person charged before a court-martial with using criminal force may be found guilty of assault.

(4) A person charged before a court-martial with using threatening language may be found guilty of using insubordinate language.

(5) A person charged before a court-martial with any one of the offences specified in clauses (a), (b), (c) and (d) of section 52 may be found guilty of any other of these offences with which he might have been charged.

(6) A person charged before a court-martial with an offence punishable under section 69 may be found guilty of any other offence of which he might have been found guilty if the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), were applicable.

(7) A person charged before a court-martial with any offence under this Act, may, on failure of proof of an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment.

(8) A person charged before a court-martial with any offence under this Act may be found guilty of having attempted or abetted the commission of that offence, although the attempt or abetment is not separately charged.

140. **Presumption as to signatures.**—In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the service of the Government shall, on production, be presumed to have been duly signed by the person by whom and in the character in which it purports to have been signed, until the contrary is shown.

141. **Enrolment paper.**—(1) Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given.

(2) The enrolment of such person may be proved by the production of the original or a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper.

[the Chief of the Army Staff] ✓  
142. **Presumption as to certain documents.**—(1) A letter, return or other document respecting the service of any person in, or the cashiering, dismissal or discharge of any person from, any portion of the regular Army, or respecting the circumstance of any person not having served in, or belonged to, any portion of the Forces, if purporting to be signed by or on behalf of the Central Government or the Commander-in-Chief, or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document.

(2) An Army, Navy or Air Force List or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers, junior commissioned officers or warrant officers therein mentioned, and of any appointment held by them and of the corps, battalion or arm or branch of the services to which they belong.

(3) Where a record is made in any regimental book in pursuance of this Act or of any rules made thereunder or otherwise in pursuance of military duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts therein stated.

(4) A copy of any record in any regimental book purporting to be certified to be a true copy by the officer having custody of such book shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of any officer or other person subject to this Act, or any portion of the regular Army, or has been apprehended by such officer or person, a certificate purporting to be signed by such officer, or by the commanding officer of that portion of the regular Army, or by the commanding officer of the corps, department or detachment to which such person belongs, as the case may be, and stating the fact, date and place of such surrender or apprehension, and the manner in which he was dressed, shall be evidence of the matters so stated.

(6) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a police officer not below the rank of an officer in charge of a police station, a certificate purporting to be signed by such police officer and stating the fact, date and place of such surrender or apprehension and the manner in which he was dressed shall be evidence of the matters so stated.

✓ Subs. by A. 2 of Act 19 of 1955 (from 7.5.55)

(7) 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 and report may be used as evidence in any proceeding under this Act.

**143. Reference by accused to Government officer.**—(1) If at any trial for desertion or absence without leave, overstaying leave or not rejoining when warned for service, the person tried states in his defence any sufficient or reasonable excuse for his unauthorised absence, and refers in support thereof to any officer in the service of the Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the court shall address such officer and adjourn the proceedings until his reply is received.

(2) The written reply of any officer so referred to shall, if signed by him be received in evidence and have the same effect as if made on oath before the court.

(3) If the court is dissolved before the receipt of such reply, or if the court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial.

**144. Evidence of previous convictions and general character.**—(1) When any person subject to this Act has been convicted by a court-martial of any offence, such court-martial may inquire into, and receive and record evidence of any previous convictions of such person, either by a court-martial or by a criminal court, or any previous award of punishment under any of the sections 80, 83, 84 and 85, and may further inquire into and record the general character of such person and such other matters as may be prescribed.

(2) Evidence received under this section may be either oral, or in the shape of entries in, or certified extracts from, court-martial books or other official records; and it shall not be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

(3) At a summary court-martial the officer holding the trial may, if he thinks fit, record any previous convictions against the offender, his general character, and such other matters as may be prescribed, as of his own knowledge, instead of requiring them to be proved under the foregoing provisions of this section.

**145. Lunacy of accused.**—(1) Whenever, in the course of a trial by a court-martial, it appears to the court that the person charged is by reason of unsoundness of mind incapable of making his defence, or that he committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or knowing that it was wrong or contrary to law, the court shall record a finding accordingly.

(2) The presiding officer of the court, or, in the case of a summary court-martial, the officer holding the trial, shall forthwith report the case to the confirming officer, or to the authority empowered to deal with its finding under section 162, as the case may be.

(3) The confirming officer to whom the case is reported under sub-section (2) may, if he does not confirm the finding, take steps to have the accused person tried by the same or another court-martial for the offence with which he was charged.

(4) The authority to whom the finding of a summary court-martial is reported under sub-section (2), and a confirming officer confirming a finding in any case so reported to him shall order the accused person to be kept in custody in the

prescribed manner and shall report the case for the orders of the Central Government.

(5) On receipt of a report under sub-section (4) the Central Government may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

**146. Subsequent fitness of lunatic accused for trial.**—Where any accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention under section 145, the officer commanding the army, army corps, division or brigade within the area of whose command the accused is in custody or is detained, or any other officer prescribed in this behalf, may—

(a) if such person is in custody under sub-section (4) of section 145, on the report of a medical officer that he is capable of making his defence, or

(b) if such person is detained in a jail under sub-section (5) of section 145, on a certificate of the Inspector General of Prisons, and if such person is detained in a lunatic asylum under the said sub-section on a certificate of any two or more of the visitors of such asylum that he is capable of making his defence,

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged or, if the offence is a civil offence, by a criminal court.

**147. Transmission to Central Government of orders under section 146.**—A copy of every order made by an officer under section 146 for the trial of the accused shall forthwith be sent to the Central Government.

**148. Release of lunatic accused.**—Where any person is in custody under sub-section (4) of section 145 or under detention under sub-section (5) of that section—

(a) if such person is in custody under the said sub-section (4), on the report of a medical officer, or

(b) if such person is detained under the said sub-section (5), on a certificate from any of the authorities mentioned in clause (b) of section 146 that, in the judgment of such officer or authority such person may be released without danger of his doing injury to himself or to any other person,

the Central Government may order that such person be released or detained in custody, or transferred to a public lunatic asylum if he has not already been sent to such an asylum.

**149. Delivery of lunatic accused to relatives.**—Where any relative or friend of any person who is in custody under sub-section (4) of section 145 or under detention under sub-section (5) of that section desires that he should be delivered to his care and custody, the Central Government may upon application by such relative or friend and on his giving security to the satisfaction of that Government that the person delivered shall be properly taken care of and prevented from doing injury to himself or any other person, and be produced for the inspection of such officer, and at such times and places, as the Central Government may direct, order such person to be delivered to such relative or friend.

**150. Order for custody and disposal of property pending trial.**—When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a court-martial during a trial, 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.

**151. Order for disposal of property regarding which offence is committed.—**

(1) After the conclusion of a trial before any court-martial, the court or the officer confirming the finding or sentence of such court-martial, or any authority superior to such officer, or, in the case of a court-martial whose finding or sentence does not require confirmation, the officer commanding the army, army corps, division or brigade within which the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within India or not, be sent to a magistrate within whose jurisdiction such property for the time being is situated, and such magistrate shall thereupon cause the order to be carried into effect as if it were an order passed by him under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), or any corresponding law in force in a Part B State.

(3) 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.

**152. Powers of court-martial in relation to proceedings under this Act.—**Any trial by a court-martial 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 (Act XLV of 1860), and the court-martial shall be deemed to be a court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

## CHAPTER XII

### CONFIRMATION AND REVISION

**153. Finding and sentence not valid, unless confirmed.—**No finding or sentence of a general, district or summary general, court-martial shall be valid except so far as it may be confirmed as provided by this Act.

**154. Power to confirm finding and sentence of general court-martial.—**The findings and sentences of general courts-martial may be confirmed by the Central Government, or by any officer empowered in this behalf by warrant of the Central Government.

**155. Power to confirm finding and sentence of district court-martial.—**The findings and sentences of district courts-martial may be confirmed by any officer having power to convene a general court-martial or by any officer empowered in this behalf by warrant of such officer.

**156. Limitation of powers of confirming authority.—**A warrant issued under section 154 or section 155 may contain such restrictions, reservations or conditions as the authority issuing it may think fit.

157. Power to confirm finding and sentence of summary general court-martial.—The findings and sentences of summary general courts-martial may be confirmed by the convening officer or if he so directs, by an authority superior to him.

158. Power of confirming authority to mitigate, remit or commute sentences.—(1) Subject to such restrictions, reservations or conditions as may be contained in any warrant issued under section 154 or section 155 and to the provision of sub-section (2), a confirming authority may, when confirming the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any punishment or punishments lower in the scale laid down in section 71.

(2) A sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court.

159. Confirming of findings and sentences on board a ship.—When any person subject to this Act is tried and sentenced by a court-martial while on board a ship, the finding and sentence so far as not confirmed and executed on board the ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

160. Revision of finding or sentence.—(1) Any finding or sentence of a court-martial which requires confirmation may be once revised by order of the confirming authority and on such revision, the court, if so directed by the confirming authority, may take additional evidence

(2) The court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided that, if a general court-martial, it still consists of five officers, or, if a summary general or district court-martial, of three officers.

161. Finding and sentence of a summary court-martial.—(1) Save as otherwise provided in sub-section (2), the finding and sentence of a summary court-martial shall not require to be confirmed, but may be carried out forthwith.

(2) If the officer holding the trial is of less than five years service, he shall not, except on active service, carry into effect any sentence until it has received the approval of an officer commanding not less than a brigade.

162. Transmission of proceedings of summary courts-martial.—The proceedings of every summary court-martial shall without delay be forwarded to the officer commanding the division or brigade within which the trial was held, or to the prescribed officer; and such officer, or the ~~Commander-in-Chief~~ or any officer empowered in this behalf by the ~~Commander-in-Chief~~ may, for reasons based on the merits of the case, but not any merely technical grounds, set aside the proceedings or reduce the sentence to any other sentence which the court might have passed.

*1/2 [The Chief of the Army Staff]*

163. Alteration of finding or sentence in certain cases.—(1) Where a finding of guilty by a court-martial, which has been confirmed, or which does not require confirmation, is found for any reason to be invalid or cannot be supported by the evidence, the authority which would have had power under section

*1/2 Subs. by s. 2 of Act 19 of Act 1955 (from 7.5.55)*

179 to commute the punishment awarded by the sentence, if the finding had been valid, may substitute a new finding and pass a sentence for the offence specified or involved in such finding:

Provided that no such substitution shall be made unless such finding could have been validly made by the court-martial on the charge and unless it appears that the court-martial must have been satisfied of the facts establishing the said offence.

(2) Where a sentence passed by a court-martial which has been confirmed, or which does not require confirmation, not being a sentence passed in pursuance of a new finding substituted under sub-section (1), is found for any reason to be invalid, the authority referred to in sub-section (1) may pass a valid sentence.

(3) The punishment awarded by a sentence passed under sub-section (1) or sub-section (2) shall not be higher in the scale of punishments than, or in excess of, the punishment awarded by, the sentence for which a new sentence is substituted under this section.

(4) Any finding substituted, or any sentence passed, under this section shall, for the purposes of this Act and the rules made thereunder, have effect as if it were a finding or sentence, as the case may be, of a court-martial.

164. Remedy against order, finding or sentence of court-martial.—(1) Any person subject to this Act who considers himself aggrieved by any order passed by any court-martial may present a petition to the officer or authority empowered to confirm any finding or sentence of such court-martial, and the confirming authority may take such steps as may be considered necessary to satisfy itself as to the correctness, legality or propriety of the order passed or as to the regularity of any proceeding to which the order relates.

(2) Any person subject to this Act who considers himself aggrieved by a finding or sentence of any court-martial which has been confirmed, may present a petition to the Central Government, ~~the Commander-in-Chief~~ or any prescribed officer superior in command to the one who confirmed such finding or sentence, and the Central Government, ~~the Commander-in-Chief~~ or other officer, as the case may be, may pass such order thereon as it or he thinks fit.

*[The Chief of the Army Staff]*

165. Annulment of proceedings.—The Central Government, ~~the Commander-in-Chief~~ or any prescribed officer may annul the proceedings of any court-martial on the ground that they are illegal or unjust.

## CHAPTER XIII

### EXECUTION OF SENTENCES

166. Form of sentence of death.—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.

167. Commencement of sentence of transportation or imprisonment.—Whenever any person is sentenced by a court-martial under this Act to transportation or imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the presiding officer or, in the case of a summary court-martial, by the court.

*↳ Subs by s. 2 of Act 19 of 1955 (from 7.5.55)*

**168. Execution of sentence of transportation.**—Whenever any sentence of transportation is passed under this Act or whenever any sentence of death is commuted to transportation, the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

**169. Execution of sentence of imprisonment.**—(1) Whenever any sentence of imprisonment is passed under this Act by a court-martial or whenever any sentence of death or transportation is commuted to imprisonment, the confirming officer or in case of a summary court-martial the officer holding the court or such other officer as may be prescribed, shall, save as otherwise provided in sub-sections (3) and (4), direct either that the sentence shall be carried out by confinement in a military prison or that it shall be carried out by confinement in a civil prison.

(2) When a direction has been made under sub-section (1) the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

(3) In the case of a sentence of imprisonment for a period not exceeding three months and passed under this Act by a court-martial, the appropriate officer under sub-section (1) may direct that the sentence shall be carried out by confinement in military custody instead of in a civil or military prison.

(4) On active service, a sentence of imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may from time to time appoint.

**170. Temporary custody of offender.**—Where a sentence of transportation or imprisonment is directed to be undergone in a civil prison the offender may be kept in a military prison or in military custody or in any other fit place, till such time as it is possible to send him to a civil prison.

**171. Execution of sentence of imprisonment in special cases.**—Whenever, in the opinion of an officer commanding an army, army corps, division or independent brigade, any sentence or portion of a sentence of imprisonment cannot for special reasons, conveniently be carried out in a military prison or in military custody in accordance with the provisions of section 169 such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

**172. Conveyance of prisoner from place to place.**—A person under sentence of transportation or imprisonment may during his conveyance from place to place, or when on board ship, aircraft, or otherwise, be subjected to such restraint as is necessary for his safe conduct and removal.

**173. Communication of certain orders to prison officers.**—Whenever an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil or military prison, a warrant in accordance with such order shall be forwarded by the officer making the order or his staff officer or such other person as may be prescribed to the officer in charge of the prison in which such person is confined.

**174. Execution of sentence of fine.**—When a sentence of fine is imposed by a court-martial under section 69 whether the trial was held within India or not, a copy of such sentence, signed and certified by the confirming officer, or where no confirmation is required, by the officer holding the trial may be



sent 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 (Act V of 1898), or any corresponding law in force in a Part B State for the levy of fines as if it were a sentence of fine imposed by such magistrate.

**175. Establishment and regulation of military prisons.**—The Central Government may set apart any building or part of a building, or any place under its control, as a military prison for the confinement of persons sentenced to imprisonment under this Act.

**176. Informality or error in the order or warrant.**—Whenever any person is sentenced to transportation or imprisonment under this Act, and is undergoing the sentence in any place or manner in which he might be confined under a lawful order or warrant in pursuance of this Act, the confinement of such person shall not be deemed to be illegal only by reason of any informality or error in or as respects the order, warrant or other document, or the authority by which, or in pursuance whereof such person was brought into or is confined in any such place, and any such order, warrant or document may be amended accordingly.

**177. Power to make rules in respect of prisons and prisoners.**—The Central Government may make rules providing—

(a) for the government, management and regulation of military prisons;

(b) for the appointment, removal and powers of inspectors, visitors, governors and officers thereof;

(c) for the labour of prisoners undergoing confinement therein, and for enabling persons to earn, by special industry and good conduct, a remission of a portion of their sentence;

(d) for the safe custody of prisoners and the maintenance of discipline among them and the punishment, by personal correction, restraint or otherwise, of offences committed by prisoners;

(e) for the application to military prisons of any of the provisions of the Prisons Act, 1894 (IX of 1894), relating to the duties of officers of prisons and the punishment of persons not being prisoners;

(f) for the admission into any prison, at proper times and subject to proper restrictions, of persons with whom prisoners may desire to communicate, and for the consultation by prisoners under trial with their legal advisers without the presence as far as possible of any third party within hearing distance.

**178. Restriction of rule-making power in regard to corporal punishment.**—Rules made under section 177 shall not authorise corporal punishment to be inflicted for any offence, nor render the imprisonment more severe than it is under the law for the time being in force relating to civil prisons.

*[The Chief of  
the Army Staff]*

#### CHAPTER XIV

##### PARDONS, REMISSIONS AND SUSPENSIONS

**179. Pardon and remission.**—When any person subject to this Act has been convicted by a court-martial of any offence, the Central Government or the Commander-in-Chief or, in the case of a sentence, which he could have

*↓ Subs. by S. 2 of Act 19 of 1955 (from 7-5-55)*

confirmed or which did not require confirmation, the officer commanding the army, army corps, division or independent brigade in which such person at the time of conviction was serving, or the prescribed officer may—

(a) either with or without conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or

(b) mitigate the punishment awarded; or

(c) commute such punishment for any less punishment or punishments mentioned in this Act:

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court; or

(d) either with or without conditions which the person sentenced accepts, release the person on parole.

**180. Cancellation of conditional pardon, release on parole or remission.—**

(1) 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, release or remission, and thereupon the sentence of the court shall be carried into effect as if such pardon, release or remission had not been granted.

(2) A person whose sentence of transportation or imprisonment is carried into effect under the provisions of sub-section (1) shall undergo only the unexpired portion of his sentence.

**181. Reduction of warrant officer or non-commissioned officer.—**When under the provisions of section 77 a warrant officer or a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purpose of section 179, be treated as a punishment awarded by a sentence of a court-martial.

*↳ [the Chief of the Army Staff]*

**182. Suspension of sentence of transportation or imprisonment.—**(1) Where a person subject to this Act is sentenced by a court-martial to transportation or imprisonment, the Central Government, ~~the Commander-in-Chief~~ or any officer empowered to convene a general or a summary general court-martial may suspend the sentence whether or not the offender has already been committed to prison or to military custody.

(2) The authority or officer specified in sub-section (1) may in the case of an offender so sentenced direct that, until the orders of such authority or officer have been obtained the offender shall not be committed to prison or to military custody.

(3) The powers conferred by sub-sections (1) and (2) may be exercised in the case of any such sentence which has been confirmed, reduced or commuted.

**183. Orders pending suspension.—**(1) Where the sentence referred to in section 182 is imposed by a court-martial other than a summary court-martial, the confirming officer may, when confirming the sentence, direct that the offender be not committed to prison or to military custody until the orders of the authority or officer specified in section 182 have been obtained.

(2) Where a sentence of imprisonment is imposed by a summary court-martial, the officer holding the trial or the officer authorised to approve of the sentence under sub-section (2) of section 161 may make the direction referred to in sub-section (1).

*↳ Subs. by s. 2 of Act 19 of 1955 (Am. 7.5.55)*

**184. Release on suspension.**—Where a sentence is suspended under section 182, the offender shall forthwith be released from custody.

**185. Computation of period of suspension.**—Any period during which the sentence is under suspension shall be reckoned as part of the term of such sentence.

**186. Order after suspension.**—The authority or officer specified in section 182 may, at any time while a sentence is suspended, order—

(a) that the offender be committed to undergo the unexpired portion of the sentence, or

(b) that the sentence be remitted.

**187. Reconsideration of case after suspension.**—(1) Where a sentence has been suspended, the case may at any time, and shall at intervals of not more than four months, be reconsidered by the authority or officer specified in section 182, or by any general or other officer not below the rank of field officer duly authorised by the authority or officer specified in section 182.

(2) Where on such reconsideration by the officer so authorised it appears to him that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, he shall refer the matter to the authority or officer specified in section 182.

**188. Fresh sentence after suspension.**—Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then—

(a) if the further sentence is also suspended under this Act, the two sentences shall run concurrently;

(b) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall also be committed to prison or military custody for the unexpired portion of the previous sentence, but both sentences shall run concurrently; and

(c) if the further sentence is for a period of less than three months and is not suspended under this Act, the offender shall be so committed on that sentence only, and the previous sentence shall, subject to any order which may be passed under section 186 or section 187, continue to be suspended.

**189. Scope of power of suspension.**—The powers conferred by sections 182 and 186 shall be in addition to and not in derogation of the power of mitigation, remission and commutation.

**190. Effect of suspension and remission on dismissal.**—(1) Where in addition to any other sentence the punishment of dismissal has been awarded by a court-martial, and such other sentence is suspended under section 182, then, such dismissal shall not take effect until so ordered by the authority or officer specified in section 182.

(2) If such other sentence is remitted under section 186, the punishment of dismissal shall also be remitted.

## CHAPTER XV

### RULES

**191. Power to make rules.**—(1) The Central Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the rules made thereunder may provide for—

(a) the removal, retirement, release or discharge from the service of persons subject to this Act;

- (b) the amount and incidence of fines to be imposed under section 89;
- (c) the specification of the punishments which may be awarded as field punishments under sections 75 and 80;
- (d) the assembly and procedure of courts of inquiry, the recording of summaries of evidence and the administration of oaths or affirmations by such courts;
- (e) the convening and constituting of courts-martial and the appointment of prosecutors at trials by courts-martial;
- (f) the adjournment, dissolution and sitting of courts-martial;
- (g) the procedure to be observed in trials by courts-martial and the appearance of legal practitioners thereat;
- (h) the confirmation, revision and annulment of, and petitions against, the findings and sentences of courts-martial;
- (i) the carrying into effect of sentences of courts-martial;
- (j) the forms of orders to be made under the provisions of this Act relating to courts-martial, transportation and imprisonment;
- (k) the constitution of authorities to decide for what persons, to what amounts and in what manner, provision should be made for dependants under section 99, and the due carrying out of such decisions;
- (l) the relative rank of the officers, junior commissioned officers, warrant officers, petty officers and non-commissioned officers of the regular Army, Navy and Air Force when acting together;
- (m) any other matter directed by this Act to be prescribed.

**192. Power to make regulations.**—The Central Government may make regulations for all or any of the purposes of this Act other than those specified in section 191.

**193. Publication of rules and regulations in Gazette.**—All rules and regulations made under this Act shall be published in the Official Gazette and, on such publication, shall have effect as if enacted in this Act.

**194. Repeals.**—The Acts and Ordinances mentioned in the Schedule are hereby repealed.

## CHAPTER XVI

### TRANSITORY PROVISIONS

**195. Definition of "British officer".**—(1) In this Chapter "British officer" means a person of non-Indian domicile holding a commission in His Majesty's Land Forces or in the Royal Marines or in the Territorial Army and serving in the regular Army.

(2) The expression "superior officer" in this Act shall be deemed to include a British officer.

**196. Powers of British officer.**—A British officer shall have all the powers conferred by this Act on an officer of corresponding rank or holding a corresponding appointment.

## THE SCHEDULE

(See section 194.)

Year	No.	Short title	Extent of repeal
1911	VIII	The Indian Army Act, 1911.	The whole, except Chapter XII.
1920	XX	The Indian Army (Suspension of Sentences) Act, 1920.	The whole.
1941	X	The Active Service Ordinance, 1941.	The whole.
1943	XXXVI	The Prisoners of War (Forfeiture of Emoluments) Ordinance, 1943.	The whole.
1946	XIV	The Active Service (Amendment) Ordinance, 1946.	The whole.



Repealed by Act 36 of 1957.

**THE INSURANCE (AMENDMENT) ACT, 1950**  
**No. XLVII OF 1950**



An Act further to amend the Insurance Act, 1938.

[20th May, 1950.]

**BE** it enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Insurance (Amendment) Act, 1950.

(2) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different provisions of this Act.

**2. Amendment of section 1, Act IV of 1938.**—For sub-section (2) of section 1 of the Insurance Act, 1938 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely:—

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

**3. Amendment of section 2, Act IV of 1938.**—In section 2 of the said Act,—

(1) for clause (3), the following clause shall be substituted, namely:—

“(3) “approved securities” means—

(i) Government securities and other securities charged on the revenues of the Central Government or of the Government of a Part A State or guaranteed fully as regards principal and interest by the Central Government, or the Government of any Part A State;

(ii) debentures or other securities for money issued under the authority of any Central Act or Act of a State Legislature by or on behalf of a port trust or municipal corporation or city improvement trust in any presidency-town;

(iii) shares of a corporation established by law and guaranteed fully by the Central Government or the Government of a Part A State as to the repayment of the principal and the payment of dividend;

(iv) securities issued or guaranteed fully as regards principal and interest by the Government of any Part B State and specified as approved securities for the purposes of this Act by the Central Government by notification in the Official Gazette; and

As from June, 1950, for sections 1 to 6 (inclusive), 8 to 13 (inclusive), 17 to 29 (inclusive), 34, 36, 38 to 42 (inclusive), 44, 46 to 50 (inclusive), 52 to 56 (inclusive), 58 to 60 (inclusive), 62 to 64 (inclusive) and 65 and the September for the remaining sections. See notification No. 10, A. O. 76-50, dated the 29th May, 1950, Gazette of India, Part II, section 3, dated the 29th May, 1950, Ex. p-49.]

(v) subject to the limitations contained in the proviso hereto, securities guaranteed fully as regards principal and interest by a Provincial Government in Pakistan or charged on the revenues of any part of that Dominion, and debentures or other securities for money issued by or on behalf of the trustees of the port of Karachi;

Provided that securities or debentures specified in item (v) shall be recognised as approved securities only for such purposes and for such period and subject to such conditions as may be prescribed.;

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

'(4) "auditor" means a person qualified under the Chartered Accountants Act, 1949 (XXXVIII of 1949) to act as an auditor of companies;';

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

'(4A) "banking company" and "company" shall have the meanings respectively assigned to them in clauses (c) and (d) of sub-section (1) of section 5 of the Banking Companies Act, 1949 (X of 1949);';

(4) after clause (5), the following clauses shall be inserted, namely:—

'(5A) "chief agent" means a person who, not being a salaried employee of an insurer, in consideration of any commission—

(i) performs any administrative and organising functions for the insurer, and

(ii) procures life insurance business for the insurer by employing or causing to be employed insurance agents on behalf of the insurer;

'(5B) "Controller of Insurance" or "Controller" means the officer appointed by the Central Government to perform the duties of the Controller of Insurance under this Act;';

(5) after clause (6), the following clauses shall be inserted, namely:—

'(6A) "fire insurance business" means the business of effecting, otherwise than incidentally to some other class of insurance business, contracts of insurance against loss by or incidental to fire or other occurrence customarily included among the risks insured against in fire insurance policies;

'(6B) "general insurance business" means fire, marine or miscellaneous insurance business, whether carried on singly or in combination with one or more of them;';

(6) for clause (7), the following clause shall be substituted, namely:—

'(7) "Government security" means a Government security as defined in the Public Debt Act, 1944 (XVIII of 1944);';

(7) in clause (9),—

(i) in sub-clause (a) the words "or of any Part B State" shall be omitted, and



(ii) for the words "but does not include an insurance agent licensed under section 42" the words "but does not include a principal agent, chief agent, special agent, or an insurance agent" shall be substituted;

(8) in clause (10), the following words shall be added at the end, namely:—

"including business relating to the continuance, renewal or revival of policies of insurance";

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

'(10A) "investment company" means a company whose principal business is the acquisition of shares, stocks, debentures or other securities;';

(10) for clause (11), the following clause shall be substituted, namely:—

'(11) "life insurance business" means the business of effecting contracts of insurance upon human life, including any contract whereby the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, and any contract which is subject to payment of premiums for a term dependent on human life and shall be deemed to include—

(a) the granting of disability and double or triple indemnity accident benefits, if so provided in the contract of insurance,

(b) the granting of annuities upon human life; and

(c) the granting of superannuation allowances and annuities payable out of any fund applicable solely to the relief and maintenance of persons engaged or who have been engaged in any particular profession, trade or employment or of the dependents of such persons;';

(11) after clause (13), the following clauses shall be inserted, namely:—

'(13A) "marine insurance business" means the business of effecting contracts of insurance upon vessels of any description, including cargoes, freights and other interests which may be legally insured, in or in relation to such vessels, cargoes and freights, goods, wares, merchandise and property of whatever description insured for any transit by land or water, or both, and whether or not including warehouse risks or similar risks in addition or as incidental to such transit, and includes any other risks customarily included among the risks insured against in marine insurance policies;

(13B) "miscellaneous insurance business" means the business of effecting contracts of insurance which is not principally or wholly of any kind or kinds included in clauses (6A), (11) and (13A);';

(12) for clause (14A), the following clause shall be substituted, namely:—

'(14A) the expressions "State" and "States" do not include the State of Jammu and Kashmir';

(13) for clause (15), the following clauses shall be substituted, namely:—

(15) "principal agent" means a person who, not being a salaried employee of an insurer, in consideration of any commission,—

(i) performs any administrative and organising functions for the insurer, and

(ii) procures general insurance business whether wholly or in part by employing or causing to be employed insurance agents on behalf of the insurer;

(16) "private company" and "public company" have the meanings respectively assigned to them in clauses (13) and (13A) of section 2 of the Indian Companies Act, 1913 (VII of 1913);

(17) "special agent" means a person who, not being a salaried employee of an insurer, in consideration of any commission, procures life insurance business for the insurer whether wholly or in part by employing or causing to be employed insurance agents on behalf of the insurer, but does not include a chief agent.

4. Substitution of "Controller" for "Superintendent of Insurance" and "Superintendent".—In the said Act, for the words "Superintendent of Insurance" and "Superintendent", the word "Controller" shall be substituted.

5. Insertion of new sections 2A and 2B in Part I, Act IV of 1938.—In Part I, after section 2 of the said Act, the following sections shall be inserted, namely:—

"2A. Rule of construction in applying Act to Part B States.—In the application of this Act to any Part B State to which this Act extends, unless the context otherwise requires, references to any enactment in force in Part A States but not in force in that Part B State shall be construed as references to the corresponding enactment, if any, in force in that State.

2B. Appointment of Controller of Insurance.—(1) The Central Government may, by notification in the Official Gazette, appoint a person to be the Controller of Insurance under this Act.

(2) In making any appointment under this section, the Central Government shall have due regard to the following considerations, namely, whether the person to be appointed has had experience in industrial, commercial or insurance matters and whether such person has actuarial qualifications."

6. Insertion of new section 2C in Part II, Act IV of 1938.—In Part II of the said Act, sections 2A and 2B shall be renumbered as sections 2D and 2E, and before the sections as so renumbered, the following section shall be inserted, namely:—

"2C. Prohibition of transaction of insurance business by certain persons.—(1) Save as hereinafter provided, no person shall, after the commencement of the Insurance (Amendment) Act, 1950, begin to carry on any class of insurance business in the States and no insurer carrying on any class of insurance business in the States shall, after the expiry of one year from such commencement, continue to carry on any such business unless he is—

(a) a public company, or

(b) a society registered under the Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force in any State relating to co-operative societies, or

(c) a body corporate incorporated under the law of any country outside the States not being of the nature of a private company:

Provided that the Central Government may, by notification in the Official Gazette, exempt from the operation of this section to such extent for such period and subject to such conditions as it may specify, any person or insurer for the purpose of carrying on the business of granting superannuation allowances and annuities of the nature specified in sub-clause (c) of clause (11) of section 2 or for the purpose of carrying on any general insurance business:

Provided further that in the case of an insurer carrying on any general insurance business no such notification shall be issued having effect for more than three years at any one time.

(2) Every notification issued under sub-section (1) shall be laid before Parliament as soon as may be after it is issued."

**7. Amendment of section 3, Act IV of 1938.**—In section 3 of the said Act,—

(1) in sub-section (4),—

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

“(f) if the insurer makes default in complying with, or acts in contravention of, any requirement of this Act or of any rule or order made thereunder, or”;

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

“(h) if the insurer carries on any business other than insurance business or any prescribed business”;

(2) in sub-section (5C), for the words, figure and letter “or that he has complied with the order under section 3B” the words “or that he has complied with any requirement of this Act or of any rule or order made thereunder or that he has ceased to carry on any business other than insurance business or any prescribed business” shall be substituted;

(3) in sub-section (6), for the figures and word “5, 10 and 32”, the figures, letters and word “2C, 5, 6A, 10(2A), 31A and 32” shall be substituted.

**8. Amendment of section 4, Act IV of 1938.**—In sub-section (1) of section 4 of the said Act, for the words and figures “the Insurance Act, 1938” the words “this Act” shall be substituted.

**9. Insertion of new sections 6A, 6B and 6C in Act IV of 1938.**—After section 6 of the said Act, the following sections shall be inserted, namely:—

“6A. Requirements as to capital structure and voting rights and maintenance of registers of beneficial owners of shares.—(1) No public company limited by shares having its registered office in the States, shall carry on life insurance business, unless it satisfies all the following conditions, namely:—

(i) that the capital of the company consists only of ordinary shares each of which has a single face value;

(ii) that, except during any period not exceeding one year allowed by the company for payment of calls on shares, the paid-up amount is the same for all shares, whether existing or new:

Provided that the conditions specified in this sub-section shall not apply to a public company which has, before the commencement of the Insurance (Amendment) Act, 1950, issued any shares other than ordinary shares each of which has a single face value or any shares the paid-up amount whereof is not the same for all of them for a period of three years from such commencement.

(2) Notwithstanding anything to the contrary contained in any law for the time being in force or in the memorandum or articles of association but subject to the other provisions contained in this section the voting right of every shareholder of any public company as aforesaid shall in all cases be strictly proportionate to the paid-up amount of the shares held by him.

(3) No public company as aforesaid which carries on life insurance business shall, after the commencement of the Insurance (Amendment) Act, 1950, issue any shares other than ordinary shares of the nature specified in sub-section (1).

(4) A public company as aforesaid which carries on life insurance business—

(a) shall maintain, in addition to the register of members to be maintained under the Indian Companies Act, 1913 (VII of 1913), a register of shares in which shall be entered the name, occupation and address of the beneficial owner of each share, and shall incorporate therein any change of beneficial owner declared to it within fourteen days from the receipt of such declaration;

(b) shall not register any transfer of its shares—

(i) unless, in addition to compliance being made with the provisions of section 34 of the Indian Companies Act, 1913 (VII of 1913), the transferee furnishes a declaration in the prescribed form as to whether he proposes to hold the shares for his own benefit or as a nominee, whether jointly or severally, on behalf of others, and in the latter case giving the name, occupation and address of the beneficial owner or owners, and the extent of the beneficial interest of each; and

(ii) where, after the transfer, the total paid-up holding of the transferee in the shares of the company is likely to exceed five per cent. of its paid-up capital or where the transferee is a banking or an investment company, is likely to exceed two and a half per cent. of such paid-up capital, unless the previous sanction of the Central Government has been obtained to the transfer.

(4) Every person who has any interest in any share of a company referred to in sub-section (4) which stands in the name of another person in the register of members of the company, shall, within thirty days from the commencement of the Insurance (Amendment) Act, 1950, or from the date on which he acquires such interest, whichever is later, make a declaration in the prescribed form (which shall be countersigned by the person in whose name the share is registered) to the company declaring his interest in such share, and notwithstanding anything contained in any other law or in any contract to the contrary, a person who fails to make a declaration as aforesaid in respect of any share shall be deemed to have no right or title whatsoever in that share:

Provided that nothing in this sub-section shall affect the right of a person who has an interest in any such share to establish in a court his right thereto, if the person, in whose name the share is registered, refuses to countersign the declaration as required by this sub-section:

Provided further that where any share, belonging to an individual who has made any such declaration as is referred to in this sub-section, is held by a company in its name in pursuance of any trust or for the purpose of safe custody or collection or realisation of dividend, such individual shall, notwithstanding anything contained in the Indian Companies Act, 1913 (VII of 1913), or in the memorandum or articles of association of the company which has issued the share, be deemed to be the holder of the said share for the purpose of exercising any voting rights under this section to the exclusion of any other person.

(6) If the total paid-up holding of any person in the shares of a company referred to in sub-section (1) on the commencement of the Insurance (Amendment) Act, 1950, exceeds two and a half per cent. of its paid-up capital where that person is a banking company or an investment company, or five per cent. of its paid-up capital in any other case, he shall not be entitled to any vote as a shareholder of the company in respect of such excess holding of shares.

(7) Where the total paid-up holding of any person in the shares of a company referred to in sub-section (1) on the date of the commencement of the Insurance (Amendment) Act, 1950, exceeds five per cent. of its paid-up capital where that person is a banking company or an investment company, or ten per cent. of its paid-up capital in any other case, he shall dispose of the excess holding of shares within three years from such commencement or such further period not exceeding two years as may be allowed to him by the Central Government.

(8) If, after the expiry of three years or of such further period as may be allowed to any person under sub-section (7), the total paid-up holding of any such person has not been reduced to the limits specified in that sub-section, any shares in excess of the limits specified in that sub-section shall vest in the Administrator General of the State in which the registered office of the company concerned is situate and the Administrator General shall take such steps as may be necessary for taking charge of any property which has so vested in him and shall dispose of the said shares and the proceeds thereof in such manner as may be prescribed.

(9) Subject to the other provisions contained in this section, but notwithstanding anything contained in the Indian Companies Act, 1913 (VII of 1913), or in the memorandum or articles of association of any such company as is referred to in sub-section (1), no such company shall refuse to register the transfer of any shares where the transfer is for the purpose of securing compliance with the provisions of sub-sections (7) and (8).

(10) The Central Government may, subject to such restrictions as it may think fit to impose, exempt from the operation of sub-sections (6), (7) and (8) any insurance company, in any case where the total paid-up holding of such insurance company in the shares of any other insurance company exceeds the limits specified in the said sub-sections, if the other insurance company is or is to be made a subsidiary company of the insurance company.

*Explanation.*—For the purposes of this section, the holding of a person in the shares of a company shall be deemed to include—

(i) the total paid-up holding in such shares held by such person in the name of others; and

(ii) if any shares of the company are held—

(a) by a public limited company, of which such person is a member holding more than ten per cent. of the paid-up capital, or

(b) by a private limited company, of which such person is a member, or

(c) by a company, of which such person is a managing director, manager, managing agent or in which he has a controlling interest, or

(d) by a firm in which such person is a partner, or

(e) by such person jointly with others,

such part of the total paid-up holding of the company or firm or of the total joint holding in those shares, as is proportionate to the contribution made by such person to the paid-up capital of the company, the paid-up capital of the firm or the joint holding, as the case may be.

**6B. Provision for securing compliance with requirements relating to capital structure.**—(1) For the purpose of enabling any public company carrying on life insurance business to bring its capital structure into conformity with the requirements of section 6A, an officer appointed in this behalf by the Central Government may, notwithstanding anything contained in the Indian Companies Act, 1913 (VII of 1913),—

(a) examine any scheme proposed for the purpose aforesaid by the directors of the company:

Provided that—

(i) the scheme has been placed before a meeting of the shareholders for their opinion and has been forwarded to the officer together with the opinion of the shareholders thereon; and

(ii) the scheme does not involve any diminution of the liability of the shareholders in respect of unpaid-up share capital;

(b) invite objections and suggestions in respect of the scheme so proposed; and

(c) after considering such objections and suggestions to the scheme so proposed, sanction it with such modifications as he may consider necessary or desirable.

(2) Any shareholder or other person aggrieved by the decision of the officer sanctioning a scheme under sub-section (1) may, within ninety days of the date of the order sanctioning the scheme, prefer an appeal to the High Court within whose jurisdiction the registered office of the insurer is situate for the purpose of modifying or correcting any such scheme for the purpose specified in sub-section (1).

(3) The decision of the High Court where an appeal has been preferred to it under sub-section (2), or of the officer aforesaid where no such appeal has been preferred, shall be final and binding on all the shareholders and other persons concerned.

**6C. Conversion of company limited by shares into company limited by guarantee.**—(1) Where a public company limited by shares carrying on insurance business has passed a special resolution for converting itself into a public company limited by guarantee, it may apply to the Central Government with a scheme for putting the special resolution into effect, including any provision for the alteration of the memorandum or articles of association in so far as it may be necessary for this purpose.

(2) If the Central Government, after giving such notice to any person concerned as it thinks fit, is satisfied—

(a) that the scheme makes suitable provision with respect to the repayment, conversion or liquidation of the paid-up capital of the company,

(b) that the consent of the creditors to the conversion of the company limited by shares into a company limited by guarantee has been obtained, or that suitable provisions have been made for discharging, determining or securing the debts or claims of such creditors, and

(c) that the scheme is otherwise reasonable, it may sanction the scheme and thereupon the scheme shall become binding on the company and on all the persons concerned.

(3) Against the decision of the Central Government sanctioning a scheme under sub-section (2), any person aggrieved thereby may, within ninety days of the date of the order sanctioning the scheme, prefer an appeal to the High Court within whose jurisdiction the registered office of the insurer is situate.

(4) The decision of the High Court where an appeal has been preferred to it under sub-section (3) or of the Central Government where no such appeal has been preferred, shall be final and binding on all the persons concerned.

(5) Where a scheme has been sanctioned under this section, the company shall file with the Registrar of companies a certified copy of the scheme as sanctioned, and thereupon the provisions of the Indian Companies Act, 1913 (VII of 1913), relating to companies limited by guarantee shall become applicable to the company."

**10. Amendment of section 7, Act IV of 1938.**—In section 7 of the said Act,—

(i) in clause (d) of sub-section (1), the words "that is to say, insurance which is not in the opinion of the Central Government principally or wholly of any kind or kinds included in clauses (a), (b) or (c)" shall be omitted;

(ii) in sub-section (4) and the proviso to sub-section (5), the words "and not being an insurer incorporated in or domiciled in the United Kingdom" shall be omitted.

**11. Amendment of section 10, Act IV of 1938.**—In sub-section (2) of section 10 of the said Act, for the words beginning with the words "and a statement, certified by an auditor" and ending with the words "in any case think fit to allow", the following shall be substituted, namely:—

"and every insurer shall, within the time limited in sub-section (1) of section 15 in regard to the furnishing of the statements and accounts referred to in section 11, furnish to the Controller a statement showing in detail such assets as at the close of every calendar year duly certified by an auditor or by a person qualified to audit under the law of the insurer's country:

Provided that such statement shall, in the case of an insurer to whom section 11 applies, be set out as a part of the balance-sheet mentioned in clause (a) of sub-section (1) of that section:

Provided further that an insurer may show in such statement all the assets held in his life department, but at the same time showing any deductions on account of general reserves and other liabilities of that department:

Provided also that the Controller may call for a statement similarly certified of such assets as at any other date specified by him to be furnished within a period of three months from the date with reference to which the statement is called for."

**12. Amendment of section 11, Act IV of 1938.**—In sub-section (2) of section 11 of the said Act,—

(i) for the words "accompanied by a statement containing the names and descriptions of the persons in charge of the management of the business", the words "accompanied by a statement containing the names, descriptions and occupations of, and the directorships held by, the persons in charge of the management of the business" shall be substituted, and

(ii) the words "by such persons" shall be omitted.

**13. Amendment of section 13, Act IV of 1938.**—In section 13 of the said Act,—

(i) in sub-section (1), and the proviso to sub-section (4), for the words "in every five years" the words "in every three years" shall be substituted;

(ii) to sub-section (1), the following provisos shall be added, namely:—

"Provided that the Controller may, having regard to the circumstances of any particular insurer, allow him to have the investigation made as at a date not later than four years from the date as at which the previous investigation was made:

Provided further that for an insurer carrying on life insurance business in the States at the commencement of the Insurance (Amendment) Act, 1950, the last date as at which the first investigation after such commencement should be caused to be made by an actuary shall be—

(a) the 31st day of December, 1950, or the date of expiration of five years from the date as at which the last investigation was made by an actuary before such commencement, whichever is earlier, where the said last investigation was at a date—

(i) before the 31st day of December, 1946, but not more than five years before such commencement, or

(ii) after the 30th day of December, 1946, but before the 31st day of December, 1947, and had disclosed a deficit in the life insurance fund;

(b) the 31st day of December, 1951, where the last investigation by an actuary before such commencement was at a date—

(i) after the 30th day of December, 1946, but before the 31st day of December, 1947, and did not disclose a deficit in the life insurance fund; or

(ii) after the 30th day of December, 1947, but before the 31st day of December, 1948;

(c) the 31st day of December, 1952, where the last investigation by an actuary before such commencement was as at any date after the 30th day of December, 1948, but before the 1st day of January, 1950:

Provided also that, in the case of an insurer who has not caused an investigation to be made by an actuary as at any date prior to such commencement, the date of commencement of life insurance business in the States shall, for the purpose of the preceding proviso, be deemed to be the date as at which the last investigation was made by an actuary before such commencement and such investigation shall be deemed to have disclosed no deficit in the life insurance fund."



**14. Amendment of section 19, Act IV of 1938.**—In section 19 of the said Act, for the words “an abstract of the proceedings of every general meeting” the words “a certified copy of the minutes of the proceedings of every general meeting, as entered in the Minutes Book of the insurer” shall be substituted,

**15. Amendment of section 21, Act IV of 1938.**—In clause (d) of sub-section (1) of section 21 of the said Act,—

(i) after the words “delivered to the insurer” the words “or of such further time as the Controller may specify in the requisition” shall be inserted;

(ii) after the word and figures “section 28” the words, figures, and letter “or section 28A” shall be inserted.

**16. Substitution of new section for section 27, Act IV of 1938.**—For section 27 of the said Act, the following section shall be substituted, namely:—

“27. *Investment of assets.*—(1) Every insurer shall invest and at all times keep invested assets equivalent to not less than the sum of—

(a) the amount of his liabilities to holders of life insurance policies in India on account of matured claims, and

(b) the amount required to meet the liability on policies of life insurance maturing for payment in India,

less—

(i) the amount of premiums which have fallen due to the insurer on such policies but have not been paid and the days of grace for payment of which have not expired, and

(ii) any amount due to the insurer for loans granted on and within the surrender values of policies of life insurance maturing for payment in India issued by him or by an insurer whose business he has acquired and in respect of which he has assumed liability,

in the manner following, namely, twenty-five per cent. of the said sum in Government securities, a further sum equal to not less than twenty-five per cent. of the said sum in Government securities or other approved securities and the balance in any of the approved investments specified in sub-section (1) of section 27A or, subject to the limitations, conditions and restrictions specified in sub-section (2) of that section, in any other investment.

(2) For the purposes of sub-section (1),—

(a) the amount of any deposit made under section 7 or section 98 by the insurer in respect of his life insurance business shall be deemed to be assets invested or kept invested in Government securities;

(b) the securities of, or guaranteed as to principal and interest by, the Government of the United Kingdom shall be regarded as approved securities other than Government securities for a period of four years from the commencement of the Insurance (Amendment) Act, 1950, in the manner and to the extent hereinafter specified, namely,—

(i) during the first year, to the extent of twenty-five per cent. in value of the sum referred to in sub-section (1);

(ii) during the second year, to the extent of eighteen and three-fourths per cent. in value of the said sum;

(iii) during the third year, to the extent of twelve and a half per cent. in value of the said sum; and

(iv) during the fourth year, to the extent of six and a quarter per cent. in value of the said sum:

Provided that, if the Central Government so directs in any case, the securities specified in clause (b) shall be regarded as approved securities other than Government securities for a longer period than four years, but not exceeding six years in all, and the manner in which and the extent to which the securities shall be so regarded shall be as specified in the direction;

(c) any prescribed assets shall, subject to such conditions, if any, as may be prescribed, be deemed to be assets invested or kept invested in approved investments specified in sub-section (1) of section 27A.

(3) In computing the assets referred to in sub-section (1),—

(a) any investment made with reference to any currency other than the Indian rupee which is in excess of the amount required to meet the liabilities of the insurer in India with reference to that currency, to the extent of such excess; and

(b) any investment made in the purchase of any immovable property outside India or on the security of any such property,

shall not be taken into account:

Provided that nothing contained in this sub-section shall affect the operation of sub-section (2):

Provided further that the Central Government may, either generally or in any particular case, direct that any investment, whether made before or after the commencement of the Insurance (Amendment) Act, 1950, and whether made in or outside India, shall, subject to such conditions as may be imposed, be taken into account in such manner as may be specified in computing the assets referred to in sub-section (1) and where any direction has been issued under this proviso copies thereof shall be laid before Parliament as soon as may be after it is issued.

(4) Where an insurer has accepted reinsurance in respect of any policies of life insurance issued by another insurer and maturing for payment in India or has ceded reinsurance to another insurer in respect of any such policies issued by himself, the sum referred to in sub-section (1) shall be increased by the amount of the liability involved in such acceptance and decreased by the amount of the liability involved in such cession.

(5) The Government securities and other approved securities in which assets are under sub-section (1) to be invested and kept invested shall be held by the insurer free of any encumbrance, charge, hypothecation or lien.

(6) The assets required by this section to be held invested by an insurer incorporated or domiciled outside the States shall, except to the extent of any part thereof which consists of foreign assets held outside the States, be held in the States, and all such assets shall be held in trust for the discharge of the liabilities of the nature referred to in sub-section (1) and shall be vested in trustees resident in the States and approved by the Central Government, and the instrument of trust under this sub-section shall be executed by the insurer with the approval of the Central Government and shall define the manner in which alone the subject-matter of the trust shall be dealt with.

*Explanation.*—This sub-section shall apply to an insurer incorporated in the States whose share-capital to the extent of one-third is owned by, or the members of whose governing body to the extent of one-third consists of, members domiciled elsewhere than in the States.

17. Insertion of new section 27A in Act IV of 1938.—After section 27 of the said Act, the following section shall be inserted, namely:—

“27A. *Further provisions regarding investments.*—(1) No insurer shall invest or keep invested any part of his controlled fund otherwise than in any of the following approved investments, namely:—

(a) approved securities;

(b) securities of, or guaranteed as to principal and interest by, the Government of the United Kingdom;

(c) debentures or other securities for money issued with the permission of the State Government by any municipality in a State;

(d) debentures or other securities for money issued by any authority constituted under any housing or building scheme approved by the Central or a State Government, or by any authority or body constituted by any Central Act or Act of a State Legislature;

(e) first mortgages on immovable property situated in India under any housing or building scheme of the insurer approved by the Central Government or a State Government;

(f) debentures secured by a first charge on any immovable property, plant or equipment of any company which has paid interest in full for the five years immediately preceding or for at least five out of the six or seven years immediately preceding on such or similar debentures issued by it.

(g) debentures secured by a first charge on any immovable property, plant or equipment of any company where either the book value or the market value, whichever is less, of such property, plant or equipment is more than three times the value of such debentures;

(h) first debentures secured by a floating charge on all its assets of any company which has paid dividends on its ordinary shares for the five years immediately preceding or for at least five out of the six or seven years immediately preceding;

(i) preference shares of any company which has paid dividends on its ordinary shares for the five years immediately preceding or for at least five out of the six or seven years immediately preceding;

(j) preference shares of any company on which dividends have been paid for the five years immediately preceding or for at least five out of the six or seven years immediately preceding and which have priority in payment over all the ordinary shares of the company in winding up;

(k) shares of any company which have been guaranteed by another company, such other company having paid dividends on its ordinary shares for the five years immediately preceding or for at least five out of the six or seven years immediately preceding;

Provided that the total amount of shares of all the companies under guarantee by the guaranteeing company is not in excess of fifty per cent. of the paid-up amount of preference and ordinary shares of the guaranteeing company;

(l) shares of any company on which dividends of not less than four per cent. including bonus have been paid for the seven years immediately preceding or for at least seven out of the eight or nine years immediately preceding;

(m) first mortgages on immovable property situated in the States or in any other country where the insurer is carrying on insurance business;

Provided that the property mortgaged is not lease-hold property with an outstanding term of less than thirty years and the value of the property exceeds by one-third, or if it consists of buildings, exceeds by one-half, the mortgage money;

(n) immovable property situated in the States or in any other country where the insurer is carrying on insurance business:

Provided that the property is free of all encumbrances;

(o) loans on life interests, or on policies of life insurance within their surrender values issued by him or by an insurer whose business he has acquired and in respect of which business he has assumed liability;

(p) life interests;

(q) fixed deposits with banks included for the time being in the Second Schedule to the Reserve Bank of India Act, 1934 (II of 1934), or with co-operative societies registered under the Indian Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force, the primary object of which is to finance other co-operative societies similarly registered;

(r) debentures of, or shares in co-operative societies registered under the Indian Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force;

(s) such other investments as the Central Government may, by notification in the Official Gazette, declare to be approved investments for the purposes of this section.

(2) Notwithstanding anything contained in sub-section (1), an insurer being a company or a co-operative life insurance society as defined in clause (b) of sub-section (1) of section 95, may, subject to the provisions contained in the next succeeding sub-sections, invest or keep invested any part of his controlled fund otherwise than in an approved investment, if—

(i) after such investment, the total amounts of all such investments of the insurer do not exceed fifteen per cent. of the sum referred to in sub-section (1) of section 27,

(ii) the investment is made, or, in the case of any investment already made, the continuance of such investment is with the consent of all the directors present at a meeting and eligible to vote, special notice of which has been given to all the directors then in the States, and all such investments, including investments in which any director is interested, are reported without delay to the Controller with full details of the investments and the extent of the director's interest in any such investment.

(3) An insurer shall not out of his controlled fund invest or keep invested in the shares of any one banking company or investment company more than—

(a) two and a quarter per cent. of the sum referred to in sub-section (1) of section 27, or

(b) two per cent. of the subscribed share capital and debentures of the banking company or investment company concerned,

whichever is less.

(4) An insurer shall not out of the controlled fund invest or keep invested in the shares or debentures of any one company other than a banking company or investment company more than—

(a) two and a quarter per cent. of the sum referred to in sub-section (1) of section 27, or

(b) ten per cent. of the subscribed share capital and debentures of the company, whichever is less:

Provided that nothing in this sub-section shall apply to any investment made with the previous consent of the Central Government by an insurer, being a company with a view to forming a subsidiary company carrying on insurance business.

(5) An insurer shall not out of his controlled fund invest or keep invested any sum in the shares or debentures of any private limited company.

(6) Where an investment is in partly paid-up shares, the uncalled liability on such shares shall be added to the amount invested for the purpose of computing the percentages referred to in clause (a) of sub-section (3) and clause (a) of sub-section (4).

(7) Notwithstanding anything contained in sub-sections (3) and (4), where new shares are issued to the existing share-holders by a company the existing shares of which are covered by clause (i) or clause (k) or clause (l) of sub-section (1) and of which an insurer is already a shareholder, the insurer may subscribe to such new shares:

Provided that the proportion of new shares subscribed by him does not exceed the proportion which the paid-up amount on the shares held by him immediately before such subscription bears to the total paid-up capital of the company at the time of such subscription.

(8) If, on an application submitted through the Controller the Central Government is satisfied that special grounds exist warranting such exemption, the Central Government may for such period, to such extent and in relation to such particular investments and subject to such conditions as may be specified by it in this behalf, exempt an insurer from all or any of the provisions of sub-sections (3), (4) and (7).

(9) An insurer shall not keep more than three per cent. of the controlled fund in fixed deposit or current deposit, or partly in fixed deposit and partly in current deposit, with any one banking company or with any one co-operative society registered under the Indian Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force and doing banking business.

Provided that in applying this sub-section to the amount in deposit with a banking company on any day all the premiums collected by that company on behalf of the insurer during the preceding thirty days shall be excluded:

Provided further that the Controller may permit a co-operative life insurance society as defined in clause (b) of sub-section (1) of section 95 to keep more than three per cent. of its controlled fund in fixed deposit with any co-operative society referred to in this sub-section, if the fixed deposit is secured by a first mortgage on any immovable property.

(10) All assets forming the controlled fund, not being Government securities or other approved securities in which assets are to be invested or held invested in accordance with section 27, shall (except for a part thereof not exceeding one tenth of the controlled fund in value which may, subject to such conditions and restrictions as may be prescribed, be offered as security for any loan taken for purposes of any investment), be held free of any encumbrance, charge, hypothecation or lien.

(11) If at any time the Central Government considers any one or more of the investments constituting an insurer's controlled fund to be unsuitable

or undesirable, the Central Government may, after giving the insurer an opportunity of being heard, direct him to realise the investment or investments, and the insurer shall comply with the direction within such time as may be specified in this behalf by the Central Government.

(12) Every insurer in existence at the commencement of the Insurance (Amendment) Act, 1950, whose investments or any part thereof at such commencement contravene or contravenes any of the provisions of this section, shall, within ninety days from such commencement, submit to the Controller a report specifying all such investments, and, if the Central Government is satisfied that it will not be in the interest of the insurer or any class of insurers generally to realise any such investments, it may, by order, direct that the provisions of this section [other than the provisions contained in sub-section (11)] shall not apply in relation to any such investments or to any class of investments generally for such period or periods as may be specified in the order.

(13) Without prejudice to the powers given to the Central Government by sub-section (11), nothing contained in this section shall be deemed to require any insurer to realise any investment made in conformity with the provisions of sub-section (1) after the commencement of this Act which, after the making thereof, has ceased to be an approved investment within the meaning of this section.

(14) Nothing contained in this section shall be deemed to affect in any way the manner in which any moneys relating to the provident fund of any employee or to any security taken from any employee or other moneys of a like nature are required to be held by or under any Central Act, or Act of a State Legislature.

*Explanation.*—In this section “controlled fund” means—

(a) in the case of any insurer specified in sub-clause (a) (i) or sub-clause (b) of clause (9) of section 2 and carrying on life insurance business—

(i) all his funds, if he carries on no other class of insurance business;

(ii) all the funds appertaining to his life insurance business if he carries on some other class of insurance business also; and

(b) in the case of any other insurer carrying on life insurance business—

(i) all his funds in India, if he carries on no other class of insurance business;

(ii) all the funds in India appertaining to his life insurance business if he carries on some other class of insurance business also;

but does not include any fund or portion thereof in respect of which the Controller is satisfied that such fund or portion thereof, as the case may be, is regulated by the law of any country outside India or in respect of which the Controller is satisfied that it would not be in the interest of the insurer to apply the provisions of this section.”

18. Amendment of section 28, Act IV of 1938.—In section 28 of the said Act,—

(i) in sub-section (1), the words “registered under this Act” shall be omitted;

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

“(2A) In respect of the Government securities and other approved securities invested and kept invested in accordance with sub-section (1) of section 27 an insurer shall submit along with the returns referred to in sub-sections (1) and (2) a certificate, where such assets are in the

custody of a banking company, from that company, and in any other case, from the chairman, two directors and a principal officer, if the insurer is a company, or otherwise from a principal officer of the insurer, to the effect that the securities are held free of any encumbrance, charge, hypothecation, or lien, and every such certificate after the first shall also state that since the date of the certificate immediately preceding all the securities have been so held.

(2B) In respect of the assets forming the controlled fund within the meaning of section 27A, and which do not form part of the Government securities and approved securities invested and kept invested in accordance with section 27, an insurer shall submit, along with the returns referred to in sub-sections (1) and (2), a statement, where such assets are in the custody of a banking company, from that company, and, in any other case, from the chairman, two directors and a principal officer if the insurer is a company, or from a principal officer of the insurer if the insurer is not a company, specifying the assets, which are subjected to a charge and certifying that the other assets are held free of any encumbrance, charge, hypothecation, or lien, and every such statement after the first shall also specify the charges created in respect of any of those assets since the date of the statement immediately preceding, and, if any such charges have been liquidated, the date on which they were so liquidated."

19. Insertion of new section 28A in Act IV of 1938.—After section 28 of the said Act, the following section shall be inserted, namely:—

"28A. *Return of investments relating to controlled fund and changes therein.*—(1) Every insurer carrying on life insurance business, shall every year, within thirty-one days from the beginning of the year submit to the Controller a return in the prescribed form showing as at the 31st day of December of the preceding year the investments made out of the controlled fund referred to in section 27A, and every such return shall be certified by a principal officer of the insurer.

(2) Every insurer referred to in sub-section (1) shall also submit to the Controller a return in the prescribed form showing all the changes that occurred in the investments aforesaid during each of the quarters ending on the last day of March, June, September and December within thirty-one days from the close of the quarter to which it relates, and every such return shall be certified by a principal officer of the insurer."

20. Amendment of section 29, Act IV of 1938.—In section 29 of the said Act,—

(i) in the first proviso to sub-section (1), for the words "nothing herein contained" the words "nothing contained in this sub-section" shall be substituted;

(ii) the second and third provisos to sub-section (1) shall be omitted;

(iii) to the fourth proviso, the following words shall be added, namely:—

"and where any such loan or advance is made out of any life insurance fund the matter shall be reported within thirty days of the making of such loan or advance to the Controller.";

(iv) after sub-section (2), the following sub-sections shall be added, namely:—

“(3) Subject to the provisions of sub-section (1), no insurer carrying on life insurance business shall grant—

(a) any loans or temporary advances either on hypothecation of property or on personal security or otherwise, except such loans as are specified in sub-section (1) of section 27A;

(b) temporary advances to any chief, special or insurance agent to facilitate the carrying out of his functions as such except in cases where such advances do not exceed in the aggregate—

(i) in the case of a chief agent, the over-riding renewal commission earned by him during the year immediately preceding,

(ii) in the case of a special agent, the renewal commission earned by him during the year immediately preceding,

(iii) in the case of an insurance agent, the renewal commission earned by him during the year immediately preceding.

*Explanation.*—The temporary advance referred to in clause (b) of this sub-section shall also be admissible in the case of any special agent or insurance agent newly appointed, but such advance—

(a) shall be repayable within two years from the date on which such special agent or insurance agent was first appointed, and

(b) shall not exceed, in the case of the special agent, five hundred rupees, and, in the case of the insurance agent, one hundred rupees,

and the total amount of all advances so made shall not exceed ten thousand rupees in the case of any insurer whose business in force is one crore of rupees or more and five thousand rupees in any other case.

(4) Every loan or advance existing at the commencement of the Insurance (Amendment) Act, 1950, which contravenes the provisions of sub-section (3) shall be notified by the insurer to the Controller within thirty days of such commencement and shall notwithstanding any contract to the contrary be repaid within one year from such commencement.

(5) Where any event occurs giving rise to circumstances, the existence of which at the time of the grant of any subsisting loan or advance would have made such grant a contravention of this section, such loan or advance shall, notwithstanding anything in any contract to the contrary, be repaid within three months from the occurrence of such event.

(6) In case of default in complying with the provisions of sub-section (4) or sub-section (5), the director, manager, auditor, actuary, officer or partner, or the chief, special or insurance agent concerned shall, without prejudice to any other penalty which he may incur, cease to hold office under, or to act for, the insurer granting the loan on the expiry of the said period of one year or three months, as the case may be.”

**21. Amendment of section 30, Act IV of 1938.**—In section 30 of the said Act, after the word and figures “section 27” the word, figures and letter “section 27A” shall be inserted.



**22. Amendment of section 31, Act IV of 1933.**—In section 31 of the said Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Nothing contained in this section shall be deemed to prohibit the endorsement in favour of a banking company of any security or other document solely for the purpose of collection or for realisation of interest, bonus or dividend.”

**23. Insertion of new sections 31A and 31B in Act IV of 1933.**—After section 31 of the said Act, the following sections shall be inserted, namely:—

“31A. *Provisions relating to managers, etc.*—(1) Notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), or in the articles of association of the insurer, if a company, or in any contract or agreement, no insurer shall after the expiry of one year from the commencement of the Insurance (Amendment) Act, 1950,—

(a) be managed by a company or a firm, or

(b) be directed or managed by, or employ as manager or officer or in any capacity, any person whose remuneration or any part thereof takes the form of commission or bonus or a share in the valuation surplus in respect of the life insurance business of the insurer, or

(c) be directed or managed by, or employ as manager or officer or in any capacity, any person whose remuneration or any part thereof takes the form of commission or bonus in respect of the general insurance business of the insurer:

Provided that nothing in this sub-section shall be deemed to prohibit—

(i) the payment of commission to a chief agent, special agent or an insurance agent, in respect of life insurance business procured by or through him;

(ii) the payment of commission to a principal agent or an insurance agent in respect of general insurance business procured by or through him;

(iii) the payment of commission, with the approval of the Central Government and for such period as it may determine, to a person not being an officer of an insurer who was, on the 1st day of November, 1944, employing on behalf of an insurer; chief agents or special agents and continues so to do in respect of insurance business procured by or through him;

(iv) the employment of any individual in a clerical or other subordinate capacity who, as an insurance agent, receives commission in respect of insurance business procured by him;

(v) the employment as an officer of any individual who receives renewal commission in respect of life insurance business procured by him in his capacity as an insurance agent or as an employer of agents before such employment, or before the commencement of the Insurance (Amendment) Act, 1950, whichever is later;

(vi) the payment of a share in the profits of general insurance business;

(vii) the payment of bonus in any year on a uniform basis to all salaried employees or any class of them by way of additional remuneration, such bonus, in the case of any employee, not exceeding in

amount the equivalent of his salary for a period which, in the opinion of the Central Government, is reasonable having regard to the circumstances of the case.

(2) Notwithstanding anything to the contrary contained in the Indian Companies Act, 1913, or in the articles of association of the insurer, being a company, or in any contract or agreement, no manager, managing director or any other person concerned in the management of an insurer's business shall be entitled to nominate a successor to his office, and no person so nominated, whether before or after the commencement of the Insurance (Amendment) Act, 1950, shall be entitled to hold or to continue in such office.

(3) If in the case of any insurance company provision is made by the articles of association of the company or by an agreement entered into between any person and the company for empowering a director or manager or other officer of the company to assign his office to any other person, any assignment of office made in pursuance of the said provision, shall, notwithstanding anything to the contrary contained in the said provision or in section 86B of the Indian Companies Act, 1913, be void.

(4) No person shall have any right, whether in contract or otherwise, to any compensation for any loss incurred by reason of the operation of any provision of this section.

31B. *Power to restrict payment of excessive remuneration.*—(1) The Central Government may if it is satisfied that any insurer, in the case of an insurer specified in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2 in respect of all insurance business transacted by him, and in the case of any other insurer in respect of the insurance business transacted by him in India, is paying any person remuneration, whether by way of commission or otherwise, on a scale disproportionate, according to the normal standards prevailing in insurance business, to the resources of the insurer, call upon the insurer to comply within six months with such directions as it may think fit to issue in the matter, and if compliance with the directions so issued requires the alteration of any of the terms of the contract entered into by the insurer with such person, no compensation shall be payable to such person by the insurer by reason only of such alteration or of the resignation of such person if the altered terms are not acceptable to him and no payment by way of renewal commission or otherwise shall be made to such person by the insurer in respect of any premiums paid after the date of such resignation except at such rate as may be approved by the Central Government in this behalf.

(2) Every insurer shall, before the close of the month following every year, submit to the Controller a statement in the prescribed form showing the remuneration paid, whether by way of commission or otherwise, to any person in cases where such remuneration exceeds the sum of five thousand rupees in that year.

(3) Where any person not being a chief agent, principal agent or special agent is in receipt of remuneration exceeding the sum of five thousand rupees in any year, the Controller may, by notice in writing, require the insurer to submit certified copies of the agreement entered into between the insurer and any such person, and the insurer shall comply with any such requisition within the time specified in the notice.

24. Insertion of new section 32A in Act IV of 1938.—After section 32 of the said Act, the following section shall be inserted, namely:—

“32A. *Prohibition of common officers and requirement as to whole-time officers.*—(1) A managing director or other officer of an insurer specified in sub-clause (b) of clause (9) of section 2 and carrying on life insurance business shall not be a managing director or other officer of any other insurer carrying on life insurance business or of a banking company or of an investment company:

Provided that the Central Government may permit such managing director or other officer to be a managing director or other officer of any other insurer carrying on life insurance business for the purpose of amalgamating the business of the two insurers or transferring the business of one insurer to the other.

(2) Where an insurer specified in sub-clause (b) of clause (9) of section 2 has a life insurance fund of more than twenty-five lakhs of rupees or insurance funds totalling more than fifty lakhs of rupees, the manager, managing director or other officer of the insurer shall be a whole-time employee of the insurer:

Provided that the Central Government may, for such period as it thinks fit, permit the employment of any specified person as a part-time manager, managing director or other officer of such insurer.

(3) Nothing in this section shall prevent—

(a) the manager, managing director or other officer of an insurer being the manager, managing director or other officer of a subsidiary company of the insurer with the previous approval of the Central Government;

(b) the manager, managing director or other officer of an insurer, exclusively carrying on life insurance business, being the manager, managing director or other officer of an insurer not carrying on life insurance business;

(c) any officer of a branch of one insurer carrying on general insurance business from being any officer of a branch in the same town of another insurer carrying on general insurance business;

(d) an officer in the employment of an insurer from giving professional advice;

*Explanation.*—In this section the expression ‘officer’ does not include a director.”

25. Substitution of new section for sections 33 and 34 in Act IV of 1938.—For sections 33 and 34 of the said Act, the following section shall be substituted, namely:—

“33. *Power of investigation.*—(1) The Central Government may at any time, by order in writing, direct the Controller or any other person specified in the order to investigate the affairs of any insurer and to report to the Central Government on any investigation made by him:

Provided that the Controller or the other person may, wherever necessary, employ an auditor or actuary or both for the purpose of assisting him in any investigation under this section.

(2) It shall be the duty of every manager, managing director or other officer of the insurer to produce before the person directed to make the investigation under sub-section (1) all such books of account, registers and other documents in his custody or power and to furnish him with any statements and information relating to the affairs of the insurer as the said person may require of him within such time as the said person may specify.

(3) Any person, directed to make an investigation under sub-section (1), may examine on oath, any manager, managing director or other officer of the insurer in relation to his business and may administer oaths accordingly.

(4) On receipt of any report under sub-section (1), the Central Government may, after giving such opportunity to the insurer to make a representation in connection with the report as, in the opinion of the Central Government, seems reasonable, by order in writing,—

(a) require the insurer to take such action in respect of any matter arising out of the report as the Central Government may think fit, or

(b) direct the Controller to cancel the registration of the insurer;

or

(c) direct the Controller to apply to the court for the winding up of the insurer, if a company, whether the registration of the insurer has been cancelled under clause (b) or not.

(5) No order made under this section other than an order made under clause (b) of sub-section (4) shall be capable of being called in question in any court.

(6) All expenses of, and incidental to, any investigation made under this section shall be defrayed by the insurer, shall have priority over other debts due from the insurer and shall be recoverable as an arrear of land-revenue."

**26. Amendment of section 35, Act IV of 1938.**—In section 35 of the said Act,—

(i) in sub-section (1), for the words "Court having jurisdiction over one or other of the parties concerned", the word "Controller" shall be substituted;

(ii) in sub-section (3), for the word "Court" and the words "Central Government", wherever they occur, the word "Controller" shall be substituted;

(iii) sub-section (4) shall be omitted.

**27. Amendment of section 36, Act IV of 1938.**—Section 36 of the said Act shall be renumbered as sub-section (1) of that section, and

(a) in that sub-section as so renumbered, for the words "Court" and "it", wherever they occur, the words "Controller" and "he" shall respectively be substituted; and

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

"(2) If the arrangement involves a reduction of the amount of the insurance and other contracts of the transferor insurer or of any or all of the insurers concerned in the amalgamation, the Controller may sanction the arrangement, reducing the amount of such contracts upon such terms and subject to such conditions as he may think proper, and the reduction of contracts as sanctioned by the Controller shall be valid and binding on all the parties concerned."

**28. Amendment of section 37, Act IV of 1938.**—In section 37 of the said Act, for the word "Court", in both the places where it occurs, and for the words "Central Government", the word "Controller" shall be substituted.

**29. Amendment of section 39, Act IV of 1938.**—In section 39 of the said Act, to sub-section (1) the following proviso shall be added, namely:—

"Provided that, where any nominee is a minor, it shall be lawful for the policy-holder to appoint in the prescribed manner any person to receive

the money secured by the policy in the event of his death during the minority of the nominee."

**30. Amendment of section 40, Act IV of 1938.**—In section 40 of the said Act,—

(i) in sub-section (1), for the words "or a person acting on behalf of an insurer who for purposes of insurance business employs insurance agents" the words "or a principal, chief or special agent" shall be substituted;

(ii) in sub-section (1A), after the words "and sections" the figures and letter "40A" shall be inserted;

(iii) to sub-section (2), the following further proviso shall be added, namely:—

"Provided further that nothing in this sub-section shall apply in respect of any policy of life insurance issued after the 31st day of December, 1950, or in respect of any policy of general insurance issued after the commencement of the Insurance (Amendment) Act, 1950.";

(iv) in the proviso to sub-section (2A), after the words "notice in writing to the insurance agent through whom the policy was effected", the words "if such agent continues to be an agent of the insurer" shall be inserted.

**31. Insertion of new sections 40A to 40C in Act IV of 1938.**—After section 40 of the said Act, the following sections shall be inserted, namely:—

"40A. *Limitation of expenditure on commission.*—(1) No person shall pay or contract to pay to an insurance agent, and no insurance agent shall receive or contract to receive by way of commission or remuneration in any form in respect of any policy of life insurance issued in India by an insurer after the 31st day of December, 1950, and effected through an insurance agent, an amount exceeding—

(a) where the policy grants an immediate annuity or a deferred annuity in consideration of a single premium, or where only one premium is payable on the policy, two per cent. of that premium,

(b) where the policy grants a deferred annuity in consideration of more than one premium, seven and a half per cent. of the first year's premium, and two per cent. of each renewal premium, payable on the policy, and

(c) in any other case, thirty-five per cent. of the first year's premium, seven and a half per cent. of the second and third year's renewal premium, and thereafter five per cent. of each renewal premium, payable on the policy:

Provided that in a case referred to in clause (c), an insurer, during the first ten years of his business, may pay to an insurance agent, and an insurance agent may receive from such an insurer, forty per cent. of the first year's premium payable on the policy.

(2) No person shall pay or contract to pay to a special agent, and no special agent shall receive or contract to receive, by way of commission or as remuneration in any form, in respect of any policy of life insurance issued in India by an insurer after the 31st day of December, 1950, and effected through a special agent, an amount exceeding—

(a) in a case referred to in clause (a) of sub-section (1), one half per cent. of the premium,

(b) in a case referred to in clause (b) of sub-section (1), two per cent. of the first year's premium payable on the policy, and

(c) in a case referred to in clause (c) of sub-section (1), fifteen per cent. of the first year's premium payable on the policy:

Provided that in a case referred to in clause (c), an insurer, during the first ten years of his business, may pay to a special agent, and a special agent may receive from such an insurer, seventeen and a half per cent. of the first year's premium payable on the policy.

(3) No person shall pay or contract to pay to an insurance agent, and no insurance agent shall receive or contract to receive, by way of commission or remuneration in any form, in respect of any policy of general insurance issued in India by an insurer after the commencement of the Insurance (Amendment) Act, 1950, and effected through an insurance agent, an amount exceeding—

(a) where the policy relates to fire or miscellaneous insurance, fifteen per cent. of the premium payable on the policy, and

(b) where the policy relates to marine insurance, ten per cent. of the premium payable on the policy.

(4) No person shall pay or contract to pay to a principal agent, and no principal agent shall receive or contract to receive, by way of commission or remuneration in any form, in respect of any policy of general insurance issued in India by an insurer after the commencement of the Insurance (Amendment) Act, 1950, and effected through a principal agent, an amount exceeding—

(a) in the case referred to in clause (a) of sub-section (3), twenty per cent. of the premium payable on the policy, and

(b) in the case referred to in clause (b) of that sub-section, fifteen per cent. of the policy,

less any commission payable to any insurance agent in respect of the said policy:

Provided that the Central Government may, in such circumstances and to such extent and for such period as may be specified, authorise the payment of commission or remuneration exceeding the limits specified in this sub-section to a principal agent of an insurer incorporated or domiciled elsewhere than in India, if such agent carries out and has continuously carried out in his own office duties on behalf of the insurer which would otherwise have been performed by the insurer.

(5) Without prejudice to the provisions of section 102 in respect of a contravention of any of the provisions of the preceding sub-sections by an insurer, any insurance agent who contravenes the provisions of sub-section (1) or sub-section (3) shall be punishable with fine which may extend to one hundred rupees.

40B. *Limitation of expenses of management in life insurance business.*

—(1) Every insurer transacting life insurance business in India shall furnish to the Controller, within such time as may be prescribed, statements in the prescribed form certified by an actuary on the basis of premiums currently used by him in regard to new business in respect of mortality, rate of interest, expenses and bonus loading:

(2) After the 31st day of December, 1950, no insurer shall, in respect of life insurance business transacted by him in India, spend as expenses of management in any calendar year an amount in excess of the prescribed

limits and in prescribing any such limits regard shall be had to the size and age of the insurer and the provision generally made for expenses of management in the premium rates of insurers:

Provided that where an insurer has spent as such expenses in any year an amount in excess of the amount permissible under this sub-section, he shall not be deemed to have contravened the provisions of this section, if the excess amount so spent is within such limits as may be fixed in respect of the year by the Controller after consultation with the Executive Committee of the Life Insurance Council constituted under section 64F, by which the actual expenses incurred may exceed the expenses permissible under this sub-section.

(3) In respect of any statement mentioned in sub-section (1), the Controller may require that it shall be submitted to another actuary appointed by the insurer for the purpose and approved by the Controller, for certification by him, whether with or without modifications.

(4) Every insurer transacting life insurance business in India shall incorporate in the revenue account—

(a) a certificate signed by the chairman and two directors and by the principal officer of the insurer, and an auditor's certificate, certifying that all expenses of management in respect of life insurance business transacted by the insurer in India have been fully debited in the revenue account as expenses; and

(b) if the insurer is carrying on any other class of insurance business in addition to life insurance business an auditor's certificate certifying that all charges incurred in respect of his life insurance business and in respect of his business other than life insurance business have been fully debited in the respective revenue accounts.

*Explanation.*—In this section,—

(a) "calendar year" or "year" means, in relation to an insurer who is required to furnish returns in accordance with sub-section (2) of section 16, the period covered by the revenue account furnished by such insurer under clause (b) of that sub-section;

(b) "expenses of management" means all charges wherever incurred whether directly or indirectly, and includes—

(i) commission payments of all kinds,

(ii) any amount of expenses capitalised,

(iii) in the case of an insurer having his principal place of business outside India, a proper share of head office expenses which shall not be less than such percentage as may be prescribed of the total premiums (less reinsurances) received during the year in respect of life insurance business transacted by him in India,

but does not include in the case of an insurer having his principal place of business in India any share of head office expenses in respect of life insurance business transacted by him outside India.

40C. *Limitation of expenses of management in general insurance business.*—(1) After the 31st day of December, 1949, no insurer shall, in respect of any class of general insurance business transacted by him in India, spend in any calendar year as expenses of management including commission or remuneration for procuring business an amount in excess of the prescribed limits and in prescribing any such limits regard shall be had to the size and age of the insurer:

Provided that where an insurer has spent as such expenses in any year an amount in excess of the amount permissible under this sub-section, he shall not be deemed to have contravened the provisions of this section.

if the excess amount so spent is within such limits as may be fixed in respect of the year by the Controller after consultation with the Executive Committee of the General Insurance Council constituted under section 64F, by which the actual expenses incurred may exceed the expenses permissible under this sub-section.

(2) Every insurer as aforesaid shall incorporate in the revenue account a certificate signed by the chairman and two directors and by the principal officer of the insurer, and by an auditor certifying that all expenses of management wherever incurred, whether directly or indirectly, in respect of the business referred to in this section, have been fully debited in the revenue account as expenses.

*Explanation.*—In this section,—

(a) “calendar year” shall have the meaning assigned to it in section 40B;

(b) “expenses of management” means all charges, wherever incurred whether directly or indirectly, including commission payments of all kinds and, in the case of an insurer having his principal place of business outside India, a proper share of head office expenses, which shall not be less than such percentage as may be prescribed, of his gross premium income (that is to say, the premium income without taking into account premiums on reinsurance ceded or accepted) written direct in India during the year;

(c) “insurance business transacted in India” includes insurance business, wherever effected, relating to any property situate in India or to any vessel or aircraft registered in India.”

32. Amendment of section 42, Act IV of 1938.—In section 42 of the said Act,—

(a) in sub-section (1), for the words “three rupees”, the words “ten rupees” shall be substituted;

(b) in sub-section (2), the word “registered” shall be omitted;

(c) for sub-section (3), the following shall be substituted, namely:—

“(3) A licence issued under this section, after the commencement of the Insurance (Amendment) Act, 1950, shall remain in force for a period of three years only from the date of issue, but shall, if the applicant does not suffer from any of the disqualifications mentioned in items (b), (c) and (d) of sub-section (4) and the application for renewal of the licence reaches the issuing authority at least thirty days before the date on which the licence ceases to remain in force, be renewed for a period of three years at any one time on payment of the prescribed fee which shall not be more than ten rupees, and an additional fee of a prescribed amount, not exceeding three rupees by way of penalty, if the application for renewal of the licence does not reach the issuing authority at least thirty days before the date on which the licence ceases to remain in force;

(3A) No application for the renewal of a licence under this section shall be entertained if the application does not reach the issuing authority before the licence ceases to remain in force:

Provided that the Controller may, if satisfied that undue hardship would be caused otherwise, accept any application in contravention



of this sub-section on payment by the applicant of a penalty of thirty rupees."

**33. Insertion of new sections 42A, 42B and 42C in Act IV of 1938.**—After section 42 of the said Act, the following sections shall be inserted, namely:—

*"42A. Registration of principal agents, chief agents and special agents.—*

(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 twenty-five rupees for a principal agent or a chief agent and ten rupees for a special agent, register any person who makes an application to him in the prescribed manner if,—

(a) in the case of an individual, he does not suffer from any of the disqualifications mentioned in sub-section (4) of section 42, or

(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 a certificate to act as a principal agent, chief agent or special agent, as the case may be, for the purpose of procuring insurance business shall be issued to him.

(2) A certificate issued under this section shall entitle the holder thereof to act as a principal agent, chief agent or special agent, as the case may be, for any insurer.

(3) A certificate issued under this section shall remain in force for a period of twelve months only from the date of issue, but shall, on application made in this behalf, be renewed from year to year on production of a certificate from the insurer concerned that the provisions of clauses 2 and 3 of Part A of the Sixth Schedule in the case of a principal agent, the provisions of clauses 2 and 4 of Part B of the said Schedule in the case of a chief agent, and the provisions of clauses 2 and 3 of Part C of the said Schedule in the case of a special agent, have been complied with, and on payment of the prescribed fee, which shall not be more than twenty-five rupees, in the case of a principal agent or a chief agent, and ten rupees in the case of a special agent, and an additional fee of the prescribed amount not exceeding five rupees by way of penalty, in cases where the application for renewal of the certificate does not reach the issuing authority before the date on which the certificate ceases to remain in force:

Provided that, where the applicant is an individual, he does not suffer from any of the disqualifications mentioned in clauses (b) to (d) of sub-section (4) of section 42, and, where the applicant is a company or a firm, any of its directors or partners does not suffer from any of the said disqualifications.

(4) Where it is found that the principal agent, chief agent or special 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) of section 42, without prejudice to any other penalty to which he may be liable, the Controller shall, and where a principal agent, chief agent or special agent has contravened any of the provisions of this Act may, cancel the certificate issued under this section to such principal agent, chief agent or special agent.

(5) The authority which issued any certificate under this section may issue a duplicate certificate to replace a certificate lost, destroyed or mutilated on payment of the prescribed fee, which shall not be more than two rupees.

(6) Any person who acts as a principal agent, chief agent or special agent, without holding a certificate issued under this section to act as such, shall be punishable with fine which may extend to five hundred rupees, and any insurer or any person acting on behalf of an insurer, who appoints as a principal agent, chief agent or special agent any person not entitled 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 thousand rupees.

(7) Where the person contravening sub-section (6) 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 any 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 five hundred rupees.

(8) The provisions of sub-sections (6) and (7) shall not take effect until the expiry of six months from the commencement of the Insurance (Amendment) Act, 1950.

42B. *Regulation of employment of principal agents.*—(1) No insurer shall, after the expiration of seven years from the commencement of the Insurance (Amendment) Act, 1950, appoint, or transact any insurance business in India, through a principal agent.

(2) Every contract between an insurer and a principal agent shall be in writing and the terms contained in Part A of the Sixth Schedule shall be deemed to be incorporated in, and form part of, every such contract.

(3) No insurer shall, after the commencement of the Insurance (Amendment) Act, 1950, appoint any person as a principal agent except in a presidency-town unless the appointment is by way of renewal of any contract subsisting at such commencement.

(4) Within sixty days of the commencement of the Insurance (Amendment) Act, 1950, every principal agent shall file with the insurer concerned a full list of insurance agents employed by him indicating the terms of the contract between the principal agent and each of such insurance agents, and, if any principal agent fails to file such a list within the period specified, any commission payable to such principal agent on premiums received from the date of expiry of the said period of sixty days until the date of the filing of the said list shall, notwithstanding anything in any contract to the contrary, cease to be so payable.

(5) A certified copy of every contract as is referred to in sub-section (2) shall be furnished by the insurer to the Controller within thirty days of his entering into such contract and intimation of any change in any such contract shall be furnished by the insurer with full particulars thereof to the Controller within thirty days of the making of any such change.

(6) If the commission due to any insurance agent in respect of any general insurance business procured by such agent is not paid by the principal agent for any reason, the insurer may pay the insurance agent the commission so due and recover the amount so paid from the principal agent concerned.

(7) Every contract as is referred to in sub-section (2), subsisting at the commencement of the Insurance (Amendment) Act, 1950, shall, with respect to terms regarding remuneration, be deemed to have been so altered as to be in accordance with the provisions of sub-section (4) of section 40A.

(8) If any dispute arises as to whether a person is or was a principal agent, the matter shall be referred to the Controller, whose decision shall be final.

(9) Every insurer shall maintain a register in which the name and address of every principal agent appointed by him, the date of such appointment and the date, if any, on which the appointment ceased shall be entered.

*42C. Regulation of employment of chief agents and special agents.—*

(1) Every contract between an insurer carrying on life insurance business and a chief agent shall be in writing, and shall specify the area (not being less in extent than a district or the equivalent thereof) for which the chief agent is appointed, and the terms contained in Part B of the Sixth Schedule shall be deemed to be incorporated in, and form part of, every such contract.

(2) No chief agent shall, either directly or through insurance agents or special agents employed by or through him procure life insurance business for the insurer in any area outside the area for which he has been appointed or in any area for which another chief agent has been appointed or in any area in which the head office or any branch office of the insurer is operating, and neither the head office nor any branch office of the insurer shall operate in any area for which a chief agent has been appointed:

Provided that nothing in this sub-section shall be deemed to prohibit the head office of an insurer which had been operating at the commencement of the Insurance (Amendment) Act, 1950, for a period of not less than ten years before such commencement within the municipal limits of any town where the head office is situate, and a chief agent who, in pursuance of an agreement in writing, had been operating for a similar period within such limits, from continuing to operate within the said limits:

Provided further that nothing in this sub-section shall be deemed to prohibit an insurance agent from procuring life insurance business in or from any area and submitting the proposals direct to the principal office of the insurer in the States.

(3) Within sixty days of the commencement of the Insurance (Amendment) Act, 1950, every chief agent shall file with the insurer concerned a full list of the insurance agents employed by him, indicating the terms of the contract between the chief agent and each of such insurance agents and the business secured by each of such agents, and if any chief agent fails to file such a list within the period specified, any commission payable to such chief agent on premiums received from the date of the expiry of the said period of sixty days until the date of the filing of the said list shall, notwithstanding anything in any contract to the contrary, cease to be so payable.

(4) Every contract between an insurer carrying on life insurance business and a special agent, or between a chief agent of such insurer and a special agent, shall be in writing and the terms contained in Part C of the Sixth Schedule shall be deemed to be incorporated in, and form part, of every such contract:

Provided that the Controller may, in the case of a contract between a co-operative life insurance society as defined in clause (b) of sub-section (1) of section 95 and a co-operative society registered under the Indian Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force and acting as a special agent, alter, to such extent as he thinks fit, all or any of the said terms.

(5) A certified copy of every contract as is referred to in sub-section (1) or sub-section (4) shall be furnished by the insurer or the chief agent to the Controller within thirty days of his entering into such contract, and intimation of any change in any such contract shall be furnished by the insurer or the chief agent with full particulars thereof to the Controller within thirty days of the making of any such change.

(6) No such contract as is referred to in sub-section (1) or sub-section (4) shall be entered into or renewed for a period exceeding ten years at any one time, and, notwithstanding the terms of any contract to the contrary, no option to renew any such contract given to any of the parties shall be enforceable without the consent of the other.

(7) Every contract between an insurer and a person acting on behalf of such insurer who, before the commencement of the Insurance (Amendment) Act, 1950, has been employing insurance agents for the purpose of life insurance business, which is subsisting on such commencement, shall terminate after the expiration of ten years from such commencement, if it does not terminate earlier:

Provided that every such contract shall be modified by the parties before the 1st day of January, 1951, to bring it into conformity with this Act, and any such modification shall—

(i) as respects remuneration, whether in respect of business already procured or in respect of business to be procured thereafter, be such as may be mutually agreed upon between the parties, subject, in the case of remuneration payable on business procured before such commencement, to a maximum of an over-riding commission of two and a half per cent. plus a further commission not exceeding three and three-quarters per cent. on premiums in respect of which no commission is payable to any insurance agent;

(ii) be deemed to include all the terms specified in Part B or Part C of the Sixth Schedule, as the case may be:

Provided further that, in the event of any dispute as to the terms of any fresh contract, the matter shall be referred to arbitration.

(8) Any such contract as is referred to in sub-section (7) which was subsisting on the 1st day of January, 1949, but has terminated or has been terminated before the commencement of the Insurance (Amendment) Act, 1950, shall be subject to the maximum limits specified in clause (i) of the proviso to sub-section (7) as respects remuneration, if any, payable on business procured before the termination of the contract.

(9) Nothing in this section shall be deemed to prevent any special agent from receiving any renewal commission on policies effected through him as an insurance agent at any time before his appointment as such special agent.

(10) If any dispute arises as to whether a person is or was a chief agent or a special agent for the purposes of this Act, the matter shall be referred to the Controller whose decision shall be final.

(11) Every insurer shall maintain a register in which the name and address of every chief agent appointed by him, the date on which the appointment was made and the date, if any, on which the appointment ceased shall be entered, and a separate register in which similar

particulars relating to every special agent shall be entered, and every chief agent shall maintain a register in which similar particulars relating to every special agent appointed by him shall be entered."

**34. Substitution of new section for section 44, Act IV of 1938.**—For section 44 of the said Act, the following section shall be substituted, namely:—

**"44. Prohibition of cessation of payments of commission.**—(1) Notwithstanding anything to the contrary contained in any contract between any person and an insurance agent providing for the forfeiture or stoppage of payment of renewal commission to such insurance agent, no such person shall, in respect of life insurance business transacted in India, refuse payment to an insurance agent of commission due to him on renewal premium under the agreement by reason only of the termination of his agreement, except for fraud:

Provided that—

(a) such agent ceases to act for the insurer concerned after the Central Government has notified in the Official Gazette that it is satisfied that the circumstances in which the said insurer is placed are such as to justify the agent's ceasing to act for him; or

(b) such agent has served the insurer continually and exclusively in respect of life insurance business for at least five years and policies assuring a total sum of not less than fifty thousand rupees effected through him for the insurer were in force on a date one year before his ceasing to act as such agent for the insurer, and that the commission on renewal premiums due to him does not exceed four per cent. in any case; or

(c) such agent has served the insurer continually and exclusively for at least ten years and after his ceasing to act as such agent he does not directly or indirectly solicit or procure insurance business for any other person.

*Explanation.*—For the purposes of this sub-section, service of an insurance agent under a chief agent of the insurer, whether before or after the commencement of the Insurance (Amendment) Act, 1950, shall be deemed to be service under the insurer.

(2) Any commission payable to an insurance agent under the provisions of clauses (b) and (c) of the proviso to sub-section (1) shall, notwithstanding the death of the agent, continue to be payable to his heirs for so long as such commission would have been payable had such insurance agent been alive.

**35. Insertion of new section 44A in Act IV of 1938.**—After section 44 of the said Act and before the heading "Special Provisions of Law", the following section shall be inserted, namely:—

**"44A. Power to call for information.**—For the purposes of ensuring compliance with the provisions of sections 40A, 40B, 40C, 42B and 42C the Controller may by notice—

(a) require from an insurer, principal agent, chief agent or special agent such information, certified if so required by an auditor or actuary, as he may consider necessary;

(b) require an insurer, principal agent, chief agent or special agent to submit, for his examination at the principal place of business of the insurer in the States, any book of account, register or other document, or to supply any statement which may be specified in the notice;

(c) examine any officer of an insurer or a principal agent, chief agent or special agent on oath, in relation to any such information, book, register, document or statement and administer the oath accordingly;

and an insurer, principal agent, chief agent or special agent shall comply with any such requirement within such time as may be specified in the notice."

**36. Amendment of section 47, Act IV of 1938.**—In sub-section (1) of section 47 of the said Act, the words "before the expiry of nine months from the date of the maturing of the policy or where the circumstances are such that the insurer cannot be immediately aware of such maturing, from the date on which notice of such maturing is given to the insurer" shall be omitted.

**37. Insertion of new section 47A in Act IV of 1938.**—After section 47 of the said Act, the following section shall be inserted, namely:—

"47A. *Claims on small life insurance policies.*—(1) In the event of any dispute relating to the settlement of a claim on a policy of life insurance assuring a sum not exceeding two thousand rupees (exclusive of any profit or bonus not being a guaranteed profit or bonus) issued by an insurer in respect of insurance business transacted in India, arising between a claimant under the policy and the insurer who issued the policy or has otherwise assumed liability in respect thereof, the dispute may at the option of the claimant be referred to the Controller for decision, and the Controller may, after giving an opportunity to the parties to be heard and after making such further inquiries as he may think fit, decide the matter.

(2) The decision of the Controller under this sub-section shall be final and shall not be called in question in any court, and may be executed by the Court which would have been competent to decide the dispute if it had not been referred to the Controller as if it were a decree passed by that court.

(3) There shall be charged and collected in respect of the duties of the Controller under this section such fees whether by way of percentage or otherwise as may be prescribed."

**38. Amendment of section 48, Act IV of 1938.**—In section 48 of the said Act,—

(i) in sub-section (1), after the words "directors of the company" the words "the number to be elected not being less than two in any case" shall be inserted;

(ii) for the second proviso to sub-section (2A), the following proviso shall be substituted, namely:—

"Provided further that the Controller may exempt any director of a subsidiary company of the insurer from any disqualification imposed by this sub-section.";

(iii) in clause (a) of sub-section (3), for the words "provisions of this sub-section" the words "provisions of this section" shall be substituted.

**39. Amendment of section 48A, Act IV of 1938.**—In section 48A of the said Act, for the words "no person acting on behalf of an insurer who, for the purpose of life insurance business employs insurance agents", the words "no chief agent or special agent" shall be substituted.

40. Insertion of new sections 48B and 48C in Act IV of 1938.—After section 3A of the said Act, the following sections shall be inserted, namely:—

“48B. *Further provision regarding directors.*—(1) An insurer specified in sub-clause (b) of clause (9) of section 2 and carrying on life insurance business shall not have a common director with another such insurer.

(2) The Central Government may, for such period, to such extent and subject to such conditions as it may specify, exempt from the operation of this section—

(a) any insurer, who is a subsidiary company of another insurer, or

(b) two or more insurers, for the purpose of facilitating their amalgamation or the transfer of business of one insurer to the other.

48C. *Appointment of additional directors.*—The Central Government may, in the case of an insurer specified in sub-clause (b) of clause (9) of section 2, appoint for such period and subject to such terms and conditions as it thinks fit, not more than two persons to be directors, in addition to the directors already existing and the insurer shall pay to such additional director or directors the same fees and allowances as are payable to the other directors.”

41. Amendment of section 49, Act IV of 1938.—(1) Section 49 of the said Act shall be renumbered as sub-section (1) thereof, and after the proviso to that sub-section, as so renumbered, the following further proviso shall be added, namely:—

“Provided further that the share of any such surplus allocated to or reserved for the shareholders (including any amount for the payment of dividends guaranteed to them, whether by way of first charge or otherwise) shall not exceed seven and a half per cent. of such surplus.”

(2) After sub-section (1), as so renumbered, the following sub-section shall be inserted, namely:—

“(2) For the purposes of sub-section (1), the actual amount of income-tax deducted at source during the period following the date as at which the last preceding valuation was made and preceding the date as at which the valuation in question is made may be added to such surplus after deducting an estimated amount for income-tax on such surplus, such addition and deduction being shown in paragraph 8(1) of the abstract prepared in accordance with Part II of the Fourth Schedule to this Act.”

42. Insertion of new sections 52A to 52G in Act IV of 1938.—After section 52 of the said Act, the following heading and sections shall be inserted, namely:—

“MANAGEMENT BY ADMINISTRATOR.

52A. *When Administrator for management of insurance business may be appointed.*—(1) If at any time the Controller has reason to believe that an insurer carrying on life insurance business is acting in a manner likely to be prejudicial to the interests of holders of life insurance policies, he may, after giving such opportunity to the insurer to be heard as he thinks fit, make a report thereon to the Central Government.

(2) The Central Government, if it is of opinion after considering the report that it is necessary or proper to do so, may appoint an Administrator to manage the affairs of the insurer under the direction and control of the Controller.

(3) The Administrator shall receive such remuneration as the Central Government may direct and the Central Government may at any time cancel the appointment and appoint some other person as Administrator.

(4) The management of the business of the insurer shall as on and after the date of appointment of the Administrator vest in such Administrator, but except with the leave of the Controller the Administrator shall not issue any further policies.

(5) As on and after the date of appointment of the Administrator any person vested with any such management immediately prior to that date shall be divested of that management.

(6) The Controller may issue such directions to the Administrator as to his powers and duties as he deems desirable in the circumstances of the case, and the Administrator may apply to the Controller at any time for instructions as to the manner in which he shall conduct the management of the business of the insurer or in relation to any matter arising in the course of such management.

**52B. Powers and duties of the Administrator.—**(1) The Administrator shall conduct the management of the business of the insurer with the greatest economy compatible with efficiency and shall, as soon as may be possible, file with the Controller a report stating which of the following courses is in the circumstances most advantageous to the general interests of the holders of life insurance policies, namely:—

(a) the transfer of the business of the insurer to some other insurer;

(b) the carrying on of its business by the insurer (whether with the policies of the business continued for the original sum insured with the addition of bonuses that attach to the policies or for reduced amounts);

(c) the winding up of the insurer; or

(d) such other course as he deems advisable.

(2) On the filing of the report with the Controller, the Controller may take such action as he thinks fit for promoting the interests of the holders of life insurance policies in general.

(3) Any order passed by the Controller under sub-section (2) shall be binding on all persons concerned, and shall have effect notwithstanding anything in the memorandum or articles of association of the insurer, of a company.

**52C. Cancellation of contracts and agreements.—**The Administrator may, at any time during the continuance of his appointment with respect to an insurer and after giving an opportunity to the persons concerned to be heard, cancel or vary (either unconditionally or subject to such conditions as he thinks fit to impose) any contract or agreement (other than a policy) between the insurer and any other person which the Administrator is satisfied is prejudicial to the interests of holders of life insurance policies.

**52D. Termination of appointment of Administrator.—**If at any time, on a report made by the Controller in this behalf, it appears to the Central Government that the purpose of the order appointing the Administrator has been fulfilled or that for any reason it is undesirable that the order of appointment should remain in force, the Central Government may cancel the order and thereupon the Administrator shall be divested of the management of the insurance business which shall, unless otherwise directed by the Central Government, again vest in the person in whom it was vested immediately prior to the date of appointment of the Administrator.



52E. *Finality of decision appointing Administrator.*—Any order or decision of the Central Government made in pursuance of section 52A or section 52D shall be final and shall not be called in question in any Court.

52F. *Penalty for withholding documents or property from Administrator.*—If any director or officer of the insurer or any other person fails to deliver to the Administrator any books of account, registers or any other documents in his custody relating to the business of the insurer the management of which has vested in the Administrator, or retains any property of such insurer, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

52G. *Protection of action taken under sections 52A to 52D.*—

(1) No suit, prosecution or other legal proceeding shall lie against an Administrator for anything which is in good faith done or intended to be done in pursuance of sections 52A to 52C inclusive.

(2) No suit or other legal proceeding shall lie against the Central Government or the Controller for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under section 52A, section 52B, or section 52D."

43. *Amendment of section 55, Act IV of 1938.*—In section 55 of the said Act, for the words "Sixth Schedule", wherever they occur, the words "Seventh Schedule" shall be substituted.

44. *Amendment of section 64, Act IV of 1938.*—To section 64 of the said Act, the following words shall be added, namely:—

"and shall furnish to the Controller on or before the last day of January in every calendar year a certificate from an auditor to the effect that the said books of account, register and documents are being kept as required at the principal office of the insurer in India."

45. *Insertion of new sections 64A to 64T in Act IV of 1938.*—After section 64 and before Part III, the following Part and sections shall be inserted, namely:—

#### "PART IIA

##### INSURANCE ASSOCIATION OF INDIA, COUNCILS OF THE ASSOCIATION AND COMMITTEES THEREOF

64A. *Incorporation of the Insurance Association of India.*—(1) All insurers carrying on insurance business in the States at the commencement of the Insurance (Amendment) Act, 1950, all insurers who may after such commencement begin to carry on insurance business in the States, and, if the Central Government, by notification in the Official Gazette, so declares all provident societies carrying on insurance business in the States on the date of such notification and all provident societies which may begin to carry on insurance business in the States after such date are hereby constituted a body corporate by the name of the Insurance Association of India.

(2) All insurers and provident societies incorporated or domiciled in the States shall be known as members of the Insurance Association of India, and all insurers and provident societies incorporated or domiciled elsewhere than in the States shall be known as associate members of that Association.

(3) The Insurance Association of India shall have perpetual succession and a common seal and shall have power to acquire, hold and dispose of all property, both movable and immovable, and shall by the said name sue and be sued.

64B. *Entry of names of members in the register.*—(1) The Controller shall take or cause to be taken through such agency as he thinks fit such steps as may be necessary to have the names of all insurers and provident societies, who or which are entitled to have their names entered in the register of members and associate members of the Insurance Association of India maintained for this purpose entered therein.

(2) Where any insurer or provident society has ceased to carry on business as such, the Controller shall cause such steps to be taken as may be necessary to have the name of such insurer or provident society, as the case may be, removed from the register.

64C. *Councils of the Insurance Association of India.*—There shall be two Councils of the Insurance Association of India, namely:—

(a) the Life Insurance Council consisting of all the members and associate members of the Association who carry on life insurance business in the States, and

(b) the general Insurance Council consisting of all the members and associate members of the Association who carry on general insurance business in the States.

64D. *Authority of Members of Association to act through agents.*—It shall be lawful for any member of the Life Insurance Council or the General Insurance Council to authorise any individual, whether an officer of the insurer or not, to act as the representative of such member at any meeting of the Council concerned or to stand as a candidate for any election held by that Council.

64E. *Authorities of the Life Insurance Council and the General Insurance Council.*—The authorities of the Life Insurance Council and the General Insurance Council shall be the Executive Committees, the Tariff Committee and the other Committee thereof constituted in the manner provided in this Part.

64F. *Executive Committees of the Life Insurance Council and the General Insurance Council.*—(1) The Executive Committee of the Life Insurance Council shall consist of the following persons, namely:—

(a) two officials nominated by the Central Government, one as the Chairman and the other as a member;

(b) eight representatives of members of the Insurance Association of India carrying on life insurance business elected in their individual capacity by the said members in such manner, from such groups of members and from such areas as may be specified by the Central Government;

(c) one non-official not connected with any insurance business, nominated by the Central Government; and

(d) five persons connected with life insurance business, nominated by the Central Government for the purpose of representing such groups of insurers carrying on life insurance business or such areas as have not been able to secure adequate representation on the Executive Committee of the Life Insurance Council or for any other purpose.

(2) The Executive Committee of the General Insurance Council shall consist of the following persons, namely:—

(a) two officials nominated by the Central Government, one as the Chairman and the other as a member;

(b) eight representatives of members of the Insurance Association of India carrying on general insurance business elected in their individual capacity by the said members in such manner, from such groups and from such areas as may be specified by the Central Government;

(c) one non-official not connected with any insurance business, nominated by the Central Government; and

(d) five persons connected with general insurance business, nominated by the Central Government for the purpose of representing such groups of insurers carrying on general insurance business or such areas as have not been able to secure adequate representation on the Executive Committee of the General Insurance Council or for any other purpose.

(3) If any body of persons specified in sub-sections (1) and (2) fails to elect any of the members of the Executive Committees of the Life Insurance Council or the General Insurance Council, the Central Government may nominate any person to fill the vacancy, and any person so nominated shall be deemed to be a member of the Executive Committee of the Life Insurance Council or the General Insurance Council, as the case may be, as if he had been duly elected thereto.

(4) No official nominated by the Central Government shall be entitled, whether as chairman or as a member, to vote in respect of any matter coming up before any meeting of the Executive Committee of the Life Insurance Council or the Executive Committee of the General Insurance Council, as the case may be, and subject thereto each of the said Executive Committee may, with the approval of the Central Government, make bye-laws for the transaction of any business at any meeting of the said Committee, and any such bye-law may provide that any member of the Committee who is interested in any matter for the time being before that Committee may not be present at or take part in any meeting thereof.

(5) The Life Insurance Council or the General Insurance Council may form such other committees consisting of such persons as it may think fit to discharge such functions as may be delegated thereto:

Provided that any action taken by any of the said Councils under this sub-section shall be with the previous consent of the Central Government, and nothing in this sub-section shall derogate from any of the powers vested in the Executive Committees.

(6) The Secretary of the Executive Committee of the Life Insurance Council and of the Executive Committee of the General Insurance Council shall in each case be an official nominated by the Central Government.

64G. *Resignation and filling up of casual vacancies.*—(1) Any member of the Executive Committee of the Life Insurance Council or of the General Insurance Council may resign his membership of the Committee by notice in writing addressed to the Chairman of the Committee to that effect.

(2) Casual vacancies in the Executive Committee of the Life Insurance Council or of the General Insurance Council, whether caused by resignation, death or otherwise, shall be filled by nomination by the Central Government, and any person so nominated to fill the vacancy shall hold office until the dissolution of the Committee to which he has been nominated.

(3) No act of the Executive Committee of the Life Insurance Council or of the General Insurance Council shall be called in question on the

ground merely of the existence of any vacancy in, or defect in the constitution of, the Committee concerned.

64H. *Duration and dissolution of Executive Committees.*—(1) The duration of the Executive Committee of the Life Insurance Council or the General Insurance Council shall be three years from the date of its first meeting on the expiry of which it shall stand dissolved and a new Executive Committee constituted.

(2) Notwithstanding the dissolution of the Executive Committee of the Life Insurance Council or the General Insurance Council, the outgoing members thereof shall continue to hold office and discharge such administrative and other duties as may be prescribed until such time as a new Executive Committee of the Life Insurance Council or the General Insurance Council, as the case may be, shall have been constituted.

64I. *Power of Executive Committee of Life Insurance Council to hold examinations for insurance agents.*—The Life Insurance Council may, with the approval of the Central Government, authorise its Executive Committee to hold examinations for individuals wishing to qualify themselves as insurance agents for the purpose of procuring life insurance business, and, if the Central Government, by notification in the Official Gazette, so declares, then, notwithstanding anything contained in section 42, only individuals who have passed any such examination shall be eligible to apply for a licence under section 42:

Provided that nothing in this sub-section shall affect the right of any individual, who has been licensed to act as an insurance agent under section 42 before the date of such notification, to act as such, or to have his licence renewed from time to time.

64J. *Functions of Executive Committee of Life Insurance Council.*—(1) The functions of the Executive Committee of the Life Insurance Council shall be—

(a) to aid, advise and assist insurers carrying on life insurance business in the matter of setting up standards of conduct and sound practice and in the matter of rendering efficient service to holders of life insurance policies;

(b) to render advice to the Controller in the matter of controlling the expenses of insurers in respect of their life insurance business in India;

(c) to bring to the notice of the Controller the case of any insurer acting in a manner prejudicial to the interests of holders of life insurance policies;

(d) to act in any matter incidental or ancillary to any of the matters specified in clauses (a) to (c) as, with the approval of the Central Government, may be notified by the Life Insurance Council in the Gazette of India.

(2) For the purpose of enabling it effectively to discharge its functions, the Executive Committee of the Life Insurance Council may collect such sums of money, whether by way of fees or otherwise, as may be prescribed from all members and associate members of the Insurance Association of India who carry on life insurance business.

64K. *Executive Committee of Life Insurance Council may advise in controlling expenses.*—(1) It shall be the duty of the Executive Committee of the Life Insurance Council to meet at least once before the 31st day of March every year to advise the Controller in fixing under the proviso to sub-section (2) of section 40B the limits by which the actual expenses

incurred by an insurer carrying on life insurance business in respect of such business in the preceding year may exceed the limits prescribed under that sub-section, and in fixing any such limits the Controller shall have due regard to the conditions obtaining in life insurance business generally during that year, and he may fix different limits for different groups of insurers.

(2) Where an insurer is guilty of contravening the provisions of section 40B with respect to the expenses of management, the Controller may, after giving the insurer an opportunity of being heard, administer a warning to the insurer.

(3) Where within a period of seven years two warnings have been given to an insurer under sub-section (2) and they have been disregarded by him, the Controller may cause an investigation and valuation, as at such date as the Controller may specify, to be made at the expense of the insurer by an actuary appointed by the insurer for this purpose and approved by the Controller, and the insurer shall place at the disposal of the said actuary all the materials required by him for the purpose of such investigation and valuation, within such period, not being less than three months, as the Controller may specify.

(4) The provisions of sub-sections (1) and (4) of section 13 and of sub-sections (1) and (2) of section 15, or, as the case may be, of sub-section (2) of section 16 shall apply in relation to an investigation and valuation under this section:

Provided that the abstract and statement prepared as the result of such investigation and valuation shall be furnished by such date as the Controller may specify.

(5) There shall be appended to every such abstract a statement signed by the actuary giving such information as may be prescribed.

(6) On receipt of the abstract and statement furnished in accordance with sub-section (4), the Controller may take such action as may be prescribed.

64L. *Functions of Executive Committee of General Insurance Council.*

—(1) The functions of the Executive Committee of the General Insurance Council shall be—

(a) to aid and advise insurers, carrying on general insurance business, in the matter of setting up standards of conduct and sound practice and in the matter of rendering efficient service to holders of policies of general insurance;

(b) to render advice to the Controller in the matter of controlling the expenses of such insurers carrying on business in India in the matter of commission and other expenses;

(c) to bring to the notice of the Controller the case of any such insurer acting in a manner prejudicial to the interests of holders of general insurance policies;

(d) to act in any matter incidental or ancillary to any of the matters specified in clauses (a) to (c) as with the approval of the Central Government may be notified by the General Insurance Council in the Gazette of India.

(2) For the purpose of enabling it effectively to discharge its functions, the Executive Committee of the General Insurance Council may collect such fees as may be prescribed from all insurers carrying on general insurance business.

64M. *Executive Committee of General Insurance Council may advise in controlling expenses.*—(1) It shall be the duty of the Executive Committee of the General Insurance Council to meet at least once before the 31st day of March every year to advise the Controller in fixing under the proviso to sub-section (1) of section 40C the limits by which the actual expenses of management incurred by an insurer carrying on general insurance business in respect of such business in the preceding year may exceed the limits prescribed under that sub-section, and in fixing any such limits the Controller shall have due regard to the conditions obtaining in general insurance business in the preceding year, and he may fix different limits for different groups of insurers.

(2) Where an insurer is guilty of contravening the provisions of section 40C with respect to the expenses of management the Controller may, after giving the insurer an opportunity of being heard, administer a warning to the insurer.

(3) Where in any case two warnings given to an insurer under sub-section (2) have been disregarded by him, the Controller may take such action against the insurer as may be prescribed.

64N. *Power of the Executive Committees to act together in certain cases.*—The Central Government may prescribe the circumstances in which, the manner in which, and the conditions subject to which, the Executive Committee of the Life Insurance Council and the Executive Committee of the General Insurance Council may hold joint meetings for the purpose of dealing with any matter of common interest to both Committees, and it shall be lawful for the two Committees at any such joint meeting to delegate any matter under consideration for the determination of a sub-committee appointed for this purpose from amongst the members of the two Committees.

64O. *Power of General Insurance Council to regulate rates of insurance, etc.*—(1) The General Insurance Council may, by regulations made in this behalf and approved by the Central Government, control and regulate the rates, advantages, terms and conditions that may be offered by its members and associate members in respect of general insurance business, and all such regulations shall be binding on all its members.

(2) Any regulations made under sub-section (1) may delegate to a Tariff Committee, appointed for such period and consisting of such persons as may be specified in such regulations, any power of control and regulation vested in the General Insurance Council.

(3) Where an insurer is guilty of contravening any regulation made under sub-section (1) by which he is bound, the Tariff Committee, if any, appointed under sub-section (2) may take such disciplinary action against him as may be prescribed.

(4) The Central Government may prescribe the cases in which an appeal shall lie in respect of any action taken under sub-section (3), and any such appeal shall be preferred to the Central Government within thirty days of the date on which such action was taken.

(5) The General Insurance Council shall meet at least once a year to review the work done by the Tariff Committee appointed under sub-section (2).

(6) For the purpose of enabling the Tariff Committee to effectively discharge its functions under this section, the General Insurance Council may, by regulations made in this behalf and approved by the Central Government, fix the amount of fees payable by insurers carrying on general

insurance business, and the Tariff Committee appointed under sub-section (2) may collect such fees either directly or through Regional Councils constituted as hereinafter provided.

*Explanation.*—For the purposes of section 64O, section 64P and section 64Q, the Central Government may, by notification in the Official Gazette, specify that any insurer or class of insurers, shall not be deemed to be included amongst insurers carrying on general insurance business, and any insurer so specified shall not take part in any meeting of the General Insurance Council in which any discussion of any matter dealt with in the said sections takes place.

64P. *Regional Councils.*—(1) The General Insurance Council may constitute such Regional Councils as and when it deems fit for one or more of the prescribed regions.

(2) Each Regional Council shall consist of seven persons elected by such groups of insurers carrying on general insurance business in the region as may be prescribed.

64Q. *Functions of the Regional Councils.*—(1) The Regional Councils shall perform such functions as may be delegated to them by the General Insurance Council.

(2) For the purpose of enabling it effectively to discharge its duties, any Regional Council may in the prescribed manner constitute such Committees thereof as it may think fit, whether consisting of members of the Regional Council or otherwise.

(3) Where in the exercise of any functions delegated to it under this section, any Regional Council or any Committee thereof restrains a principal agent or an insurance agent from procuring or causing to be procured general insurance business from any area, any such principal agent or insurance agent may appeal to the Central Government within such time as may be prescribed and the Central Government may pass such orders thereon as it thinks fit.

64R. *General powers of Life Insurance Council and General Insurance Council.*—(1) For the efficient performance of its duties, the Life Insurance Council or the General Insurance Council, as the case may be, may—

(a) appoint such officers and servants as may be necessary and fix the conditions of their service;

(b) determine the manner in which any prescribed fee may be collected;

(c) keep and maintain up to date a copy of the list of all insurers who are members or associate members of the Insurance Association of India;

(d) with the previous approval of the Central Government, make regulations for—

(i) the holding of elections other than the first elections;

(ii) the summoning and holding of meetings, the conduct of business thereat and the number of persons necessary to form a quorum;

(iii) the submission by insurers to the Executive Committee of the Life Insurance Council, or the General Insurance Council of such statements or information as may be required of them and the submission of copies thereof by the insurers to the Controller;

(iv) the levy and collection of any fees;

(v) the regulation of any other matter which may be necessary for the purpose of enabling it to carry out its duties under this Act.

(2) The Life Insurance Council or the General Insurance Council may authorise the Executive Committee concerned or the Tariff Committee appointed under section 64O to exercise any of the powers conferred on the Life Insurance Council or the General Insurance Council, as the case may be, under clause (a), clause (b) or clause (c) of sub-section (1).

64S. *Power of Central Government to remove difficulties.*—The Central Government may exercise such powers as may be necessary for bringing the Life Insurance Council, the General Insurance Council or the Executive Committee of any of the said Councils, as the case may be, into effective existence for the purposes of this Part, and any such powers shall include—

(a) the power to hold, in such manner as may be directed by the Central Government, the first elections to the Executive Committees of the Life Insurance Council and the General Insurance Council;

(b) where a notification under sub-section (1) of section 64A has been issued declaring provident societies to be members of the Insurance Association of India, the power to associate provident societies effectively in the exercise of all powers and the discharge of all functions of the Life Insurance Council and the Executive Committee thereof;

(c) the power to make the provisions of section 40B applicable to the provident societies specified in clause (b) in the same manner as they apply to insurers.

64T. *Power to exempt.*—The Central Government may, subject to such conditions and restrictions as it may think fit to impose, exempt any insurer specified in sub-clause (c) of clause (9) of section 2 from the operation of all or any of the provisions of this Part."

46. **Amendment of section 65, Act IV of 1938.**—In sub-section (1) of section 65 of the said Act, for the words "nine hundred" the words "one thousand" shall be substituted.

47. **Insertion of new section 65A in Act IV of 1938.**—After section 65 of the said Act, the following section shall be inserted, namely:—

"65A. *Prohibition of transaction of insurance business by provident societies other than public companies or co-operative societies.*—No person shall, after the commencement of the Insurance (Amendment) Act, 1950, begin to carry on in the States any business specified in sub-section (1) of section 65, and no provident society carrying on any such business in the States shall, after the expiry of one year from such commencement, continue to carry on any such business, unless he or it is—

(a) a public company, or

(b) a society registered under the Co-operative Societies Act, 1912 (II of 1912) or under any other law for the time being in force in any State relating to co-operative societies, or

(c) a body corporate incorporated under the law of any country outside the States not being of the nature of a private company."

48. **Omission of section 68, Act IV of 1938.**—Section 68 of the said Act shall be omitted.



49. Amendment of section 70, Act IV of 1938.—In section 70 of the said Act,—

(1) in sub-section (3), for the figures "67" the figures and letter "65A, 67" shall be substituted;

(2) in sub-section (4),—

(i) at the end of sub-clause (i) of clause (a), the word "or" shall be inserted;

(ii) clause (b) shall be omitted; and

(iii) after clause (a) of the second proviso, the following clause shall be inserted, namely:—

"(aa) cancel the registration of a provident society if any deposit required by section 73, has not been made, or".

50. Amendment of section 71, Act IV of 1938.—In section 71 of the said Act,—

(i) for the words, figures and letter "sections 20, 32, 46 and 53A" the words, figures, brackets and letters "sub-sections (2) and (3) of section 10, section 20, sub-section (1) of section 27, sections 27A, 28, 29, 31A, 31B, 32, 46 and 53A" shall be substituted;

(ii) after the words "members of a provident society" the words and figures "and references to section 7 or section 98 shall be construed as references to section 73" shall be inserted.

51. Amendment of section 82, Act IV of 1938.—To sub-section (2) of section 82 of the said Act, the following proviso shall be added, namely:—

"Provided that the Central Government may in any case extend the time allowed by this sub-section for the furnishing of such return by a period not exceeding three months."

52. Amendment of section 85, Act IV of 1938.—In section 85 of the said Act, sub-section (1) shall be omitted.

53. Amendment of section 91, Act IV of 1938.—In sub-section (1) of section 91 of the said Act,—

(i) the word "and" at the end of clause (f) shall be omitted; and

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

"(h) to sell the immovable and movable property of the society by public auction or private contract, with power to transfer the whole thereof to any person or society or to sell the same in parcels."

54. Amendment of section 92, Act IV of 1938.—In section 92 of the said Act,—

(1) in sub-section (4),—

(i) for the words "the Superintendent of Insurance shall appoint a suitable person", the words "the Controller may, if he thinks fit, appoint a suitable person" shall be substituted; and

(ii) for the words "and if so desired, shall also appoint a committee of inspection", the words "and if he considers it desirable, may also appoint a committee of inspection" shall be substituted;

(2) in sub-section (11), after the words "forwarded by the liquidator" the words "within one week after the meeting" shall be inserted.

55. Amendment of section 94, Act IV of 1938.—In section 94 of the said Act, sub-section (2) shall be omitted.

**56. Amendment of section 98A, Act IV of 1938.**—In section 98A of the said Act, the words, figures and brackets “so however that in such application the references in the second proviso to sub-section (1) of the said section to the commencement of this Act shall be construed as references to the commencement of the Insurance (Amendment) Act, 1946” shall be omitted.

**57. Amendment of section 100, Act IV of 1938.**—In section 100 of the said Act, for the words “publish such notices or documents” the words “publish such notice together with a summary in the prescribed form of the balance-sheet and revenue account” shall be substituted.

**58. Amendment of section 102, Act IV of 1938.**—In section 102 of the said Act,—

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

“(1) Except as otherwise provided in this Act, any insurer, principal agent, chief agent, or special agent, who makes default in complying with, or acts in contravention of, any requirement of this Act, or of any rule or order made thereunder and, where the insurer is a company, any director, managing agent, manager or other officer of the company, or where the insurer is a firm, any partner of the firm who is knowingly a party to the default or contravention, shall be punishable with fine which may extend to one thousand rupees, and in the case of a continuing default or contravention with an additional fine which may extend to five hundred rupees for every day during which the default or contravention continues”;

(ii) in sub-section (2), for the words “any of the requirements of this Act” the words “any requirement of this Act or of any rule or order made thereunder” shall be substituted.

**59. Insertion of new section 110C in Act IV of 1938.**—After section 110B of the said Act, the following section shall be inserted, namely:—

“110C. Power to call for information.—(1) The Controller may, by notice in writing, require any insurer to supply him with any information relating to his insurance business, and the insurer shall comply with such requirement within such period after receipt of the notice as may be specified therein.

(2) Any information supplied under this section shall be certified by a principal officer of the insurer and if the notice so requires also by an auditor.”

**60. Amendment of section 116, Act IV of 1938.**—In sub-section (1) of section 116 of the said Act,—

(i) for the words “a Part B State” the words “any country or State outside the States” shall be substituted; and

(ii) the proviso shall be omitted.

**61. Amendment of section 116A, Act IV of 1938.**—To the proviso to section 116A of the said Act, after the words and figures “of section 28”, the words, figures, brackets and letters “or section 28A, or the statements referred to in sub-section (2) of section 31B or section 40B” shall be added.

**62. Amendment of section 118, Act IV of 1938.**—In section 118 of the said Act—

(i) for the words “by the Central or by a State Government”, the words “by the Central Government” shall be substituted;

(ii) at the end of clause (b), the word "or" shall be inserted and after that clause, the following shall be added, namely:—

"(c) any approved superannuation fund as defined in clause (a) of section 58N of the Indian Income-tax Act, 1922 (XI of 1922), or, if the Central Government so orders in any case, and to such extent or subject to such conditions or modifications as are specified in such order, to any insurance business carried on by a State Government or to any insurance company more than fifty-one per cent. of whose shares is held by a State Government."

**63. Amendment of the First Schedule, Act IV of 1938.**—In the First Schedule to the said Act,—

(i) in Part I, in clause (c) of regulation 7, for the words "a certificate signed by" and the words "parts of the assets", the words "where the balance sheet relates either wholly or in part to life insurance business, a certificate signed by" and the words "part of the assets" shall respectively be substituted;

(ii) in Form A, in the first column, for the item "Life Insurance Fund", the following shall be substituted, namely:—

"Life Insurance Fund—

(i) Business in India.

(ii) Business outside India."

**64. Amendment of the Third Schedule, Act IV of 1938.**—In the Third Schedule to the said Act,—

(1) in Part I, after regulation 7, the following regulation shall be inserted, namely:—

"7A. In addition to the revenue account, information shall also be supplied of the gross claims payable directly by the insurer in India (that is to say, the claims without taking into account claims on reinsurance ceded or accepted) separately for fire, marine and miscellaneous insurance business and the provisions of sections 20 and 116A shall not apply to any information so supplied."

(2) in Part II, in Form F,—

(a) in the first column, for the item "Commission", the following items shall be substituted, namely:—

"Commission on direct Business.....

Commission on Reinsurances accepted."

(b) in the third column, before the item "Other Income (to be specified)", the following item shall be inserted, namely:—

"Commission on Reinsurances ceded....."

**65. Insertion of new Schedule in Act IV of 1938.**—In the said Act, the "Sixth Schedule" shall be renumbered as the "Seventh Schedule", and before that Schedule as so renumbered, the following Schedule shall be inserted, namely:—

#### "THE SIXTH SCHEDULE

##### PART A

[See section 42B(1)]

*Terms deemed to be included in every contract between an insurer carrying on general insurance business and a principal agent*

1. All payments of commission to insurance agents shall be made by the principal agent on behalf of the insurer.

2. The principal agent shall procure or cause to be procured through insurance agents such an amount of general insurance business of any class for the procurement of which he has been appointed, as will yield a gross premium income of not less than twenty thousand rupees in each calendar year.

3. In the event of the principal agent failing in any calendar year to comply with the requirements of clause 2, he shall forfeit to the insurer—

(i) one-quarter of the total remuneration payable to him by the insurer for that year, if the class of business for the procurement of which he has been appointed is fire or miscellaneous insurance business, or

(ii) one-third of the total remuneration payable to him by the insurer for that year, if the class of business for the procurement of which he has been appointed is marine insurance business.

4. In the event of the principal agent failing to comply with the requirements of clause 2 in any two successive calendar years, the contract shall, without prejudice to the provisions of clause 3, terminate on the 31st day of March immediately following the second calendar year.

5. Except in cases where the business relates to any property under his immediate control, a principal agent shall not by himself procure any class of general insurance business without utilising the services of an insurance agent.

## PART B

[See section 42C (1)]

*Terms deemed to be included in every contract between an insurer carrying on life insurance business and a chief agent*

1. All payments of commission to insurance agents shall be made by the insurer direct or by the chief agent, who may make the payment either directly or through a special agent on behalf of the insurer.

2. The chief agent shall employ or cause to be employed for and on behalf of the insurer either directly or through special agents at least six insurance agents in cases where the business in force of the insurer is less than one crore of rupees and in any other case at least twelve agents each of whom will procure in each calendar year new business amounting to not less than ten thousand rupees.

3. Save as provided in respect of cases specified in clause 7 of this Part, the remuneration payable to the chief agent in respect of life insurance business effected through him for the insurer shall only be in the form of an overriding commission.

4. In the event of the chief agent failing in two successive calendar years to comply with the requirements of clause 2, he shall forfeit to the insurer one-half of the total remuneration payable to him by the insurer for those years.

5. In the event of the chief agent failing to comply with the requirements of clause 2 in four successive calendar years, the contract shall, without prejudice to the provisions of clause 4, terminate on the 31st day of March immediately following the last of such calendar years.

6. Not more than one intermediary to be remunerated by the insurer concerned, whether on a salary basis or by way of commission, shall be employed between the chief agent and any insurance agent, but the chief agent may employ as many persons as he thinks fit on a salary basis, provided such salaries are paid out of his overriding commission.

7. In cases where the commission payable on a policy of life insurance effected through an insurance agent working under a chief agent is stopped on or after the 1st day of January, 1949 and not paid to the insurance agent, an amount not exceeding one-quarter of such commission payable to the insurance agent concerned shall also be payable to the chief agent, if he continues to render service in connection with that policy and if such commission is otherwise payable to him.

### PART C

[See section 42C (4)]

***Terms deemed to be included in every contract between an insurer carrying on life insurance business and a special agent or between a chief agent and a special agent***

1. All payments of commission to insurance agents shall be made by the insurer direct or, on behalf of the insurer, either by the chief agent under whom the special agent is working or by the special agent.

2. The special agent shall employ at least two insurance agents and shall procure or cause to be procured through insurance agents employed under him in each calendar year new business amounting to not less than fifty thousand rupees assured on which at least the first year's premiums have been paid in full.

3. In the event of the special agent failing in any calendar year to comply with the requirements of clause 2, he shall forfeit to the insurer fifty per cent. of the total remuneration payable to him by the insurer, or, as the case may be, by the chief agent, for that year.

4. In the event of the special agent failing to comply with the requirements of clause 2 in two successive calendar years, the contract shall, without prejudice to the provisions of clause 3 of this Part terminate on the 31st day of March immediately following the second calendar year.

5. In the event of the special agent procuring life insurance business without utilising the services of an insurance agent, the special agent shall be entitled only to the commission that is ordinarily payable in respect of business so procured to an insurance agent.

6. The remuneration payable to the special agent in respect of policies of life insurance procured by him through insurance agents shall only be in the form of an overriding commission.

*Explanation.*—In this Schedule “business in force” means the total sum assured with bonuses, without taking into account reinsurances, ceded or accepted, by an insurer in respect of the whole of the life insurance business on the last working day of the calendar year or the period covered by the revenue account furnished by such insurer under clause (b) of sub-section (2) of section 16, as the case may be, preceding the calendar year in question.”

**66. Repeals and savings.**—(1) The Insurance (Amendment) Ordinance, 1950 (VI of 1950), is hereby repealed.

(2) If immediately before the commencement of the Insurance (Amendment) Act, 1950, there is in force in any Part B State to which the Insurance Act, 1938 (IV of 1938), now extends any law corresponding to that Act, that law also shall stand repealed.

(3) Notwithstanding the repeal by this Act of the Insurance (Amendment) Ordinance, 1950, or of any law corresponding to the Insurance Act, 1938 (IV of 1938), in force in any Part B State, anything done or any action taken in the exercise of any power conferred by that Ordinance or law shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, and any penalty incurred or proceeding commenced under that Ordinance or law shall be deemed to be a penalty incurred or proceeding commenced under the Insurance Act, 1938, as if that Act, as now amended, were in force on the day on which such thing was done, action taken, penalty incurred or proceeding commenced.

*[Faint, illegible text, likely bleed-through from the reverse side of the page.]*

*[Faint, illegible text, likely bleed-through from the reverse side of the page.]*

*[Faint, illegible text, likely bleed-through from the reverse side of the page.]*

*[Faint, illegible text, likely bleed-through from the reverse side of the page.]*

*[Faint, illegible text, likely bleed-through from the reverse side of the page.]*

*[Faint, illegible text, likely bleed-through from the reverse side of the page.]*

*Rep. by Act 36 of 1956.*

THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL)  
ACT, 1950

No. XLVIII OF 1950



An Act to provide for the establishment of an Appellate Tribunal in relation to industrial disputes and for certain matters incidental thereto.

[20th May, 1950]

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

**Short title and extent.**—(1) This Act may be called the Industrial Disputes (Appellate Tribunal) Act, 1950.

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

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

(a) "Appellate Tribunal" means the Labour Appellate Tribunal constituted under section 4;

(b) "Chairman" means the Chairman of the Appellate Tribunal;

(c) "industrial tribunal" means—

(i) any Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (XIV of 1947); or

(ii) in relation to cases where an appeal lies from any court, wage board or other authority set up in any State under any law relating to the adjudication of industrial disputes made, whether before or after the commencement of this Act, by the legislative authority of the State to any other court, board or authority set up in the State under such law, that court, board or authority exercising appellate jurisdiction within the State; or

(iii) in relation to other cases, where no appeal lies under any law referred to in sub-clause (ii), any court, board or other authority set up in any State under such law;

(d) "member" means a member of the Appellate Tribunal;

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

(f) "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of employment, express or

*Price annas 2 or 3d.*

implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment and includes—

(i) such allowances (including dearness allowance) as the workman is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food grains or other articles;

(iii) any travelling concession;

but does not include—

(i) any contribution paid or payable by the employer to any pension fund or provident fund;

(ii) any gratuity payable on discharge;

(g) the expressions "appropriate Government", "employer", "lockout", "strike" and "workman" have the meanings respectively assigned to them in section 2 of the Industrial Disputes Act, 1947 (XIV of 1947).

**3. Effect on other laws.**—The provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything consistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

## CHAPTER II

### THE LABOUR APPELLATE TRIBUNAL AND ITS CONSTITUTION AND FUNCTIONS

**4. Constitution of the Appellate Tribunal.**—The Central Government may, by notification in the Official Gazette and with effect from a date specified therein, constitute a Labour Appellate Tribunal for hearing appeals from the awards or decisions of industrial tribunals in accordance with the provisions of this Act.

**5. Composition of the Appellate Tribunal and term of office of its members.**—(1) The Appellate Tribunal shall consist of a Chairman and such number of other members as the Central Government may, from time to time, think fit to appoint.

(2) Every member of the Appellate Tribunal shall be a person who—

(a) is or has been a Judge of a High Court; or

(b) is qualified for appointment as a Judge of a High Court; or

(c) has been a member of an industrial tribunal for not less than two years:

Provided that the appointment to the Appellate Tribunal of any person not qualified under clause (a) or clause (c) shall be made in consultation with the Supreme Court.

(3) A member shall, unless otherwise specified in the order of appointment, hold office for a term of five years from the date on which he enters upon his office and shall, on the expiry of the term of his office, be eligible for reappointment:

Provided that no member shall hold office after he has attained the age of sixty-five years.



(4) A member shall be entitled to such salary and allowances, and to such rights in respect of leave and pensions as may be prescribed:

Provided that the salary of a member shall not be varied to his disadvantage after his appointment.

**6. Seat of the Appellate Tribunal.**—The Appellate Tribunal shall have its principal seat at such place as the Central Government may, by notification in the Official Gazette, appoint.

**7. Jurisdiction of the Appellate Tribunal.**—(1) Subject to the provisions of this section, an appeal shall lie to the Appellate Tribunal from any award or decision of an industrial tribunal if—

(a) the appeal involves any substantial question of law; or

(b) the award or decision is in respect of any of the following matters, namely:—

(i) wages,

(ii) bonus or travelling allowance,

(iii) any contribution paid or payable by the employer to any pension fund or provident fund,

(iv) any sum paid or payable to, or on behalf of, the workman to defray special expenses entailed on him by the nature of his employment,

(v) gratuity payable on discharge,

(vi) classification by grades,

(vii) retrenchment of workmen,

(viii) any other matter which may be prescribed.

(2) No appeal shall lie from—

(a) any award made by the Industrial Tribunal set up under the Industrial Disputes Act, 1947 (XIV of 1947), by the notification of the Government of India in the Ministry of Labour, No. L.R.-2(205), dated the 13th June, 1949; or

(b) any award or decision of an industrial tribunal made with the consent of parties or from any settlement arrived at between the parties in the course of conciliation proceedings, whether before a conciliation officer or a conciliation board or any other authority or from any decision of an arbitrator appointed under any law with the consent of parties to settle the dispute.

**8. Constitution of Benches of the Appellate Tribunal.**—(1) The Chairman may constitute as many Benches of the Appellate Tribunal as may be deemed necessary for the purpose of carrying out the functions and exercising the powers of the Appellate Tribunal.

(2) Each Bench shall consist of not less than two members, of whom one may be appointed as the President of the Bench.

(3) A Bench shall sit at such place or places as may be specified by the Chairman by notification in the Official Gazette:

Provided that the Bench may, if it is satisfied that it will tend to the general convenience of the parties or witnesses in any particular case, sit at any other place.

(4) The Chairman may, from time to time, allot any case or any specified class of cases to any Bench and may also from time to time transfer any case or any specified class of cases from one Bench to another.

**9. Powers and procedure of the Appellate Tribunal.**—(1) The Appellate Tribunal shall have the same powers as are vested in a civil court, when hearing an appeal under the Code of Civil Procedure, 1908 (Act V of 1908).

(2) Without prejudice to the generality of the provisions contained in sub-section (1) the Appellate Tribunal may, after hearing the Appellant, dismiss the appeal if, in its judgment, there is no sufficient ground for proceeding with the appeal and in such cases, the Appellate Tribunal shall briefly record its reasons for so doing.

(3) The Appellate Tribunal shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898) and any proceeding before an Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

(4) The Appellate Tribunal may, if it so thinks fit, appoint, after consulting the parties to the dispute and the appropriate Government, one or more persons as assessors to advise it in any proceeding before it.

(5) The Appellate Tribunal shall, after hearing the appeal, pronounce its decision either at once or on some future date to which the appeal is adjourned for that purpose.

(6) The decision shall be in writing and signed by the members of the Appellate Tribunal hearing the appeal.

(7) The Appellate Tribunal may confirm, vary or reverse the award or decision appealed from and may pass such orders as it may deem fit, and where the award or decision is reversed or varied, the decision of the Appellate Tribunal shall state the reliefs to which the appellant is entitled.

(8) In the event of any difference of opinion among the members of a Bench, the opinion of the majority shall prevail, but where there is no such majority, the President of the Bench shall refer to the Chairman either the whole appeal or the particular point or points on which there has been difference of opinion among the members of the Bench and on such reference the Chairman shall either hear the matter himself or transfer it to any other member and the decision thereon of the Chairman or the other member, as the case may be, shall prevail.

(9) The Appellate Tribunal shall send a copy of the decision to the industrial tribunal concerned and to the appropriate Government, as soon as practicable, within one week from the date of the decision.

(10) The Appellate Tribunal shall follow such procedure as may be prescribed, and subject thereto, it may, by order, regulate its practice and procedure and the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), shall, so far as they are not inconsistent with this Act or the rules or orders made thereunder, apply to all proceedings before the Appellate Tribunal.

(11) Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before the Appellate Tribunal shall be in the discretion of the Appellate Tribunal, and the Appellate Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid and to give all necessary directions for the purposes aforesaid, and such costs may be recovered in the manner provided for in sub-section (1) of section 20.

**10. Limitation for filing appeals.**—An appeal under this Act may be preferred within thirty days—

(i) from the date of the publication of the award or decision, where such publication is provided for by the law under which that award or decision is made; or

(ii) from the date of making the award or decision, where there is no provision for such publication:

Provided that the Appellate Tribunal 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.

**11. Form of appeal.**—An appeal under this Act shall be presented in the form of a memorandum setting forth, concisely and under distinct heads, the grounds of objection to the award or decision appealed from.

**12. Presentation of appeal.**—An appeal under this Act against any award or decision of an industrial tribunal may be presented to the Appellate Tribunal by—

(i) any party which is aggrieved by the award or decision; or

(ii) the appropriate Government or the Central Government, where it is not the appropriate Government, whether or not such Government is a party to the dispute.

**13. Right of the Central Government and of the appropriate Government to appear before the Appellate Tribunal.**—The appropriate Government or the Central Government, where it is not the appropriate Government, may, whether or not such Government is a party to the appeal, appear in any proceeding before the Appellate Tribunal and, thereupon, such Government shall have the right to be heard as if it were a party to that appeal.

**14. Stay of award or decision by the Appellate Tribunal.**—Where an appeal is preferred, the Appellate Tribunal may, after giving the parties an opportunity of being heard, stay, for reasons to be recorded, the implementation of the award or decision or any part thereof for such period and on such conditions as it thinks fit:

Provided that no such order for stay shall be made unless the Appellate Tribunal is satisfied that the implementation of the award or decision may have serious repercussions on the industry concerned or other industries or on the workmen employed in such industry or industries.

**15. Commencement of decision of the Appellate Tribunal.**—(1) The decision of the Appellate Tribunal shall be enforceable on the expiry of thirty days from the date of its pronouncement:

Provided that where the appropriate Government is of opinion that it would be inexpedient on public grounds to give effect to the whole or any

part of the decision, the appropriate Government may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject the decision or modify it.

(2) Where the appropriate Government rejects or modifies any decision under the proviso to sub-section (1), it shall, on the first available opportunity, lay that decision together with its reasons for rejecting or modifying the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

**16. Effect of decision of the Appellate Tribunal.**—Where on appeal from any award or decision of an industrial tribunal, the Appellate Tribunal modifies in any manner whatsoever that award or decision, the decision of the Appellate Tribunal shall, when it becomes enforceable under section 15, be deemed to be substituted for that award or decision of the industrial tribunal and shall have effect for all purposes in the same manner and in accordance with the same law under which the award or decision of the industrial tribunal was made as if the industrial tribunal made the award or decision as modified by the decision of the Appellate Tribunal.

**17. Commencement and conclusion of appeal.**—An appeal before the Appellate Tribunal shall be deemed to have commenced on the date of the filing of the appeal and such appeal shall be deemed to have concluded on the date on which the decision of the Appellate Tribunal becomes enforceable under section 15.

### CHAPTER III

#### CERTAIN PROVISIONS RELATING TO INDUSTRIAL TRIBUNALS SET UP UNDER OTHER LAWS

**18. Commencement of award or decision of industrial tribunal.**—(1) Subject to the provisions of this Act, the award or decision of any industrial tribunal shall, notwithstanding anything contained in any law, be enforceable on the expiry of thirty days—

(i) from the date of the publication of the award or decision, where such publication is provided for by the law under which that award or decision is made, or

(ii) from the date of making the award or decision, where there is no provision of such publication:

Provided that in cases where the award or decision is not appealable under this Act, and where the appropriate Government is a party to the dispute and is of opinion that it would be inexpedient on public grounds to give effect to the whole or any part of the award or decision, it may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject or modify the award or decision.

(2) Where the appropriate Government rejects or modifies any award or decision under the proviso to sub-section (1), it shall, on the first available opportunity, lay that award or decision together with its reasons for rejecting or modifying the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

(3) Subject to the provisions of sub-section (1) the award or decision of any industrial tribunal shall come into operation with effect from such

date as may be specified therein, but where no date is so specified, it shall come into operation on the date on which that award or decision becomes enforceable under sub-section (1).

**19. Exclusion of certain period in the computation of the period of operation of any award or decision of industrial tribunal.**—In the computation of the period of operation of any award or decision of any industrial tribunal, the period during which the implementation of that award or decision is stayed by the Appellate Tribunal shall be excluded.

**20. Recovery of money due from an employer under an award or decision.**—(1) Any money due from an employer under any award or decision of an industrial tribunal may be recovered as arrears of land revenue or as a public demand by the appropriate Government on an application made to it by the person entitled to the money under that award or decision.

(2) Where any workman is entitled to receive from the employer any benefit under an award or decision of an industrial tribunal which is capable of being computed in terms of money, the amount at which such benefit should be computed may, subject to the rules made under this Act, be determined by that industrial tribunal, and the amount so determined may be recovered as provided for in sub-section (1).

(3) For the purpose of computing the money value of a benefit, the industrial tribunal may, if it so thinks fit, appoint a commissioner who shall, after taking such evidence as may be necessary, submit a report to the industrial tribunal, and the said tribunal shall determine the amount after considering the report of the commissioner and other circumstances of the case.

**21. Maintenance of records by industrial tribunals.**—Every industrial tribunal shall, in respect of any case from which an appeal would lie under this Act, maintain, subject to the rules made under this Act, a record of the proceedings before it including the statements of parties and witnesses and relevant documents.

#### CHAPTER IV

##### MISCELLANEOUS

**22. Conditions of service, etc., to remain unchanged during a certain period.**—During the period of thirty days allowed for the filing of an appeal under section 10 or during the pendency of any appeal under this Act, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such appeal, the conditions of service applicable to them immediately before the filing of such appeal, or

(b) discharge or punish, whether by dismissal or otherwise, any workmen concerned in such appeal,

save with the express permission in writing of the Appellate Tribunal.

**23. Special provision for decision whether conditions of service, etc. changed during pendency of proceedings.**—Where an employer contravenes the provisions of section 22 during the pendency of proceedings before the Appellate Tribunal, any employee aggrieved by such contravention, may

make a complaint in writing, in the prescribed manner to such Appellate Tribunal and on receipt of such complaint, the Appellate Tribunal shall decide the complaint as if it were an appeal pending before it, in accordance with the provisions of this Act and shall pronounce its decision thereon and the provisions of this Act shall apply accordingly.

**24. Prohibition of strikes and lock-outs.**—Notwithstanding anything contained in any law for the time being in force, no workman who is employed in any industrial establishment shall go on strike and no employer of any workman shall declare a lock-out—

(a) during the period of thirty days allowed for the filing of an appeal under section 10; or

(b) during the pendency of an appeal before the Appellate Tribunal.

**25. Illegal strikes and lock-outs.**—A strike or lock-out shall be illegal, if it is declared, commenced or continued in contravention of the provisions of section 24.

**26. Penalty for illegal strikes and lock-outs.**—(1) Any workman who commences, continues, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

(2) Any employer who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

**27. Penalty for instigation, etc.**—Any person who instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out, which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**28. Penalty for giving financial aid to illegal strikes and lock-outs.**—Any person who knowingly expends or applies any money in furtherance or support of any strike or lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**29. Penalty for other offences.**—(1) Any employer who contravenes the provisions of section 22 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one hundred rupees.

**30. Powers of the Appellate Tribunal in relation to contempts.**—(1) If any person—

(a) when ordered by an industrial tribunal or the Appellate Tribunal to produce or deliver up any document, being legally bound, intentionally omits to do so; or

*In Ins. Regs. 2 of Act 29 of 1955.*

(b) when required by an industrial tribunal or the Appellate Tribunal to bind himself by an oath or affirmation to state the truth, refuses to do so, or

(c) being legally bound to state the truth on any subject to an industrial tribunal or the Appellate Tribunal, refuses to answer any question put to him touching such subject by such industrial tribunal or the Appellate Tribunal, or

(d) refuses to sign any statement made by him when required to do so by an industrial tribunal or the Appellate Tribunal, or

(e) intentionally offers any insult or causes any interruption to an industrial tribunal or the Appellate Tribunal at any stage of its judicial proceeding,

he shall be deemed to be guilty of contempt of such industrial tribunal or the Appellate Tribunal, as the case may be.

(2) If any person commits any act or publishes any writing which is calculated to improperly influence an industrial tribunal or the Appellate Tribunal or to bring such industrial tribunal or the Appellate Tribunal or any member thereof into disrepute or contempt or to lower its or his authority, or to interfere with the lawful process of any such industrial tribunal or the Appellate Tribunal, such person shall be deemed to be guilty of contempt of such industrial tribunal or the Appellate Tribunal, as the case may be.

(3) The Appellate Tribunal shall have and exercise the same jurisdiction, power and authority, in accordance with the same procedure and practice, in respect of contempts of itself and of all the industrial tribunals as the High Courts have and exercise in respect of themselves and courts subordinate to them under the Contempt of Courts Act, 1926 (XX of 1926).

**31. Offence by companies, etc.**—Where a person committing an offence under this Act is a company, or other body corporate, or any association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

**32. Cognizance of offences.**—(1) No court shall take cognizance of any offence punishable under this Act or of the abetment of any such offence, save on complaint made by or under the authority of the appropriate Government or by an officer empowered in this behalf by such Government, by a general or special order.

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

**33. Representation of parties.**—(1) A workman who is a party to an appeal shall be entitled to be represented in any proceeding under this Act by—

(a) an officer of a registered trade union of which he is a member;

(b) an officer of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;

(c) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorised in such manner as may be prescribed.

(2) An employer who is a party to an appeal shall be entitled to be represented in any proceeding under this Act by—

(a) an officer of an association of employers of which he is a member;

(b) an officer of a federation of associations of employers to which the association referred to in clause (a) is affiliated;

(c) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(3) A party to a proceeding under this Act may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Appellate Tribunal.

**34. Amendment of Act XIV of 1947.**—The Industrial Disputes Act, 1947 (XIV of 1947) shall be amended in the manner specified in the Schedule.

**35. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

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

(a) the manner in which an appeal may be preferred and the form of appeal; the matters in respect of which the Appellate Tribunal may have jurisdiction;

(b) the fees to be paid and the procedure to be followed in relation to such appeal;

(c) costs, and the manner in which they may be recovered;

(d) the persons who may be appointed as commissioners under section 20; their powers and duties and the fees, if any, to be paid to the commissioners;

(e) the records to be maintained under section 21 and the manner in which they will be maintained;

(f) the manner in which workmen or employers may be represented before the Appellate Tribunal;

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

#### THE SCHEDULE

(See section 34)

#### AMENDMENTS TO THE INDUSTRIAL DISPUTES ACT, 1947 (XIV OF 1947).

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

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



2. After sub-section (6) of section 11, the following sub-sections shall be inserted, namely:—

“(7) Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal, and the Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purposes aforesaid, and such costs may, on application made to it by the person entitled, be recovered as arrears of land revenue or as a public demand by the appropriate Government.

(8) Every Tribunal shall be deemed to be civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).”

3. For section 15, the following section shall be substituted, namely:—

“15. *Duties of Tribunals.*—When an industrial dispute has been referred to a Tribunal for adjudication, it shall hold its proceedings expeditiously and shall, as soon as practicable on the conclusion thereof, submit its award to the appropriate Government.”

4. After section 17, the following section shall be inserted, namely:—

“17A. *Commencement of the award.*—(1) The award of a Tribunal shall become enforceable on the expiry of thirty days from the date of its publication under section 17:

Provided that in cases where the award is not appealable and where the appropriate Government is a party to the dispute and is of opinion that it will be inexpedient on public grounds to give effect to the whole or any part of the award, it may, before the expiry of the said period of thirty days by order in the Official Gazette, either reject the award or modify it.

(2) Where the appropriate Government rejects or modifies any award under the proviso to sub-section (1), it shall, on the first available opportunity, lay that award together with its reasons for rejecting or modifying the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

(3) Subject to the provisions of sub-section (1), the award of a Tribunal shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date when the award becomes enforceable under sub-section (1).”

5. In section 18, for the words, brackets and figures “an award which is declared by the appropriate Government to be binding under sub-section (2) of section 15”, the words “an award which has become enforceable” shall be substituted.

6. For sub-section (3) of section 19, the following sub-sections shall be substituted, namely:—

“(3) An award shall, subject to the provisions of this section, remain in operation for a period of one year:

Provided that the appropriate Government may reduce the said period and fix such period as it thinks fit:

Provided further that the appropriate Government may, before

the expiry of the said period, extend the period of operation by any period not exceeding one year at a time as it thinks fit so, however, that the total period of operation of any award does not exceed three years from the date on which it came into operation.

(4) Where the appropriate Government, whether of its own motion or on the application of any party bound by the award, considers that since the award was made, there has been a material change in the circumstances on which it was based, the appropriate Government may refer the award or a part of it to a Tribunal for decision whether the period of operation should not, by reason of such change, be shortened and the decision of the Tribunal on such reference shall, subject to the provision for appeal, be final.

(5) Nothing contained in sub-section (3) shall apply to any award which by its nature, terms or other circumstances does not impose, after it has been given effect to, any continuing obligation on the parties bound by the award.

(6) Notwithstanding the expiry of the period of operation under sub-section (3), the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

(7) In the computation of the period of operation of an award under sub-section (3), the period during which the implementation of the award is stayed by the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, shall be excluded."

7. For section 33, the following section shall be substituted, namely:—

*"33. Conditions of service, etc., to remain unchanged during pendency of proceedings.—*During the pendency of any conciliation proceedings or proceedings before a Tribunal in respect of any industrial dispute, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or

(b) discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute,

save with the express permission in writing of the conciliation officer, Board or Tribunal, as the case may be."

8. After section 33, the following new section shall be inserted, namely:—

*"33A. Special provision for adjudication as to whether conditions of service, etc. changed during pendency of proceedings.—*Where an employer contravenes the provisions of section 33 during the pendency of proceedings before a Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Tribunal and on receipt of such complaint that Tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall

submit its award to the appropriate Government and the provisions of this Act shall apply accordingly."

9. For section 36, the following section shall be substituted, namely:—

"36. *Representation of parties.*—(1) A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

(a) an officer of a registered trade union of which he is a member;

(b) an officer of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;

(c) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorised in such manner as may be prescribed.

(2) An employer who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

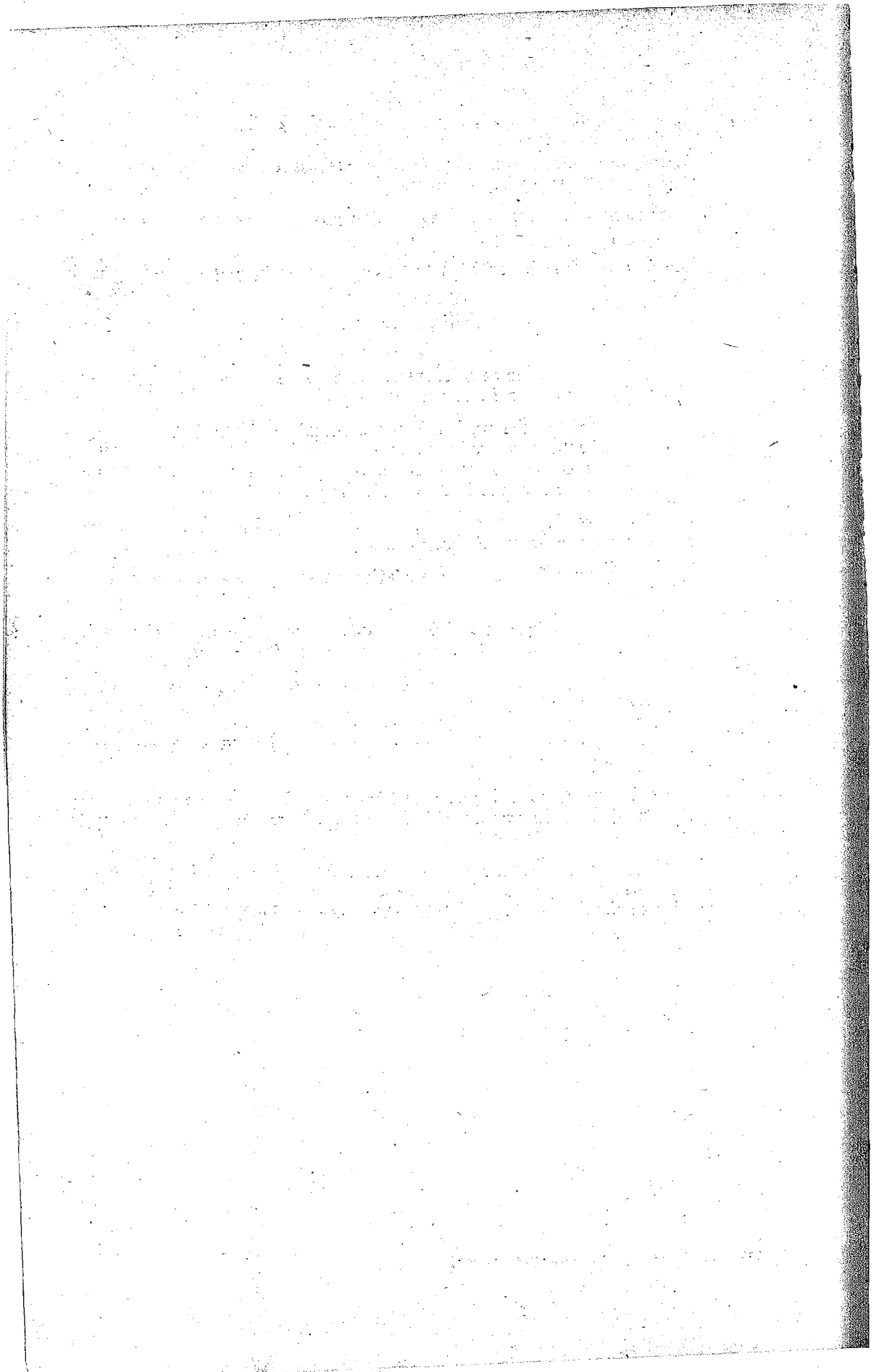
(a) an officer of an association of employers of which he is a member;

(b) an officer of a federation of associations of employers to which the association referred to in clause (a) is affiliated;

(c) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(3) No party to a dispute shall be entitled to be represented by a legal practitioner in any conciliation proceedings under this Act or in any proceedings before a Court.

(4) In any proceeding before a Tribunal, a party to a dispute may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Tribunal."



*See India Code,  
Vol-1*

THE CONTINGENCY FUND OF INDIA ACT, 1950  
No. XLIX OF 1950



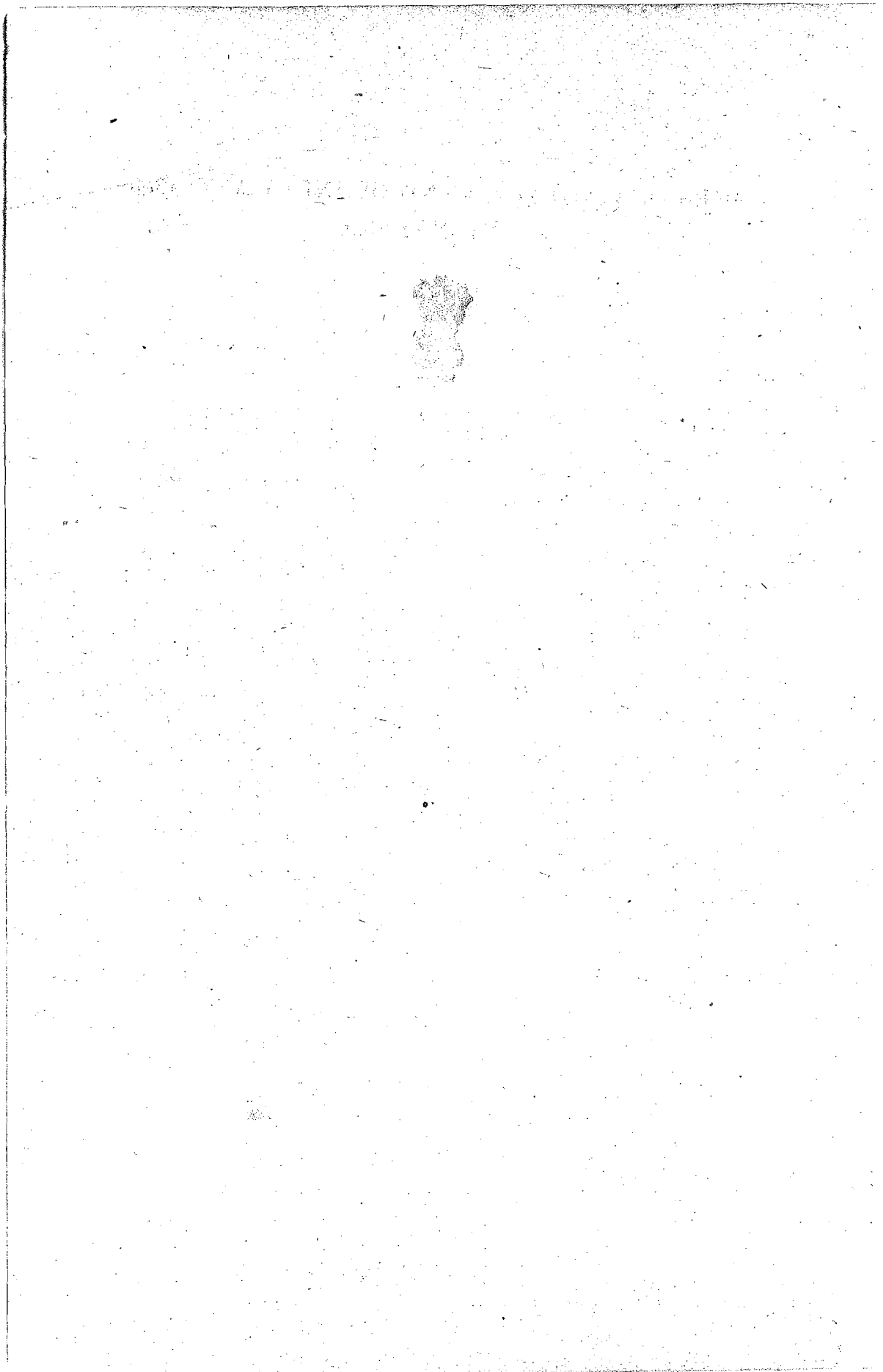
An Act to provide for the establishment and maintenance of  
Contingency Fund.

[14th August, 1950]

**B**E it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Contingency Fund of India Act, 1950.
2. **Establishment of the Contingency Fund of India.**—There shall be established a Contingency Fund in the nature of an imprest entitled the Contingency Fund of India, into which shall be paid from and out of the Consolidated Fund of India a sum of fifteen crores of rupees.
3. **Custody of the Contingency Fund and withdrawals therefrom.**—The Contingency Fund of India shall be held on behalf of the President by a Secretary to the Government of India in the Ministry of Finance, and no advances shall be made out of such fund except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by Parliament under appropriations made by law.
4. **Power to make rules.**—For the purpose of carrying out the objects of this Act, the Central Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawal of moneys from, the Contingency Fund of India.

Price anna 1 or 1½d.



# THE PREVENTIVE DETENTION (AMENDMENT) ACT, 1950

No. L of 1950



An Act to amend the Preventive Detention Act, 1950.

[14th August, 1950]

**B**E it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Preventive Detention (Amendment) Act, 1950.

**2. Amendment of section 3, Act IV of 1950.**—In section 3 of the Preventive Detention Act, 1950 (hereinafter referred to as the said Act),—

(a) in sub-section (2), for the words “Any district magistrate or sub-divisional magistrate, or, in a presidency-town, the Commissioner of Police, may,” the following shall be substituted, namely:—

“Any of the following officers, namely:—

(a) district magistrates,

(b) additional district magistrates specially empowered in this behalf by the State Government,

(c) sub-divisional magistrates,

(d) in the presidency-towns, Commissioners of Police, and

(e) in the State of Hyderabad, Civil Administrators, may,”;

(ii) in sub-section (3), for the words “by a district magistrate, sub-divisional magistrate or Commissioner of Police,” the words, brackets and figure “by an officer mentioned in sub-section (2),” shall be substituted.

**3. Omission of section 14, Act IV of 1950.**—Section 14 of the said Act shall be omitted.

**4. Repeal of Ordinance XIX of 1950.**—(1) The Preventive Detention (Amendment) Ordinance, 1950 (XIX of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

Price anna 1 or 1½d.

THE UNITED STATES DEPARTMENT OF THE INTERIOR



OFFICE OF THE SECRETARY OF THE INTERIOR  
WASHINGTON, D. C. 20508

TO: [Illegible]

FROM: [Illegible]

SUBJECT: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]



*Rep. by Act 36 of 1957.*

**THE CENSUS (AMENDMENT) ACT, 1950**

**No. LI OF 1950**



An Act to amend the Census Act, 1948.

[14th August, 1950]

**B**E it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Census (Amendment) Act, 1950.

**2. Amendment of section 1, Act XXXVII of 1948.**—In sub-section (2) of section 1 of the Census Act, 1948 (hereinafter referred to as the said Act), for the words “except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin”, the words “except the State of Jammu and Kashmir” shall be substituted.

**3. Insertion of new section 2 in Act XXXVII of 1948.**—After section 1 of the said Act, the following section shall be inserted, namely:—

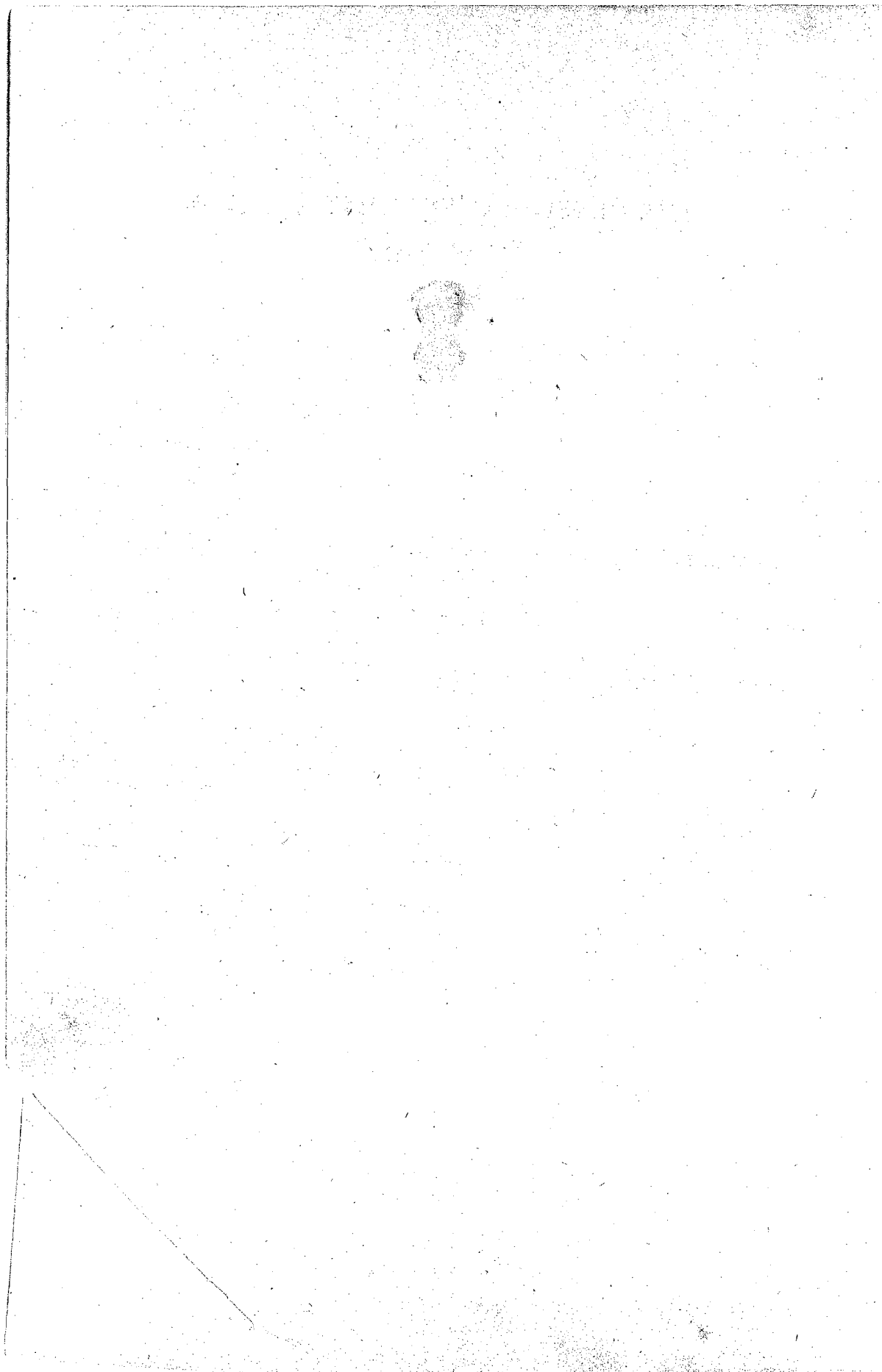
“2. *Rule of construction respecting enactments not extending to Part B States.*—Any reference to the Indian Penal Code (Act XLV of 1860) or the Indian Evidence Act, 1872 (I of 1872), shall, in relation to a Part B State, be construed as a reference to the corresponding enactment in force in that State.”

**4. Amendment of section 14, Act XXXVII of 1948.**—In section 14 of the said Act, after the words “Magistrate of the second class”, the words “or in a Part B State, a Magistrate corresponding to a Magistrate of the second class” shall be inserted.

**5. Repeals and savings.**—(1) If immediately before the commencement of this Act there is in force in the States of Hyderabad and Mysore any law which corresponds to the said Act, it is hereby repealed.

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

Price anna 1 or 1½d.



**THE ESSENTIAL SUPPLIES (TEMPORARY POWERS)  
AMENDMENT ACT, 1950.**

No. LII OF 1950



**An Act further to amend the Essential Supplies (Temporary Powers) Act, 1946.**

[16th August, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1950.

**2. Omission of preamble, Act XXIV of 1946.**—The preamble to the Essential Supplies (Temporary Powers) Act, 1946 (hereinafter referred to as the said Act), shall be omitted.

**3. Amendment of section 1, Act XXIV of 1946.**—In section 1 of the said Act,—

(a) 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, but shall come into force in a Part B State to which this Act extends only on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different Part B States”;

(b) in sub-section (3), for the words and figures “first day of April, 1951”, the words and figures “thirty-first day of December, 1952” shall be substituted.

**4. Amendment of section 2, Act XXIV of 1946.**—In section 2 of the said Act,—

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

“(ia) cattle fodder”;

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

“(cc) “cattle fodder” includes oil-cakes and other concentrates”;

**5. Insertion of new section 2A in Act XXIV of 1946.**—After section 2 of the said Act, the following section shall be inserted, namely:—

“2A. *Rule of construction respecting enactments not extending to Part B States.*—Any reference to the Indian Penal Code (Act XLV of 1860),

Price anna 1 or 1½.

the Code of Criminal Procedure, 1898 (Act V of 1898), or the Indian Evidence Act, 1872 (I of 1872), shall, in relation to any Part B State to which this Act applies be construed as a reference to the corresponding enactment in force in that State."

**6. Amendment of section 3, Act XXIV of 1946.**—For sub-section (3) of section 3 of the said Act, the following sub-section shall be substituted, namely:—

"(3) An order made under sub-section (1) may confer powers and impose duties upon the Central Government or the State Government or officers and authorities of the Central or State Government and may contain directions to any State Government or to officers and authorities thereof as to the exercise of any such powers or the discharge of any such duties."

**7. Substitution of new section for section 7, Act XXIV of 1946.**—For section 7 of the said Act, the following section shall be substituted, namely:—

"7. *Penalties.*—(1) If any person contravenes any order under section 3 relating to cotton textiles, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine; and any property in respect of which the order has been contravened or such part thereof as to the court may seem fit shall be forfeited to the Government.

(2) If any person contravenes any order under section 3 relating to foodstuffs,—

(a) he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine, unless for reasons to be recorded the court is of opinion that a sentence of fine only will meet the ends of justice; and

(b) any property in respect of which the order has been contravened or such part thereof as to the court may seem fit shall be forfeited to the Government, unless for reasons to be recorded the court is of opinion that it is not necessary to direct forfeiture in respect of the whole or, as the case may be, any part of the property:

Provided that where the contravention is of an order prescribing the maximum quantity of any foodgrain that may lawfully be possessed by any person or class of persons, and the person contravening the order is found to have been in possession of foodgrain exceeding twice the maximum quantity so prescribed, the court shall—

(a) sentence him to imprisonment for a term which may extend to seven years and to a fine not less than twenty times the value of the foodgrain found in his possession, and

(b) direct that the whole of such foodgrain in excess of the prescribed maximum quantity shall be forfeited to the Government.

*Explanation.*—A person in possession of foodgrain which does not exceed by more than five maunds the maximum quantity so prescribed shall not be deemed to be guilty of an offence punishable under the proviso to this sub-section.

(3) If any person contravenes any order under section 3 relating to any essential commodity other than cotton textiles and foodstuffs, he shall be punishable with imprisonment for a term which may extend to three years,

respect of which the court is satisfied that the order has been contravened may be forfeited to the Government.

(4) If any person to whom a direction is given under sub-section (4) of section 3 fails to comply with the direction, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

**8. Amendment of section 7A, Act XXIV of 1946.**—In section 7A of the said Act, the words, brackets and figure "sub-section (1) of" shall be omitted and for the words "said sub-section", the words "said section" shall be substituted.

**9. Insertion of new sections 13A and 13B in Act XXIV of 1946.**—After section 13 of the said Act, the following sections shall be inserted, namely:—

"13A. *Special provisions regarding bail.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), no person accused or convicted of a contravention of any order under section 3 relating to foodgrains which is punishable under the proviso to sub-section (2) of section 7 shall, if in custody, be released on bail or on his own bond unless—

(a) the prosecution has been given an opportunity to oppose the application for such release, and

(b) where the prosecution opposes the application, it appears to the court that there are reasonable grounds for believing that he is not guilty of such contravention.

13B. *Cases to be disposed of expeditiously.*—Where any offence is not being tried in a summary way under section 12 of this Act,—

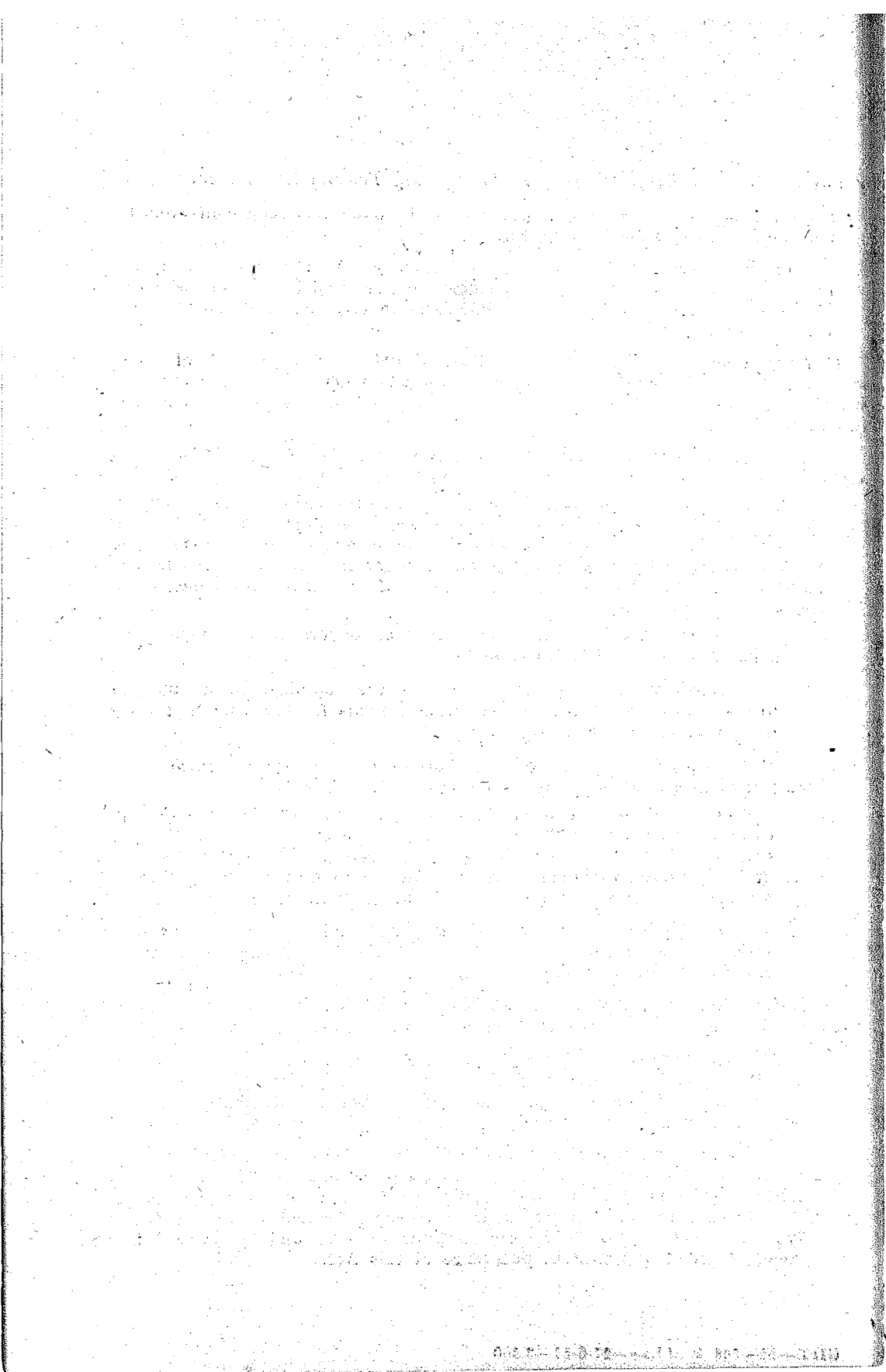
(a) with reference to sub-section (1) of section 256 of the Code of Criminal Procedure, 1898 (Act V of 1898), the next hearing of the case shall be fixed on the day following the one on which the charge is framed, unless the magistrate, for reasons to be recorded in writing, adjourns the case to any other day, but not later than four days, and

(b) the hearing of the case shall be continued from day to day unless the court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded."

**10. Amendment of section 17, Act XXIV of 1946.**—After sub-section (3) of section 17 of the said Act, the following sub-section shall be inserted, namely:—

"(4) If immediately before the day on which this Act comes into force in a Part B State, there is in force in that State any law which corresponds to this Act, such corresponding law shall on that day stand repealed in so far as it relates to any of the essential commodities governed by this Act:

Provided that any order made and in force immediately before that day in the said State shall continue in force and be deemed to be an order made under this Act, and all appointments made, licences or permits granted, and directions issued, under any such order and in force immediately before that day shall likewise continue in force and be deemed to be made, granted or issued in pursuance of this Act."



Repealed by Act 36 of 1957.

**THE CANTONMENT LAWS (EXTENSION AND  
AMENDMENT ACT, 1950.**

**No. LIII OF 1950**



**An Act to extend the Cantonments (House Accommodation) Act, 1923, and the Cantonments Act, 1924, to Part B States, to provide for elections to Cantonment Boards on the basis of adult suffrage and to provide for a temporary extension of the term of office of elected members of Cantonment Boards.**

[18th August, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Cantonment Laws (Extension and Amendment) Act, 1950.

**2. Amendment of section 1, Act VI of 1923.**—In sub-section (2) of section 1 of the Cantonments (House Accommodation) Act, 1923, the words and letter “except Part B States” shall be omitted.

**3. Amendment of section 2, Act VI of 1923.**—To section 2 of the Cantonments (House Accommodation) Act, 1923, the following sub-section shall be added, namely:—

“(3) In the application of this Act to any Part B State, any reference to an enactment not in force in that State shall be construed as a reference to the corresponding law in force in that State.”

**4. Amendment of section 1, Act II of 1924.**—In sub-section (2) of section 1 of the Cantonments Act, 1924 (hereinafter referred to as the said Act), the words and letter “except Part B States” shall be omitted.

**5. Insertion of new section 2A in Act II of 1924.**—After section 2 of the said Act, the following section shall be inserted, namely:—

“2A. *Rule of construction.*—In the application of this Act to any Part B State, any reference to an enactment not in force in that State shall be construed as a reference to the corresponding law in force in that State.”

**6. Amendment of section 27, Act II of 1924.**—In section 27 of the said Act,—

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

“(1) Every person who, on such date as may be fixed by the Central Government in this behalf by notification in the Official Gazette (hereinafter in this section referred to as ‘the qualifying date’), is not less than twenty-one years of age and who has resided in the cantonment for a period of not less than six months immediately preceding the qualifying date shall, if not otherwise disqualified, be entitled to be enrolled as an elector.

Price anna 1 or 1½d.

2 Cantonment Laws (Extension and Amendment) [ACT LII OF 1950]

*Explanation.*—When any place is declared a cantonment for the first time, or when any local area is first included in a cantonment residence in the place or area comprising the cantonment on the aforesaid date shall be deemed to be residence in the cantonment for the purposes of this sub-section.”;

(ii) in sub-section (2),—

(a) for the words “aforesaid date” the words “qualifying date” shall be substituted;

(b) clause (ii) shall be omitted.

7. Amendment of section 29, Act II of 1924.—Clause (b) of section 29 of the said Act shall be omitted.

8. Amendment of section 31, Act II of 1924.— Clause (c) of section 31 of the said Act shall be omitted.

9. Extension of term of office of elected members of Cantonment Boards.— Notwithstanding anything contained in section 15 of the said Act, the elected members of every Cantonment Board holding office immediately before the commencement of this Act shall continue to hold office until the date of the notification of the election of their successors under sub-section (7) of section 13 of the said Act.

10. Repeal and savings.—(1) The Cantonment Laws (Extension and Amendment) Ordinance, 1950 (XVIII of 1950) is hereby repealed.

(2) If immediately before the 19th day of June, 1950, there was in force in any of the Part B States any law corresponding to the Cantonments (House Accommodation) Act, 1923 (VI of 1923), or the Cantonments Act, 1924 (II of 1924), such corresponding law is hereby repealed.

(3) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under such corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Cantonments (House Accommodation) Act, 1923, or the Cantonments Act, 1924, as the case may be, as if those Acts were in force in the State on the day on which such thing was done or action was taken.



Repealed by Act 36 of 1957.

THE FINANCE LAWS (AMENDMENT) ACT, 1950.

No. LIV OF 1950



**An Act to amend the Indian Finance Act, 1949 and the Finance Act, 1950.**

[22nd August, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the finance Laws (Amendment) Act, 1950.

**2. Amendment of Third Schedule, Act XIV of 1949.**—In Part I of the Third Schedule to the Indian Finance Act, 1949,—

(a) in sub-clauses (a) and (b) of clause (i) of the proviso to paragraph A, for the words “entitled to a share on partition” the words “entitled to claim partition” shall be substituted and shall be deemed always to have been substituted; and

(b) at the end of paragraph A, the following *Explanation* shall be inserted, namely:—

“*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 grandfather, notwithstanding any custom to the contrary.”

**3. Amendment of First Schedule, Act XXV of 1950.**—In Part I of the First Schedule to the Finance Act, 1950,—

(a) in sub-clauses (a) and (b) of clause (i) of the proviso to paragraph A, for the words “entitled to a share on partition” the words “entitled to claim partition” shall be substituted and shall be deemed always to have been substituted; and

(b) at the end of paragraph A, the following *Explanation* shall be inserted, namely:—

“*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 grandfather, notwithstanding any custom to the contrary.”

Price anna 1 or 1½d.



**THE INFLUX FROM PAKISTAN (CONTROL) AMENDMENT ACT, 1950.**

No. LV OF 1950



**An Act to amend the Influx from Pakistan (Control) Act, 1949.**

[22nd August, 1950]

**B**E it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Influx from Pakistan (Control) Amendment Act, 1950.

**2. Amendment of section 1, Act XXIII of 1949.**—In sub-section (2) of section 1 of the Influx from Pakistan (Control) Act, 1949 (hereinafter referred to as the said Act), the words “except the State of Hyderabad” shall be omitted.

**3. Amendment of section 2, Act XXIII of 1949.**—Clause (d) of section 2 of the said Act shall be omitted.

**4. Insertion of new section 5A in Act XXIII of 1949.**—After section 5 of the said Act, the following section shall be inserted, namely:—

“5A. *Place of trial of offences.*—An offence punishable under this Act may be tried by a court within the local limits of whose jurisdiction the offence was committed or the accused person may be found.”

**5. Repeal of Ordinance XXII of 1950.**—(1) The Influx from Pakistan (Control) Amendment Ordinance, 1950 (XXII of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

*Price anna 1 or 1½d.*

GIPD—S1—589 M of Law—26-8-50—3,500

*Repealed by Act 36 of 1957.*

**THE MINIMUM WAGES (AMENDMENT) ACT, 1950.**

**NO. LVI OF 1950**



**An Act to amend the Minimum Wages Act, 1948.**

[22nd August, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Minimum Wages (Amendment) Act, 1950.

**2. Amendment of section 3, Act XI of 1948.**—For clause (a) of sub-section (1) of section 3 of the Minimum Wages Act, 1948 (hereinafter referred to as the said Act), the following clause shall be substituted and shall be deemed always to have been substituted, namely:—

“(a) fix the minimum rates of wages payable to employees employed in all schedule employments—

(i) in the case of an employment specified in the Schedule at the commencement of this Act, before the expiry of three years from such commencement; and

(ii) in the case of an employment included in the Schedule by a notification under section 27, two years or, as the case may be, three years from the date of such notification according as the employment is included in Part I or Part II of the Schedule;”.

**3. Validation of certain action taken under Act XI of 1948.**—No minimum rate of wages fixed under section 3 of the said Act, and no action taken for fixing minimum rate of wages under any provision of the said Act, in an employment specified in Part I of the Schedule thereto, between the 15th day of March, 1950 and the 15th day of June, 1950 shall be invalid, merely because such rate was fixed or action was taken after the expiry of the period specified in clause (a) of sub-section (1) of section 3 of the said Act as originally enacted.

**4. Repeal of Ordinance XVII of 1950.**—The Minimum Wages (Extension of Time) Ordinance, 1950 (XVII of 1950) is hereby repealed.

*Price anna 1 or 1½d.*

GIPD—S1—566 M of Law—26-6-50—3,500

THE NAVAL FORCES (MISCELLANEOUS PROVISIONS)  
ACT, 1950.

No. LVII OF 1950

*See India  
Code - Vol - I*



An Act to make certain additional provisions respecting the naval forces of the Union so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

[22nd August, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Naval Forces (Miscellaneous Provisions) Act, 1950.

**2. Ineligibility of females for enrolment or appointment in the naval forces.**—No female shall be eligible for enrolment or appointment in the naval forces except in such department, branch or other body forming part of, or attached to any portion of, the naval forces as the Central Government may, by notification in the Official Gazette, specify in this behalf.

**3. Power to modify certain fundamental rights in their application to members of the naval forces.**—Subject to the provisions of any law for the time being in force relating to the naval forces or to any part thereof, the Central Government may, by notification in the Official Gazette, make rules—

(a) restricting, to such extent and in such manner as may be necessary, the right of any member of the naval forces—

(i) to be a member of, or to be associated in any way with, any trade union or labour union, or any class of trade unions or labour unions, or any society, institution or association, or any class of societies, institutions or associations;

(ii) to attend or address any meeting or to take part in any demonstration organized by any body of persons for any political or other purpose;

(iii) to communicate with the press or to publish or cause to be published any book, letter or other document;

(b) providing for the manner in which and the period for which any member of the naval forces may be taken into, and detained in, naval custody, pending the trial of any such member by a competent naval authority for any offence committed by him.

**4. Continuation of existing rules, regulations, etc.**—All rules, regulations, orders, directions, and instructions relating to members of the naval forces or any part thereof, made or issued before the commencement of this Act by or

Price anna 1 or 1½d.

under the authority of the Central Government or of the Commander-in-Chief, Indian Navy, or by any other competent naval authority, shall, in so far as they relate to any of the matters dealt with in this Act have effect as if they were rules made under this Act.

**5. Repeal of Ordinance XXI of 1950.**—(1) The Naval Forces (Miscellaneous Provisions) Ordinance, 1950 (XXI of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

*Repealed by Act 36 of 1957.*  
**THE DENTISTS (AMENDMENT) ACT, 1950.**

**No. LVIII OF 1950**



**An Act to amend the Dentists Act, 1948.**

[22nd August, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Dentists (Amendment) Act, 1950.

(2) Section 2 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and the remaining provisions of this Act shall come into force at once.

**2. Amendment of section 21, Act XVI of 1948.**—The proviso to section 21 of the Dentists Act, 1948 (hereinafter referred to as the said Act), shall be omitted.

**3. Amendment of section 46 and section 49, Act XVI of 1948.**—In sub-section (3) of section 46 and sub-section (1) of section 49 of the said Act, for the words "two years" the words "three years" shall be substituted and shall be deemed always to have been substituted.

**4. Amendment of the Schedule, Act XVI of 1948.**—After item (2) in Part I of the Schedule to the said Act, the following item shall be inserted, namely:—

"(2A) The City Dental College and Hospital, Calcutta, if granted before the 31st day of March, 1940, to any person who—

(i) had undergone two years' course of training in that institution,

or

(ii) having been previously engaged in practice as a dentist or a medical practitioner, had undergone one year's course of training in that institution."

**5. Validation of certain appointments.**—No appointment held by a person as a dentist between the 29th day of March, 1950 and the 29th day of May, 1950 shall be invalid merely because such appointment has been held in contravention of the provisions of sub-section (3) of section 46 of the said Act as originally enacted.

**6. Bar of proceedings.**—No proceedings shall be commenced or continued against any person under sub-section (2) of section 49 of the said Act for having contravened between the 29th day of March, 1950 and the 29th day of May, 1950 the provisions of sub-section (1) of the said section as originally enacted.

**7. Repeal of Ordinance XVI of 1950.**—The Dentists (Extension of Time) Ordinance, 1950 (XVI of 1950) is hereby repealed.

Price anna 1 or 1½d.

↓ 1.11.50. See Notfn No. S.R.O. 823, dt 31-10-50, Gaz. of India, Ex. Pt II, Section 3, p-90.  
WIPD-SI-505 M of Law-26-8-51-3,500

*Repealed by Act 36 of 1957.*

**THE SALARIES OF MINISTERS (AMENDMENT) ACT, 1950.**

**No. LIX OF 1950**



An Act to amend the Salaries of Ministers Act, 1947.

[22nd August, 1950]

**B**E it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Salaries of Ministers (Amendment) Act, 1950.

2. **Amendment of section 2, Act LIII of 1947.**—In section 2 of the Salaries of Ministers Act, 1947 (hereinafter referred to as the said Act), clause (a) shall be omitted.

3. **Substitution of new section for section 3, Act LIII of 1947.**—For section 3 of the said Act, the following section shall be substituted, namely:—

“3. *Salaries and allowances of Ministers.*—There shall be paid to each Cabinet Minister a salary of three thousand rupees *per mensem* and a sumptuary allowance of five hundred rupees *per mensem*, to each Minister of State a salary of three thousand rupees *per mensem*, and to each Deputy Minister a salary of two thousand rupees *per mensem*.”

4. **Amendment of section 4, Act LIII of 1947.**—In sub-section (1) of section 4 of the said Act, for the words “Each Minister” the words “Each Cabinet Minister” shall be substituted.

5. **Repeal of Ordinance XX of 1950.**—The Salaries of Ministers (Amendment) Ordinance, 1950 (XX of 1950) is hereby repealed.

*Price anna 1 or 1½d.*

GIPD—S1—570 M of Law—26-6-51—3,500



THE APPROPRIATION (No. 3) ACT, 1950.  
No. LX OF 1950



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 year ending on the 31st day of March, 1951.  
[24th August, 1950]

BE it enacted by Parliament as follows:—

1. Short title.—This act may be called the Appropriation (No. 3) Act, 1950.

2. Issue of Rs. 15,27,60,000 out of the Consolidated Fund of India for the year 1950-51.—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 fifteen crores, twenty-seven lakhs and sixty thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—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 year ending on the 31st day of March, 1951.

SCHEDULE

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
8	Indian Posts and Telegraphs Department (including Working Expenses).	25,00,000	..	25,00,000
9	Cabinet	77,000	..	77,000
11	Ministry of Home Affairs	1,83,000	..	1,83,000
100A	Transfer to Contingency Fund of India.	15,00,00,000	..	15,00,00,000
	GRAND TOTAL	15,27,60,000	..	15,27,60,000

Price anna 1 or 1½d.

GIPD—S1—595 M of Law—26-6-51—3,500



**THE VOLUNTARY SURRENDER OF SALARIES (EXEMPTION FROM TAXATION) ACT, 1950.**

**No. LXI OF 1950**

*See India Code,  
Vol. VII-B.*



**An Act to provide for exempting from taxes on income a portion of the salaries of certain persons who have in the public interest volunteered to forego it.**

[24th August, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1950.

*1*  
*sum*  
*cont*  
*in*  
*at*

~~**2. Exemption from taxes on income in respect of salaries surrendered by certain persons.**—(1) Notwithstanding anything contained in the Indian Income-tax Act, 1922 (XI of 1922), or in any other law for the time being in force relating to taxation on income, no income-tax or super-tax shall be payable by any person specified in sub-section (2) of this section in respect of that part of the salary due to him under law for any period after the 31st day of October, 1949, which that person has, by declaration in writing, volunteered to forego in the public interest; and that part of the salary shall not be included in his total income for the purposes of any law relating to taxation on income.~~

~~(2) The persons referred to in sub-section (1) are—~~

- ~~(a) the President of India;~~
- ~~(b) the Ministers, Ministers of State and Deputy Ministers of the Dominion or of the Union;~~
- ~~(c) the President of the Constituent Assembly of the Dominion;~~
- ~~(d) the Speaker and Deputy Speaker of the Dominion Legislature or of Parliament;~~
- ~~(e) the Judges of the Federal Court or of the Supreme Court;~~
- ~~(f) the Auditor-General of India or the Comptroller and Auditor-General of India;~~
- ~~(g) the Governors of Provinces or of Part A States;~~
- ~~(h) the Ministers and Deputy Ministers of States;~~
- ~~(i) the Speakers and Deputy Speakers of the Legislative Assemblies of States;~~
- ~~(j) the Chairman and Deputy Chairman of the Legislative Councils of States;~~
- ~~(k) the Judges of the High Courts for Governors' Provinces or for Part A States.~~

~~**3. Repeal of Ordinance XV of 1950.**—The Voluntary Surrender of Salaries (Exemption from Taxation) Ordinance, 1950 (XV of 1950) is hereby repealed.~~

Price anna 1 or 1½d.

WLPD 51 594 M of Law 26-6-51 3,500

*Insubs. by s. 2 of Act 24 of 1954.  
By Ins. by s. 2 of Act 6 of 1956.*

of 1956]

Army  
THE SCHEDULE  
(See section 194.)

Year	No.	Short title	Extent of repeal
1911	VIII	The Indian Army Act, 1911.	The whole, except Chapter XII.
1920	XX	The Indian Army (Suspension of Sentences) Act, 1920.	The whole.
1941	X	The Active Service Ordinance, 1941.	The whole.
1943	XXXVI	The Prisoners of War (Forfeiture of Emoluments) Ordinance, 1943.	The whole.
1946	XIV	The Active Service (Amendment) Ordinance, 1946.	The whole.

*See India Code,  
Vol. II*

**THE ALLIANZ UND STUTTGARTER LIFE INSURANCE  
BANK (TRANSFER) ACT, 1950.**

No. LXII OF 1950.



An Act to provide for the transfer of the business of the Allianz Und Stuttgarter Life Insurance Bank, Limited, to the United India Life Assurance Company, Limited, and for matters connected therewith.

[1st December, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Allianz Und Stuttgarter Life Insurance Bank (Transfer) Act, 1950.

(2) It shall be deemed to have come into force on the 1st day of September, 1950.

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

(a) “the Act” means the Insurance Act, 1938 (IV of 1938);

(b) “transferee company” means the United India Life Assurance Company, Limited, having its registered office in Madras;

(c) “transferor company” means the Allianz Und Stuttgarter Life Insurance Bank, Limited.

**3. Transfer of assets and liabilities of the transferor company to the transferee company.**—All the assets and liabilities of the transferor company which relate to or arise out of the life insurance business of the transferor company carried on immediately before the commencement of this Act by Messrs. A. F. Ferguson & Company, Chartered Accountants of Bombay, under the Defence of India Rules shall, by virtue of this Act, stand transferred to and vest in the transferee company, subject to the provisions of this Act and to the terms and conditions specified in the First Schedule.

**4. Effect of transfer of assets and liabilities to transferee company.**—(1) Every contract of life insurance, entered into between the transferor company and the holder of any life policy before the commencement of this Act, shall have effect as from such commencement as if the transferee company had been a party to the contract instead of the transferor company, and for any reference (however worded and whether express or implied) to the transferor company there were substituted as respects anything falling to be done on or after such commencement, a reference to the transferee company, and with such other modifications as may be necessary to transfer rights, liabilities and obligations under the contract so far as unperformed, from the transferor company to the transferee company:

Provided that no provision in any such contract for the payment of any bonus, profit, interest or dividend on any life policy shall have effect against the

M1  
**2 Allianz Und Stuttgarter Life Insurance Bank (Transfer)** [ACT LXII

transferee company except on the basis of an actuarial valuation of the business of the transferor company made after the commencement of this Act and to the extent, if any, that may be recommended by the actuary.

(2) For the removal of doubts it is hereby declared that notwithstanding any decision or rule of law to the contrary, no contract of life insurance as is referred to in sub-section (1) shall be deemed to have been dissolved merely by reason of the declaration that war had broken out between the Government of the United Kingdom and Germany.

**5. Cessation of payment of commission to past insurance agents.—(1)**

Notwithstanding anything to the contrary contained in the Act or in any other law for the time being in force or in any contract, all contracts of agency entered into before the 31st day of July, 1942, between an insurance agent, a special agent or a chief agent (by whatever name called) and the transferor company, and any appointment made before the said date whereby remuneration is payable to any person in the form of commission or bonus, shall be deemed to have been terminated with effect from the said date and no commission or bonus due to such agent or person, whether on renewal premiums or otherwise, shall be payable to him in respect of any life policies procured by or through him before the said date.

(2) Notwithstanding anything to the contrary contained in any law for the time being in force, no compensation shall be payable to any person for the termination, in pursuance of this section, of any contract of agency or other appointment.

**6. Provision for facilitating transfer.—**The Central Government may, by order notified in the Official Gazette, make such incidental, supplementary or consequential provisions as, in its opinion, are necessary to secure that the transfer of the assets and liabilities of the transferor company to the transferee company are fully and effectively carried out, and in particular and, without prejudice to the generality of such power, provision may be made by order notified in the Official Gazette—

(a) for adapting the terms of contracts entered into between the transferor company and any other person before the commencement of this Act, so as to conform to the changes consequent on the passing of this Act in the circumstances in which the contracts will fall to be performed after such commencement;

(b) for requiring any person concerned with the keeping of the register of the holders of any securities or investments now transferred to the transferee company, to forthwith register the transferee company therein and to issue to the transferee company the appropriate documents of title relating to the securities or investments transferred to it;

(c) for the continuation by or against the transferee company of any legal proceedings pending by or against the transferor company.

**7. Power to give directions.—(1)** If any difficulty arises in giving effect to the provisions of this Act, the Controller of Insurance may, with the approval of the Central Government, give such directions to the transferee company as he may consider necessary and the transferee company shall be bound to comply with such directions.

(2) If the transferee company fails to comply with any direction given to it under sub-section (1) it shall be deemed to have committed an offence punishable under section 102 of the Act.

**8. Repeals.—(1)** The Allianz Und Stuttgarter Life Insurance Bank (Transfer) Ordinance, 1950 (XXIV of 1950) is hereby repealed.

THE AJMER TENANCY AND LAND RECORDS (AMENDMENT) ACT, 1950.

No. LXIII OF 1950 .



An Act to amend the Ajmer Tenancy and Land Records Act, 1950.

[1st December, 1950]

**B**E it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Ajmer Tenancy and Land Records (Amendment) Act, 1950.

2. **Amendment of section 203, Act XLII of 1950.**—In sub-section (2) of section 203 of the Ajmer Tenancy and Land Records Act, 1950 (hereinafter referred to as the said Act), after clause (r), the following clause shall be inserted, namely:—

“(s) for the levy of a fee in respect of any application or the grant of any relief under this Act in cases not specifically provided for”.

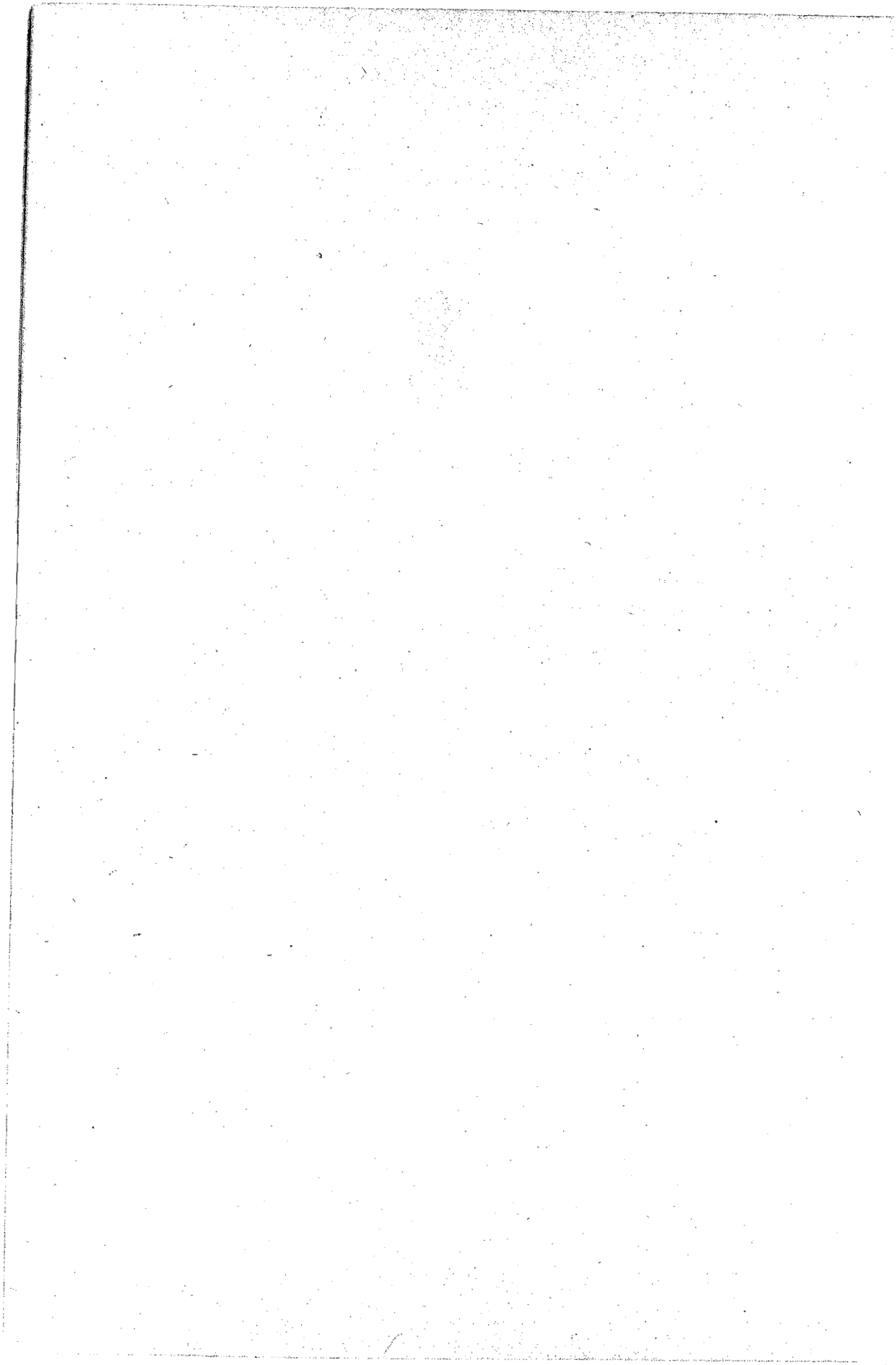
3. **Amendment of section 204, Act XLII of 1950.**—In sub-section (1) of section 204 of the said Act, for the words “three months”, the words “nine months” shall be substituted.

4. **Repeal and saving.**—(1) The Ajmer Tenancy and Land Records (Amendment) Ordinance, 1950 (XXIII of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

(3) References in this Act to any of the provisions of the principal Act shall be construed as references to those provisions as in force immediately before the commencement of the said Ordinance.

Price anna 1 or 1½d.





**THE ROAD TRANSPORT CORPORATIONS ACT, 1950**

**No. LXIV OF 1950**

*see India Code,  
Vol. VII B.*

**ARRANGEMENT OF SECTIONS**

**SECTIONS**

**CHAPTER I**

**PRELIMINARY**

1. Short title, extent and commencement.
2. Definitions.

**CHAPTER II**

**ROAD TRANSPORT CORPORATIONS**

3. Establishment of Road Transport Corporations in the States.
4. Incorporation.
5. Constitution of Road Transport Corporations.
6. Disqualifications for being chosen as, or for being, a member of a Corporation.
7. Designation of office by the Chairman or a member.
8. Removal of Chairman and members from office.
9. Vacancies amongst members or defect in the constitution not to invalidate acts or proceedings of a Corporation.
10. Temporary association of persons with a Corporation for particular purposes.
11. Meetings of Corporations.
12. Power to appoint committees and delegate functions.
13. Authentication of orders and other instruments of a Corporation.
14. Officers and servants of the Corporation.
15. The Chief Executive Officer or General Manager and the Chief Accounts Officer.
16. General disqualification of all officers and servants.
17. Appointment of Advisory Council.

**CHAPTER III**

**POWERS AND DUTIES OF CORPORATION**

18. General duty of Corporation.
19. Powers of Corporation.
20. Extension of the operation of the road transport service of a Corporation to areas within another State.
21. Carriage of mails.

*Price annas 2 or 3d.*

## CHAPTER IV

## SECTIONS

## FINANCE, ACCOUNTS AND AUDIT

22. General principle of Corporation's finance.
23. Capital of the Corporation.
24. Additional capital of the Corporation.
25. Guarantee by the State Government.
26. Borrowing powers.
27. Fund of the Corporation.
28. Payment of interest and dividend.
29. Provision for depreciation and reserve and other funds.
30. Disposal of net profits.
31. Power of the Corporation to spend.
32. Budget.
33. Accounts and audit.

## CHAPTER V

## MISCELLANEOUS

34. Directions by the State Government.
35. Returns and reports.
36. Power to order inquiries.
37. Power to control a part of the undertaking of a Corporation.
38. Power to supersede a Corporation.
39. Liquidation of a Corporation.
40. Compensation for acquisition of road transport undertakings.
41. Corporation to be deemed to be a local authority and provision as to third party risks.
42. Power of entry.
43. Members, officers and servants of a Corporation to be public servants.
44. Power to make rules.
45. Power to make regulations.
46. Penalty for breach of rules.
47. Special provisions relating to Bombay.
48. Repeal of Act XXXII of 1948.

47A. Special provision for reconstitution or dissolution of certain Corporations.

(2) The notifications specified in the Second Schedule shall cease to have effect on the commencement of this Act, except as respects things done or omitted to be done before such commencement.

### THE FIRST SCHEDULE

(See section 3)

#### *Terms and conditions relating to the transfer of the business of the transferor company*

1. The transferee company shall maintain a separate account in which shall be shown the business of the transferor company which has been transferred to it and a separate valuation thereof shall be made from time to time with a view to ascertaining whether profits appertaining to such business and divisible among holders of life policies exist.

2. The transferee company shall be bound to pay in full all claims arising out of any life policy issued by the transferor company and remaining to be paid at the commencement of this Act or falling to be paid at any time after such commencement.

3. Notwithstanding anything contained in Notification No. 168-1(23)-W/41 of the Government of India in the Commerce Department, dated the 27th day of June, 1942, the transferee company shall be liable to make good in respect of every policy of life insurance which had fallen due for payment before the commencement of this Act the difference between the amounts actually paid to the holder thereof by or on behalf of the transferor company in pursuance of the said notification and the full amount which would have been payable if that notification had not been issued.

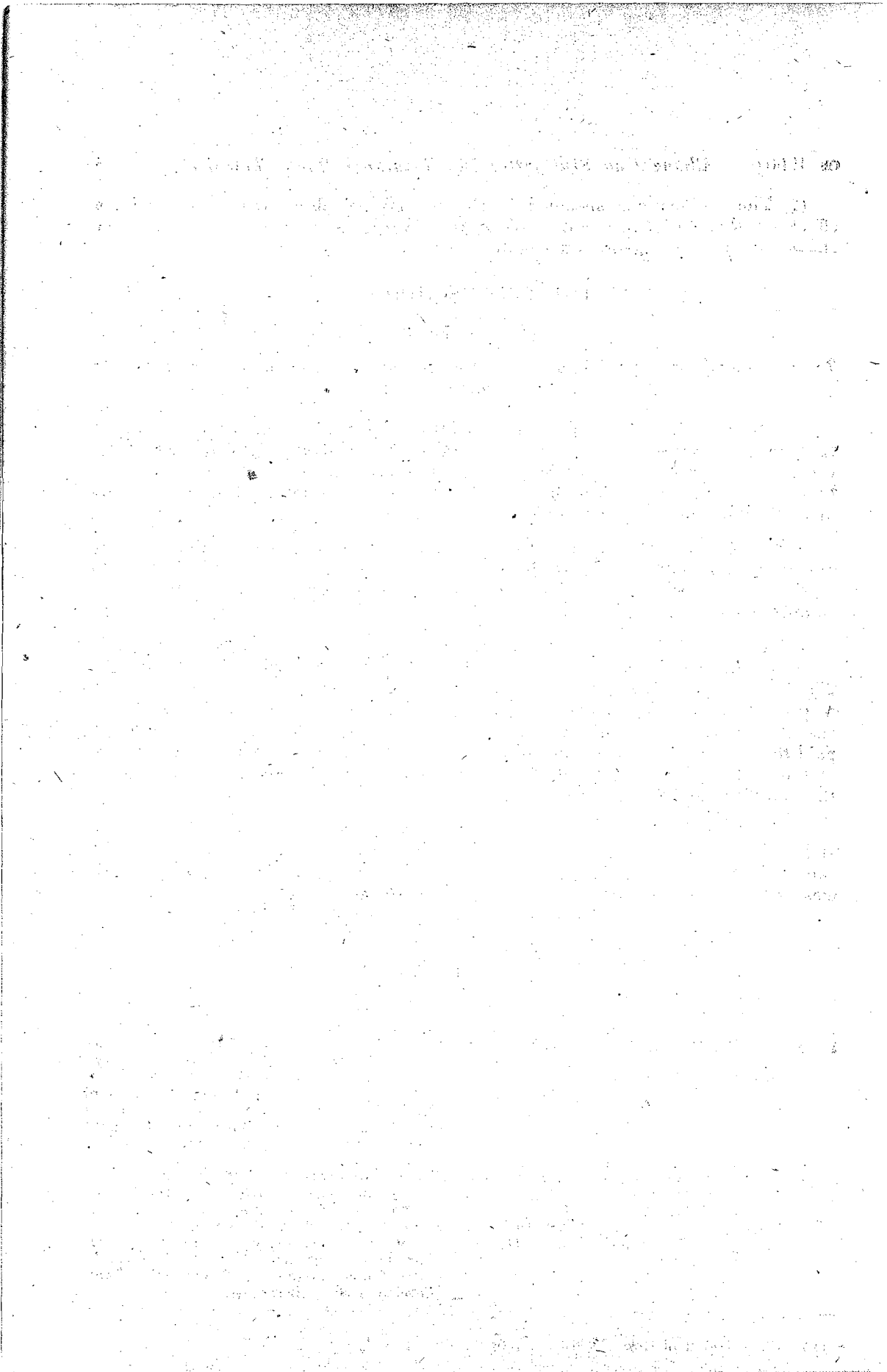
4. If the transferee company recovers or receives any money from outside India which relate to the assets now transferred to the transferee company the same shall be applied by the transferee company for the benefit of the life policies of the transferor company issued in India.

### THE SECOND SCHEDULE

(See section 8)

#### *Repeals*

Notification No. and date	Contents of Notification
1. No. 288-OR/39, dated the 14th December, 1939, of the Government of India, Defence Co-ordination Department.	Authorising Messrs. A. F. Ferguson and Company, Chartered Accountants of Bombay, to carry on the business of the transferor company under rule 113A of the Defence of India Rules, since continued in force by the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 (XVI of 1947).
2. No. 168-1(2)-W/39, dated the 22nd February, 1941, of the Government of India, Department of Commerce.	Granting exemptions to Messrs. A. F. Ferguson and Company from the operation of certain provisions of the Act.
3. No. 168-1(23)-W/41, dated the 27th June, 1942, of the Government of India, Department of Commerce.	Exempting Messrs. A. F. Ferguson and Company from the obligation imposed by any contract of insurance in respect of so much thereof as is in excess of 80 per cent. of the liability arising therefrom.



Came into force on 1st September, 1952 in Bihar State, by  
Notifn. No. S.R.O. 1526 dated 27-8-52, Gaz. of India, 1952  
Pt. II, Sec. 3, P. 1386.

*Road Transport Corporations*

*4 Encl. by the AO. (no: 3), 1956.*

*see India Code,  
Vol. VII B.*



**An Act to provide for the incorporation and regulation of Road Transport Corporations.**

[4th December, 1950]

**BE** it enacted by Parliament as follows:—

**CHAPTER I**

**PRELIMINARY**

**1. Short title, extent and commencement.**—(1) This Act may be called the Road Transport Corporations Act, 1950.

(2) It extends to the whole of India except the ~~States of Delhi and Jammu and Kashmir~~. [*State of Jammu and Kashmir and the Union territory of Delhi*]

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State, and different dates may be appointed for different States.

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

(a) "ancillary service" means any subsidiary service which provides amenities or facilities to persons making use of any road transport service of a Corporation;

(b) "Corporation" means a Road Transport Corporation established under section 3;

(c) "extended area" means any area or route to which the operation of any road transport service of a Corporation has been extended in the manner provided in section 20;

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

(e) "road transport service" means a service carrying passengers or goods or both by road in vehicles for hire or reward;

(f) "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;

(g) words and expressions used but not defined in this Act and defined in the Motor Vehicles Act, 1939 (IV of 1939), have the meaning assigned to them in that Act;

\* Came into force in the state of Bombay on 6-12-50, see notifn. no. 26-7(28)/50-J, D/6.12.50, Gaz. of India, Pt. II, Sec. 3, P. 1089.

~~(h) any reference to an enactment not in force in a Part B State shall in relation to that State be construed as a reference to the corresponding law, if any, in force in that State.~~

## CHAPTER II

## ROAD TRANSPORT CORPORATIONS

**3. Establishment of Road Transport Corporations in the States.**—The State Government, having regard to—

- (a) the advantages offered to the public, trade and industry by the development of road transport;
- (b) the desirability of co-ordinating any form of road transport with any other form of transport;
- (c) the desirability of extending and improving the facilities for road transport in any area and of providing an efficient and economical system of road transport service therein;

may, by notification in the Official Gazette, establish a Road Transport Corporation for the whole or any part of the State under such name as may be specified in the notification.

**4. Incorporation.**—Every Corporation shall be a body corporate by the name notified under section 3 having perpetual succession and a common seal and shall by the said name sue and be sued.

**5. Constitution of Road Transport Corporation.**—(1) Subject to rules made under this Act, a Corporation shall consist of a Chairman and such number of other members as the State Government may think fit to appoint.

(2) The State Government may, if it so thinks fit, appoint one of the other members as the Vice-Chairman of the Corporation.

(3) Rules made under this Act shall provide for the representation both of the Central Government and of the State Government concerned in the Corporation in such proportion as may be agreed to by both the Governments and of nomination by each Government of its own representatives therein, and where the capital of a Corporation is raised by the issue of shares to other parties under sub-section (3) of section 23, provision shall also be made for the representation of such shareholders in the Corporation and the manner in which the representatives shall be elected by such shareholders.

(4) The term of office of, and the manner of filling casual vacancies among members of the Corporation shall be such as may be prescribed.

**6. Disqualifications for being chosen as, or for being, a member of a Corporation.**—A person shall be disqualified for being chosen as, or for being, member of a Corporation—

- (a) if he is found to be a lunatic or a person of unsound mind; or
- (b) if he has been adjudged insolvent; or
- (c) if he has been convicted of an offence involving moral turpitude

or

(d) if he has, directly or indirectly, any interest in any subsisting contract made with, or in any work being done for, the Corporation except as a shareholder (other than a director) in an incorporated company, provided that where he is a shareholder he shall disclose to the State Government the nature and extent of shares held by him in such company; or

(e) if he has any financial interest in any other road transport undertaking.

*Deleted by the A.O. (no. 3), 1956.*

**7. Resignation of office by the Chairman or a member.**—The Chairman or any other member of a Corporation may resign his office by giving notice in writing to the State Government and, on such resignation being accepted by that Government, shall be deemed to have vacated his office.

**8. Removal of Chairman and members from office.**—The State Government may remove from office the Chairman or any other member of the Corporation who—

(a) is or becomes subject to any of the disqualifications mentioned in section 6; or

(b) without excuse sufficient in the opinion of the State Government, is absent from more than four consecutive meetings of the Corporation:

Provided that no member nominated by the Central Government shall be removed from office without the concurrence of that Government.

**9. Vacancies amongst members or defect in the constitution not to invalidate acts or proceedings of a Corporation.**—No act or proceeding of a Corporation shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

**10. Temporary association of persons with a Corporation for particular purposes.**—(1) A Corporation may associate with itself for any particular purpose in such manner as may be determined by regulations made under this Act any person whose assistance or advice it may desire.

(2) A person associated with it by the Corporation under sub-section (1) for any purpose shall have a right to take part in the discussions of the Corporation relevant to that purpose, but shall not have a right to vote at a meeting of the Corporation.

**11. Meetings of Corporations.**—(1) A Corporation shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3) observe such rules of procedure in regard to transaction of business at its meetings as may be provided by regulations made under this Act:

Provided that the Corporation shall meet at least once in every three months.

(2) The person to preside at a meeting of a Corporation shall be the Chairman thereof, or in his absence from any meeting, the Vice-Chairman, if any, or in the absence of both the Chairman and the Vice-Chairman, such member as may be chosen by the members present from among themselves to preside.

(3) All questions at a meeting of a Corporation shall be decided by a majority of votes of the members present, and in the case of equality of votes, the Chairman or, in his absence, any other person presiding shall have a second or casting vote.

**12. Power to appoint committees and delegate functions.**—A Corporation may, from time to time, by resolution passed at a meeting—

(a) appoint committees of its members for performing such functions as may be specified in the resolution;

(b) delegate to any such committee or to the Chairman or Vice-Chairman, subject to such conditions and limitations, if any, as may be specified in the resolution, such of its powers and duties as it may think fit;

(c) authorise the Chief Executive Officer or General Manager, subject to such conditions and limitations, if any, as may be specified in the resolution to exercise such powers and perform such duties as it may deem necessary for the efficient day to day administration of its business.

**13. Authentication of orders and other instruments of a Corporation.**—All orders and decisions of a Corporation shall be authenticated by the signature of the Chairman or any other member authorised by the Corporation in this behalf, and all other instruments issued by a Corporation shall be authenticated

by the signature of the Chief Executive Officer or General Manager or any other officer of the Corporation authorised in like manner in this behalf.

**14. Officers and servants of the Corporation.**—(1) Every Corporation shall have a Chief Executive Officer or General Manager and a Chief Accounts Officer appointed by the State Government.

(2) A Corporation may appoint such other officers and servants as it considers necessary for the efficient performance of its functions.

(3) The conditions of appointment and service and the scales of pay of the officers and servants of a Corporation shall—

(a) as respects the Chief Executive Officer or General Manager and the Chief Accounts Officer be such as may be prescribed, and

(b) as respects the other officers and servants be such as may, subject to the provisions of section 34, be determined by regulations made under this Act.

**15. The Chief Executive Officer or General Manager and the Chief Accounts Officer.**—(1) The Chief Executive Officer or General Manager shall be the executive head of the Corporation and all other officers and servants of the Corporation shall be subordinate to him.

(2) The Chief Accounts Officer shall have the right to record his views on every proposal involving expenditure from the fund of the Corporation prior to the consideration of such proposal by the Corporation.

**16. General disqualification of all officers and servants.**—No person who has directly or indirectly, by himself or his partner or agent, any share or interest in any contract, by or on behalf of a Corporation, or in any other road transport undertaking shall become or remain an officer or servant of the Corporation.

**17. Appointment of Advisory Council.**—The State Government may, after ascertaining the views of the Corporation, by notification in the Official Gazette, constitute one or more Advisory Councils consisting of such number of persons, on such terms, and for the purpose of advising the Corporation on such matters, as may be specified in that notification.

### CHAPTER III

#### POWERS AND DUTIES OF CORPORATION

**18. General duty of Corporation.**—It shall be the general duty of a Corporation so to exercise its powers as progressively to provide or secure or promote the provision of, an efficient, adequate, economical and properly co-ordinated system of road transport services in the State or part of the State for which it is established and in any extended area:

Provided that nothing in this section shall be construed as imposing on a Corporation, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court or tribunal to which it would not otherwise be subject.

**19. Powers of Corporation.**—(1) Subject to the provisions of this Act, a Corporation shall have power—

(a) to operate road transport services in the State and in any extended area;

(b) to provide for any ancillary service;

(c) to provide for its employees suitable conditions of service including fair wages, establishment of provident fund, living accommodation, places for rest and recreation and other amenities.



(2) Subject to the provisions of this Act, the powers conferred by sub-section (1) shall include power—

(a) to manufacture, purchase, maintain and repair rolling stock, vehicles, appliances, plant, equipment or any other thing required for the purpose of any of the activities of the Corporation referred to in sub-section (1).

*Explanation.*—In this clause, the expression “manufacture” does not include the construction of the complete unit of a motor vehicle except for purposes of experiment or research;

(b) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the purpose of any of the said activities, and to lease, sell or otherwise transfer any property held by it;

(c) to prepare schemes for the acquisition of, and to acquire, either by agreement or compulsorily in accordance with the law of acquisition for the time being in force in the State concerned and with such procedure as may be prescribed, whether absolutely or for any period, the whole or any part of any undertaking of any other person to the extent to which the activities thereof consist of the operation of road transport services in that State or in any extended area;

(d) to purchase by agreement or to take on lease or under any form of tenancy any land and to erect thereon such buildings as may be necessary for the purpose of carrying on its undertaking;

(e) to authorise the disposal of scrap vehicles, old tyres, used oils, or any other stores of scrap value;

(f) to enter into and perform all such contracts as may be necessary for the performance of its duties and the exercise of its powers under the Act;

(g) to purchase vehicles of such type as may be suitable for use in the road transport services operated by the Corporation;

(h) 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 the owner of any other undertaking for use thereof by the Corporation for the purposes of its undertaking;

(i) to do anything for the purpose of advancing the skill of persons employed by the Corporation or the efficiency of the equipment of the Corporation or of the manner in which that equipment is operated, including the provision by the Corporation, and the assistance by the Corporation to others for the provision of facilities for training, education and research;

(j) 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;

(k) to provide facilities for the consignment, storage and delivery of goods;

(l) to enter into contracts for exhibition of posters and advertising boards on and in the vehicles and premises of the Corporation and also for advertisement on tickets and other forms issued by the Corporation to the public;

(m) with the prior approval of the State Government to do all other things to facilitate the proper carrying on of the business of the Corporation.

(3) Nothing in this section shall be construed as authorising a Corporation, except with the previous approval of the State Government—

(i) to manufacture or maintain anything which is not required directly or indirectly for use for the purpose of the undertaking of the Corporation 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 its undertaking;

(ii) to purchase any vehicle for the purpose of sale to another person;  
(iii) to sell or supply to any person lubricants, spare parts, or equipment for or accessories to, vehicles;

(iv) to let vehicles on hire for the carriage of passengers or goods except as expressly provided by or under this Act.

(4) Except as otherwise provided by this Act nothing in the foregoing provisions shall be construed as authorising the Corporation to disregard any law for or accessories to, vehicles;

(5) Where a Corporation acquires the whole or any part of an undertaking of any other person, the Corporation shall, in appointing its officers and servants, take into consideration the claims of employees employed in that undertaking.

(6) The provisions of this section shall not be construed as limiting any power of a Corporation conferred by or under any subsequent provision of this Act.

**20. Extension of the operation of the road transport service of a Corporation to areas within another State.**—(1) If a Corporation considers it to be expedient in the public interest to extend the operation of any of its road transport services to any route or area situated within another State, it may, with the permission of the State Government, negotiate with the Government of the other State regarding the proposed extension.

(2) If the Government of the other State approves the proposed extension, the Corporation shall prepare a scheme for the purpose and forward the same to the other Government for its consent, and after such consent has been received, the Corporation may, with the previous approval of the State Government, sanction the scheme.

(3) After the scheme has been so sanctioned, it shall be competent for the Corporation to extend the operation of its road transport service to such route or area and when the operation of such service is so extended, the Corporation shall operate the service on that route or in that area subject to the provisions of any law in force in the other State within which such route or area is situated.

(4) The Corporation may, from time to time, alter or extend the scheme sanctioned under sub-section (2) by a supplementary scheme prepared and sanctioned in the manner provided in the foregoing provisions of this section.

**21. Carriage of mails.**—Notwithstanding anything contained in the Motor Vehicles Act, 1939 (IV of 1939), a Corporation shall, if so required by the Central Government, carry mails at such rates and on such terms and conditions as may be specified in this behalf by the Central Government in consultation with the State Government.

## CHAPTER IV

### FINANCE, ACCOUNTS AND AUDIT

**22. General principle of Corporation's finance.**—It shall be the general principle of a Corporation that in carrying on its undertaking it shall act on business principles.

**23. Capital of the Corporation.**—(1) The Central Government and the State Government may provide to a Corporation established by the State Government, in such proportion as may be agreed to by both the Governments, any capital that may be required by the Corporation for the purpose of carrying on the undertaking or for purposes connected therewith on such terms and

conditions, not inconsistent with the provisions of this Act, as the State Government may, with the previous approval of the Central Government, determine.

(2) Where the capital of a Corporation is not provided under sub-section (1), the Corporation may raise, by the issue of shares, such capital as may be authorised in this behalf by the State Government.

(3) The authorised capital of the Corporation shall be divided into such number of shares as the State Government may determine; and the number of shares which shall be subscribed by the State Government, the Central Government and other parties (including persons whose undertakings have been acquired by the Corporation) shall also be determined by the State Government in consultation with the Central Government.

(4) The allotment of shares to other parties mentioned in sub-section (3) shall be made by the Corporation in such manner as may be prescribed.

(5) The shares of the Corporation shall not be transferable except in accordance with the rules made under this Act.

(6) The Corporation may at any time, with the previous approval of the State Government, redeem the shares issued to the other parties under sub-section (4) in such manner as may be prescribed.

**24. Additional capital of the Corporation.**—If, after the issue of shares under section 23 a Corporation requires any further capital, the Corporation may, with the previous sanction of the State Government, raise such additional capital by the issue of new shares and the provisions of sub-sections (2), (3), (4), (5) and (6) of the said section shall apply to the issue of such shares.

**25. Guarantee by the State Government.**—The shares of a Corporation shall be guaranteed by the State Government as to the payment of the principal and the payment of the annual dividend at such minimum rate as may be fixed by the State Government by notification published in the Official Gazette at the time of issuing the shares.

**26. Borrowing powers.**—A Corporation may, with the previous approval of the State Government, borrow money in the open market or otherwise for the purpose of raising its working capital.

**27. Fund of the Corporation.**—(1) Every Corporation shall have its own fund and all receipts of the Corporation shall be carried thereto and all payments by the Corporation shall be made therefrom.

(2) Except as otherwise directed by the State Government, all moneys belonging to that fund shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India, or invested in such securities as may be approved by the State Government.

**28. Payment of interest and dividend.**—(1) Where the capital of a Corporation is provided by the Central Government and the State Government under sub-section (1) of section 23, the Corporation shall pay interest on such capital at such rate as may, from time to time, be fixed by the State Government in consultation with the Central Government and such interest shall be deemed to be a part of the expenditure of the Corporation.

(2) Where the Corporation raises its capital by issue of shares, it shall pay dividend on such shares at such rate as may, from time to time, be fixed by the Corporation, subject to any general limitations which may have been imposed by the State Government in consultation with the Central Government, and such dividend shall be deemed to be a part of the expenditure of the Corporation.

**29. Provision for depreciation and reserve and other funds.**—(1) A Corporation shall make such provisions for depreciation and for reserve and other funds as the State Government may, from time to time, direct.

(2) The management of the said funds, the sums to be carried from time to time to the credit thereof and the application of the moneys comprised therein shall be determined by the Corporation:

Provided that no fund shall be utilised for any purpose other than that for which it was created without the previous approval of the State Government.

**30. Disposal of net profits.**—After making provision for payment of interest and dividend under section 28 and for depreciation, reserve and other funds under section 29, a Corporation may utilise such percentage of its net annual profits as may be specified in this behalf by the State Government for the provision of amenities to the passengers using the road transport services, welfare of labour employed by the Corporation and for such other purposes as may be prescribed with the previous approval of the Central Government, and the balance shall be made over to the State Government for the purpose of road development.

**31. Power of the Corporation to spend.**—A Corporation shall have power to spend such sums as it thinks fit on objects authorised under this Act and such sums shall be treated as expenditure payable out of the fund of the Corporation.

**32. Budget.**—(1) Every Corporation shall, by such date in each year as may be prescribed, prepare and submit to the State Government for approval a budget for the next financial year showing the estimated receipts and expenditure during that financial year in such form as may be prescribed.

(2) Subject to the provisions of sub-sections (3) and (4), no sum shall be expended by or on behalf of a Corporation unless the expenditure of the same is covered by a current budget grant approved by the State Government.

(3) A Corporation may sanction any re-appropriation within the grant from one head of the expenditure to another or from a provision made for one scheme to that in respect of another, subject to the condition that the aggregate budget grant is not exceeded.

(4) A Corporation may, within such limits and subject to such conditions as may be prescribed, incur expenditure in excess of the limit provided in the budget approved by the State Government under any head of expenditure or in connection with any particular scheme.

**33. Accounts and audit.**—(1) Every Corporation shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.

(2) The accounts of a Corporation shall be audited by the auditor appointed by the State Government at such times and in such manner as may be prescribed.

(3) As soon as the accounts of a Corporation have been audited, the Corporation shall send a copy thereof together with a copy of the report of the auditor thereon to the Central Government and the State Government.

## CHAPTER V

### MISCELLANEOUS

**34. Directions by the State Government.**—(1) The State Government may, after consultation with a Corporation established by such Government, give to the Corporation general instructions to be followed by the Corporation, and such instructions may include directions relating to the recruitment, conditions of service and training of its employees, wages to be paid to the employees, reserves to be maintained by it and disposal of its profits or stocks.

(2) In the exercise of its powers and performance of its duties under this Act, the Corporation shall not depart from any general instructions issued

under sub-section (1) except with the previous permission of the State Government.

**35. Returns and reports.**—(1) Every Corporation shall furnish to the State Government such returns, statistics, accounts and other information with respect to its property or activities or in regard to any proposed scheme as the State Government may from time to time require.

(2) Without prejudice to the provisions of sub-section (1), a Corporation shall, as soon as possible after the end of each financial year, submit to the Central and the State Governments a report on the exercise and performance by it of its powers and duties under this Act during that year and on its policy and programme.

**36. Power to order inquiries.**—(1) The State Government, with a view to satisfy itself that the powers and duties of a Corporation established by that Government are being exercised and performed properly, may, at any time, appoint any person or persons to make inquiries into all or any of the activities of the Corporation and to report to the State Government the result of such inquiries.

(2) The Corporation shall give to the person or persons so appointed all facilities for the proper conduct of the inquiries and shall produce before, or furnish to, the person or persons any document, account or information in the possession of the Corporation which such person or persons demand for the purposes of the inquiries.

**37. Power to control a part of the undertaking of a Corporation.**—(1) If on receipt of the report of any inquiry held under section 36 or otherwise, the State Government is satisfied that it is necessary so to do in the public interest, the State Government may, by notification in the Official Gazette, authorise any person to take over from the Corporation, and so long as that notification is in force, to administer in accordance with such directions as may be issued from time to time by the State Government such part of the undertaking of the Corporation as may be specified in the notification, and any person so authorised may, for the purpose of so administering the said part of the undertaking, exercise all or any of the powers of the Corporation or of any officer of the Corporation under this Act, issue such directions as he thinks fit to the officers or servants of the Corporation and employ any outside agency.

(2) The State Government may by such notification direct that all charges and expenses incurred by the person so authorised together with such remuneration as the State Government may allow from time to time to such person shall be paid within such time as may be fixed by the State Government from the fund of the Corporation, and if the expenses are not so paid, the State Government may make an order directing the persons having the custody of that fund to pay to the person so authorised such expenses in priority to any other charges against such fund and he shall, so far as the funds to the credit of the Corporation admit, comply with the order of the State Government.

**38. Power to supersede a Corporation.**—(1) If the State Government is of opinion that a Corporation established by that Government is unable to perform, or has persistently made default in the performance of the duties imposed on it by or under the provisions of this Act or has exceeded or abused its powers, the State Government may, with the previous approval of the Central Government, by notification in the Official Gazette, supersede the Corporation for such period as may be specified in the notification:

Provided that before issuing a notification under this sub-section the State Government shall give a reasonable time to the Corporation to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation.

(2) Upon the publication of a notification under sub-section (1) superseding a Corporation—

(a) all the members of the Corporation shall, as from the date of supersession, vacate their offices as such members;

(b) all the powers and duties which may, by or under the provisions of this Act or of any other law, be exercised or performed by or on behalf of the Corporation shall, during the period of supersession, be exercised and performed by such person or persons as the State Government may direct;

(c) all property vested in the Corporation shall, during the period of supersession, vest in the State Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the State Government may—

(a) extend the period of supersession for such further term as it may consider necessary; or

(b) reconstitute the Corporation in the manner provided in section 5.

**39. Liquidation of a Corporation.**—(1) No provision of any law relating to the winding up of companies or corporations shall apply to a Corporation, and no Corporation shall be placed in liquidation save by order of the State Government concerned and save in such manner as may be directed by that Government:

Provided that no such order shall be made by any State Government except with the previous approval of the Central Government.

(2) In the event of a Corporation being placed in liquidation, the assets of the Corporation, after meeting the liabilities, if any, shall be divided among the Central and the State Government and such other parties, if any, as may have subscribed to the capital in proportion to the contribution made by each of them to the total capital of the Corporation.

**40. Compensation for acquisition of road transport undertakings.**—Whenever a Corporation acquires under this Act the whole or any part of any undertaking, there shall be paid by the Corporation compensation the amount of which shall be determined in the manner and in accordance with the procedure hereinafter set out, that is to say,—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the amount shall be determined by an arbitral tribunal consisting of one nominee of the Corporation, one nominee of the person to be compensated, and a Chairman to be nominated by the Chief Justice of the High Court exercising jurisdiction in relation to the State concerned;

(c) an appeal shall lie to the High Court against the decision of the tribunal and the order of the High Court on such appeal shall be final.

**41. Corporation to be deemed to be a local authority and provision as to third party risks.**—(1) A Corporation shall be deemed to be a local authority within the meaning of the Motor Vehicles Act, 1939 (IV of 1939).

(2) The State Government may, by notification in the Official Gazette, exempt the motor vehicles of a Corporation from the operation of the provisions of Chapter VIII of the Motor Vehicles Act, 1939:

Provided that no such notification shall be issued unless a fund has been established and is maintained by the Corporation in accordance with the rules made in that behalf under this Act for meeting any liability arising out of the use of any vehicle of the Corporation which the Corporation or any person in the employment of the Corporation may incur to third parties.

**42. Power of entry.**—Whenever it is necessary for a Corporation to carry out any of its works or to make any survey, examination or investigation, preliminary or incidental to the exercise of powers or the performance of duties by the Corporation under this Act, any officer or servant of the Corporation generally or specially empowered by the Corporation may, with the previous permission of the district magistrate, enter upon any land or premises between sunrise and sunset, after giving reasonable notice of the intention to make such entry to the owner or occupier of such land or premises, and at any other time, with the consent in writing of the owner or occupier of such land or premises, for the purpose of the carrying out of such works or the making of such survey, examination or investigation.

**43. Members, officers and servants of a Corporation to be public servants.**—All members of a Corporation, and all officers and servants of a Corporation, whether appointed by the State Government or the Corporation, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or of any other law, to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

**44. Power to make rules.**—(1) The State Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

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

(a) the conditions and manner of appointment of members of a Corporation, the representation in the Corporation of the Central and the State Government, and where shares are issued to other parties under sub-section (3) of section 23, of such shareholders, and generally all matters relating to the constitution of the Corporation;

(b) remuneration, allowances or fees to be paid to the members of the Corporation or other persons associated with the Corporation under section 10;

(c) the term of office of, the manner of filling casual vacancies among, members of the Corporation;

(d) the number of members necessary to constitute a quorum at a meeting of the Corporation;

(e) the conditions of appointment and service and the scales of pay of the Chief Executive Officer or General Manager and the Chief Accounts Officer of the Corporation;

(f) the number and term of office of, the allowances to be paid to, the procedure to be followed by, and the manner of filling casual vacancies among, members of an Advisory Council;

(g) the manner in which the shares of the Corporation shall be allotted, transferred or redeemed;

(h) the manner in which the net profits of the Corporation shall be utilised;

(i) the date by which, and the form in which, the budget shall be prepared and submitted in each year under sub-section (1) of section 32;

(j) the forms and the manner in which the accounts of the Corporation shall be maintained;

(k) the time at which, and the manner in which, the accounts of the Corporation shall be audited;

(l) the form in which the returns, statistics or reports shall be submitted under section 35;

(m) the procedure to be followed by an arbitral tribunal under section 40;

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

**45. Power to make regulations.**—(1) A Corporation may, with the previous sanction of the State Government, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation.

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

(a) the manner in which, and the purposes for which, persons may be associated with the Corporation under section 10;

(b) the time and place of meetings of the Corporation and the procedure to be followed in regard to transaction of business at such meetings;

(c) the conditions of appointment and service and the scales of pay of officers and servants of the Corporation other than the Chief Executive Officer or General Manager and the Chief Accounts Officer.

**46. Penalty for breach of rules.**—The State Government may, by rule, provide that the breach of any rules made by it under section 44 shall be punishable with fine which may extend to five hundred rupees, and when the breach is a continuing one, with a further fine not exceeding twenty rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

**47. Special provisions relating to Bombay.**—(1) The body known as the Bombay State Road Transport Corporation and the Board thereof, referred to in the notification of the Government of Bombay, No. 1780/5, dated the 16th November, 1949 (hereinafter referred to as "the existing Corporation" and "Board" respectively) shall, notwithstanding any defect in, or invalidity of, the enactment or order under which they were constituted, be deemed for all purposes to have been validly constituted as if all the provisions of the said notification had been included and enacted in this section and this section had been in force continuously on and from the said date, and accordingly—

(a) all action by, and all transactions with, the existing Corporation or Board, including any action or transaction by which any property, asset or right was acquired or any liability or obligation, whether by contract or otherwise, was incurred, shall be deemed to have been validly and lawfully taken or done; and

(b) no suit, prosecution or other legal proceeding shall lie against the Government of Bombay or any member of the Board or any officer or servant of the existing Corporation in respect of any action taken by, or in relation to the setting up of, the existing Corporation or Board merely on the ground of any defect in, or invalidity of, the enactment or order under which the existing Corporation or Board was constituted.

(2) On the establishment of a Corporation under section 3 in the State of Bombay (hereinafter referred to as "the new Corporation"),—

(a) the existing Corporation and Board shall be deemed to be dissolved and shall cease to function;

(b) all property and assets vesting in the existing Corporation shall vest in the new Corporation;



(c) all rights, liabilities and obligations of the existing Corporation, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations, respectively, of the new Corporation; and

(d) all licences and permits granted to, all contracts made with, and all instruments executed on behalf of, the existing Corporation or Board shall be deemed to have been granted to, made with, or executed on behalf of, the new Corporation and shall have effect accordingly.

~~48. Repeal of Act XXXII of 1948.—The Road Transport Corporations Act, 1948 (XXXII of 1948) is hereby repealed.~~

*Ins. by Act 87 of 1956, s. 2*

*Repealed by Act 36 of 1957, s. 2 and First Schedule.*



THE AJMER RURAL BOARDS AND MUNICIPALITIES  
(AMENDMENT) ACT, 1950.

No. LXV OF 1950



An Act to amend the Ajmere Rural Boards Regulation, 1886, and  
the Ajmer-Merwara Municipalities Regulation, 1925.

[6th December, 1950]

**B**E it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Ajmer Rural Boards and Municipalities (Amendment) Act, 1950.

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

2. **Amendment of section 5, Regulation VI of 1886.**—Clause (a) of the proviso to sub-section (2) of section 5 of the Ajmere Rural Boards Regulation, 1886, shall be omitted.

3. **Amendment of section 30, Regulation VI of 1925.**—For sub-sections (2) and (3) of section 30 of the Ajmer-Merwara Municipalities Regulation, 1925 (hereinafter referred to as the said Regulation), the following sub-section shall be substituted, namely:—

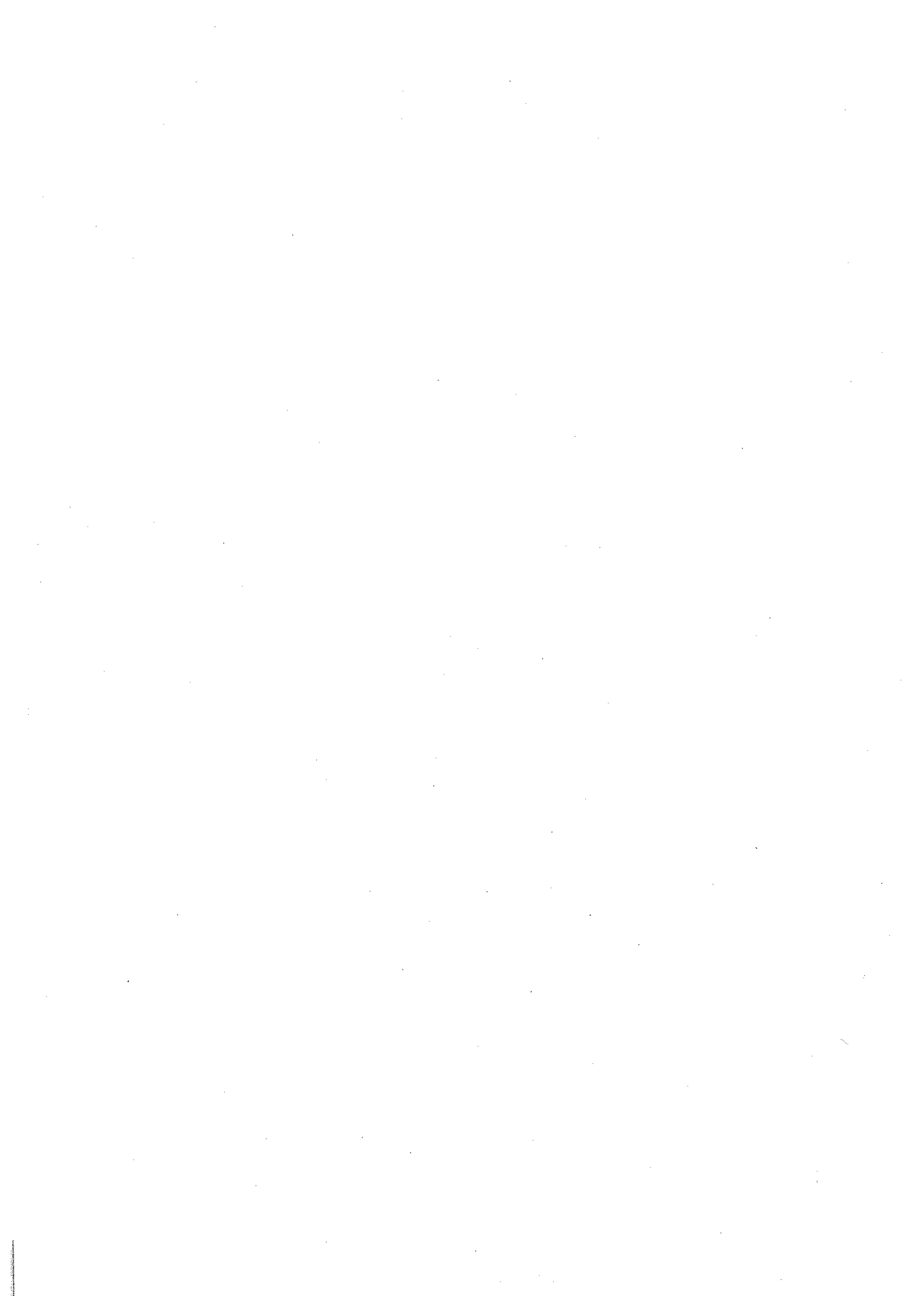
“(2) Every person who would be entitled under the Representation of the People Act, 1950 (XLIII of 1950) to be registered in the electoral roll for a Parliamentary constituency if that constituency had been co-extensive with the municipality, and whose name is registered in the electoral roll for the Parliamentary constituency comprising the municipality, shall be entitled to be enrolled as an elector of the municipality.”

4. **Amendment of section 43, Regulation VI of 1925.**—Clause (a) of section 43 of the said Regulation shall be omitted.

↓ 13-1-51. See No. S.R.O. 55, 9 8-1-51, Gaz. of India, 1951  
Pt. II, Section I, p-44.

Price anna 1 or 1½d.

GIPD S1—1069 M of Law—26—51—3500



*Repealed by Act 36 of 1957.*

**THE ADMINISTRATION OF EVACUEE PROPERTY**  
**(AMENDMENT) ACT, 1950.**

**No. LXVI OF 1950.**



**An Act to amend the Administration of Evacuee Property Act, 1950.**

[7th December, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Administration of Evacuee Property (Amendment) Act, 1950.

**2. Substitution of new section for section 58, Act XXXI of 1950.**—For section 58 of the Administration of Evacuee Property Act, 1950, the following section shall be substituted and shall be deemed always to have been substituted, namely:—

“58. *Repeals and savings.*—(1) The Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), and the Hyderabad Administration of Evacuee Property Regulation (Hyderabad No. XII of 1359F), are hereby repealed.

(2) If, immediately before the commencement of this Act, there is in force in any State to which this Act extends any law which corresponds to this Act and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

(3) The repeal by this Act of the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), or the Hyderabad Administration of Evacuee Property Regulation (Hyderabad No. XII of 1359F) or of any corresponding law shall not affect the previous operation of that Ordinance, Regulation or corresponding law, and subject thereto, anything done or any action taken in the exercise of any power conferred by or under that Ordinance, Regulation or corresponding law, 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 day on which such thing was done or action was taken.”

**3. Repeal of Ordinance XXVII of 1950.**—The Administration of Evacuee Property (Amendment) Ordinance, 1950 (XXVII of 1950) is hereby repealed.

*Price anna 1 or 1½d.*



*See India Code, Vol. II*

THE COOCH-BEHAR (ASSIMILATION OF LAWS) ACT, 1950.

No. LXVII OF 1950



An Act to assimilate certain laws in force in Cooch-Bihar to the laws in force in the rest of West Bengal.

[7th December, 1950]

**B**E it enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Cooch-Bihar (Assimilation of Laws) Act, 1950.

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

**2. Interpretation.**—In this Act,—

(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

(b) "Cooch-Bihar" means the merged territory of Cooch-Bihar in the State of West Bengal;

(c) "law" means so much of any Act, Ordinance, Regulation, rule, order or bye-law as relates to any of the matters enumerated in Lists I and III in the Seventh Schedule to the Constitution.

**3. Assimilation of laws.**—(1) Save as provided in sub-section (2), all laws which immediately before the appointed day extend to, or are in force in, the State of West Bengal, but do not extend to, or are not in force in, Cooch-Bihar shall, as from that day, extend to, or as the case may be, come into force in, Cooch-Bihar; and all laws which, immediately before the appointed day, are in force in Cooch-Bihar, but not in the rest of West Bengal, shall on that day cease to be in force in Cooch-Bihar, except as respects things done or omitted to be done before that day.

(2) Notwithstanding anything contained in sub-section (1), the Muslim Personal Law (Shariat) Application Act, 1937 (XXVI of 1937), shall come into force in Cooch-Bihar only on such date as the State Government may, by notification in the Official Gazette, appoint; and Cooch-Bihar Act II of 1897, known as the Muhammadan Inheritance Act, 1897, shall continue in force in Cooch-Bihar until that date, and shall on that date cease to be in force except as respects things done or omitted to be done before that date.

**4. Provision for removal of difficulties.**—If any difficulty arises in relation to the transition under section 3 from one law or group of laws to another law or group of laws, the Central Government may, by order notified in the Official Gazette, make such provision as it considers necessary for the removal of such difficulty.

*↓ 1-1-51, see no. 870 1106, A 20-12-50, Ga. of India, 1950, Part II, Sec 3, p-1109. Price India 1951.*





*Repealed by Act 36 of 1952.*

**THE DISPLACED PERSONS (INSTITUTION OF SUITS  
AND LEGAL PROCEEDINGS) AMENDMENT ACT, 1950.**

**No. LXVIII OF 1950.**



An Act to amend the Displaced Persons (Institution of Suits) Act, 1948, and the Displaced Persons (Legal Proceedings) Act, 1949.

[8th December, 1950]

**B**E it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950.

**2. Amendment of section 1, Act XLVII of 1948.**—In sub-section (2) of section 1 of the Displaced Persons (Institution of Suits) Act, 1948 (hereinafter referred to as the said Act), for the words and letter “Part B States” the words “the State of Jammu and Kashmir” shall be substituted.

**3. Amendment of section 2, Act XLVII of 1948.**—In section 2 of the said Act, for the words “for a period of three years only” the words, figures and letters “only up to the 31st day of March, 1952” shall be substituted.

**4. Substitution of new section for section 8 in Act XLVII of 1948.**—For section 8 of the said Act, the following section shall be substituted, namely:—

“8. *Extension of period of limitation.*—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), or in any special or local law, any suit or other legal proceeding by a displaced person—

- (a) where such suit or other legal proceeding is instituted in pursuance of section 4 and the period of limitation expires or has expired on or after the 14th day of August, 1947, or
- (b) where such suit or other legal proceeding is instituted otherwise than in pursuance of section 4 in respect of a cause of action which arises or has arisen in a place now situate within the territories of Pakistan and the period of limitation expires after the commencement of the Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950,

may be instituted at any time before the date of expiry of this Act.”

**5. Amendment of section 1, Act XXV of 1949.**—In sub-section (2) of section 1 of the Displaced Persons (Legal Proceedings) Act, 1949, for the words and letter “Part B States” the words “the State of Jammu and Kashmir” shall be substituted.

**6. Amendment of section 8, Act XXV of 1949.**—Section 8 of the Displaced Persons (Legal Proceedings) Act, 1949, shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) In particular and without prejudice to the generality of the foregoing provision, the expiry of this Act shall not affect the power of a

*Displaced Persons (Institution of Suits and Legal Proceedings) amendment* [ACT LXVIII OF 1950]

court to grant any relief specified in section 4 in any suit or other legal proceeding, in respect of which the period of limitation has been extended under section 8 of the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), and such relief may be granted as if this Act had not expired."

**7. Repeal and savings.**—(1) If immediately before the commencement of this Act, there is in force in any of the Part B States any law corresponding to the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), or the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949), such corresponding law is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under such corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Displaced Persons (Institution of Suits) Act, 1948, or the Displaced Persons (Legal Proceedings) Act, 1949, as the case may be, as if those Acts were in force in the State on the day on which such thing was done or action was taken.

Repealed by Act 36 of 1957.

**THE INDIAN TARIFF (FOURTH AMENDMENT) ACT, 1950**  
**No. LXXIX OF 1950**



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

[20th December, 1950]

Enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Tariff (Fourth Amendment) Act, 1950.

**2. Insertion of new section 4A in Act XXXII of 1934.**—After section 4 of the Indian Tariff Act, 1934 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

“4A. *Emergency power of Central Government to increase or levy export duties.*—(1) Where in respect of any article, whether included in the Second Schedule or not the Central Government is satisfied that the export duty leviable thereon should be increased or that an export duty should be levied, and that circumstances exist which render it necessary to take immediate action, the Central Government may, by notification in the Official Gazette, direct a temporary amendment of the Second Schedule to be made so as to provide for an increase in the export duty leviable, or, as the case may be, the levy of an export duty, on that article.

(2) Every such notification shall be laid before Parliament, if it is in session, as soon as may be after the issue of the notification, and if it is not in session, within seven days of its reassembly, and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before it; and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

(3) Subject to the provisions of sub-section (2) of this section and section 21 of the General Clauses Act, 1897 (X of 1897), every such notification shall have effect on and from the date thereof, but shall cease to have effect on the 1st day of March, 1952.”

**3. Amendment of the Second Schedule, Act XXXII of 1934.**—In the Second Schedule to the said Act,—

(a) in Item No. 2,—

(i) in the last column of sub-item (i), for the entry “Rs. 50”, the entry “Rs. 150” shall be substituted;

(ii) in the last column of sub-item (ii), for the entry “Rs. 350”, the entry “Rs. 1,500” shall be substituted;

(b) in the last column of Item No. 3, for the entry "Rs. 100", the entry "Rs. 400" shall be substituted;

(c) after Item No. 3, the following Item shall be inserted, namely:—

"3(1)	Cotton waste (all sorts)	}	..	50 per cent. <i>ad valorem</i> ".
-------	-----------------------------	---	----	--------------------------------------

(d) the following Item shall be inserted at the end, namely:—

"12	Raw wool	}	..	30 per cent. <i>ad valorem</i> ".
-----	----------	---	----	--------------------------------------

4. Export duty not leviable on raw wool in certain cases.—Notwithstanding anything contained in the said Act, as amended by this Act, no export duty shall be leviable on raw wool which is exported from India within a period of thirty days from the 8th day of November, 1950 under and in accordance with the conditions of a licence issued before the said date by competent authority.

5. Repeals and savings.—(1) The Indian Tariff (Amendment) Ordinance 1950 (XXX of 1950), and the Indian Tariff (Second Amendment) Ordinance 1950 (XXXII of 1950), are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under any of the Ordinances aforesaid 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 day on which such thing was done or action was taken.

(3) References in this Act to the Second Schedule to the said Act shall be construed as references to that Schedule as in force immediately before the 21st day of October, 1950.

**THE SUPPLY AND PRICES OF GOODS ACT, 1950**

**No. LXX of 1950**

*Repealed by Act 36 of 1957.*

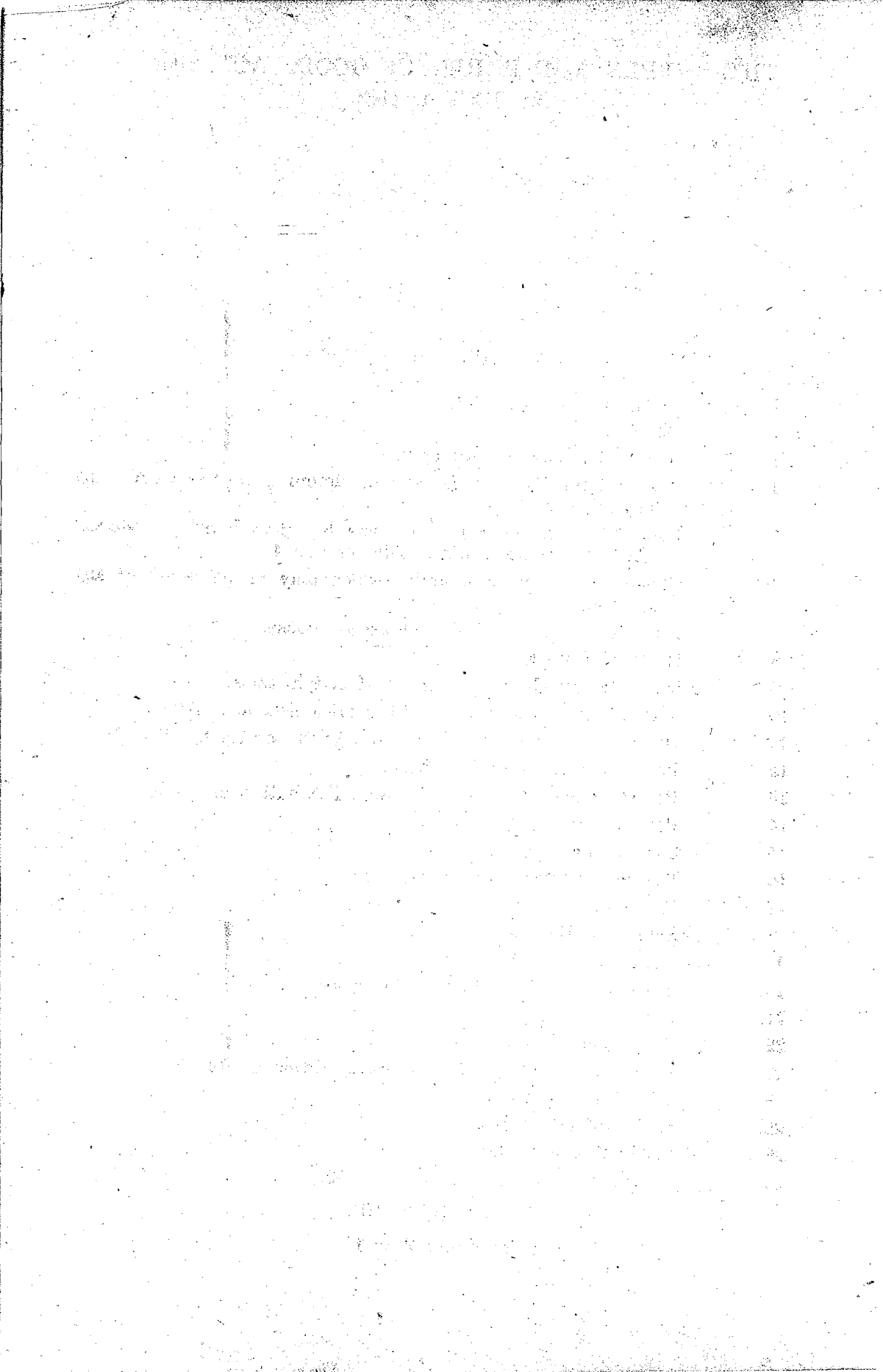
**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title and extent.
2. Definitions.
3. Goods to which this Act applies.
4. Fixing of maximum prices and maximum quantities which may be held or sold.
5. Restrictions on possession and sale by dealers and producers where maximum is fixed under section 4.
6. General limitation of quantity which may be possessed at any one time.
7. Duty to declare possession of excess stocks.
8. Holding of stocks.
9. Cash memorandum to be given of certain sales.
10. Marking of prices and exhibiting price lists and stocks.
11. Obligation to state prices separately on composite offer.
12. Prohibition of closure of shops.
13. Power to regulate production and distribution of goods.
14. Penalties.
15. Offences by Corporations.
16. Powers of search and seizure.
17. Procedure.
18. Summary trials.
19. Accounts and information.
20. Restriction on disclosure of information.
21. Power to exempt.
22. Delegation of powers.
23. Power to issue directions to State Governments.
24. Bar of legal proceedings.
25. Saving of other laws.
26. Power to make rules.
27. Repeal of Ordinance XXVI of 1950.

**THE SCHEDULE.**

**Price annas 2 or 3d.**



Repealed by Act 36 of 1957  
Supply and Prices of Goods



An Act to provide, in pursuance of a resolution under article 249 of the Constitution, for the control of prices of certain goods, and the supply and distribution thereof.

[23rd December, 1950]

**BE** it enacted by Parliament as follows:—

**1. Short title and extent.**—(1) This Act may be called the Supply and Prices of Goods Act, 1950.

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

**2. Definitions.**—(1) In this Act, unless the context otherwise requires,—

(a) “dealer” means a person carrying on the business of selling any goods, whether wholesale or retail;

(b) “goods” means goods to which this Act applies;

(c) “notified order” means an order notified in the Official Gazette;

(d) “offer for sale” includes an intimation by a person of the price proposed by him for a sale of any goods made by the publication of a price list, by exposing his goods for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

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

(f) “producer” includes a manufacturer;

*Supply and Prices of Goods*

[ACT LXX

(2) A person shall be deemed to be in possession of goods—

(i) when they are held on behalf of that person by another person;

(ii) notwithstanding that they are mortgaged to another person.

**3. Goods to which this Act applies.**—Subject to the other provisions contained herein, this Act applies to the goods specified in the Schedule and to such other goods as the Central Government may, by notified order, specify in this behalf.

**4. Fixing of maximum prices and maximum quantities which may be held or sold.**—(1) The Central Government may, by notified order, fix in respect of any goods—

(a) the maximum price or rate which may be charged by a dealer or producer;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer;

(c) the maximum quantity which may in one transaction be sold to any person.

(2) Any such order may—

(a) fix maximum prices or rates and maximum quantities for the same description of goods differently in different localities or for different classes of dealers or producers;

(b) instead of specifying the maximum price or rate to be charged, direct that that price or rate shall be computed in such manner and by reference to such matters as may be provided by the order.

**5. Restrictions on possession and sale by dealers and producers where maximum is fixed under section 4.**—(1) No dealer or producer shall—

(a) sell or agree to sell or offer for sale to any person any goods for a price or at a rate exceeding the maximum fixed under clause (a) of sub-section (1) of section 4;

(b) have in his possession at any one time a quantity of any goods exceeding the maximum fixed under clause (b) of sub-section (1) of section 4, unless he has reported the fact of such possession to the Central Government or to the officer appointed in that behalf as required by section 7; or

(c) sell or agree to sell or offer for sale to any person in any one transaction a quantity of any goods exceeding the maximum fixed under clause (c) of sub-section (1) of section 4.

(2) Where any goods are sold, agreed to be sold or offered for sale in contravention of sub-section (1) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless he proves that he exercised due diligence to prevent such contravention, the dealer or producer, as the case may be, shall be liable to the punishment provided by sub-section (1) of section 14.

(3) Where a dealer or producer disposes of any goods by having them sold by auction on his behalf, the auctioneer, as well as the dealer or producer, shall be liable to the punishment provided by sub-section (1) of



section 14, if in any such sale there is a contravention of clause (c) of sub-section (1).

**6. General limitation of quantity which may be possessed at any one time.**—(1) No person shall have in his possession at any one time a greater quantity of any goods to which this section applies than the quantity necessary for the reasonable needs of himself and his family for the prescribed period, unless he has reported the fact of such possession to the Central Government or to the officer appointed in that behalf as required by section 7:

Provided that nothing contained in this sub-section shall apply—

(a) to a dealer in respect of any goods sold or purchased by him in the course of his business, or

(b) to a producer in respect of any goods produced by him.

(2) For the purposes of this section, the Central Government may prescribe the circumstances and matters which shall be taken into account in determining the reasonable needs of any person, and may prescribe different periods for different areas or for different classes of goods.

(3) Notwithstanding anything contained in section 3, this section shall apply only to such goods as the Central Government may, by notified order, specify in this behalf.

**7. Duty to declare possession of excess stocks.**—Any person having in his possession a quantity of any goods exceeding that permitted by or under this Act shall forthwith report the fact to the Central Government or to any officer appointed by it in this behalf and shall take such action as to the storage, distribution or disposal of the excess quantity as may be prescribed or as the Central Government or such officer may direct.

**8. Holding of stocks.**—(1) If any dealer has in his possession in the course of his business a stock of any goods and the said dealer or any person employed by him to sell goods in the course of his business, when asked by any other person (hereinafter in this section referred to as "the buyer") to sell goods of that description or whether he or his employer has such goods for sale—

(i) refuses to sell the goods, or denies that he or his employer has the goods, or by words or conduct intentionally causes the buyer to believe that he or his employer has not got the goods or will not or cannot sell them, or

(ii) offers to sell the goods subject to a condition requiring the buying of any other goods or subject to any other condition except the condition that the buyer shall pay the price forthwith or take delivery within a reasonable time,

the dealer carrying on the business shall be guilty of an offence under this Act.

(2) It shall be a defence for a person charged with any such offence to prove that the sale of the goods or the sale thereof without the fulfilment of the condition proposed by him, would, having regard to the quantity of goods which he or that person was requested to sell or any other consideration—

(a) be contrary to the normal practice of his business; or

(b) involve a breach of some obligation lawfully binding on him;  
or

(c) interfere with arrangements made by him for an orderly disposal of his stock among his regular customers.

**9. Cash memorandum to be given of certain sales.**—(1) Every dealer or producer, when selling goods for cash shall, if the amount of the purchase is rupees ten or more, in all cases, and if the amount of the purchase is less than rupees ten, when so required by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(2) The Central Government may prescribe the particulars to be contained in any such cash memorandum.

(3) Notwithstanding anything contained in section 3, this section shall apply to all goods, whether they are goods to which this Act applies within the meaning of that section or not, but the Central Government may, by notified order, exempt specified areas, classes of dealers or producers or classes of goods from the operation of this section.

**10. Marking of prices and exhibiting price lists and stocks.**—(1) The Central Government may direct dealers or producers in general, or any dealer or producer or class of dealers or producers in particular, to mark goods exposed or intended for sale with the sale prices or to exhibit at some easily accessible place on the premises price lists of goods held for sale and also to similarly exhibit on the first day of every month, or at such other intervals as may be prescribed, a statement of the total quantities of any such goods held in stock, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(2) No dealer shall destroy or efface, or alter or cause to be destroyed, effaced or altered, any label or mark affixed—

(a) to any goods in pursuance of a direction under sub-section (1)

or

(b) to any goods and indicating the price marked by a producer.

(3) Notwithstanding anything contained in section 3, the Central Government may, by notified order, declare that the provisions of this section shall also apply to any goods other than those to which this Act applies within the meaning of that section.

**11. Obligation to state prices separately on composite offer.**—Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect of both of a sale of any goods and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to the goods, if he is required so to do by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell the goods at the price so stated.

**12. Prohibition of closure of shops.**—No dealer in any goods shall keep his shop closed with the intention of avoiding the regular sale of such goods and thereby obtaining a higher price for the goods at a later date.

**13. Power to regulate production and distribution of goods.**—The Central Government may, by general or special order,—

(a) prohibit the disposal of any goods except in such circumstances and under such conditions as may be specified in the order;

(b) direct the sale of the whole or a specified part of the stock of any goods at such prices and to such persons or class of persons or in such circumstances as may be specified in the order;

(c) regulate by licences, permits or otherwise the production, supply, storage, transport or distribution of any goods or the use of any goods in any industry.

**14. Penalties.**—(1) Any person who contravenes any of the provisions of this Act, or of any orders or rules made thereunder, shall, if no other punishment is specified therefor in this Act, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both:

Provided that where the person is guilty of an offence under section 8, the court shall sentence him to imprisonment for a term which may extend to three years, and may in addition impose a sentence of fine.

(2) Any person who fails to comply with any directions made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) A court convicting any person of an offence punishable under this Act may order that the goods in respect of which the offence has been committed or a specified part thereof shall be forfeited to the Government.

**15. Offences by Corporations.**—(1) Where any person, contravening any of the provisions of this Act or of any order or direction made thereunder is a company or other body corporate, every person, who, during the relevant period, was in charge of, and was responsible to the company or other body corporate during that period for the conduct of the business of the establishment in or in relation to which the contravention has taken place, as well as the company or other body corporate, shall be deemed to be guilty of such contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person so in charge or responsible liable to any punishment provided in this Act, 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 any offence under this Act or any order or direction made thereunder has been committed by a company or other body corporate 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 or other body corporate, 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.

**16. Powers of search and seizure.**—(1) For the purpose of enforcing the provisions of this Act, the Central Government may, by general or special order, authorise any officer not below the rank of an inspector of police—

(a) to enter and search any premises, vehicles, vessels or aircraft occupied for the purpose of the business in any goods or where any such goods may be found;

(b) to seize any goods in respect of which he has reason to believe that an offence under this Act has been committed and thereafter to

take all such measures as may be necessary for securing the production of such goods in court.

(2) If any person obstructs an officer in the exercise of the powers conferred upon him by this section he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

**17. Procedure.**—No offence punishable under this Act shall be inquired into by any person below the rank of an inspector of police and no prosecution for any such offence shall be instituted except with the previous sanction of the Central Government or of an officer not below the rank of a district magistrate empowered by the Central Government to grant such sanction.

**18. Summary trials.**—(1) Notwithstanding anything contained in section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), a magistrate empowered to act under that section may try any offence punishable under this Act in a summary way under the provisions of Chapter XXII of the said Code, and shall so try any such offence unless he is of opinion that in the event of the offence being proved a sentence which he is empowered under that Chapter to impose would be insufficient.

(2) Notwithstanding anything contained in section 362 of the said Code, a presidency magistrate trying an offence punishable under this Act shall not record the evidence or frame a charge unless he is of opinion that in the event of the offence being proved a sentence against which, in accordance with the provisions of sections 404 and 411 of the said Code no appeal lies, would be insufficient:

Provided that, where at any subsequent stage of a trial commenced in accordance with this sub-section, it appears to the presidency magistrate that in the event of the offence being proved such sentence as aforesaid would be insufficient, he shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided in the said section 362 for a case in which an appeal lies.

(3) Notwithstanding anything contained in section 526 of the said Code, no decision of a court to try any offence punishable under this Act otherwise than in the summary manner provided by this section shall be a valid ground on which to make an application under that section.

(4) References in this section to the Code of Criminal Procedure, 1898, or to any provision thereof shall, in relation to any Part B State to which this Act extends, be construed as references to the corresponding law or to the corresponding provision thereof in force in that State.

**19. Accounts and information.**—(1) The Central Government may direct any dealer or producer to keep such books, accounts and other records in relation to all sale and purchase transactions entered into by him as it thinks necessary.

(2) The Central Government may direct a dealer or producer—

(a) to produce to, and allow to be examined by, a person specified in this behalf such books, accounts or other documents in the custody or under the control of the person so required as may be specified or described in the direction being documents relating to the transactions or business the examination of which may be required for the purpose of this Act; and

(b) to furnish to a person so specified such information as respects the transaction or business as may be required for the purposes of this Act or such other information as may be in his possession in relation to the business carried on by another person.

(3) The Central Government may, by notified order, issue to all dealers and producers of a specified class a direction such as is referred to in sub-section (1) or in clause (a) of sub-section (2).

**20. Restriction on disclosure of information.**—(1) No information with respect to any particular business which has been obtained under this Act shall, without the consent of the person carrying on that business, be disclosed otherwise than in connection with the execution of this Act:

Provided that nothing in this section shall apply to a disclosure of information made for the purpose of any criminal proceedings which may be taken whether by virtue of this Act or otherwise, or for the purposes of any other law for the time being in force.

(2) If any person discloses any information in contravention of the provisions of this section he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

**21. Power to exempt.**—The Central Government may, by notified order, exempt any person or any goods or class of goods from all or any of the provisions of this Act or of any order made thereunder.

**22. Delegation of powers.**—(1) The Central Government may, by notified order, direct that any power exercisable by it under this Act (except the power given to it under section 3) shall, in relation to such matters and 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 or by such State Government as may be specified in the direction.

(2) Any power exercisable by a State Government by virtue of a direction under sub-section (1) may, unless otherwise provided in such direction, be exercised also by such officer or authority subordinate to that State Government as it may, by notified order, specify in this behalf.

**23. Power to issue directions to State Governments.**—The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any order or direction made thereunder.

**24. Bar of legal proceedings.**—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.

**25. Saving of other laws.**—The provisions of the Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating the keeping, searching, distribution, disposal or price of goods.

**26. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the objects 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 matters referred to in sub-section (2) of section 6;

(b) the particulars to be contained in any cash memorandum under section 9;

(c) the manner in which prices may be marked on goods and price lists exhibited;

(d) the issue of licences under section 13, and the attachment of any conditions thereto and the levying of a fee therefor;

(e) any other matter which is to be or may be prescribed.

**27. Repeal of Ordinance XXVI of 1950.**—(1) The Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power 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 day on which such thing was done or action was taken.

### THE SCHEDULE

(See section 3)

#### GOODS TO WHICH THIS ACT APPLIES

1. Non-ferrous metals, including brass (unwrought and semi-manufactured).
2. Bicycles, bicycle parts and accessories.
3. Cycle tyres and tubes.
4. Electric bulbs.
5. Caustic soda.
6. Soda ash.
7. Tanning materials (wattle bark, wattle extract, quebracho).
8. Raw rubber.
9. Casein.
10. Infants' foods (Glaxo, Horlicks, Cow and Gate Milk and Ostermilk).

THE INDIAN INCOME-TAX (AMENDMENT) ACT, 1950.

No. LXXI of 1950.



An Act further to amend the Indian Income-tax Act, 1922.

[23rd December, 1950]

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Indian Income-tax (Amendment) Act, 1950.

2. **Amendment of section 9 (1), Act XI of 1922.**—To sub-section (1) of section 9 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), the following *Explanation* shall be added, and, subject to the provisions of section 3 of this Act, shall be deemed always to have been added, namely:—

*Explanation.*—For the purposes of clause (iv) of this sub-section the expression “annual charge” does not include any tax in respect of property or income from property levied by a local authority or a State Government or the Central Government.

3. **Section 2 not to apply in certain cases.**—Where before the 7th day of October, 1950, the Supreme Court has, on an appeal in respect of the assessment of an assessee for any particular year, held that any tax paid by that assessee in respect of the relevant previous year is an “annual charge not being a capital charge” within the meaning of clause (iv) of sub-section (1) of section 9 of the said Act, then nothing contained in section 2 of this Act shall apply to the assessment of such assessee for that particular year.

4. **Special procedure for revision in certain cases.**—Where in respect of any assessment of an assessee under the head “Income from property”, other than an assessment referred to in section 3, an allowance has, between the 26th day of May, 1950, and the 7th day of October, 1950, been made by an Income-tax authority or the Appellate Tribunal in respect of any municipal or other taxes levied by a local authority or a State Government as an annual charge not being a capital charge, the income-tax Officer shall revise the assessment by excluding such allowance, and if, in consequence of such revision, any tax is found payable by the assessee, the Income-tax Officer shall serve on the assessee a notice of demand specifying the sum so payable, and such notice of demand shall be deemed to be issued under section 29 of the said Act, and the provisions of the said Act shall apply accordingly.

Price anna 1 or 1½.

5. Amendment of section 9 (2), Act XI of 1922.—(1) As from the 1st day of April, 1951, for sub-section (2) of section 9 of the said Act, the following sub-section shall be substituted, namely:—

“(2) For the purposes of this section, the annual value of any property shall be deemed to be the sum for which the property might reasonably be expected to let from year to year:

Provided that where the property is in the occupation of the owner for the purposes of his own residence and the aforesaid sum exceeds ten per cent. of the total income of the owner, the annual value of the property shall be deemed to be ten per cent. of such total income;

Provided further that where the property is in the occupation of a tenant and the taxes levied by any local authority in respect of the property are, under the law authorising such levy, payable wholly by the owner or partly by the owner and partly by the tenant—

(a) one-half of the total amount of such taxes or one-eighth of the annual value of the property, whichever is less, shall, notwithstanding anything contained in such law, be deemed to be the tenant's liability for such taxes, and

(b) in determining the annual value of the property with reference to the rent payable by the tenant, a deduction shall be made equal to that part, if any, of the tenant's liability which is borne by the owner.”

(2) The amendment made by sub-section (1) shall apply to all assessments for the year ending on the 31st day of March, 1952, and for any subsequent year.

6. Repeal of Ordinance XXVIII of 1950.—(1) The Indian Income-tax (Amendment) Ordinance, 1950 (XXVIII of 1950) is hereby repealed.

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



THE ESSENTIAL SUPPLIES (TEMPORARY POWERS)  
AMENDMENT ACT, 1950.  
No. LXXII OF 1950.



An Act further to amend the Essential Supplies (Temporary Powers) Act, 1946.

[23rd December, 1950]

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1950. [second]

2. **Amendment of section 3, Act XXIV of 1946.**—In section 3 of the Essential Supplies (Temporary Powers) Act, 1946,—

(a) in sub-section (1), for the words “notified order” the word “order” shall be substituted;

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

“(1A) An order made under sub-section (1) shall,—

(a) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette; and

(b) in the case of an order affecting an individual person, be served on such person—

(i) by delivering or tendering it to that person, or

(ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that person lives and the written report whereof should be witnessed by two persons living in the neighbourhood.”

3. **Repeal of Ordinance XXXI of 1950.**—(1) The Essential Supplies (Temporary Powers) Amendment Ordinance, 1950 (XXXI of 1950) is hereby repealed.

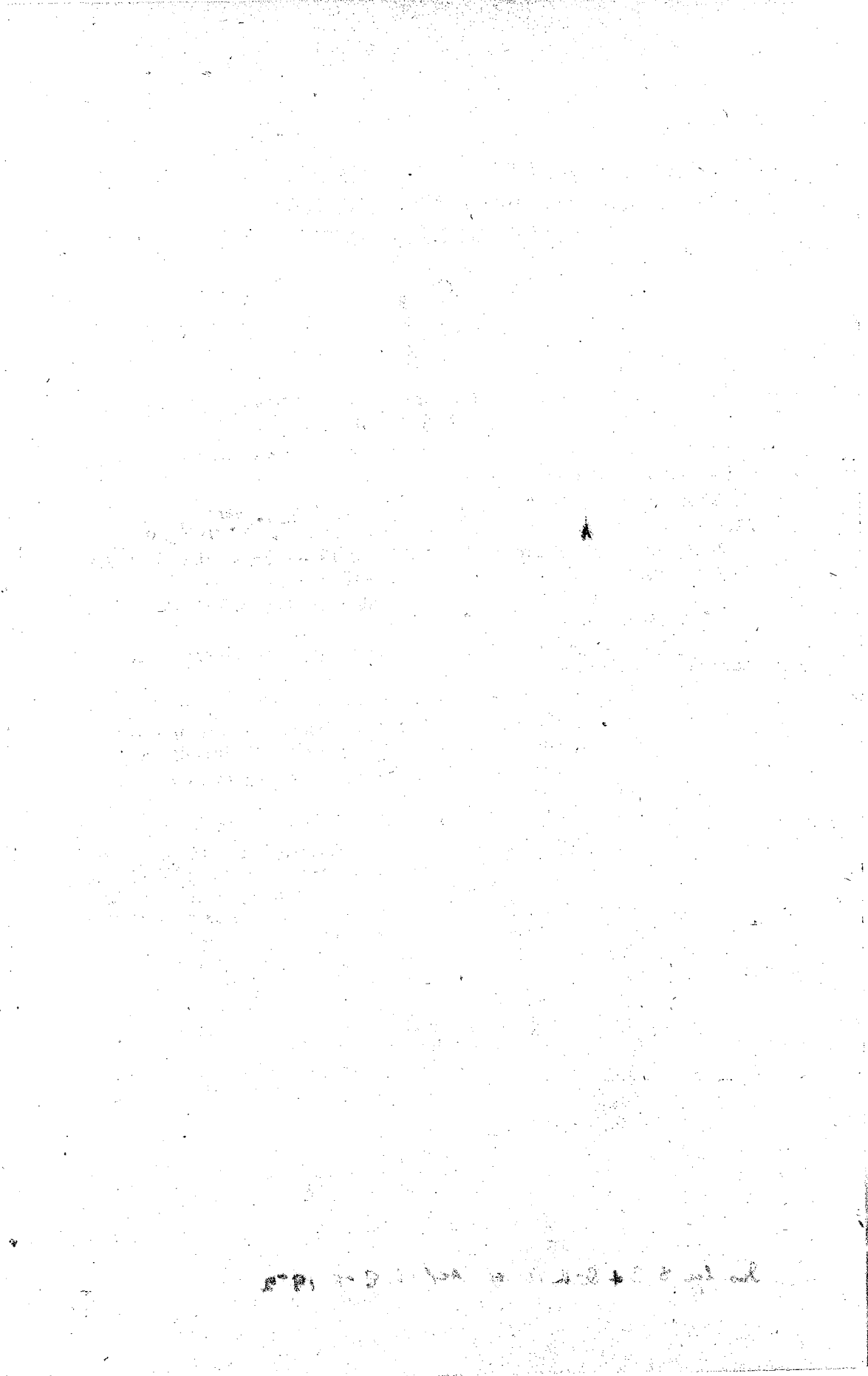
(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing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

(3) References in section 2 of this Act to any provision of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) shall be construed as references to that provision as in force immediately before the commencement of the said Ordinance.

Price anna 1 or 1½d.

GIPD—S1—1157 M of Law—6-13-51—3,500

4 Ins. by S. 3 + Sch II of Act 48 of 1952.



Handwritten text at the bottom of the page, possibly a signature or reference number, which is mostly illegible due to the low quality of the scan.

*Repealed by Act 36 of 1957.*

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1950**

**No. LXXIII OF 1950**



**An Act to amend the Representation of the People Act, 1950.**

[23rd December, 1950]

**B**E it enacted by Parliament as follows.—

**1. Short title.**—This Act may be called the Representation of the People (Amendment) Act, 1950.

**2. Amendment of the long title, Act XLIII of 1950.**—In the long title of the Representation of the People Act, 1950 (hereinafter referred to as the said Act); after the words “the preparation of electoral rolls” the words and letter “the manner of filling seats in the Council of States to be filled by representatives of Part C States” shall be inserted.

**3. Amendment of section 2, Act XLIII of 1950.**—In section 2 of the said Act, after clause (c) the following clause shall be inserted, namely:—

“(cc) ‘Council of States constituency’ means a constituency provided by order made under section 27C for the purpose of election of members to the electoral college for any Part C State or group of such States referred to in section 27A;”

**4. Amendment of section 16, Act XLIII of 1950.**—In section 16 of the said Act—

(a) in clause (c) of sub-section (1), after the word “corrupt” the words “and illegal” shall be inserted; and

(b) to sub-section (2) the following proviso shall be added, namely:—

“Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.”

**5. Insertion of new section 22A in Act XLIII of 1950.**—After section 22 of the said Act, the following section shall be inserted, namely:—

“22A. *Special provisions with regard to electoral rolls first prepared under the Act.*—(1) Notwithstanding anything contained in the foregoing provisions of this Part the first electoral rolls under this Act shall be prepared in relation to such areas (referred to in this Act as ‘electoral units’) in each State as the Election Commission may, in consultation with the Government of that State, direct.

*Price anna 1 or 1½d.*

(2) An electoral roll prepared under sub-section (1) shall be published in such manner and at such places as may be prescribed by reference to the electoral unit for which the roll has been prepared for the purpose of inviting claims for inclusion in, or objection to, such roll.

(3) For the purpose of the preparation of electoral rolls under sub-section (1) and the claims and objections referred to in sub-section (2), the provisions of sections 15, 17, 18, 19, 20 and 22 shall have effect as if for any reference to a constituency in the said sections there were substituted a reference to an electoral unit.

(4) After the constituencies in a State have been determined under Part II and after the claims and objections in respect of the electoral rolls for all the electoral units or parts thereof comprised in a constituency so determined have been disposed of in accordance with the rules made in that behalf under section 28 and such electoral rolls have been altered in accordance with the decisions given on such claims and objections, the electoral rolls for all such electoral units and parts thereof so altered shall be republished in the manner prescribed as the electoral roll for such constituency and shall, on such republication, be deemed to be the electoral roll prepared under this Act for that constituency."

**6. Amendment of section 26, Act XLIII of 1950.**—In section 26 of the said Act, after the words and figures "sections 15 to 25", the brackets, words, figures and letter "(including the special provisions contained in section 22A)" shall be inserted.

**7. Amendment of section 27, Act XLIII of 1950.**—In sub-section (4) of section 27 of the said Act, after the figures "23" the brackets and words "(excluding the proviso)" shall be inserted.

**8. Insertion of new Part IVA in Act XLIII of 1950.**—After Part IV of the said Act, the following Part shall be inserted, namely:—

**"PART IVA**

**MANNER OF FILLING SEATS IN THE COUNCIL OF STATES TO BE FILLED BY REPRESENTATIVES OF PART C STATES.**

**27A. Constitution of electoral colleges for the filling of seats in the Council of States allotted to Part C States.**—(1) For the purpose of filling any seat or seats in the Council of States allotted to any Part C State or group of such States in the Fourth Schedule to the Constitution there shall be an electoral college for each such State or group of States:

Provided that for the purpose of filling the seat allotted to the States of Ajmer and Coorg there shall be an electoral college only for the State of Ajmer:

Provided further that for the purpose of filling the seat allotted to the States of Manipur and Tripura there shall be an electoral college for each of the said States.

(2) The electoral college for each State or group of States specified in the first column of the Fifth Schedule shall consist of the number of members specified in the second column thereof opposite to that State or group of States to be chosen by direct election.

(3) The electoral college first constituted under this Act for any State or group of States so specified shall be reconstituted by a fresh election every time when there is a general election held in that State or group of States for the purpose of election of members to the House of the People and on every such reconstitution the electoral college for that State or group of States functioning immediately before such reconstitution shall be deemed to be dissolved and the electoral college so reconstituted shall be the electoral college for such State or group of States, as the case may be, for the purposes of this Act.

(4) Any casual vacancy in the seat of a member of an electoral college for any such State or group of States as is referred to in sub-section (2) shall be filled by election held in the constituency concerned in the manner in which the election of that member to such seat was held.

(5) The electoral college for the State of Delhi shall consist of—

(a) the members of the House of the People representing that State;

(b) the non-official members of the Advisory Council of the Chief Commissioner of Delhi; and

(c) the non-official members of every cantonment board, district board, municipal committee and notified area committee within that State.

27B. *Council of States constituencies.*—For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be the constituencies provided by order under section 27C and no other constituencies.

27C. *Delimitation of Council of States constituencies.*—As soon as may be after the commencement of this Act, the President shall by order determine—

(a) the constituencies into which each State or group of States specified in the first column of the Fifth Schedule shall be divided for the purpose of election of members to the electoral college for such State or group of States;

(b) the extent of each constituency; and

(c) the number of seats allotted to each constituency.

27D. *Power to alter or amend orders.*—The President may, from time to time, after consulting the Election Commission, by order, alter or amend any order made by him under section 27C.

27E. *Procedure as to orders delimiting constituencies.*—(1) The Election Commission shall,—

(a) in consultation with the Advisory Committee set up under sub-section (1) of section 13 in respect of each Part C State specified in the first column of the Fifth Schedule, other than Bilaspur and Himachal Pradesh, formulate proposals as to the delimitation of constituencies in that State under section 27C, and

(b) in consultation with the Advisory Committee set up under the said sub-section in respect of Himachal Pradesh,

formulate proposals as to the delimitation of constituencies in the States of Bilaspur and Himachal Pradesh under section 27C, and submit the proposals to the President for making the order under the said section 27C.

(2) Every order made under section 27C shall be laid before Parliament as soon as may be after it is made and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the order is so laid.

27F. *Electoral rolls for Council of States constituencies.*—(1) For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be an electoral roll for every Council of States constituency in that State or group of States.

(2) So much of the roll or rolls for any Parliamentary constituency or constituencies for the time being in force under Part III as relate to the areas comprised within a Council of States constituency shall be deemed to be the electoral roll for that Council of States constituency.

27G. *Termination of membership of electoral college for certain disqualifications.*—If a person who is a member of an electoral college becomes subject to any disqualification for membership of Parliament under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections to Parliament, he shall thereupon cease to be such member of the electoral college.

27H. *Manner of filling of seats in the Council of States allotted to Part C States.*—Save as otherwise provided in section 27I the seat or seats in the Council of States allotted to any Part C State or group of such States in the Fourth Schedule to the Constitution shall be filled by a person or persons elected by the members of the electoral college for such State or group of States in accordance with the system of proportional representation by means of the single transferable vote.

27I. *Special provisions for the filling of the seats in the Council of States allotted to the States of Ajmer and Coorg and the States of Manipur and Tripura.*—(1) The seat in the Council of States allotted to the States of Ajmer and Coorg in the Fourth Schedule to the Constitution shall be filled by a person elected by the members of the electoral college for the State of Ajmer and by the elected members of the Coorg Legislative Council in rotation, that is to say, at the first general election and at every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Ajmer and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the elected members of the Coorg Legislative Council.

(2) The seat in the Council of States allotted to the States of Manipur and Tripura in the said Schedule shall be filled by a person elected by the members of the electoral college for the State of Tripura and by the members of the electoral college for the State of Manipur in rotation, that is to say, at the first general election and at

every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Tripura and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Manipur.

(3) The casual vacancy in the seat allotted to the States of Ajmer and Coorg or to the States of Manipur and Tripura shall be filled by election in the State in which the election to fill the seat was held at the last preceding general or biennial election, as the case may be.

(4) Every election held under sub-section (1), sub-section (2) or sub-section (3) shall be held in accordance with the system of proportional representation by means of the single transferable vote.

27J. *Power of electoral colleges or the Coorg Legislative Council to elect notwithstanding vacancies therein.*—No election by the members of an electoral college or the elected members of the Coorg Legislative Council under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college or Council, as the case may be.

27K. *Replacement of electoral colleges by bodies created under article 240 to function as legislatures.*—Notwithstanding anything contained in the foregoing provisions of this Part—

(a) if a body is created by Parliament by law under article 240 for any of the States specified in the first column of the Fifth Schedule, other than Bilaspur and Himachal Pradesh, to function as a legislature for that State, then after such body has been constituted it shall not be necessary to constitute or reconstitute any electoral college for that State and on the constitution of such body any electoral college for the time being functioning for such State shall be deemed to be dissolved, and section 27H or section 27I, as the case may be, shall in its application to that State have effect as if for any reference to the electoral college for such State in that section there were substituted a reference to the body so created for such State;

(b) if any such body as aforesaid is so created for each of the States of Bilaspur and Himachal Pradesh, then after both such bodies have been constituted, it shall not be necessary to constitute or reconstitute any electoral college for those States and on the constitution of both such bodies any electoral college for the time being functioning for those States shall be deemed to be dissolved, and section 27H shall, in its application to that group of States, have effect as if for the reference to the electoral college for the said group of States in that section there were substituted a reference to the bodies so created for those States; and

(c) if any such body as aforesaid is so created for the State of Coorg, then on the constitution of such body section 27I shall, in its application to that State, have effect as if for any reference to the Coorg Legislative Council in that section there were substituted a reference to the body so created for such State."

6 *Representation of the People (Amendment)* [ACT LXXIII OF 1950]

9. Amendment of section 28, Act XLIII of 1950.—In clause (b) of sub-section (2) of section 28 of the said Act, the words "in the constituencies to which they relate" shall be omitted.

10. Addition of new Fifth Schedule to Act XLIII of 1950.—After the Fourth Schedule to the said Act, the following Schedule shall be added, namely:—

"THE FIFTH SCHEDULE

See sections 27A (2), 27B, 27C (a), 27E(1), 27F(1) and 27K(a)

*Number of members of Electoral Colleges*

Name of State 1	Number of members 2
1. Ajmer	30
2. Bhopal	30
3. Bilaspur and Himachal Pradesh	42
4. Kutch	30
5. Manipur	30
6. Tripura	30
7. Vindhya Pradesh	60

11. Repeal of Ordinance XXIX of 1950.—(1) The Representation of the People (Amendment) Ordinance, 1950 (XXIX of 1950), is hereby repealed.

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



1. Subs. by s. 2 of Act 53 of 1953.

2. Ins. by s. 3, ibid

\* Came into force on 15-7-1954 in the State of Jammu & Kashmir vide  
Notifn. No. S.R.O. 2251, Dt-1-7-54, Gaz. of India, Part II  
Secs 3, P-1732.

See India Code vol. vj B

THE TELEGRAPH WIRES (UNLAWFUL POSSESSION)  
ACT, 1950

No. LXXIV OF 1950



An Act to regulate the possession of telegraph wires and to provide for the punishment of the offence of unlawful possession thereof.

[28th December, 1950]

BE it enacted by Parliament as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Telegraph Wires (Unlawful Possession) Act, 1950.

(2) It extends to the whole of India.

(3) It shall come into force in any State on such date as the Central Government may, by notification in the Official Gazette, appoint for such State, and different dates may be appointed for different States.

2. **Definitions.**—In this Act,—

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

~~(b) "telegraph wire" means copper wire of any one of the following gauges commonly used in telegraph lines, namely, one hundred and fifty pounds per mile, two hundred pounds per mile or three hundred pounds per mile.~~

3. **Duty to declare possession of telegraph wires.**—Every person in possession of telegraph wires shall, within six months from the commencement of this Act, make a declaration in writing, in such form and to such authority as may be prescribed, stating the quantity of telegraph wires in his possession.

4. **Duty to have telegraph wires converted or sold.**—Every person in possession of telegraph wires which exceed ten pounds in weight shall, within one year from the commencement of this Act, have the whole of the quantity as is in excess of ten pounds converted into ingots:

Provided that it shall be open to any such person to sell the whole or any part of the telegraph wires in his possession at such price and to such authority as may be prescribed.

Price anna 1 or 1½.

\* Came into force on 1.4.51. in the whole of India except Jammu & Kashmir, vide S.R.O. 364 D 9-3-51, Gaz. of India, 1951, Pt II, Section 3, P-402.

2 Telegraph Wires (Unlawful Possession)

[ACT LXXIV OF 1950]

5. **Penalty for unlawful possession of telegraph wires.**—Whoever is found or is proved to have been in possession of any quantity of telegraph wires ~~which the court has reason to believe to be, or to have been, the property of the Posts and Telegraphs Department of the Central Government~~ shall, unless he proves that the telegraph wires came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both:

Provided that where a person has made a declaration under section 3 in relation to any quantity of telegraph wires, the burden of proving, in respect of the quantity so declared, that it came into his possession lawfully, shall not be on such person.

6. **Penalty for contravention of provisions of section 3 or section 4.**—Any person who fails to make a declaration as required by section 3 or ~~fails to comply with the provisions of section 4~~ shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

7. **Cognizance of offences.**—(1) No court shall take cognizance of any offence punishable under this Act, save on complaint made by or under the authority of the Central Government or by an officer specially empowered in this behalf by that Government.

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

8. **Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the form in which, and the authorities to which, declarations under section 3 may be made;

(b) the authorities to which, and the prices at which, telegraph wires may be sold under section 4.

*[Contravenes the provisions of section 4 or section 4A] 2/7*

*1. Amended by S. 4 of Act 53 of 1953.  
2. Subs. by S. 5, ibid.*

*Repealed by Act 36 of 1957.*

**THE INDIAN NURSING COUNCIL (AMENDMENT)**

**ACT, 1950.**

**No. LXXV OF 1950.**



**An Act to amend the Indian Nursing Council Act, 1947.**

*[28th December, 1950]*

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Nursing Council (Amendment) Act, 1950.

**2. Amendment of section 10, Act XLVIII of 1947.**—In sub-section (3) of section 10 of the Indian Nursing Council Act, 1947,—

(a) for the words “in any State or country outside the States” the words and letter “in any Part B State or foreign country” shall be substituted ;

(b) in the first proviso,—

(i) for the words “of the State or country” the words “of the foreign country” shall be substituted ;

(ii) for the words “in any State” the words “in India” shall be substituted ;

(iii) for the words “in that State or country” the words “in that country” shall be substituted ; and

(c) for clause (ii) of the second proviso, the following clause shall be substituted, namely:—

“(ii) any qualification granted by an authority in a Part B State and recognised on the said date by the State Council of a State to which this Act extends, shall continue to be a recognised qualification for the purpose of registration in that State.”

*Price anna 1 or 1½d.*

THE PUBLIC WORKS BOARD

1911

1911



The Public Works Board  
has the honor to acknowledge the receipt of  
the report of the Committee on the  
Public Works of the Board of  
Public Works, dated the 1st day of  
January, 1911, and to express its  
appreciation of the care and  
attention which has been given to  
the subject by the Committee.  
The Board is of the opinion that  
the report is of great value and  
will be of great assistance in  
the preparation of the annual  
report of the Board.

Very respectfully,  
The Chairman,  
Public Works Board.

*Repealed by Act 36 of 1957. "Expired."*

**THE STATE RAILWAY PROVIDENT FUND (TEMPORARY PROVISIONS) ACT, 1950.**

**No. LXXVI OF 1950.**



An Act to make temporary provisions for the payment of moneys in the State Railway Provident Fund to dependants of deceased displaced persons.

[28th December, 1950]

**EN** it enacted by Parliament as follows:—

1. **Short title, extent and duration.**—(1) This Act may be called the State Railway Provident Fund (Temporary Provisions) Act, 1950.

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

(3) It shall cease to have effect on the 31st day of December, 1952, save as respects things done or omitted to be done before that date.

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

(a) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of a railway administration and includes such other officer as may be appointed in this behalf by the Financial Commissioner, Railways;

(b) "dependant" means any of the following relatives of a deceased subscriber to, or a depositor in, the State Railway Provident Fund who was a displaced person, namely:—

wife, husband, child and a deceased son's widow and child;

(c) "displaced person" means a person employed under the North-Western railway administration or the Bengal and Assam railway administration before the 15th day of August, 1947, who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan,—

(i) was displaced from, or left his place of residence in, such area after the 1st day of March, 1947, or

(ii) opted for employment in any area now forming part of India, or

Price anna 1 or 1½d.

**2 State Railway Provident Fund (Temporary Provisions) [ACT LXXXVI**

(iii) did not opt for employment in any area now forming part of Pakistan;

(d) "State Railway Provident Fund" means the Provident Fund as constituted under the State Railway Provident Fund Rules.

**3. Application of the Provident Funds Act, 1925.**—The provisions of this Act shall have effect notwithstanding any provisions inconsistent therewith contained in the Provident Funds Act, 1925 (XIX of 1925), but shall not be in derogation of any of the other provisions of that Act.

**4. Repayment of State Railway Provident Fund moneys in certain cases.**—(1) Where, in the case of any deceased displaced person, the Accounts Officer is satisfied, after such inquiry as may be prescribed, that any nomination made by the deceased displaced person in respect of any sum standing to his credit in the State Railway Provident Fund has been lost or is not readily available and that the terms of that nomination cannot be proved otherwise, he shall pay the sum so standing to his credit to his dependants in equal shares:

Provided that no share shall be payable to—

- (a) sons or sons of a deceased son who have attained majority,
- (b) married daughters whose husbands are alive, and
- (c) married daughters of a deceased son whose husbands are alive,

if there are any other dependants, and the share which a dependant would otherwise have taken if not disqualified under this proviso shall be divided among the other dependants in equal shares:

Provided further that the widow and the children of a deceased son shall take between them in equal parts the share which that son would have taken, if he had survived the subscriber and had not attained majority at the time of the subscriber's death.

(2) If there are no dependants, any such sum as is specified in subsection (1) shall be payable,—

(a) if the sum does not exceed five thousand rupees, to any person appearing to the Accounts Officer, after such inquiry as may be prescribed, to be entitled to receive it;

(b) if the sum exceeds five thousand rupees, to any person on production by such person of probate or letters of administration or succession certificate entitling him to receive payment of such sum.

**5. Discharge on payment.**—The making of a payment authorised by the provisions of this Act shall be a full discharge to the Central Government and to the railway administration concerned from all liability in respect of the sum so paid:

Provided that nothing contained in this Act shall prevent any person claiming under a nomination or declaration made by a deceased displaced person from establishing in a court the right which he claims and following the money into the hands of the persons who have received payment thereof under the provisions of this Act.

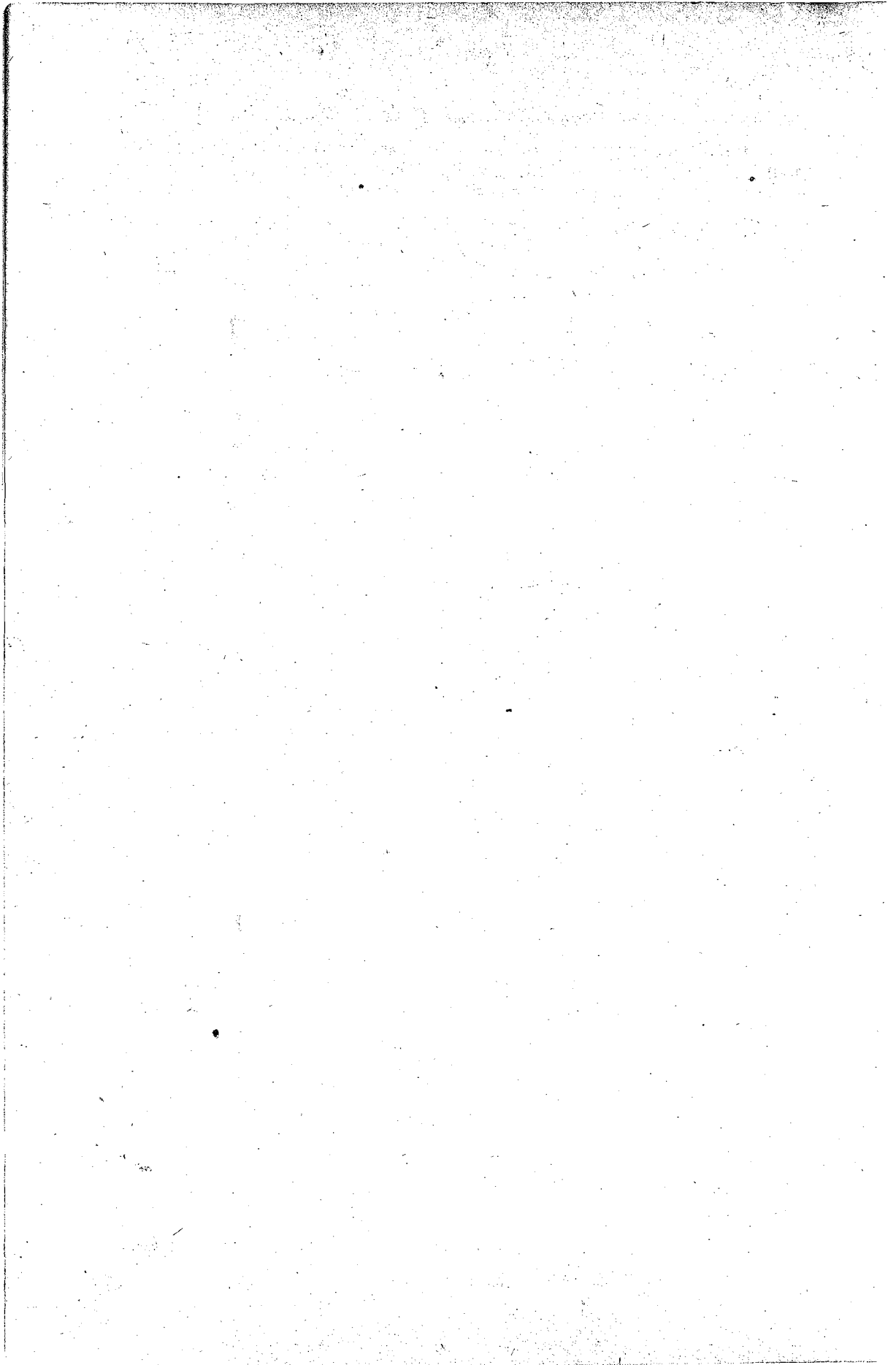
**6. Penalty for false statements.**—Any person who, for the purpose of obtaining any payment under the provisions of this Act, makes a declaration or statement which is false or which he either knows or has reason to believe to be false or does not believe to be true shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

**Bar of jurisdiction.**—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 the provisions of this Act.

**6. Power to make rules.**—The Central Government may make rules to carry out the purposes of this Act, and, in particular, for—

(i) regulating the manner in which any inquiry may be made by the Accounts Officer;

(ii) requiring security to be furnished by any person before payment of any sum is made to him under the provisions of this Act.





THE APPROPRIATION (RAILWAYS) No. 2 ACT, 1950  
No. LXXVII OF 1950



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 year ending on the 31st day of March, 1951, for the purposes of railways.

[28th December, 1950]

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Appropriation (Railways) No. 2 Act, 1950.

2. **Issue of Rs. 21,95,91,000 out of the Consolidated Fund of India for the year 1950-51.**—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-one crores, ninety-five lakhs and ninety-one thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services relating to railways specified in column 2 of the Schedule.

3 **Appropriation.**—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 year ending on the 31st day of March, 1951.

SCHEDULE

(See sections 2 and 3.)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parlia- ment	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Audit	1,04,000	..	1,04,000
3	Miscellaneous expenditure	16,04,000	..	16,04,000
4	Working Expenses— Administration.	53,55,000	..	53,55,000

Price anna 1 or 1½d.

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parlia- ment	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
5	Working Expenses— Repairs and Maintenance . . . . .	4,42,40,000	..	4,42,40,000
6	Working Expenses— Operating Staff . . . . .	15,71,000	..	15,71,000
7	Working Expenses— Operation (Fuel) . . . . .	1,87,49,000	..	1,87,49,000
8	Working Expenses— Operation other than Staff and Fuel . . . . .	2,36,01,000	..	2,36,01,000
9	Working Expenses— Miscellaneous Expenses . . . . .	1,20,33,000	..	1,20,33,000
9A	Working Expenses— Labour Welfare . . . . .	15,15,000	..	15,15,000
12A	Open Line Works— (Revenue) Labour Welfare . . . . .	68,17,000	..	68,17,000
12B	Open Line Works— (Revenue) Other than Labour Welfare . . . . .	40,02,000	..	40,02,000
15	Construction of new lines . . . . .	1,01,31,000	..	1,01,31,000
16	Open Line Works— Additions . . . . .	1,53,48,000	..	1,53,48,000
17	Open Line Works— Replacements . . . . .	7,45,21,000	..	7,45,21,000
	GRAND TOTAL	21,95,91,000	..	21,95,91,000

See India Code,  
Volume VIII B

**THE KHADDAR (PROTECTION OF NAME) ACT, 1950.**  
**No. LXXVIII OF 1950**



An Act to regulate the use of the words "Khaddar" and "Khadi" when applied as a trade description of woven materials.

[28th December, 1950]

**BE** it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Khaddar (Protection of Name) Act, 1950.

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

2. The words "Khaddar" and "Khadi" to be trade description.—The words "Khaddar" and "Khadi" whether in Hindi or in any other Indian language or in English, when applied to any woven material, shall be deemed to be a trade description within the meaning of the Indian Merchandise Marks Act, 1889 (IV of 1889), indicating that such material is cloth woven on handlooms in India from cotton, silk or woollen yarn hand-spun in India or from a mixture of any two or all of such yarns.

3. Repeal. ~~The Khaddar (Name Protection) Act, 1934 (VIII of 1934) is hereby repealed.~~ 1.7.47 ✕

✕ Repealed by Act 36 of 1957, S. 2 and First Schedule.

Price anna 1 or 1½d.

THE UNIVERSITY OF CHICAGO



PHYSICS DEPARTMENT  
5720 S. UNIVERSITY AVE.  
CHICAGO, ILL. 60637

PHYSICS 350

PHYSICS 350

PHYSICS 350

# THE APPROPRIATION (No. 4) ACT, 1950.

No. LXXIX OF 1950



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 year ending on the 31st day of March, 1951.

[31st December, 1950]

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Appropriation (No. 4) Act, 1950.

2. Issue of Rs. 63,99,56,000 out of the Consolidated Fund of India for the year 1950-51.—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 sixty-three crores, ninety-nine lakhs and fifty-six thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—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 year ending on the 31st day of March, 1951.

## SCHEDULE

(See section 2)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament Rs.	Charged on the Consoli- dated Fund Rs.	Total Rs.
2	Union Excise Duties	50,00,000	..	50,00,000
5	Stamps	8,00,000	..	8,00,000

Price anna 1 or 1½d.

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.
7	Irrigation (including working expenses), Navigation, Embankment and Drainage Works met from Revenue)	1,20,000	..	1,20,000
8	Indian Posts and Telegraphs Department (including working expenses)	96,80,000	3,20,000	1,00,00,000
9	Cabinet	1,05,000	..	1,05,000
13	Ministry of Law	15,93,000	..	15,93,000
22	Ministry of Communications	1,43,000	..	1,43,000
25	Ministry of States	62,000	..	62,000
28	Ministry of Rehabilitation	4,30,000	..	4,30,000
28A	Ministry without Portfolio	20,000	..	20,000
31	Administration of Justice	65,000	..	65,000
33	Police	4,80,000	..	4,80,000
36	Ecclesiastical	2,000	..	2,000
37	Tribal Areas	5,50,000	..	5,50,000
38	External Affairs	36,69,000	..	36,69,000
45	Meteorology	1,000	..	1,000
51	Agriculture	30,66,000	..	30,66,000
52	Civil Veterinary Services	1,000	..	1,000
61	Census	22,29,000	..	22,29,000
64	Miscellaneous Departments	3,59,000	..	3,59,000
65	Currency	90,00,000	..	90,00,000
68	Communications (including National Highways)	50,00,000	..	50,00,000
69	Other Civil Works	..	7,000	7,000
73	Miscellaneous	10,05,000	..	10,05,000
74	Expenditure on Displaced Persons	7,40,00,000	..	7,40,00,000
75	Defence Services—Effective—Army	16,55,02,000	..	16,55,02,000
81	Resettlement and Development.	4,61,000	..	4,61,000

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.
84	Delhi . . . . .	77,53,000	..	77,53,000
85	Ajmer . . . . .	15,06,000	..	15,06,000
86	Kutch . . . . .	6,23,000	..	6,23,000
87	Himachal Pradesh . . . . .	18,000	..	18,000
88	Bilaspur . . . . .	25,000	..	25,000
91	Tripura . . . . .	9,74,000	..	9,74,000
92	Andaman and Nicobar Islands . . . . .	2,04,000	..	2,04,000
	Union Public Service Commission . . . . .	..	33,000	33,000
94	Capital Outlay on Forests . . . . .	8,70,000	..	8,70,000
95	Capital Outlay on India Security Press . . . . .	3,80,000	..	3,80,000
96	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)	1,000	..	1,000
98	Capital Outlay on Industrial Develop- ment . . . . .	52,50,000	..	52,50,000
99	Capital Outlay on Civil Aviation . . . . .	55,00,000	..	55,00,000
101	Capital Outlay on Currency . . . . .	2,63,50,000	..	2,63,50,000
102	Capital Outlay on Mints . . . . .	12,00,000	..	12,00,000
107	Defence Capital Outlay . . . . .	4,63,68,000	..	4,63,68,000
108	Capital Outlay on Schemes of State Trading . . . . .	1,000	..	1,000
109	Capital Outlay on Development . . . . .	1,05,00,000	..	1,05,00,000
110	Interest-free and Interest-bearing Advances . . . . .	1,00,00,000	23,87,30,000	24,87,30,000
	GRAND TOTAL . . . . .	40,08,66,000	23,90,90,000	63,99,56,000

1. The first part of the document is a list of names and addresses.

2. The second part of the document is a list of names and addresses.

3. The third part of the document is a list of names and addresses.

4. The fourth part of the document is a list of names and addresses.

5. The fifth part of the document is a list of names and addresses.

6. The sixth part of the document is a list of names and addresses.

7. The seventh part of the document is a list of names and addresses.

8. The eighth part of the document is a list of names and addresses.

9. The ninth part of the document is a list of names and addresses.

10. The tenth part of the document is a list of names and addresses.

11. The eleventh part of the document is a list of names and addresses.

12. The twelfth part of the document is a list of names and addresses.



*Repealed by Act 36 of 1957.*

**THE COAL MINES PROVIDENT FUND AND BONUS  
SCHEMES (AMENDMENT) ACT, 1950.**

**No. LXXX OF 1950**



**An Act further to amend the Coal Mines Provident Fund and  
Bonus Schemes Act, 1948.**

**[31st December, 1950]**

**BE** it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1950.

**2. Amendment of section 1, Act XLVI of 1948.**—In sub-section (2) of section 1 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (hereinafter referred to as the said Act), for the words “except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin” the words “except the State of Jammu and Kashmir” shall be substituted.

**3. Amendment of section 2, Act XLVI of 1948.**—In clause (a) of section 2 of the said Act, for the words “employee in a coal mine”, the word “employee” shall be substituted.

**4. Amendment of sections 3 and 5, Act XLVI of 1948.**—In sub-section (1) of section 3 and in sub-section (1) of section 5 of the said Act, for the words “employees in coal mines”, the word “employees” shall be substituted.

**5. Insertion of new section 11A in Act XLVI of 1948.**—After section 11 of the said Act, the following section shall be inserted, namely:—

“11A. *Protection for acts done in good faith.*—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 under this Act or under any scheme framed thereunder.”

**6. Amendment of Second Schedule, Act XLVI of 1948.**—In item 1 of the Second Schedule to the said Act, for the words “employee in a coal mine”, the word “employee” shall be substituted.

*Price anna 1 or 1½d.*

**GIPD—S1—1127 M of Law—26.6.51—3,500**

Completed

Jul

23/2/12