



TAMIL NADU GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No. 24]

CHENNAI, WEDNESDAY, JUNE 24, 2009
Aani 10, Thiruvalluvar Aandu-2040

Part IV—Section 4

CENTRAL ACTS AND ORDINANCES

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**ACTS OF PARLIAMENT ASSENTED TO BY THE PRESIDENT
GOVERNMENT OF INDIA**

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th March, 2009.

The following Act of Parliament received the assent of the President on the 3rd March, 2009 and is hereby published for general information:—

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 2009

ACT No. 16 OF 2009

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2009-10.

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

1. This Act may be called the Appropriation (Vote on Account) Act, 2009.
2. From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ten lakh thirteen thousand one hundred seventy crore and eighty-seven lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10.
3. The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.
4. References to the Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 10th December, 2008 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as constituted from time to time.

Short title.

Withdrawal of Rs 1013170,87,00,000 from and out of the Consolidated Fund of India for the financial year 2009-10.

Appropriation.

Construction of references to Ministries or Departments in the Schedule.

THE SCHEDULE
(See sections 2, 3 and 4)

1	2	3			
		Sums not exceeding			
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
1	Department of Agriculture and Cooperation	Revenue	3965,97,00,000	..	3965,97,00,000
		Capital	28,17,00,000	..	28,17,00,000
2	Department of Agricultural Research and Education	Revenue	1104,92,00,000	..	1104,92,00,000
3	Department of Animal Husbandry, Dairying and Fisheries	Revenue	456,19,00,000	..	456,19,00,000
		Capital	6,18,00,000	..	6,18,00,000
4	Atomic Energy	Revenue	1307,25,00,000	..	1307,25,00,000
		Capital	698,90,00,000	33,00,000	699,23,00,000
5	Nuclear Power Schemes	Revenue	787,97,00,000	..	787,97,00,000
		Capital	425,04,00,000	..	425,04,00,000
6	Department of Chemicals and Petrochemicals....	Revenue	36,63,00,000	..	36,63,00,000
		Capital	18,42,00,000	..	18,42,00,000
7	Department of Fertilisers	Revenue	24144,87,00,000	..	24144,87,00,000
		Capital	65,35,00,000	..	65,35,00,000
8	Department of Pharmaceuticals	Revenue	53,42,00,000	..	53,42,00,000
		Capital	10,02,00,000	..	10,02,00,000
9	Ministry of Civil Aviation	Revenue	239,26,00,000	..	239,26,00,000
		Capital	55,42,00,000	..	55,42,00,000
10	Ministry of Coal	Revenue	116,33,00,000	..	116,33,00,000
		Capital	10,00,00,000	..	10,00,00,000
11	Department of Commerce	Revenue	999,61,00,000	17,00,000	999,78,00,000
		Capital	220,41,00,000	..	220,41,00,000
12	Department of Industrial Policy and Promotion	Revenue	374,68,00,000	..	374,68,00,000
		Capital	18,33,00,000	..	18,33,00,000
13	Department of Posts	Revenue	4018,53,00,000	3,00,000	4018,56,00,000
		Capital	302,77,00,000	..	302,77,00,000
14	Department of Telecommunications	Revenue	2041,33,00,000	..	2041,33,00,000
		Capital	18,00,00,000	..	18,00,00,000
15	Department of Information Technology	Revenue	792,00,00,000	..	792,00,00,000
		Capital	18,67,00,000	..	18,67,00,000
16	Department of Consumer Affairs	Revenue	150,25,00,000	..	150,25,00,000
		Capital	10,05,00,000	..	10,05,00,000
17	Department of Food and Public Distribution ...	Revenue	28814,08,00,000	31,00,000	28814,39,00,000
		Capital	249,85,00,000	..	249,85,00,000
18	Ministry of Corporate Affairs	Revenue	61,00,00,000	..	61,00,00,000
		Capital	13,33,00,000	..	13,33,00,000
19	Ministry of Culture	Revenue	396,63,00,000	..	396,63,00,000
		Capital	12,03,00,000	..	12,03,00,000
20	Ministry of Defence	Revenue	3298,64,00,000	8,00,000	3298,72,00,000
		Capital	491,28,00,000	..	491,28,00,000
21	Defence Pensions	Revenue	7263,25,00,000	8,00,000	7263,33,00,000
22	Defence Services—Army	Revenue	20084,18,00,000	6,10,00,000	20090,28,00,000
23	Defence Services—Navy	Revenue	2800,79,00,000	58,00,000	2801,37,00,000
24	Defence Services—Air Force	Revenue	4969,95,00,000	41,00,000	4970,36,00,000
25	Defence Ordnance Factories	Revenue	2495,45,00,000	50,00,000	2495,95,00,000
26	Defence Services—Research and Development	Revenue	1595,68,00,000	21,00,000	1595,89,00,000
27	Capital Outlay on Defence Services	Capital	18259,87,00,000	14,80,00,000	18274,67,00,000
28	Ministry of Development of North Eastern Region	Revenue	443,99,00,000	..	443,99,00,000
		Capital	47,83,00,000	..	47,83,00,000
29	Ministry of Earth Sciences	Revenue	278,80,00,000	5,00,000	278,85,00,000
		Capital	75,60,00,000	..	75,60,00,000
30	Ministry of Environment and Forests	Revenue	571,83,00,000	..	571,83,00,000
		Capital	11,17,00,000	..	11,17,00,000
31	Ministry of External Affairs	Revenue	1834,53,00,000	1,00,000	1834,54,00,000
		Capital	182,46,00,000	..	182,46,00,000

1 No. of Vote	2 Services and purposes	3			
		Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
32	Department of Economic Affairs	Revenue	1833,85,00,000	..	1833,85,00,000
		Capital	358,04,00,000	..	358,04,00,000
33	Department of Financial Services	Revenue	11198,51,00,000	..	11198,51,00,000
		Capital	1089,01,00,000	..	1089,01,00,000
35	CHARGED.—Interest Payments	Revenue	..	76170,29,00,000	76170,29,00,000
	Transfers to State and Union territory Governments	Revenue	22444,02,00,000	12172,99,00,000	34617,01,00,000
		Capital	..	3518,33,00,000	3518,33,00,000
36	Loans to Government Servants, etc.	Capital	120,00,00,000	..	120,00,00,000
	CHARGED.—Repayment of Debt	Capital	..	623881,45,00,000	623881,45,00,000
38	Department of Expenditure	Revenue	19,87,00,000	..	19,87,00,000
		Capital	2,13,00,000	..	2,13,00,000
39	Pensions	Revenue	3744,14,00,000	22,53,00,000	3766,67,00,000
40	Indian Audit and Accounts Department	Revenue	762,64,00,000	20,72,00,000	783,36,00,000
		Capital	90,00,000	..	90,00,000
41	Department of Revenue	Revenue	3081,85,00,000	1,00,000	3081,86,00,000
		Capital	77,00,000	..	77,00,000
42	Direct Taxes	Revenue	961,33,00,000	1,00,000	961,34,00,000
		Capital	206,00,00,000	..	206,00,00,000
43	Indirect Taxes	Revenue	1031,27,00,000	40,00,000	1031,67,00,000
		Capital	96,67,00,000	..	96,67,00,000
44	Department of Disinvestment	Revenue	6,26,00,000	..	6,26,00,000
		Capital	746,67,00,000	..	746,67,00,000
45	Ministry of Food Processing Industries	Revenue	178,49,00,000	..	178,49,00,000
		Capital	35,00,00,000	..	35,00,00,000
46	Department of Health and Family Welfare	Revenue	6030,29,00,000	..	6030,29,00,000
		Capital	331,75,00,000	..	331,75,00,000
47	Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH)	Revenue	239,92,00,000	..	239,92,00,000
		Capital	75,00,000	..	75,00,000
48	Department of Health Research	Revenue	202,00,00,000	..	202,00,00,000
49	Department of Heavy Industry	Revenue	91,85,00,000	..	91,85,00,000
		Capital	178,81,00,000	..	178,81,00,000
50	Department of Public Enterprises	Revenue	5,73,00,000	..	5,73,00,000
51	Ministry of Home Affairs	Revenue	518,18,00,000	7,00,000	518,25,00,000
		Capital	37,34,00,000	..	37,34,00,000
52	Cabinet	Revenue	126,02,00,000	2,00,000	126,04,00,000
		Capital	26,68,00,000	..	26,68,00,000
53	Police	Revenue	8792,47,00,000	1,26,00,000	8793,73,00,000
		Capital	2162,51,00,000	2,35,00,000	2164,86,00,000
54	Other Expenditure of the Ministry of Home Affairs	Revenue	371,66,00,000	1,00,000	371,67,00,000
		Capital	4,00,00,000	..	4,00,00,000
55	Transfers to Union territory Governments	Revenue	1108,85,00,000	..	1108,85,00,000
		Capital	24,00,00,000	..	24,00,00,000
56	Ministry of Housing and Urban Poverty Alleviation	Revenue	285,99,00,000	..	285,99,00,000
57	Department of School Education and Literacy	Revenue	13039,30,00,000	..	13039,30,00,000
		Capital	250,00,00,000	..	250,00,00,000
58	Department of Higher Education	Revenue	4392,63,00,000	..	4392,63,00,000
59	Ministry of Information and Broadcasting	Revenue	706,51,00,000	1,00,000	706,52,00,000
		Capital	116,17,00,000	..	116,17,00,000
60	Ministry of Labour and Employment	Revenue	867,52,00,000	1,00,000	867,53,00,000
		Capital	3,41,00,000	..	3,41,00,000
61	Election Commission	Revenue	7,00,00,000	..	7,00,00,000
62	Law and Justice	Revenue	739,04,00,000	..	739,04,00,000
		Capital	13,63,00,000	..	13,63,00,000
	CHARGED.—Supreme Court of India	Revenue	..	29,34,00,000	29,34,00,000
64	Ministry of Micro, Small and Medium Enterprises:	Revenue	665,86,00,000	..	665,86,00,000
		Capital	3,48,00,000	..	3,48,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
65	Ministry of Mines	Revenue	183,82,00,000	5,00,000	183,87,00,000
		Capital	12,80,00,000	..	12,80,00,000
66	Ministry of Minority Affairs	Revenue	311,83,00,000	..	311,83,00,000
		Capital	25,00,00,000	..	25,00,00,000
67	Ministry of New and Renewable Energy Sources	Revenue	202,73,00,000	..	202,73,00,000
		Capital	6,60,00,000	..	6,60,00,000
68	Ministry of Overseas Indian Affairs	Revenue	19,67,00,000	..	19,67,00,000
		Capital	7,00,00,000	..	7,00,00,000
69	Ministry of Panchayati Raj	Revenue	1593,57,00,000	..	1593,57,00,000
70	Ministry of Parliamentary Affairs	Revenue	2,78,00,000	..	2,78,00,000
71	Ministry of Personnel, Public Grievances and Pensions	Revenue	162,93,00,000	4,07,00,000	167,00,00,000
		Capital	17,67,00,000	3,00,00,000	20,67,00,000
72	Ministry of Petroleum and Natural Gas	Revenue	1056,33,00,000	..	1056,33,00,000
73	Ministry of Planning	Revenue	132,48,00,000	..	132,48,00,000
		Capital	4,00,00,000	..	4,00,00,000
74	Ministry of Power	Revenue	2205,91,00,000	..	2205,91,00,000
		Capital	629,67,00,000	..	629,67,00,000
	CHARGED.— <i>Staff, Household and Allowances of the President</i>	Revenue	..	9,17,00,000	9,17,00,000
76	Lok Sabha	Revenue	128,00,00,000	21,00,000	128,21,00,000
77	Rajya Sabha	Revenue	51,64,00,000	25,00,000	51,89,00,000
	CHARGED.— <i>Union Public Service Commission</i>	Revenue	..	36,97,00,000	36,97,00,000
79	Secretariat of the Vice-President	Revenue	79,00,000	..	79,00,000
80	Department of Rural Development	Revenue	34363,62,00,000	..	34363,62,00,000
		Capital	62,00,000	..	62,00,000
81	Department of Land Resources	Revenue	801,88,00,000	..	801,88,00,000
82	Department of Drinking Water Supply	Revenue	2867,61,00,000	..	2867,61,00,000
83	Department of Science and Technology	Revenue	609,41,00,000	1,00,000	609,42,00,000
		Capital	22,47,00,000	..	22,47,00,000
84	Department of Scientific and Industrial Research	Revenue	845,50,00,000	..	845,50,00,000
		Capital	1,50,00,000	..	1,50,00,000
85	Department of Biotechnology	Revenue	304,70,00,000	..	304,70,00,000
86	Department of Shipping	Revenue	374,00,00,000	..	374,00,00,000
		Capital	167,70,00,000	..	167,70,00,000
87	Department of Road Transport and Highways ..	Revenue	5069,33,00,000	27,00,000	5069,60,00,000
		Capital	4829,02,00,000	2,40,00,000	4831,42,00,000
88	Ministry of Social Justice and Empowerment ..	Revenue	780,33,00,000	..	780,33,00,000
		Capital	46,33,00,000	..	46,33,00,000
89	Department of Space	Revenue	955,79,00,000	17,00,000	955,96,00,000
		Capital	530,25,00,000	13,00,000	530,38,00,000
90	Ministry of Statistics and Programme Implementation	Revenue	670,09,00,000	..	670,09,00,000
		Capital	1,33,00,000	..	1,33,00,000
91	Ministry of Steel	Revenue	38,34,00,000	..	38,34,00,000
		Capital	2,67,00,000	..	2,67,00,000
92	Ministry of Textiles	Revenue	1068,33,00,000	..	1068,33,00,000
		Capital	61,33,00,000	..	61,33,00,000
93	Ministry of Tourism	Revenue	351,33,00,000	..	351,33,00,000
		Capital	2,00,00,000	..	2,00,00,000
94	Ministry of Tribal Affairs	Revenue	91,71,00,000	798,32,00,000	890,03,00,000
		Capital	16,67,00,000	..	16,67,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
95	Andaman and Nicobar Islands	Revenue	598,91,00,000	..	598,91,00,000
		Capital	366,50,00,000	..	366,50,00,000
96	Chandigarh	Revenue	548,33,00,000	22,42,00,000	570,75,00,000
		Capital	145,67,00,000	3,00,000	145,70,00,000
97	Dadra and Nagar Haveli	Revenue	659,97,00,000	..	659,97,00,000
		Capital	18,91,00,000	..	18,91,00,000
98	Daman and Diu	Revenue	260,60,00,000	..	260,60,00,000
		Capital	27,49,00,000	..	27,49,00,000
99	Lakshadweep	Revenue	181,41,00,000	..	181,41,00,000
		Capital	64,46,00,000	..	64,46,00,000
100	Department of Urban Development	Revenue	362,60,00,000	9,97,00,000	372,57,00,000
		Capital	901,55,00,000	9,00,00,000	910,55,00,000
101	Public Works	Revenue	372,42,00,000	33,00,000	372,75,00,000
		Capital	159,43,00,000	34,00,000	159,77,00,000
102	Stationery and Printing	Revenue	97,47,00,000	..	97,47,00,000
		Capital	4,00,000	..	4,00,000
103	Ministry of Water Resources	Revenue	313,85,00,000	..	313,85,00,000
		Capital	28,00,00,000	1,33,00,000	29,33,00,000
104	Ministry of Women and Child Development ...	Revenue	2426,00,00,000	..	2426,00,00,000
105	Ministry of Youth Affairs and Sports	Revenue	1192,36,00,000	..	1192,36,00,000
		Capital	65,66,00,000	..	65,66,00,000
	TOTAL:		296428,64,00,000	716742,23,00,000	1013170,87,00,000

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
Additional Secretary to Government,
Law Department.

New Delhi, the 4th March, 2009.

The following Act of Parliament received the assent of the President on the 3rd March, 2009 and is hereby published for general information:—

THE APPROPRIATION ACT, 2009

ACT No. 17 OF 2009

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2008-09.

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

1. This Act may be called the Appropriation Act, 2009.

Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of four lakh seventy-one thousand seven hundred eighteen crores and fifty-three lakh rupees towards defraying the several charges which will come in the course of payment during the financial year 2008-09 in respect of the services specified in column 2 of the Schedule.

Issue of
Rs.
471718,53,00,000
out of the
Consolidated
Fund of India
for the financial
year 2008-09.

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

Appropriation.

THE SCHEDULE
(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Department of Agriculture and Cooperation Revenue	3,00,000	..	3,00,000
2	Department of Agricultural Research and Education Revenue	89,21,00,000	..	89,21,00,000
3	Department of Animal Husbandry, Dairying and Fisheries. Revenue	3,00,000	..	3,00,000
6	Department of Chemicals and Petrochemicals Revenue	1,00,000	..	1,00,000
8	Ministry of Civil Aviation Revenue	206,99,00,000	..	206,99,00,000
10	Department of Commerce Revenue	194,42,00,000	..	194,42,00,000
11	Department of Industrial Policy and Promotion Revenue	2,00,000	45,00,000	47,00,000
12	Department of Posts Revenue	784,61,00,000	13,00,000	784,74,00,000
	Capital	..	59,00,000	59,00,000
13	Department of Telecommunications Capital	507,92,00,000	..	507,92,00,000
14	Department of Information Technology Revenue	2,00,000	..	2,00,000
15	Department of Consumer Affairs Revenue	148,43,00,000	..	148,43,00,000
16	Department of Food and Public Distribution Revenue	3,00,000	68,00,000	71,00,000
	Capital	160,51,00,000	..	160,51,00,000
17	Ministry of Corporate Affairs Revenue	1,00,000	..	1,00,000
18	Ministry of Culture Revenue	11,94,00,000	..	11,94,00,000
	Capital	1,00,000	..	1,00,000
19	Ministry of Defence Revenue	251,86,00,000	..	251,86,00,000
	Capital	3,00,000	1,66,00,000	1,69,00,000
21	Defence Services—Army Revenue	5895,75,00,000	65,00,000	5896,40,00,000
22	Defence Services—Navy Revenue	..	26,00,000	26,00,000
23	Defence Services—Air Force Revenue	224,60,00,000	..	224,60,00,000
24	Defence Ordnance Factories Revenue	1615,76,00,000	..	1615,76,00,000
25	Defence Services—Research and Development Revenue	201,64,00,000	..	201,64,00,000
26	Capital Outlay on Defence Services Capital	..	2,06,00,000	2,06,00,000
27	Ministry of Development of North Eastern Region Revenue	1,00,000	..	1,00,000
	Capital	60,00,00,000	..	60,00,00,000
28	Ministry of Earth Sciences Revenue	26,75,00,000	..	26,75,00,000
29	Ministry of Environment and Forests Revenue	6,00,000	1,50,00,000	1,56,00,000
30	Ministry of External Affairs Revenue	342,39,00,000	..	342,39,00,000
	Capital	794,92,00,000	..	794,92,00,000
31	Department of Economic Affairs Revenue	149,62,00,000	..	149,62,00,000
	Capital	376,61,00,000	..	376,61,00,000
32	Payments to Financial Institutions Revenue	3143,09,00,000	..	3143,09,00,000
	Capital	656,90,00,000	..	656,90,00,000
33	Department of Financial Services Revenue	8,41,00,000	..	8,41,00,000
35	Transfers to State and Union territory Governments Revenue	2917,10,00,000	..	2917,10,00,000
	Capital	..	1161,50,00,000	1161,50,00,000
	CHARGED.— <i>Repayment of Debt</i> Capital	..	433970,64,00,000	433970,64,00,000
38	Department of Expenditure Revenue	9,92,00,000	..	9,92,00,000
39	Pensions Revenue	585,17,00,000	28,22,00,000	613,39,00,000
40	Indian Audit and Accounts Department Revenue	265,28,00,000	7,51,00,000	272,79,00,000
	Capital	29,00,000	..	29,00,000
41	Department of Revenue Revenue	483,48,00,000	..	483,48,00,000
42	Direct Taxes Revenue	251,58,00,000	..	251,58,00,000
43	Indirect Taxes Revenue	506,91,00,000	..	506,91,00,000
46	Department of Health and Family Welfare Revenue	8,79,00,000	..	8,79,00,000
	Capital	1,00,000	..	1,00,000
47	Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) Revenue	2,00,000	..	2,00,000
48	Department of Health Research Revenue	35,19,00,000	..	35,19,00,000
49	Department of Heavy Industry Revenue	864,07,00,000	..	864,07,00,000
	Capital	56,51,00,000	..	56,51,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
50	Department of Public Enterprises Revenue	1,21,00,000	..	1,21,00,000
51	Ministry of Home Affairs Revenue	2,00,000	..	2,00,000
53	Police Revenue	74,10,00,000	..	74,10,00,000
54	Other Expenditure of the Ministry of Home Affairs Revenue	354,20,00,000	..	354,20,00,000
55	Transfers to Union territory Governments Revenue	1,00,000	..	1,00,000
57	Department of School Education and Literacy Revenue	11,58,00,000	..	11,58,00,000
58	Department of Higher Education Revenue	8,00,000	..	8,00,000
59	Ministry of Information and Broadcasting Revenue	3,00,000	..	3,00,000
60	Ministry of Labour and Employment Revenue	148,62,00,000	..	148,62,00,000
	Capital	2,50,00,000	..	2,50,00,000
61	Election Commission Revenue	1,96,00,000	..	1,96,00,000
62	Law and Justice Revenue	2,00,000	..	2,00,000
	CHARGED.— <i>Supreme Court of India</i> Revenue	..	8,32,00,000	8,32,00,000
64	Ministry of Micro, Small and Medium Enterprises Revenue	2,00,000	..	2,00,000
65	Ministry of Mines Revenue	26,61,00,000	..	26,61,00,000
67	Ministry of New and Renewable Energy Revenue	3,00,000	..	3,00,000
68	Ministry of Overseas Indian Affairs Revenue	2,00,000	..	2,00,000
69	Ministry of Panchayati Raj Revenue	1,00,000	..	1,00,000
71	Ministry of Personnel, Public Grievances and Pensions Revenue	..	18,00,000	18,00,000
	Capital	1,00,000	..	1,00,000
72	Ministry of Petroleum and Natural Gas Revenue	10000,00,00,000	..	10000,00,00,000
	Capital	242,47,00,000	..	242,47,00,000
74	Ministry of Power Revenue	2,05,00,000	..	2,05,00,000
	Capital	1,00,000	..	1,00,000
	CHARGED.— <i>Staff, Household and Allowances of the President</i> Revenue	..	1,00,000	1,00,000
76	Lok Sabha Revenue	..	20,00,000	20,00,000
77	Rajya Sabha Revenue	7,58,00,000	35,00,000	7,93,00,000
	CHARGED.— <i>Union Public Service Commission</i> Revenue	..	6,34,00,000	6,34,00,000
79	Secretariat of the Vice-President Revenue	6,00,000	..	6,00,000
80	Department of Rural Development Revenue	4,00,000	..	4,00,000
83	Department of Science and Technology Revenue	2,00,000	..	2,00,000
	Capital	1,00,000	..	1,00,000
84	Department of Scientific and Industrial Research Revenue	114,91,00,000	..	114,91,00,000
85	Department of Biotechnology Revenue	1,00,000	..	1,00,000
86	Department of Shipping Revenue	4,00,000	..	4,00,000
	Capital	2,00,000	..	2,00,000
87	Department of Road Transport and Highways Revenue	454,28,00,000	30,00,000	454,58,00,000
	Capital	49,50,00,000	3,84,00,000	53,34,00,000
88	Ministry of Social Justice and Empowerment Revenue	3,30,00,000	..	3,30,00,000
	Capital	9,00,00,000	..	9,00,00,000
90	Ministry of Statistics and Programme Implementation Revenue	1,00,000	..	1,00,000
91	Ministry of Steel Revenue	400,20,00,000	..	400,20,00,000
	Capital	252,05,00,000	..	252,05,00,000
92	Ministry of Textiles Revenue	955,24,00,000	..	955,24,00,000
	Capital	107,43,00,000	..	107,43,00,000
93	Ministry of Tourism Revenue	1,00,000	..	1,00,000
	Capital	12,00,00,000	..	12,00,00,000
94	Ministry of Tribal Affairs Revenue	1,00,000	1,00,000	2,00,000
95	Andaman and Nicobar Islands Revenue	243,98,00,000	..	243,98,00,000
	Capital	183,95,00,000	..	183,95,00,000
96	Chandigarh Revenue	130,42,00,000	8,57,00,000	138,99,00,000
	Capital	165,51,00,000	..	165,51,00,000
97	Dadra and Nagar Haveli Revenue	361,06,00,000	..	361,06,00,000
	Capital	4,00,00,000	..	4,00,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
98	Daman and Diu Revenue	141,72,00,000	..	141,72,00,000
	Capital	8,20,00,000	..	8,20,00,000
99	Lakshadweep Revenue	103,01,00,000	..	103,01,00,000
	Capital	57,00,000	..	57,00,000
100	Department of Urban Development Revenue	1,00,000	9,85,00,000	9,86,00,000
	Capital	49,12,00,000	..	49,12,00,000
101	Public Works Revenue	8,41,00,000	..	8,41,00,000
103	Ministry of Water Resources Revenue	1,00,000	..	1,00,000
104	Ministry of Women and Child Development Revenue	2,00,000	..	2,00,000
105	Ministry of Youth Affairs and Sports Revenue	3,00,000	..	3,00,000
	Capital	36,50,00,000	..	36,50,00,000
	TOTAL:	36504,71,00,000	435213,82,00,000	471718,53,00,000

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
Additional Secretary to Government,
Law Department.

New Delhi, the 6th March, 2009.

The following Act of Parliament received the assent of the President on the 6th March, 2009 and is hereby published for general information:—

THE JHARKHAND APPROPRIATION (VOTE ON ACCOUNT) ACT, 2009

ACT No. 18 OF 2009

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Jharkhand for the services of a part of the financial year 2009-10.

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

1. This Act may be called the Jharkhand Appropriation (Vote on Account) Act, 2009. Short title.
2. From and out of the Consolidated Fund of the State of Jharkhand there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of nine thousand fourteen crore, ninety-five lakhs, seventy-one thousand and five hundred thirty-one rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10 in respect of the services specified in column 2 of the Schedule. Withdrawal of Rs. 9014,95,71,531 from and out of the Consolidated Fund of the State of Jharkhand for the financial year 2009-10.
3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Jharkhand by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote/ Appropriation	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Agriculture Department Revenue	128,77,17,333	..	128,77,17,333
	Capital	83,33,333	..	83,33,333
2	Animal Husbandry and Fisheries Department Revenue	67,65,03,200	..	67,65,03,200
	Capital	16,66,66,667	..	16,66,66,667
3	Building Construction Department Revenue	29,19,56,167	..	29,19,56,167
	Capital	33,56,66,667	..	33,56,66,667
4	Cabinet Secretariat and Coordination Department . Revenue	11,89,33,000	..	11,89,33,000
5	Secretariat of the Governor Revenue	..	5,81,91,000	5,81,91,000
6	Election Revenue	88,07,83,000	..	88,07,83,000
7	Vigilance Revenue	2,98,64,667	..	2,98,64,667
8	Civil Aviation Department Revenue	38,43,47,667	..	38,43,47,667
9	Co-operative Department Revenue	30,71,74,333	..	30,71,74,333
	Capital	2,53,33,333	..	2,53,33,333
10	Energy Department Revenue	158,38,10,000	..	158,38,10,000
	Capital	105,33,33,333	..	105,33,33,333
11	Excise and Prohibition Department Revenue	5,60,44,333	..	5,60,44,333
12	Finance Department Revenue	20,41,63,333	..	20,41,63,333
	Capital	5,33,33,333	..	5,33,33,333
13	Interest Payment Revenue	..	2428,50,80,000	2428,50,80,000
14	Repayment of Loans Capital	..	269,83,40,667	269,83,40,667
15	Pension Revenue	458,33,50,000	1,83,33,333	460,16,83,333
16	National Savings Revenue	78,30,000	..	78,30,000
17	Finance (Commercial Tax) Department Revenue	10,77,92,667	..	10,77,92,667
18	Food, Supply and Commerce Department Revenue	104,19,51,333	..	104,19,51,333
19	Forest and Environment Department Revenue	89,10,57,667	..	89,10,57,667
	Capital	5,00,000	..	5,00,000
20	Health, Medical Education and Family Welfare Department Revenue	340,84,81,268	..	340,84,81,268
	Capital	54,10,29,065	..	54,10,29,065
21	Higher Education Department Revenue	153,68,63,667	..	153,68,63,667
22	Home Department Revenue	602,86,70,000	..	602,86,70,000
	Capital	46,74,69,333	..	46,74,69,333
23	Industries Department Revenue	50,69,74,000	..	50,69,74,000
	Capital	40,00,000	..	40,00,000
24	Information and Public Relation Department Revenue	13,90,22,333	..	13,90,22,333
25	Institutional Finance and Programme Implementation Department Revenue	1,19,72,000	..	1,19,72,000
26	Labour, Employment and Training Department . Revenue	229,24,52,000	..	229,24,52,000
27	Law Department Revenue	49,70,53,667	..	49,70,53,667
28	High Court of Jharkhand Revenue	..	9,09,12,000	9,09,12,000
29	Mines and Geology Department Revenue	8,38,57,333	..	8,38,57,333
	Capital	15,00,000	..	15,00,000

1 No. of Vote/ Appropriation	2 Services and purposes	3		
		Voted by Parliament	Sums not exceeding Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
30	Minorities Welfare Department Revenue	44,33,833	..	44,33,833
	Capital	3,41,33,333	..	3,41,33,333
31	Parliamentary Affairs Department Revenue	6,04,667	..	6,04,667
32	Legislature Revenue	13,61,90,333	9,00,000	13,70,90,333
33	Personnel and Administrative Reforms Department Revenue	4,99,45,333	..	4,99,45,333
34	Jharkhand Public Service Commission Revenue	..	2,95,57,000	2,95,57,000
35	Planning and Development Department Revenue	41,08,16,667	..	41,08,16,667
36	Drinking Water and Sanitation Department Revenue	58,36,95,667	..	58,36,95,667
	Capital	141,69,66,667	..	141,69,66,667
37	Rajbhasha Department Revenue	3,05,91,333	..	3,05,91,333
38	Registration Department Revenue	4,27,27,000	..	4,27,27,000
39	Disaster Management Department Revenue	78,03,58,667	..	78,03,58,667
40	Revenue and Land Reforms Department Revenue	87,00,53,667	..	87,00,53,667
	Capital	333	..	333
41	Road Construction Department Revenue	59,73,02,333	..	59,73,02,333
	Capital	211,48,33,333	..	211,48,33,333
42	Rural Development Department Revenue	321,66,31,000	..	321,66,31,000
	Capital	193,63,50,333	..	193,63,50,333
43	Science and Technology Department Revenue	35,63,83,833	..	35,63,83,833
	Capital	20,68,33,333	..	20,68,33,333
44	Secondary, Primary and Public Education Department Revenue	1029,55,46,000	..	1029,55,46,000
	Capital	7,33,33,333	..	7,33,33,333
46	Tourism Department Revenue	4,15,52,000	..	4,15,52,000
	Capital	8,38,33,333	..	8,38,33,333
47	Transport Department Revenue	4,52,37,000	..	4,52,37,000
	Capital	18,26,66,667	..	18,26,66,667
48	Urban Development and Housing Department ... Revenue	64,67,40,333	..	64,67,40,333
	Capital	204,03,16,667	..	204,03,16,667
49	Water Resources Department Revenue	88,99,54,333	..	88,99,54,333
	Capital	166,06,66,667	..	166,06,66,667
50	Minor Irrigation Department Revenue	20,90,24,000	..	20,90,24,000
	Capital	28,06,66,667	..	28,06,66,667
51	Welfare Department Revenue	344,97,85,167	..	344,97,85,167
	Capital	38,46,00,000	..	38,46,00,000
52	Youth, Art and Culture Department Revenue	20,34,03,000	..	20,34,03,000
	Capital	22,62,90,667	..	22,62,90,667
	TOTAL:	6296,82,57,531	2718,13,14,000	9014,95,71,531

V.K. BHASIN,
Additional Secretary to the Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
Additional Secretary to Government,
Law Department.

New Delhi, the 6th March, 2009.

The following Act of Parliament received the assent of the President on the 6th March, 2009 and is hereby published for general information:—

THE JHARKHAND APPROPRIATION ACT, 2009

ACT No. 19 OF 2009.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Jharkhand for the services of the financial year 2008-09.

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

- | | |
|--|---|
| <p>1. This Act may be called the Jharkhand Appropriation Act, 2009.</p> | <p>Short title.</p> |
| <p>2. From and out of the Consolidated Fund of the State of Jharkhand 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 five hundred one crore, three lakhs, fifty-seven thousand and nine hundred ninety-one rupees towards defraying the several charges which will come in course of payment during the financial year 2008-09, in respect of the services specified in column 2 of the Schedule.</p> | <p>Issue of
Rs.1501,03,57,991
from and out
of the
Consolidated
Fund of the
State of
Jharkhand for
the financial
year 2008-09.</p> |
| <p>3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Jharkhand by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.</p> | <p>Appropriation.</p> |

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote/ Appropriation	2 Services and purposes	3		
		Voted by Parliament	Sums not exceeding	Total
			Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
1	Agriculture Department Revenue	11,45,05,966	..	11,45,05,966
2	Animal Husbandry and Fisheries Department Revenue	13,24,32,962	..	13,24,32,962
3	Building Construction Department Revenue	4,29,77,230	..	4,29,77,230
4	Cabinet Secretariat and Coordination Department Revenue	2,04,56,022	..	2,04,56,022
5	Secretariat of the Governor Revenue	..	83,72,637	83,72,637
6	Election Revenue	68,52,639	..	68,52,639
7	Vigilance Revenue	1,25,99,343	..	1,25,99,343
8	Civil Aviation Department Revenue	63,04,29,323	..	63,04,29,323
9	Co-operative Department Revenue	4,17,92,356	..	4,17,92,356
10	Energy Department Revenue	79,07,907	..	79,07,907
11	Excise and Prohibition Department Revenue	2,45,99,612	..	2,45,99,612
12	Finance Department Revenue	4,64,75,809	..	4,64,75,809
15	Pension Revenue	412,00,00,000	..	412,00,00,000
16	National Savings Revenue	28,21,833	..	28,21,833
17	Finance (Commercial Tax) Department Revenue	4,47,62,223	..	4,47,62,223
18	Food, Supply and Commerce Department Revenue	48,71,57,101	..	48,71,57,101
19	Forest and Environment Department Revenue	19,70,44,254	..	19,70,44,254
20	Health, Medical Education and Family Welfare Department Revenue	58,35,04,215	..	58,35,04,215
21	Higher Education Department Revenue	13,42,546	..	13,42,546
22	Home Department Revenue	222,41,27,032	..	222,41,27,032
	Capital	8,58,57,045	..	8,58,57,045
23	Industries Department Revenue	3,92,03,258	..	3,92,03,258
24	Information and Public Relation Department Revenue	1,18,47,282	..	1,18,47,282
25	Institutional Finance and Programme Implementation Department Revenue	15,60,227	..	15,60,227
26	Labour, Employment and Training Department Revenue	10,39,99,488	..	10,39,99,488
27	Law Department Revenue	20,56,54,909	..	20,56,54,909
28	High Court of Jharkhand Revenue	..	3,54,23,243	3,54,23,243
29	Mines and Geology Department Revenue	2,79,19,512	..	2,79,19,512
30	Minorities Welfare Department Revenue	10,02,827	..	10,02,827
31	Parliamentary Affairs Department Revenue	37,190	..	37,190
32	Legislature Revenue	4,24,92,979	7,91,688	432,84,667
33	Personnel and Administrative Reforms Department Revenue	1,60,94,348	..	1,60,94,348
34	Jharkhand Public Service Commission Revenue	..	51,87,380	51,87,380
35	Planning and Development Department Revenue	11,35,04,394	..	11,35,04,394
36	Drinking Water and Sanitation Department Revenue	16,49,51,315	..	16,49,51,315
37	Rajbhasha Department Revenue	1,37,27,567	..	1,37,27,567
38	Registration Department Revenue	113,52,436	..	113,52,436

1 No. of Vote/ Appropriation	2 Services and purposes	3		
		Voted by Parliament	Sums not exceeding Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
39	Disaster Management Department Revenue	21,67,304	..	21,67,304
40	Revenue and Land Reforms Department Revenue	69,89,69,028	..	69,89,69,028
41	Road Construction Department Revenue	13,17,86,503	..	13,17,86,503
42	Rural Development Department Revenue	47,98,52,242	..	47,98,52,242
	Capital	50,00,00,000	..	50,00,00,000
43	Science and Technology Department Revenue	3,76,38,945	..	3,76,38,945
44	Secondary, Primary and Public Education Department Revenue	279,00,20,310	..	279,00,20,310
46	Tourism Department Revenue	4,32,56,437	..	4,32,56,437
	Capital	10,00,00,000	..	10,00,00,000
47	Transport Department Revenue	1,07,31,613	..	1,07,31,613
48	Urban Development and Housing Department Revenue	86,59,946	..	86,59,946
49	Water Resources Department Revenue	38,29,45,328	..	38,29,45,328
50	Minor Irrigation Department Revenue	7,71,85,123	..	7,71,85,123
51	Welfare Department Revenue	10,37,67,875	..	10,37,67,875
52	Youth, Art and Culture Department Revenue	1,26,09,239	..	1,26,09,239
	TOTAL:	1496,05,83,043	4,97,74,948	1501,03,57,991

V.K. BHASIN,
Additional Secretary to the Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
Additional Secretary to Government,
Law Department.

New Delhi, the 6th March, 2009.

The following Act of Parliament received the assent of the President on the 6th March, 2009 and is hereby published for general information:—

THE AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT
DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 2009

ACT No. 20 OF 2009

*An Act to amend the Agricultural and Processed Food Products Export
Development Authority Act, 1985.*

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

1. (1) This Act may be called the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 13th October, 2008.

2. In the Agricultural and Processed Food Products Export Development Authority Act, 1985 (hereinafter referred to as the principal Act), in section 2,—

Amendment
of section 2.

(a) in clause (g), for the words “Scheduled products”, the words “Scheduled products or, as the case may be, Special products” shall be substituted;

(b) in clause (i), for the words “the Schedule”, the words “the First Schedule” shall be substituted;

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

‘(j) “Special product” means any of the agricultural or processed food products included in the Second Schedule.’.

Substitution of new section for section 3.

Power to amend the Schedule.

Amendment of section 4.

Insertion of new section 10A.

Functions in respect of Special products, etc.

Amendment of section 32.

Insertion of new section 35.

Validation.

3. For section 3 of the principal Act, the following section shall be substituted, namely:—

“3. The Central Government may, having regard to the objects to this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, the First Schedule or the Second Schedule any agricultural or processed food product and on such addition, or as the case may be, omission, such product shall be, or shall cease to be, a Scheduled product or Special product as the case may be.”.

4. In section 4 of the principal Act, in sub-section (4), in clause (h), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) other Scheduled products or Special products industries;”.

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

‘10A. Without prejudice to any law for the time being in force, it shall be the duty of the Authority to undertake, by such measures as may be prescribed by the Central Government for registration and protection of the Intellectual Property rights in respect of Special products in India or outside India.

Explanation.— For the purpose of this section “Intellectual Property” means any right to intangible property, namely, trade marks, designs, patents, geographical indications or any other similar intangible property, under any law for the time being in force.’.

6. In section 32 of the principal Act, in sub-section (2), after clause (h), the following clause shall be inserted, namely:—

“(ha) the measures for registration and protection of the Intellectual Property rights under section 10A;”.

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

“35. All things done, or, omitted to be done, and all actions or measures taken, or, not taken, during the period beginning on or after the 13th day of October, 2008 and ending immediately before the date of commencement of the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, shall, in so far as they are in conformity with the provisions of this Act, as amended by the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under the provisions of this Act, as amended by the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, as if such provisions were in force at the time such things were done or omitted to be done and actions or measures taken or not taken during the said period.”.

8. The Schedule to the principal Act shall be numbered as the First Schedule and after the First Schedule as so numbered, the following Schedule shall be inserted, namely:—

Amendment
of the
Schedule.

“THE SECOND SCHEDULE

[See section 2(j)]

Basmati rice.”.

V.K. BHASIN,
Additional Secretary to the Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
*Additional Secretary to Government,
Law Department.*

New Delhi, the 6th March, 2009.

The following Act of Parliament received the assent of the President on the 6th March, 2009 and is hereby published for general information:—

THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2009

ACT No. 21 OF 2009

An Act further to amend the Prevention of Money-laundering Act, 2002.

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

1. (1) This Act may be called the Prevention of Money-laundering (Amendment) Act, 2009.

Short title and commencement.

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

15 of 2003.

2. In section 2 of the Prevention of Money-laundering Act, 2002 (hereinafter referred to as the principal Act), in sub-section (1),—

Amendment of section 2.

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

42 of 1999.

(da) “authorised person” means an authorised person as defined in clause (c) of section 2 of the Foreign Exchange Management Act, 1999;’;

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

‘(ja) “designated business or profession” means carrying on activities for playing games of chance for cash or kind, and includes such activities associated with casino or such other activities as the Central Government may, by notification, so designate, from time to time;’;

(iii) in clause (l), for the words “a non-banking financial company”, the words “an authorised person, a payment system operator and a non-banking financial company” shall be substituted;

(iv) in clause (q), after the words and figures “Reserve Bank of India Act, 1934”, the words “and includes a person carrying on designated business or profession” shall be inserted; 2 of 1934.

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

‘(ra) “offence of cross border implications”, means—

(i) any conduct by a person at a place outside India which constitutes an offence at that place and which would have constituted an offence specified in Part A, Part B or Part C of the Schedule, had it been committed in India and if such person remits the proceeds of such conduct or part thereof to India; or

(ii) any offence specified in Part A, Part B or Part C of the Schedule which has been committed in India and the proceeds of crime, or part thereof have been transferred to a place outside India or any attempt has been made to transfer the proceeds of crime, or part thereof from India to a place outside India.

Explanation.—Nothing contained in this clause shall adversely affect any investigation, enquiry, trial or proceeding before any authority in respect of the offences specified in Part A or Part B of the Schedule to the Act before the commencement of the Prevention of Money-laundering (Amendment) Act, 2009.

(rb) “payment system” means a system that enables payment to be effected between a payer and a beneficiary, involving clearing, payment or settlement service or all of them.

Explanation.—For the purposes of this clause, “payment system” includes the systems enabling credit card operations, debit card operations, smart card operations, money transfer operations or similar operations;

(rc) “payment system operator” means a person who operates a payment system and such person includes his overseas principal.

Explanation.—For the purposes of this clause, “overseas principal” means,—

(A) in the case of a person, being an individual, such individual residing outside India, who owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;

(B) in the case of a Hindu undivided family, Karta of such Hindu undivided family residing outside India who owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;

(C) in the case of a company, a firm, an association of persons, a body of individuals, an artificial juridical person, whether incorporated or not, such company, firm, association of persons, body of individuals, artificial juridical person incorporated or registered outside India or existing as such and which owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;’.

(vi) in clause (y), for sub-clause (ii), the following sub-clauses shall be substituted, namely:—

“(ii) the offences specified under Part B of the Schedule if the total value involved in such offences is thirty lakh rupees or more; or

(iii) the offences specified under Part C of the Schedule”.

3. In section 5 of the principal Act, in sub-section (1),—

Amendment
of section 5.

(a) for the words "ninety days", the words "one hundred and fifty days" shall be substituted;

(b) for the proviso, the following provisos shall be substituted, namely:—

"Provided that no such order of attachment shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person, authorised to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be:

2 of 1974.

Provided further that, notwithstanding anything contained in clause (b), any property of any person may be attached under this section if the Director or any other officer not below the rank of Deputy Director authorised by him for the purposes of this section has reason to believe (the reasons for such belief to be recorded in writing), on the basis of material in his possession, that if such property involved in money-laundering is not attached immediately under this Chapter, the non-attachment of the property is likely to frustrate any proceeding under this Act."

4. In section 6 of the principal Act,—

Amendment
of section 6.

(i) in sub-section (1), for the words "one or more Adjudicating Authorities", the words "an Adjudicating Authority" shall be substituted;

(ii) in the proviso to sub-section (8), for the word "sixty-two", the word "sixty-five" shall be substituted.

5. In section 8 of the principal Act, in sub-section (1), for the words and figure "offence under section 3", the words and figure "offence under section 3 or is in possession of proceeds of crime" shall be substituted.

Amendment
of section 8.

6. In section 12 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment
of section 12.

"(2)(a) The records referred to in clause (a) of sub-section (1) shall be maintained for a period of ten years from the date of transactions between the clients and the banking company or financial institution or intermediary, as the case may be.

(b) The records referred to in clause (c) of sub-section (1) shall be maintained for a period of ten years from the date of cessation of transactions between the clients and the banking company or financial institution or intermediary, as the case may be."

7. In section 17 of the principal Act, in sub-section (1),—

Amendment
of section 17.

(i) in the opening portion, for the words "the Director", the words "the Director or any other officer not below the rank of Deputy Director authorised by him for the purposes of this section," shall be substituted;

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

"Provided that no search shall be conducted unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 157 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person, authorised to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be." 2 of 1974.

Amendment of section 18.

8. In section 18 of the principal Act,—

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

"Provided that no search of any person shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under section 173 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person authorised to investigate the offence mentioned in the Schedule, before a Magistrate or court for taking cognizance of the scheduled offence, as the case may be."; 2 of 1974.

(ii) in sub-section (9), the proviso shall be omitted.

Amendment of section 28.

9. In section 28 of the principal Act, in sub-section (2), clause (a) shall be omitted.

Amendment of section 32.

10. In section 32 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

"Provided that the Chief Justice of India shall be consulted before removal of the Chairperson or a Member who was appointed on the recommendation of the Chief Justice of India."

Amendment of section 38.

11. In section 38 of the principal Act, for the words "one or more of the other Members", the words "third Member" shall be substituted.

Amendment of section 60.

12. In section 60 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) When any property in India is confiscated as a result of execution of a request from a contracting State in accordance with the provisions of this Act, the Central Government may either return such property to the requesting State or compensate that State by disposal of such property on mutually agreed terms that would take into account deduction for reasonable expenses incurred in investigation, prosecution or judicial proceedings leading to the return or disposal of confiscated property."

Amendment of Schedule.

13. In the principal Act, in the Schedule,—

(i) in Part A,—

(a) in Paragraph 1, after section 121A and the entry relating thereto, the following sections and the entries shall be inserted, namely:—

Section	Description of offence
"489A	Counterfeiting currency notes or bank notes.
489B	Using as genuine, forged or counterfeit currency notes or bank notes.";

(b) in Paragraph 2, for sections 15, 18 and 20 and the entries relating thereto, the following sections and the entries shall be substituted, namely:—

Section	Description of offence
"15	Contravention in relation to poppy straw.
16	Contravention in relation to coca plant and coca leaves.
17	Contravention in relation to prepared opium.
18	Contravention in relation to opium poppy and opium.
19	Embezzlement of opium by cultivator.
20	Contravention in relation to cannabis plant and cannabis.
21	Contravention in relation to manufactured drugs and preparations.";

(c) after Paragraph 2, the following Paragraphs shall be inserted, namely:—

“PARAGRAPH 3

OFFENCES UNDER THE EXPLOSIVE SUBSTANCES ACT, 1908

Section	Description of offence
3	Causing explosion likely to endanger life or property.
4	Attempt to cause explosion, or for making or keeping explosives with intent to endanger life or property.
5	Making or possessing explosives under suspicious circumstances.

PARAGRAPH 4

OFFENCES UNDER THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967

Section	Description of offence
10 read with section 3	Penalty for being member of an unlawful association, etc.
11 read with sections 3 and 7	Penalty for dealing with funds of an unlawful association.
13 read with section 3	Punishment for unlawful activities.
16 read with section 15	Punishment for terrorist act.
16A	Punishment for making demands of radioactive substances, nuclear devices, etc.
17	Punishment for raising fund for terrorist act.
18	Punishment for conspiracy, etc.
18A	Punishment for organising of terrorist camps.
18B	Punishment for recruiting of any person or persons for terrorist act.
19	Punishment for harbouring, etc.
20	Punishment for being member of terrorist gang or organisation.
21	Punishment for holding proceeds of terrorism.
38	Offence relating to membership of a terrorist organisation.

Section	Description of offence
39	Offence relating to support given to a terrorist organisation.
40	Offence of raising fund for a terrorist organisation.";

(ii) in Part B,—

(a) for Paragraph 1, the following Paragraph shall be substituted, namely:—

“PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

Section	Description of offence
120B	Criminal conspiracy.
255	Counterfeiting Government stamp.
257	Making or selling instrument for counterfeiting Government stamp.
258	Sale of counterfeit Government stamp.
259	Having possession of counterfeit Government stamp.
260	Using as genuine a Government stamp known to be counterfeit.
302	Murder.
304	Punishment for culpable homicide not amounting to murder.
307	Attempt to murder.
308	Attempt to commit culpable homicide.
327	Voluntarily causing hurt to extort property, or to constrain to an illegal act.
329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
364A	Kidnapping for ransom, etc.
384 to 389	Offences relating to extortion.
392 to 402	Offences relating to robbery and dacoity.
411	Dishonestly receiving stolen property.
412	Dishonestly receiving property stolen in the commission of a dacoity.
413	Habitually dealing in stolen property.
414	Assisting in concealment of stolen property.
417	Punishment for cheating.
418	Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.
419	Punishment for cheating by personation.
420	Cheating and dishonestly inducing delivery of properties.
421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.

Section	Description of offence
422	Dishonestly or fraudulently preventing debt being available for creditors.
423	Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.
424	Dishonest or fraudulent removal or concealment of property.
467	Forgery of valuable security, will, etc.
471	Using as genuine a forged document or electronic record.
472 and 473	Making or possessing counterfeit seal, etc., with intent to commit forgery.
475 and 476	Counterfeiting device or mark.
481	Using a false property mark.
482	Punishment for using a false property mark.
483	Counterfeiting a property mark used by another.
484	Counterfeiting a mark used by a public servant.
485	Making or possession of any instrument for counterfeiting a property mark.
486	Selling goods marked with a counterfeit property mark.
487	Making a false mark upon any receptacle containing goods.
488	Punishment for making use of any such false mark.”;

(b) in Paragraph 3, before section 51 read with section 17A and the entry relating thereto, the following section and the entry shall be inserted, namely:—

Section	Description of offence
"51 read with section 9	Hunting of wild animals.”;

(c) in Paragraph 5, after section 10 and the entry relating thereto, the following section and the entry shall be inserted, namely:—

Section	Description of offence
"13	Criminal misconduct by a public servant.”;

(d) after Paragraph 5, the following Paragraphs shall be inserted, namely:—

"PARAGRAPH 6

OFFENCES UNDER THE EXPLOSIVES ACT, 1884

Section	Description of offence
9-B	Punishment for certain offences.
9-C	Offences by companies.

PARAGRAPH 7

OFFENCES UNDER THE ANTIQUITIES AND ARTS TREASURES ACT, 1972

Section	Description of offence
25 read with section 3	Contravention of export trade in antiquities and art treasures.
28	Offences by companies.

PARAGRAPH 8

OFFENCES UNDER THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992

Section	Description of offence
12A read with section 24	Prohibition of manipulative and deceptive devices, insider trading and substantial acquisition of securities or control.

PARAGRAPH 9

OFFENCES UNDER THE CUSTOMS ACT, 1962

Section	Description of offence
135	Evasion of duty or prohibitions.

PARAGRAPH 10

OFFENCES UNDER THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

Section	Description of offence
16	Punishment for enforcement of bonded labour.
18	Punishment for extracting bonded labour under the bonded labour system.
20	Abetment to be an offence.

PARAGRAPH 11

OFFENCES UNDER THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

Section	Description of offence
14	Punishment for employment of any child to work in contravention of the provisions of section 3.

PARAGRAPH 12

OFFENCES UNDER THE TRANSPLANTATION OF HUMAN ORGANS ACT, 1994

Section	Description of offence
18	Punishment for removal of human organ without authority.
19	Punishment for commercial dealings in human organs.
20	Punishment for contravention of any other provision of this Act.

PARAGRAPH 13

OFFENCES UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

Section	Description of offence
23	Punishment for cruelty to juvenile or child.
24	Employment of juvenile or child for begging.
25	Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child.
26	Exploitation of juvenile or child employee.

PARAGRAPH 14

OFFENCES UNDER THE EMIGRATION ACT, 1983

Section	Description of offence
24	Offences and penalties.

PARAGRAPH 15

OFFENCES UNDER THE PASSPORTS ACT, 1967

Section	Description of offence
12	Offences and penalties.

PARAGRAPH 16

OFFENCES UNDER THE FOREIGNERS ACT, 1946

Section	Description of offence
14	Penalty for contravention of provisions of the Act, etc.
14B	Penalty for using forged passport.
14C	Penalty for abetment.

PARAGRAPH 17

OFFENCES UNDER THE COPYRIGHT ACT, 1957

Section	Description of offence
63	Offence of infringement of copyright or other rights conferred by this Act.
63A	Enhanced penalty on second and subsequent convictions.
63B	Knowing use of infringing copy of computer programme.
68A	Penalty for contravention of section 52A.

PARAGRAPH 18

OFFENCES UNDER THE TRADE MARKS ACT, 1999

Section	Description of offence
103	Penalty for applying false trade marks, trade descriptions, etc.
104	Penalty for selling goods or providing services to which false trademark or false trade description is applied.

Section	Description of offence
105	Enhanced penalty on second or subsequent conviction.
107	Penalty for falsely representing a trade mark as registered.
120	Punishment of abetment in India of acts done out of India.

PARAGRAPH 19

OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000

Section	Description of offence
72	Penalty for breach of confidentiality and privacy.
75	Act to apply for offence or contravention committed outside India.

PARAGRAPH 20

OFFENCES UNDER THE BIOLOGICAL DIVERSITY ACT, 2002

Section	Description of offence
55 read with section 6	Penalties for contravention of section 6, etc.

PARAGRAPH 21

OFFENCES UNDER THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

Section	Description of offence
70 read with section 68	Penalty for applying false denomination, etc.
71 read with section 68	Penalty for selling varieties to which false denomination is applied.
72 read with section 68	Penalty for falsely representing a variety as registered.
73 read with section 68	Penalty for subsequent offence.

PARAGRAPH 22

OFFENCES UNDER THE ENVIRONMENT PROTECTION ACT, 1986

Section	Description of offence
15 read with section 7	Penalty for discharging environmental pollutants.
15 read with section 8	Penalty for handling hazardous substance.

PARAGRAPH 23

OFFENCES UNDER THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

Section	Description of offence
41(2)	Penalty for pollution of stream or well.
43	Penalty for contravention of provisions of section 24.

PARAGRAPH 24

OFFENCES UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION)
ACT, 1981

Section	Description of offence
37	Failure to comply with the provisions for operating industrial plant.

PARAGRAPH 25

OFFENCES UNDER THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY
OF MARITIME NAVIGATION AND FIXED PLATFORMS ON
CONTINENTAL SHELF ACT, 2002

Section	Description of offence
3	Offences against ship, fixed platform, cargo of a ship, maritime navigational facilities, etc."

(iii) after Part B, the following Part shall be inserted, namely:—

"PART C

An offence which is the offence of cross border implications and is specified in,—

- (1) Part A; or
- (2) Part B without any monetary threshold; or
- (3) the offences against property under Chapter XVII of the Indian Penal Code."

V.K. BHASIN,
Additional Secretary to the Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
*Additional Secretary to Government,
Law Department.*

New Delhi, the 16th March, 2009.

The following Act of Parliament received the assent of the President on the 16th March, 2009 and is hereby published for general information:—

THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT) ACT, 2009

ACT No. 22 OF 2009

An Act further to amend the Central Industrial Security Force Act, 1968.

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

1. (1) This Act may be called the Central Industrial Security Force (Amendment) Act, 2009.

Short title and commencement.

(2) It shall be deemed to have come into force on the 10th day of January, 2009.

50 of 1968.

2. In the Central Industrial Security Force Act, 1968 (hereinafter referred to as the principal Act), in section 2,—

Amendment of section 2.

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

‘(cb) “joint venture” means a venture jointly undertaken by the Central Government or State Government with private industrial undertaking;’;

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

(ga) "private industrial undertaking" means an industry owned, controlled or managed by a person other than the Central or State Government or any industrial undertaking in public sector;.

Amendment
of section 3.

3. In section 3 of the principal Act, in sub-section (1), after the words "industrial undertakings owned by that Government", the words ", joint venture or private industrial undertaking" shall be inserted.

Amendment
of section 4.

4. In section 4 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Central Government may appoint a person to be the Director-General of the Force and such other supervisory officers as considered necessary."

Amendment
of section 7.

5. In section 7 of the principal Act, in sub-section (2),—

(i) for the words "an Inspector-General, a Deputy Inspector-General, a Commandant, a Deputy Commandant or an Assistant Commandant", the words "such other supervisory officers as considered necessary" shall be substituted;

(ii) after the words "industrial undertaking", the words ", joint venture or private industrial undertaking" shall be inserted.

Amendment
of section 10.

6. In section 10 of the principal Act,—

(i) in clause (c), after the word "safeguard", the words "any joint venture, private industrial undertaking and" shall be inserted;

(ii) in clause (h), after the words "any other duty", the words "within and outside India" shall be inserted.

Amendment
of section 14.

7. In section 14 of the principal Act,—

(a) in the marginal heading, after the words "public sector", the words ", joint venture or private sector" shall be inserted;

(b) in sub-section (1), after the words "public sector", the words ", joint venture or private sector" shall be inserted;

(c) in the proviso to sub-section (2), for the words "one month's notice", the words "three month's notice" shall be inserted.

Amendment
of section 15.

8. In section 15 of the principal Act, in sub-section (1), after the word "within", the words " or outside" shall be inserted.

Repeal and
saving.

9. (1) The Central Industrial Security Force (Amendment) Ordinance, 2009 is hereby repealed. Ord. 2 of 2009.

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

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
Additional Secretary to Government,
Law Department.

New Delhi, the 16th March, 2009.

The following Act of Parliament received the assent of the President on the 16th March, 2009 and is hereby published for general information:—

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND
CONDITIONS OF SERVICE) AMENDMENT ACT, 2009.

ACT No. 23 OF 2009

An Act further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009. Short title and commencement.

(2) Sections 2, 3, 4, 7, 8, 9, 10 and 13 shall be deemed to have come into force on the 1st day of January, 2006 and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of September, 2008.

CHAPTER II

AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

Amendment of section 13A. 2. In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in section 13A,— 28 of 1954.

(a) in sub-section (1), for the words "thirty thousand rupees per mensem", the words "ninety thousand rupees per mensem" shall be substituted;

(b) in sub-section (2), for the words "twenty-six thousand rupees per mensem", the words "eighty thousand rupees per mensem" shall be substituted.

Amendment of section 17A. 3. In section 17A of the High Court Judges Act, in sub-section (1),—

(a) the words "plus fifty per cent. of his dearness pay" shall be omitted;

(b) the words "plus thirty per cent. of his dearness pay subject to a minimum of one thousand nine hundred and thirteen rupees per month" shall be omitted.

Insertion of new section 17B. 4. After section 17A of the High Court Judges Act, the following section shall be inserted, namely:—

Additional quantum of pension or family pension.

"17B. Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale:—

Age of Pensioner or Family Pensioner	Additional quantum of pension or family pension
From eighty years to less than eighty-five years	Twenty per cent. of basic pension or family pension
From eighty-five years to less than ninety years	Thirty per cent. of basic pension or family pension
From ninety years to less than ninety-five years	Forty per cent. of basic pension or family pension
From ninety-five years to less than hundred years	Fifty per cent. of basic pension or family pension
From hundred years or more	Hundred per cent. of basic pension or family pension."

Amendment of section 22A. 5. In section 22A of the High Court Judges Act, in sub-section (2), the words "plus thirty per cent. of the dearness pay" shall be omitted.

Amendment of section 22C. 6. In the High Court Judges Act, for section 22C, the following section shall be substituted, namely:—

Sumptuary allowance.

"22C. The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of fifteen thousand rupees per month and twelve thousand rupees per month respectively."

Amendment of First Schedule. 7. In the First Schedule to the High Court Judges Act,—
(a) in Part I,—

(i) in paragraph 2,—

(A) in clause (a), for the letters and figures "Rs. 21,945", the letters and figures "Rs. 43,890" shall be substituted;

(B) in clause (b), for the letters and figures "Rs. 16,725", the letters and figures "Rs. 34,350" shall be substituted;

(C) in the proviso, for the letters and figures "Rs. 2,70,000" and "Rs. 2,34,000", the letters and figures "Rs. 5,40,000" and "Rs. 4,80,000" shall, respectively, be substituted;

(ii) in paragraph 8, for the letters and figures "Rs. 2,70,000", the letters and figures "Rs. 5,40,000" shall be substituted;

(iii) in paragraph 9, for the letters and figures "Rs. 76,785", the letters and figures "Rs. 1,57,670" shall be substituted;

(b) in part II,—

(i) in the proviso to paragraph 2, for the letters and figures "Rs. 2,70,000" and "Rs. 2,34,000", the letters and figures "Rs. 5,40,000" and "Rs. 4,80,000" shall, respectively, be substituted;

(ii) in paragraph 3, for the figures "16,898", "20,280", "23,649", "27,033", "30,420" and "33,799", the figures "34,696", "41,642", "48,559", "55,508", "62,462" and "69,402" shall, respectively, be substituted;

(c) in Part III, in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 7,800", the letters and figures "Rs.16,020" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 2,70,000" and "Rs. 2,34,000", the letters and figures "Rs. 5,40,000" and "Rs. 4,80,000" shall, respectively, be substituted.

CHAPTER III

AMENDMENT OF THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1958

41 of 1958.

8. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), in section 12A,—

Amendment of section 12A.

(a) in sub-section (1), for the words "thirty-three thousand rupees per mensem", the words "one lakh rupees per mensem" shall be substituted;

(b) in sub-section (2), for the words "thirty thousand rupees per mensem", the words "ninety thousand rupees per mensem" shall be substituted.

9. In section 16A of the Supreme Court Judges Act, in sub-section (1),—

Amendment of section 16A.

(i) in clause (a), the words "plus fifty per cent. of his dearness pay" and "plus thirty per cent. of his dearness pay" shall be omitted;

(ii) in clause (b), the words "plus thirty per cent. of his dearness pay" shall be omitted.

10. After section 16 A of the Supreme Court Judges Act, the following section shall be inserted, namely:—

Insertion of new section 16B.

"16B. Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale:—

Additional quantum of pension or family pension.

Age of Pensioner or family Pensioner	Additional quantum of pension or family pension.
From eighty years to less than eighty-five years	Twenty per cent. of basic pension or family pension
From eighty-five years to less than ninety years	Thirty per cent. of basic pension or family pension
From ninety years to less than ninety-five years	Forty per cent. of basic pension or family pension

From ninety-five years to less than hundred years	Fifty per cent. of basic pension or family pension
From hundred years or more	Hundred per cent. of basic pension or family pension."

Amendment of section 23. 11. In section 23 of the Supreme Court Judges Act, in sub-section (1A), the words "plus thirty per cent. of the dearness pay" shall be omitted.

Amendment of section 23B. 12. In section 23B of the Supreme Court Judges Act, for the words "ten thousand" and "seven thousand five hundred", the words "twenty thousand" and "fifteen thousand" shall, respectively, be substituted.

Amendment of Schedule. 13. In the Schedule to the Supreme Court Judges Act,—

(a) in Part I,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 6,030", "Rs. 1,82,820" and "Rs. 15,360", the letters and figures "Rs. 12,180", "Rs. 3,69,300" and "Rs. 31,030" shall, respectively, be substituted;

(B) in the proviso, for the letters and figures "Rs. 2,97,000", the letters and figures "Rs. 6,00,000" shall be substituted;

(ii) in the proviso to paragraph 3, for the letters and figures "Rs. 2,70,000", the letters and figures "Rs. 5,40,000" shall be substituted;

(b) in Part II, in paragraph 2, in clause (b), for the letters and figures "Rs. 16,898", the letters and figures "Rs. 33,795" shall be substituted;

(c) in Part III, in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 7,800", the letters and figures "Rs. 16,020" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 2,97,000" and "Rs. 2,70,000", the letters and figures "Rs. 6,00,000" and "Rs. 5,40,000" shall, respectively, be substituted.

CHAPTER IV

TRANSITIONAL PROVISION

Arrears. 14. The difference of salary, pension and family pension payable to a Judge of High Court or to his family, as the case may be, under the High Court Judges Act or a Judge of the Supreme Court or his family, as the case may be, under the Supreme Court Judges Act as amended by this Act and the salary, pension or family pension payable to such Judge or his family, as the case may be, but for this Act shall be paid in two instalments, the first instalment of forty per cent. to be paid during the current financial year 2008-09 and the remaining sixty per cent. to be paid in the financial year 2009-10.

Repeal and saving. 15. (1) The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Ordinance, 2009 is hereby repealed.

Ord. 1 of 2009.

(2) Notwithstanding such repeal, anything done or any action taken under the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 as amended by the said Ordinance shall be deemed to have been done or taken under the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as amended by this Act.

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
Additional Secretary to Government,
Law Department.

New Delhi, the 16th March, 2009.

The following Act of Parliament received the assent of the President on the 16th March, 2009 and is hereby published for general information:—

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS
(SPECIAL PROVISIONS) ACT, 2009.

ACT No. 24 OF 2009

An Act to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2009 and for matters connected therewith or incidental thereto.

WHEREAS there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not in consonance with the concept of planned development as provided in the Master Plan of Delhi, 2001 and the relevant Acts and building bye-laws made thereunder;

AND WHEREAS the Master Plan of Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

AND WHEREAS the Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

AND WHEREAS a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021;

AND WHEREAS based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village *abadi* area and its extension, the guidelines and regulations for this purpose have been issued;

AND WHEREAS more time is required for orderly implementation of scheme regarding hawkers and urban street vendors and for regularisation of unauthorised colonies, village *abadi* area and its extension;

AND WHEREAS the revised policy and orderly arrangements for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhopri* clusters in the National Capital Territory of Delhi is under consideration of the Government;

AND WHEREAS policy regarding existing farm houses involving construction beyond permissible building limits, schools, dispensaries, religious institutions and cultural institutions and storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land is under consideration of the Central Government;

AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 was enacted on the 5th day of December, 2007 to make special provisions for the areas of National Capital Territory of Delhi for a period up to the 31st day of December, 2008 and has ceased to operate after the 31st day of December, 2008;

43 of 2007.

AND WHEREAS it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a period up to the 31st day of December, 2009 to provide temporary relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

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

Short title,
extent,
commence-
ment and
duration.

1. (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall be deemed to have come into force on the 1st day of January, 2009.

(4) It shall cease to have effect on the 31st day of December, 2009, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act.

10 of 1897.

Definitions.

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

(a) “building bye-laws” means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, relating to buildings;

66 of 1957.
Punjab Act 3
of 1911.

61 of 1957.

(b) “Delhi” means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957;

66 of 1957.

(c) "encroachment" means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

66 of 1957.
44 of 1994.
61 of 1957.
(d) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction;

61 of 1957.
(e) "Master Plan" means the Master Plan for Delhi with the perspective for the year 2021, notified *vide* notification number S.O.141(E), dated the 7th February, 2007, under the Delhi Development Act, 1957;

(f) "notification" means a notification published in the Official Gazette;

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) "relevant law" means in case of—

61 of 1957.
(i) the Delhi Development Authority, the Delhi Development Act, 1957;

66 of 1957.
(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and

44 of 1994.
(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994;

(i) "unauthorised development" means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

61 of 1957.
66 of 1957.
44 of 1994.
(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and *Jhuggi-Jhompri* clusters, hawkers and urban street vendors, unauthorised colonies, village *abadi* area (including urban villages) and its extension, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:

(a) policy for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompri* clusters in accordance with the provisions of the Master Plan of Delhi, 2021 to ensure development of Delhi in a sustainable, planned and humane manner;

Enforcement to be kept in abeyance.

(b) scheme and orderly arrangements for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in the Master Plan of Delhi, 2021;

(c) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised colonies, village *abadi* area (including urban villages) and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(d) policy regarding existing farm houses involving construction beyond permissible building limits; and

(e) policy regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo* —

(i) as on the 1st day of January, 2006, in respect of encroachment or unauthorised development; and

(ii) in respect of unauthorised colonies, village *abadi* area (including urban villages) and its extension, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February, 2007, mentioned in sub-section (1),

shall be maintained.

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2009.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2009, withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

Provisions of this Act not to apply in certain cases.

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:—

(a) encroachment on public land except in those cases which are covered under clauses (a), (b) and (c) of sub-section (1) of section 3;

(b) removal of slums and *Jhuggi-Jhompri* dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village *abadi* area (including urban villages) and its extension in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

Power of Central Government to give directions.

5. The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

6. Notwithstanding any judgment, decree or order of any court, all things done, or, omitted, to be done, and all action taken, or, not taken, during the period beginning on or after the 1st day of January, 2009 and ending immediately before the date of commencement of this Act, shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under these provisions as if such provisions were in force at the time such things were done or omitted to be done and action taken or not taken during the aforesaid period.

Validation of acts done or omitted to be done, etc., during 1st January, 2009 up to the date of commencement of this Act.

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
*Additional Secretary to Government,
Law Department.*

New Delhi, the 20th March, 2009.

The following Act of Parliament received the assent of the President on the 20th March, 2009 and is hereby published for general information:—

THE CENTRAL UNIVERSITIES ACT, 2009

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Establishment of Universities.
4. Effect of establishment of Universities.
5. Objects of University.
6. Powers of University.
7. University open to all castes, creed, race or class.
8. Visitor of University.
9. Officers of University.
10. Chancellor.
11. Vice-Chancellor.
12. Pro-Vice-Chancellor.
13. Deans of Schools.
14. Registrar.
15. Finance Officer.
16. Controller of Examinations.
17. Librarian.
18. Other officers.
19. Authorities of University.
20. The Court.
21. Executive Council.
22. Academic Council.
23. Boards of Studies.
24. Finance Committee.
25. Other authorities of University.
26. Powers to make Statutes.
27. Statutes, how to be made.
28. Power to make Ordinances.
29. Regulations.
30. Annual report.
31. Annual accounts.
32. Returns and information.

(ii)

SECTIONS

33. Conditions of service of employees, etc.
34. Procedure of appeal and arbitration in disciplinary cases against students.
35. Right to appeal.
36. Provident and pension funds.
37. Disputes as to constitution of authorities and bodies.
38. Filling of casual vacancies.
39. Proceedings of authorities or bodies not invalidated by vacancies.
40. Protection of action taken in good faith.
41. Mode of proof of University record.
42. Power to remove difficulties.
43. Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.
44. Transitional provisions.
45. Amendment of Madhya Pradesh Act 22 of 1973.
46. Amendment of President's Act 10 of 1973.
47. Repeal and savings.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE CENTRAL UNIVERSITIES ACT, 2009

ACT No. 25 OF 2009

An Act to establish and incorporate universities for teaching and research in the various States and to provide for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Central Universities Act, 2009.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 15th day of January, 2009.

2. In this Act, and in all Statutes made hereunder, unless the context otherwise requires,—

Definitions.

(a) “Academic Council” means the Academic Council of the University;

(b) “academic staff” means such categories of staff as are designated as academic staff by the Ordinances;

(c) “Board of Studies” means the Board of Studies of a Department of the University;

(d) “College” means a college maintained by the University;

(e) “Chancellor”, “Vice-Chancellor” and “Pro-Vice-Chancellor” mean, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;

(f) “Court” means the Court of the University;

(g) “Department” means a Department of Studies and includes a Centre of Studies;

(h) “distance education system” means the system of imparting education through any means of communication, such as broadcasting, telecasting, internet, correspondence courses, seminars, contact programmes or the combination of any two or more such means;

(i) “employee” means any person appointed by the University and includes teachers and other staff of the University;

(j) “Executive Council” means the Executive Council of the University;

(k) “Hall” means a unit of residence or of corporate life for the students of the University, or of a College or an Institution, maintained by the University;

(l) “Institution” means an academic institution, not being a College, maintained by the University;

(m) “Principal” means the Head of a College or an Institution maintained by the University and includes, where there is no Principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal, or the acting Principal, a Vice-Principal duly appointed as such;

(n) “Regulations” means the Regulations made by any authority of the University under this Act for the time being in force;

(o) “School” means a School of Studies of the University;

(p) “Statutes” and “Ordinances” mean, respectively, the Statutes and the Ordinances of the University for the time being in force;

(q) “teachers of the University” means Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instruction or conducting research in the University or in any College or Institution maintained by the University and are designated as teachers by the Ordinances; and

(r) “University” means a University established and incorporated as a University under this Act.

Establishment
of
Universities.

3. (1) The Guru Ghasidas Vishwavidyalaya in the State of Chhattisgarh and Doctor Harisingh Gour Vishwavidyalaya in the State of Madhya Pradesh, established under the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973, and Hemvati Nandan Bahuguna Garhwal University in the State of Uttarakhand, established under the Uttar Pradesh State Universities Act, 1973, shall be established as bodies corporate under this Act by the same names of “Guru Ghasidas Vishwavidyalaya”, “Doctor Harisingh Gour Vishwavidyalaya” and “Hemvati Nandan Bahuguna Garhwal University”, respectively.

Madhya
Pradesh Act
22 of 1973.
President's Act
10 of 1973.

(2) The headquarters of Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University shall be at Bilaspur, Sagar and Srinagar, respectively.

(3) The jurisdiction of Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University, shall extend to the Bilaspur, Raigarh and Surguja districts of the State of Chhattisgarh, the Sagar, Tikamgarh, Chhatapur, Panna, Chhindwara and Damoh districts of the State of Madhya Pradesh, and the Chamoli, Dehradun, Garhwal, Hardwar, Rudraprayag, Tehri Garhwal and Uttarkashi districts of the State of Uttarakhand, respectively.

(4) There shall be established, the Universities in the various States as bodies corporate, by such names and territorial jurisdiction, as specified in the First Schedule to this Act.

(5) The headquarters of each of the Universities, referred to in sub-section (4), shall be such as may be specified by the Central Government by notification in the Official Gazette.

(6) The first Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council of each University, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the University.

(7) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

4. On and from the date of commencement of this Act,—

Effect of
establishment
of
Universities.

(a) any reference to Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya or Hemvati Nandan Bahuguna Garhwal University, in any contract or other instrument shall be deemed as a reference to Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya, and Hemvati Nandan Bahuguna Garhwal University, respectively, established under this Act;

(b) all properties, movable and immovable, of or belonging to Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University, shall vest in Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya or Hemvati Nandan Bahuguna Garhwal University, as the case may be, established under this Act;

(c) all rights and liabilities of Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University, shall be transferred to, and be the rights and liabilities of, Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University, respectively, established under this Act;

(d) every person employed by Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University, immediately before the commencement of this Act, shall hold his office or service in Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University, respectively, established under this Act by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been enacted and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the University in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment, to him by the University, of compensation equivalent to three months' remuneration in case of permanent employees and one month's remuneration in the case of other employees:

Provided further that every person employed before the commencement of this Act, pending the execution of a contract under section 33, shall be deemed to have been appointed in accordance with the provisions of a contract consistent with the provisions of this Act and the Statutes:

Provided also that any reference, by whatever form of words, to the Vice-Chancellor and Pro-Vice-Chancellor of Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya or Hemvati Nandan Bahuguna Garhwal University, in any law for the time being in force, or in any instrument or other document, shall be

construed as a reference to the Vice-Chancellor and the Pro-Vice-Chancellor of Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya or Hemvati Nandan Bahuguna Garhwal University, as the case may be, established under this Act;

(e) the Vice-Chancellors of Guru Ghasidas Vishwavidyalaya and Doctor Harisingh Gour Vishwavidyalaya, appointed under the provisions of the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973, and the Vice-Chancellor of Hemvati Nandan Bahuguna Garhwal University, appointed under the provisions of the Uttar Pradesh State Universities Act, 1973, shall be deemed to have been appointed as the Vice-Chancellors under this Act, and shall hold office for a period of three months or till such time the first Vice-Chancellor is appointed under section 44 of the Act, whichever is earlier; and

Madhya Pradesh Act 22 of 1973. President's Act 10 of 1973.

(f) all Colleges, Institutions, Schools or Faculties, and Departments affiliated to, or admitted to the privileges of, or maintained by, Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University shall stand affiliated to, or admitted to the privileges of, or maintained by, Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University, respectively, established under this Act.

Objects of University.

5. The objects of the University shall be to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit; to make special provisions for integrated courses in humanities, social sciences, science and technology in its educational programmes; to take appropriate measures for promoting innovations in teaching-learning process and inter-disciplinary studies and research; to educate and train manpower for the development of the country; to establish linkages with industries for the promotion of science and technology; and to pay special attention to the improvement of the social and economic conditions and welfare of the people, their intellectual, academic and cultural development.

Powers of University.

6. (1) The University shall have the following powers, namely:—

(i) to provide for instructions in such branches of learning like natural sciences, social sciences, humanities, engineering, technology and medicine as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;

(ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on, persons, on the basis of examinations, evaluation or any other method of testing, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(iii) to organise and to undertake extramural studies, training and extension services;

(iv) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(v) to provide facilities through the distance education system to such persons as it may determine;

(vi) to institute Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or other teaching or academic positions;

(vii) to recognise an institution of higher learning for such purposes as the University may determine and to withdraw such recognition;

(viii) to appoint persons working in any other University or academic institution, including those located outside the country, as teachers of the University for a specified period;

(ix) to create administrative, ministerial and other posts and to make appointments thereto;

(x) to co-operate or collaborate or associate with any other University or authority or institution of higher learning, including those located outside the country, in such manner and for such purposes as the University may determine;

(xi) to establish such centres and specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

(xii) to institute and award fellowships, scholarships, studentships, medals and prizes;

(xiii) to establish and maintain Colleges, Institutions and Halls;

(xiv) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;

(xv) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;

(xvi) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the University;

(xvii) to confer autonomous status on a College or an Institution or a Department, as the case may be, in accordance with the Statutes;

(xviii) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(xix) to demand and receive payment of fees and other charges;

(xx) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(xxi) to lay down conditions of service of all categories of employees, including their code of conduct;

(xxii) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(xxiii) to make arrangements for promoting the health and general welfare of the employees;

(xxiv) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the previous approval of the Central Government, any property, movable or immovable, including trust and endowment properties, for the purposes of the University;

(xxv) to borrow, with the previous approval of the Central Government, on the security of the property of the University, money for the purposes of the University; and

(xxvi) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching and research,

and the University shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

(i) admission of students and recruitment of faculty shall be made on all-India basis;

(ii) admissions of students shall be made on merit, either through Common Entrance Tests conducted individually by the University or in combination with other Universities, or on the basis of marks obtained in the qualifying examination in such courses where the intake of students is small;

(iii) inter-University mobility of faculty, with portable pensions and protection of seniority, shall be encouraged;

(iv) semester system, continuous evaluation and choice-based credit system shall be introduced and the University shall enter into agreements with other Universities and academic institutions for credit transfer and joint degree programmes;

(v) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;

(vi) active participation of students shall be ensured in all academic activities of the University, including evaluation of teachers;

(vii) accreditation shall be obtained from the National Assessment and Accreditation Council or any other accrediting agency at the national level; and

(viii) e-governance shall be introduced with an effective management information system.

University
open to all
castes, creed,
race or class.

7. The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens:

Provided further that no such special provision shall be made on the ground of domicile.

Visitor of
University.

8. (1) The President of India shall be the Visitor of the University.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including Colleges and Institutions maintained by it, and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions, as he considers necessary, in respect of any of the matters dealt with in the report and the University shall abide by such action and be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made by such person or persons, as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any College or Institution maintained by the University; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions.

(4) The Visitor shall, in every matter referred to in sub-section (3), give notice of his intention to cause an inspection or inquiry to be made, to the University, and the University shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University or any College or Institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate, to the Executive Council, the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(8) The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(9) Where, the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions, as he may think fit, and the Executive Council shall comply with such directions.

(10) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order, he shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(11) The Visitor shall have such other powers as may be prescribed by the Statutes.

9. The following shall be the officers of the University, namely:—

Officers of
University.

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Pro-Vice-Chancellor;
- (4) the Deans of Schools;
- (5) the Registrar;
- (6) the Finance Officer;
- (7) the Controller of Examinations;
- (8) the Librarian; and

(9) such other officers as may be declared by the Statutes to be the officers of the University.

10. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes. Chancellor.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and meetings of the Court.

Vice-Chancellor.

11. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Pro-Vice-Chancellor.

12. The Pro-Vice-Chancellor shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Deans of Schools.

13. Every Dean of School shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Registrar.

14. (1) The Registrar shall be appointed in such manner, and on such terms and conditions of service, as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Finance Officer.

15. The Finance Officer shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Controller of Examinations.

16. The Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Librarian.

17. The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Other officers.

18. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.

Authorities of University.

19. The following shall be the authorities of the University, namely:—

(1) the Court;

(2) the Executive Council;

(3) the Academic Council;

(4) the Board of Studies;

(5) the Finance Committee; and

(6) such other authorities as may be declared by the Statutes to be the authorities of the University.

20. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes: The Court.

Provided that such number of members, as may be prescribed by the Statutes, shall be elected from among the teachers, employees and students of the University.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(a) to review, from time to time, the broad policies and programmes of the University, and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(c) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be prescribed by the Statutes.

21. (1) The Executive Council shall be the principal executive body of the University. Executive Council.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court.

22. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University. Academic Council.

(2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court.

23. The constitution, powers and functions of the Boards of Studies shall be prescribed by the Statutes. Boards of Studies.

24. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes. Finance Committee.

25. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes. Other authorities of University.

26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:— Powers to make Statutes.

(a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters

relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University and their emoluments;

(d) the appointment of teachers, academic staff and other employees of the University, their emoluments and conditions of service;

(e) the appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project;

(f) the conditions of service of employees including provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing the seniority of service of the employees of the University;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the conferment of autonomous status on a College or an Institution or a Department;

(k) the establishment and abolition of Schools, Departments, Centres, Halls, Colleges and Institutions;

(l) the conferment of honorary degrees;

(m) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(n) the management of Colleges and Institutions established by the University;

(o) the delegation of powers vested in the authorities or officers of the University;

(p) the maintenance of discipline among the employees and students; and

(q) all other matters which by this Act are to be, or may be, provided for by the Statutes.

Statutes, how
to be made.

27. (1) The first Statutes are those set out in the Second Schedule to this Act.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for re-consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

(6) Notwithstanding anything contained in this section, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

28. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

Power to
make
Ordinances.

- (a) the admission of students to the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (c) the medium of instruction and examination;
- (d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
- (e) the fees to be charged for courses of study in the University and for admission to examinations, degrees and diplomas of the University;
- (f) the conditions for award of fellowships, scholarships, studentships, medals and prizes;
- (g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (h) the conditions of residence of the students of the University;
- (i) the special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them;
- (j) the establishment of Centres of Studies, Boards of Studies, Specialised Laboratories and other Committees;
- (k) the manner of co-operation and collaboration with other Universities, institutions and other agencies including learned bodies or associations;
- (l) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (m) the institution of fellowships, scholarships, studentships, medals and prizes;
- (n) the setting up of a machinery for redressal of grievances of employees and students; and
- (o) all other matters which by this Act, or, the Statutes, are to be, or, may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Executive Council and the Ordinances so made may also be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes:

Provided that in the case of Guru Ghasidas Vishwavidyalaya and Doctor Harisingh Gour Vishwavidyalaya, and Hemvati Nandan Bahuguna Garhwal University, till such time as the first Ordinances are not so made, in respect of the matters that are to be provided for by the Ordinances under this Act and the Statutes, the relevant provisions of the Statutes and the Ordinances made immediately before the commencement of this Act under the provisions of the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973, and the Uttar Pradesh State Universities Act, 1973, respectively, shall be applicable in so far as they are not inconsistent with the provisions of this Act and the Statutes.

Regulations.

29. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Annual report.

30. (1) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

(2) The Court shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

Annual accounts.

31. (1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court and the Visitor along with the observations of the Executive Council.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

(4) A copy of the annual accounts together with the audit report, as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(5) The audited annual accounts after having been laid before both Houses of Parliament shall be published in the Gazette of India.

Returns and information.

32. The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require, within such period as may be specified by the Central Government.

Conditions of service of employees, etc.

33. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

Provided that nothing in this sub-section shall preclude the employee from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

(4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

34. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

Procedure of appeal and arbitration in disciplinary cases against students.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 33 shall, as far as may be, apply to a reference made under this sub-section.

35. Every employee or student of the University or of a College or Institution maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University, or, the Principal or the management of any College or an Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

Right to appeal.

36. (1) The University shall constitute for the benefit of its employees such provident or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

Provident and pension funds.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund, as if it were a Government provident fund.

19 of 1925.

37. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Disputes as to constitution of authorities and bodies.

38. All casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Filling of casual vacancies.

39. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings of authorities or bodies not invalidated by vacancies.

40. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Protection of action taken in good faith.

1 of 1872.

41. Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

Mode of proof of University record.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not

Power to remove difficulties.

inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

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

Statutes,
Ordinances
and
Regulations to
be published
in the Official
Gazette and to
be laid before
Parliament.

43. (1) Every Statute, Ordinances or Regulation made under this Act shall be published in the Official Gazette.

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

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statutes, Ordinances or Regulations so as to prejudicially affect the interests of any person to whom such Statutes, Ordinances or Regulations may be applicable.

Transitional
provisions.

44. Notwithstanding anything contained in this Act and the Statutes,—

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and each of the said officers shall hold office for such term, not exceeding five years, as may be specified by the Visitor;

(b) the first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(c) the first Court and the first Executive Council shall consist of not more than thirty-one members and eleven members, respectively, who shall be nominated by the Central Government and shall hold office for a term of three years; and

(d) the first Academic Council shall consist of not more than twenty-one members, who shall be nominated by the Central Government and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment by the Visitor or nomination by the Central Government, as the case may be, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

45. (1) In the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973, in the Second Schedule, the entries relating to Guru Ghasidas Vishwavidyalaya and Doctor Harisingh Gour Vishwavidyalaya shall be omitted. Amendment of Madhya Pradesh Act 22 of 1973.

(2) Notwithstanding such omission,—

(a) all appointments made, orders issued, degrees and other academic distinctions conferred, diplomas and certificates awarded, privileges granted, or other things done under the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973, shall be deemed to have been respectively made, issued, conferred, awarded, granted or done under the corresponding provisions of this Act and, except as otherwise provided by this Act or the Statutes, continue in force unless and until they are superseded by any order made under this Act or the Statutes; and

(b) all proceedings of Selection Committees for the appointment or promotion of teachers that took place before the commencement of this Act and all actions of the Executive Council in respect of the recommendations of such Selection Committees where no orders of appointment on the basis thereof were passed before the commencement of this Act shall, notwithstanding that the procedure for selection has been modified by this Act, be deemed to have been valid but further proceeding in connection with such pending selections shall be taken in accordance with the provisions of this Act and be continued from the stage where they stood immediately before such commencement, except if the concerned authorities take, with the approval of the Visitor, a decision to the contrary.

46. (1) In the Uttar Pradesh State Universities Act, 1973,—

(a) in sub-section (1) of section 4, the words, figures and brackets “and a University of Garhwal which shall from April 25, 1989 be called the Hemvati Nandan Bahuguna Garhwal University at Srinagar (District Garhwal)” shall be omitted;

(b) in clause (d) of sub-section (1) of section 20, the words “the Hemvati Nandan Bahuguna Garhwal University” shall be omitted;

(c) in sub-section (2) of section 52, for the words “the Universities of Kumaun and Garhwal” the words “the University of Kumaun” shall be substituted;

(d) section 72B shall be omitted;

(e) in the Schedule, Serial No. 8 and the entries relating thereto shall be omitted.

(2) Notwithstanding the omission and substitution referred to in sub-section (1),—

(a) all appointments made, orders issued, degrees and other academic distinctions conferred, diplomas and certificates awarded, privileges granted, or other things done under the Uttar Pradesh State Universities Act, 1973, shall be deemed to have been respectively made, issued, conferred, awarded, granted or done under the corresponding provisions of this Act and, except as otherwise provided by this Act or the Statutes, continue in force unless and until they are superseded by any order made under this Act or the Statutes; and

(b) all proceedings of Selection Committees for the appointment or promotion of teachers that took place before the commencement of this Act and all actions of the Executive Council in respect of the recommendations of such Selection Committees where no orders of appointment on the basis thereof were passed before the commencement of this Act shall, notwithstanding that the procedure for selection has been modified by this Act, be deemed to have been valid but further proceeding in connection with such pending selections shall be taken in accordance with the provisions of this Act and be continued from the stage where they stood immediately before such commencement, except if the concerned authorities take, with the approval of the Visitor, a decision to the contrary.

Madhya Pradesh Act 22 of 1973.

Amendment of President's Act 10 of 1973.

President's Act 10 of 1973.

Repeal and
savings.

47. (1) The Central Universities Ordinance, 2009 is hereby repealed.

Ord.3 of
2009.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, and—

(a) all appointments made, orders issued, degrees and other academic distinctions conferred, diplomas and certificates awarded, privileges granted, or other things done under the Central Universities Ordinance, 2009, shall be deemed to have been respectively made, issued, conferred, awarded, granted or done under the corresponding provisions of this Act and, except as otherwise provided by, or under this Act or the Statutes, continue in force unless and until they are superseded by any order made under this Act or the Statutes; and

Ord.3 of
2009.

(b) all proceedings of Selection Committees for the appointment or promotion of teachers that took place before the commencement of this Act and all actions of the Executive Council in respect of the recommendations of such Selection Committees where no orders of appointment on the basis thereof were passed before the commencement of this Act shall, notwithstanding that the procedure for selection has been modified by this Act, be deemed to have been valid but further proceeding in connection with such pending selections shall be taken in accordance with the provisions of this Act and be continued from the stage where they stood immediately before such commencement, except if the concerned authorities take, with the approval of the Visitor, a decision to the contrary.

THE FIRST SCHEDULE

[See section 3(4)]

Serial No.	Name of the State	Name of the University	Territorial jurisdiction
1.	Bihar	Central University of Bihar	Whole of the State of Bihar
2.	Gujarat	Central University of Gujarat	Whole of the State of Gujarat
3.	Haryana	Central University of Haryana	Whole of the State of Haryana
4.	Himachal Pradesh	Central University of Himachal Pradesh	Whole of the State of Himachal Pradesh
5.	Jammu and Kashmir	Central University of Jammu and Kashmir	Whole of the State of Jammu and Kashmir
6.	Jharkhand	Central University of Jharkhand	Whole of the State of Jharkhand
7.	Karnataka	Central University of Karnataka	Whole of the State of Karnataka
8.	Kerala	Central University of Kerala	Whole of the State of Kerala
9.	Orissa	Central University of Orissa	Whole of the State of Orissa
10.	Punjab	Central University of Punjab	Whole of the State of Punjab
11.	Rajasthan	Central University of Rajasthan	Whole of the State of Rajasthan
12.	Tamil Nadu	Central University of Tamil Nadu	Whole of the State of Tamil Nadu

THE SECOND SCHEDULE

(See section 27)

The Statutes of the University

Chancellor.

1. (1) The Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Executive Council from amongst persons of eminence in the academic or public life of the country:

Provided that if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations from the Executive Council.

(2) The Chancellor shall hold office for a term of five years and shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of his term of office, the Chancellor shall continue to hold office until his successor enters upon his office.

Vice-Chancellor.

2. (1) The Vice-Chancellor shall be appointed by the Visitor from out of a panel recommended by a Committee as constituted under clause (2):

Provided that if the Visitor does not approve any of the persons included in the panel, he may call for an extended fresh panel.

(2) The Committee referred to in clause (1) shall consist of five persons, out of whom three shall be nominated by the Executive Council and two by the Visitor, and one of the nominees of the Visitor shall be the convener of the Committee:

Provided that none of the members of the Committee shall be an employee of the University or a College or an Institution maintained by the University or a member of any authority of the University.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of seventy years, whichever is earlier, and he shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office:

Provided further that the Visitor may direct any Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by him.

(5) Notwithstanding anything contained in clause (4), the Visitor may, at any time after the Vice-Chancellor has entered upon his office, by order in writing, remove the Vice-Chancellor from office on grounds of incapacity, misconduct or violation of statutory provisions:

Provided that no such order shall be made by the Visitor unless the Vice-Chancellor has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided further that the Visitor shall consult the Chancellor also before making such order:

Provided also that the Visitor may, at any time before making such order, place the Vice-Chancellor under suspension, pending enquiry.

(6) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows:—

(i) The Vice-Chancellor shall be paid a monthly salary and allowances, other than house rent allowance, at the rates fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor in respect of the maintenance of such residence.

(ii) The Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Central Government from time to time:

Provided that where an employee of the University, or a College or an Institution maintained by the University, or of any other University or any College or Institution maintained by or admitted to the privileges of, such other University, is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

Provided further that where such employee had been a member of any pension scheme, the University shall make the necessary contribution to such scheme.

(iii) The Vice-Chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Executive Council.

(iv) The Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the first day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and-a-half days for each completed month of service.

(v) In addition to the leave referred to in sub-clause (iv), the Vice-Chancellor shall also be entitled to half-pay leave at the rate of twenty days for each completed year of service, and half-pay leave may also be availed of as commuted leave on full pay on medical certificate:

Provided that when such commuted leave is availed of, twice the amount of half-pay leave shall be debited against half-pay leave due.

(7) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill-health or any other cause, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor:

Provided that if the Pro-Vice-Chancellor is not available, the senior-most Professor shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or the existing Vice-Chancellor resumes the duties of his office, as the case may be.

3. (1) The Vice-Chancellor shall be *ex officio* Chairman of the Executive Council, the Academic Council and the Finance Committee and shall, in the absence of the Chancellor, preside at the Convocations held for conferring degrees and at meetings of the Court.

Powers and duties of Vice-Chancellor.

(2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he deems fit.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Executive Council, the Academic Council and the Finance Committee.

Pro-Vice-Chancellor.

4. (1) The Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend another person to the Executive Council:

Provided further that the Executive Council may, on the recommendation of the Vice-Chancellor, appoint a Professor to discharge the duties of the Pro-Vice-Chancellor in addition to his own duties as a Professor.

(2) The term of office of the Pro-Vice-Chancellor shall be such as may be decided by the Executive Council but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-Chancellor, whichever is earlier:

Provided that the Pro-Vice-Chancellor whose term of office has expired shall be eligible for re-appointment:

Provided further that, in any case, the Pro-Vice-Chancellor shall retire on attaining the age of seventy years:

Provided also that the Pro-Vice-Chancellor shall, while discharging the duties of the Vice-Chancellor under clause (7) of Statute 2, continue in office, notwithstanding the expiration of his term of office as Pro-Vice-Chancellor, until the Vice-Chancellor resumes office or a new Vice-Chancellor assumes office, as the case may be.

(3) The emoluments and other terms and conditions of service of the Pro-Vice-Chancellor shall be such as may be prescribed by the Ordinances.

(4) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf, from time to time, and shall also exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

Deans of Schools.

5. (1) Every Dean of School shall be appointed by the Vice-Chancellor from amongst the Professors in the School by rotation in the order of seniority for a period of three years:

Provided that in case there is only one Professor or no Professor in a School, the Dean shall be appointed, for the time being, from amongst the Professor, if any, and the Associate Professors in the School by rotation in the order of seniority:

Provided further that a Dean on attaining the age of sixty-five years shall cease to hold office as such.

(2) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by the senior-most Professor or Associate Professor, as the case may be, in the School.

(3) The Dean shall be the Head of the School and shall be responsible for the conduct and maintenance of the standards of teaching and research in the School and shall have such other functions as may be prescribed by the Ordinances.

(4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Studies or Committees of the School, as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

6. (1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University. Registrar.

(2) He shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Registrar shall retire on attaining the age of sixty-two years.

(4) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and other academic staff, as may be specified in the order of the Executive Council and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the power of the Registrar is called for, the Registrar shall, upon the conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(6) The Registrar shall be *ex officio* Secretary of the Executive Council and the Academic Council, but shall not be deemed to be a member of either of these authorities and he shall be *ex-officio* Member-Secretary of the Court.

(7) It shall be the duty of the Registrar—

(a) to be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charge;

(b) to issue all notices convening meetings of the Court, the Executive Council, the Academic Council and of any Committees appointed by those authorities;

(c) to keep the minutes of all the meetings of the Court, the Executive Council, the Academic Council and of any Committees appointed by those authorities;

(d) to conduct the official correspondence of the Court, the Executive Council and the Academic Council;

(e) to supply to the Visitor, copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(f) to represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and

(g) to perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be required from time to time by the Executive Council or the Vice-Chancellor.

Finance Officer.

7. (1) The Finance Officer shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Finance Officer shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Finance Officer shall retire on attaining the age of sixty-two years.

(4) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Finance Officer shall be *ex officio* Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee.

(6) The Finance Officer shall—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances.

(7) Subject to the control of the Executive Council, the Finance Officer shall—

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking is conducted, of equipment and other consumable materials in all offices, Departments, Centres and Specialised Laboratories;

(g) bring to the notice of the Vice-Chancellor unauthorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for from any office, Department, Centre, Laboratory, College or Institution maintained by the University any information or returns that he may consider necessary for the performance of his duties.

(8) Any receipt given by the Finance Officer or the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

Controller of Examinations.

8. (1) The Controller of Examinations shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Controller of Examinations shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Controller of Examinations shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Controller of Examinations shall retire on attaining the age of sixty-two years.

(4) When the office of the Controller of Examinations is vacant or when the Controller of Examinations is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Controller of Examinations shall arrange for and superintend the examinations of the University in the manner prescribed by the Ordinances.

9. (1) The Librarian shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University. Librarian.

(2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.

10. (1) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year. Meetings of Court.

(2) At an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet as audited, and the financial estimates for the next year shall be presented.

(3) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting.

(4) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor or if there is no Vice-Chancellor, the Pro-Vice-Chancellor or if there is no Pro-Vice-Chancellor, by the Registrar.

(5) Eleven members of the Court shall form a quorum for a meeting of the Court.

11. Seven members of the Executive Council shall form a quorum for a meeting of the Executive Council. Quorum for meeting of Executive Council.

12. (1) The Executive Council shall have the power of management and administration of the revenues and property of the University and the conduct of all administrative affairs of the University not otherwise provided for. Powers and functions of Executive Council.

(2) Subject to the provisions of this Act, the Statutes and the Ordinances, the Executive Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(i) to create teaching and other academic posts including Chairs, to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Associate Professors, Assistant Professors and other academic staff:

Provided that no action shall be taken by the Executive Council in respect of the number and qualifications of teachers and other academic staff otherwise than after consideration of the recommendations of the Academic Council;

(ii) to appoint such Professors, Associate Professors, Assistant Professors and other academic staff including Chairs, as may be necessary, on the recommendation of

the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to promote inter-facial research by making joint appointments of teaching staff in different Schools, Departments and Centres;

(iv) to create administrative, ministerial and other necessary posts and to define their duties and conditions of their service and to make appointments thereto in the manner prescribed by the Ordinances;

(v) to grant leave of absence to any officer of the University other than the Chancellor and the Vice-Chancellor, and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(vi) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances;

(vii) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and for that purpose to appoint such agents as it may think fit;

(viii) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendation of the Finance Committee;

(ix) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, share or securities, from time to time, as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;

(x) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(xi) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(xii) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xiii) to entertain, adjudicate upon, and if thought fit, to redress any grievances of the employees and students of the University who may, for any reason, feel aggrieved;

(xiv) to appoint examiners and moderators and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(xv) to select a common seal for the University and provide for the use of such seal;

(xvi) to make such special arrangements as may be necessary for the residence of women students;

(xvii) to institute fellowships, scholarships, studentships, medals and prizes;

(xviii) to provide for the appointment of Visiting Professors, Emeritus Professors, Consultants and Scholars and determine the terms and conditions of such appointments;

(xix) to enter into partnership with industry and non-governmental agencies for the advancement of knowledge and establish a corpus of funds out of the profits of such partnership; and

(xx) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes.

13. Nine members of the Academic Council shall form a quorum for a meeting of the Academic Council.

Quorum of meeting of Academic Council.

14. Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

Powers and functions of Academic Council.

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, co-ordination of teaching among the Colleges and the Institutions, evaluation of research and improvement of academic standards;

(b) to bring about and promote inter-School co-ordination and to establish or appoint such committees or boards as may be deemed necessary for the purpose;

(c) to consider matters of general academic interest either on its own initiative, or on a reference by a School or the Executive Council, and to take appropriate action thereon; and

(d) to frame such Regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residence, admissions, award of fellowships and studentships, fees, concessions, corporate life and attendance.

15. (1) The University shall have such Schools of Studies as may be specified in the Statutes.

Schools of Studies and Departments.

(2) Every School shall have a School Board and the members of the first School Board shall be nominated by the Executive Council for a period of three years.

(3) The composition, powers and functions of a School Board shall be prescribed by the Ordinances.

(4) The conduct of the meetings of a School Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(5) (a) Every School shall consist of such Departments as may be assigned to it by the Ordinances:

Provided that the Executive Council may, on the recommendation of the Academic Council, establish Centres of Studies to which may be assigned such teachers of the University as the Executive Council may consider necessary.

(b) Each Department shall consist of the following members, namely:—

(i) teachers of the Department;

(ii) persons conducting research in the Department;

(iii) Dean of the School;

(iv) Honorary Professors, if any, attached to the Department; and

(v) such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

16. (1) Each Department shall have a Board of Studies.

Board of Studies.

(2) The constitution of the Board of Studies and the term of office of its members shall be prescribed by the Ordinances.

(3) Subject to the overall control and supervision of the Academic Council, the functions of a Board of Studies shall be to approve subjects for research for various degrees and other requirements of research degrees and to recommend to the concerned School Board in the manner prescribed by the Ordinances—

(a) courses of studies and appointment of examiners for courses, but excluding research degrees;

(b) appointment of supervisors for research; and

(c) measures for the improvement of the standard of teaching and research:

Provided that the above functions of a Board of Studies shall, during the period of three years immediately after the commencement of this Act, be performed by the Department.

Finance
Committee.

17. (1) The Finance Committee shall consist of the following members, namely:—

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) one person to be nominated by the Court;

(iv) three persons to be nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and

(v) three persons to be nominated by the Visitor.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least thrice every year to examine the accounts and to scrutinise proposals for expenditure.

(6) All proposals relating to creation of posts, and those items which have not been included in the Budget, shall be examined by the Finance Committee before they are considered by the Executive Council.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(8) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

Selection
Committees.

18. (1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professor, Associate Professor, Assistant Professor, Registrar, Finance Officer, Controller of Examinations, Librarian and Principals of Colleges and Institutions maintained by the University.

(2) The Selection Committee for appointment to the posts specified in Column 1 of the Table below shall consist of the Vice-Chancellor, a nominee of the Visitor and the persons specified in the corresponding entry in Column 2 of the said Table:

TABLE

1	2
Professor	<p>(i) The Dean of the School.</p> <p>(ii) The Head of the Department, if he is a Professor.</p> <p>(iii) Three persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Professor will be concerned.</p>
Associate Professor/ Assistant Professor	<p>(i) The Head of the Department.</p> <p>(ii) One Professor nominated by the Vice-Chancellor.</p> <p>(iii) Two persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Associate Professor or Assistant Professor will be concerned.</p>
Registrar/Finance Officer/ Controller of Examinations	<p>(i) Two members of the Executive Council nominated by it.</p> <p>(ii) One person not in the service of the University nominated by the Executive Council.</p>
Librarian	<p>(i) Two persons not in the service of the University who have special knowledge of the subject of the Library Science or Library Administration nominated by the Executive Council.</p> <p>(ii) One person not in the service of the University nominated by the Executive Council.</p>
Principal of College or Institution maintained by the University	Three persons not in the service of the University of whom two shall be nominated by the Executive Council and one by the Academic Council for their special knowledge of, or interest in, a subject in which instruction is being provided by the College or Institution.

Note 1. — Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.

Note 2. — The Professor to be nominated by the Vice-Chancellor shall be a Professor concerned with the speciality for which the selection is being made and the Vice-Chancellor shall consult the Head of the Department and the Dean of School before nominating the Professor.

(3) The Vice-Chancellor, or in his absence the Pro-Vice-Chancellor, shall convene and preside at the meeting of the Selection Committee:

Provided that the meeting of the Selection Committee shall be fixed after prior consultation with, and subject to the convenience of Visitor's nominee and the experts nominated by the Executive Council:

Provided further that the proceedings of the Selection Committee shall not be valid unless,—

(a) where the number of Visitor's nominee and the persons nominated by the Executive Council is four in all, at least three of them attend the meeting; and

(b) where the number of Visitor's nominee and the persons nominated by the Executive Council is three in all, at least two of them attend the meeting.

(4) The procedure to be followed by the Selection Committee shall be laid down in the Ordinances.

(5) If the Executive Council is unable to accept the recommendations made by the Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.

(6) Appointments to temporary posts shall be made in the manner indicated below:—

(i) If the temporary vacancy is for duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses:

Provided that if the Vice-Chancellor is satisfied that in the interests of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis on the advice of a local Selection Committee referred to in sub-clause (ii) for a period not exceeding six months.

(ii) If the temporary vacancy is for a period less than a year, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the School concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor:

Provided further that in the case of sudden casual vacancies of teaching posts caused by death or any other reason, the Dean may, in consultation with the Head of the Department concerned, make a temporary appointment for a month and report to the Vice-Chancellor and the Registrar about such appointment.

(iii) No teacher appointed temporarily shall, if he is not recommended by a regular Selection Committee for appointment under the Statutes, be continued in service on such temporary employment, unless he is subsequently selected by a local Selection Committee or a regular Selection Committee, for a temporary or permanent appointment, as the case may be.

Special mode of appointment.

19. (1) Notwithstanding anything contained in Statute 18, the Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or Associate Professor or any other equivalent academic post in the University on such terms and conditions as it deems fit and on the person agreeing to do so appoint him to the post:

Provided that the Executive Council may also create supernumerary posts for a specified period for appointment of such persons:

Provided further that the number of supernumerary posts so created should not exceed five per cent. of the total posts in the University.

(2) The Executive Council may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

20. The Executive Council may appoint a person selected in accordance with the procedure laid down in Statute 18 for a fixed tenure on such terms and conditions as it deems fit.

Appointment for fixed tenure.

21. (1) An authority of the University may appoint as many standing or special Committees as it may deem fit, and may appoint to such Committees persons who are not members of such authority.

Committees.

(2) A Committee appointed under clause (1) may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing it.

22. (1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

Terms and conditions of service and code of conduct of teachers, etc.

(2) The emoluments of members of the academic staff shall be such as may be prescribed by the Ordinances.

(3) Every teacher and member of the academic staff of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances.

(4) A copy of every contract referred to in clause (3) shall be deposited with the Registrar.

23. (1) All the employees of the University, other than the teachers and other academic staff shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

Terms and conditions of service and code of conduct of other employees.

(2) The manner of appointment and emoluments of employees, other than the teachers and other academic staff, shall be such as may be prescribed by the Ordinances.

24. (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and in accordance with such other principles as the Executive Council may, from time to time, prescribe.

Seniority list.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

25. (1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of the teacher or a member of the academic staff, and the authority competent to appoint (hereinafter referred to as the appointing authority) in the case of other employee may, by order in writing, place such teacher, member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Removal of employees of University.

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or a member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Executive Council in respect of teachers and other academic staff, and the appointing authority in respect of other employees, shall have the power to remove a teacher or a member of the academic staff or other employee, as the case may be, on grounds of misconduct.

(3) Save as aforesaid, the Executive Council, or as the case may be, the appointing authority, shall not be entitled to remove any teacher, member of the academic staff or other employee except for a good cause and after giving three months' notice or on payment of three months' salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher, member of the academic staff or other employee shall take effect from the date on which the order of removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of this Statute, a teacher, member of the academic staff or other employee may resign—

(a) if he is a permanent employee, only after giving three months' notice in writing to the Executive Council or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof;

(b) if he is not a permanent employee, only after giving one month's notice in writing to the Executive Council or, as the case may be, the appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Executive Council or the appointing authority, as the case may be.

Honorary
degrees.

26. (1) The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

Withdrawal of
degrees, etc.

27. The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw a degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice as to why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

Maintenance
of discipline
amongst
students of
University.

28. (1) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University shall vest in the Vice-Chancellor.

(2) There shall be a Proctor of the University to assist the Vice-Chancellor in the exercise of the powers referred to in clause (1), who shall be appointed by the Executive

Council from amongst the Professors and Associate Professors in the manner prescribed by the Ordinances.

(3) The Vice-Chancellor may delegate all or any of the powers referred to in clause (1), as he deems proper, to the Proctor and to such other officers as he may specify in this behalf.

(4) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in exercise of such powers, by order, direct that any student or students be expelled or rusticated, for a specified period, or be not admitted to a course or courses of study in a College, Institution or Department or a School of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, College, Institution or Department or a School for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be withheld or cancelled.

(5) The Principals of Colleges, Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Institutions, Schools and teaching Departments in the University, as may be necessary for the proper conduct of such Colleges, Institutions, Schools and teaching Departments.

(6) Without prejudice to the powers of the Vice-Chancellor and the Principals and other persons specified in clause (5), detailed rules of discipline and proper conduct shall be made by the University and the Principals of Colleges, Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University may also make such supplementary rules as they deem necessary for the purposes stated therein.

(7) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

29. Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances. Convocations.

30. Where no provision is made for a President or Chairman to preside over a meeting of any authority of the University or any Committee of such authority or when the President or Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting. Acting Chairman of meetings.

31. Any member, other than an *ex officio* member of the Court, the Executive Council, the Academic Council or any other authority of the University or any Committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar. Resignation.

32. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities, or for being appointed as, and for being, an officer, of the University if— Disqualification.

(i) he is of unsound mind; or

(ii) he is an undischarged insolvent; or

(iii) he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Visitor and his decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.

Residence condition for membership and office.

33. Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.

Membership of authorities by virtue of membership of other bodies.

34. Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

Alumni Association.

35. (1) There shall be an Alumni Association for the University.

(2) The subscription for membership of the Alumni Association shall be prescribed by the Ordinances.

(3) No member of the Alumni Association shall be entitled to vote or stand for election unless he has been a member of the Association for at least one year prior to the date of election and is a degree holder of the University of at least five years standing:

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.

Students Council.

36. (1) There shall be constituted in the University, a Students' Council for every academic year, consisting of—

(i) the Dean of Students' Welfare who shall be the Chairman of the Students' Council;

(ii) twenty students to be nominated by the Academic Council on the basis of merit in studies, sports and extra-curricular activities; and

(iii) twenty students to be elected by the students as their representatives:

Provided that any student of the University shall have the right to bring up any matter concerning the University before the Students' Council, if so permitted by the Chairman, and he shall have the right to participate in the discussions at any meeting when the matter is taken up for consideration.

(2) The functions of the Students' Council shall be to make suggestions to the appropriate authorities of the University in regard to the programmes of studies, students' welfare and other matters of importance, in regard to the working of the University in general and such suggestions shall be made on the basis of consensus of opinion.

(3) The Students' Council shall meet at least twice in every academic year and the first meeting of the Council be held in the beginning of the academic session.

Ordinances, how to be made.

37. (1) The first Ordinances made under sub-section (2) of section 28 may be amended, repealed or added to at any time by the Executive Council in the manner specified in the following sub-clauses.

(2) No Ordinances in respect of the matters enumerated in sub-section (1) of section 28 of this Act shall be made by the Executive Council unless a draft of such Ordinances has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft of any Ordinances proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for re-consideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(4) Where the Executive Council has rejected or returned the draft of an Ordinances proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic

Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision shall be final.

(5) Every Ordinances made by the Executive Council shall come into effect immediately.

(6) Every Ordinances made by the Executive Council shall be submitted to the Visitor within two weeks from the date of its adoption.

(7) The Visitor shall have the power to direct the University to suspend the operation of any Ordinances.

(8) The Visitor shall inform the Executive Council about his objection to the Ordinances referred to in clause (7) and may, after receiving the comments of the University, either withdraw the order suspending the Ordinances or disallow the Ordinances, and his decision shall be final.

38. (1) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the following matters, namely:— Regulations.

(i) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(ii) providing for all matters which are required by this Act, the Statutes or the Ordinances to be prescribed by Regulations; and

(iii) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by this Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meeting and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify of any Regulation made under the Statutes or the annulment of any such Regulation.

39. Subject to the provisions of this Act and the Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers. Delegation of Powers.

V.K. BHASIN,
Additional Secretary to the
Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
Additional Secretary to Government,
Law Department.

New Delhi, the 20th March, 2009.

The following Act of Parliament received the assent of the President on the 20th March, 2009 and is hereby published for general information:—

THE FINANCE ACT, 2009

ACT No. 26 OF 2009

An Act to continue the existing rates of income tax for the financial year 2009-10.

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

1. (1) This Act may be called the Finance Act, 2009.

(2) Section 2 shall come into force on the 1st day of April, 2009.

18 of 2008.

2. The provisions of section 2 of, and the First Schedule to, the Finance Act, 2008, shall apply in relation to income-tax for the assessment year or, as the case may be, the financial year commencing on the 1st day of April, 2009, as they apply in relation to income-tax for the assessment year or, as the case may be, the financial year commencing on the 1st day of April, 2008, with the following modifications, namely:—

(a) in section 2,—

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

“(1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 2009, income-tax shall be charged at the rates specified in Part I of the First Schedule and such tax shall be increased by a surcharge, for purposes of the Union, calculated in each case in the manner provided therein.”;

Short title and commencement.

Income-tax.

(ii) in sub-section (2),—

(A) in the opening portion and in clause (a) and sub-clause (ii) of clause (b), for the words “one lakh ten thousand rupees”, the words “one lakh fifty thousand rupees” shall be substituted;

(B) in the first proviso,—

(I) for the words “one lakh ten thousand rupees”, the words “one lakh fifty thousand rupees” shall be substituted;

(II) for the words “one lakh forty-five thousand rupees”, the words “one lakh eighty thousand rupees” shall be substituted;

(C) in the second proviso,—

(I) for the words “one lakh ten thousand rupees”, the words “one lakh fifty thousand rupees” shall be substituted;

(II) for the words “one lakh ninety-five thousand rupees”, the words “two lakh twenty-five thousand rupees” shall be substituted;

(D) in the third proviso, the words, figures and letter “, as reduced by the amount of rebate of income-tax calculated under Chapter VIII-A of the Income-tax Act,” shall be omitted;

(iii) in sub-section (3), in the opening portion, for the words “the Income-tax Act”, the words, figures and brackets “the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act)” shall be substituted; 43 of 1961.

(iv) in sub-section (13), in clause (a), for the figures “2008”, the figures “2009” shall be substituted;

(b) in the First Schedule,—

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

“PART I

INCOME-TAX

Paragraph A

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

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 1,50,000 | <i>Nil</i> ; |
| (2) where the total income exceeds Rs. 1,50,000 but does not exceed Rs. 3,00,000 | 10 per cent. of the amount by which the total income exceeds Rs. 1,50,000; |
| (3) where the total income exceeds Rs. 3,00,000 but does not exceed Rs. 5,00,000 | Rs. 15,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 3,00,000; |
| (4) where the total income exceeds Rs. 5,00,000 | Rs. 55,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 5,00,000. |

(II) In the case of every individual, being a woman resident in India, and below the age of sixty-five years at any time during the previous year,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 1,80,000 | <i>Nil</i> ; |
| (2) where the total income exceeds Rs. 1,80,000 but does not exceed Rs. 3,00,000 | 10 per cent. of the amount by which the total income exceeds Rs. 1,80,000; |
| (3) where the total income exceeds Rs. 3,00,000 but does not exceed Rs. 5,00,000 | Rs. 12,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 3,00,000; |
| (4) where the total income exceeds Rs. 5,00,000 | Rs. 52,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 5,00,000. |

(III) In the case of every individual, being a resident in India, who is of the age of sixty-five years or more at any time during the previous year,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 2,25,000 | <i>Nil</i> ; |
| (2) where the total income exceeds Rs. 2,25,000 but does not exceed Rs. 3,00,000 | 10 per cent. of the amount by which the total income exceeds Rs. 2,25,000; |
| (3) where the total income exceeds Rs. 3,00,000 but does not exceed Rs. 5,00,000 | Rs. 7,500 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 3,00,000; |
| (4) where the total income exceeds Rs. 5,00,000 | Rs. 47,500 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 5,00,000. |

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall,—

(i) in the case of every individual or Hindu undivided family or association of persons or body of individuals having a total income exceeding ten lakh rupees, be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax;

(ii) in the case of every person, other than those mentioned in item (i), be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in case of persons mentioned in item (i) above having a total income exceeding ten lakh rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of ten lakh rupees by more than the amount of income that exceeds ten lakh rupees.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

- | | |
|--|--|
| (1) where the total income does not exceed Rs. 10,000 | 10 per cent. of the total income; |
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 | Rs. 1,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 10,000; |
| (3) where the total income exceeds Rs. 20,000 | Rs. 3,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 20,000. |

Paragraph C

In the case of every firm,—

Rate of income-tax

On the whole of the total income 30 per cent.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified, or in section 111A or section 112, shall, in the case of every firm having a total income exceeding one crore rupees, be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of every firm having a total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 30 per cent.

Paragraph E

In the case of a company,—

Rates of income-tax

- I. In the case of a domestic company 30 per cent. of the total income;
- II. In the case of a company other than a domestic company—
 - (i) on so much of the total income as consists of,—
 - (a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976; or
 - (b) fees for rendering technical services received from Government or an Indian concern in pursuance of an

agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

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

- (i) on the balance, if any, of the total income 50 per cent.;
- (ii) on the balance, if any, of the total income 40 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every company, be increased by a surcharge for purposes of the Union calculated,—

(i) in the case of every domestic company having a total income exceeding one crore rupees, at the rate of ten per cent. of such income-tax;

(ii) in the case of every company other than a domestic company having a total income exceeding one crore rupees, at the rate of two and one-half per cent.:

Provided that in the case of every company having a total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.”;

(ii) in Part IV, in Rule 8,—

(A) for sub-rules (1) and (2), the following sub-rules shall be substituted, namely:—

“(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2009, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment year commencing on the 1st day of April, 2001 or the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2001, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2002, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2003, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year

commencing on the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2004, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2005, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2006, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2007 or the 1st day of April, 2008,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2007, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2008,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2008,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2009.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2010, or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment year commencing on the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009, is a loss, then, for the purposes of sub-section (10) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2002, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2003, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the

1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2004, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2005, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2006, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2007, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2008 or the 1st day of April, 2009,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2008, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2009,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2009,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2010.”;

(B) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) Notwithstanding anything contained in this rule, no loss which has not been determined by the Assessing Officer under the provisions of these rules or the rules contained in Part IV of the First Schedule to the Finance Act, 2001 (14 of 2001), or of the First Schedule to the Finance Act, 2002 (20 of 2002), or of the First Schedule to the Finance Act, 2003 (32 of 2003), or of the First Schedule to the Finance (No. 2) Act, 2004 (23 of 2004), or of the First Schedule to the Finance Act, 2005 (18 of 2005), or of the First Schedule to the Finance Act, 2006 (21 of 2006), or of the First Schedule to the Finance Act, 2007 (22 of 2007), or of the First Schedule to the Finance Act, 2008 (18 of 2008) shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).”.

V.K. BHASIN,
Additional Secretary to the
Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,
Additional Secretary to Government,
Law Department.

New Delhi, the 20th March, 2009.

The following Act of Parliament received the assent of the President on the 20th March, 2009 and is hereby published for general information:—

THE PREVENTION AND CONTROL OF INFECTIOUS AND CONTAGIOUS
DISEASES IN ANIMALS ACT, 2009

ARRANGEMENT OF SECTIONS

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PRELIMINARY

SECTIONS

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2. Definitions.

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CONTROL OF SCHEDULED DISEASES

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4. Reporting scheduled diseases obligatory.
5. Duty to segregate infected animals.
6. Notification of controlled areas and free areas.
7. Prohibition of movement of animals from controlled area.
8. Vaccination, marking and issue of vaccination certificate.
9. Contents of vaccination certificate.
10. Entry and exit of animals into controlled area and free area.
11. Precautionary measures in relation to controlled areas.
12. Prohibition of markets, fairs, exhibition, etc., in the controlled areas.
13. Prohibition of bringing of infected animals into market and other places.
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THE SCHEDULE.

THE PREVENTION AND CONTROL OF INFECTIOUS AND CONTAGIOUS
DISEASES IN ANIMALS ACT, 2009.

ACT No. 27 OF 2009

An Act to provide for the prevention, control and eradication of infectious and contagious diseases affecting animals, for prevention of outbreak or spreading of such diseases from one State to another, and to meet the international obligations of India for facilitating import and export of animals and animal products and for matters connected therewith or incidental thereto.

WHEREAS economic losses due to infectious and contagious diseases of animals are enormous in the country with some of these diseases constituting a serious threat to the public;

AND WHEREAS many of such animal diseases can be largely prevented by judicious implementation of vaccination programmes or by taking other appropriate and timely measures on scientific lines;

AND WHEREAS such measures are necessary to facilitate the import and export of animals and animal products and to keep in tune with international practices;

AND WHEREAS it has been realised that the prevention, control and eradication of infectious and contagious diseases of animals from India has to be tackled on a national basis so as to avoid adverse impact of such diseases on the economy of the country and for this purpose harmonise the control procedures and to prevent inter-State transmission of animal diseases;

AND WHEREAS the national level handling has to be done with the active involvement of the State Governments, particularly in regard to the precautionary measures required to be taken within their jurisdiction in respect of certain infectious and contagious diseases and the regulation of movement of animals outside their respective areas by timely adoption of appropriate measures;

AND WHEREAS India is a Member Country of the *Office International Des Epizooties, Paris* and it is necessary to implement the general obligations, decisions and recommendations of the said Organisation and abide by the International Animal Health Code stipulated by the said Organisation.

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

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Prevention and Control of Infectious and Contagious Diseases in Animals Bill, 2009.

(2) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different States or for different areas therein as well as for different provisions of this Act, and any reference in any such provision of this Act to the commencement of this Act shall be construed in relation to any State or area or provision as a reference to the coming into force of this Act or, as the case may be, of that provision, in such State or area.

Definitions.

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

(a) “animal” means,—

(i) cattle, buffalo, sheep, goat, yak, mithun;

(ii) dog, cat, pig, horse, camel, ass, mule, poultry, bees; and

(iii) any other animal or bird as the Central Government may, by notification, specify;

(b) “Check Post” means any place established as such by the Director to carry out checking of animals for the purpose of this Act;

(c) “Competent Officer” means any person or officer of the Government notified as a Competent Officer under section 17;

(d) “compulsory vaccination” means vaccination of any animal against any scheduled disease in respect of which vaccination is made mandatory under the provisions of this Act;

(e) “controlled area” means any local area which has been declared as such by the State Government under sub-section (1) of section 6;

(f) “defective vaccine” means any vaccine which is expired, breach in seal, contaminated, improperly stored, unlabelled or with mutilated label;

(g) “Director”, in relation to a State, means any officer in charge of the Department of Animal Husbandry or Veterinary Services, or both, notified by the State Government as such for the purpose of this Act;

(h) “free area” means any controlled area which has been declared as such under sub-section (5) of section 6;

(i) “infected animal” means an animal which is infected with any scheduled disease;

(j) “infected area” means an area declared as such under section 20;

(k) “notification” means notification published in the Official Gazette;

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

(m) “publication” includes propagation of information through the media or newspaper or any other mass media and the means of local communication such as declaration in loud voice and by beating drums in the area;

(n) “Quarantine Camp” means any place declared to carry out quarantine of animals and birds for the purpose of this Act;

(o) “scheduled disease” means any disease included in the Schedule;

(p) “Veterinarian” means a person having a recognised veterinary qualification who, under the law for the time being in force, is allowed to treat animal diseases;

(q) “Veterinary Officer” means any officer, appointed as such by the State Government under clause (b) of section 3;

(r) “Village Officer”, in relation to a village, means any person who is authorised or designated as such in accordance with the qualifications prescribed by the State Government.

CHAPTER II

CONTROL OF SCHEDULED DISEASES

3. The State Government may, by notification, appoint—

(a) such number of persons, as it deems proper, to be Veterinarians to undertake inspection and specifying the local limits of their respective jurisdiction; and

(b) such number of Veterinarians, as it deems proper, to be Veterinary Officers, who shall exercise their powers and discharge their duties within the local limits of their jurisdiction as may be specified in the said notification.

Appointment
of Veterinary
Officers.

4. (1) Every owner, or any other person, non-governmental organisation, public bodies or the village panchayat, in charge of any animal which he or it has reason to believe to be infective of a scheduled disease shall report the fact to the Village Officer or village panchayat in-charge, who may report the same in writing to the nearest available Veterinarian.

Reporting
scheduled
diseases
obligatory.

(2) The Village Officer shall visit the area falling within his jurisdiction for reporting any outbreak of the disease.

(3) Every Veterinarian shall, on receipt of a report under sub-section (1), or otherwise, if he has reason to believe that any animal is infected with a scheduled disease, report the matter to the Veterinary Officer.

(4) Where in any State there is any occurrence of scheduled disease in relation to any animal, the Director shall send an intimation to the Directors of the States which are in the immediate neighbourhood of the place where there is such occurrence, for taking appropriate preventive measures against the spread of the disease.

5. (1) Every owner or person in charge of an animal, which he has reason to believe is infective of a scheduled disease, shall segregate such animal and have it kept in a place away from all other animals which are healthy, and take all possible steps to prevent the infected animal from coming in contact with any other animal.

Duty to
segregate
infected
animals.

(2) The owner or other person in charge of, or having control over, the animal referred to in sub-section (1) shall confine that animal and prevent it from grazing in a common place or to drink water from any common source including a vessel, pond, lake or river.

(3) All other infected animals shall be segregated by the Municipality, Panchayat or other local administration.

6. (1) The State Government may, with the object of preventing, controlling or eradicating any scheduled disease, by notification, declare any area to be a controlled area in respect of any scheduled disease affecting any species of animal and any other species that may be susceptible to the disease specified in the said notification.

Notification
of controlled
areas and free
areas.

(2) The State Government shall also cause the substance of the notification issued under sub-section (1) to be published in a local newspaper in the vernacular language and by declaration in loud voice and by beating drums in the area.

(3) Where a notification has been issued under sub-section (1), all animals of the species in the controlled area shall be subjected to compulsory vaccination against that disease, and be subjected to such other measures against the disease, in such manner and within such time as the State Government, may, by public notice, direct.

(4) The State Government shall make available necessary vaccine and it shall be obligatory on the part of every owner, or the person in charge of an animal which is required to be vaccinated under sub-section (3), to get the animal compulsorily vaccinated.

(5) Where the State Government is satisfied, on a report received from the Director or otherwise, that, in any controlled area, any of the scheduled diseases affecting any species of animal is no longer prevalent, it may, by notification, declare the area to be a free area in respect of that disease in relation to the particular species of animal.

(6) Where a notification has been issued under sub-section (5), no animal of the species or of any other susceptible species with regard to which it is a free area shall be allowed to enter the free area unless duly immunized by vaccination against that particular disease.

7. (1) Where a notification has been issued under sub-section (1) of section 6 declaring any area as a controlled area in relation to any disease affecting any species of animals, no animal belonging to that species shall be moved from the place where it is kept.

Prohibition of
movement of
animals from
controlled
area.

(2) The Director may, for the purpose of control, prevention or eradication of any scheduled disease, in respect of any area, by order published in the Official Gazette, prohibit the movement of all animals belonging to any species specified therein, from the place where it is kept, to any other place.

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to prohibit—

(a) the movement of any animal referred to therein, from the place where it is kept, to the nearest place where it can be got vaccinated, so long as the animal is being moved for the purpose of its immunization by vaccination; or

(b) the movement of any such animal, so long as it is accompanied by a valid certificate of vaccination to indicate that the animal is duly immunized against the particular disease and it bears proper mark of such vaccination.

Vaccination, marking and issue of vaccination certificate.

8. (1) The vaccine to an animal may be administered by any person competent under the law for the time being in force to administer it, and issue a certificate of administration of vaccination.

(2) Where any animal has been vaccinated for any scheduled disease in compliance with the provisions of sub-section (1), the person vaccinating the animal shall cause to put a mark by branding, tattooing or ear tagging, or in such other manner as the Director may, by general or special order, direct and the same shall, unless otherwise specified by the Director, shall not be removed.

(3) The authority issuing a certificate of vaccination shall specify the date of vaccination, dates of manufacture and expiry of the vaccine and the date up to which the vaccination of the animal with the particular vaccine shall be valid.

Contents of vaccination certificate.

9. Every vaccination certificate issued under this Act shall be in such form and shall contain such particulars as may be prescribed by the Central Government.

Entry and exit of animals into controlled area and free area.

10. (1) Where any area has been declared as a controlled area under sub-section (1) of section 6 in respect of any disease affecting any species of animals, no animal belonging to that species shall be taken out of, or brought into that area save as provided in section 16.

(2) The Director may, by notice duly published in the Official Gazette and at least in one daily local newspaper in vernacular language, extend the prohibition contained in sub-section (1) to any other species of animals, if animals belonging to that species are also likely to be infected with that disease.

(3) No carrier of goods or animal shall carry any animal from or out of a controlled area, free area or infected area by land, sea or air unless he complies with the provisions of section 16.

(4) Nothing contained in sub-sections (1) to (3) shall apply to the carriage by railway of any animal referred to in those sub-sections through any area which, for the time being, is declared as a controlled area or infected area so long as the animal is not unloaded (for whatsoever purpose or duration) in any place within that area:

Provided that the State Government may, by notification, declare that any species of animal so carried through any local area within the State shall be duly immunized against such scheduled disease, in such manner and within such time as may be specified in that notification and a certificate of vaccination shall be a pre-requisite for the transportation of the animals by the railways through that area:

Provided further that, where any notification as referred to in the first proviso has been issued, it shall be incumbent on the State Government to intimate that fact to the concerned railway authorities so as to enable them to satisfy themselves about the immunization of the animal before transporting it through the local area of the State.

Precautionary measures in relation to controlled areas.

11. No person shall take out of the controlled area—

(a) any animal, alive or dead, which is infected with, or reasonably suspected to have been infected with, any scheduled disease notified under sub-section (1) of section 6,

(b) any kind of fodder, bedding or other material which has come into contact with any animal infected with such disease or could, in any manner, carry the infection of the notified disease, or

(c) the carcass, skin or any other part or product of such animal.

12. No person, organisation or institution shall hold any animal market, animal fair, animal exhibition and carry on any other activity which involves grouping or gathering of any species of animals within a controlled area:

Prohibition of markets, fairs, exhibition, etc., in the controlled areas.

Provided that the Competent Officer may, *suo motu* or on application made to him in this behalf, relax the prohibition in relation to any species of animals, in a case where animals belonging to that species are not susceptible to the scheduled disease and are incapable of carrying it, if he is satisfied that in the public interest it is necessary to accord such relaxation.

13. No person shall bring or attempt to bring into market, fair, exhibition or other congregation of animals or to any public place, any animal which is known to be infected with a scheduled disease.

Prohibition of bringing of infected animals into market and other places.

14. (1) The Director may establish as many Quarantine Camps and Check Posts within the State as may be required—

Check Posts and Quarantine Camps.

(a) for the detention of animals suffering from any scheduled disease or of animals which have come into contact with or have been kept in the proximity of any such infected animal;

(b) for ensuring the prevention of entry into or exit from any controlled area or infected area or free area, of any animal belonging to the species of animals in respect of which a notification, issued under sub-section (1) of section 6, or an order issued under sub-section (2) of section 7, is in force.

(2) Any animal which is required to be detained, inspected, vaccinated, or marked, may be kept in the Quarantine Camp for such period as the Competent Officer may direct.

(3) Every animal detained at a Quarantine Camp shall be under the custody of the person in charge of the camp, and shall be vaccinated and marked.

(4) The officer in charge of the Quarantine Camp shall, at the time of release of an animal from the station, grant a permit, in such form as may be prescribed by the State Government, to the person taking charge of the animal, and every such person shall be bound to produce the permit whenever required to do so by any Competent Officer.

15. (1) Every person in charge of any Check Post or Quarantine Camp shall inspect any animal stopped at the Check Post, or detained therein or at the Quarantine Camp.

Inspection and detention of animals at Check Posts and Quarantine Camps.

(2) The manner of inspection and the period of detention of the animal at the Check Post or at the Quarantine Camp for the purpose of inspection or for the administration of compulsory vaccination, the marking of animals and the form and manner in which permit for entry in respect of any animal may be issued, shall be such as may be prescribed by the State Government.

16. Notwithstanding anything contained in section 10, an animal belonging to the species of animals in respect of which an area has been declared as a controlled or free area in relation to any scheduled disease, which has been duly vaccinated against that disease, shall be allowed to enter into or be taken out of the controlled area or free area, or to be taken out of any other place on the production of a certificate to the effect that vaccine against that disease has been administered and a period of not less than twenty-one days has elapsed thereafter.

Entry and exit of vaccinated animals into controlled and free areas.

17. The State Government may, for the proper implementation of the provisions of this Act, by notification, authorise any person to exercise any power or discharge any duty as a Competent Officer, under this Act, who shall exercise such powers and such duties within the local limits of his jurisdiction as may be specified in the notification.

Appointment of Competent Officers.

Cleaning and disinfection of carriers.

18. (1) Every common carrier whether a vessel or vehicle shall be cleaned and disinfected immediately before and after the transportation of any animal in that vessel or vehicle, and so also any other place where the animal has been kept in transit.

(2) Where any area has been declared as a controlled area or free area in respect of any scheduled disease affecting any species of animal, the Director may, by an order duly published in the Official Gazette and in a local newspaper in the vernacular language, direct the owner of every vehicle in which any animal belonging to that species is carried, to have the vehicle properly cleaned and disinfected.

Powers of entry and inspection.

19. Any Veterinary Officer or other Competent Officer may enter upon and inspect any land or building or place, vessel or vehicle, for the purpose of ensuring compliance of the provisions of this Act or the rules or orders made thereunder, by the persons responsible for such compliance.

CHAPTER III

INFECTED AREAS

Declaration of infected areas.

20. If the Veterinary Officer, upon receipt of a report from a Veterinarian or otherwise, is satisfied that, in any place or premises falling within his jurisdiction, an animal has been infected with any scheduled disease, or that an animal, which he has reason to believe has been so infected, is kept, may, by notification and publication in at least one local newspaper in the vernacular language and by declaration in loud voice and by beating drums, declare such area as he may deem fit (including the place or premises aforesaid) to be an infected area.

Effect of declaration of infected areas.

21. (1) Where an area has been declared as an infected area under section 20, all provisions of this Act which are applicable in relation to a controlled area shall *mutatis mutandis* apply thereto as if for the words "controlled area", the words "infected area" have been substituted.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the following further provisions shall apply in relation to an infected area, namely:—

(a) in respect of every animal in that area which is infected or reasonably believed to be infected, with any scheduled disease, the owner or other person in charge of the animal, shall forthwith get it treated by a Veterinarian;

(b) all articles, which are likely to have come into contact with any animal referred to in clause (a), shall be treated or disposed off in such a manner as the Veterinarian may direct;

(c) every Veterinarian shall, for the purpose of inspection, have the power to enter any place or premises where any animal is kept or is likely to be kept;

(d) the owner or any other person in charge of the animal referred to in clause (a) shall keep the animal in isolation forthwith, and also take such other measures as may be necessary for the prevention, treatment and control of the disease as the Veterinarian may direct.

Denotification of infected area.

22. If the Veterinary Officer, after such enquiry as he may deem fit, is satisfied that there is no longer the threat or danger of any animal being infected with the scheduled disease in any infected area, by notification and publication in a local newspaper in vernacular language, declare that the area is no longer an infected area as aforesaid, whereupon all the restrictions referred to in section 21 shall cease to apply.

CHAPTER IV

INFECTED ANIMALS

Segregation, examination and treatment of infected animals.

23. (1) Where the Veterinarian has, on receipt of a report or otherwise, reason to believe that any animal is infected with a scheduled disease, he may, by order in writing, direct the owner or any other person in charge of such animal—

(a) to keep it segregated from other apparently healthy animals; or

(b) to subject it to such treatment as may be required under the circumstances.

(2) Where any action has been taken in pursuance of sub-section (1), the Veterinarian shall forthwith give a detailed report of the incidence of the disease to the Veterinary Officer.

(3) On receipt of a report from the Veterinarian, the Veterinary Officer shall, as soon as possible, examine that animal as well as any other animal which could have come in contact with it, and for that purpose, submit the animal to such test and medical examination as may be required under the circumstances.

(4) If, after such test and examination, the Veterinary Officer is of the opinion that an animal is not infected with any of the scheduled diseases, he shall issue a certificate in writing that the animal is not infected with any such disease.

24. (1) Where the Veterinary Officer considers it necessary for the purpose of ascertaining whether the animal which is suspected to have been infected with any scheduled disease or susceptible to such infection, is actually infected, or for the purpose of ascertaining the nature of the scheduled disease with which an animal is infected, he may draw such samples, as may be required, from the animal for the purpose of carrying out such investigations as he may deem necessary under the circumstances.

Drawing samples from animals.

(2) The Veterinary Officer or any other Competent Officer shall draw samples from any animal for the purposes of ascertaining whether the animal has been vaccinated against any disease, or whether the vaccination of the animal has been effective in conferring it immunity and have the samples examined, in such manner as he may deem necessary.

25. If the Veterinary Officer deems it necessary that an animal, which is infected with a scheduled disease, euthanasia has to be resorted to, for preventing the spread of the disease to other animals in the area or to protect public health if the disease is of zoonotic importance, he may, notwithstanding anything contained in any other law for the time being in force, by an order in writing, direct euthanasia of the animal and the carcass disposed of immediately to his satisfaction.

Resort to euthanasia for infected animals.

26. Every person in possession of carcass (or any part thereof) of any animal, which, at the time of its death, was infected with any scheduled disease or was suspected to have been infected, shall dispose it of in such manner as may be prescribed.

Disposal of carcass.

27. (1) Where the Veterinary Officer or any Veterinarian has reason to believe that the death of an animal has been caused by an infection of any scheduled disease, he may make or cause to be made a post-mortem examination of the animal and for that purpose he may cause the carcass of any such animal to be exhumed where required followed by proper disposal after necessary examination and post-mortem.

Powers of Veterinary Officer and Veterinarian to hold post-mortem examination.

(2) Every examination and post-mortem referred to in sub-section (1) shall be conducted in such manner, and the report of post-mortem shall be in such form, as may be prescribed.

28. Where any animal which is infected or suspected to have been infected is found without any person claiming to be its owner, or where a valid order or direction given in relation to any such animal is not promptly complied with by the owner or other person in control of the animal, it shall be open to the Veterinary Officer or any other Competent Officer, to seize the animal and remove it to a place of isolation or segregation, as he may deem proper.

Seizure and removal of certain animals.

CHAPTER V

ENFORCEMENT AND PENALTIES

29. (1) Where by any rule, notification, notice, requisition, order or direction made under this Act, any person is required to take any measure or to do anything—

Enforcement of orders and recovery of expenses.

(a) in respect of any animal, carcass of any animal or other thing in his custody or charge, the same shall be promptly complied with by that person;

(b) in case of any stray or ownerless animal, carcass of such animal or parts thereof, the same shall be promptly complied with by the municipality or Panchayat, as the case may be, at its cost.

(2) If the measures as referred to in sub-section (1) are not taken within such time as may be allowed for the purpose, the authority issuing the notice, requisition, order or direction, may cause the measures to be taken at the cost of the person or municipality or Panchayat, as the case may be, who or which was required to take the measures.

(3) The costs of any measures taken under sub-section (2), shall be recoverable from the person or the municipality or Panchayat, as the case may be, concerned in the manner provided by the Code of Criminal Procedure, 1973, for the recovery of fines imposed by a Court, as if such costs were a fine imposed by a Court.

2 of 1974.

Village
Officers, etc.,
to assist.

30. All Municipal, Panchayat or Village Officers and all officers of the rural and dairy development, revenue, agriculture, animal husbandry and veterinary departments of the State Government, shall be bound—

(a) to give immediate information to the Veterinary Officer and to the Veterinarian having jurisdiction in the area regarding the prevalence of a scheduled disease amongst any animal or species of animals, in the area;

(b) to take all necessary measures to prevent the outbreak or spread of any scheduled disease; and

(c) to assist the Veterinary Officer and the Veterinarian in the discharge of their duties or in the exercise of their powers under this Act.

Penalty for
issuing
vaccination
certificate
without
authority or
administering
defective
vaccine.

31. If any person issues a vaccination certificate,—

(a) without authority or competence in that behalf, or

(b) after administering the vaccine which is known to be defective in any manner,

he shall be guilty of an offence punishable with a fine of five thousand rupees or in case of non-payment of fine with imprisonment which may extend to one month, and in the case of any subsequent offence, with fine of ten thousand rupees or with imprisonment which may extend to three months.

Penalties.

32. Any person who contravenes the provisions of this Act or obstructs the Competent Officer in performing his duties shall be guilty of an offence punishable with fine which may extend to one thousand rupees, and in case of failure to pay the penalty with imprisonment for a term which may extend to one month; and in the case of any subsequent offence (whether under the same provision or any other provision of this Act except in case of sections 31 and 33) with a fine of two thousand rupees, or with imprisonment for a term which may extend to two months in case of non-payment of the penalty.

Penalty for
placing
infected
animal or
carcass in
river, etc.

33. Whoever places or causes or permits to be placed in any river, lake, canal or any other water body, the carcass or any part of the carcass of any animal which at the time of its death was known to be infected, shall be guilty of an offence and, on conviction, be punished, in the case of a first offence with fine of two thousand rupees or with imprisonment of one month in case of non-payment of fine and in the case of subsequent conviction with a fine of five thousand rupees or imprisonment for a term which may extend to three months or with both.

Offences by
companies.

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

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

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

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a co-operative society registered or deemed to be registered under any law for the time being in force, a firm or other association of individuals; and

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

CHAPTER VI

PRECAUTIONARY MEASURES ON CAUSATIVE ORGANISM, ETC.

35. (1) In every institution, laboratory or clinic, engaged in the manufacture, testing or research, related to vaccines, sera, diagnostics or chemotherapeutic drugs and aimed at the prevention or treatment of any scheduled disease, adequate precautionary measures shall be taken—

Prevention of escape of causative organism.

(a) to ensure that the causative organism of any scheduled disease does not escape or otherwise get released;

(b) to guard against any such escape or release; and

(c) to warn and to protect everyone concerned in the event of any escape.

(2) Notwithstanding anything contained in any other law for the time being in force, every animal—

(a) used for the manufacture, testing or research as referred to sub-section (1), or

(b) which is likely to carry or transmit any scheduled disease,

shall be promptly administered euthanasia and disposed of by the person in charge of or having control of the institution, laboratory or clinic, as the case may be, referred to in that sub-section.

(3) Every person who is in charge of or having control of an institution, laboratory or clinic referred to in sub-section (1) comply with the provisions of sub-section (1) and sub-section (2); and in the event of non-compliance he shall be guilty of an offence punishable with fine which may extend to twenty thousand rupees or imprisonment for a term which may extend to six months or with both, and in case the establishment is in commercial manufacturing of vaccines or medicine, a temporary suspension of licence upto a period of one year may also be imposed.

CHAPTER VII

MISCELLANEOUS

36. The State Government may, by notification, delegate to any officer or authority subordinate to it, all or any of the powers conferred on it by or under this Act, except the powers to make rules under sub-section (2) of section 42.

Power to delegate.

37. All officers and authorities under this Act shall exercise their powers and discharge their duties conferred or imposed on them by or under this Act, in accordance with such orders, not inconsistent with the provisions of this Act, as the Central Government or the State Government may, from time to time, make.

Officers and authorities to function subject to Government control.

38. (1) The Central Government may, by notification, add to, or omit from the Schedule any animal disease and the said disease shall, as from the date of the notification, be deemed to have been added to, or omitted from, the Schedule.

Power to amend the Schedule.

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

Power to issue directions.

39. The Central Government may, with the object of prevention, control and eradication of any infectious or contagious disease of animals, issue such directions to the State Government or other authorities under this Act, from time to time, including directions for furnishing such returns and statistics on scheduled diseases, and vaccination, as it may deem fit and every such direction shall be complied with.

Certain persons to be public servants.

40. Every Competent Officer, Director and Veterinary Officer, while exercising any power or performing any duty under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Power to remove difficulties.

41. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

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

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power of Central Government to make rules.

42. (1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

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

(a) the form of vaccination certificate and the particulars which such certificate shall contain, under section 9;

(b) the manner of disposal of carcass, under section 26;

(c) the manner of conducting examination and post-mortem under sub-section (1) and the form of report of post-mortem under sub-section (2) of section 27;

(d) any other matter which may be prescribed or in respect of which rules are required to be made by the Central Government.

Power of State Government to make rules.

43. (1) The State Governments may, by notification and with the prior approval of the Central Government, 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 permit to be granted by the officer in charge of a Quarantine Camp, under sub-section (4) of section 14;

(b) the manner of inspection and the period of detention of an animal at a Check Post or at a Quarantine Camp for the administration of compulsory vaccination and marking of animals and the form and manner of issue of entry permit, under sub-section (2) of section 15;

(c) any other matter in respect of which rule is to be or may be made by the State Government.

Laying of rules.

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

(2) Every rule made by the State Government under this Act shall be laid, as soon as may be, after it is made, before the State Legislature.

45. On the commencement of this Act—

Repeal and savings.

13 of 1899.

(i) The Glanders and Farcy Act, 1899;

5 of 1910.

(ii) The Dourine Act, 1910; and

(iii) any other corresponding law of any State, so far as it is inconsistent with the provisions of this Act,

shall stand repealed:

Provided that nothing contained in this section shall—

(a) affect the previous operation of any such provision of law or anything duly done or suffered thereunder;

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under any such provision of law;

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any such provision of law; or

(d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and every such investigation, legal proceeding or remedy may be continued, instituted or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid provisions of law had continued:

Provided further that, anything done or any action taken under any such provision of law, including any notification, order, notice or receipt issued or declaration made, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, issued or made under the corresponding provisions of this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

THE SCHEDULE
[See sections 2 (o) and 38]

(a) Multiple species diseases

1. Anthrax.
2. Aujeszky's disease.
3. Bluetongue.
4. Brucellosis.
5. Crimean Congo haemorrhagic fever.
6. Echinococcosis/hydatidosis.
7. Foot and mouth disease.
8. Heartwater.
9. Japanese encephalitis.
10. Leptospirosis.
11. New world screwworm (*Cochliomyia hominivorax*).
12. Old world screwworm (*Chrysomya bezziana*).
13. Paratuberculosis.
14. Q fever.
15. Rabies.
16. Rift Valley fever.
17. Rinderpest.
18. Trichinellosis.
19. Tularemia.
20. Vesicular stomatitis.
21. West Nile fever.

(b) Cattle diseases

1. Bovine anaplasmosis.
2. Bovine babesiosis.
3. Bovine genital campylobacteriosis.
4. Bovine spongiform encephalopathy.
5. Bovine tuberculosis.
6. Bovine viral diarrhoea.
7. Contagious bovine pleuropneumonia.
8. Enzootic bovine leucosis.
9. Haemorrhagic septicaemia.
10. Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis.
11. Lumpy skin disease.
12. Malignant catarrhal fever.
13. Theileriosis.
14. Trichomonosis.
15. Trypanosomosis.

(c) Sheep and goat diseases

1. Caprine arthritis/encephalitis.
2. Contagious agalactia.
3. Contagious caprine pleuropneumonia.
4. Enzootic abortion of ewes (ovine chlamydiosis).
5. Maedi-visna.
6. Nairobi sheep disease.
7. Ovine epididymitis (*Brucella ovis*).
8. Peste des petits ruminants.
9. Salmonellosis (*S. abortusovis*).
10. Scrapie.
11. Sheep pox and goat pox.

(d) Equine diseases

1. African horse sickness.
2. Contagious equine metritis.
3. Dourine.
4. Equine encephalomyelitis (Eastern).
5. Equine encephalomyelitis (Western).
6. Equine infectious anaemia.
7. Equine Influenza.
8. Equine piroplasmosis.
9. Equine rhinopneumonitis.
10. Equine viral arteritis.
11. Glanders.
12. Surra (*Trypanosoma evansi*).
13. Venezuelan equine encephalomyelitis.

(e) Swine diseases

1. African swine fever.
2. Classical swine fever.
3. Nipah virus encephalitis.
4. Porcine cysticercosis.
5. Porcine reproductive and respiratory syndrome.
6. Swine vesicular disease.
7. Transmissible gastroenteritis.

(f) Avian diseases

1. Avian chlamydiosis.
2. Avian infectious bronchitis.
3. Avian infectious laryngotracheitis.
4. Avian mycoplasmosis (*M. gallisepticum*).
5. Avian mycoplasmosis (*M. synoviae*).
6. Duck virus hepatitis.
7. Fowl cholera.

8. Fowl typhoid.
9. Highly pathogenic avian influenza and low pathogenic avian influenza in poultry.
10. Infectious bursal disease (Gumboro disease).
11. Marek's disease.
12. Newcastle disease.
13. Pullorum disease.
14. Turkey rhinotracheitis.

(g) Lagomorph diseases

1. Myxomatosis.
2. Rabbit haemorrhagic disease.

(h) Bee diseases

1. Acarapisosis of honey bees.
2. American foulbrood of honey bees.
3. European foulbrood of honey bees.
4. Small hive beetle infestation (*Aethina tumida*).
5. *Tropilaelaps* infestation of honey bees.
6. Varroosis of honey bees.

(i) Fish diseases

1. Epizootic haematopoietic necrosis.
2. Infectious haematopoietic necrosis.
3. Spring viraemia of carp.
4. Viral haemorrhagic septicaemia.
5. Infectious pancreatic necrosis.
6. Infectious salmon anaemia.
7. Epizootic ulcerative syndrome.
8. Bacterial kidney disease (*Renibacterium salmoninarum*).
9. Gyrodactylosis (*Gyrodactylus salaris*).
10. Red sea bream iridoviral disease.

(j) Mollusc diseases

1. Infection with *Bonamia ostreae*.
2. Infection with *Bonamia exitiosa*.
3. Infection with *Marteilia refringens*.
4. Infection with *Mikrocytos mackini*.
5. Infection with *Perkinsus marinus*.
6. Infection with *Perkinsus olseni*.
7. Infection with *Xenohalotis californiensis*.

(k) Crustacean diseases

1. Taura syndrome.
2. White spot disease.
3. Yellowhead disease.
4. Tetrahedral baculovirosis (*Baculovirus penaei*).

5. Spherical baculovirosis (*Penaeus monodon*-type baculovirus).

6. Infectious hypodermal and haematopoietic necrosis.

7. Crayfish plague (*Aphanomyces astaci*).

(f) Other diseases

1. Camelpox.

2. Leishmaniosis.

N.L. MEENA,

Additional Secretary to the Government of India.

(Republished by Order of the Governor)

S. DAMODARAM,

*Additional Secretary to Government,
Law Department.*

New Delhi, the 20th March, 2009.

The following Act of Parliament received the assent of the President on the 20th March, 2009 and is hereby published for general information:—

THE CARRIAGE BY AIR (AMENDMENT) ACT, 2009

ACT No. 28 OF 2009

An Act further to amend the Carriage by Air Act, 1972.

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

1. (1) This Act may be called the Carriage by Air (Amendment) Act, 2009.

Short title and commencement.

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

69 of 1972.

2. In the Carriage by Air Act, 1972 (hereinafter referred to as the principal Act), in the long title, for the words "and to make provision for", the words, figures and letters "and also to the Montreal Convention signed on the 28th day of May, 1999 and to make provision for" shall be substituted.

Amendment of long title.

Amendment of section 2.

3. In section 2 of the principal Act, after clause (ii), the following clauses shall be inserted, namely:—

“(iii) “Montreal Convention” means the Convention for the unification of certain rules for international carriage by air signed at Montreal on the 28th day of May, 1999;

(iv) “Annexure” means the Annexure annexed to this Act.’

Amendment of section 3.

4. In section 3 of the principal Act,—

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

“(2) For the purpose of this Act, the High Contracting Parties to the Convention and the date of enforcement of the said Convention shall be such as are included in Part I of the Annexure.”;

(b) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) The Central Government may, having regard to the objects of this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, Part I of the Annexure, any High Contracting Party and on such addition, or as the case may be, omission, such High Contracting Party shall be or shall cease to be, a High Contracting Party.”.

Amendment of section 4.

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

“(2) For the purpose of this Act, the High Contracting Parties to the amended Convention and the date of enforcement of the said amended Convention shall be such as are included in Part II of the Annexure.

(2A) The Central Government may, having regard to the objects of this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, Part II of the Annexure, any High Contracting Party and on such addition, or, as the case may be, omission, such High Contracting Party shall be or shall cease to be, a High Contracting Party.”.

Insertion of new section 4A.

Application of Montreal Convention to India.

6. After section 4 of the principal Act, the following section shall be inserted, namely:—

“4A. (1) The rules contained in the Third Schedule, being the provisions of the Montreal Convention relating to the rights and liabilities of carriers, passengers, consignors, consignees and other persons, shall, subject to the provisions of this Act, have the force of law in India in relation to any carriage by air to which those rules apply, irrespective of the nationality of the aircraft performing the carriage.

(2) For the purpose of this Act, the State Parties to the Montreal Convention and the date of enforcement of the said Montreal Convention shall be such as are included in Part III of the Annexure.

(3) Any reference in the Third Schedule to the territory of any State Party to the Montreal Convention shall be construed as a reference to all the territories in respect of which he is party.

(4) Any reference in the Third Schedule to agents of the carrier shall be construed as including a reference to servants of the carrier.

(5) The Central Government may, having regard to the objects of this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, Part III of the Annexure, any State Party and on such addition, or as the case may be, omission, such State Party shall be or shall cease to be, a State Party.”.

7. In section 5 of the principal Act,—
- (a) in sub-section (1), for the words “the First Schedule and in the Second Schedule”, the words “the First Schedule, the Second Schedule and the Third Schedule” shall be substituted;
- (b) in sub-section (5), for the words “the First Schedule or of the Second Schedule”, the words “the First Schedule or the Second Schedule or the Third Schedule” shall be substituted.
8. After section 6 of the principal Act, the following section shall be inserted, namely:—
- “6A. Any sum in Special Drawing Rights mentioned in rules 21 and 22 of the Third Schedule shall, for the purpose of any action against a carrier, be converted into rupees at the rate of exchange prevailing on the date on which the amount of damages to be paid by the carrier is ascertained by the Court in accordance with the provisions of rule 23 of the said Third Schedule.”.
9. In section 8 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—
- “(3) The Central Government may, by notification in the Official Gazette, apply the rules contained in the Third Schedule and any provision of section 4A or section 5 or section 6A to such carriage by air, not being international carriage by air as defined in the Third Schedule, as may be specified in the notification, subject, however, to such exceptions, adaptations and modifications, if any, as may be so specified.”.
10. After the Second Schedule to the principal Act, the following Schedule and Annexure shall be inserted, namely:—

Amendment of section 5.

Insertion of new section 6A.

Conversion of Special Drawing Rights.

Amendment of section 8.

Insertion of Third Schedule and Annexure.

‘THE THIRD SCHEDULE

(See section 4A)

RULES

CHAPTER I

SCOPE OF APPLICATION

1. (1) These rules shall apply to all international carriage of persons, baggage or cargo performed by aircraft for reward. They shall apply also to such carriage when performed gratuitously by an air transport undertaking.

(2) In these rules, unless the context otherwise requires,—

(a) "baggage" means both checked baggage and unchecked baggage;

(b) "days" means calendar days and not working days;

(c) "depository" means the International Civil Aviation Organisation;

(d) "State Party" means a signatory or acceding State to the Montreal Convention whose instrument of ratification or accession has been deposited with the depository.

(3) For the purposes of these rules, the expression, "international carriage" means any carriage in which, according to the agreement between the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two State Parties, or within the territory of a single State Party if there is an agreed stopping place within the territory of another State, even if that State is not a State Party. A carriage between two points within the territory of a single State Party without an agreed stopping place within the territory of another State shall not be deemed to be international carriage for the purposes of these rules.

(4) A carriage to be performed by several successive air carriers shall be deemed for the purposes of these rules, to be one undivided carriage if it has been regarded by the parties as a single operation, whether it has been agreed upon under the form of a single contract or of a series of contracts, and it shall not lose its international character merely because one contract or a series of contracts is to be performed entirely within the territory of the same State.

(5) These rules shall apply also to carriage as set out in Chapter V, subject to the terms contained therein.

2. (1) These rules shall apply to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in rule 1.

(2) In the carriage of postal items, the carrier shall be liable only to the relevant postal administration in accordance with the rules applicable to the relationship between the carriers and the postal administration.

(3) Except as provided in sub-rule (2), these rules shall not apply to the carriage of postal items.

CHAPTER II

DOCUMENTATION AND DUTIES OF THE PARTIES RELATING TO THE CARRIAGE OF PASSENGERS, BAGGAGE AND CARGO

3. (1) In respect of carriage of passengers, an individual or collective document of carriage shall be delivered containing—

(a) an indication of the places of departure and destination;

(b) if the places of departure and destination are within the territory of a single State Party, one or more agreed stopping places being within the territory of another State, an indication of at least one of such stopping places.

(2) Any other means which preserves the information indicated in sub-rule (1) may be substituted for the delivery of the document referred to in that sub-rule. If any such other means is used, the carrier shall offer to deliver to the passenger a written statement of the information so preserved.

(3) The carrier shall deliver to the passenger a baggage identification tag for each piece of checked baggage.

(4) The passenger shall be given written notice to the effect that where these rules are applicable it governs and may limit the liability of carriers in respect of death or injury and for destruction or loss of, or damage to, baggage, and for delay.

(5) Non-compliance with the provisions of sub-rules (1), (2) and (3) shall not affect the existence or the validity of the contract of carriage, which shall, nonetheless, be subject to these rules including those relating to limitation of liability.

4. (1) In respect of the carriage of cargo, an air waybill shall be delivered.

(2) Any other means which preserves a record of the carriage to be performed may be substituted for the delivery of an air waybill. If such other means are used, the carrier shall, if so requested by the consignor, deliver to the consignor a cargo receipt permitting identification of the consignment and access to the information contained in the record preserved by such other means.

5. The air waybill or the cargo receipt shall include—

(a) an indication of the places of departure and destination;

(b) if the places of departure and destination are within the territory of a single State Party, one or more agreed stopping places being within the territory of another State, an indication of at least one of such stopping places; and

(c) an indication of the weight of the consignment.

6. The consignor may be required, if necessary to meet the formalities of customs, police and similar public authorities, to deliver a document indicating the nature of the cargo. This provision shall not create for the carrier any duty, obligation or liability resulting therefrom.

7. (1) The air waybill shall be made out by the consignor in three original parts. The first part shall be marked "for the carrier" and it shall be signed by the consignor. The second part shall be marked "for the consignee" and it shall be signed by the consignor and by the carrier. The third part shall be signed by the carrier who shall hand it to the consignor after the cargo has been accepted.

(2) The signature of the carrier and of the consignor may be printed or stamped.

(3) If, at the request of the consignor, the carrier makes out the air waybill, the carrier shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

8. When there is more than one package—

(a) the carrier has the right to require the consignor to make out separate air waybills;

(b) the consignor has the right to require the carrier to deliver separate cargo receipts when the other means referred to in sub-rule (2) of rule 4 are used.

9. Non-compliance with the provisions of rules 4, 5, 6, 7 and 8 shall not affect the existence or the validity of the contract of carriage, which shall, nonetheless, be subject to these rules including those relating to limitation of liability.

10. (1) The consignor is responsible for the correctness of the particulars and statements relating to the cargo inserted by it or on its behalf in the air waybill or furnished by it or on its behalf to the carrier for insertion in the cargo receipt or for insertion in the record preserved by the other means referred to in sub-rule (2) of rule 4. The foregoing shall also apply where the person acting on behalf of the consignor is also the agent of the carrier.

(2) The consignor shall indemnify the carrier against all damage suffered by it, or by any other person to whom the carrier is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements furnished by the consignor or on its behalf.

(3) Subject to the provisions of sub-rules (1) and (2), the carrier shall indemnify the consignor against all damages suffered by it, or by any other person to whom the consignor is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements inserted by the carrier or on its behalf in the cargo receipt or in the record preserved by the other means referred to in sub-rule (2) of rule 4.

11. (1) The air waybill or the cargo receipt shall be *prima facie* evidence of the conclusion of the contract, of the acceptance of the cargo and of the conditions of carriage mentioned therein.

(2) Any statements in the air waybill or the cargo receipt relating to the weight, dimensions and packing of the cargo, as well as those relating to the number of packages, are *prima facie* evidence of the facts stated therein; those relating to the quantity, volume and condition of the cargo do not constitute evidence against the carrier except so far as they both have been, and are stated in the air waybill or the cargo receipt to have been, checked by it in the presence of the consignor, or relate to the apparent condition of the cargo.

12. (1) Subject to its liability to carry out all its obligations under the contract of carriage, the consignor has the right to dispose of the cargo by withdrawing it at the airport of departure or destination, or by stopping it in the course of the journey on any landing, or by calling for it to be delivered at the place of destination or in the course

of the journey to a person other than the consignee originally designated, or by requiring it to be returned to the airport of departure. The consignor shall not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and shall reimburse any expenses occasioned by the exercise of this right.

(2) If it is impossible to carry out the instructions of the consignor, the carrier shall so inform the consignor forthwith.

(3) If the carrier carries out the instructions of the consignor for the disposition of the cargo without requiring the production of the part of the air waybill or the cargo receipt delivered to the latter, the carrier shall be liable, without prejudice to its right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air waybill or the cargo receipt.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with rule 13. Nevertheless, if the consignee declines to accept the cargo, or cannot be communicated with, the consignor shall resume its right of disposition.

13. (1) Except when the consignor has exercised its right under rule 12, the consignee shall be entitled, on arrival of the cargo at the place of destination, to require the carrier to deliver the cargo to it, on payment of the charges due and on complying with the conditions of carriage.

(2) Unless it is otherwise agreed, it shall be the duty of the carrier to give notice to the consignee as soon as the cargo arrives.

(3) If the carrier admits the loss of the cargo, or if the cargo has not arrived at the expiration of seven days after the date on which it ought to have arrived, the consignee shall be entitled to enforce against the carrier the rights which flow from the contract of carriage.

14. The consignor and the consignee may respectively enforce all the rights given to them by rules 12 and 13, each in its own name, whether it is acting in its own interest or in the interest of another, provided that it carries out the obligations imposed by the contract of carriage.

15. (1) The provisions of rules 12, 13 and 14 shall not affect either the relations of the consignor and the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) The provisions of rules 12, 13 and 14 shall be varied only by express provision in the air waybill or the cargo receipt.

16. (1) The consignor shall furnish such information and such documents as are necessary to meet the formalities of customs, police and any other public authorities before the cargo can be delivered to the consignee. The consignor shall be liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier, its servants or agents.

(2) The carrier shall be under no obligation to enquire into the correctness or sufficiency of such information or documents.

CHAPTER III

LIABILITY OF THE CARRIER AND EXTENT OF COMPENSATION FOR DAMAGES

17. (1) The carrier shall be liable for damages sustained in case of death or bodily injury of a passenger upon condition only that the accident which caused the death or injury took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

(2) The carrier shall be liable for damages sustained in case of destruction or loss of, or of damage to checked baggage upon condition only that the event which caused the destruction, loss or damage took place on board the aircraft or during any period within which the checked baggage was in the charge of the carrier. However, the carrier shall not be liable if and to the extent that the damage resulted from the inherent defect, quality or vice of the baggage. In the case of unchecked baggage, including personal items, the carrier is liable if the damage has resulted from its fault or that of its servants or agents.

(3) If the carrier admits the loss of the checked baggage, or if the checked baggage has not arrived at the expiration of twenty-one days after the date on which it ought to have arrived, the passenger shall be entitled to enforce against the carrier the rights which flow from the contract of carriage.

18. (1) The carrier shall be liable for damages sustained in the event of the destruction or loss of, or damage to, cargo upon condition only that the event which caused the damage so sustained took place during the carriage by air.

(2) However, the carrier shall not be liable if and to the extent it proves that the destruction, or loss of, or damage to, the cargo resulted from one or more of the following:—

(a) inherent defect, quality or vice of that cargo;

(b) defective packing of that cargo performed by a person other than the carrier or its servants or agents;

(c) an act of war or an armed conflict; and

(d) an act of public authority carried out in connection with the entry, exit or transit of the cargo.

(3) The carriage by air within the meaning of sub-rule (1) comprises the period during which the cargo is in charge of the carrier.

(4) The period of the carriage by air shall not extend to any carriage by land, by sea or by inland waterway performed outside an airport. If, however, such carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or transshipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air. If a carrier, without the consent of the consignor, substitutes carriage by another mode of transport for the whole or part of a carriage intended by the agreement between the parties to be carriage by air, such carriage by another mode of transport is deemed to be within the period of carriage by air.

19. The carrier shall be liable for damage occasioned by delay in the carriage by air of passengers, baggage or cargo. Nevertheless, the carrier shall not be liable for damage occasioned by delay if it proves that it and its servants and agents took all measures that could reasonably be required to avoid the damage or that it was impossible for it or them to take such measures.

20. If the carrier proves that the damages was caused or contributed to by the negligence or other wrongful act or omission of the person claiming compensation, or the person from whom he or she derives his or her rights, the carrier shall be wholly or partly exonerated from its liability to the claimant to the extent that such negligence or wrongful act or omission caused or contributed to the damage. When by reason of death or injury of a passenger compensation is claimed by a person other than the passenger, the carrier shall likewise be wholly or partly exonerated from its liability to the extent that it proves that the damage was caused or contributed to by the negligence or other wrongful act or omission of that passenger. This rule applies to all the liability provisions of these rules, including sub-rule (1) of rule 21.

21. (1) For damages arising under sub-rule (1) of rule 17 not exceeding one lakh Special Drawing Rights for each passenger, the carrier shall not be able to exclude or limit its liability.

(2) The carrier shall not be liable for damages arising under sub-rule (1) of rule 17 to the extent that they exceed for each passenger one lakh Special Drawing Rights if the carrier proves that—

(a) such damage was not due to the negligence or other wrongful act or omission of the carrier or its servants or agents; or

(b) such damage was solely due to the negligence or other wrongful act or omission of a third party.

22. (1) In the case of damage caused by delay as specified in rule 19 in the carriage of persons, the liability of the carrier for each passenger is limited to four thousand one hundred and fifty Special Drawing Rights.

(2) In the carriage of baggage, the liability of the carrier in the case of destruction, loss, damage or delay shall be limited to one thousand Special Drawing Rights for each passenger unless the passenger has made, at the time when the checked baggage was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum, if so required. In that case, the carrier shall be liable to pay a sum not exceeding the declared sum, unless it proves that the sum is greater than the passenger's actual interest in delivery at destination.

(3) In the carriage of cargo, the liability of the carrier in the case of destruction, loss, damage or delay is limited to a sum of seventeen Special Drawing Rights per kilogramme, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum, if so required. In that case, the carrier shall be liable to pay a sum not exceeding the declared sum, unless it proves that the sum is greater than the consignor's actual interest in delivery at destination.

(4) In the case of delay, destruction, loss or damage of part of the cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall be only the total weight of the package or packages concerned. Nevertheless, when the delay, destruction, loss or damage of a part of the cargo, or of an object contained therein, affects the value of other packages covered by the same air waybill, or the same receipt or, if they were not issued, by the same record preserved by other means referred to in sub-rule (2) of rule 4, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability.

(5) The provisions of sub-rules (1) and (2) shall not apply if it is proved that the damage resulted from an act or omission of the carrier, its servants or agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result:

Provided that, in the case of such act or omission of a servant or agent, it is also proved that such servant or agent was acting within the scope of its employment.

(6) The limits prescribed in rule 21 and in this rule shall not prevent the court from awarding, in accordance with its own law, in addition, the whole or part of the court costs and of the other expenses of the litigation incurred by the plaintiff, including interest. The foregoing provision shall not apply if the amount of the damages awarded, excluding court costs and other expenses of the litigation, does not exceed the sum which the carrier has offered in writing to the plaintiff within a period of six months from the date of the occurrence causing the damage, or before the commencement of the action, if that is later.

23. The sums mentioned in terms of Special Drawing Right in these rules shall be deemed to refer to the Special Drawing Right as defined by the International Monetary Fund and its conversion into national currencies shall, in case of judicial proceedings, be made in accordance with the method of valuation applied by the International Monetary Fund, in effect at the date of the judgment, for its operations and transactions.

24. (1) Without prejudice to the provisions of rule 25 and subject to sub-rule (2), the limits of liability prescribed in rules 21, 22 and 23 shall be reviewed by the depository at five-year intervals, the first such review to take place at the end of the fifth year following the date of coming into force of these rules. The measure of the rate of inflation to be used in determining the inflation factor shall be the weighted average of the annual rates of increase or decrease in the Consumer Price Indices of the States whose currencies comprise the Special Drawing Right mentioned in rule 23.

(2) If the review referred to in sub-rule (1) concludes that the inflation factor has exceeded ten per cent., the depository shall notify State Parties of a revision of the limits of liability. Any such revision shall become effective six months after its notification to the State Parties. If within three months after its notification to the State Parties, a majority of the State Parties register their disapproval, the revision shall not become effective and the depository shall refer the matter to a meeting of the State Parties. The depository shall immediately notify all States Parties about the coming into force of any revision.

(3) Notwithstanding anything contained in sub-rule (1), the procedure referred to in sub-rule (2) shall be applied at any time provided that one-third of the State Parties express a desire to that effect and upon condition that the inflation factor referred to in sub-rule (1) has exceeded thirty per cent. since the previous revision or since the date of entry into force of the Montreal Convention if there has been no previous revision. Subsequent reviews using the procedure specified in sub-rule (1) shall take place at five-year intervals starting at the end of the fifth year following the date of the reviews under the provisions of this sub-rule.

25. A carrier may stipulate that the contract of carriage shall be subject to higher limits of liability than those provided for in these rules or to no limits of liability whatsoever.

26. Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in these rules shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of these rules.

27. Nothing contained in these rules shall prevent the carrier from refusing to enter into any contract of carriage, from waiving any defence available in these rules, or from laying down conditions, which are not contrary to the provisions of these rules.

28. Notwithstanding anything contained in any other law for the time being in force, where the aircraft accident results in death or injury of passengers, the carrier shall make advance payments without delay to a natural person or persons who are entitled to claim compensation in order to meet the immediate economic needs of such persons. Such advance payments shall not constitute a recognition of liability and may be offset against any amounts subsequently paid as damages by the carrier.

29. In the carriage of passengers, baggage and cargo, any action for damages, however founded, whether under these rules or in contract or in tort or otherwise, can only be brought subject to the conditions and such limits of liability as are set out in these rules without prejudice to the question as to who are the persons who have the right to bring suit and what are their respective rights. In any such action, punitive, exemplary or any other non-compensatory damages shall not be recoverable.

30. (1) If an action is brought against a servant or agent of the carrier arising out of damage to which these rules relate, such servant or agent, if they prove that they acted within the scope of their employment, shall be entitled to avail themselves of the conditions and limits of liability which the carrier itself is entitled to invoke under these rules.

(2) The aggregate of the amounts recoverable from the carrier, its servants and agents, in that case, shall not exceed the said limits.

(3) Except in respect of the carriage of cargo, the provisions of sub-rules (1) and (2) shall not apply if it is proved that the damage resulted from an act or omission of the servant or agent done with intent to cause damage or recklessly and with the knowledge that damage would probably result.

31. (1) Receipt by the person entitled to delivery of checked baggage or cargo without complaint is *prima facie* evidence that the same has been delivered in good condition and in accordance with the document of carriage or with the record preserved by the other means referred to in sub-rule (2) of rule 3 and sub-rule (2) of rule 4.

(2) In the case of damage, the person entitled to delivery shall make a complaint to the carrier forthwith after the discovery of the damage, and, at the latest, within seven days from the date of receipt in the case of checked baggage and fourteen days from the date of receipt in the case of cargo. In the case of delay, the complaint shall be made at the latest within twenty-one days from the date on which the baggage or cargo have been placed at his disposal.

(3) Every complaint shall be made in writing and given or dispatched within the period specified in sub-rule (2).

(4) If no complaint is made within the period specified in sub-rule (2), no action shall lie against the carrier, except in the case of fraud committed by the carrier.

32. In the case of the death of the person liable, an action for damages lies in accordance with these rules against those legally representing his or her estate.

33. (1) An action for damages shall be brought, at the option of the claimant of damages, in the territory of one of the State Parties, either before the court of the domicile of the carrier or of its principal place of business, or where it has a place of business through which the contract has been made or before the court at the place of destination.

(2) In respect of damage resulting from the death or injury of a passenger, an action may be brought before one of the courts mentioned in sub-rule (1), or in the territory of a State Party in which at the time of the accident the passenger has his or her principal and permanent residence and to or from which the carrier operates services for the carriage of passengers by air, either on its own aircraft, or on another carrier's aircraft pursuant to a commercial agreement, and in which that carrier conducts its business of carriage of passengers by air from premises leased or owned by the carrier itself or by another carrier with which it has a commercial agreement.

(3) For the purposes of sub-rule (2)—

(a) "commercial agreement" means an agreement, other than an agency agreement, made between carriers and relating to the provision of their joint services for carriage of passengers by air;

(b) "principal and permanent residence" means the one fixed and permanent abode of the passenger at the time of the accident. The nationality of the passenger shall not be the determining factor in this regard.

(4) Questions of procedure shall be governed by the law of the court seized of the case.

34. (1) Subject to the provisions of this rule, the parties to the contract of carriage for cargo may stipulate that any dispute relating to the liability of the carrier under these rules shall be settled by arbitration. Such agreement shall be in writing.

(2) The arbitration proceedings shall, at the option of the claimant, take place within one of the jurisdictions referred to in rule 33.

(3) The arbitrator or arbitration tribunal shall apply the provisions of these rules.

(4) The provisions of sub-rules (2) and (3) shall be deemed to be part of every arbitration clause or agreement, and any term of such clause or agreement which is inconsistent therewith shall be null and void.

35. (1) The right to damages shall be extinguished if an action is not brought within a period of two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the period shall be determined by the law of the court seized of the case.

36. (1) In the case of carriage to be performed by various successive carriers and falling within the definition set out in sub-rule (4) of rule 1, each carrier which accepts passengers, baggage or cargo shall be subject to the provisions of these rules and shall be deemed to be one of the parties to the contract of carriage in so far as the contract deals with that part of the carriage which is performed under its supervision.

(2) In the case of carriage of this nature, the passenger or any person entitled to compensation shall be entitled to take action only against the carrier which performed the carriage during which the accident or the delay occurred, except where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) In respect of baggage or cargo, the passenger or consignor shall have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery shall have a right of action against the last carrier, and further, each may take action against the carrier which performed the carriage during which the delay, destruction, loss or damage took place. These carriers shall be jointly and severally liable to the passenger or to the consignor or consignee.

37. Nothing in these rules shall prejudicially affect the right of a person liable for damages to take recourse against any other person.

CHAPTER IV

COMBINED CARRIAGE

38. (1) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of these rules shall, subject to the provisions of sub-rule (4) of rule 18, apply only to the carriage by air, provided that the carriage by air falls within the meaning of rule 1.

(2) Nothing in these rules shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of these rules are observed with regard to carriage by air.

CHAPTER V

CARRIAGE BY AIR PERFORMED BY A PERSON OTHER THAN THE CONTRACTING CARRIER

39. The provisions of this Chapter shall apply when a person (hereinafter referred to as the contracting carrier) as a principal makes a contract of carriage under these rules with a passenger or consignor or with a person acting on behalf of the passenger or consignor, and another person (hereinafter referred to as the actual carrier) performs, by virtue of authority from the contracting carrier, the whole or part of the carriage, but is not with respect to such part, a successive carrier within the meaning of these rules. Such authority shall be presumed in the absence of proof to the contrary.

40. If an actual carrier performs the whole or part of carriage which, according to the contract referred to in rule 39, is governed by these rules, both the contracting carrier and the actual carrier shall, except as otherwise provided in this Chapter, be subject to the provisions of these rules, the former for the whole of the carriage contemplated in the contract, the latter solely for the carriage which it performs.

41. (1) The acts and omissions of the actual carrier and of its servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the contracting carrier.

(2) The acts and omissions of the contracting carrier and of its servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability exceeding the amounts referred to in rules 21, 22, 23 and 24. Any special agreement under which the contracting carrier assumes obligations not imposed by the provisions of these rules or any waiver of rights or defences conferred by the provisions of these rules or any special declaration of interest in delivery at destination contemplated in rule 22 shall not affect the actual carrier unless agreed to by it.

42. Any complaint to be made or instruction to be given under the provisions of these rules to the carrier shall have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, instructions referred to in rule 12 shall only be effective if addressed to the contracting carrier.

43. In relation to the carriage performed by the actual carrier, any servant or agent of that carrier or of the contracting carrier shall, if they prove that they acted within the scope of their employment, be entitled to avail themselves of the conditions and limits of liability which are applicable under the provisions of these rules to the carrier whose servant or agent they are, unless it is proved that they acted in a manner that prevents the limits of liability from being invoked in accordance with the provisions of these rules.

44. In relation to the carriage performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the contracting carrier, and from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which shall be awarded against either the contracting carrier or the actual carrier under the provisions of these rules, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to that person.

45. In relation to the carriage performed by the actual carrier, an action for damages may be brought, at the option of the complainant, against that carrier or the contracting carrier, or against both together or separately. If the action is brought against only one of these carriers, that carrier shall have the right to require the other carrier to be joined in the proceedings, the procedure and effects being governed by the law of the court seized of the case.

46. Any action for damages contemplated in rule 45 must be brought, at the option of the complainant, in the territory of one of the State Parties, either before a

court in which an action may be brought against the contracting carrier, as provided under rule 33, or before the court having jurisdiction at the place where the actual carrier has its domicile or its principal place of business.

47. Any contractual provision tending to relieve the contracting carrier or the actual carrier of liability under this Chapter or to fix a lower limit than that which is applicable according to this Chapter shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Chapter.

48. Except as provided in rule 45, nothing in this Chapter shall affect the rights and obligations of the carriers between themselves, including any right of recourse or indemnification.

CHAPTER VI

GENERAL AND FINAL PROVISIONS

49. Any clause contained in the contract of carriage and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by these rules, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void.

50. State Parties shall require their carriers to maintain adequate insurance covering their liability under the provisions of these rules. A carrier may be required to furnish evidence that it maintains adequate insurance covering its liability under the provisions of these rules.

51. The provisions of rules, 3, 4, 5, 7 and 8 relating to the documentation of carriage shall not apply in the case of carriage performed in extraordinary circumstances outside the normal scope of a carrier's business.

52. The expression "days" when used in this Schedule means calander days and not working days.

ANNEXURE

[See sub-section (2) of section 3, sub-section (2) of section 4 and sub-section (2) of section 4A]

PART-I

S. No.	High Contracting Parties to Convention	Date of enforcement of Convention
(1)	(2)	(3)
1.	Afghanistan	21st May, 1969
2.	Algeria	31st August, 1964
3.	Angola	8th June, 1998
4.	Argentina	19th June, 1952
5.	Armenia	23rd February, 1999
6.	Australia	30th October, 1935
7.	Austria	27th December, 1961
8.	Azerbaijan	23rd April, 2000
9.	Bahamas	10th July, 1973
10.	Bahrain	10th June, 1998
11.	Bangladesh	26th March, 1971
12.	Barbados	30th November, 1966
13.	Belarus	25th December, 1959
14.	Belgium	11th October, 1936
15.	Benin	1st August, 1960
16.	Bolivia	29th March, 1999
17.	Bosnia and Herzegovina	6th March, 1992

(1)	(2)	(3)
18.	Botswana	30th September, 1966
19.	Brazil	13th February, 1933
20.	Brunei Darussalam	1st January, 1984
21.	Bulgaria	23rd September, 1949
22.	Burkina Faso	9th March, 1962
23.	Cambodia	12th March, 1997
24.	Cameroon	1st January, 1960
25.	Canada	8th September, 1947
26.	Cape Verde	8th May, 2002
27.	Chile	31st May, 1979
28.	China	18th October, 1958
29.	Colombia	13th November, 1966
30.	Comoros	9th September, 1991
31.	Congo	15th August, 1960
32.	Costa Rica	8th August, 1984
33.	Cote d' Ivoire	7th August, 1960
34.	Croatia	8th October, 1991
35.	Cuba	19th October, 1964
36.	Cyprus	16th August, 1960
37.	Czech Republic	1st January, 1993
38.	Democratic People's Republic of Korea	30th May, 1961
39.	Democratic Republic of the Congo	30th June, 1960
40.	Denmark	1st October, 1937
41.	Dominican Republic	25th May, 1972
42.	Ecuador	1st March, 1970
43.	Egypt	5th December, 1955
44.	El Salvador	
45.	Equatorial Guinea	19th March, 1989
46.	Estonia	14th June, 1998
47.	Ethiopia	12th November, 1950
48.	Fiji	10th October, 1970
49.	Finland	1st October, 1937
50.	France	13th February, 1933
51.	Gabon	16th May, 1969
52.	Germany	29th December, 1933
53.	Ghana	9th November, 1997
54.	Greece	11th April, 1938
55.	Grenada	
56.	Guatemala	4th May, 1997
57.	Guinea	10th December, 1961
58.	Honduras	25th September, 1994
59.	Hungary	27th August, 1936
60.	Iceland	19th November, 1948
61.	India	15th August, 1947
62.	Indonesia	17th August, 1945
63.	Iran (Islamic Republic of)	6th October, 1975
64.	Iraq	26th September, 1972
65.	Ireland	19th December, 1935
66.	Israel	6th January, 1950
67.	Italy	15th May, 1933
68.	Japan	18th August, 1953

(1)	(2)	(3)
69.	Jordan	25th May, 1946
70.	Kazakhstan	
71.	Kenya	12th December, 1963
72.	Kuwait	9th November, 1975
73.	Kyrgyzstan	9th May, 2000
74.	Lao People's Democratic Republic	19th July, 1949
75.	Latvia	13th February, 1933
76.	Lebanon	22nd November, 1943
77.	Lesotho	4th October, 1966
78.	Liberia	31st July, 1942
79.	Libyan Arab Jamahiriya	14th August, 1969
80.	Liechtenstein	7th August, 1934
81.	Lithuania	
82.	Luxembourg	5th January, 1950
83.	Madagascar	26th June, 1960
84.	Malawi	25th January, 1978
85.	Malaysia	16th September, 1963
86.	Maldives	11th January, 1996
87.	Mali	26th April, 1961
88.	Malta	21st September, 1964
89.	Mauritania	4th November, 1962
90.	Mauritius	15th January, 1990
91.	Mexico	15th May, 1933
92.	Monaco	
93.	Mongolia	29th July, 1962
94.	Morocco	5th April, 1958
95.	Myanmar	4th January, 1948
96.	Nauru	31st January, 1968
97.	Nepal	13th May, 1966
98.	Netherlands	29th September, 1933
99.	New Zealand	5th July, 1937
100.	Niger	3rd August, 1960
101.	Nigeria	1st October, 1960
102.	Norway	1st October, 1937
103.	Oman	4th November, 1976
104.	Pakistan	14th August, 1947
105.	Panama	10th February, 1997
106.	Papua New Guinea	16th September, 1975
107.	Paraguay	26th November, 1969
108.	Peru	3rd October, 1998
109.	Philippines	7th February, 1991
110.	Poland	13th February, 1933
111.	Portugal	18th June, 1947
112.	Qatar	22nd March, 1987
113.	Republic of Korea	
114.	Republic of Moldova	19th June, 1997
115.	Romania	13th February, 1933
116.	Russian Federation	18th November, 1934
117.	Rwanda	1st July, 1962
118.	Saint Vincent and the Grenadines	27th October, 1979

(1)	(2)	(3)
119.	Samona	1st January, 1962
120.	Saudi Arabia	27th April, 1969
121.	Senegal	17th September, 1964
122.	Serbia and Montenegro	27th April, 1992
123.	Seychelles	22nd September, 1980
124.	Sierra Leone	27th April, 1961
125.	Singapore	3rd December, 1971
126.	Slovakia	1st January, 1993
127.	Slovenia	25th June, 1991
128.	Solomon Islands	7th July, 1978
129.	South Africa	22nd March, 1955
130.	Spain	13th February, 1933
131.	Sri Lanka	4th February, 1948
132.	Sudan	12th May, 1975
133.	Suriname	28th September, 2003
134.	Swaziland	
135.	Sweden	1st October, 1937
136.	Switzerland	7th August, 1934
137.	Syrian Arab Republic	2nd March, 1959
138.	The former Yugoslav Republic of Macedonia	17th September, 1991
139.	Togo	30th September, 1980
140.	Tonga	4th June, 1970
141.	Trinidad and Tobago	31st August, 1962
142.	Tunisia	13th February, 1964
143.	Turkey	23rd June, 1978
144.	Turkmenistan	20th March, 1995
145.	Uganda	22nd October, 1963
146.	Ukraine	12th November, 1959
147.	United Arab Emirates	3rd July, 1986
148.	United Kingdom	15th May, 1933
149.	United Kingdom for the following territories:	3rd March, 1935
	- Bermuda	
	- British Antarctic Territory	
	- Cayman, Turks, and Calcos Islands	
	- Akrotiri and Dhekelia	
	- Falkland Islands and Dependencies	
	- Hong Kong	
	- Monserrat St. Helena and Ascension	
150.	United Republic of Tanzania	6th July, 1965
151.	United States	29th October, 1934
152.	Uruguay	2nd October, 1979
153.	Uzbekistan	28th May, 1997
154.	Vanuatu	24th January, 1982
155.	Venezuela	13th September, 1955
156.	Viet Nam	9th January, 1983
157.	Yemen	4th August, 1982
158.	Zambia	24th October, 1964
159.	Zimbabwe	18th April, 1980

PART - II

S. No.	High Contracting Parties to Convention	Date of enforcement of Convention
(1)	(2)	(3)
1.	Afghanistan	21st May, 1969
2.	Algeria	31st August, 1964
3.	Angola	8th June, 1998
4.	Argentina	10th September, 1969
5.	Australia	1st August, 1963
6.	Austria	24th June, 1971
7.	Azerbaijan	23rd April, 2000
8.	Bahamas	10th July, 1973
9.	Bahrain	10th June, 1998
10.	Bangladesh	26th March, 1971
11.	Belarus	1st August, 1963
12.	Belgium	25th November, 1963
13.	Benin	1st August, 1963
14.	Bosnia and herzegovina	6th March, 1992
15.	Brazil	14th September, 1964
16.	Bulgaria	13th March, 1964
17.	Cambodia	12th March, 1997
18.	Cameroon	1st August, 1963
19.	Canada	17th July, 1964
20.	Cape Verde	8th May, 2002
21.	Chile	31st May, 1979
22.	China	18th November, 1975
23.	Colombia	13th November, 1966
24.	Congo	1st August, 1963
25.	Costa Rica	8th August, 1984
26.	Cote d' Ivoire	1st August, 1963
27.	Croatia	8th October, 1991
28.	Cuba	28th November, 1965
29.	Cyprus	21st October, 1970
30.	Czech Republic	1st January, 1993
31.	Democratic People's Republic of Korea	2nd February, 1981
32.	Denmark	1st August, 1963
33.	Dominican Republic	25th May, 1972
34.	Ecuador	1st March, 1970
35.	Egypt	1st August, 1963
36.	El Salvador	1st August, 1963
37.	Estonia	14th June, 1998
38.	Fiji	10th October, 1970
39.	Finland	23rd August, 1977
40.	France	1st August, 1963
41.	Gabon	16th May, 1969
42.	Germany	1st August, 1963
43.	Ghana	9th November, 1997
44.	Greece	21st September, 1965
45.	Grenada	13th November, 1985
46.	Guatemala	26th October, 1971
47.	Guinea	7th January, 1991
48.	Hungary	1st August, 1963
49.	Iceland	1st August, 1963

(1)	(2)	(3)
50.	India	15th May, 1973
51.	Iran (Islamic Republic of)	6th October, 1975
52.	Iraq	1st August, 1963
53.	Ireland	1st August, 1963
54.	Israel	3rd November, 1964
55.	Italy	2nd August, 1963
56.	Japan	8th November, 1967
57.	Jordan	13th February, 1974
58.	Kazakhstan	28th November, 2002
59.	Kenya	4th October, 1999
60.	Kuwait	9th November, 1975
61.	Kyrgyzstan	9th May, 2000
62.	Lao People's Democratic Republic	1st August, 1963
63.	Latvia	31st December, 1998
64.	Lebanon	8th August, 1978
65.	Lesotho	15th January, 1976
66.	Libyan Arab Jamahiriya	14th August, 1969
67.	Liechtenstein	3rd April, 1966
68.	Lithuania	19th February, 1997
69.	Luxembourg	1st August, 1963
70.	Madagascar	1st August, 1963
71.	Malawi	7th September, 1971
72.	Malaysia	19th December, 1974
73.	Maldives	11th January, 1996
74.	Mali	29th March, 1964
75.	Mauritius	15th January, 1990
76.	Mexico	1st August, 1963
77.	Monaco	8th July, 1979
78.	Morocco	15th February, 1976
79.	Nauru	31st January, 1968
80.	Nepal	13th May, 1966
81.	Netherlands	1st August, 1963
82.	New Zealand	14th June, 1967
83.	Niger	1st August, 1963
84.	Nigeria	29th September, 1969
85.	Norway	1st August, 1963
86.	Oman	2nd November, 1987
87.	Pakistan	1st August, 1963
88.	Panama	10th February, 1997
89.	Papua New Guinea	16th September, 1975
90.	Paraguay	26th November, 1969
91.	Peru	3rd October, 1988
92.	Philippines	28th February, 1967
93.	Poland	1st August, 1963
94.	Portugal	15th December, 1963
95.	Qatar	22nd March, 1987
96.	Republic of Korea	11th October, 1967
97.	Republic of Moldova	19th June, 1997
98.	Romania	1st August, 1963
99.	Russian Federation	1st August, 1963
100.	Rwanda	27th March, 1991
101.	Saint Vincent and the Grenadines	3rd March, 2002

(1)	(2)	(3)
102.	Samona	14th January, 1973
103.	Saudi Arabia	27th April, 1969
104.	Senegal	17th September, 1964
105.	Serbia and Montenegro	27th April, 1992
106.	Seychelles	22nd September, 1980
107.	Singapore	4th February, 1968
108.	Slovakia	1st January, 1993
109.	Slovenia	25th June, 1991
110.	Solomon Islands	7th July, 1978
111.	South Africa	17th December, 1967
112.	Spain	6th March, 1966
113.	Sri Lanka	25th May, 1997
114.	Sudan	12th May, 1975
115.	Suriname	17th January, 2005
116.	Swaziland	18th October, 1978
117.	Sweden	1st August, 1963
118.	Switzerland	1st August, 1963
119.	Syrian Arab Republic	1st August, 1963
120.	The former Yugoslav Republic of Macedonia	17th September, 1991
121.	Togo	30th September, 1980
122.	Tonga	22nd May, 1977
123.	Trinidad and Tobago	8th August, 1983
124.	Tunisia	13th February, 1964
125.	Turkey	23rd June, 1978
126.	Ukraine	1st August, 1963
127.	United Arab Emirates	16th January, 1994
128.	United Kingdom	1st June, 1967
129.	United Kingdom for the following territories:	1st June, 1967
	- Bermuda	
	- British Antarctic Territory	
	- Cayman, Turks, and Calcos Islands	
130.	United States	14th December, 2003
131.	Uzbekistan	28th May, 1997
132.	Vanuatu	24th January, 1982
133.	Venezuela	1st August, 1963
134.	Viet Nam	9th January, 1983
135.	Yemen	4th August, 1982
136.	Zambia	23rd June, 1970
137.	Zimbabwe	25th January, 1981

PART-III

S. No.	State Parties	Date of enforcement
(1)	(2)	(3)
1.	Albania	19th December, 2004
2.	Austria	28th June, 2004
3.	Bahrain	4th November, 2003
4.	Barbados	4th November, 2003

(1)	(2)	(3)
5.	Belgium	28th June, 2004
6.	Belize	4th November, 2003
7.	Benin	29th May, 2004
8.	Botswana	4th November, 2003
9.	Bulgaria	9th January, 2004
10.	Cameroon	4th November, 2003
11.	Canada	4th November, 2003
12.	Cape Verde	22nd October, 2004
13.	China	31st July, 2005
14.	Colombia	4th November, 2003
15.	Cuba	13th December, 2005
16.	Cyprus	4th November, 2003
17.	Czech Republic	4th November, 2003
18.	Denmark	28th June, 2004
19.	Egypt	25th April, 2005
20.	Estonia	4th November, 2003
21.	Finland	28th June, 2004
22.	France	28th June, 2004
23.	Gambia	9th May, 2004
24.	Germany	28th June, 2004
25.	Greece	4th November, 2003
26.	Hungary	7th January, 2005
27.	Iceland	16th August, 2004
28.	Ireland	28th June, 2004
29.	Italy	28th June, 2004
30.	Japan	4th November, 2003
31.	Jordan	4th November, 2003
32.	Kenya	4th November, 2003
33.	Kuwait	4th November, 2003
34.	Latvia	15th February, 2005
35.	Lebanon	14th May, 2005
36.	Lithuania	29th January, 2005
37.	Luxembourg	28th June, 2004
38.	Maldives	30th December, 2005
39.	Malta	4th July, 2004
40.	Mexico	4th November, 2003
41.	Monaco	17th October, 2004
42.	Mongolia	4th December, 2004
43.	Namibia	4th November, 2003
44.	Netherlands	28th June, 2004
45.	New Zealand	4th November, 2003
46.	Nigeria	4th November, 2003
47.	Norway	28th June, 2004
48.	Panama	4th November, 2003
49.	Paraguay	4th November, 2003
50.	Peru	4th November, 2003
51.	Portugal	4th November, 2003
52.	Qatar	14th January, 2005
53.	Romania	4th November, 2003
54.	Saint Vincent and the Grenadines	28th May, 2004
55.	Saudi Arabia	14th December, 2003
56.	Slovakia	4th November, 2003

(1)	(2)	(3)
57.	Slovenia	4th November, 2003
58.	Spain	28th June, 2004
59.	Sweden	28th June, 2004
60.	Switzerland	5th September, 2005
61.	Syrian Arab Republic	4th November, 2003
62.	The Former Yugoslav Republic of Macedonia	4th November, 2003
63.	Tonga	19th January, 2004
64.	United Arab Emirates	4th November, 2003
65.	United Kingdom	28th June, 2004
66.	United Republic of Tanzania	4th November, 2003
67.	United States	4th November, 2003
68.	Vanuatu	8th January, 2006
69.	European Community	28th June, 2004.

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Government of India.*

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