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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, 14th January 2010.*

The following Act of Parliament received the assent of the President on the 13th January, 2010 and is here by published for general information:-

THE LEGAL METROLOGY ACT, 2009.

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THE LEGAL METROLOGY ACT, 2009.

ACT No. 1 OF 2010

An Act to establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and for matters connected therewith or incidental thereto.

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 Legal Metrology Act, 2009.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

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

Definitions.

(a) "Controller" means the Controller of Legal Metrology appointed under Section 14;

(b) "dealer", in relation to any weight or measure, means a person who, carries on, directly or otherwise, the business of buying, selling, supplying or distributing any such weight or measure, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes a commission agent, an importer, a manufacturer, who sells, supplies, distributes or otherwise delivers any weight or measure manufactured by him to any person other than a dealer;

(c) "Director" means the Director of Legal Metrology appointed under section 13;

(d) "export" with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(e) "import" with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(f) "label" means any written, marked, stamped, printed or graphic matter affixed to, or appearing upon any pre-packaged commodity;

(g) "Legal Metrology" means that part of metrology which treats units of weight and measurement, methods of weight and measurement and weighing and measuring instruments, in relation to the mandatory technical and legal requirements which have the object of ensuring public guarantee from the point of view of security and accuracy of the weighments and measurements;

(h) "legal metrology officer" means Additional Director, Additional Controller, Joint Director, Joint Controller, Deputy Director, Deputy Controller, Assistant Director, Assistant Controller and Inspector appointed under Sections 13 and 14;

(i) "manufacturer" in relation to any weight or measure, means a person who—

(i) manufactures weight or measure,

(ii) manufactures one or more parts, and acquires other parts, of such weight or measure and after assembling those parts, claims the end product to be a weight or measure manufactured by himself or itself, as the case may be,

(iii) does not manufacture any part of such weight or measure but assembles parts thereof manufactured by others and claims the end product to be a weight or measure manufactured by himself or itself, as the case may be,

(iv) puts, or causes to be put, his own mark on any complete weight or measure made or manufactured by any other person and claims such product to be a weight or measure made or manufactured by himself or itself, as the case may be;

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

(k) "protection" means the utilisation of reading obtained from any weight or measure, for the purpose of determining any step which is required to be taken to safeguard the well-being of any human being or animal, or to protect any commodity, vegetation or thing, whether individually or collectively;

(l) "pre-packaged commodity" means a commodity which without the purchaser being present is placed in a package of whatever nature, whether sealed or not, so that the product contained therein has a pre-determined quantity;

(m) "person" includes,-

(i) a Hindu undivided family,

(ii) every department or office,

(iii) every organisation established or constituted by Government,

(iv) every local authority within the territory of India,

(v) a company, firm and association of individuals,

(vi) trust constituted under an Act,

(vii) every co-operative society, constituted under an Act,

(viii) every other society registered under the Societies Registration Act, 1860; 21 of 1860

(n) "premises" includes—

(i) a place where any business, industry, production or transaction is carried on by a person, whether by himself or through an agent, by whatever name called, including the person who carries on the business in such premises,

(ii) a warehouse, godown or other place where any weight or measure or other goods are stored or exhibited,

(iii) a place where any books of account or other documents pertaining to any trade or transaction are kept,

(iv) a dwelling house, if any part thereof is used for the purpose of carrying on any business, industry, production or trade,

(v) a vehicle or vessel or any other mobile device, with the help of which any transaction or business is carried on;

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

(p) "repairer" means a person who repairs a weight or measure and includes a person who adjusts, cleans, lubricates or paints any weight or measure or renders any other service to such weight or measure to ensure that such weight or measure conforms to the standards established by or under this Act;

(q) "State Government", in relation to a Union territory, means the Administrator thereof;

(r) "sale", with its grammatical variations and cognate expressions, means transfer of property in any weight, measure or other goods by one person to another for cash or for deferred payment or for any other valuable consideration and includes a transfer of any weight, measure or other goods on the hire-purchase system or any other system of payment by instalments, but does not include a mortgage or hypothecation of, or a charge or pledge on, such weight, measure or other goods;

(s) "seal" means a device or process by which a stamp is made, and includes any wire or other accessory which is used for ensuring the integrity of any stamp;

(t) "stamp" means a mark, made by impressing, casting, engraving, etching, branding, affixing pre-stressed paper seal or any other process in relation to, any weight or measure with a view to—

(i) certifying that such weight or measure conforms to the standard specified by or under this Act, or

(ii) indicating that any mark which was previously made thereon certifying that such weight or measure conforms to the standards specified by or under this Act, has been obliterated;

(u) "transaction" means,—

(i) any contract, whether for sale, purchase, exchange or any other purpose,

or

(ii) any assessment of royalty, toll, duty or other dues, or

(iii) the assessment of any work done, wages due or services rendered,

(v) "verification", with its grammatical variations and cognate expressions, includes, in relation to any weight or measure, the process of comparing, checking, testing or adjusting such weight or measure with a view to ensuring that such weight or measure conforms to the standards established by or under this Act and also includes re-verification and calibration;

(w) "weight or measure" means a weight or measure specified by or under this Act and includes a weighing or measuring instrument.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Provisions of this Act to override provisions of any other law.

CHAPTER II

STANDARD WEIGHTS AND MEASURES

4. Every unit of weight or measure shall be in accordance with the metric system based on the international system of units.

Units of weights and measures to be based on metric system.

5. (1) The base unit of —

(i) length shall be the metre;

(ii) mass shall be the kilogram;

(iii) time shall be the second;

Base unit of weights and measures.

- (iv) electric current shall be the ampere;
- (v) thermodynamic temperature shall be the kelvin;
- (vi) luminous intensity shall be the candela; and
- (vii) amount of substance shall be the mole.

(2) The specifications of the base units mentioned in sub-section (1), derived units and other units shall be such as may be prescribed.

Base unit of numeration.

6. (1) The base unit of numeration shall be the unit of the international form of Indian numerals.

(2) Every numeration shall be made in accordance with the decimal system.

(3) The decimal multiples and sub-multiples of the numerals shall be of such denominations and be written in such manner as may be prescribed.

Standard Units of weights and measures.

7. (1) The base units of weights and measures specified in Section 5 shall be the standard units of weights and measures.

(2) the base unit of numeration specified in section 6 shall be the standard unit of numeration.

(3) For the purpose of deriving the value of base, derived and other units mentioned in Section 5, the Central Government shall prepare or cause to be prepared objects or equipments in such manner as may be prescribed.

(4) The physical characteristics, configuration, constructional details, materials, equipments, performance, tolerances, period of re-verification, methods or procedures of tests shall be such as may be prescribed.

Standard weight, measure or numeral.

8. (1) Any weight or measure which conforms to the standard unit of such weight or measure and also conforms to such of the provisions of section 7 as are applicable to it shall be the standard weight or measure.

(2) Any numeral which conforms to the provisions of Section 6 shall be the standard numeral.

(3) No weight, measure or numeral, other than the standard weight, measure or numeral, shall be used as a standard weight, measure or numeral.

(4) No weight or measure, shall be manufactured or imported unless it conforms to the standards of weight or measure specified under Section 8:

Provided that provisions of this section shall not apply for manufacture done exclusively for export or for the purpose of any scientific investigation or research.

Reference, Secondary and working standard.

9. (1) The reference standards, secondary standards and working standards of weights and measures shall be such as may be prescribed.

(2) Every reference standard, secondary standard and working standard shall be verified and stamped in such manner and after payment of such fee as may be prescribed.

(3) Every reference standard, secondary standard and working standard which is not verified and stamped in accordance with the provisions of sub-section (2) shall not be deemed to be a valid standard.

Use of weight or measure for particular purposes.

10. Any transaction, dealing or contract in respect of any goods, class of goods or undertakings shall be made by such weight, measure or number as may be prescribed.

Prohibition of quotation, etc., otherwise than in terms of standard units of weight, measure or numeration.

11. (1) No person shall, in relation to any goods, things or service,—

(a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge, or

(b) issue or exhibit any price list, invoice, cash memo or other document, or

(c) prepare or publish any advertisement, poster or other document, or

(d) indicate the net quantity of a pre-packaged commodity, or

(e) express in relation to any transaction or protection, any quantity or dimension, otherwise than in accordance with the standard unit of weight, measure or numeration.

(2) The provisions of sub-section (1) shall not be applicable for export of any goods, things or service.

12. Any custom, usage, practice or method of whatever nature which permits a person to demand, receive or cause to be demanded or received, any quantity of article, thing or service in excess of or less than, the quantity specified by weight, measure or number in the contract or other agreement in relation to the said article, thing or service, shall be void.

Any custom, usage, etc., contrary to standard weight, measure or numeration to be void.

CHAPTER III

APPOINTMENT AND POWERS OF DIRECTOR, CONTROLLER AND LEGAL METROLOGY OFFICERS.

13. (1) The Central Government may, by notification, appoint a Director of legal metrology, Additional Director, Joint Director, Deputy Director, Assistant Director and other employees for exercising the powers and discharging the duties conferred or imposed on them by or under this Act in relation to inter-State trade and commerce.

Appointment of Director, legal metrology officers and other employees.

(2) The qualifications of the Director and legal metrology officers appointed under sub-section (1) shall be such as may be prescribed.

(3) The Director and every legal metrology officer, appointed under sub-section (1), shall exercise such powers and discharge such functions in respect of such local limits as the Central Government may, by notification, specify.

(4) Every legal metrology officer appointed under sub-section (1) shall exercise powers and discharge duties under the general superintendence, direction and control of the Director.

(5) The Director, the Controller and every legal metrology officer authorised to perform any duty by or 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.

(6) No suit, prosecution or other legal proceeding shall lie against the Director, the Controller and legal metrology officer authorised to perform any duty by or under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

(7) The Central Government may, with the consent of the State Government and subject to such conditions, limitations and restrictions as it may specify in this behalf, delegate such of the powers of the Director under this Act as it may think fit to the Controller of legal metrology in the State, and such Controller may, if he is of opinion that it is necessary or expedient in the public interest so to do, delegate such of the powers delegated to him as he may think fit to any legal metrology officer and where any such delegation of powers is made by such Controller, the person to whom such powers are delegated shall exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by way of delegation.

(8) Where any delegation of powers is made under sub-section (7), the powers so delegated shall be exercised under the general superintendence, direction and guidance of the Director.

14. (1) The State Government may, by notification, appoint a Controller of legal metrology, Additional Controller, Joint Controller, Deputy Controller, Assistant Controller, Inspector and other employees for the State for exercising the powers and discharging the duties conferred or imposed on them by or under this Act in relation to intra State trade and commerce.

Appointment of Controller, legal metrology officers and other employees.

(2) The qualifications of the Controller and legal metrology officers appointed under sub-section (1) shall be such as may be prescribed.

(3) The Controller and every legal metrology officer, appointed under sub-section (1), shall exercise such powers and discharge such functions in respect of such local limits as the State Government may, by notification, specify.

(4) Every legal metrology officer appointed under sub-section (1) shall exercise and discharge the duties under the general superintendence, direction and control of the Controller.

Power
inspection,
seizure, etc.

15. (1) The Director, Controller or any legal metrology officer may, if he has any reason to believe, whether from any information given to him by any person and taken down in writing or from personal knowledge or otherwise, that any weight or measure or other goods in relation to which any trade and commerce has taken place or is intended to take place and in respect of which an offence punishable under this Act appears to have been, or is likely to be, committed are either kept or concealed in any premises or are in the course of transportation,—

(a) enter at any reasonable time into any such premises and search for and inspect any weight, measure or other goods in relation to which trade and commerce has taken place, or is intended to take place and any record, register or other document relating thereto;

(b) seize any weight, measure or other goods and any record, register or other document or article which he has reason to believe may furnish evidence indicating that an offence punishable under this Act has been, or is likely to be, committed in the course of, or in relation to, any trade and commerce.

(2) The Director, Controller or any legal metrology officer may also require the production of every document or other record relating to the weight or measure referred to in sub-section (1) and the person having the custody of such weight or measure shall comply with such requisition.

(3) Where any goods seized under sub-section (1) are subject to speedy or natural decay, the Director, Controller or legal metrology officer may dispose of such goods in such manner as may be prescribed.

(4) Every search or seizure made under this section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures.

2 of 1974.

Forfeiture.

16. (1) Every non-standard or unverified weight or measure, and every package made in contravention of Section 18, used in the course of, or in relation to, any trade and commerce and seized under Section 15, shall be liable to be forfeited to the State Government:

Provided that such unverified weight or measure shall not be forfeited to the State Government if the person from whom such weight or measure was seized gets the same verified and stamped within such time as may be prescribed.

(2) Every weight, measure or other goods seized under Section 15 but not forfeited under sub-section (1), shall be disposed of by such authority and in such manner as may be prescribed.

Manufacturers,
etc., to
maintain
records and
registers.

17. (1) Every manufacturer, repairer or dealer of weight or measure shall maintain such records and registers as may be prescribed.

(2) The records and registers maintained under sub-section (1) shall be produced at the time of inspection to the persons authorised for the said purpose under sub-section (1) of Section 15.

Declarations on
pre-packaged
commodities.

18. (1) No person shall manufacture, pack, sell, import, distribute, deliver, offer, expose or possess for sale any pre-packaged commodity unless such package is in such standard quantities or number and bears thereon such declarations and particulars in such manner as may be prescribed.

(2) Any advertisement mentioning the retail sale price of a pre-packaged commodity shall contain a declaration as to the net quantity or number of the commodity contained in the package in such form and manner as may be prescribed.

19. No person shall import any weight or measure unless he is registered with the Director in such manner and on payment of such fees, as may be prescribed.

Registration for importer of weight or measure.

20. No weight or measure, whether singly or as a part or component of any machine shall be imported unless it conforms to the standards of weight or measure established by or under this Act.

Non-standard weights and measures not to be imported.

21. (1) For imparting training in Legal Metrology and other allied branches of knowledge the "Indian Institute of Legal Metrology" (hereinafter referred to as the "Institute") established under the provisions of the Standards of Weights and Measures Act, 1976, shall be deemed to have been established under the corresponding provisions of this Act.

Training in Legal Metrology.

60 of 1976.

(2) The management and control of the Institute, the teaching staff and other employees, the courses and curricula for training thereat, the qualifications, which a person shall possess in order to be eligible for admission thereto shall be such as may be prescribed.

22. Every person, before manufacturing or importing any weight or measure shall seek the approval of model of such weight, or measure in such manner, on payment of such fee and from such authority as may be prescribed:

Approval of model.

Provided that such approval of model may not be required in respect of any cast iron, brass, bullion, or carat weight or any beam scale, length measures (not being measuring tapes) which are ordinarily used in retail trade for measuring textiles or timber, capacity measures, not exceeding twenty litre in capacity, which are ordinarily used in retail trade for measuring kerosene, milk or potable liquors:

Provided further that the prescribed authority may, if he is satisfied that the model of any weight or measure which has been approved in a country outside India conforms to the standards established by or under this Act, approve such model without any test or after such test as he may deem fit.

23. (1) No person shall manufacture, repair or sell, or offer, expose or possess for repair or sale, any weight or measure unless he holds a licence issued by the Controller under subsection (2):

Prohibition on manufacture, repair or sale of weight or measure without licence.

Provided that no licence to repair shall be required by a manufacturer for repair of his own weight or measure in a State other than the State of manufacture of the same.

(2) For the purpose of sub-section (1), the Controller shall issue a licence in such form and manner, on such conditions, for such period and such area of jurisdiction and on payment of such fee as may be prescribed.

CHAPTER IV

VERIFICATION AND STAMPING OF WEIGHT OF MEASURE

24. (1) Every person having any weight or measure in his possession, custody or control in circumstances indicating that such weight or Measure is being, or is intended or is likely to be, used by him in any transaction or for protection, shall, before putting such weight or measure into such use, have such weight or measure verified at such place and during such hours as the Controller may, by general or special order, specify in this behalf, on payment of such fees as may be prescribed.

Verification and stamping of weight or measure.

(2) The Central Government may prescribe the kinds of weights and measures for which the verification is to be done through the Government approved Test Centre.

(3) The Government approved Test Centre shall be notified by the Central Government or the State Government, as the case may be, in such manner, on such terms and conditions and on payment of such fee as may be prescribed.

(4) The Government approved Test Centre shall appoint or engage persons having such qualifications and experience and collect such fee on such terms and conditions for the verification of weights and measures specified under sub-section (2) as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

Penalty for use of non-standard weight or measure.

25. Whoever uses or keeps for use any weight or measure or makes use of any numeration otherwise than in accordance with the standards of weight or measure or the standard of numeration, as the case may be, specified by or under this Act, shall be punished with fine which may extend to twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.

Penalty for alteration of weight and measure.

26. Whoever tampers with, or alters in any way, any reference standard, secondary standard or working standard or increases or decreases or alters any weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby, except where such alteration is made for the correction of any error noticed therein on verification, shall be punished with fine which may extend to fifty thousand rupees and for the second and subsequent offence with imprisonment for a term which shall not be less than six months but which may extend to one year or with fine or with both.

Penalty for manufacture or sale of non-standard weight or measure.

27. Every person who manufactures or causes to be manufactured or sells or offers, exposes or possesses for sale, any weight or measure which,—

(a) does not conform to the standards of weight or measure specified by or under this Act; or

(b) which bears thereon any inscription of weight, measure or number which does not conform to the standards of weight, measure or numeration specified by or under this Act,

except where he is permitted to do so under this Act, shall be punished with a fine which may extend to twenty thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to three years or with fine or with both.

Penalty for Making any Transaction deal or Contract in Contravention of the Prescribed Standards.

28. Whoever makes any transaction, deal or contract in contravention of the standards of weights and measures specified under section 10 shall be punished with fine which may extend to ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for quoting or publishing, etc., of non-standard units.

29. Whoever violates section 11 shall be punished with fine which may extend to ten thousand rupees and, for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for transactions in contravention of standard weight or measure.

30. Whoever—

(a) in selling any article or thing by weight; measure or number, delivers or causes to be delivered to the purchaser any quantity or number of that article or thing less than the quantity or number contracted for or paid for; or

(b) in rendering any service by weight, measure or number, renders that service less than the service contracted for or paid for; or

(c) in buying any article or thing by weight, measure or number, fraudulently receives, or causes to be received any quantity or number of that article or thing in excess of the quantity or number contracted for or paid for; or

(d) in obtaining any service by weight, measure or number, obtains that service in excess of the service contracted for or paid for,

shall be punished with fine which may extend to ten thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

31. Whoever, being required by or under this Act or the rules made thereunder to submit returns, maintain any record or register, or being required by the Director or the Controller or any legal metrology officer to produce before him for inspection any weight or measure or any document, register or other record relating thereto, omits or fails without any reasonable excuse, so to do, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for non-production of documents, etc.

32. Whoever fails or omits to submit model of any weight or measure for approval, shall be punished with fine which may extend to twenty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for failure to get model approved.

33. Whoever, sells, distributes, delivers or otherwise transfers or uses any unverified weight or measure shall be punished with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for use of unverified weight or measure.

34. Whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity, article or thing by any means other than the standard weight or measure or number, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both.

Penalty for sale or delivery of commodities, etc., by non standard weight or measure.

35. Whoever renders or causes to be rendered, any service through means other than the weight or measure or numeration or in terms of any weight, measure or number other than the standard weight or measure, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both.

Penalty for rendering services by non standard weight, measure or number.

36. (1) Whoever manufactures, packs, imports, sells, distributes, delivers or otherwise transfers, offers, exposes or possesses for sale, or causes to be sold, distributed, delivered or otherwise transferred, offered, exposed for sale any pre-packaged commodity which does not conform to the declarations on the package as provided in this Act, shall be punished with fine which may extend to twenty-five thousand rupees, for the second offence, with fine which may extend to fifty thousand rupees and for the subsequent offence, with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees or with imprisonment for a term which may extend to one year or with both.

Penalty for selling, etc., of non-standard packages.

(2) Whoever manufactures or packs or imports or causes to be manufactured or packed or imported, any pre-packaged commodity, with error in net quantity as may be prescribed shall be punished with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees and for the second and subsequent offence, with fine which may extend to one year or with both.

37. (1) Where any Government approved Test Centre contravenes any of the provisions of this Act or the rules made thereunder, or the conditions of the licence, it shall be punished with fine which may extend to one lakh rupees.

Penalty for contravention by Government approved Test Centre.

(2) Where any owner or employee of a Government Approved Test Centre performing duties in accordance with the provisions of this Act or the rules made thereunder, willfully verifies or stamps any weight or measure in contravention of the provisions of this Act or the rules made thereunder, he shall, for every such contravention, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both.

- Penalty for non registration by importer of weight or measure.
- 38.** Whoever imports any weight or measure without being registered under this Act shall be punished with fine which may extend to twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine, or with both.
- Penalty for import of nonstandard weight or measure.
- 39.** Whoever imports any non-standard weight or measure shall be punished with fine, which may extend to fifty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.
- Penalty for obstructing Director, Controller or legal metrology officer.
- 40.** Whoever obstructs the Director, the Controller or any legal metrology officer with intent to prevent or deter the Director or the Controller or any legal metrology officer from exercising his powers or discharging his functions, or in consequence of anything done or attempted to be done by the Director or the Controller or any legal metrology officer in the lawful exercise of his powers or discharge of his functions as such, or whoever obstructs the entry of the Director or the Controller or any legal metrology officer into any premises for inspection and verification of any weight or measure or any document or record relating thereto or the net contents of any packaged commodity or for any other purpose shall be punished with imprisonment for a term which may extend to two years and for the second or subsequent offence, with imprisonment for a term which may extend to five years.
- Penalty for giving false information or false return.
- 41.** (1) Whoever gives any information to the Director, the Controller or any legal metrology officer, which he may require or ask for in the course of his duty, and which such person either knows or has reason to believe to be false, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to six months and also with fine.
- (2) Whoever, being required by or under this Act so to do, submits a return or maintains any record or register which is false in material particulars, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.
- Vexatious search.
- 42.** The Director, the Controller or any legal metrology officer, exercising powers under this Act or any rule made thereunder, who knows that there are no reasonable grounds for so doing, and yet—
- (a) searches, or causes to be searched, any house, conveyance or place; or
- (b) searches any person; or
- (c) seizes any weight, measure or other movable property;
- shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees or with both.
- Penalty for verification in contravention of Act and rules.
- 43.** Where the Controller or any legal metrology officer exercising powers under this Act or any rule made thereunder, willfully verifies or stamps any weight or measure, in contravention of the provisions of this Act or of any rule made thereunder, he shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees or with both.
- Penalty for counterfeiting of seals, etc.
- 44.** (1) Whoever—
- (i) counterfeits any seal specified by or under this Act or the rules made thereunder, or
- (ii) sells or otherwise disposes of any counterfeit seal, or
- (iii) possesses any counterfeit seal, or
- (iv) counterfeits or removes or tampers with any stamp, specified by or under this Act or rules made thereunder, or

(v) affixes the stamp so removed on, or inserts the same into, any other weight or measure,

shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

45 of 1860.

Explanation.—In this sub-section, “Counterfeit” shall have the meaning assigned to it in Section 28 of the Indian Penal Code.

(2) Whoever obtains, by unlawful means, any seal specified by or under this Act or the rules made thereunder and uses, or causes to be used, any such seal for making any stamp on any weight or measure with a view to representing that the stamp made by such seal is authorised by or under this Act or the rules made thereunder shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

(3) Whoever, being in lawful possession of a seal specified by or under this Act or the rules made thereunder, uses, or causes to be used, such seal without any lawful authority for such use, shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

(4) Whoever Sells or offers or exposes for sale or otherwise disposes of any weight or measure which, he knows or has reason to believe, bears thereon a counterfeit stamp, shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

45. Whoever, being required to obtain a licence under this Act or the rules made thereunder, manufactures, without being in possession of a valid licence, any weight or measure, shall be punished with fine which may extend to twenty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for manufacture of weight and measure without licence.

46. Whoever, being required to obtain a licence under this Act or the rules made thereunder repairs or sells or offers exposes or possesses for repair or sale, any weight or measure, without being in possession of a valid licence, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for repair, sale, etc., of weight and measure without licence.

47. Whoever alters or otherwise tampers, with any licence issued or renewed under this Act or rules made thereunder, otherwise than in accordance with any authorisation made by the Controller in this behalf, shall be punished with fine which may extend to twenty thousand rupees, or with imprisonment for a term which may extend to one year or with both.

Penalty for tampering with licence.

48. (1) Any offence punishable under section 25, sections 27 to 39, sections 45 to 47, or any rule made under sub-section (3) of section 52 may, either before or after the institution of the prosecution, be compounded, on payment for credit to the Government of such sum as may be prescribed.

Compounding of offences,

(2) The Director or legal metrology officer as may be specially authorised by him in this behalf, may compound offences punishable under section 25, sections 27 to 39, or any rule made under sub-section (3) of section 52.

(3) The Controller or legal metrology officer specially authorised by him, may compound offences punishable under section 25, sections 27 to 31, sections 33 to 37, sections 45 to 47, and any rule made under sub-section (3) of section 52:

Provided that such sum shall not, in any case, exceed maximum amount of the fine, which may be imposed under this Act for the offence so compounded.

(4) Nothing in sub-section (1) shall apply to person who commits the same or similar offence, within a period of three years from the date on which the first offence, committed by him, was compounded.

Explanation.—For the purposes of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence.

(5) Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded.

(6) No offence under this Act shall be compounded except as provided by this section.

Offences by companies and power of court to publish name, place of business, etc., for companies convicted.

49 (1) Where an offence under this Act has been committed by a company.—

(a) (i) the person, if any, who has been nominated under sub-section (2) to be in charge of, and responsible to, the company for the conduct of the business of the company (hereinafter in this section referred to as a person responsible); or

(ii) where no person has been nominated, 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; and

(b) the company,

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

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

(2) Any company may, by order in writing, authorise any of its directors to exercise all such powers and take all such steps as may be necessary or expedient to prevent the commission by the company of any offence under this Act and may give notice to the Director or the concerned Controller or any legal metrology officer authorised in this behalf by such Controller (hereinafter in this section referred to as the authorised officer) in such form and in such manner as may be prescribed, that it has nominated such director as the person responsible, along with the written consent of such director for being so nominated.

Explanation.—Where a company has different establishments or branches or different units in any establishment or branch, different persons may be nominated under this subsection in relation to different establishments or branches or units and the person nominated in relation to any establishment, branch or unit shall be deemed to be the person responsible in respect of such establishment, branch or unit.

(3) The person nominated under sub-section (2) shall, until—

(i) further notice cancelling such nomination is received from the company by the Director or the concerned Controller or the authorised officer; or

(ii) he ceases to be a director of the company; or

(iii) he makes a request in writing to the Director or the concerned Controller or the legal metrology officer under intimation to the company, to cancel the nomination, which request shall be complied with by the Director or the concerned Controller or the legal metrology officer,

whichever is the earliest, continue to be the person responsible:

Provided that where such person ceases to be a director of the company, he shall intimate the fact of such cessation to the Director or the concerned Controller or the authorised officer:

Provided further that where such person makes a request under clause (iii) the Director or the concerned Controller or the authorised officer shall not cancel such nomination with effect from a date earlier than 'the date on which the request is made.

(4) Notwithstanding anything contained in the foregoing sub-sections, 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 the neglect on the part of, any director, manager, secretary or other officer, not being a person nominated under sub-section (2), 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.

(5) Where any company is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspaper or in such other manner as the court may direct.

(6) No publication under sub-section (5) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(7) The expenses of any publication under sub-section (5) shall be recoverable from the company as if it were a fine imposed by the court.

Explanation.—For the purposes of this section,-

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

(b) "director", 'in relation to a firm, means a partner in the firm but excludes nominated directors, honorary directors, Government nominated directors.

50. (1) Subject to the provisions of sub-section (2), an appeal shall lie,— Appeals.

(a) from every decision or order under sections 15 to 20, section 22, section 25, sections 27 to 39, section 41 or any rule made under sub-section (3) of section 52 by the legal metrology officer appointed under section 13, to the Director;

(b) from every decision or order made by the Director of Legal Metrology under sections 15 to 20, section 22, section 25, sections 27 to 39, section 41 or any rule made under sub-section (3) of section 52, to the Central Government or any officer specially authorised in this behalf by that Government;

(c) from every decision given by the Controller of Legal Metrology under delegated powers of Director Legal Metrology to the Central Government;

(d) from every decision given or order made under sections 15 to 18, sections 23 to 25, sections 27 to 37, sections 45 to 47 or any rule made under sub-section (3) of section 52 by any legal metrology officer appointed under section 14, to the Controller; and

(e) from every decision given or order made by the Controller under sections 15 to 18, sections 23 to 25, sections 27 to 37, sections 45 to 47 or any rule made under sub-section (3) of section 52 not being an order made in appeal under clause (d), to the State Government or any officer specially authorised in this behalf by that Government.

(2) Every such appeal shall be preferred within sixty days from the date on which the impugned order was made:

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties to the appeal, a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the decision or order appealed against or may send back the case with such direction as it may think fit for a fresh decision or order after taking additional evidence, if necessary.

(4) Every appeal shall be preferred on payment of such fees, as may be prescribed.

(5) The Central Government or the State Government, as the case may be, may on its own motion or otherwise, call for and examine the record of any proceeding including a proceeding in appeal in which any decision or order has been made, for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such orders thereon as it may think fit:

Provided that no decision or order shall be varied under this sub-section so as to prejudicially affect any person unless such person has been given a reasonable opportunity of showing cause against the proposed action.

Provisions of Indian Penal Code and Code of Criminal Procedure not to apply. Power of the Central Government to make rules.

51. The provisions of the Indian Penal Code and Section 153 of the Code of Criminal Procedure, 1973 in so far as such provisions relate to offences with regard to weight or measure, shall not apply to any offence which is punishable under this Act.

45 of 1860.
2 of 1974.

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

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

(a) the specification of the base units of measures and base unit of mass under sub-section (2) of section 5;

(b) the manner of preparation of objects and equipments under sub-section (3) of section 7;

(c) physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances, period of re-verification, methods or procedures of tests under sub-section (4) of section 7;

(d) reference standards, secondary standards and working standards of weights and measures under sub-section (1) of section 9;

(e) reference standards, secondary standards and working standards shall be verified and Stamped and the fee under sub-section (2) of section 9;

(f) the weight or measure or number in which any transaction, dealing, or contract in respect of any goods, class of goods or undertakings shall be made under section 10;

(g) the qualifications of the Director and legal metrology officers under subsection (2) of section 13;

(h) the qualification of the Controller and legal metrology officers under subsection (2) of section 14;

(i) the manner of disposal of goods under sub-section (3) of section 15;

(j) the standard quantities or number and the manner in which the packages shall bear the declarations and the particulars under sub-section (1) of section 18;

(k) the manner and registration and the fee under section 19;

(l) the management and control of the Institute, the teaching staff and other employees, the courses and curricula for training thereat, the qualifications, which a person shall possess in order to be eligible for admission thereto under sub-section (2) of section 21;

(m) the manner, fee and authority for approval of models under section 22;

(n) the kinds of weights or measures under sub-section (2) of section 24;

(o) the manner in which, terms and conditions on which and fee on payment which the Central Government shall notify the Government approved Test Centre under sub-section (3) of section 24;

(p) the qualifications and experience of persons appointed or engaged and the fee and terms and conditions on which Government approved Test Centre shall verify the weight or measure under sub-section (4) of section 24;

(q) the error in net quantity under sub-section (2) of section 36;

(r) fee for compounding of offence under sub-section (1) of section 48;

(s) form and manner in which notice to the Director or the Controller or any other officer authorised by him shall be given under sub-section (2) of section 49.

(3) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to five thousand rupees.

(4) 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.

53. (1) The State Government may, by notification, and after consultation with the Central Government, make rules to carry out the provisions of this Act.

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

(a) the time within which the weight or measure may be, got verified under provsio to sub-section (1) of section 16;

(b) registers 'and records to be maintained by' persons referred to under sub-section (1) of section 17;

(c) the form, manner, conditions, period area of jurisdiction and fees for issuance of licence under sub-section (2) of section 23;

(d) fee for verification and stamping of any weight or measure under sub-section (1) of section 24;

(e) manner of notifying Government approved Test Centre, terms and conditions and fee to be paid under sub-section (3) of section 24;

(f) fee for compounding of offences under sub-section (1) of section 48.

(3) In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine which may extend to five thousand rupees.

Power of State Government to make rules.

(4) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication in Official Gazette.

(5) Every rule made under this section shall, as soon as maybe after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

Delegation of Powers.

54. (1) The Central Government may, in consultation with the State Government and by notification, direct that any power exercisable by it under this Act or any rule made thereunder, not being a power conferred by section 50 relating to appeal or section 52 relating to power to make rules, in relation to such matters and subject to such conditions as may be specified, may be exercised also by such officer subordinate to it as may be specified in the notification.

(2) Subject to any general or special direction or condition imposed by the State Government, any person authorised by the Central Government to exercise any powers may exercise those powers in the same manner and to the same extent as if they had been conferred on that person directly by this Act and not by way of delegation.

Act not to apply in certain cases.

55. The provisions of this Act, in so far as they relate to verification and stamping of weights and measures, shall not apply to any weight or measure,-

(a) used in any factory exclusively engaged in the manufacture of any arms, ammunition or both, for the use of the Armed Forces of the Union;

(b) used for scientific investigation or for research;

(c) manufactured exclusively for export.

Existing Director, Controller and legal metrology officer not to be affected by the new qualification to be prescribed.

56. (1) Every Director, Controller and legal metrology officer appointed immediately before the commencement of the rules made under this Act, shall be deemed to have been appointed under sub-section (1) of sections 13 and 14, notwithstanding any rule prescribing different qualifications.

(2) The rules made by a State Government under the Standards of Weights and Measures (Enforcement) Act, 1985 which are in force immediately before the commencement of this Act shall remain in force until the State Government, makes rules in that behalf.

54 of 1985.

Repeal of the Standards of Weights and Measures Act, 1976 and Standards of Weights and Measures (Enforcement) Act, 1985.

57. (1) The Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985, is hereby repealed.

60 of 1976.

54 of 1985.

(2) Without prejudice to the provisions contained in the General Clauses Act, 1897, with respect to repeals, any notification, rule or order made under the Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985, shall, if in force, at the commencement of this Act, continue to be in force and have effect as if it was made under the corresponding provision of this Act.

10 of 1897.

60 of 1976.

54 of 1985.

(3) Notwithstanding such repeal, any appointment, notification, rule, order, registration, licence, certificate, notice, decision, approval, authorisation or consent made, issued or given under such law shall, if in force at the commencement of this Act, continue to be in force and have effect as if it were made, issued or given under the corresponding provisions of this Act

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

(Republished by order of the Governor)

R. KATHIRVEL,
*Additional Secretary to Government,
Law Department.*

New Delhi, 19th January 2010.

The following Act of Parliament received the assent of the President on the 18th January 2010 and is hereby published for general information:—

THE CONSTITUTION (NINETY-FIFTH AMENDMENT) ACT, 2009.

An Act further to amend the Constitution of India

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

- | | |
|--|--------------------------------------|
| <p>1. (1) This Act may be called the Constitution (Ninety-Fifth Amendment) Act, 2009.</p> <p>(2) It shall come into force on the 25th day of January 2010.</p> | <p>Short title and commencement.</p> |
| <p>2. In article 334 of the Constitution, for the words "sixty years", the words "seventy years" shall be substituted.</p> | <p>Amendment of article 334.</p> |

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

(Republished by order of the Governor)

R. KATHIRVEL,
*Additional Secretary to Government,
Law Department.*

New Delhi, 22nd January 2010.

The following Act of Parliament received the assent of the President on the 21st January 2010 and is hereby published for general information:—

THE SALARIES AND ALLOWANCES OF MINISTERS (AMENDMENT) ACT, 2009.

ACT No. 2 OF 2010.

An Act further to amend the Salaries and Allowances of Ministers Act, 1952.

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

1. (1) This Act may be called the Constitution (Ninety-Fifth 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.

2. In section 6 of the Salaries and Allowances of Ministers Act, 1952, for sub-section (1A), the following sub-section shall be substituted, namely:—

Amendment of section 6 of Act 58 of 1952.

“(1A) A Minister shall be entitled to an amount equal to the fare for a single journey performed by him, during each year, within India, either alone or along or alone with spouse or legitimate or step children, residing with and wholly dependent on him, or any number of companions or relatives, at the same rates at which traveling allowance is payable to such Minister under clause (b) of sub-section (1) in respect of tours referred to in that clause, subject to a maximum of forty-eight such fares per year.

Provided that the spouse or legitimate or step children residing with and wholly dependent on the Minister, as the case may be, may undertake such journey alone.”.

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

(Republished by order of the Governor)

R. KATHIRVEL,
*Additional Secretary to Government,
Law Department.*

New Delhi, the 22nd January 2010.

The following Act of Parliament received the assent of the President on the 21st January, 2010 and is hereby published for general information:—

THE CIVIL DEFENCE (AMENDMENT) ACT 2009.

ACT No. 3 OF 2010.

An Act Further to amend the Civil Defence Act, 1968.

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

1. This Act may be called the Civil Defence (Amendment) Act, 2009. Short title.
- 27 of 1968. 2. In Section 2 of the Civil Defence Act, 1968,— Amendment of section 2.
- (i) in clause (a), after the words “time of such attack”, the words “or any measure taken for the purpose of disaster management, before, during, at or after any disaster” shall be inserted;
- (ii) after clause (f), the following clauses shall be inserted, namely:—
- 53 of 2005 ‘(g) “disaster” means a disaster as defined in clause (d) of section 2 of the Disaster Management Act, 2005;
- 53 of 2005 (h) “disaster management” means the disaster management as defined in clause (e) of section 2 of the Disaster Management Act, 2005.’.

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

(Republished by order of the Governor)

R. KATHIRVEL,
*Additional Secretary to Government,
Law Department.*

New Delhi, the 22nd January 2010.

The following Act of Parliament received the assent of the President on the 21st January 2010 and is hereby published for general information:—

THE RUBBER (AMENDMENT) ACT, 2009.

ACT No. 4 OF 2010.

An Act Further to amend the Rubber Act, 1947.

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

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|-------------|--|-------------------------------|
| | 1. (1) This Act may be called the Rubber (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. | |
| 24 of 1947. | 2. In Section 3 of the Rubber Act, 1947 (hereinafter referred to as the Principal Act).— | Amendment of section 3. |
| | (a) after clause (g), the following clause shall be inserted, namely:— | |
| | “(ga) “processor” means a person who undertakes the processing of rubber;”; | |
| | (b) in clause (k), for the words “fifty acres”, the words “ten hectares” shall be substituted. | |
| | 3. In the principal Act, in section 4, in sub-section (3), after clause (d), the following clause shall be inserted, namely:— | Amendment of section 4. |
| | “(da) three members to be nominated by the Central Government of whom two shall be from the Department of Commerce and one from the Department of Agriculture and Co-operation;”. | |
| | 4. In the principal Act, in Section 8,— | Amendment of section 8. |
| | (i) in sub-section (2),— | |
| | (a) after clause (d), the following clause shall be inserted, namely:— | |
| | “(da) improving the quality of rubber and implementing the standards for quality, making, labeling and packing for the rubber produced or processed in, imported into or exported from, India;”; | |

(b) in clause (e), for the words and manufactures” the words “manufacturers and Processors” shall be substituted;

(ii) in sub-section (3), in clause (c), for the words “half-yearly reports”, the words “annual report” shall be substituted.

Substitution of new section for sections 9, 9A and 9B.

5. In the principal Act, for sections 9, 9A and 9B, the following section shall be substituted, namely:—

Rubber Development Fund.

“9. (1) There shall be a fund to be called the Rubber Development Fund and there shall be credited,—

(a) all sums forming the funds of the Board immediately before the commencement of the Rubber (Amendment) Act, 2009;

(b) the proceeds of cess paid to the Board by the Central Government under sub-section (7) of Section 12;

(c) any sum of money that may be paid to the Board by way of grants or loans by the Central Government;

(d) internal and extra budgetary resources of the Board:

(e) all moneys received and collected under Section 26A; and

(f) any other sum that may be levied and collected under this Act and the rules made thereunder.

(2) The Rubber Development Fund shall be applied—

(a) to meet the expenses of the Board;

(b) to meet the cost of the measures referred to in Section 8;

(c) to meet the expenditure incurred in the performance of its functions under this Act or the rules made thereunder.

(d) to meet the expenditure for rehabilitation of small growers; and

(e) for making such grants to rubber estates or for meeting the cost of such other assistance to rubber estates as the Board may think necessary for the development of such estates.”.

Omission of section 10.

6. Section 10 of the principal Act shall be omitted.

Amendment of section 12.

7. In the principal Act, in section 12,—

(i) in sub-section (2),—

(a) for the words “such rubber is used.”, the words “such rubber is used or from the exporter by whom such rubber is exported” shall be substituted;

(b) the following provisos shall inserted, namely:

“Provided that the Central Government may, if considered necessary in the public interest, by order for reasons to be recorded in writing, exempt or reduce the duty of excise on rubber exported on such terms and conditions as it deems fit:

Provided further that the Central Government may, by notification in the Official Gazette, specify zero paise per kilogram as the rate of duty of excise on natural rubber produced in India and procured for export by the exporters of natural rubber for the period from the 1st April, 1961 to the 31st August 2003.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Subject to the provisions of this Act, every owner, exporter or the manufacturer, as the case may be, shall pay the duty of excise to the Board in the manner and for the period referred to in sub-section (4) and, if he fails to do so the duty may be recovered with the cost of collection and interest at such rates as may be prescribed, from the owner, exporter or the manufacturer, as the case may be, as an arrear of the land revenue.”;

(iii) in sub-section (4) in clause (b),—

(a) for the words “fifteen days”, the words “thirty days” shall be substituted;

(b) in sub-clause (ii), for the words “rubber used”, the words “rubber acquired” shall be substituted;

(iv) in sub-section (5),—

(a) for the words “owner or manufacturer”, the words “owner, exporter or manufacturer” shall be substituted;

(b) after the words “as may be prescribed”, the following shall be inserted, namely:—

“and collect the cess from the owner, exporter or the manufacturer, as the case may be, after issuing a notice and after making such enquiry as it considers necessary, with such rate of interest as fixed under sub-section (3):

Provided that where for any reason, the Board finds that an owner, exporter or manufacturer, as the case may be, has paid cess in excess of what is due from him, it shall be adjusted against the future payment, if any, from him or shall be refunded to him.”.

8. In the principal Act, in section 13, in sub-section (1), after the words “The Central Government may”, the words, “if it deems necessary,” shall be inserted. Amendment of section 13.

9. In the principal Act, for section 17, the following section shall be substituted, namely:— Substitution of new section for section 17

“**17.** (1) The Board shall implement the standards for quality, making, labeling and packing for various marketable forms of rubber, for the rubber produced or processed in, imported in to or exported from, India. Implementation of standards for quality, marking etc., for rubber.

(2) Any officer of the Board authorised by the Chairman may at any reasonable time inspect the rubber sold or purchased by any dealer or processor at any factory or other premises of a dealer, processor or manufacturer or exporter for the purpose of ensuring the compliance of the standards under sub-section (1).”.

10. Section 18 of the principal Act shall be omitted. Omission of section 18.

11. In the principal Act, in Section 19, for the words and figures “Section 15 or Section 17”, the words and figures “or Section 15” shall be substituted. Amendment of section 19.

12. In the principal Act, in section 21,— Amendment of section 21.

(a) for the words “any officer of the Board may”, the words “any officer of the Board authorised by the Chairman may” shall be substituted;

(b) for the words “ manufacturer, for”, the words “manufacturer or processor, for” shall be substituted.

Insertion of
new section
22A.

13. In the principal Act, after section 22, the following section shall be inserted, namely:—

Power of
Central
Government
to issue
directions to
Board.

“**22 A.** (1) Without prejudice to the foregoing provisions of this Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Board shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of the policy or not shall be final.”

Insertion of
new section
24A.

14. In the principal Act, after section 24, the following section shall be inserted, namely:—

Power to
delegate.

“**24 A.** The Central Government may, by notification in the Official Gazette, direct that any power exercisable and functions performed by it under this Act may be exercised and performed in such cases and subject to such conditions, if any, as may be specified in the notification by such officer or authority as may be specified therein.”

Amendment of
section 25.

15. In the Principal Act, in section 25, in sub-section (2),—

(a) clause (xx) shall be omitted;

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

“(xxb) the cost of collection and the rate of interest to be recovered in case of delayed payment of duty under sub-section (3) of section 12;”;

(c) in clause (xxi), the words and figures “or section 17” shall be omitted.

Insertion of
new section
25A.

16. In the principal Act, after section 25, the following section shall be inserted, namely:—

Power to make
regulations.

“**25A.**(1) The Board may, with the previous approval of the Central Government, by notification make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, to carry out its functions.

(2) Every regulation made under sub-section (1) shall be laid before each House of Parliament.”.

Amendment of
section 26.

17. In the principal Act, in section 26, in sub-section (1), for the words “one thousand rupees”, the words “five thousand rupees” shall be substituted.

Insertion of
new section
26A.

18. In the principal Act, after section 26, the following section shall be inserted namely:—

Compounding
of offences.

“**26A.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act may, either before the institution of prosecution or with the permission of the Court after the institution of the prosecution, be compounded by the Board on payment to the Board such sum of money as does not exceed the value of the goods in respect of which contravention has been committed.”.

2 of 1974.

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

(Republished by order of the Governor)

R. KATHIRVEL,
*Additional Secretary to Government,
Law Department.*

New Delhi, 23rd March, 2010.

The following Act of Parliament received the assent of the President on the 22nd March, 2010 and is hereby published for general information:—

THE APPROPRIATION (RAILWAYS) VOTE ON ACCOUNT ACT, 2010.

ACT No. 5 OF 2010.

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 2010-11 for the purposes of Railways.

BE it enacted by Parliament in the Sixty-first year of the Republic of India as follows:—

- | | |
|---|---|
| <p>1. This Act may be called the Appropriation (Railways) Vote on Account Act, 2010.</p> | <p>Short title.</p> |
| <p>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 thirty thousand four hundred sixty-one crores, thirty-one lakhs and six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2010-11, in respect of the services relating to Railways specified in column 2 of the Schedule.</p> | <p>Withdrawal of Rs. 30461,31,06,000 from and out of the Consolidated Fund of India for the financial year 2010-11.</p> |
| <p>3. The sums authorised to be withdrawn 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.</p> | <p>Appropriation.</p> |

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
(1)(2)		(3)		
		Rs.	Rs.	Rs.
1.	Railway Board.....	28,33,33,000	..	28,33,33,000
2.	Miscellaneous Expenditure (General).....	100,00,00,000	..	100,00,00,000
3.	General Superintendence and Services on Railways	700,61,43,000	88,333	700,62,31,333
4.	Repairs and Maintenance of Permanent Way and Works.....	1192,75,17,000	7,14,000	1192,82,31,000
5.	Repairs and Maintenance of Motive Power.	558,08,92,000	..	558,08,92,000
6.	Repairs and Maintenance of Carriages and Wagons.....	1254,20,27,000	1,00,000	1254,21,27,000
7.	Repairs and Maintenance—of Plant and Equipment..	677,17,42,000	52,500	677,17,94,500
8.	Operating Expenses—Rolling Stock and Equipment..	934,08,42,000	..	934,08,42,000
9.	Operating Expenses-Traffic.....	3178,79,46,000	4,28,333	3178,83,74,333
10.	Operating Expenses-Fuel.....	2629,68,69,000	..	2629,68,69,000
11.	Staff Welfare and Amenities.....	552,59,15,000	..	552,59,15,000
12.	Miscellaneous Working Expenses.....	515,54,09,000	19,70,21,167	535,24,30,167
13.	Provident Fund, Pension and other Retirement Benefits.....	2402,91,60,000	10,75,000	2403,02,35,000
14.	Appropriation to Funds.....	4213,84,83,000	—	4213,84,83,000
15.	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortisation of Over-Capitalisation.....	4,28,83,000	..	4,28,83,000
16.	Assets — Acquisition, Construction and Replacement Revenue.....	9,96,67,000	3,33,333	10,00,00,333
<i>Other Expenditure</i>				
	Capital.....	7689,49,65,000	7,75,00,000	7697,24,65,000
	Railway Funds.....	3506,53,00,000	1,33,66,667	3507,86,66,667
	Railway Safety Fund.....	283,06,67,000	26,66,667	283,33,33,667
	Total:	30431,97,60,000	29,33,46,000	30461,31,06,000

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

(Republished by order of the Governor)

R. KATHIRVEL,
Additional Secretary to Government,
Law Department.

New Delhi, 23rd March, 2010.

The following Act of Parliament received the assent of the President on the 22nd March, 2010 and is hereby published for general information:—

THE APPROPRIATION (RAILWAYS) ACT, 2010.

(ACT No. 6 OF 2010.)

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March 2008 in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Sixty-first year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) Act, 2010. Short title.
2. From and out of the Consolidated Fund of India the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of fifty-one crores, twenty-one lakhs, eighty thousand three hundred and eighty-three rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services relating of Railways specified column 2 of the Schedule during the financial year ended on the 31st day of March, 2008 in excess of the amounts granted for those services and for that year. Issue of Rs. 51,21,80,383 out of the Consolidated Fund of India to meet certain expenditure for the financial year ended on the 31st day of March 2008.
3. The sums deemed to have been authorised to be paid and applied from and out of the consolidated Fund of India by this Act shall be deemed to have been appropriated for the services and purposes express in the Schedule in relation to the financial year ended on the 31st day of March 2008. Appropriation.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)	(3)		
		Rs.	Rs.	Rs.
5	Repairs and Maintenance of Motive Power.....	..	3,04,000	3,04,000
6	Repairs and Maintenance of Carriages and Wagons .....	..	2,79,469	2,79,469
8	Operating Expenses—Rolling Stock and Equipment .....	..	12,93,043	12,93,043
10	Operating Expenses—Fuel .....	..	6,98,48,342	6,98,48,342
12	Miscellaneous Working Expenses.....	22,32,94,567	..	22,32,94,567
13	Provident Fund, Pension and other Retirement Benefits .....	..	9,66,805	9,66,805
15	Dividend to General Revenues, Repayment of Loans taken from General Revenues and Amortisation of Over-Capitalisation.....	20,80,86,212	..	20,80,86,212
16	Assets-Acquisition, Construction and Replacement—			
	Capital .....	..	21,02,493.	21,02,493
	Railway Funds.....	..	30,34,076	30,34,076
	Railway Safety Fund.....	..	29,71,376	29,71,376
	Total:	43,13,80,779	8,07,99,604	51,21,80,383

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

(Republished by order of the Governor)

R. KATHIRVEL,
Additional Secretary to Government,
Law Department.

New Delhi, 23rd March, 2010.

The following Act of Parliament received the assent of the President on the 22nd March, 2010 and is hereby published for general information:—

THE APPROPRIATION (RAILWAYS) No. 2 OF ACT 2010.

ACT No. 7 of 2010.

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 2009-10 for the purposes of Railways.

BE it enacted by Parliament in the Sixty-first year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) No. 2 Act, 2010. 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 five thousand three hundred ten crores, sixty-two lakhs and seventy-five thousand rupees towards defraying the several changes, which will come in course of payment during the financial year 2009-10, in respect of the services relating to Railways specified in column 2 of the Schedule. Issue of Rs.
5310,62,75,000
out of the
Consolidated
Fund of India
for the
financial year
2009-10.
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)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)	(3)		
		Rs.	Rs.	Rs.
3	General Superintendance and Services on Railways	195,84,87,000	9,10,000	195,93,97,000
4	Repairs and Maintenance of Permanent way and Works	531,80,14, 000	73,50,000	532,53,64,000
5	Repairs and Maintenance of Motive Power	81,65,78,000	..	81,65,78,000
6	Repairs and Maintenance of Carriages and Wagons	267,03,28,000	6,000	267,03,34,000
7	Repairs and Maintenance of Plant and Equipment	312,16,44,000	..	312,16,44,000
8	Operating Expenses- Rolling Stock and Equipment	684,69,19,000	36,40,000	685,05,59,000
9	Operating Expenses—Traffic ...	638,24,89,000	9,71,000	638,34,60,000
10	Operating Expenses—Fuel .. ..	..	2,25,36,000	2,25,36,000
11	Staff Welfare and Amenities	195,64,33,000	3,65,000	195,67,98,000
12	Miscellaneous Working Expenses ..	..	23,47,48,000	23,47,48,000
13	Provident Fund, Pension and Other Retirement Benefits	1133,52,32,000	15,25,000	1133,67,57,000
15	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortisation of Over-Capitalisation ..	59,61,00,000	..	59,61,00,000
16	Assets—Acquisition, Construction and Replacemnet. Capital	1167,70,00,000	15,50,00,000	1183,20,00,000
	Total:	5267,92,24,000	42,70,51,000	5310,62, 75,000

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

(Re-published by order of the Governor.)

R. KATHIRVEL,
Additional Secretary to Government,
Law Department.

New Delhi, 23rd March, 2010.

The following Act of Parliament received the assent of the President on the 22nd March, 2010 and is hereby published for general information:—

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 2010.

ACT No. 8 of 2010.

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 2010-11.

BE it enacted by Parliament in the Sixty-first year of the Republic of India as follows:—

- | | |
|--|--|
| <p>1. This Act may be called the Appropriation (Vote on Account) Act, 2010.</p> | <p>Short title.</p> |
| <p>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 eight lakh thirty-five thousand six hundred thirty seven crores and eighty-three lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2010-11.</p> | <p>Withdrawal of
Rs.
835637,83,00,000
from and out
of the
Consolidated
fund of India
for the
financial year
2010-11.</p> |
| <p>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.</p> | <p>Appropriation.</p> |
| <p>4. Reference to the Ministers or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 7th September, 2009 and shall on or after that date be construed as references to the appropriate Ministries or Departments as constituted from time to time.</p> | <p>Construction of
references to
Ministries or
Departments
in the
Schedule.</p> |

THE SCHEDULE.—*cont.**(See sections 2 and 3)*

No. of Vote	Services and purposes		<i>Sums not exceeding</i>		
			Voted by Parliament	<i>Charged on the Consolidated Fund</i>	Total
(1)	(2)		Rs.	Rs.	Rs.
1	Department of Agriculture and Co-operation..	Revenue	5038,13,00,000	..	5038,13,00,000
		Capital	13,98,00,000	..	13,98,00,000
2	Department of Agricultural Research and Education	Revenue	604,23,00,000	..	604,23,00,000
3	Department of Animal Husbandry, Dairying and Fisheries	Revenue	291,60,00,000	..	291,60,00,000
		Capital	1,92,00,000	..	1,92,00,000
4	Atomic Energy	Revenue	801,66,00,000	17,00,000	801,83,00,000
		Capital	481,42,00,000	17,00,000	481,59,00,000
5	Nuclear Power Schemes ..	Revenue	597,10,00,000	..	597,10,00,000
		Capital	241,73,00,000	..	241,73,00,000
6	Department of Chemicals and Petrochemicals..	Revenue	65,55,00,000	..	65,55,00,000
		Capital	4,45,00,000	..	4,45,00,000
7	Department of Fertilisers ..	Revenue	16142,68,00,000	..	16142,68,00,000
		Capital	34,92,00,000	..	34,92,00,000
8	Department of Pharmaceuticals ..	Revenue	26,33,00,000	..	26,33,00,000
		Capital	6,68,00,000	..	6,68,00,000
9	Ministry of Civil Aviation ..	Revenue	245,50,00,000	..	245,50,00,000
		Capital	238,12,00,000	..	238,12,00,000
10	Ministry of Commerce ..	Revenue	74,62,00,000	..	74,62,00,000
		Capital	5,00,00,000	..	5,00,00,000
11	Department of Commerce ...	Revenue	550,09,00,000	17,00,000	550,26,00,000
		Capital	113,83,00,000	..	113,83,00,000
12	Department of Industrial Policy and Promotion	Revenue	259,79,00,000	..	259,79,00,000
		Capital	1,67,00,000	..	1,67,00,000
13	Department of Posts ..	Revenue	1888,11,00,000	2,00,000	1888,13,00,000
		Capital	54,93,00,000	..	54,93,00,000
14	Department Telecommunications ..	Revenue	1320,99,00,000	..	1320,99,00,000
		Capital	30,66,00,000	..	30,66,00,000
15	Department of Information Technology...	Revenue	424,33,00,000	..	424,33,00,000
		Capital	26,83,00,000	..	26,83,00,000
16	Department of Consumer Affairs ..	Revenue	76,28,00,000	..	76,28,00,000
		Capital	5,22,00,000	..	5,22,00,000
17	Department of Food and Public Distribution...	Revenue	13777,45,00,000	18,00,000	13777,63,00,000
		Capital	10162,16,00,000	..	10162,16,00,000
18	Ministry of Corporate Affairs ..	Revenue	33,84,00,000	..	33,84,00,000
		Capital	29,12,00,000	..	29,12,00,000
19	Ministry of Culture..	Revenue	197,83,00,000	..	197,83,00,000
		Capital	7,17,00,000	..	7,17,00,000

THE SCHEDULE.—*cont.*

(See sections 2 and 3)

Sums not exceeding

No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)		(3)		
			Rs.	Rs.	Rs.
20	Ministry of Defence	Revenue	1874,32,00,000	4,00,000	1874,36,00,000
		Capital	196,95,00,000	..	196,95,00,000
21	Defence Pensions	Revenue	4166,63,00,000	4,00,000	4166,67,00,000
22	Defence Services –Army ..	Revenue	10005,53,00,000	2,84,00,000	10008,37,00,000
23	Defence Services – Navy ..	Revenue	1575,63,00,000	21,00,000	1575,84,00,000
24	Defence Services –Air Force ..	Revenue	2633,74,00,000	21,00,000	2633,95,00,000
25	Defence Ordnance Factories ..	Revenue	1998,34,00,000	25,00,000	1998,59,00,000
26	Defence Services-Research and Development...	Revenue	876,64,00,000	10,00,000	876,74,00,000
27	Capital Outlay on Defence Services ..	Capital	14902,97,00,000	6,13,00,000	14909,10,00,000
28	Ministry of Development of North Eastern Region	Revenue	269,72,00,000	..	269,72,00,000
		Capital	40,17,00,000	..	40,17,00,000
29	Ministry of Earth Sciences ..	Revenue	181,49,00,000	2,00,000	181,51,00,000
		Capital	54,55,00,000	..	54,55,00,000
30	Ministry of Environment and Forests...	Revenue	425,96,00,000	..	425,96,00,000
		Capital	7,57,00,000	..	7,57,00,000
31	Ministry of External Affairs ..	Revenue	936,93,00,000	1,00,000	936,94,00,000
		Capital	125,57,00,000	..	125,57,00,000
32	Department of Economic Affairs ..	Revenue	1136,85,00,000	..	1136,85,00,000
		Capital	308,40,00,000	..	308,40,00,000
33	Department of Financial Services ..	Revenue	5380,67,00,000	..	..
		Capital	9887,50,00,000	..	9887,50,00,000
	<i>CHARGED.- interest Payments...</i> ..	Revenue	..	41944,00,00,000	41944,00,00,000
35	Transfers to State and Union Territory Governments	Revenue	13044,97,00,000	5439,81,00,000	18484,78,00,000
		Capital	..	1360,57,00,000	1360,57,00,000
36	Loans to Government Servants, etc ..	Capital	50,00,00,000	..	50,00,00,000
	<i>CHARGED.-Repayment of Debt</i> ..	Capital	..	563777,43,00,000	563777,43,00,000
38	Department of Expenditure. ..	Revenue	14,55,00,000	..	14,55,00,000
		Capital	1,20,00,000	..	1,20,00,000
39	Pensions	Revenue	2655,05,00,000	11,62,00,000	2666,67,00,000
40	Indian Audit and Accounts Department	Revenue	335,91,00,000	10,75,00,000	346,66,00,000
		Capital	1,70,00,000	..	1,70,00,000
41	Department of Revenue ..	Revenue	1853,68,00,000	..	1853,68,00,000
		Capital	13,00,000	..	13,00,000

THE SCHEDULE.—*cont.*

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)	(3)	(3)	(3)
		Rs.	Rs.	Rs.
42	Direct Taxes	Revenue 474,16,00,000 Capital 279,83,00,000	.. ..	474,16,00,000 279,83,00,000
43	Indirect Taxes	Revenue 457,13,00,000 Capital 44,03,00,000	8,00,000 ..	457,21,00,000 44,03,00,000
44	Department of Disinvestment ..	Revenue 10,56,00,000	..	10,56,00,000
45	Ministry of Food Processing Industries ..	Revenue 51,20,00,000 Capital 55,00,00,000	.. ..	51,20,00,000 55,00,00,000
46	Department of Health and Family Welfare...	Revenue 4002,51,00,000 Capital 203,50,00,000	.. ..	4002,51,00,000 203,50,00,000
47	Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) ..	Revenue 160,25,00,000 Capital 42,00,00,000	.. ..	160,25,00,000 42,00,00,000
48	Department of Health Research ..	Revenue 110,00,00,000	..	110,00,00,000
49	Department of Heavy Industry ..	Revenue 62,50,00,000 Capital 84,45,00,000	.. ..	62,50,00,000 84,45,00,000
50	Department of Public Enterprises ..	Revenue 2,62,00,000	..	2,62,00,000
51	Ministry of Home Affairs ..	Revenue 1910,78,00,000 Capital 31,33,00,000	5,00,000 ..	1910,83,00,000 31,33,00,000
52	Cabinet	Revenue 55,72,00,000 Capital 15,18,00,000	1,00,000 ..	55,73,00,000 15,18,00,000
53	Police	Revenue 3953,72,00,000 Capital 1382,59,00,000	71,00,000 1,32,00,000	3954,43,00,000 1383,91,00,000
54	Other Expenditure of the Ministry of Home Affairs	Revenue 226,59,00,000 Capital 22,74,00,000	1,00,000 ..	226,60,00,000 22,74,00,000
55	Transfers to Union territory Governments	Revenue 319,85,00,000 Capital 12,00,00,000	.. ..	319,85,00,000 12,00,00,000
56	Ministry of Housing and Urban Poverty Alleviation	Revenue 157,84,00,000	..	157,84,00,000
57	Department of School Education and Literacy	Revenue 7962,15,00,000	..	7962,15,00,000
58	Department of Higher Education ..	Revenue 2772,33,00,000	..	2772,33,00,000
59	Ministry of Information and Broadcasting...	Revenue 378,28,00,000 Capital 55,76,00,000	1,00,000 ..	378,29,00,000 55,76,00,000
60	Ministry of Labour and Employment ..	Revenue 526,76,00,000 Capital 127,23,00,000	.. ..	526,76,00,000 127,23,00,000
61	Election Commission ..	Revenue 3,24,00,000	..	3,24,00,000

THE SCHEDULE.—*cont.**(See sections 2 and 3)*

No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)		(3)		
			Rs.	Rs.	Rs.
62	Law and Justice	Revenue	112,03,00,000	..	112,03,00,000
		Capital	2,50,00,000	..	2,50,00,000
	<i>CHARGED.—Supreme Court of India.....</i>	Revenue	..	14,17,00,000	14,17,00,000
64	Ministry of Mirco, Small and Medium Enterprises	Revenue	439,23,00,000	..	439,23,00,000
		Capital	2,05,00,000	..	2,05,00,000
65	Ministry of Mines	Revenue	87,70,00,000	2,00,000	87,72,00,000
		Capital	6,63,00,000	..	6,63,00,000
66	Ministry of Minority Affairs ..	Revenue	414,90,00,000	..	414,90,00,000
		Capital	19,17,00,000	..	19,17,00,000
67	Ministry of New and Renewable Energy	Revenue	159,20,00,000	..	159,20,00,000
		Capital	8,88,00,000	..	8,88,00,000
68	Ministry of Overseas Indian Affairs ..	Revenue	11,97,00,000	..	11,97,00,000
		Capital	1,53,00,000	..	1,53,00,000
69	Ministry of Panchayati Raj ..	Revenue	861,79,00,000	..	861,79,00,000
70	Ministry of Parliamentary Affairs ..	Revenue	1,25,00,000	..	1,25,00,000
71	Ministry of Personnel, Public Grievances and Pensions	Revenue	93,63,00,000	2,35,00,000	95,98,00,000
		Capital	19,42,00,000	1,49,00,000	20,91,00,000
72	Ministry of Petroleum and Natural Gas..	Revenue	529,83,00,000	..	529,83,00,000
73	Ministry of Planning ..	Revenue	309,37,00,000	..	309,37,00,000
		Capital	23,85,00,000	..	23,85,00,000
74	Ministry of Power	Revenue	1897,79,00,000	..	1897,79,00,000
		Capital	738,14,00,000	..	738,14,00,000
	<i>CHARGED.—Staff Household and Allowances of the President ..</i>	Revenue	..	4,85,00,000	4,85,00,000
76	Lok Sabha.. ..	Revenue	57,94,00,000	11,00,000	58,05,00,000
77	Rajya Sabha	Revenue	28,72,00,000	12,00,000	28,84,00,000
	<i>CHARGED.—Union Public Service Commission...</i>	Revenue	..	19,45,00,000	19,45,00,000
79	Secretariat of the Vice-President ..	Revenue	50,00,000	..	50,00,000
80	Ministry of Road Transport and Highways...	Revenue	2680,92,00,000	..	2680,92,00,000
		Capital	3033,93,00,000	1,37,00,000	3035,30,00,000
81	Department of Rural Development ..	Revenue	43620,42,00,000	..	43620,42,00,000
		Capital	3,91,00,000	..	3,91,00,000
82	Department of Land Resources ..	Revenue	444,30,00,000	..	444,30,00,000
83	Department of Drinking Water Supply...	Revenue	1763,96,00,000	..	1763,96,00,000

THE SCHEDULE.—*cont.**(See sections 2 and 3)*

No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)		(3)		
			Rs.	Rs.	Rs.
84	Department of Science and Technology ..	Revenue	389,81,00,000	..	389,81,00,000
		Capital	6,27,00,000	..	6,27,00,000
85	Department of Scientific and Industrial Research	Revenue	497,03,00,000	..	497,03,00,000
		Capital	97,00,000	..	97,00,000
86	Department of Biotechnology ..	Revenue	202,83,00,000	..	202,83,00,000
87	Ministry of Shipping ..	Revenue	275,73,00,000	..	275,73,00,000
		Capital	86,25,00,000	..	86,25,00,000
88	Ministry of Social Justice and Empowerment	Revenue	729,00,00,000	..	729,00,00,000
		Capital	33,33,00,000	..	33,33,00,000
89	Department of Space ...	Revenue	516,71,00,000	8,00,000	516,79,00,000
		Capital	446,14,00,000	7,00,000	446,21,00,000
90	Ministry of Statistics and Programmer Implementation	Revenue	356,44,00,000	..	356,44,00,000
		Capital	1,62,00,000	..	1,62,00,000
91	Ministry of Steel	Revenue	18,99,00,000	..	18,99,00,000
		Capital	17,00,000	..	17,00,000
92	Ministry of Textiles ..	Revenue	913,16,00,000	..	913,16,00,000
		Capital	21,52,00,000	..	21,52,00,000
93	Ministry of Tourism ..	Revenue	184,74,00,000	..	184,74,00,000
		Capital	1,83,00,000	..	1,83,00,000
94	Ministry of Tribal Affairs ..	Revenue	54,72,00,000	470,34,00,000	525,06,00,000
		Capital	11,67,00,000	..	11,67,00,000
95	Andaman and Nicobar Islands ..	Revenue	295,85,00,000	..	295,85,00,000
		Capital	75,11,00,000	..	75,11,00,000
96	Chandigarh	Revenue	288,28,00,000	11,88,00,000	300,16,00,000
		Capital	85,99,00,000	1,00,000	86,00,00,000
97	Dadra and Nagar Haveli ..	Revenue	263,58,00,000	..	263,58,00,000
		Capital	10,20,00,000	..	10,20,00,000
98	Daman and Diu	Revenue	110,87,00,000	..	110,87,00,000
		Capital	14,19,00,000	..	14,19,00,000
99	Lakshadweep	Revenue	96,91,00,000	..	96,91,00,000
		Capital	36,05,00,000	..	36,05,00,000
100	Department of Urban Development ..	Revenue	175,95,00,000	4,90,00,000	180,85,00,000
		Capital	1347,00,00,000	3,44,00,000	1350,44,00,000
101	Public Works	Revenue	178,48,00,000	17,00,000	178,65,00,000
		Capital	66,62,00,000	17,00,000	66,79,00,000

THE SCHEDULE.—*cont.**(See sections 2 and 3)*

No. of Vote	Services and purposes		Sums not exceeding		Total
			Voted by Parliament	Charged on the Consolidated Fund	
(1)	(2)		(3)		
			Rs.	Rs.	Rs.
102	Stationery and Printing	Revenue	38,11,00,000	..	38,11,00,000
		Capital	2,00,000	..	2,00,000
103	Ministry of Water Resources ..	Revenue	170,09,00,000	..	170,09,00,000
		Capital	17,83,00,000	66,00,000	18,49,00,000
104	Ministry of Women and Child Development...	Revenue	1824,07,00,000	..	1824,07,00,000
105	Ministry of Youth Affairs and sports.....	Revenue	392,57,00,000	..	392,57,00,000
		Capital	201,60,00,000	..	201,60,00,000
	Total:		222545,25,00,000	613092,58,00,000	835637,83,00,000

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

(Republished by order of the Governor)

R. KATHIRVEL,
*Additional Secretary to Government,
Law Department.*

New Delhi, 23rd March, 2010.

The following Act of Parliament received the assent of the President on the 22nd March, 2010 and is hereby published for general information:—

THE APPROPRIATION ACT, 2010.

(ACT No. 9 OF 2010.)

An Act, to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2009-2010.

BE it enacted by Parliament in the Sixty-first year of the Republic of India as follows:—

1. This Act may be called the Appropriation Act, 2010. 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 fourteen lakh forty-three thousand five hundred thirty –two crores and ninety-three lakh rupees only towards defraying the several charges which will come in course of payment during the financial year 2009-2010 in respect of the services specified in column 2 of the Schedule. Issue of Rs. 1443532,93,00,000 out of the Consolidated fund of India for the financial year 2009-2010.
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 exp Appropriation.

THE SCHEDULE.—*cont.*

(See sections 2 and 3)

No. of Vote	Services and purposes		Sums not exceeding		Total
			Voted by Parliament	Charged on the Consolidated Fund	
(1)	(2)		Rs.	Rs.	Rs.
1	Department of Agriculture and Co-operation	Revenue	208,63,00,000	..	208,63,00,000
2	Department of Agricultural Research and Education	Revenue	3,00,000	..	3,00,000
3	Department of Animal Husbandry, Dairying and Fisheries	Revenue	4,00,000	..	4,00,000
4	Atomic Energy	Revenue	189,01,00,000	..	189,01,00,000
		Capital	18,02,00,000	..	18,02,00,000
7	Department of Fertilisers	Revenue	8000,00,00,000	..	8000,00,00,000
9	Ministry of Civil Aviation	Revenue	30,00,00,000	..	30,00,00,000
11	Department of Commerce	Revenue	2,00,000	..	2,00,000
12	Department of Industrial Policy and Promotion	Revenue	1,00,000	..	1,00,000
13	Department of Posts	Revenue	436,60,00,000	..	436,60,00,000
		Capital	1,00,000	..	1,00,000
14	Department of Telecommunications	Revenue	366,63,00,000	..	366,63,00,000
15	Department of Information Technology	Revenue	2,00,000	..	2,00,000

THE SCHEDULE.—*cont.*

(See sections 2 and 3)

No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)		(3)		
			Rs.	Rs.	Rs.
16	Department of Consumer Affairs..	Revenue	1,00,000	..	1,00,000
17	Department of Food and Public Distribution	Revenue	2459,00,00,000	31,00,000	2459,31,00,000
		Capital	2,34,00,000	..	2,34,00,000
19	Ministry of Culture ..	Revenue	2,00,000	..	2,00,000
		Capital	11,00,00,000	..	11,00,00,000
20	Ministry of Defence ..	Revenue	896,61,00,000	..	896,61,00,000
21	Defence Pensions ..	Revenue	2000,00,00,000	..	2000,00,00,000
22	Defence Services-Army ..	Revenue	..	1,79,00,000	1,79,00,000
23	Defence Services-Navy ..	Revenue	1033,32,00,000	..	1033,32,00,000
24	Defence Services-Air Force ..	Revenue	361,98,00,000	22,00,000	362,20,00,000
25	Defence Ordnance Factories ..	Revenue	1337,57,00,000	..	1337,57 ;00,000
27	Capital Outlay on Defence Services..	Capital	..	65,77,00,000	65,77,00,000
28	Ministry of Development of North Eastern Region	Capital	1,00,000	..	1,00,000
29	Ministry of Earth Sciences ..	Revenue	38,00,000	..	38,00,000
		Capital	1,00,000	..	1,00,000
30	Ministry of Environment and Forests ..	Revenue	3,00,000	..	3,00,000
31	Ministry of External Affairs ..	Revenue	40,01,00,000	..	40,01,00',000
32	Department of Economic Affairs ..	Revenue	1,00,000	..	1,00,000
		Capital	9136,26,00,000	..	9136,26,00,000
33	Department of Financial Services ..	Revenue	625,00,00,000	..	625,00,00,000
		Capital	1107,98,00,000	..	1107,98,00,000
35	Transfers to State and Union territory Governments	Revenue	6892,00,00,000	..	6892,00,00,600
		Capital	..	800,00,00,000	800,00,00,000
	CHARGED.- <i>Repayment of Debt</i>	Capital	..	1367361,86,00,000	1367361,86,00,000
39	Pensions	Revenue	2380,00,00,000	..	2380,00,00,000
40	Indian Audit and Accounts Department. .	Revenue	32,10,00,000	3,68,00,000	35,78,00,000
41	Department of Revenue ..	Revenue	2757,36,00,000	..	2757,36,00,000
43	Indirect Taxes	Revenue	22,77,00,000	..	22,77,00,000
44	Department of Disinvestment ..	Revenue	23,42,00,000	..	23,42,00,000
45	Ministry of Food, Processing Industries ..	Revenue	3,00,000	..	3,00,000
46	Department of Health and Family Welfare ..	Revenue	4,00,000	..	4,00,000
		Capital	2,00,000	..	2,00,000

THE SCHEDULE.—cont.

(See sections 2 and 3)

No. of Vote	Services and purposes		Sums not exceeding		Total
			Voted by Parliament	Charged on the Consolidated Fund	
(1)	(2)		(3)		
			Rs.	Rs.	Rs.
47	Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) ..	Revenue'	2,00,000	..	2,00,000
49	Department of Heavy Industry ..	Revenue	515,47,00,000	..	515,47,00,000
		Capital	3,00,000	..	3,00,000
51	Ministry of Home Affairs ..	Revenue	2,00,000	..	2,00,000
		Capital	2,00,000	..	2,00,000
53	Police	Revenue	592,45,00,000	..	592,45,00,000
		Capital	2,00,000	..	2,00,000
54	Other Expenditure of the Ministry of Home Affairs ..	Revenue	1,00,000	..	1,00,000
55	Transfers to Union territory Governments	Revenue	10,01,00,000	..	10,01,00,000
57	Department of School Education and Literacy	Revenue	1771,03,00,000	..	1771,03,00,000
58	Department of Higher Education. ..	Revenue	5,00,000	..	5,00,000
59	Ministry of Information and Broadcasting ..	Revenue	2,00,000	..	2,00,000
60	Ministry of Labour and Employment ..	Revenue	2,00,000	..	2,00,000
	CHARGED.- <i>Supreme Court of India</i> ..	Revenue	..	1,86,00,000	1,86,00,000
65	Ministry of Mines ..	Revenue	6,96,00,000	..	6,96,00,000
67	Ministry of New and Renewable Energy ..	Revenue	2,00,000	..	2,00,000
71	Ministry of Personnel, Public Grievances and Pensions ..	Revenue	7,91,00,000	30,00,000	8,21,00,000
72	Ministry of Petroleum and Natural Gas. . . .	Revenue	11843,00,00,000	..	11843,00,00,000
		Capital	958,08,00,000	..	958,08,00,000
74	Ministry of Power ..	Revenue	3158,00,00,000	..	3158,00,00,000
		Capital	27,00,00,000	..	27,00,00,000
76	Lok Sabha ..	Revenue	1,00,000	..	1,00,000
	CHARGED <i>Union Public Service Commission</i> ..	Revenue	..	3,00,00,000	3,00,00,000
80	Department of Rural Development. ..	Revenue	15702,02,00,000	..	15702,02,00,000
		Capital	6,04,00,000	..	6,04,00,000
82	Department of Drinking Water Supply ..	Revenue	1,00,000	..	1,00,000
83	Department of Science and Technology ..	Revenue	2,00,000	..	2,00,000
85	Department of Biotechnology ..	Revenue	2,00,000	..	2,00,000
86	Ministry of Shipping ..	Revenue	1,00,000	..	1,00,000
		Capital	1,00,000	..	1,00,000

THE SCHEDULE.—*cont.*

(See sections 2 and 3)

No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)		(3)		
			Rs.	Rs.	Rs.
88	Ministry of Social Justice and Empowerment ..	Revenue	5,01,00,000	..	5,01,00,000
92	Ministry of Textiles ..	Revenue	2,00,000	..	2,00,000
		Capital	4,00,00,000	..	4,00,00,000
93	Ministry of Tourism ..	Revenue	1,00,000	..	1,00,000
		Capital	1,00,00,000	..	1,00,00,000
95	Andaman and Nicobar Islands ..	Revenue	100,62,00,000	..	100,62,00,000
96	Chandigarh ..	Revenue	85,83,00,000	50,00,000	86,33,00,000
		Capital	89,25,00,000	..	89,25,00,000
97	Dadra and Nagar Haveli. ..	Revenue	2,00,000	..	2,00,000
		Capital	23,00,00,000	..	23,00,00,000
98	Daman and Diu ..	Revenue	6,00,000	..	6,00,000
		Capital	1,00,00,000	..	1,00,00,000
99	Lakshadweep ..	Revenue	8,16,00,000.	..	8,16,00,000
100	Department of Urban Development ..	Revenue	4,00,000	6,05,00,000	6,09,00,000
		Capital	1,38,00,000	..	1,38,00,000
101	Public Works ..	Revenue	1,54,00,000	..	1,54,00,000
103	Ministry of Water Resources ..	Revenue	2,00,000	..	2,00,000
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
TOTAL			75287,59,00,000	1368245,34,00,000	1443532,93,00,000

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

(Re-published by Order of the Governor)

R. KATHIRVEL,
Additional Secretary to Government,
Law Department.

New Delhi, 30th March 2010.

The following Act of Parliament received the assent of the President on the 29th March, 2010 and is hereby published for general information:—

THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND
REMAINS (AMENDMENT AND VALIDATION) ACT, 2010.

ACT No. 10 of 2010.

An Act Further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and to make provision for validation of certain actions taken by the Central Government under the said Act.

BE it enacted by Parliament in the Sixty-first Year of the Republic of Indian as follows:—

1. (1) This Act may be called the Ancient Monuments and Archaeological Sites and remains (Amendment and Validation) Act, 2010.

Short title and commencement.

(2) Save as otherwise provided, it shall be deemed to have come into force (except sections 3,5,7 and 8 to 11) on the 23rd day of January, 2010.

24 of 1958

2. On and from the 16th day of June, 1992, in the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (hereinafter referred to as the principal Act), in section 2,—

Amendment of section 2.

(i) after clause (d), the following clauses shall be inserted and shall be deemed to have been inserted, namely:—

‘(da) “Authority” means the National Monuments Authority constituted under section 20F;

(db) “competent authority” means an officer not below the rank of Director of archaeology or Commissioner of archaeology of the Central or State Government or equivalent rank, specified, by notification in the Official Gazette, as the competent authority by the Central Government to perform functions under this Act:

Provided that the Central Government may, by notification in the Official Gazette, specify different competent authorities for the purpose of sections 20C, 20D and 20E;

(dc) “construction” means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include any re-construction, repair and renovation or an existing structure or building, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public or the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities for public;’;

(ii) after clause (h), the following clause shall be inserted and shall be deemed to have been inserted, namely:—

‘(ha) “prohibited area” means any area specified or declared to be a prohibited area under section 20A;’;

(iii) after clause (i), the following clauses shall be inserted and shall be deemed to have been inserted namely:—

‘(k) “re-construction” means any erection of a structure or building to its pre-existing structure, having the same horizontal and vertical limits;

(l) “regulated area” means any area specified or declared under section 20B;

(m) “repair and renovation” means alterations to a pre-existing structure or building, but shall not include construction or re-construction;.

Insertion of new section 4A. **3.** After section 4 of the principal Act, the following section shall be inserted, namely:—

Categorisation and classification in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4.

“4A. (1) The Central Government shall, on the recommendation of the Authority, prescribe categories in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, and while prescribing such categories it shall have regard to the historical, archaeological and architectural value and such other factors as may be relevant for the purpose of such categorisation.

(2) The Central Government shall, on the recommendation of the Authority, classify all the ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, in accordance with the categories prescribed under sub-section (1) and thereafter make the same available to the public and exhibit the same on its website and also in such other manner as it may deem fit.”.

Insertion of new section 20A.

4. On and from the 16th day of June 1992, after section 20 of the principal Act, the following section shall be inserted and shall be deemed to have been inserted, namely:—

“PROHIBITED AND REGULATED AREAS.

Declaration of prohibited area and carrying out public work or other works in prohibited area.

20A. Every area, beginning at the limit of the protected area or the protected monument, as the case may be, and extending to a distance of one hundred metres in all directions shall be the prohibited area in respect of such protected area or protected monument:

Provided that the Central Government may, on the recommendation of the Authority, by notification in the Official Gazette, specify an area more than one hundred metres to be the prohibited area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A.

(2) Save as otherwise provided in section 20C, no person, other than an archaeological officer, shall carry out any construction in any prohibited area.

(3) In a case where the Central Government or the Director-General, as the case may be, is satisfied that—

(a) it is necessary or expedient for carrying out such public work or any project essential to the public; or

(b) such other work or project, in its opinion, shall not have any substantial adverse impact on the preservation, safety, security of, or, access to, the monument or its immediate surrounding.

it or he may notwithstanding anything contained in sub-section (2), in exceptional cases and having regard to the public interest, by order and for reasons to be recorded in writing, permit, such public work or project essential to the public or other constructions, to be carried out in a prohibited area:

Provided that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a prohibited area in respect of such protected monument, shall be deemed to be the prohibited area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted by the Central Government or the Director-General, as the case may be, for the construction within the prohibited area on the basis of the recommendation of the Expert Advisory Committee, shall be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times:

Provided further that nothing contained in the first proviso shall apply to any permission granted, subsequent to the completion of construction or re-construction of any building or structure in any prohibited area in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O. 1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archeological Sites and Remains Rules, 1959, or, without having obtained the recommendations of the Committee constituted in pursuance of the order of the Government of India number 24/22/2006-M, dated the 20th July, 2006 (subsequently referred to as the Expert Advisory Committee in orders dated the 27th August, 2008 and the 5th May, 2009).”.

5. In section 20A of the principal Act (as so inserted by section 4 of this Act), after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment of Section 20A.

“(4) No permission, referred to in sub-section (3), including carrying out any public work or project essential to the public or other constructions, shall be granted in any prohibited area on and after the date on which the Ancient Monuments and Archacological Sites and Remains (Amendment and Validation) Bill, 2010 receives the assent of the president”.

6. On and from the 16th day of June, 1992, after section 20A of the principal Act, the following section shall be inserted and shall be deemed to have been inserted, namely:—

Insertion of new section 20B.

“20B. Every area, beginning at the limit of prohibited area in respect of every ancient monument and archaeological site and remains, declared as of national importance under sections 3 and 4 and extending to a distance of two hundred metres in all directions shall be the regulated area in respect of every ancient monument and archaeological site and remains:

Declaration of regulated area in respect of every protected monument.

Provided that the Central Government may, by notification in the Official Gazette, specify an area more than two hundred metres to be the regulated area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A:

Provided further that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a regulated area in respect of such protected monument, shall be deemed to be the regulated area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted for construction in such regulated area shall, be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times.”.

7. After section 20B of the principal Act (as so inserted by section 6 of this Act) the following sections shall be inserted, namely:—

Insertion of new sections 20C, 20D, 20E, 20F, 20G, 20H, 20-I, 20J, 20K, 20L, 20M, 20N, 20-O, 20P and 20Q.

20C. (1) Any person, who owns any building or structure, which existed in a prohibited area before the 16th day of June, 1992, or, which had been subsequently constructed with the approval of the Director-General and desires to carry out any repair or renovation of such building or structure, may make an application to the competent authority for carrying out such repair or renovation, as the case may be.

Application for repair or renovation in prohibited area, or construction or re-construction or repair or renovation in regulated area.

(2) Any person, who owns are possesses any building or structure or land in any regulated area, and desires to carry out any construction or re-construction or repair or renovation of such buliding or structure on such land, as the case may be, may make an application to the competent authority for carrying out construction or re-construction or repair or renovation, as the case may be.

GRANT OF PERMISSION BY COMPETENT AUTHORITY.

Grant of
Permission
by
competent
authority
within
regulated
Area

20D.(1) Every application for grant of permission under section 20C of this Act shall be made to the competent authority in such manner as may be prescribed.

(2) The competent authority shall, within fifteen days of the receipt of the application, forward the same to the Authority to consider and intimate impact of such construction (including the impact of large-scale development project, public project and project essential to the public) having regard to the heritage bye-laws relating to the concerned protected monument or protected area, as the case may be:

Provided that the Central Government may prescribe the category of application in respect of with the permission may be granted under this sub-section and the application which shall be referred to the Authority for its recommendations.

(3) The Authority shall, within two months from the date of receipt of application under sub-section (2), intimate to the competent authority impact of such construction (including the impact of large-scale development project, public project and project essential to the public).

(4) The competent authority shall, within one month of the receipt of intimation from the Authority under sub-section (3), either grant permission or refuse the same as so recommended by the Authority.

(5) The recommendations of the Authority shall be final.

(6) In case the competent authority refuses to grant permission under this section, it shall by order in writing, after giving an opportunity to the concerned person, intimate such refusal within three months from the date of receipt of the application to the applicant, the Central Government and the Authority.

(7) If the competent authority, after grant of the permission under sub-section (4) and during the carrying out of the repair or renovation work or re-construction of building construction referred to in that sub-section, is of the opinion (on the basis of material in his possession or otherwise) that such repair or renovation work or reconstruction of building or construction is likely to have an adverse impact on the preservation, safety, security or access to the monument considerably, it may refer the same to the Authority for its recommendations and if so recommended, withdraw the permission granted under sub-section (4) if so required:

Provided that the competent authority may, in exceptional cases, with the approval of the Authority grant permission to the applicant referred to in sub-section (2) of section 20C until the heritage bye-laws have been prepared under sub-section (1) of section 20E and published under sub-section (7) of that section.

(8) The Central Government, or the Director-General, as the case may be, shall exhibit, on their website, all the permissions granted or refused under this Act.

Heritage bye-laws.

20E. (1) The competent authority, in consultation with Indian National Trust for arts and Cultural Heritage, being a trust registered under the Indian Trust Act. 1882, or such other expert heritage bodies as may be notified by the Central Government, shall prepare heritage bye-laws in respect of each protected monument and protected area.

(2) The heritage bye-laws referred to in sub-section (1) shall, in addition to such matters as may be prescribed, include matters relating to heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines).

(3) The Central Government shall, by rules, specify the manner of preparation of detailed site plans in respect of each protected area or protected monument or prohibited area or regulated area, the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws.

(4) The competent authority for the purpose of preparation of detailed site plans and heritage bye-laws may appoint such number of experts or consultants as it may deem fit.

(5) A Copy of each of the heritage bye-laws prepared under sub-section (1) shall be forwarded to the Authority for its approval.

(6) A Copy of the heritage bye-laws as approved by the Authority under sub-section (5) shall be laid before each House of Parliament.

(7) Each heritage bye-laws shall, be made available by the competent authority to the public, by exhibiting the same on its website and also in such other manner as it may deem fit, immediately after laying the same before each house of Parliament.

NATIONAL MONUMENTS AUTHORITY

20F. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be called as the National Monuments Authority.

Constitution of
National
Monuments
Authority.

(2) The Authority shall consist of,—

(a) a Chairperson, on whole-time basis, to be appointed by the President, having proven experience and expertise in the fields of archaeology, country and town planning architecture, heritage, conservation-architecture or law;

(b) such number of members not exceeding five whole-time members and five part-time members to be appointed, on the recommendation of the Selection Committee referred to in section 20G, by the Central Government, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

(c) the Director-General as member, *ex officio*.

(3) The tenure of the whole-time Chairperson or every whole-time member and every part-time member, of the Authority shall be three years from the date on which he assumes office as such and shall not be eligible for re-appointment:

Provided that, save as otherwise provided in clause (c) of sub-section (2), any person who has held any post in the Archaeological Survey of India or in the Ministry of Culture of the Government of India or a State Government or has not been found fit to be considered for being appointed to any such post shall, not be eligible to be appointed as the Chairperson or a member of the Authority:

Provided further that any person, who had either been granted a permission or licence or refused any such permission or refused grant of a licence or any person or any of his relative having any interest in a prohibited area or a regulated area shall not be eligible to be appointed as a Chairperson or member.

Explanation.—For the purposes of this section, “relative” means—

(i) spouse of the Chairperson or member of the Authority;

(ii) brother or sister of the Chairperson or member of the Authority;

(iii) brother or sister of the spouse of the Chairperson or member of the Authority;

(iv) brother or sister of either of the parents of the Chairperson or member of the Authority;

(v) any lineal ascendant or descendant of the Chairperson or member of the Authority;

(vi) any lineal ascendant or descendant of the spouse of the Chairperson or member of the Authority;

(vii) spouse of the person referred to in clauses (ii) to (vi);

(4) An officer, not below the rank of Joint Secretary to the Government of India, shall be the Member Secretary of the Authority.

(5) The Central Government shall provide such number of officers and other employees as may be necessary for discharge of functions by the Authority under this Act.

Selection
Committee
for selection
of members
of Authority.

20G. (1) Every whole-time member and every part-time member of the Authority shall be selected by a Selection Committee consisting of the following persons, namely:—

(a) Cabinet Secretary — Chairperson, *ex officio*;

(b) Secretary in the Ministry of Culture—member, *ex officio*;

(c) Secretary in the Ministry of Urban Development—member, *ex officio*;

(d) three experts, having proven experience and expertise in the fields of archaeology, architecture, heritage or conservation-architecture to be nominated by the Central Government.

(2) The Selection Committee referred to in sub-section (1) shall regulate its own procedure for the purposes of selecting whole-time members and part-time members of the Authority.

Salary
allowances
and meetings
of Authority.

20H. (1) **The salaries and allowances payable to the whole-time Chairperson and whole-time members, and the other terms and conditions of their service or fees or allowances payable to the part-time members, of the Authority shall be such as may be prescribed:**

Provided that neither the salary and allowances nor the other terms and conditions of service of the whole-time Chairperson and whole-time members shall be varied to their disadvantage after their appointment.

(2) The Authority shall regulate its own procedure for the purposes of holding its meetings (including quorum of such meetings) and granting permissions under this Act.

(3) All the decisions of the Authority shall be published in such manner as it may decide and also on its own website and on the website of the Central Government.

Functions and
powers of
Authority.

20-I. (1) The Authority shall exercise or discharge the following powers or functions, namely:—

(a) make recommendations to the Central Government for grading and classifying protected monuments and protected areas declared as of national importance under sections 3 and 4; before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010;

(b) make recommendations to the Central Government for grading and classifying protected monuments and protected areas which may be declared after the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, as of national importance under section 4;

(c) oversee the working of the competent authorities;

(d) to suggest measures for implementation of the provisions of this Act;

(e) to consider the impact of large-scale developmental projects, including public projects and projects essential to the public which may be proposed in the regulated areas and make recommendations in respect thereof to the competent authority;

(f) to make recommendations to the competent authority for want of permission.

5 of 1908.

(2) The Authority shall, for the purpose of discharging functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) any other matter which may be prescribed.

20J. (1) Notwithstanding anything contained in sub-section (3) of section 20F, the President in the case of the Chairperson and the Central Government in the case of whole-time member and part-time member may, by order, remove from office, the Chairperson or any such member of the Authority, if he—

Removal of
Chairperson
and members.

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as Chairperson or member; or

(d) has acquired such financial or other interests as is likely to affect prejudicially his functions; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or any member of the Authority shall not be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

20K. On ceasing to hold office, the Chairperson or whole-time member of the Authority, as the case may be, shall, subject to the provisions of this Act, be ineligible, for a period of five years from the date on which they cease to hold office, for further employment (including as consultant or expert or otherwise) in any institution, agency or organisation of any nature mainly dealing with archaeology, country and town planning, architecture, heritage and conservation-architecture or whose matters had been before the Chairperson or such member.

Restriction on
future
employment by
Chairperson
and members.

20L. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions on question of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Power of
Central
Government
to issue
directions to
Authority.

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

20M. Without prejudice to the foregoing provisions of this Act, the competent authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions, as the Central Government may give in writing to it from time to time.

Power of
Central
Government
to issue
directions to
competent
authority.

20N. (1) If, at any time the Central Government is of the opinion,—

Power of
Central
Government
to supersede
Authority.

(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

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

(a) the Chairperson and all other whole-time members and part-time members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other whole-time members and part-time members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified, subject to the provisions of sub-section (3) of section 20F for reappointment for the remaining period.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

Bar of
Jurisdiction
of civil court.

20-O. No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Annual report.

20P. (1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving full description of all the activities of the Authority for the previous year.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

Power to
call for
information.

20Q. Where the Central Government considers it expedient so to do, it may, by order in writing call upon the Authority or the competent authority, as the case may be, to furnish in writing such information, in such form and manner as may be prescribed, relating to its affairs as the Central Government may require.”.

Amendment of
Section 30.

8. In section 30 of the principal Act,

(a) in sub-section (1),—

(i) for the words "imprisonment which may extend to three months", the words "imprisonment which may extend to two years" shall be substituted;

(ii) for the words "fine which may extend to five thousand rupees", the words "fine which may extend to one lakh rupees" shall be substituted;

(b) in sub-section (2), for the words "fine which may extend to five thousand rupees", the words "imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both" shall be substituted.

9. After section 30 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 30A, 30B and 30C.

"30A. Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, any construction in the prohibited area, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.

Punishment for construction, etc., in prohibited area.

30B. Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, any construction in the regulated area without the previous permission of the competent authority or in contravention of the permission granted by the competent authority, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.

Punishment for construction etc., in regulated area.

30C. If any officer of the Central Government enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any construction or re-construction takes place in a prohibited area or regulated area, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

Offences by officers of Government.

10. After section 35 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 35A and 35B.

"35A. (1) The Director-General shall, within such time as may be specified by the Central Government; conduct a surveyor cause survey to be conducted in respect of all prohibited areas and regulated areas for the purpose of detailed site plans.

Obligation to survey the protected prohibited area and regulated areas.

(2) A report in respect of such survey referred to in sub-section (1) shall be forwarded to the Central Government and to the Authority.

35B. (1) The Director-General shall, within such time as may be specified by the Central Government, identify or cause to be identified, all constructions (of whatever nature) made on and after the 16th day of June, 1992 in all prohibited areas and regulated areas and, thereafter, submit from time to time a report in respect thereof to the Central Government.

Identification of un-authorized constructions, on or after 16th June, 1992.

(2) The Director-General shall, for the purposes of sub section (1), have the power to call for information from the local bodies and other authorities."

11. In section 38 of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—

Amendment of section 38.

"(ca) the categories of ancient monuments or archaeological sites and remains, declared as of national importance, under sub-section (1) of section 4A;

(cb) the manner of making application for grant of permission under sub-section (1) of section 20D;

(cc) the category of applications in respect of which the permission may be granted and applications which shall be referred to the Authority for its recommendation, under sub-section (2) of section 20D;

(cd) the other matters including heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines) under sub-section (2) of section 20E;

(ce) the manner of preparation of detailed site plans in respect of each prohibited area and regulated area and the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws under sub-section (3) of section 20E;

(cf) salaries and allowances payable to, and the other terms and conditions of service of, the whole-time Chairperson and whole-time members, or fees or allowances payable to the part-time members, of the Authority under sub-section (1) of section 20H;

(cg) the form in which and time at which the Authority shall prepare an annual report giving full description of its activities for the previous year under section 20P;

(ch) the form and manner in which the Authority and competent authority shall furnish information to the Central Government under section 20Q;”.

Validation of action taken, etc., under notification No.S.O.1764, dated 16th June, 1992.

12. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority—

(a) any thing done or purported to be done or any action taken or purported to be taken by the Central Government, except as provided in the second proviso to sub-section (3) of section 20A, immediately before the commencement of this Act, in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O.1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, shall be deemed to be and deemed to have always been done or taken validly and in accordance with law at all material times [except as provided in the second proviso to sub-section (3) of section 20A] and no action taken or thing done (including any order made, agreement entered into, or notification issued, for constituting any Expert Advisory Committee) in connection with any permission granted or licence issued for any construction in a prohibited area or a regulated area in respect of a protected ‘monument, shall be deemed to be invalid or ever to have become invalid except as provided in the second proviso to sub-section (3) of section 20A merely on the ground that the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or the rules, orders or notifications issued thereunder did not contain any provision for constitution of an Expert Advisory Committee or Advisory Committee, as the case may be;

24 of 1958.

(b) no suit, claim or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for any permission or licence granted by the Central Government or the Director-General under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or any rule, order or notification made thereunder for carrying out any repair, renovation or construction work or for undertaking any public work or public project before the commencement of this Act;

24 of 1958.

(c) no claim or challenge shall be made in or entertained by any Court, tribunal or other authority solely on the ground that the Central Government or the Director-General did not take into consideration any of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, as amended by the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, in granting any permission or licence for the purpose of carrying out any mining or repair, renovation or construction work in a prohibited area or a regulated area at any time between the 16th day of June, 1992 and the date of commencement of this Act.

24 of 1958.

Ord. 1 of 2010 **13.** (1) The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Ordinance, 2010 is hereby repealed. Repeal and savings.

(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 corresponding provisions of the principal Act as amended by this Act.

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

(Republished by Order of the Governor)

R. KATHIRVEL,
*Additional Secretary to Government,
Law Department.*

New Delhi, 27th April 2010

The following Act of Parliament received the assent of the President on the 26th April 2010 and is hereby published for general information:-

THE APPROPRIATION (RAILWAYS) No. 3 OF ACT 2010

ACT No. 11 OF 2010

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2010-2011 for the purposes of Railways.

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

1. This Act may be called the appropriation (Railways) No. 3, Act, 2010

Short title.

2. From and out of the Consolidated Fund of India, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Railways) Vote on Account Act, 2010] to the sum of one lakh seventy-six thousand two hundred sixteen crores, forty-nine lakhs and thirty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2010-2011, in respect of the services relating to Railways specified in column 2 of the Schedule.

Issue of Rs. 176216,49,39,000 out of the Consolidated Fund of India for the financial year 2010-11.

5 of 2010.

3. The sums authorised to 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)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)	(3)		
		Rs.	Rs.	Rs.
1	Railway Board	170,00,00,000	..	170,00,00,000
2	Miscellaneous Expenditure (General) ..	600,00,00,000	..	600,00,00,000
3	General Superintendence and Services on Railways ..	4203,68,55,000	5,30,000	4203,73,85,000
4	Repairs and Maintenance of permanent Way and Works	7156,50,99,000	42,84,000	7156,93,83,000
5	Repairs and Maintenance of Motive Power ..	3348,53,53,000	..	3348,53,53,000
6	Repairs and Maintenance of Carriages and Wagons	7525,21,59,000	6,00,000	7525,27,59,000
7	Repairs and Maintenance of Plant and Equipment	4063,04,53,000	3,15,000	4063,07,68,000
8	Operating Expenses-Rolling Stock and Equipment ...	5604,50,52,000	..	5604,50,52,000
9	Operating Expenses-Traffic ..	11512,66,93,000	25,70,000	11512,92,63,000
10	Operating Expenses	15778,12,15,000	..	15778,12,15,000
11	Staff Welfare and Amenities ..	3315,54,87,000	..	3315,54,87,000
12	Miscellaneous Working Expenses ..	3093,24,51,000	118,21,27,000	3211,45,78,000
13	Provident Fund, Pension and Other Retirement Benefits ...	14417,49,57,000	64,50,000	14418,14,07,000

THE SCHEDULE.—*cont.*

(See Sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)	(3)		
		Rs.	Rs.	Rs.
14	Appropriation to Funds ..	25283,09,00,000	..	25283,09,00,000
15	Dividend to General Revenue, Repayment of loans taken from General Revenues and Amortisation of Over-Capitalisation	6608,46,00,000	..	6608,46,00,000
16	Assets-Acquisition, Construction and Replacement—			
	Revenue	59,80,00,000	20,00,000	60,00,00,000
	<i>Other Expenditure</i>			
	Capital	46136,97,89,000	46,50,00,000	46183,47,89,000
	Railway Funds	15465,18,00,000	8,02,00,000	15473,20,00,000
	Railway Safety Fund	1698,40,00,000	1,60,00,000	1700,00,00,000
	Total ...	176040,48,63,000	176,00,76,000	176216,49,39,000

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

(Republished by Order of the Governor)

R. KATHIRVEL,
Additional Secretary to Government,
Law Department.

New Delhi, 5th May, 2010

The following Act of Parliament received the assent of the President on the 4th May, 2010 and is hereby published for general information:—

THE APPROPRIATION No. 2 OF ACT, 2010

ACT No. 12 of 2010

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2010-11.

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

- 8 of 2010.
1. This Act may be called the Appropriation (No. 2) Act, 2010. Short title.
 2. From and out of the Consolidated Fund of India, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Vote on Account) Act, 2010] to the sum of forty-six lakh sixty-one thousand thirty eight crores and thirty four lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2010-2011 in respect of the services specified in column 2 of the Schedule. Issue of Rs. 46,610,38,34,00,000 out of the Consolidated Fund of India for the financial year 2010-11.
 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.
 4. References to Ministers or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 7th September, 2009 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as reconstituted from time to time. Construction of references to Ministries and Departments in the Schedule.

THE SCHEDULE.

(See Sections 2, 3 and 4)

No. of Vote	Services and purposes	Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
(1)	(2)	Rs.	Rs.	Rs.	
1	Department of Agriculture and Co-operation ..	Revenue	15564,12,00,000	..	15564,12,00,000
		Capital	83,85,00,000	..	83,85,00,000
2	Department of Agriculture Reserch and Education...	Revenue	3825,55,00,000	..	3825,55,00,000
3	Department of Animal Husbandry, Dairying and Fisheries	Revenue	1749,60,00,000	..	1749,60,00,000
		Capital	11,50,00,000	..	11,50,00,000
4	Atomic Energy	Revenue	4852,22,00,000	1,00,00,000	4853,22,00,000
		Capital	2928,02,00,000	1,00,00,000	2929,02,00,000
5	Nuclear Power Schemes	Revenue	2382,59,00,000	..	2382,59,00,000
		Capital	1450,40,00,000	..	1450,40,00,000
6	Department of Chemicals and Petrochemicals...	Revenue	393,31,00,000	..	393,31,00,000
		Capital	26,69,00,000	..	26,69,00,000
7	Department of Fertilisers ..	Revenue	52865,46,00,000	..	52865,46,00,000
		Capital	209,54,00,000	..	209,54,00,000

THE SCHEDULE.—*cont.*

(See Sections 2, 3 and 4)

No. of Vote	Services and purposes	Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund (3)	Total	
(1)	(2)	Rs.	Rs.	Rs.	
8	Department of Pharmaceuticals	Revenue	157,95,00,000	..	157,95,00,000
		Capital	40,05,00,000	..	40,05,00,000
9	Ministry of Civil Aviation	Revenue	1456,34,00,000	..	1456,34,00,000
		Capital	1428,70,00,000	..	1428,70,00,000
10	Ministry of Coal	Revenue	447,70,00,000	..	447,70,00,000
		Capital	30,00,00,000	..	30,00,00,000
11	Department of Commerce	Revenue	3300,56,00,000	1,00,00,000	3301,56,00,000
		Capital	682,99,00,000	..	682,99,00,000
12	Department of Industrial Policy and Promotion..	Revenue	1198,91,00,000	..	1198,91,00,000
		Capital	10,00,00,000	..	10,00,00,000
13	Department of Posts	Revenue	11328,68,00,000	10,00,000	11328,78,00,000
		Capital	329,55,00,000	..	329,55,00,000
14	Department of Telecommunications ..	Revenue	7925,92,00,000	..	7925,92,00,000
		Capital	1684,95,00,000	..	1684,95,00,000
15	Department of Information Technology ..	Revenue	2546,00,00,000	..	2546,00,00,000
		Capital	161,00,00,000	..	161,00,00,000
16	Department of Consumer Affairs... ..	Revenue	457,66,00,000	..	457,66,00,000
		Capital	31,34,00,000	..	31,34,00,000
17	Department of Food and Public Distribution ..	Revenue	56650,68,00,000	1,07,00,000	56651,75,00,000
		Capital	10973,06,00,000	..	10973,06,00,000
18	Ministry of Corporate Affairs	Revenue	203,01,00,000	..	203,01,00,000
		Capital	46,00,00,000	..	46,00,00,000
19	Ministry of Culture	Revenue	1195,00,00,000	..	1195,00,00,000
		Capital	43,00,00,000	..	43,00,00,000
20	Ministry of Defence	Revenue	11245,89,00,000	24,00,000	11246,13,00,000
		Capital	1181,72,00,000	..	1181,72,00,000
21	Defence Pensions	Revenue	24999,75,00,000	25,00,000	25000,00,00,000
22	Defence Services-Army	Revenue	58978,16,00,000	17,03,00,000	58995,19,00,000
23	Defence Services-Navy	Revenue	9453,78,00,000	1,25,00,000	9455,03,00,000
24	Defence Services-Air Force	Revenue	15802,41,00,000	1,24,00,000	15803,65,00,000
25	Defence Ordnance Factories	Revenue	1998,34,00,000	1,50,00,000	1999,84,00,000
26	Defence Services—Research and Development	Revenue	5259,81,00,000	61,00,000	5260,42,00,000
27	Capital Outlay on Defence Services ..	Capital	59963,20,00,000	36,80,00,000	60000,00,00,000
28	Ministry of Development of North Eastern Region	Revenue	1618,33,00,000	..	1618,33,00,000
		Capital	241,00,00,000	..	241,00,00,000
29	Ministry of Earth Sciences	Revenue	1020,96,00,000	10,00,000	1021,06,00,000
		Capital	284,29,00,000	..	284,29,00,000
30	Ministry of Environment and Forests	Revenue	2555,74,00,000	..	2555,74,00,000
		Capital	45,42,00,000	..	45,42,00,000

THE SCHEDULE.—*cont.*
(See Sections 2, 3 and 4)

Sums not exceeding

No. of Vote	Services and purposes			Sums not exceeding		
				Voted by Parliament	Charged on the Consolidated Fund (3)	Total
(1)	(2)		Rs.	Rs.	Rs.	
31	Ministry of External Affairs	Revenue	5621,57,00,000	3,00,000	5621,60,00,000	
		Capital	753,40,00,000	..	753,40,00,000	
32	Department of Economic Affairs ..	Revenue	6821,08,00,000	..	6821,08,00,000	
		Capital	1850,40,00,000	..	1850,40,00,000	
33	Department of Financial Services ..	Revenue	32284,10,00,000	..	23384,10,00,000	
		Capital	17325,00,00,000	..	17325,00,00,000	
	<i>CHARGED-Interest Payments</i> ..	Revenue	251664,00,00,000		251664,00,00,000	
35	Transfers to State and Union Territory Governments	Revenue	78269,81,00,000	32639,00,00,000	110908,81,00,000	
		Capital	..	8163,44,00,000	8163,44,00,000	
36	Loans to Government Servants, etc ..	Capital	300,00,00,000	..	300,00,00,000	
	<i>CHARGED.—Repayment of Debt..</i>	Capital	..	3382664,56,00,000	3382664,56,00,000	
38	Department of Expenditure ..	Revenue	87,30,00,000	..	87,30,00,000	
		Capital	33,55,00,000	..	33,55,00,000	
39	Pensions	Revenue	15930,29,00,000	69,71,00,000	16000,00,00,000	
40	Indian Audit and Accounts Department	Revenue	2015,47,00,000	64,48,00,000	2079,95,00,000	
		Capital	10,20,00,000	..	10,20,00,000	
41	Department of Revenue ..	Revenue	11122,10,00,000	2,00,000	11122,12,00,000	
		Capital	77,00,000	..	77,00,000	
42	Direct Taxes	Revenue	2844,98,00,000	2,00,000	2845,00,00,000	
		Capital	1679,00,00,000	..	1679,00,00,000	
43	Indirect Taxes	Revenue	2742,80,00,000	50,00,000	2743,30,00,000	
		Capital	264,20,00,000	..	264,20,00,000	
44	Department of Disinvestment ..	Revenue	63,36,00,000	..	63,36,00,000	
45	Ministry of Food Processing Industries	Revenue	307,21,00,000	..	307,21,00,000	
		Capital	102,51,00,000	..	102,51,00,000	
46	Department of Health and Family Welfare	Revenue	24015,06,00,000	..	24015,06,00,000	
		Capital	1221,01,00,000	..	1221,01,00,000	
47	Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH)...	Revenue	961,50,00,000	..	961,50,00,000	
		Capital	2,50,00,000	..	2,50,00,000	
48	Department of Health Research ..	Revenue	660,00,00,000	..	660,00,00,000	
49	Department of Heavy Industry ..	Revenue	375,01,00,000	..	375,01,00,000	
		Capital	506,70,00,000	..	506,70,00,000	
50	Department of Public Enterprises..	Revenue	15,72,00,000	..	15,72,00,000	
51	Ministry of Home Affairs ..	Revenue	3195,12,00,000	30,00,000	3195,42,00,000	
		Capital	87,97,00,000	..	87,97,00,000	
52	Cabinet	Revenue	334,32,00,000	5,00,000	334,37,00,000	
		Capital	91,05,00,000	..	91,05,00,000	
53	Police	Revenue	23335,48,00,000	4,26,00,000	23339,74,00,000	
		Capital	6822,57,00,000	7,90,00,000	6830,47,00,000	
54	Other Expenditure of the Ministry of Home Affairs	Revenue	1359,51,00,000	3,00,000	1359,54,00,000	
		Capital	136,41,00,000	..	136,41,00,000	

THE SCHEDULE.—cont.
(See Sections 2, 3 and 4)

Sums not exceeding

No. of Vote	Services and purposes		Sums not exceeding		Total
			Voted by Parliament	Charged on the Consolidated Fund (3)	
(1)	(2)		Rs.	Rs.	Rs.
55	Transfers to Union territory Governments	Revenue	1919,10,00,000	..	1919,10,00,000
		Capital	72,00,00,000	..	72,00,00,000
56	Ministry of Housing and Urban Poverty Alleviation...	Revenue	1007,03,00,000	..	1007,03,00,000
57	Department of School Education and Literacy ..	Revenue	47772,88,00,000	..	47772,88,00,000
58	Department of Higher Education..	Revenue	16690,00,00,000	..	16690,00,00,000
59	Ministry of Information and Broadcasting	Revenue	2269,68,00,000	3,00,000	2269,71,00,000
		Capital	334,54,00,000	..	334,54,00,000
60	Ministry of Labour and Employment ..	Revenue	3165,00,00,000	2,00,000	3165,02,00,000
		Capital	763,40,00,000	..	763,40,00,000
61	Election Commission	Revenue	19,46,00,000	..	19,46,00,000
62	Law and Justice	Revenue	672,17,00,000	..	672,17,00,000
		Capital	15,02,00,000	..	15,02,00,000
	CHARGED-Supreme Court of India ..	Revenue	..	85,00,00,000	85,00,00,000
64	Ministry of Micro, Small and Medium Enterprises...	Revenue	2636,40,00,000	..	2636,40,00,000
		Capital	12,30,00,000	..	12,30,00,000
65	Ministry of Mines	Revenue	526,21,00,000	14,00,000	526,35,00,000
		Capital	39,79,00,000	..	39,79,00,000
66	Ministry of Minority Affairs ..	Revenue	2500,37,00,000	..	2500,37,00,000
		Capital	115,00,00,000	..	115,00,00,000
67	Ministry of New and Renewable Energy ..	Revenue	955,20,00,000	..	955,20,00,000
		Capital	53,30,00,000	..	53,30,00,000
68	Ministry of Overseas Indian Affairs ..	Revenue	71,80,00,000	..	71,80,00,000
		Capital	9,20,00,000	..	9,20,00,000
69	Ministry of Panchayati Raj ..	Revenue	5170,71,00,000	..	5170,71,00,000
70	Ministry of Parliamentary Affairs ..	Revenue	7,47,00,000	..	7,47,00,000
71	Ministry of Personnel, Public Grievances and Pensions	Revenue	561,77,00,000	14,08,00,000	575,85,00,000
		Capital	121,51,00,000	9,00,00,000	130,51,00,000
72	Ministry of Petroleum and Natural Gas ..	Revenue	3179,00,00,000	..	3179,00,00,000
73	Ministry of Planning	Revenue	1866,21,00,000	..	1866,21,00,000
		Capital	193,11,00,000	..	193,11,00,000
74	Ministry of Power	Revenue	11386,74,00,000	..	11386,74,00,000
		Capital	4428,84,00,000	..	4428,84,00,000
	CHARGED-Staff, Household and Allowances of the President	Revenue	..	29,11,00,000	29,11,00,000
76	Lok Sabha	Revenue	347,65,00,000	67,00,000	348,32,00,000
77	Raja Sabha	Revenue	172,33,00,000	72,00,000	173,05,00,000
	CHARGED-Union Public Service Commission	Revenue	..	116,67,00,000	116,67,00,000
79	Secretariat of the Vice-President ..	Revenue	3,02,00,000	..	3,02,00,000
80	Ministry of Road Transport and Highways ..	Revenue	16090,54,00,000	..	16090,54,00,000
		Capital	19826,56,00,000	8,20,00,000	19834,76,00,000
81	Department of Rural Development ..	Revenue	137880,16,00,000	..	137880,16,00,000
		Capital	7,82,00,000	..	7,82,00,000

THE SCHEDULE.—*cont.*
(See Sections 2, 3 and 4)

Sums not exceeding

No. of Vote	Services and purposes		Sums not exceeding		Total
			Voted by Parliament	Charged on the Consolidated Fund (3)	
(1)	(2)		Rs.	Rs.	Rs.
82	Department of Land Resources ..	Revenue	2665,80,00,000	..	2665,80,00,000
83	Department of Drinking water supply ..	Revenue	10583,78,00,000	..	10583,78,00,000
84	Department of Science and Technology ..	Revenue	2338,88,00,000	2,00,000	2338,90,00,000
		Capital	37,60,00,000	..	37,60,00,000
85	Department of Scientific and Industrial Research	Revenue	2982,20,00,000	..	2982,20,00,000
		Capital	5,80,00,000	..	5,80,00,000
86	Department of Biotechnology ..	Revenue	1222,00,00,000	..	1222,00,00,000
87	Ministry of Shipping	Revenue	1654,41,00,000	..	1654,41,00,000
		Capital	518,48,00,000	..	518,48,00,000
88	Ministry of Social Justice and Empowerment	Revenue	4374,00,00,000	..	4374,00,00,000
		Capital	200,00,00,000	..	200,00,00,000
89	Department of Space.. ..	Revenue	3100,26,00,000	50,00,000	3100,76,00,000
		Capital	2676,88,00,000	40,00,000	2677,28,00,000
90	Ministry of Statistics and Programme Implementation	Revenue	2138,66,00,000	..	2138,66,00,000
		Capital	9,69,00,000	..	9,69,00,000
91	Ministry of Steel	Revenue	113,92,00,000	..	113,92,00,000
		Capital	1,00,00,000	..	1,00,00,000
92	Ministry of Textiles	Revenue	5478,94,00,000	..	5478,94,00,000
		Capital	129,14,00,000	..	129,14,00,000
93	Ministry of Tourism	Revenue	1108,41,00,000	..	1108,41,00,000
		Capital	11,00,00,000	..	11,00,00,000
94	Ministry of Tribble Affairs ..	Revenue	328,30,00,000	2822,07,00,000	3150,37,00,000
		Capital	70,00,00,000	..	70,00,00,000
95	Andaman and Nicobar Islands	Revenue	1775,11,00,000	1,00,000	1775,12,00,000
		Capital	387,69,00,000	..	387,69,00,000
96	Chandigarh	Revenue	1729,69,00,000	71,26,00,000	1800,95,00,000
		Capital	515,91,00,000	5,00,000	515,96,00,000
97	Dadra and Nagar Haveli ..	Revenue	1581,45,00,000	..	1581,45,00,000
		Capital	61,21,00,000	..	61,21,00,000
98	Daman and Diu	Revenue	665,24,00,000	..	665,24,00,000
		Capital	85,13,00,000	..	85,13,00,000
99	Lakshadweep	Revenue	581,43,00,000	..	581,43,00,000
		Capital	216,29,00,000	..	216,29,00,000
100	Department of Urban Development ..	Revenue	1183,20,00,000	29,41,00,000	1212,61,00,000
		Capital	4755,98,00,000	20,62,00,000	4776,60,00,000
101	Public Works	Revenue	1070,89,00,000	1,00,00,000	1071,89,00,000
		Capital	399,69,00,000	1,00,00,000	400,69,00,000

THE SCHEDULE.—*cont.*
(See Sections 2, 3 and 4)

No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund (3)	Total
(1)	(2)		Rs.	Rs.	Rs.
102	Stationery and Printing ..	Revenue	228,64,00,000	..	228,64,00,000
		Capital	13,00,000	..	13,00,000
103	Ministry of Water Resources ..	Revenue	1020,52,00,000	..	1020,52,00,000
		Capital	107,00,00,000	4,00,00,000	111,00,00,000
104	Ministry of Women and Child development	Revenue	11070,50,00,000	..	11070,50,00,000
105	Ministry of Youth Affairs and Sports	Revenue	2355,43,00,000	..	2355,43,00,000
		Capital	1209,57,00,000	..	1209,57,00,000
	Total ...		982482,87,00,000	367855,47,00,000	4661038,34,00,000

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

(Republished by Order of the Governor)

R. KATHIRVEL,
*Additional Secretary to Government,
Law Department.*