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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 23rd December, 2005:—

I

BILL NO. CXXXI OF 2005

A Bill further to amend the Wild Life (Protection) Act, 1972.

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

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2005.

Short title
and
commence-
ment.

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

53 of 1972.

2. After Chapter IV A of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), the following Chapter shall be inserted, namely:—

Insertion of
new Chapter
IVB.

‘CHAPTER IV B

NATIONAL TIGER CONSERVATION AUTHORITY

38K. In this Chapter,—

Definitions.

(a) “National Tiger Conservation Authority” means the Tiger Conservation Authority constituted under section 38L;

(b) “Steering Committee” means the Committee constituted under section 38U;

(c) "Tiger Conservation Foundation" means the foundation established under section 38X;

(d) "tiger reserve State" means a State having tiger bearing forest and such non-forest natural habitats;

(e) "tiger reserve" means the areas notified as such under section 38V.

Constitution
of National
Tiger
Conservation
Authority.

38L. (1) The Central Government shall constitute a body to be known as the National Tiger Conservation Authority (hereinafter in this Chapter referred to as the Tiger Conservation Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Tiger Conservation Authority shall consist of the following members, namely:—

(a) the Minister in charge of the Ministry of Environment and Forests—Chairperson;

(b) the Minister of State in the Ministry of Environment and Forests—Vice-Chairperson;

(c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(d) eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out of which at least two shall be from the field of tribal development;

(e) Secretary, Ministry of Environment and Forests;

(f) Director General of Forests and Special Secretary, Ministry of Environment and Forests;

(g) Director, Wild Life Preservation, Ministry of Environment and Forests;

(h) six Chief Wild Life Wardens from the tiger reserve States in rotation for three years;

(i) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice;

(j) Inspector-General of Forests in charge of Project Tiger having at least ten years experience in a tiger reserve or conservation, who shall be the Member-Secretary, *ex officio*,

to be notified by the Central Government, in the Official Gazette.

(3) It is hereby declared that the office of member of the Tiger Conservation Authority shall not disqualify its holder for being chosen as, or for being a member of either House of Parliament.

Term of office
and conditions
of service of
members.

38M. (1) A member nominated under clause (d) of sub-section (2) of section 38L shall hold office for such period not exceeding three years:

Provided that a member may, by writing under his hand, addressed to the Central Government, resign from his office.

(2) The Central Government shall remove a member referred to in clause (d) of sub-section (2) of section 38L, from office if he —

- (a) is, or at any time has been, adjudicated as insolvent;
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;
- (c) is of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Tiger Conservation Authority, absent from three consecutive meetings of the said Authority; or
- (f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no member shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter.

(3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he is appointed.

(4) The salaries and allowances and other conditions of appointment of the members of the Tiger Conservation Authority shall be such as may be prescribed.

(5) No act or proceeding of the Tiger Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Tiger Conservation Authority.

38N. (1) The Tiger Conservation Authority may, with the previous sanction of the Central Government, appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act:

Officers and
employees of
Tiger
Conservation
Authority.

Provided that the officers and employees holding office under the Directorate of Project Tiger and dealing with Project Tiger immediately before the date of constitution of the Tiger Conservation Authority shall continue to hold office in the said Authority by the same tenure and upon the same terms and conditions of service until the expiry of the period of six months from that date if such employee opts not to be the employee of that Authority.

(2) The terms and conditions of service of the officers and other employees of the Tiger Conservation Authority shall be such as may be prescribed.

38-O. (1) The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:—

Powers and
Functions of
Tiger
Conservation
Authority.

(a) to approve the tiger conservation plan prepared by the State Government under sub-section (3) of section 38V of this Act;

(b) evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use within the tiger reserves;

(c) lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance;

(d) provide for management focus and measures to be taken on tiger bearing forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code;

(e) provide information on protection measures including future conservation plan, tiger estimation, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;

(f) approve and co-ordinate research on tiger, its habitat and related ecological and socio-economic parameters;

(g) ensure that identified tiger bearing forests are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wild Life on the advice of the Tiger Conservation Authority;

(h) facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco-development and people's participation as per approved management plans and to support similar initiatives in adjoining areas consistent with the Central and State laws;

(i) ensure critical support including scientific, information technology and legal support for better implementation of the tiger conservation plan;

(j) facilitate ongoing capacity building programme for skill development of officers and staff of tiger reserves; and

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of tigers.

(2) The Tiger Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of tiger in tiger reserves and tiger bearing forests, and such person, officer or authority shall be bound to comply with the directions.

38P. (1) The Tiger Conservation Authority shall meet at such time and at such place as the Chairperson may think fit.

(2) The Chairperson or in his absence the Vice-Chairperson shall preside over the meetings of the Tiger Conservation Authority.

(3) The Tiger Conservation Authority shall regulate its own procedure.

(4) All orders and decisions of the Tiger Conservation Authority shall be authenticated by the Member-Secretary or any other officer of the said Authority duly authorised by the Member-Secretary in this behalf.

38Q. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Tiger Conservation Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Tiger Conservation Authority Fund and there shall be credited thereto—

(i) any grants and loans made to the Tiger Conservation Authority by the Central Government;

(ii) all fees and charges received by the Tiger Conservation Authority under this Act; and

(iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Tiger Conservation Authority and the expenses of the Tiger Conservation Authority incurred in the discharge of its functions under this Chapter.

Procedure to
be regulated
by Tiger
Conservation
Authority.

Grants and
loans to Tiger
Conservation
Authority and
constitution
of Fund.

38R. (1) The Tiger Conservation Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit of Tiger Conservation Authority.

(2) The accounts of the Tiger Conservation Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Tiger Conservation Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Tiger Conservation Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Tiger Conservation Authority.

(4) The accounts of the Tiger Conservation Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Tiger Conservation Authority.

38S. The Tiger Conservation Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report of Tiger Conservation Authority.

38T. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

Annual report and audit report to be laid before Parliament.

38U. (1) The State Government may constitute a Steering Committee for ensuring co-ordination, monitoring, protection and conservation of tiger, co-predators and prey animals within the tiger range States.

Constitution of Steering Committee.

(2) The Steering Committee shall consist of—

(a) the Chief Minister — Chairperson;

(b) Minister in-charge of Wild Life — Vice-Chairperson;

(c) such number of official members not exceeding five including at least two Field Directors of tiger reserve or Director of National Park and one from the State Governments' Departments dealing with tribal affairs;

(d) three experts or professionals having qualifications and experience in conservation of wild life;

(e) Chief Wild Life Warden of the State shall be the Member-Secretary, *ex officio*,

to be notified by the State Government, in the Official Gazette.

38V. (1) The State Government shall, on the recommendations of the Tiger Conservation Authority, notify an area as a tiger reserve.

Tiger Conservation Plan.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 of this Act shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary.

(3) The State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub-section (1), so as to ensure:—

(a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;

(b) ecologically compatible land uses in the tiger bearing forests for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas;

(c) the forestry operations in tiger bearing forests of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.

(4) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve.

Explanation.— For the purposes of this section, the expression “tiger reserve” includes:—

(i) “buffer area” essentially needed for eliciting support of local people through eco development to reduce their resource dependency on the core area, and as dispersal habitat for the tiger and tiger-prey dispersing from the prime breeding area provided by the core area, delineated around the core zone of a tiger reserve; and

(ii) “core area” essentially needed for the breeding of tiger and its prey species as well as that needed to provide secure habitat for the typical wild biodiversity constituents of the region.

38W. (1) No alteration in the boundaries of a tiger reserve shall be made except on a recommendation of the Tiger Conservation Authority and the approval of the National Board for Wild Life.

(2) No State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life.

38X. (1) The State Government shall establish a Tiger Conservation Foundation for tiger reserves within the State in order to facilitate and support their management for conservation of tiger and biodiversity and, to take initiatives in eco-development by involvement of people in such development process.

(2) The Tiger Conservation Foundation shall, *inter alia*, have the following objectives:—

(a) to facilitate ecological, economic, social and cultural development in the tiger reserves;

(b) to promote eco-tourism with the involvement of local stake-holder communities and provide support to safeguard the natural environment in the tiger reserves;

(c) to facilitate the creation of and or maintenance of such assets as may be necessary for fulfilling the above said objectives;

(d) to solicit technical, financial, social, legal and other support required for the activities of the Foundation for achieving the above said objectives;

Alteration
and de-
notification
of tiger
reserves.

Establishment
of Tiger
Conservation
Foundation.

(e) to augment and mobilise financial resources including recycling of entry and such other fees received in a tiger reserve, to foster stake-holder development and eco-tourism;

(f) to support research, environmental education and training in the above related fields.

3. In section 51 of the principal Act, in sub-section (1),—

Amendment
of section 51.

(i) after the first proviso, the following proviso shall be inserted, namely:—

“Provided further that where the offence committed is in relation to the core area of a tiger reserve or where the offence relates to hunting in the tiger reserve or altering the boundaries of the tiger reserve, such offence shall be punishable with imprisonment for a term which shall not be less than three years, but which may extend to seven years and also with fine which shall not be less than twenty-five thousand rupees.”;

(ii) in the second proviso, for the words “Provided further”, the words “Provided also that” shall be substituted.

4. In section 55 of the principal Act, after clause (aa), the following clauses shall be inserted, namely:—

Amendment
of section 55.

“(ab) Member-Secretary, Tiger Conservation Authority; or

(ac) Director of the concerned tiger reserve; or”.

5. In section 59 of the principal Act, after the word, figure and letter “Chapter IV A”, the word, figure and letter “Chapter IV B” shall be inserted.

Amendment
of section 59.

6. In section 60 of the principal Act, in sub-section (3), after the word, figure and letter “Chapter IV A”, the word, figure and letter “Chapter IV B” shall be inserted.

Amendment
of section 60.

7. In section 63 of the principal Act, in sub-section (1), after clause (g), the following clauses shall be inserted, namely:—

Amendment
of section 63.

“(gi) qualifications and experience of experts or professionals under clause (d) of sub-section (2) of section 38L;

(gii) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38M;

(giii) the terms and conditions of service of the officers and other employees of the Tiger Conservation Authority under sub-section (2) of section 38N;

(giv) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (1) of section 38R;

(gv) the form in which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S;”.

STATEMENT OF OBJECTS AND REASONS

Project Tiger was launched in the country on 1st April, 1973 for conserving the endangered tiger. Initially, 9 Tiger Reserves were covered under the project, which has now increased to 28 Tiger Reserves, falling in 17 States. The Central Government provides funding support to projects prepared by the States in this regard. Since then, the Project Tiger is a Centrally Sponsored Scheme. The implementation of the project over the years highlighted the need for a statutory Authority, having legal backing with well defined functions, for conservation of tigers in the country. Despite the project ongoing for more than three decades, the status of tigers in the country remains critical, which necessitate the need for addressing the issue right from planning to administration and making provisions for dealing with cases of violation.

Any conservation effort to save tiger, must take care of the prevailing peculiar circumstances in the country, where forests are not wilderness areas but also where tribal and other people live. On the basis of the recommendations of the National Board for Wild Life, a Task Force was setup to look into the problems of tiger conservation in the country and to suggest comprehensive measures for its improvement.

The recommendations of the Task Force, *inter alia*, include strengthening of Project Tiger by giving it statutory as well as administrative powers. It has also recommended that the report relating to Project Tiger should annually be sent to the Central Government for laying in Parliament so that the commitment to the Project Tiger is reviewed from time to time.

With this twin objective of tiger conservation and harmonizing the rights of the tribal people living in and around tiger reserves, it is proposed to amend the Wild Life (Protection) Act, 1972, to provide for the National Tiger Conservation Authority responsible for implementation of Project Tiger plan for protecting endangered tigers; and to harmonize and facilitate the implementation of the Tiger Conservation Plans prepared by the State Governments taking into account the needs and concerns of the local people. The amendments are aimed at putting in place, a mechanism which will balance and manage, the livelihood needs of the local people with the imperatives of tiger conservation. The proposed amendment, *inter alia*, envisage—

- (i) constitution of the National Tiger Conservation Authority;
- (ii) powers and functions of the Tiger Conservation Authority, so as to include—
 - (a) approval of Tiger Conservation Plan prepared by State Governments;
 - (b) lay down normative standards, guidelines for tiger conservation in the buffer and core areas of tiger reserve, apart from ensuring their due compliance;
 - (c) providing information on protection measures including future conservation plan, tiger estimation, disease, surveillance mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit, including future plan for conservation;
 - (d) approve and co-ordinate research on tiger, its habitat and related ecological and socio-economic parameters;
 - (e) ensure that identified tiger bearing forests are not diverted for ecologically unsustainable uses, except in public interest, and with the approval of the National Board for Wild Life on the advice of the Tiger Conservation Authority,
 - (f) facilitate and support tiger reserve management in the State through eco-development and people's participation as per approved management plans, and to support similar initiatives in adjoining areas consistent with the Central and State laws;
- (iii) preparing the Annual Report of the Tiger Conservation Authority and submission of the audited report to the Central Government for laying before Parliament;

(iv) constitution of Steering Committee by States;

(v) preparation of the Tiger Protection and Conservation Plans by State Governments including staff development and deployment, protection, habitat inputs, addressing the livelihood concerns of local people and compatibility of forestry operations in the adjoining Forest Divisions;

(vi) ensuring the agricultural, livelihood, developmental and other interests of people living inside forests or in tiger bearing forest areas in and around a Tiger Reserve;

(vii) establishing a Tiger Conservation Foundation by States for supporting their development.

The Bill seeks to achieve the aforesaid objects.

A. RAJA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert Chapter IV B, consisting of new sections 38 K to 38X, in the Wild Life (Protection) Act, 1972 (53 of 1972) to provide for the constitution of the National Tiger Conservation Authority, its composition and other related provisions. Sub-section (4) of section 38M provides for the salaries and allowances of the Members of the Authority. Sub-section (2) of section 38N provides for terms and conditions of service of the officers and other employees of the Authority.

2. Sub-section (1) of section 38Q provides that after due appropriation made by Parliament, the Central Government shall pay the grants and loans of such sums of money as the Central Government may consider necessary for being utilised for the purposes of the Bill and sub-section (2) thereof provides for constitution of the Tiger Conservation Authority Fund in which all grants, loans made by the Central Government, fees and charges, etc., received by the Authority shall be credited.

3. The Project Tiger Directorate has been bearing the expenditure for the meetings of the Steering Committee since its inception and hence the expenditure incurred for the meetings of the Authority would be met from the sanctioned budget of rupees thirty-two crores allocated for Project Tiger during the year 2005-06 from the Consolidated Fund of India. Provision for Project Tiger already exists during the Xth Five Year Plan period and hence this would, therefore cause no additional financial liabilities on the Government.

4. Section 38U provides for constitution of Steering Committee of Project Tiger in tiger range States under the Chairmanship of Chief Minister, and the expenditure towards this would also be borne from the grants being given to States under the ongoing Project Tiger Scheme.

5. The Bill, if enacted and brought into operation, is not likely to involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to insert a new Chapter IVB in the Wild Life (Protection) Act, 1972 (53 of 1972) to provide for the constitution of the National Tiger Conservation Authority. Under the following provisions of the Bill, the Central Government is authorised to prescribe by rules—

- (i) the salaries, allowances and other conditions of appointment of members of the Authority (sub-section (4) of section 38M);
- (ii) the terms and conditions of service of officers and other employees of the Authority (sub-section (2) of section 38N);
- (iii) the form in which the annual statement of accounts of the Authority is to be prepared (sub-section (1) of section 38R); and
- (iv) the form and time for submitting annual reports of the Authority to the Central Government (section 38S).

The matters in respect of which the said rules may be made are matters of procedure and administrative detail, and it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

II

BILL No. CXXXII OF 2005

A Bill to establish and incorporate the National Institute of Fashion Technology for the promotion and development of education and research in fashion technology and for matters connected therewith and incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Institute of Fashion Technology Act, 2005.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Short title and
commence-
ment.

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

Definitions.

(a) "appointed day" means the date of establishment of the National Institute of Fashion Technology under sub-section (1) of section 3;

(b) "Board" means the Board of Governors of the Institute constituted under sub-section (3) of section 3;

(c) "Chairperson" means the Chairperson of the Institute nominated under clause (a) of sub-section (3) of section 3;

(d) "Director-General" means the Director-General of the Institute appointed under section 15;

(e) "fashion" includes a popular trend, specially in styles of dress and ornament or manners of behaviour or the business of creating, promoting or studying styles in vogue or the production and marketing of new styles of clothing and cosmetics; and the words "fashion technology" with their grammatical variations and cognate expressions, shall be construed accordingly;

(f) "Fund" means the Fund of the Institute to be maintained under section 19;

(g) "Institute" means the National Institute of Fashion Technology established under sub-section (1) of section 3;

(h) "Institute Campus" means an Institute Campus located at New Delhi, Gandhinagar, Chennai, Mumbai, Hyderabad, Bangalore, Kolkata or any other place in India or abroad as may be decided by the Board of Governors;

(i) "Senate" means the Senate of the Institute referred to in section 12;

(j) "Society" means the National Institute of Fashion Technology, New Delhi registered as a society under the Societies Registration Act, 1860;

(k) "Statutes" and "Ordinances" mean respectively the Statutes and the Ordinances of the Institute made under this Act.

CHAPTER II

THE INSTITUTE

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, the National Institute of Fashion Technology shall be established as a body corporate by the name aforesaid.

Establishment
of the Institute.

(2) The Institute shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue or be sued.

(3) The Institute shall consist of the Board of Governors having the following persons, namely:—

(a) a Chairperson, who shall be an eminent academician, scientist or technologist or professional, to be nominated by the Visitor;

(b) the Director-General of the Institute, *ex officio*;

(c) the Financial Adviser of the Ministry or Department in the Government of India dealing with the National Institute of Fashion Technology, *ex officio*;

(d) the Joint Secretary, in the Ministry or Department in the Government of India dealing with the National Institute of Fashion Technology, *ex officio*;

(e) the representative of the Ministry or Department in the Government of India dealing with higher education to be nominated by the Secretary of that Ministry or Department, *ex officio*;

(f) five persons to be nominated by the Central Government, representing the States in which the campus of the Institute is located, from amongst persons who are academicians or industrialists of repute engaged in area of fashion technology; and

(g) two eminent experts in fashion technology, one of whom shall be an educationist, to be nominated by the Visitor on the recommendations of the Central Government.

(4) The term of office of the Chairperson and other members of the Board other than *ex officio* members thereof shall be three years and they shall be entitled for such allowances as may be determined by the Central Government.

(5) The term of office of members of the Board nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated.

(6) The Board shall meet at least four times in a year at such place and time and observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by the Board.

Vesting of
properties.

4. On and from the appointed day, subject to the other provisions of this Act, all properties which had vested in the Society, immediately before the commencement of this Act, shall on and from such commencement, vest in the Institute.

Effect of
incorporation
of Institute.

5. On and from the appointed day —

(a) any reference to the Society in any contract or other instrument shall be deemed as a reference to the Institute;

(b) all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of, the Institute; and

(c) every person employed by the Society immediately before the appointed day shall hold office or service in the Institute by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to be so unless and until his employment is terminated or until such tenure, remuneration, terms and conditions are duly altered by the Statutes:

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

Functions of
Institute.

6. The functions of the Institute shall be —

(i) to nurture and promote quality and excellence in education and research in area of fashion technology;

(ii) to lay down courses leading to graduate and post-graduate degrees, doctoral and post-doctoral courses and research in area of fashion technology;

(iii) to hold examinations and grant degrees in area of fashion technology;

(iv) to confer honorary degrees, awards or other distinctions in area of fashion technology;

(v) to cooperate with educational or other institutions in any part of the world having objects wholly or partly similar to those of the Institute by exchange of faculty members and scholars and generally in such manner as may be conducive to their common objective;

(vi) to conduct courses for teachers, fashion technologists and other professionals;

(vii) to undertake research and studies in area of fashion technology and application thereof, particularly concerning the integration of locally produced materials, the requirements of mass production, improved quality and design and international marketing;

(viii) to collect and maintain literature and materials available in area of fashion technology so as to develop a modern information centre within the country;

(ix) to create a central faculty of fashion technology resource and analysis for use by the researchers;

(x) to have a centre to experiment and innovate and to train persons in the area of fashion technology;

(xi) to develop an international centre for creation and transmission of information in the area of fashion technology, with focus on educational, professional and industrial commitments;

(xii) to develop a multi-disciplinary approach in carrying out research and training in area of fashion technology so that the larger interests of the profession, academia and fashion industry are better served;

(xiii) to organise national or international symposia, seminars, conferences and exhibitions in selected area of fashion technology, from time to time;

(xiv) to arrange courses catering to the special needs of the developing countries;

(xv) to act as a nucleus for interaction between academia and industry by encouraging exchange of fashion technologists and other technical staff between the Institute and the industry and by undertaking sponsored and funded research as well as consultancy projects by the Institute;

(xvi) to provide technical assistance to artisans, craftsmen, manufacturers, designers and exporters of fashion products; and

(xvii) to carry out any other activity in the area of fashion technology not specifically listed above.

7. (1) Subject to the provisions of this Act, the Board, under overall control of the Central Government, shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Senate.

Powers of Board.

(2) Without prejudice to the provisions of sub-section (1), the Board shall –

(a) take decisions on questions of policy relating to the administration and working of the Institute;

(b) take decisions on the establishment of new campuses of the Institute at any location in India or abroad;

(c) fix, demand and receive fees and other charges;

(d) establish, maintain and manage halls and hostels for the residence of the students;

(e) supervise and control the residence and regulate the discipline of students of the Institute and to make arrangements for promoting their health, general welfare and cultural and corporate life;

(f) institute academic and other posts and to make appointments thereto (except in the case of the Director-General);

(g) frame Statutes and Ordinances and to alter, modify or rescind the same;

(h) institute and award fellowships, scholarships, prizes and medals;

(i) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Institute for the next financial year as it thinks fit together with a statement of its development plans;

(j) receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable properties from the testators, donors or transferors, as the case may be; and

(k) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the aforesaid powers.

(3) The Board shall have the power to appoint such committees, as it considers necessary for the exercise of its powers and the performance of its duties under this Act.

(4) Notwithstanding anything contained in sub-section (2) of section 3, the Board shall not dispose of in any manner any immovable property without the prior approval of the Central Government.

(5) The Central Government may appoint one or more persons to review the work and progress of the Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Central Government may direct.

(6) Upon receipt of any such report the Central Government may take such action and issue such directions as it considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions.

(7) The Visitor shall have the power to remove the Chairperson or other members of the Board nominated by him, on the recommendations of the Central Government.

(8) The Central Government shall have the power to remove other members, if it considers it appropriate to do so.

(9) No Chairperson or member shall be removed under sub-section (7) or sub-section (8) unless he has been given a reasonable opportunity of being heard in the matter.

Institute be open to all races, creeds and classes.

8. (1) The Institute shall be open to persons of either sex and of whatever race, creed, caste or class, and no test or condition shall be imposed as to religious belief or profession in admitting or appointing members, students, teachers or workers or in any other connection whatsoever.

(2) No bequest, donation or transfer of any property shall be accepted by the Institute, which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this section.

Teaching at Institute.

9. All teaching at the campuses of the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and the Ordinances made in this behalf.

Visitor.

10. The President of India shall be the Visitor of the Institute.

Authorities of Institute.

11. The following shall be the authorities of the Institute, namely:—

(a) a Board of Governors;

(b) a Senate; and

(c) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

Senate.

12. The Senate of the Institute shall consist of the following persons, namely:—

(a) the Director-General, *ex officio* who shall be the Chairperson of the Senate;

(b) all Institute Campus Directors and Senior Professors;

(c) three persons, not being employees of the Institute, to be nominated by the Chairperson in consultation with the Director-General, from amongst educationists of repute, one each from the fields of science, engineering and humanities and one of them shall be either from the Scheduled Castes or the Scheduled Tribes;

(d) one alumnus of the Institute to be nominated by the Chairperson in consultation with the Director-General by rotation; and

(e) such other members of the staff as may be laid down in the Statutes.

Functions of Senate.

13. Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of the Institute shall have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examination in the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

14. (1) The Chairperson shall ordinarily preside at the meetings of the Board and at the Convocations of the Institute. Functions, powers and duties of Chairperson.
- (2) The Chairperson shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes.
15. (1) The Director-General of the Institute shall be appointed by the Board with the prior approval of the Central Government for a tenure of three years. Director-General.
- (2) The Director-General shall be the principal executive officer of the Institute and shall be responsible for the proper administration of the Institute and for imparting of instruction and maintenance of discipline therein.
- (3) The Director-General shall submit annual reports and accounts to the Board.
- (4) The Director-General shall exercise such other powers and perform such other duties as may be assigned to him by this Act, Statutes and Ordinances.
- (5) The Central Government shall have the power to remove the Director-General before the tenure of three years, if it considers it appropriate to do so.
16. (1) The Registrar of the Institute shall be appointed on such terms and conditions as may be laid down by the Statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Board shall commit to his charge. Registrar.
- (2) The Registrar shall act as the Secretary of the Board, the Senate and such committees as may be prescribed by the Statutes.
- (3) The Registrar shall be responsible to the Director-General for the proper discharge of his functions.
- (4) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or by the Director-General.
17. The powers and duties of authorities and officers, other than those hereinbefore mentioned, shall be determined by the Statutes. Powers and duties of other authorities and officers.
18. For the purpose of enabling the Institute to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit. Grants by Central Government.
19. (1) The Institute shall maintain a Fund to which shall be credited — Fund of Institute.
- (a) all moneys provided by the Central Government;
- (b) all fees and other charges received by the Institute;
- (c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and
- (d) all moneys received by the Institute in any other manner or from any other source.
- (2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.
- (3) The fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its duties under this Act.
20. Notwithstanding anything contained in section 19, the Central Government may direct the Institute to — Setting up of endowment fund.
- (a) set up an endowment fund and any other fund for specified purpose; and
- (b) transfer money from its Fund to endowment fund or any other fund.

Accounts
and audit.

21. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet, in such form as may be specified, in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Institute.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Pension and
provident
fund.

22. (1) The Institute shall constitute, for the benefit of its employees, including the Director-General, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it may consider necessary.

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

19 of 1925

Appointment.

23. All appointments of the staff of the Institute, except that of the Director-General, shall be made in accordance with the procedure laid down in the Statutes by —

(a) the Board, if the appointment is made on the academic staff in the post of Assistant Professor or above or if the appointment is made on the non-academic staff in any cadre, the maximum of the pay-scale for which is the same or higher than that of Assistant Professor; and

(b) the Director-General, in any other case.

Statutes.

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

(a) the formation of departments of teaching;

(b) the institution of fellowships, scholarships, exhibitions, medals and prizes;

(c) the classification, the method of appointment and the determination of the terms and conditions of service of officers, teachers and other staff of the Institute;

(d) the reservation of posts for the Scheduled Castes, the Scheduled Tribes and other backward categories of persons as may be determined by the Central Government;

(e) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the Institute;

(f) the constitution, powers and duties of the authorities of the Institute;

(g) the establishment and maintenance of halls and hostels;

(h) the manner of filling up of vacancies among members of the Board;

(i) the authentication of the orders and decisions of the Board;

(j) the meetings of the Senate, the quorum at such meetings and the procedure to be followed in the conduct of their business; and

(k) any other matter which by this Act is to be or may be prescribed by the Statutes.

25. (1) The first Statutes of the Institute shall be framed by the Board with the previous approval of the Visitor and a copy of the same shall be laid as soon as may be before each House of Parliament. Statutes
how made.

(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(3) Every new Statute or addition to the Statute or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold assent or remit it to the Board for consideration.

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

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

(a) the admission of the students to the Institute;

(b) the reservation for the Scheduled Castes, the Scheduled Tribes and other backward categories of persons;

(c) the courses of study to be laid down for all degrees, diplomas and certificates of the Institute;

(d) the conditions under which students shall be admitted to the degree, diploma and certificate courses and to the examinations of the Institute and award of degrees, diplomas and certificates;

(e) the conditions for award of fellowships, scholarships, exhibitions, medals and prizes;

(f) the conditions and mode of appointment and duties of examining body, examiners and moderators;

(g) the conduct of examinations;

(h) the maintenance of discipline among the students of the Institute;

(i) the fees to be charged for courses of study in the Institute and for admission to the examinations of degrees, diplomas and certificates of the Institute;

(j) the conditions of residence of students of the Institute and the levying of the fees for residence in the halls and hostels and other charges; and

(k) any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

27. (1) Save as otherwise provided in this section, Ordinances shall be made by the Senate. Ordinances
how made.

(2) All Ordinances made by the Senate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board at its next succeeding meeting.

(3) The Board shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

28. (1) Any dispute arising out of a contract between the Institute and any of its employees shall at the request of the employee concerned or at the instance of the Institute be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee and an umpire appointed by the Visitor. Tribunal of
Arbitration.

(2) The decision of the Tribunal of Arbitration shall be final and shall not be questioned in any court.

(3) No suit or proceeding shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration.

(4) The Tribunal of Arbitration shall have power to regulate its own procedure.

(5) Nothing in any law for the time being in force relating to arbitration shall apply to arbitration under this section.

CHAPTER III

MISCELLANEOUS

Acts and proceedings not to be invalidated by vacancies, etc.

29. No act of the Institute or Board or Senate or any other body set up under this Act or the Statutes, shall be invalid merely by reason of—

(a) any vacancy in, or defect in the constitution thereof; or

(b) any defect in the election, nomination or appointment of a person acting as a member thereof; or

(c) any irregularity in its procedure not affecting the merits of the case.

Sponsored schemes.

30. Notwithstanding anything contained in this Act, whenever the Institute receives funds from any Government, the University Grants Commission or any other agency including industry sponsoring a research scheme or a consultancy assignment or a teaching programme or a chaired professorship or a scholarship, etc., to be executed or endowed at the Institute:—

(a) the amount received shall be kept by the Institute separately from the Fund of the Institute and utilised only for the purpose of the scheme; and

(b) the staff required to execute the same shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organizations:

Provided that any money remaining unutilised shall be transferred to the endowment fund created under section 20 of this Act.

Power of Institute to grant degrees, etc.

31. The Institute shall have the power to grant degrees, diplomas, certificates and other academic distinctions under this Act, which shall be equivalent to such corresponding degrees, diplomas, certificates and other academic distinctions granted by any University or Institute established or incorporated under any other law for the time being in force.

Power to remove difficulties.

32. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision or give such direction not inconsistent with the purposes of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Transitional provisions.

33. Notwithstanding anything contained in this Act —

(a) the Board of Governors of the Society functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for the Institute under this Act, but on the constitution of a new Board under this Act the members of the Board holding office before such constitution shall cease to hold office; and

(b) until the first Statutes and the Ordinances are made under this Act, the rules and regulations, instructions and guidelines of the Society as in force, immediately before the commencement of this Act, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

34. (1) Every Statute or Ordinance made under this Act shall be published in the Official Gazette.

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

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

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

STATEMENT OF OBJECTS AND REASONS

The National Institute of Fashion Technology (NIFT) was set up by the Government of India, in the Ministry of Textiles in the year 1986 as a society under the Societies Registration Act, 1860. NIFT is fully funded and supported by the Government as a national level institute for Design, Management and Technology to prepare and train professionals to meet the challenges of the dynamic global market in promoting India's exports in textiles, garments, lifestyle products and other fashion goods. The Institute has been running full time diploma programmes in Fashion Design, Garment Manufacturing Technology, Apparel Marketing and Merchandising, Accessory Design, Leather Garment Design and Technology, Knitwear Design and Technology, Textile Design and Development and Fashion Communication through seven Centres at New Delhi, Mumbai, Kolkata, Chennai, Hyderabad, Gandhinagar and Bangalore. In 2003, the academic programmes were restructured to bring them at par with technical education programmes offered by other professional Institutions with international benchmarking. NIFT has played a pathfinder's role in benchmarking professional Fashion Business Education proactively anticipating and responding to the emerging business environment.

2. The potential for Indian products has not yet been fully exploited and there is immense potential for its future growth. In order to take full advantage of the opportunities that are now available, there is an urgent need to take a serious look at the education in the area of fashion technology. This is proposed to be achieved through establishing and incorporating NIFT, *inter alia*, for:

- (a) nurturing and promoting quality and excellence in education and research in the area of fashion technology;
- (b) granting degrees in the area of fashion technology; and
- (c) acting as a nucleus for interaction between academia and fashion Industry.

The National Institute of Fashion Technology Bill, 2005 is proposed to grant statutory status to the National Institute of Fashion Technology.

3. The Bill seeks to achieve the above objects.

SHANKERSINH VAGHELA.

Notes on clauses

Clause 1. – Provides for short title and commencement of the Bill.

Clause 2. – Defines certain expressions occurring in the Bill.

Clause 3. – Provides for establishment of the Institute, perpetual succession and Board of Governors of the Institute.

Clause 4. – Provides for vesting properties of the NIFT as a society with the Institute under this Bill.

Clause 5. – Provides for effect of incorporation of the Institute on NIFT which is currently a society under Societies Registration Act, 1860.

Clause 6. – Provides for various functions of the Institute.

Clause 7. – Provides for powers of the Board.

Clause 8. – Provides for opening of the Institute to all races, creeds and classes.

Clause 9. – Provides for teaching at the Institute.

Clause 10. – Provides for President of India as a Visitor of the Institute.

Clause 11. – Provides for authorities of the Institute.

Clause 12. – Provides for constitution of the Senate of Institute.

Clause 13. – Provides for functions of the Senate.

Clause 14. – Provides for functions, powers, duties of Chairperson.

Clause 15. – Provides for appointment of Director-General, functions, powers and duties of Director-General.

Clause 16. – Provides for appointment of Registrar, functions, duties and powers of Registrar.

Clause 17. – Provides for powers and duties of other authorities of the Institute.

Clause 18. – Provides for Grants by Central Government to the Institute.

Clause 19. – Provides for maintenance and funds by the Institute.

Clause 20. – Provides for setting up of Endowment Fund by the Institute.

Clause 21. – Provides for Accounts and Audit of the Institute.

Clause 22. – Provides for constitution of pension and Provident Fund for benefit of its employees.

Clause 23. – Provides for appointments of Staff of the Institute except the Director-General.

Clause 24. – Provides for Statutes to be framed on various matters under this Bill.

Clause 25. – Provides for the procedure for framing of Statutes under this Bill.

Clause 26. – Provides for Ordinances to be passed on various matters under this Bill and Statutes.

Clause 27. – Provides for procedure for passing of Ordinances under this Bill.

Clause 28. – Provides for a Tribunal of Arbitration for settlement of disputes under this Bill.

Clause 29. – Provides for proceedings of the Institute not to be invalidated by vacancies in Board or Senate.

Clause 30. – Provides for administration of sponsored schemes by the Institute.

Clause 31. – Confers power of granting degrees, etc.

Clause 32. – Provides for powers to remove difficulties by the Central Government under this Bill.

Clause 33. – Provides for transitional provisions.

Clause 34. – Provides Statutes and Ordinances to be published in the Official Gazette and to be laid before Parliament.

FINANCIAL MEMORANDUM

The National Institute of Fashion Technology was set up in 1986 by Government of India at Delhi as a society under the Societies Registration Act, 1860 and during 1995 to 1997 at Mumbai, Hyderabad, Kolkata, Gandhinagar, Chennai and Bangalore. The revenue expenditure of NIFT for the year 2004-05 was Rs. 26.77 crores as against the revenue income of Rs. 28.84 crores.

Under the 10th Plan, financial outlay of Rs. 97 crores has been provided towards infrastructure support. The existing infrastructure, staff and other facilities would be utilised for carrying out the duties and functions envisaged in the Bill.

Therefore, the Bill does not involve any expenditure and there will be no financial burden on the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Board to exercise all the powers not otherwise provided for by the Bill, Statutes and Ordinances including the power to review the acts of the Senate.

Clauses 14, 15, 16 and 17 provide for functions, duties and powers of Chairperson, Director General, Registrar and other authorities to be exercised under the Bill or the Statutes made under the Bill.

Clauses 24 and 25 provide for framing of the Statutes as well as for amendments and repeal of the Statutes framed by the Board with the approval of the Visitor. Under clause 10 of the Bill, the President of India shall be the Visitor of the Institute.

Clause 32 provides that Central Government may, by the order published in the Official Gazette, make such provisions, or give such directions not inconsistent with the provisions of the Bill, as appears to be necessary or expedient for removing any difficulty.

Clause 34 provides that every Statute or Ordinance made under this Bill shall be published in the Official Gazette and laid before the Parliament.

All matters in respect of which rules and regulations, Ordinances and Statutes may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

III

BILL NO. CXXXIII OF 2005

*A Bill to repeal the Spirituous Preparations (Inter-State Trade and Commerce)
Control Act, 1955.*

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

1. This Act may be called the Spirituous Preparations (Inter-State Trade and Commerce) Control (Repeal) Act, 2005. Short title.
2. The Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955 is hereby repealed. Repeal of Act
39 of 1955.

STATEMENT OF OBJECTS AND REASONS

The Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955 was enacted with a view to make provision for the imposition in the public interest of certain restrictions on inter-State trade and commerce in spirituous medicinal and other preparations. The Act empowers the Central Government to specify a prohibition State in which or any part of which the consumption of alcoholic liquor may be prohibited by law and also to declare any preparation containing alcohol to be a spirituous preparation within the meaning of this Act.

2. The Central Government constituted a Commission on Review of Administrative Laws under the Chairmanship of Shri P.C. Jain on 8th May, 1998 with the objective of undertaking, *inter alia*, review of laws and regulations and for making recommendations for repeal/ amendments of such laws and regulations. The Commission, *inter alia*, recommended repeal of the Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955. At present, Gujarat is the only State having policy of prohibition. The Government of Gujarat has informed that they have made the Gujarat Spirituous Preparations Rules, 2005 under the Bombay Prohibition Act, 1949 and, therefore, that State Government have no objection to the repeal of this enactment.

3. Under the circumstances, the Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955 has become obsolete. Therefore, the Central Government consider it appropriate to repeal the aforesaid enactment.

4. The Bill seeks to achieve the above object.

NEW DELHI;
The 21st December, 2005.

SHARAD PAWAR.

YOGENDRA NARAIN,
Secretary-General.