

भारत का राजपत्र
The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II-खण्ड-2

PART II—Section 2

प्राधिकार से प्रकाशित

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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
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 23rd
March, 1967:—

BILL No. 6 OF 1967

A Bill to provide for prohibition of slaughter of cattle.

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

1. (1) This Act may be called the Cattle Slaughter Prohibition Act, 1967.
- 5 (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.

Short
title, ex-
tent and
com-
mence-
ment.

Defi-
nitions.

2. In this Act:—

(a) "cattle" means cows, calves of cows, bulls and bullocks of all kinds, qualities and ages, wheresoever living.

(b) "slaughter" means killing by any method whatsoever, and includes maiming or inflicting of physical injury which in the ordinary course will cause death.

(c) "competent authority" means a person appointed by the Central Government by notification in the Official Gazette to perform in any local area specified therein, the functions of competent authority under this Act.

10

Prohibi-
tion of
slaughter
of cattle.

3. Notwithstanding anything contained in any other law for the time being in force or in any usage or custom to the contrary, no person shall slaughter the cattle or cause it to be slaughtered or offer or cause it to be offered for slaughter.

Prohibi-
tion of
sale, pur-
chase or
other-
wise
disposal
of cattle.

4. No. person shall purchase, sell or otherwise dispose of or offer to purchase, sell or otherwise dispose of cattle for slaughter or knowing or having reason to believe that such cattle shall be slaughtered.

15

Prohibi-
tion of
transport
of cattle
for
slaughter.

5. No. person shall transport or offer for transport or cause to be transported any cattle from any place in India to any place outside India for the purpose of slaughter or with the knowledge that it will be or is likely to be slaughtered.

20

Power of
entry.

6. (1) For the purpose of enforcing the provisions of this Act, the competent authority or any person authorised by him in writing, shall have power to enter and inspect any premises within the local limits of his jurisdiction, where he has reason to believe that an offence under this Act has been, is being or is likely to be committed.

25

(2) Every person in occupation of any such premises as is specified in sub-section (1) shall allow the competent authority or the person authorised by him, such access to the premises as he may require for the aforesaid purpose and shall answer any question put to him by the competent authority or the person authorised by him to the best of his knowledge and belief.

30

Penalties.

7. (1) Whoever contravenes any of the provisions of this Act other than sub-section (2) of section 6 shall be punishable with imprisonment of either description for a term which may extend to

35

one year or with fine which may extend to one thousand rupees or with both.

(2) Whoever contravenes the provisions of sub-section (2) of section 6 of this Act shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

5 of 1898. 8. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, offences under this Act shall be cognizable.

Offences to be cognizable.

10 9. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punishable as provided in this Act for such offence.

Abetments and attempts.

45 of 1860. 10. All competent authorities and other persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers under the Act to be public servants.

15 11. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of persons acting in good faith.

12. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

20 (2) Every rule made under this section 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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule
25 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 any-
o thing previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The objects of this Bill are plain enough. It is to prohibit slaughter of cows and its progeny. It is well known that throughout the length and breadth of our country there is a demand for it and Parliament cannot overlook this fact fraught with dangerous consequences. Some of the States have already taken this step and enacted laws under different denominations, but Parliament is competent to enact such a law applicable to the whole of India.

NEW DELHI;

PRAKASH VIR SHASTRI.

The 8th March, 1967.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The rule making power under this Bill is of a normal character.

The scope of clause 12 is limited to routine matters as are required for the implementation of the law.

BILL No. 7 OF 1967

A Bill further to amend the Constitution of India.

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

Short title. 1. This Act may be called the Constitution (Amendment) Act,
1967.

2. In article 15 of the Constitution, in clauses (1) and (2), after the word "caste", the word "language" shall be inserted.

Amend-
ment of
article
15.

3. In article 16 of the Constitution, in clause (2), after the word "caste", the word "language" shall be inserted.

Amend-
ment of
article
16.

STATEMENT OF OBJECTS AND REASONS

In a multilingual country that India is, there should be no discrimination against any citizen on grounds of language and there should be equal opportunity for every one in matters relating to employment or appointment to any office under the State. Though we have many assurances from the Prime Ministers and the Home Ministers to this effect, it is better in a democracy to have proper statutory safeguards than to depend on the promises and pronouncements of individuals, however eminent they may be.

Hence this Bill.

NEW DELHI;

ERA SEZHIYAN.

The 13th March, 1967.

BILL No. 16 OF 1967

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 1967. Short title.

5 2. For article 120 of the Constitution, the following shall be substituted, namely:— Amend-
ment
of article

“120. Notwithstanding anything in Part XVII, but subject to the provisions of article 348, business in Parliament shall be transacted in any of the languages specified in the Eighth Schedule to the Constitution, or in English.”
10

STATEMENT OF OBJECTS AND REASONS

According to article 120 of the Constitution, business in Parliament can be transacted only in Hindi or in English, provided that the Presiding Officer may permit any member who cannot express himself in Hindi or in English to address the House in his mother tongue. It is a simple truth that a person can express himself naturally, fully and most adequately in his mother tongue only and a Member of Parliament whose mother tongue is neither Hindi nor English and who has unfortunately acquired some knowledge of English or Hindi is handicapped by the present provision of the Constitution whereby he cannot speak in his own language in the House. It is but proper that all the languages specified in the Eighth Schedule and which are well-developed and have attained or are destined to attain the stature of official languages in the States have a just claim to be recognised for use in Parliament.

Hence this Bill.

NEW DELHI;

ERA SEZHIYAN

The 13th March, 1967

BILL NO. 13 OF 1967

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 1967. Short title and commencement.

5 (2) It shall come into force at once.

2. After article 125 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 125A.

10 “125A. The Judges of the Supreme Court, on ceasing to hold office as Judges, shall be ineligible for further employment either under the Government of India or under the Government Prohibition as to the

holding of
offices by
judges of
Supreme
Court on
ceasing to
be such
Judges.

of a State, except in accordance with the provisions of article 128."

Insertion
of new
article
221A.

3. After article 221 of the Constitution, the following article shall be inserted, namely:—

Prohibition
as to the
holding of
offices by
Judges of
High
Courts on
ceasing to
be such
Judges.

"221A. The Judges of the High Courts, on ceasing to hold 5
office as Judges, shall be eligible for appointment as Judges of
the Supreme Court or for appointment in accordance with the
provisions of articles 127 and 128, but not for any other employ-
ment under the Government of India or under the Government
of a State."

10

STATEMENT OF OBJECTS AND REASONS

In order to preserve the independence and impartiality of the Union and State Public Service Commissions and the Comptroller and Auditor General of India our Constitution has prohibited further employment of the holders of these offices under the Union Government or the State Governments.

This is a salutary principle and needs to be applied to the Judges of the Supreme Court and the High Courts also. The independence of our judiciary is the pre-condition of the effective functioning of our democratic institutions. In recent years this independence of the Judges has been undermined by the ruling party which offered them further employment in some capacity or the other. The first Law Commission had also frowned upon further employment of the Judges by the Government. If the judiciary is not to be completely subordinated to the executive, it is necessary to impose a total ban on further employment of Judges of the Supreme Court and High Courts.

Hence this Bill.

MADHU LIMAYE.

NEW DELHI;
The 13th March, 1967.

BILL NO. 15 OF 1967

A Bill further to amend the Constitution of India

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

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1967.

Amend-
ment of
article
37.

2. In article 37 of the Constitution, after the words “this Part”,
the words “except those contained in articles 45 and 47” shall be
inserted. 5

3. In article 45 of the Constitution, for the words "The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution," the words "It shall be the duty of the State to provide, with effect from 26th January, 1968," shall
5 be substituted.

Amend-
ment of
article
45.

4. For article 47 of the Constitution, the following article shall
be substituted, namely:—

Substi-
tution of
new

10 "47. It shall be the duty of the State to ensure to every
citizen a minimum standard of nutrition and, in particular, to
prevent untimely deaths resulting from mal-nutrition, ~~under-~~
nourishment or starvation."

article
for
article
47.

STATEMENT OF OBJECTS AND REASONS

The late Gopal Krishna Gokhale sponsored a resolution and a Bill on free and compulsory primary education by stages as far back as the first decade of this century. Since then provision of free schooling for children has been a principal objective of the freedom movement in India. This cherished ideal of our independence movement found expression in article 45 of the Constitution relating to Directive Principles of State Policy. The Constitution-makers had then expressed the hope that the ideal of free and compulsory schooling for children will be realized within 10 years after the commencement of the Constitution. It is now more than 16 years after the Constitution came into force and yet, in large parts of the country, free and compulsory primary education remains an unrealized dream. The State Governments are displaying utter indifference and callousness in implementing a principle basic to all civilized communities. In India's biggest city, Calcutta, nearly 50 per cent of the children below the age of 14 are going without any schooling whatsoever and the State and the Municipal Corporation have so far done nothing in the matter. In other areas, too, the position is far from being satisfactory.

Unless the citizens of this country are given legal and constitutional remedy and unless the courts are empowered to enforce free and compulsory education and performance by the State of its duty to feed the people, these ideals will never be realised. Therefore, the Bill seeks to fix this responsibility squarely on the State and make provisions relating to primary education and the basic necessity of human life, namely, minimum nutrition, justiciable.

NEW DELHI;
The 13th March, 1967.

MADHU LIMAYE.

FINANCIAL MEMORANDUM

The amounts involved in the proposed measure would be large and, for obvious reasons, cannot be calculated with any precision at this stage. But it would be in the neighbourhood of a few billion rupees for enforcement of free, primary education.

BILL No. 12 OF 1967

A Bill further to amend the Code of Criminal Procedure, 1898

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

Short
title.

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1967.

Omission
of section
107.

2. Section 107 of the Code of Criminal Procedure, 1898 shall be omitted. 5 5 of 1898.

Omission
of section
109.

3. Section 109 of the Code of Criminal Procedure, 1898 shall be omitted. 5 of 1898.

STATEMENT OF OBJECTS AND REASONS

Sections 107 and 109 of the existing Code of Criminal Procedure, 1898 have become an instrument of oppression in the hands of the local police. It is a disgrace that such repressive provisions should be allowed to remain on the statute book of a country which claims to be the leading democracy of Asia and the largest democracy in the world. In a country where unemployment is mounting and where the number of those unemployed has reached the staggering figure of 120 million, any one of these can be hauled up on the ground that he has no "ostensible" means of livelihood. Complaints are often being heard of innocent people being harassed by the local police officials and unsocial elements who are in league with them, under these sections. The omission of these two sections will come as a great boon to the common people and will enable them to have a *feel* of democracy and freedom.

NEW DELHI;
The 13th March, 1967.

MADHU LIMAYE.

BILL No. 11 OF 1967

A Bill to repeal the Criminal Law Amendment Act, 1932.

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

Short title. 1. This Act may be called the Criminal Law Amendment (Repeal) Act, 1967.

Repeal of 2. The Criminal Law Amendment Act, 1932 is hereby repealed.
Act 23
of 1932,

STATEMENT OF OBJECTS AND REASONS

The Criminal Law Amendment Act, 1932 was a special repressive measure devised by the British imperialist Government in 1932 to suppress the freedom movement. It was then denounced by all nationalist leaders as a "black law" and a measure inconsistent with the principles of democracy and freedom. It was expected that the Congress Government, with its anti-imperialist traditions, would take steps to repeal the Act or at least would allow it to remain on the statute book without making use of it in practice. Unfortunately, the Act has not only not been repealed but has often been used against the peoples' movement ever since the first Congress Ministry came into power in Madras and other States in 1937. Since the main provision of this Act puts an intolerable curb on civil liberty, it is necessary to remove it from the statute book.

NEW DELHI;
The 13th March, 1967.

MADHU LIMAYE.

BILL No. 9 OF 1967

A Bill further to amend the Land Acquisition Act, 1894.

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

Short
title,
extent
and
com-
mence-
ment.

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 1967.

(2) It extends to the whole of India except the State of Jammu and Kashmir. 5

(3) It shall come into force at once.

1 of 1894

2. In section 11 of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act) for the words, figures and brackets, "at the date of the publication of the notification under section 4, sub-section (1)", the words "at the date of the acquisition" shall be substituted.

Amendment of section 11.

3. After section 15 of the principal Act, the following new section shall be inserted, namely:—

Insertion of new section 15A.

10 "15A. Whenever bulk acquisition of land involves displacement of one hundred or more families, it shall be the responsibility of the requiring authority to provide for the rehabilitation of these displaced persons in a manner to be prescribed by Rules."

15 4. In sub-section (1) of section 23 of the principal Act, for the words, figures and brackets, "at the date of the publication of the notification under section 4, sub-section (1)" the words "at the date of the acquisition" shall be substituted.

Amendment of section 23.

STATEMENT OF OBJECTS AND REASONS

Section 23 of the Land Acquisition Act, 1894, enjoins that in determining the amount of compensation for land to be acquired under the Act, the Court shall take into account the market value of land on the date of publication of notification under section 4 of the Act. When the intervening period between the date of notification and the date of acquisition is long, the owner is entitled to a compensation which is wholly insufficient to buy an equivalent area of land with similar advantages. Our aim should be to pay a fair and reasonable price for land to be acquired, and to pay a price much below the market price is undoubtedly unfair and unreasonable. The Law Commission has also recommended that as far as possible everyone who is deprived of his property by compulsory acquisition should be awarded a compensation so as to place him in substantially the same position in which he was before the acquisition.

Hence the Bill.

NEW DELHI;
The 13th March, 1967.

S. C. SAMANTA.

FINANCIAL MEMORANDUM

The Bill will no doubt involve expenditure but an estimate of such expenditure **cannot** be given at present. The expenditure will depend on several factors such as the number and magnitude of Projects etc. which may, in future, have to be taken up for any public purpose. This factor **alone** cannot be determined **now**.

BILL No. 8 OF 1967

A Bill to provide for compulsory training in rifle-shooting to all able-bodied citizens between the ages of twenty and thirty years.

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

Short
title, ex-
tent and
commen-
cement.

1. (1) This Act may be called the National Rifle Training Scheme Act, 1967.

(2) It extends to the whole of India.

5

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

2. This Act shall apply to all male citizens of the country, irrespective of their caste, creed, faith, employment or profession, within the age limits of twenty years and thirty years, and who are found to be physically and medically in good health:

Persons
to whom
Act
applies.

5 Provided that persons already enrolled in, or who have passed, the various courses prescribed under the National Cadet Corps or Territorial Army or Home Guards Scheme, shall be exempted from the operation of the provisions of this Act.

3. (1) The Central Government shall, by notification in the
10 Official Gazette, frame a scheme to be called the National Rifle Training Scheme for imparting compulsory training in rifle shooting to all those persons to whom this Act applies; and the Scheme shall be administered and implemented by that Government through such officers and authorities as it may deem fit and specify therein.

Compul-
sory Rifle
Training
Scheme.

15 (2) The Scheme may provide for—

 (a) creation of a separate Directorate-General at the Centre under the over-all supervision of the Ministry of Defence to organise and administer the provisions of the Scheme;

20 (b) creation of the posts of Directors and other subordinate authorities at State and District levels for the implementation of the Scheme;

 (c) creation of the posts of organisers and instructors at District and sub-division levels for imparting training in rifle shooting;

25 (d) the manner in which and the places at which the State, District and sub-division headquarters and camps and store houses under the Scheme shall be established and maintained;

 (e) the manner of procurement and supply of the necessary rifles of the prescribed standard and ammunition for the Scheme;

30 (f) fixation of the standard of rifles to be used for training purposes;

 (g) the manner in which and the places at which the training in rifle shooting shall be imparted;

35 (h) the number of hours in a week for which a trainee shall undergo training;

 (i) the determination of the period of training and the manner in which the courses shall be regulated;

(j) the manner in which the physical fitness of the trainees shall be determined, and

(k) the award of suitable certificates to trainees after successful completion of the training courses and tests.

Advisory
Commit-
tees.

4. (1) The Central Government may, for the purpose of advising 5 it in all matters of policy connected with the framing and administering the Scheme, appoint a Central Advisory Committee consisting of the following persons, namely:—

(a) Minister of Defence, who shall be the Chairman of the Committee; 10

(b) Secretary to the Ministry of Defence, *ex-officio* member;

(c) Secretary to the Ministry of Home Affairs, *ex-officio* member;

(d) Chief of the Army Staff, *ex-officio* member; 15

(e) Director-General of Civil Defence, *ex-officio* member;

(f) Three members of Parliament to be nominated by the Central Government.

(2) The Central Government may also appoint for the same purpose as specified in sub-section (1) such State and District Advisory Committees as it may consider desirable from time to time and may prescribe their duties and functions. 20

Power
to re-
move diffi-
culties.

5. If any difficulty arises in giving effect to the provisions of this Act or of any Scheme framed thereunder, the Central Government may, by order, as occasion requires, do anything (not inconsistent 25 with this Act) that appears to fit to be necessary for removing the difficulty.

Penalty
for non-
compli-
ance.

6. If a person, to whom this Act applies, fails to comply with the provisions of this Act or of the Scheme thereunder, shall be liable to punishment with imprisonment which may extend to three 30 months, or with fine.

Scheme
to be
laid
before
Parlia-
ment.

7. The Scheme framed under this Act shall be laid, as soon as may be after it is framed, before each House of Parliament while it is in session for a total period of thirty days, which may be com- 35 prised in one session or in two or more successive sessions, and if, before the expiry of that session in which it is so laid or the session or sessions immediately following, both Houses agree in making

any modification in any provision of the Scheme or both Houses agree that any provision in the Scheme should not be made, the provision of the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however
5 that any such modification or annulment shall be without prejudice to the validity of anything previously done under that provision.

STATEMENT OF OBJECTS AND REASONS

The armed aggression by the Chinese in 1962 on our motherland has highlighted certain weaknesses in our defence preparedness. Since then vigorous efforts and ambitious projects in the field of production of defence equipment, creation of new divisions of mountain army and recruitment to our armed forces have done much to improve our military strength. Besides our defence forces, our second line of defence, i.e., the National Cadet Corps and Territorial Army have also made tremendous strides. With a view to strengthening and invigorating our second line of defence, it is necessary that every able-bodied male citizen of our country is taught the basic fundamentals of handling a firearm. This measure would ensure a regular and plentiful source of supply to our armed forces and the territorial armies. It is with this object in view that this Bill seeks to provide for compulsory training in rifle shooting to all those able-bodied citizens within the age limits of twenty and thirty years.

Hence this Bill.

NEW DELHI;

S. C. SAMANTA.

The 13th March, 1967.

FINANCIAL MEMORANDUM

The Bill contemplates the appointment of various officers and authorities at Central, State and District levels and of Advisory Committees as well. It also provides for supply of necessary equipment for implementing the provisions of the Scheme. All these provisions involve an initial non-recurring expenditure as well as recurring expenditure in the shape of pay and allowances. It would be difficult, at this stage, to assess accurately the total financial requirement of the Scheme. It may, however, be approximately assessed as amounting to Rs. 50 lakhs initially.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to empower the Central Government to frame a Scheme to carry out the purposes of this Act. The matters in respect of which the Government is required to prescribe the procedure have been specified in sub-clause (2) of clause 3. They relate to the manner in which authorities of the Scheme are to be appointed, the training is to be imparted, necessary material and equipment is to be supplied for the Scheme, etc. All these are matters of procedural nature. The delegation of legislative power is thus of a normal character.

BILL No. 14 of 1967

A Bill further to amend the Delhi Municipal Corporation Act, 1957.

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

1. (1) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 1967.

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

66 of 1957 2. In the Third Schedule to the Delhi Municipal Corporation Act, 1957, entry 5 shall be omitted.

Short
title
and
com-
mence-
ment.
Amend-
ment of
Third
Sche-
dule.

STATEMENT OF OBJECTS AND REASONS

The tax on bicycles is one of the obligatory taxes to be imposed by the Delhi Municipal Corporation. As the bicycle is the main transport of poor people, it is proposed to exempt the bicycles from the imposition of any tax by the Municipal Corporation. The Bill seeks to achieve that object.

NEW DELHI;

The 13th March, 1967.

KANWAR LAL GUPTA

BILL NO. 17 OF 1967

A Bill to provide for the compulsory insurance of the Armed Forces Personnel.

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

1. (1) This Act may be called the Indian Armed Forces Personnel (Compulsory Insurance) Act, 1967.

Short title
and com-
mence-
ment.

5 (2) It shall come into force at once.

- Definition.** 2. In this Act unless the context otherwise requires the Armed Forces personnel shall include Officers and other ranks including sepoy and soldiers commonly known as Jawans of the Army, Navy and Air Force.
- Compulsory insurance of armed forces personnel.** 3. (1) The Central Government shall provide for compulsory insurance of all the Armed Forces personnel, each for a sum of Rs. 10,000 or above. 5
- (2) The premium shall be paid by the Central Government from the date of appointment of a person in the Armed Forces till such date as he continues to be in service. 10
- (3) On the death of such person, irrespective of the fact whether his death occurs while in active service or otherwise, the proceeds of the insurance shall be paid to his nominees or heirs.
- Payment of sum assured on retirement.** 4. In the case of the retirement of the person from service, the proceeds of his insurance shall be payable to him. 15

STATEMENT OF OBJECTS AND REASONS

As the Armed Forces personnel have to work under a great strain and also to risk their lives for the sake of the nation and for defending their country's sovereignty and integrity, it is desirable that their families and children may not have to suffer undue hardships on account of the death of the bread-earner. To obviate this difficulty and in fairness to the dependents of the Armed Forces personnel, it becomes obligatory on the part of the Government to provide compulsory insurance for the Armed Forces personnel.

NEW DELHI;

S. C. SAMANTA,

The 14th March, 1967.

FINANCIAL MEMORANDUM

The Bill envisages provision for a compulsory insurance of the Armed Forces personnel. Clause 3 of the Bill provides for compulsory insurance for a sum of Rs. 10,000 minimum or above. This clause no doubt involves some expenditure. No exact idea is possible at this stage as to the amount of recurring and non-recurring expenditure that may be required. But to start with, a non-recurring grant of Rs. 2 crores is required.

BILL NO. 18 OF 1967

A Bill to provide for the prevention of hoarding of and profiteering in essential commodities in daily use.

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

1. (1) This Act may be called the Hoarding and Profiteering Prevention Act, 1967.

5 (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.

Short title,
extent,
ment and
com-
mence-
applica-
tion

(4) It shall, in the first instance, apply to the articles specified in the First Schedule.

Defini-
tions.

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

(a) “dealer” means any person carrying on the business of selling any scheduled article, and includes a producer, importer, 5 wholesaler or retailer;

(b) “hoarding” means accumulating goods or stocks meant for sale with a view to cornering them, so as to raise their prices by creating a short supply or by bringing them for sale at prices which are not competitive; 10

(c) “importer” means any person who brings any scheduled article into the State where he carries on his business from any place outside the State for the purpose of sale in the State;

(d) “producer” means a person engaged in the production, manufacture or processing of any scheduled article; 15

(e) “profiteering”, with its grammatical variations and cognate expressions, means the sale by a dealer of any scheduled article at a price or rate higher than that fixed under section 3;

(f) “retailer” means a person who sells any scheduled article to a consumer not being a dealer; 20

(g) “scheduled article” means an article specified in the First Schedule; and

(h) “wholesaler” means a dealer who sells any scheduled article to any other dealer, and includes a broker, commission agent or any other agent having authority to sell any scheduled 25 article belonging to his principal.

Fixation
of maxi-
mum
and
mini-
mum
prices or
rates for
scheduled
articles.

3. (1) The Central Government may, by order notified in the Official Gazette, fix in respect of any scheduled article the maximum price or rate which may be charged by a dealer or the minimum price which is to be paid by a purchaser. 30

(2) Any order made under sub-section (1) may fix the maximum prices or rates or the minimum price to be paid by the purchaser for the same description of scheduled articles differently in different localities or for different classes of dealers.

Offence of
profiteer-
ing and
hoarding.

4. (1) Any dealer who profiteers in any scheduled article shall 35 be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or

with both, and the scheduled article in respect of which the offence has been committed or such part thereof as to the court may seem fit shall be forfeited to the Government.

(2) Any person found deliberately hoarding any article or commodity required for the daily life of the people, shall be punished with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

5. (1) Any dealer who, without reasonable excuse,—

(a) refuses to sell any scheduled article, or

10 (b) refuses to sell any scheduled article at the price or rate fixed in respect thereof under section 3,

Offence of refusal to sell and purchasing at price less than the minimum

shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

15 *Explanation.*—The possibility or expectation of obtaining a higher price for a scheduled article at a later date shall not be deemed to be a reasonable excuse for the purposes of this section.

(2) Any purchaser who purchases any scheduled article at any price less than the minimum price fixed therefor under section 3
20 shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

6. (1) Every dealer shall, on requisition by an officer duly authorised in this behalf by the Central Government by order notified in the Official Gazette, submit to him in the form specified in the
25 Second Schedule by such date and relating to such period as may be mentioned in the requisition, returns of stocks of any scheduled article acquired, held or sold by him.

Dealer to submit returns, maintain accounts and furnish information, etc.

(2) Every dealer, unless exempted by an order made in this
30 behalf, shall—

(a) keep in the form specified in the Third Schedule a true account of any scheduled article acquired, held or sold by him after the commencement of this Act;

(b) display in his place of business in a prominent manner so as to be open to public view, a list of these scheduled articles intended for sale the prices or rates of which have been fixed under section 3 in respect of such dealer, with the prices or rates, 5 so fixed in respect thereof;

(c) furnish to any officer referred to in sub-section (1) of this section, or any police officer referred to in sub-section (2) of section 8, any information in respect of the acquisition or sale by him of any scheduled article mentioned in clause (b);

(d) make available to any officer mentioned in clause (c) 10 for his inspection such accounts, registers, vouchers or other documents relating to the import, production, purchase or sale of any scheduled article mentioned in clause (b) or matters connected therewith as may be required by him.

Power to
search and
seize.

7. When any police officer not below the rank of a Sub-Inspector 15 of Police has reasonable grounds for believing that there has been a contravention of any of the provisions of this Act, such officer may, after recording in writing the grounds of his belief, at all reasonable hours enter and search any place where a dealer keeps, or is for the time being keeping, any scheduled article, accounts, registers, 20 vouchers or other documents referred to in clause (d) of sub-section (2) of section 6 and, if necessary, inspect, seize or retain all or any of them for so long as they may be required for any investigation into any offence under this Act.

Cogniz-
ance of
offence
and arrest
without
warrant.

8. (1) All offences punishable under this Act shall be cognizable. 25

(2) Any police officer not below the rank of a Sub-Inspector of Police may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been concerned in any of the offences punishable under this Act.

30

Indemnity.

9. No suit, prosecution or other legal proceeding shall lie against any public servant for anything which is in good faith done or intended to be done under this Act or any order made thereunder.

Power to
add to
the First
Schedule.

10. The Central Government may, by order notified in the Official Gazette, add to the First Schedule any other article of daily use, and 35 thereupon that Schedule shall be deemed to be amended accordingly and the article so added shall be deemed to be a scheduled article within the meaning of this Act.

10 of 1955.

11. If any order controlling the price of any essential commodity within the meaning of the Essential Commodities Act, 1955, has been made before the commencement of this Act or is made after such commencement and such essential commodity is a scheduled article within the meaning of this Act, that order shall have effect notwithstanding anything inconsistent therewith contained in this Act or any order made thereunder.

Effect of
orders in-
consistent
with the
Essential
Commodi-
ties Act,
1955, or
orders
there-
under.

FIRST SCHEDULE

[See section 2(g) and section 10]

1. Rice and rice in the husk
2. Wheat and wheat products
3. Pulses
4. Spices
5. Edible oil
6. Sugar
7. Baby food
8. Paper
9. Drugs and medicines
10. Skimmed milk powder
11. Kerosene.

SECOND SCHEDULE

[See section 6(1)]

Form of Return of Stocks for the period from——— to———
 Name of dealer———, whether producer, importer, wholesaler
 or retailer.

Address of place of business———.

Description of scheduled article	Stocks held at the be- ginning of the period	Stocks subsequen- tly acquired with date and price of acquisition and names and add- resses of persons from whom acquired	Stocks sold during the period together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers)	Stocks held at the end of the period (except in the case of retailers)
1	2	3	4	5

THIRD SCHEDULE

[See section 6(2) (a)]

FORM OF ACCOUNTS OF STOCKS

Name of dealer_____, whether producer, importer, wholesaler or retailer.

Address of place of business_____.

Description of scheduled article	Stocks held when Act comes into force	Stocks subsequently acquired with date and Price of acquisition and names and addresses of persons from whom acquired	Stocks sold together with the date of sale, the sale Price and the names and addresses of persons to whom sold (except in the case of sale by retailers)	Stocks held at the end of each day (except in the case of retailers)
1	2	3	4	5

STATEMENT OF OBJECTS AND REASONS

Cases of hoarding of and profiteering in food grains, medical supplies, cloth and several other commodities essential to the daily life of the people have become common, but there being no deterrent punishment under a specified Act for these offences, these cases have gone on increasing at the hands of anti-social elements. It is felt that a severely deterrent punishment should be prescribed for these offences. This Bill seeks to make provision accordingly.

NEW DELHI;

S. C. SAMANTA.

The 14th March, 1967.

S. L. SHAKDHER,
Secretary.