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EXTRAORDINARY

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PART II—Section 1

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 30th December, 1967/Pausa 9, 1889 (Saka)

The following President's Acts are published for general information:—

THE PUNJAB LOCAL AUTHORITIES (AIDED SCHOOLS)

HARYANA AMENDMENT ACT, 1967

No. 6 OF 1967

Enacted by the President in the Eighteenth Year of the
Republic of India.

An Act to amend the Punjab Local Authorities (Aided Schools)
Act, 1959.

30 of 1967. In exercise of the powers conferred by section 3 of the Haryana
State Legislature (Delegation of Powers) Act, 1967, the President is
pleased to enact as follows:—

1. (1) This Act may be called the Punjab Local Authorities (Aided Schools) Haryana Amendment Act, 1967.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 30th day of September, 1967.

Insertion of
new section
5A

2. After section 5 of the Punjab Local Authorities (Aided Schools) Act, 1959 (hereinafter referred to as the principal Act), Punjab Act 22 of 1959, the following section shall be inserted, namely:—

Certain
orders under
section 5
to remain in
force up to
30th
September,
1968.

“5A. Every order made by the State Government under section 5 which expires on the 30th day of September, 1967, shall continue to remain in force up to and including the 30th day of September, 1968, notwithstanding anything contained in that section or in such order.”.

Repeal and
saving.

3. (1) The Punjab Local Authorities (Aided Schools) Haryana Haryana Amendment Ordinance, 1967 is hereby repealed. Ordinance 9 of 1967.

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

ZAKIR HUSAIN,
President,

V. N. BHATIA,
Secy. to the Govt. of India,

Reasons for the enactment

Under section 5 of the Punjab Local Authorities (Aided Schools) Act, 1959 which is in force in the State of Haryana, the State Government is empowered to take over the management of aided schools for a period not exceeding ten years. The management of the aided schools run by the Municipal Committees of Ambala, Kalka, Yamuna Nagar, Jagadhri, Sadhaura, Beri, Bahadurgarh, Panipat and Sirsa was taken over by the Government under section 5 of that Act. The period for which the management of the aforesaid schools could remain with the Government expired on the 30th September, 1967. The Government thought it necessary to take power to continue the management for another year. For this purpose on the 4th October, 1967 the Punjab Local Authorities (Aided Schools) Haryana Amendment Ordinance, 1967 was promulgated (giving retrospective effect from the 30th September, 1967) which provided that any order made by the State Government under section 5 of the said Act which expired on the 30th September, 1967 shall continue to remain in force up to and including the 30th September, 1968.

2. The proposed measure seeks to replace the Ordinance aforesaid.

3. The Committee constituted under the proviso to sub-section (2) of section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967 (30 of 1967) has been consulted before the enactment of this measure as a President's Act.

PREM KIRPAL,

*Secy. to the Govt. of India,
Ministry of Education.*

THE INDIAN STAMP (HARYANA AMENDMENT) ACT, 1967

No. 7 OF 1967

Enacted by the President in the Eighteenth Year of the
Republic of India.

An Act further to amend the Indian Stamp Act, 1899, in its
application to the State of Haryana.

30 of 1967. In exercise of the powers conferred by section 3 of the Haryana
State Legislature (Delegation of Powers) Act, 1967, the President
is pleased to enact as follows:—

1. (1) This Act may be called the Indian Stamp (Haryana Amend- Short title
ment) Act, 1967. and extent.

(2) It extends to the whole of the State of Haryana.

2 of 1899. 2. In the Indian Stamp Act, 1899, in its application to the State Amendment
of Haryana (hereinafter referred to as the principal Act), in of Schedule
Schedule I-A,— I-A.

(a) for article 23, the following article shall be substituted,
namely:—

Description of Instrument	Proper Stamp-duty	
	Where convey- ance amounts to sale of immov- able property (a)	Other convey- ances (b)
1	2	3
"23. Conveyance as defined by section 2(10), not being a transfer charged or exempted under No. 62	Where convey- ance amounts to sale of immov- able property (a)	Other convey- ances (b)
Where the value or amount of the consideration for such conveyance as set forth therein does not exceed Rs. 50;	Five rupees	Two rupees and fifty paise.

1	2	3
where it exceeds Rs. 50 but does not exceed Rs. 100;	Ten rupees	Five rupees.
where it exceeds Rs. 100 but does not exceed Rs. 200;	Twenty rupees	Ten rupees.
where it exceeds Rs. 200 but does not exceed Rs. 300;	Thirty rupees	Fifteen rupees.
where it exceeds Rs. 300 but does not exceed Rs. 400;	Forty rupees	Twenty rupees.
where it exceeds Rs. 400 but does not exceed Rs. 500;	Fifty rupees	Twenty-five rupees.
where it exceeds Rs. 500 but does not exceed Rs. 600;	Sixty rupees	Thirty rupees.
where it exceeds Rs. 600 but does not exceed Rs. 700;	Seventy rupees	Thirty-five rupees.
where it exceeds Rs. 700 but does not exceed Rs. 800;	Eighty rupees	Forty rupees.
where it exceeds Rs. 800 but does not exceed Rs. 900;	Ninety rupees	Forty-five rupees.
where it exceeds Rs. 900 but does not exceed Rs. 1,000;	One hundred rupees.	Fifty rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Fifty rupees	Twenty-five rupees.

Exemption.—Assignment of copyright under the Copyright Act, 14 of 1957, 1957, section 18.

CO-PARTNERSHIP-DEED See Partnership (No. 46).";

(b) in article 40, for item (a), the following item shall be substituted, namely:—

Description of Instrument	Proper Stamp-duty
"(a) When possession of the property or any part of the property, comprised in such deed is given by the mortgagor or agreed to be given—	
where the amount secured by such instrument does not exceed Rs. 50;	Two rupees and fifty paise.
where it exceeds Rs. 50 but does not exceed Rs. 100	Five rupees
where it exceeds Rs. 100 but does not exceed Rs. 200	Ten rupees
where it exceeds Rs. 200 but does not exceed Rs. 300	Fifteen rupees
where it exceeds Rs. 300 but does not exceed Rs. 400	Twenty rupees
where it exceeds Rs. 400 but does not exceed Rs. 500	Twenty-five rupees
where it exceeds Rs. 500 but does not exceed Rs. 600	Thirty rupees
where it exceeds Rs. 600 but does not exceed Rs. 700	Thirty-five rupees
where it exceeds Rs. 700 but does not exceed Rs. 800	Forty rupees
where it exceeds Rs. 800 but does not exceed Rs. 900	Forty-five rupees
where it exceeds Rs. 900 but does not exceed Rs. 1,000	Fifty rupees
and for every Rs. 500 or part thereof in excess of Rs. 1,000	Twenty-five rupees."

Repeal and
saving.

3. (1) The Indian Stamp (Haryana Amendment) Ordinance, 1967, is hereby repealed.

Haryana
Ordinance
3 of 1967.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 17th day of July, 1967.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

With a view to augmenting the revenues of the State of Haryana, the Governor of Haryana promulgated the Indian Stamp (Haryana Amendment) Ordinance, 1967 (3 of 1967), on the 17th day of July, 1967. Under the Ordinance, the rates of stamp duty on conveyance and on mortgage deeds provided in the Indian Stamp Act, 1899, in its application to the State of Haryana were increased. The present measure seeks to replace the aforesaid Ordinance.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967 (30 of 1967), has been consulted before the enactment of this measure as a President's Act.

P. GOVINDAN NAIR,
Secy. to the Govt. of India,
Ministry of Finance.

THE HARYANA LAND REVENUE (ADDITIONAL
SURCHARGE) ACT, 1967

No. 8 OF 1967

Enacted by the President in the Eighteenth Year of the
Republic of India.

An Act to provide for the levy and collection of additional
surcharge on land revenue.

In exercise of the powers conferred by section 3 of the Haryana
30 of 1967. State Legislature (Delegation of Powers) Act, 1967, the President
is pleased to enact as follows:—

1. (1) This Act may be called the Haryana Land Revenue (Addi- Short title
tional Surcharge) Act, 1967. and extent.

Definitions.

(2) It extends to the whole of the State of Haryana.

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

(a) “additional surcharge” means the additional surcharge levied and collected under section 3;

(b) “land revenue” shall have the meaning assigned to it in clause (c) of section 3 of the Punjab Land Revenue Act, 1887, but does not include—

(i) the surcharge payable under the Punjab Land Revenue (Surcharge) Act, 1954; Punjab Act
36 of 1954.

(ii) a special assessment made under the Punjab Land Revenue (Special Assessment) Act, 1956; and Punjab Act
6 of 1956.

(iii) the special charge payable under the Punjab Land Revenue (Special Charges) Act, 1958; Punjab Act
6 of 1958.

(c) all other words and expressions used but not defined in this Act, shall have the same meanings as are respectively assigned to them in the Punjab Land Revenue Act, 1887. Punjab Act
17 of 1887.

Levy and
collection of
additional
surcharge.

3. (1) Notwithstanding anything to the contrary in the Punjab Land Revenue Act, 1887, for such two successive harvests as may be notified by the State Government in this behalf there shall be levied and collected in respect of the land of every land-owner who pays land revenue, an additional surcharge thereon at the rate of fifty per centum of the land revenue payable by him under the said Act. Punjab Act
17 of 1887.

(2) The additional surcharge shall be levied once only and shall be in addition to the surcharge, if any, payable by a land-owner under the Punjab Land Revenue (Surcharge) Act, 1954. Punjab Act
36 of 1954.

Recovery.

4. The additional surcharge shall be recoverable as land revenue under the Punjab Land Revenue Act, 1887, and the rules made thereunder. Punjab Act
17 of 1887.

Additional
surcharge to
be excluded
in payment
of special
charges.

5. For the purposes of payment of the special charge under the provisions of the Punjab Land Revenue (Special Charges) Act, 1958, the additional surcharge shall not be taken into consideration in calculating the land revenue under that Act. Punjab Act
6 of 1958.

Repeal and
saving.

6. (1) The Haryana Land Revenue (Additional Surcharge) Ordinance, 1967, is hereby repealed. Haryana
Ordinance
2 of 1967.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on the 15th day of July, 1967.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

With a view to meeting the cost of rapid development of the Kurukshetra University, the Governor of Haryana had promulgated on the 15th July, 1967, the Haryana Land Revenue (Additional Surcharge) Ordinance, 1967 (2 of 1967), which empowered the Government to notify any two successive harvests for the purpose of levying and collecting, in respect of the land of any land-owner who pays land revenue, an additional surcharge thereon at the rate of fifty per cent. of the land revenue payable by him under the Punjab Land Revenue Act, 1887 (Punjab Act 17 of 1887). These harvests have already been notified by the Government of Haryana to be the Kharif harvest of 1967 and the Rabi harvest of 1968. The proposed measure seeks to replace the aforesaid Ordinance.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967 (30 of 1967), has been consulted before the enactment of this measure as a President's Act.

P. GOVINDAN NAIR,
Secy. to the Govt. of India,
Ministry of Finance.

THE PUNJAB CINEMAS (REGULATION) HARYANA AMENDMENT ACT, 1967

No. 9 OF 1967

Enacted by the President in the Eighteenth Year of the
Republic of India.

An Act to amend the Punjab Cinemas (Regulation) Act, 1952.

In exercise of the powers conferred by section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967, the President is pleased to enact as follows:—

Short title. 1. This Act may be called the Punjab Cinemas (Regulation) Haryana Amendment Act, 1967.

Insertion of new sections 7A, 7B and 7C. 2. After section 7 of the Punjab Cinemas (Regulation) Act, 1952 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

Amendments or alteration in classification of seats and rates for admission by the licensee.

“7A. (1) The licensee shall adhere to the classification of seats and the rates for admission to the cinematograph exhibition as approved by the licensing authority and shall not amend or alter the same without the written approval of the licensing authority.

(2) If the licensee intends to increase the rates for admission to the cinematograph exhibition, he shall make an application in writing to the licensing authority stating the reasons therefor, at least seven days before the date on which it is proposed to give effect to the increase in such rates.

(3) If the licensing authority is satisfied that the increase in the rates for admission to the cinematograph exhibition will not unreasonably affect the purchaser of the cinematograph exhibition tickets, it may, for reasons to be recorded in writing, grant the approval for such increase:

Provided that such approval shall not be granted by the licensing authority more than twice a year.

(4) Any person aggrieved by the decision of the licensing authority under sub-section (3) may, within such time as may be prescribed, appeal to the Government and the Government may make such order in the case as it thinks fit.

7B. If the Government is of opinion that it is necessary or expedient so to do in the public interest, it may, by order, for reasons to be recorded in writing, amend or alter the rates for admission to the cinematograph exhibition and the licensee shall comply with such order accordingly.

Power of Government to amend or alter rates for admission to cinematograph exhibition.

Central Act
5 of 1882.¹

7C. (1) Notwithstanding anything contained in section 56 of the Indian Easements Act, 1882, a ticket for admission to a cinematograph exhibition shall not be re-sold for profit by the purchaser thereof.

Penalty for re-sale of tickets and cognizance of offences.

(2) Whoever re-sells any ticket for admission to a cinematograph exhibition for profit shall be punishable with fine which may extend to two hundred rupees.

Central Act
5 of 1898.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this section shall be deemed to be cognizable within the meaning of that Code."

3. In clause (c) of section 9 of the principal Act, after the word and figure "section 5", the words, brackets, figures and letter "and sub-section (4) of section 7A" shall be inserted.

Amendment of section 9.

Haryana
Ordinance
8 of 1967.

4. (1) The Punjab Cinemas (Regulation) Haryana Amendment Ordinance, 1967, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 8th day of September, 1967.

ZAKIR HUSAIN,

President.

V. N. BHATIA,

Secy. to the Govt. of India.

Reasons for the enactment

With a view to prohibiting blackmarketing in the sale of cinema tickets and regulating the powers of cinema proprietors to increase the rates for admission to cinematograph exhibitions, the Punjab Cinemas (Regulation) Haryana Amendment Ordinance, 1967 (Haryana Ordinance 8 of 1967) was promulgated by the Governor of Haryana on the 8th day of September, 1967.

2. The proposed measure seeks to replace the aforesaid Ordinance.

3. The Committee constituted under the proviso to sub-section (2) of section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967 (30 of 1967), has approved the enactment of this measure as a President's Act.

A. MITRA,
Secy. to the Govt. of India,
Ministry of Information
and Broadcasting.

THE PUNJAB URBAN IMMOVABLE PROPERTY TAX (HARYANA AMENDMENT) ACT, 1967

No. 10 OF 1967

Enacted by the President in the Eighteenth Year of the
Republic of India.

An Act to amend the Punjab Urban Immovable Property Tax
Act, 1940.

In exercise of the powers conferred by section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967, the President 30 of 1967. is pleased to enact as follows:--

Short title.

1. This Act may be called the Punjab Urban Immovable Property Tax (Haryana Amendment) Act, 1967.

**Amendment
of section 3.**

2. In section 3 of the Punjab Urban Immovable Property Tax Act, 1940 (hereinafter referred to as the principal Act), after sub-section (1), the following sub-section shall be inserted, namely:— Punjab Act 17 of 1940.

“(1A) In addition to the tax leviable under sub-section (1), for the period commencing on the 1st day of April, 1967, and ending with the 31st day of March, 1968, there shall be

charged, levied and paid on buildings and lands referred to in that sub-section, a surcharge at one-half of the rate notified thereunder.”.

Haryana
Ordinance
4 of 1967.

3. (1) The Punjab Urban Immovable Property Tax (Haryana Repeal and Amendment) Ordinance, 1967, is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 21st day of July, 1967.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

The buildings and lands situated in the urban areas in the State of Haryana are taxable under the Punjab Urban Immovable Property Tax Act, 1940, which is in force in that State. On the 21st July, 1967, the Governor of Haryana promulgated the Punjab Urban Immovable Property Tax (Haryana Amendment) Ordinance, 1967 (4 of 1967) under which, for the period commencing on the 1st April, 1967 and ending with the 31st March, 1968, a surcharge at fifty per cent. of the rate of tax notified under sub-section (1) of section 3 of the aforesaid Act was levied in addition to the tax leviable under the said sub-section. The proposed measure is intended to replace the said Ordinance.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967 (30 of 1967), has been consulted before the enactment of this measure as a President's Act.

P. GOVINDAN NAIR,
Secy. to the Govt. of India,
Ministry of Finance.

THE PUNJAB PASSENGERS AND GOODS TAXATION
(HARYANA SECOND AMENDMENT) ACT, 1967

NO. 11 OF 1967

Enacted by the President in the Eighteenth Year of the
Republic of India.

An Act further to amend the Punjab Passengers and Goods,
Taxation Act, 1952.

In exercise of the powers conferred by section 3 of the Haryana
State Legislature (Delegation of Powers) Act, 1967, the President 30 of 1967.
is pleased to enact as follows:--

Short title. 1. This Act may be called the Punjab Passengers and Goods
Taxation (Haryana Second Amendment) Act, 1967.

Amendment 2. In section 3 of the Punjab Passengers and Goods Taxation Punjab Act
of section 3. Act, 1952 (hereinafter referred to as the principal Act),— 16 of 1952.

(i) in sub-section (1), for the word "one-fourth", the words
"thirty-five per centum" shall be substituted;

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

‘(3) Where passengers are carried or goods are trans-
ported by a motor vehicle operating on a joint route, the
tax shall be payable in respect of the distance covered
within the State at the rate laid down in sub-section (1)
and shall be calculated on such amount as bears the same
proportion to the total fare or freight as the distance
covered in the State bears to the total distance of the
journey.

Explanation.—For the purposes of this sub-section,
"joint route" means a route which lies partly in the State
of Haryana and partly in any other State or Union terri-
tory.

Repeal and 3. (1) The Punjab Passengers and Goods Taxation (Haryana Haryana
saving. Amendment) Ordinance, 1967, is hereby repealed. Ordinance
5 of 1967.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 21st day of July, 1967

ZAKIR HUSAIN,

President.

V. N. BHATIA,

Secy. to the Govt. of India.

Reasons for the enactment

Tax on all fares and freights in respect of all passengers carried and goods transported by motor vehicles is leviable in the State of Haryana under the Punjab Passengers and Goods Taxation Act, 1952, and the rate of tax before the 21st July, 1967 was one-fourth of the value of the fares or freights, as the case may be, subject to a minimum of two paise in any one case.

2. The Governor of Punjab promulgated the Punjab Passengers and Goods Taxation (Haryana Amendment) Ordinance, 1967 (5 of 1967), on the 21st July, 1967 under which—

(a) the rate of tax on all fares and freights in respect of all passengers carried and goods transported by motor vehicles was raised to thirty-five per centum of the value of the fares or freights, as the case may be, and

(b) in respect of the passengers carried or goods transported by a motor vehicle operating on joint routes, the tax was made payable on the distance covered within the State at the aforesaid rate and was made calculable on such amount as bears the same proportion to the total fare or freight as the distance covered in the State bears to the total distance of the journey.

3. The present enactment seeks to replace the aforesaid Ordinance.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967 (30 of 1967), has been consulted before the enactment of this measure as a President's Act.

P. GOVINDAN NAIR,

*Secy. to the Govt. of India,
Ministry of Finance.*

THE PUNJAB MOTOR SPIRIT (TAXATION OF SALES) HARYANA AMENDMENT ACT, 1967

No. 12 OF 1967

Enacted by the President in the Eighteenth Year of the Republic of India.

An Act to amend the Punjab Motor Spirit (Taxation of Sales) Act, 1939.

In exercise of the powers conferred by section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967, the President is ^{30 of 1967.} pleased to enact as follows:—

Short title and commencement.

1. (1) This Act may be called the Punjab Motor Spirit (Taxation of Sales) Haryana Amendment Act, 1967.

(2) It shall be deemed to have come into force on the 21st day of July, 1967.

Omission of the word "retail".

2. Subject to the other provisions of this Act, throughout the Punjab Motor Spirit (Taxation of Sales) Act, 1939 (hereinafter referred to as the principal Act), the word "retail" shall be omitted. ^{Punjab Act 1 of 1939.}

Amendment of section 2.

3. In section 2 of the principal Act,—

(a) in clause (a), for the word "Punjab", the word "Haryana" shall be substituted;

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

‘(g) “dealer” means any person who, on commission or otherwise, sells any motor spirit to any person or keeps any motor spirit for sale;’;

(c) clause (h) shall be omitted.

Amendment of section 3.

4. In section 3 of the principal Act,—

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

“(1) There shall be levied and paid to the Government on all sales of motor spirit a tax at such rate not exceeding

nine paise per litre and from such date as the Government may, by notification, direct:

Provided that no sale of motor spirit at a stage subsequent to the first stage shall be liable to tax under this Act if the dealer effecting the sale at the subsequent stage furnishes to the Petrol Taxation Officer in the prescribed form and manner a certificate duly filled in and signed by the dealer from whom he purchased the motor spirit to the effect that the tax in respect of such sale has been paid.

Explanation.—For the purposes of this sub-section and sub-section (1) of section 6, the first stage of sale of motor spirit shall be such as the Government may, by notification, specify.”;

(b) in sub-section (2), the word “State” shall be omitted.

5. For section 6 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 6.

“6. (1) After the expiry of a period of two months from the 21st day of July, 1967 no person shall carry on business as a dealer unless he is in possession of a valid licence:

Persons not to carry on business as dealers without licence.

Provided that nothing in this sub-section shall apply to a dealer who does not effect the sale of motor spirit at the first stage.

(2) All licences for the retail sale of motor spirit granted under this Act before the 21st day of July, 1967 shall be deemed to have been cancelled on the expiry of a period of two months from such date.”.

6. In section 24 of the principal Act, after clause (h), the following clause shall be inserted, namely:—

Amendment of section 24.

“(i) prescribing the form and manner in which a certificate is to be furnished by the dealer under the proviso to sub-section (1) of section 3.”.

Repeal and
saving.

7. (1) The Punjab Motor Spirit (Taxation of Sales) Haryana Amendment Ordinance, 1967 is hereby repealed. Haryana
Ordinance
6 of 1967.

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

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

The Punjab Motor Spirit (Taxation of Sales) Act, 1939, which is in force in the State of Haryana, provided for a levy of tax on diesel oil at the rate of seven paise per litre and on all other motor spirits at the rate of nine paise per litre, at the stage of retail sale. The Governor of Haryana promulgated on the 21st July, 1967, the Punjab Motor Spirit (Taxation of Sales) Haryana Amendment Ordinance, 1967 (6 of 1967) to amend the said Act mainly with a view to levy the tax at the first stage of sale of all motor spirits and to assume powers to fix the rate of such tax by notification subject to a ceiling of nine paise per litre.

2. The proposed measure seeks to replace the said Ordinance.

3. The Committee, constituted under the proviso to sub-section (2) of section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967 (30 of 1967), has approved the enactment of this measure as a President's Act.

T. P. SINGH,
*Secy. to the Govt. of India,
Ministry of Finance.*

THE PUNJAB ENTERTAINMENTS TAX (CINEMATOGRAPH SHOWS) HARYANA AMENDMENT ACT, 1967**No. 13 OF 1967**

Enacted by the President in the Eighteenth Year of the Republic of India.

An Act to amend the Punjab Entertainments Tax (Cinematograph Shows) Act, 1954.

30 of 1967. In exercise of the powers conferred by section 3 of the Haryana State Legislature (Delegation of Powers) Act 1967, the President is pleased to enact as follows:—

1 This Act may be called the Punjab Entertainments Tax (Cinematograph Shows) Haryana Amendment Act, 1967. Short title.

Punjab Act
8 of 1954.

2. In sub-section (1) of section 3 of the Punjab Entertainments Tax (Cinematograph Shows) Act, 1954 (hereinafter referred to as the principal Act), for the words, letters and figures “not exceeding Rs. 10 per show at such rate or rates”, the words “at such rate or rates not exceeding twenty-five rupees per show” shall be substituted. Amendment
of section 3.

Haryana
Ordinance
1 of 1967.

3. (1) The Punjab Entertainments Tax (Cinematograph Shows) Haryana Amendment Ordinance, 1967, is hereby repealed. Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 13th day of July, 1967.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

Under section 3 of the Punjab Entertainments Tax (Cinematograph Shows) Act, 1954, there shall be levied, charged and paid to the State Government, on all public cinematograph exhibitions to which persons are admitted on payment, an entertainment tax at such rate or rates, not exceeding ten rupees per show as may, from time to time, be prescribed by notification in the Official Gazette. The maximum limit of ten rupees provided in section 3 was raised to twenty-five rupees by the Punjab Entertainments Tax (Cinematograph Shows) Haryana Amendment Ordinance, 1967 (1 of 1967). This measure is intended to replace the Ordinance.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967 (30 of 1967), has been consulted before the enactment of this measure as a President's Act.

P. GOVINDAN NAIR,

*Secy. to the Govt. of India,
Ministry of Finance.*

THE PUNJAB GENERAL SALES TAX (HARYANA AMENDMENT AND VALIDATION) ACT, 1967

No. 14 OF 1967

Enacted by the President in the Eighteenth Year of the Republic of India.

An Act to amend the Punjab General Sales Tax Act, 1948, and to validate the levy and collection of tax on certain goods and the proceedings connected therewith or ancillary thereto.

In exercise of the powers conferred by section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967, the President is ^{30 of 1967.} pleased to enact as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Punjab General Sales Tax (Haryana Amendment and Validation) Act, 1967.

(2) Sections 17, 19, 20, 21, 22, 23 and 24 and sub-clause (i) of clause (1) of section 27 shall come into force on such date as the State Government may, by notification, appoint and, save as otherwise provided, the remaining provisions shall be deemed to have come into force on the 14th day of November, 1967 and references to the commencement of this Act in such provisions (including the amendments made thereby) shall be construed as references to the 14th day of November, 1967.

Amendment
of section 2.

2. In section 2 of the Punjab General Sales Tax Act, 1948 (here- ^{Punjab Act} inafter referred to as the principal Act),— _{46 of 1948.}

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

“(dd) “declared goods” shall have the meaning assigned to that expression in clause (c) of section 2 of the Central Sales Tax Act, 1956;”

^{Central Act}
74 of 1956.

(ii) in clause (ff), the words and letter “specified in Schedule C” shall be omitted;

(iii) in clause (h), the words and letter “other than goods specified in Schedule C” shall be omitted;

(iv) after clause (h), the following clause shall be inserted, namely:—

“(hh) “Tribunal” means the Tribunal constituted under section 3A;”;

(v) in clause (i), after *Explanation* (2), the following *Explanation* shall be inserted, namely:—

“*Explanation* (3).—The proceeds of sale of any goods on the purchase of which tax is leviable under this Act, or the purchase value of any goods on the sale of which tax is leviable under this Act, shall not be included in the turnover.”.

3. In sub-section (3) of section 3 of the principal Act, for the words “shall be deemed”, the words “and the member of the Tribunal shall be deemed” shall be substituted. Amendment of section 3.

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

“3A. (1) With effect from such date as the State Government may, by notification, appoint, there shall be constituted a Tribunal consisting of one member to be appointed by the State Government for the purpose of performing such functions and exercising such powers as may be assigned to, or conferred on, the Tribunal by or under this Act. Constitution of Tribunal.

(2) A person shall not be qualified for appointment as member of the Tribunal unless he is or has been—

(i) a Financial Commissioner; or

(ii) a Commissioner of a Division; or

(iii) a Judge of a High Court.

(3) The term of office of a retired person who is appointed as member of the Tribunal shall be three years:

Provided that the State Government may, by order, extend such term by one year.

(4) Subject to the provisions of the rules relating to re-employment of retired persons for the time being in force in the State, a retired person who is appointed as member of the Tribunal, shall be entitled to such salary and allowances and shall be governed by such other conditions of service as may be prescribed:

Provided that nothing in such rules shall preclude the payment of a lower salary than that permitted therein.

(5) The member of the Tribunal may be removed from his office by the State Government if he—

(a) is adjudged as an insolvent; or

(b) takes up any employment outside the duties of his office; or

(c) is guilty of any misconduct; or

(d) is, in the opinion of the State Government, unable to continue in office by reason of infirmity of mind or body or for any other reason to be stated in writing:

Provided that, before taking action under this sub-section, the member shall be afforded a reasonable opportunity of making a representation against the proposed action and such representation, if made, shall be taken into consideration.

(6) The member of the Tribunal may, at any time, by writing under his hand addressed to the State Government, resign his office, but his resignation shall take effect from the date on which it is accepted.

(7) A vacancy in the membership of the Tribunal shall be filled by the State Government as soon as practicable.

(8) Subject to such conditions and limitations as may be prescribed, the Tribunal shall have power to award costs, and the amount of such costs shall be recoverable from the person ordered to pay the same as arrears of land revenue.

(9) The Tribunal shall, with the previous sanction of the State Government, make regulations, consistent with the provisions of this Act and the rules made thereunder, for the purpose of regulating its procedure, including the place or places of its sittings, and the disposal of its business.

(10) All regulations made under sub-section (9) shall be published by the State Government in the Official Gazette."

Amendment
of section 4.

5. In sub-section (1) of section 4 of the principal Act, for the words and figures "sections 5 and 6", the words, figures and brackets "sections 5 and 6 and sub-section (2) of section 10" shall be substituted.

Amendment
of section 5.

6. In section 5 of the principal Act,—

(1) in sub-section (1),—

(a) in the opening paragraph, for the words "six naye paise", the words "seven paise" shall be substituted;

(b) in the first proviso,—

(i) for the words “naye paise”, the word “paise” shall be substituted,

(ii) for the words “three months”, the words “thirty days” shall be substituted;

(c) for the second and third provisos, the following provisos shall be substituted, namely:—

“Provided further that the rate of tax,—

(i) for the period commencing on the 1st day of October, 1958, and ending with the 31st day of March, 1960, in respect of all declared goods and groundnut shall be, and shall be deemed for that period to have been two paise in a rupee and such tax shall be, and shall be deemed for that period, to have been leviable and payable,—

(a) where such goods were purchased for use in the manufacture of goods for sale, on the purchase thereof at the stage at which they were so purchased by the dealer liable to pay tax under this Act; and

(b) where such goods were not purchased for use in the manufacture of goods for sale, on the sale thereof at the stage of sale by the last dealer liable to pay tax under this Act;

(ii) for the period commencing on the 1st day of April, 1960, and ending with the commencement of the Punjab General Sales Tax (Haryana Amendment and Validation) Act, 1967,—

(a) in respect of declared goods specified in clauses (ii) and (vi) of section 14 of the Central Sales Tax Act, 1956, and in respect of groundnut and resin (crude pine gum), shall be, and shall be deemed for that period to have been two paise in a rupee, and such tax shall be, and shall be deemed for that period to have been leviable and payable on the purchase of such goods at the stage of purchase by the last dealer liable to pay tax under this Act;

(b) in respect of declared goods other than those referred to in clause (a), shall be, and shall be deemed for that period to have been two paise in a rupee, and such tax shall be, and shall be deemed for that period to have been

leviable and payable on the sale thereof at the stage of sale by the last dealer liable to pay tax under this Act;

(iii) after the commencement of the Punjab General Sales Tax (Haryana Amendment and Validation) Act, 1967, in respect of all declared goods shall, unless a lower rate is fixed by the State Government by notification, be three paise in a rupee and such tax shall be leviable and payable at the stage of sale or purchase, as the case may be, and under the circumstances specified against such goods in Schedule D:

Provided further that in the case of goods specified in Schedule C, the tax shall be leviable and payable only on the purchase thereof.”;

(2) in sub-section (1A),—

(a) in the opening paragraph, for the words “in respect of such goods and” the words and letters “in respect of such goods, other than the goods specified in Schedules C and D, and” shall be substituted;

(b) in the proviso, for the words “were purchased”, the words “were purchased to the effect that the tax on such goods has been paid at the first stage”, shall be substituted, and shall be deemed to have been substituted with effect from the sixteenth day of December, 1965;

(3) in clause (a) of sub-section (2),—

(a) in sub-clause (i),—

(i) for the words, brackets, figure and letter “sales to a registered dealer of goods, other than sales of goods liable to tax at the first stage under sub-section (1A)” the words, letters, brackets and figure “sales to a registered dealer of goods, other than sales of goods specified in Schedules C and D or of goods liable to tax at the first stage under sub-section (1A)” shall be substituted;

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

“Provided that no dealer shall be entitled to make any deduction from his turnover in respect of a sale made by him to a registered dealer with whom composition under sub-section (2) of section 10 has been made and is in force:

Provided further that in the case of such sales, a declaration duly filed and signed by the registered dealer to whom the goods are sold, containing

the prescribed particulars and inscribed on the bill or cash memorandum referred to in sub-section (2) of section 13, is furnished by the dealer who sells the goods:";

(b) for sub-clause (vi), the following sub-clause shall be substituted, namely:—

“(vi) the purchase of goods.—

(A) in any year during the period commencing on the 1st day of April, 1960 and ending with the commencement of the Punjab General Sales Tax (Haryana Amendment and Validation) Act, 1967, which were or are sold not later than six months after the close of that year, to a registered dealer, or in the course of inter-State trade or commerce or in the course of export out of the territory of India:

(B) at any time after the commencement of the Punjab General Sales Tax (Haryana Amendment and Validation) Act, 1967,—

(i) which are specified in Schedule C and are sold during the year to a registered dealer, or in the course of inter-State trade or commerce or in the course of export out of the territory of India; or

(ii) which are referred to in Schedule D and are sold during the year in the course of inter-State trade or commerce or in the course of export out of the territory of India:

Provided that in the case of a sale referred to in paragraph (A) or in sub-paragraph (i) of paragraph (B) to a registered dealer, a declaration in the prescribed form and duly filled and signed by the registered dealer to whom the goods are sold is furnished by the dealer claiming deduction:

Provided further that the purchase of goods referred to in paragraph (A) or in sub-paragraph (ii) of paragraph (B) remaining unsold within the period specified in those paragraphs shall be deemed to be the purchase of the dealer claiming deduction during the year following;" ;

(c) in sub-clause (vii), for the word “sales”, the words “sales or purchases” shall be substituted;

(4) after sub-section (2), the following sub-section shall be

inserted, and shall be deemed to have been inserted with effect from the 1st day of October, 1958, namely:—

“(3) Notwithstanding anything contained in this Act, the taxable turnover of any dealer for any period shall not include his turnover during that period in respect of any sale or purchase of declared goods at any stage other than the stage referred to in the second proviso to sub-section (1).”.

Amendment
of section 6.

7. In sub-section (2) of section 6 of the principal Act, for the words “three months”, the words “thirty days” shall be substituted.

Amendment
of section 7.

8. In sub-section (5) of section 7 of the principal Act, for the words and figures “When any dealer has been convicted or has paid composition money under section 24”, the words and figures “When any dealer has paid the amount of penalty imposed under section 23” shall be substituted.

Insertion of
new section
8A.

9. After section 8 of the principal Act, the following section shall be inserted, namely:—

Provisional
registration.

“8A. (1) Any person intending to establish a business in the State of Haryana for the purpose of manufacturing goods of a value exceeding ten thousand rupees a year for sale may, notwithstanding that he is not liable to registration under section 7, apply to the assessing authority in the prescribed form for provisional registration under this Act.

(2) If the assessing authority, after making such inquiry as it may consider necessary, is satisfied as to the *bona fide* intention of the person making the application, it may grant a provisional certificate of registration in the prescribed form and under such conditions as may be prescribed.

(3) Every person who has been granted a provisional certificate of registration under this section shall, for so long as such certificate is in force, be liable to pay tax under this Act.

(4) A provisional certificate of registration granted under this section shall be in force for such period as may be specified therein or until a certificate under section 7 is granted and the provisions of sub-section (4) of section 7 shall, so far as may be, apply to any such provisional certificate of registration.

(5) If a person, who has been granted a provisional certificate of registration under this section fails to establish the business within the period specified in the provisional certificate of registration or fails to comply with any of the conditions

specified therein, he shall be liable, by order of the assessing authority, to pay a penalty equivalent to one-half of the amount of tax which would have been payable by him in respect of all the purchases of goods made by him within the period specified in the certificate as if he had not been registered under this section."

10. In section 10 of the principal Act,—

Amendment
of section 10.

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

"(2) The State Government may, in the public interest and subject to such conditions as it may deem fit, accept from any class of dealers, in lieu of the amount of the tax payable under this Act for any period, by way of composition, a lump sum to be determined by the State Government and to be paid at such intervals and in such manner as may be prescribed, and thereupon during the period such composition remains in force, the provisions of this Act and the rules made thereunder relating to the filing of returns and the maintenance of accounts by such dealers shall not apply to them."

(2) in sub-section (3), the proviso shall be omitted.

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

Insertion
of new
section 10A.

"10A. (1) No dealer, who is not liable to pay tax under this Act shall collect any amount by way of tax under this Act; nor shall a dealer liable to pay tax under this Act make any such collection, except in accordance with the provisions of this Act.

Unauthorised
collection of
tax to be
paid to the
State
Government.

(2) If any dealer, who is not liable to pay tax under this Act, collects any amount purporting to be by way of tax under this Act, such dealer shall pay over to the State Government, within such time and in such manner as may be prescribed, the amount so collected.

(3) If any dealer liable to pay tax under this Act collects tax on any transaction not liable to tax under this Act or in excess of the tax leviable under this Act, such dealer shall pay over to the State Government, in addition to the tax payable, the amount so collected within such time and in such manner as may be prescribed.

(4) If the amount of tax collected by any dealer under sub-section (2) or sub-section (3) is not paid to the State Government

within the time, and in the manner, prescribed, it shall be recoverable as arrears of land revenue:

Provided that the payment of any claim to such amount made by the person who paid it to such dealer shall be the liability of the State Government.”.

Amendment
of section 11.

12. In sub-section (9) of section 11 of the principal Act, for the words “prosecution instituted for an offence”, the words “penalty imposed” shall be substituted.

Insertion of
new section
11AA.

Review of
assessments,
etc., of tax
on declared
goods and
groundnut.

13. After section 11A of the principal Act, the following section shall be inserted, namely:—

“11AA. (1) Notwithstanding anything contained in this Act or the rules made thereunder, the assessing authority shall, whether or not an application is made to him in this behalf, review all assessments and re-assessments made before the commencement of the Punjab General Sales Tax (Haryana Amendment and Validation) Act, 1967, in respect of all declared goods and groundnut and make such order varying or revising the order previously made as may be necessary for bringing that order in conformity with the provisions of this Act as amended by the said Act:

Provided that no proceeding for review shall be initiated without giving the dealer concerned a notice in writing of not less than thirty days.

(2) Any dealer on whom a notice is served under sub-section (1) may, within thirty days from the date of receipt of such notice, intimate in writing to the assessing authority that he has no objection to the assessment or re-assessment already made and thereupon, the assessing authority shall not review such assessment or re-assessment, as the case may be, under this section.

(3) No order shall be made under this section against any dealer without giving such dealer a reasonable opportunity of being heard.”.

Insertion of
new section
11C.

14. After section 11B of the principal Act, the following section shall be inserted, and shall be deemed always to have been inserted, namely:—

Period of
limitation
for comple-
tion of
assessment
or re-assess-
ment not to
apply in
certain
cases.

“11C. (1) Notwithstanding the provisions relating to the period of limitation contained in section 11 or section 11A or in any other provision of this Act, assessment or re-assessment may be made at any time in consequence of, or to give effect to, any order made by any court or other authority under this Act.

(2) Where the assessment proceedings relating to any dealer remained stayed under the orders of any court or other authority for any period, such period shall be excluded in computing the period of limitation for assessment or re-assessment specified in section 11 or section 11A or in any other provision of this Act."

15. In clause (a) of sub-section (2) of section 13 of the principal Act,— Amendment
of section
13.

(i) the word "and" occurring at the end shall be omitted.

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

"Provided that where any registered dealer sells goods to another registered dealer and claims deduction under sub-clause (ii) of clause (a) of sub-section (2) of section 5, he shall, in respect of such sale, prepare a cash memorandum or bill in quadruplicate and issue a copy thereof to the other registered dealer; and".

16. For sub-section (4) of section 14 of the principal Act, the following sub-section shall be substituted, namely:— Amendment
of section
14.

"(4) For the purposes of sub-section (2) or sub-section (3), an officer referred to in sub-section (1) may enter and search any office, shop, godown, vessel, vehicle or any other place of business of the dealer or any building, dwelling house or place where such officer has reason to believe that the dealer keeps, or is, for the time being, keeping any books, accounts, registers, documents or goods relating to his business:

Provided that no entry or search in a dwelling house shall be made—

(i) after sun-set and before sun-rise;

(ii) by an officer below the rank of an Excise and Taxation Officer; and

(iii) without obtaining the sanction of the Deputy Commissioner within whose jurisdiction such house is situated."

17. For sub-section (5) of section 14A of the principal Act, the following sub-section shall be substituted, namely:— Amendment
of section
14A.

"(5) Any person against whom any direction is made under this section may appeal to the Tribunal against such direction under and in accordance with the provisions of section 20."

18. In section 14B of the principal Act,—

(a) in sub-section (5), the words "and the Commissioner or the person so appointed shall have, for the purpose of examining

Amendment
of section
14B.

that such transport receipts and other documents and account books are in respect of the goods carried, transported, loaded, unloaded or consigned or received for transport, the power to break open any package or packages of such goods" shall be added at the end;

(b) in sub-section (6), for the words, brackets and figures "sub-section (2) and sub-section (3)", the words, brackets and figures "sub-section (2), sub-section (3) and sub-section (5)" shall be substituted.

Substitution
of new
section for
section 19.

Bar of
certain
proceedings.

19. For section 19 of the principal Act, the following section shall be substituted, namely:—

"19. No assessment made and no order passed under this Act or the rules made thereunder, by the Tribunal or the Commissioner or any person appointed under section 3 to assist the Commissioner shall be called into question in any civil court and, save as is provided in sub-section (5) of section 14A and sections 20, 21, 21A, 21B and 22, no appeal or application shall lie against any such assessment or order."

Substitution
of new
section for
section 20.
Appeal.

20. For section 20 of the principal Act, the following section shall be substituted, namely:—

"20. (1) An appeal from every original order, including an order under section 21, passed under this Act or the rules made thereunder shall lie,—

(a) if the order is made by an assessing authority, to the Deputy Excise and Taxation Commissioner or such other officer as the State Government may, by notification, appoint;

(b) if the order is made by the Deputy Excise and Taxation Commissioner, to the Commissioner or such other officer as the State Government may, by notification, appoint;

(c) if the order is made by the Commissioner, to the Tribunal.

(2) An order passed in appeal by the Deputy Excise and Taxation Commissioner or the officer appointed by the State Government under clause (a) of sub-section (1) or by the Commissioner or the officer appointed by the State Government under clause (b) of that sub-section shall be further appealable to the Tribunal.

(3) Every order passed by the Tribunal on appeal under sub-section (2), shall, subject to the provisions of section 22, be final.

(4) No appeal shall be entertained unless it is filed within sixty days from the date of the order appealed against.

(5) Subject to such regulations made by the Tribunal under sub-section (9) of section 3A and subject to such rules of procedure as may be prescribed in relation to an appellate authority other than the Tribunal, an appellate authority may pass such order on appeal as it deems to be just and proper including an order enhancing the amount of tax or penalty or both or an order staying the recovery of the tax assessed, or penalty imposed or both, under this Act."

21. For section 21 of the principal Act, the following sections shall be substituted, namely:—

Substitution
of new
sections for
section 21.

"21. (1) The Commissioner may on his own motion call for the record of any proceedings which are pending before, or have been disposed of by, any assessing authority or appellate authority, other than the Tribunal, for the purpose of satisfying himself as to the legality or propriety of such proceedings or of any order made therein and may pass such order in relation thereto as he may think fit. Revision.

(2) The State Government may, by notification, confer on any officer the powers of the Commissioner under sub-section (1) to be exercised subject to such conditions and in respect of such areas as may be specified in the notification.

(3) No order shall be passed under this section which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

21A (1) Any person considering himself aggrieved by an order of the Tribunal or any officer under this Act, and who, from the discovery of any new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when such order was made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the order made against him, may apply for a review of such order to the Tribunal or such officer, as the case may be. Review.

(2) The Tribunal or the Officer, as the case may be, may, after giving notice to the parties concerned, review any order made by it or him on the grounds mentioned in sub-section (1).

Disposal of
pending
appeals, etc.

21B. (1) Any appeal pending, immediately before the date on which the Tribunal is constituted under section 3A (hereinafter in this section referred to as the notified date), before the Financial Commissioner under this Act shall on such date stand transferred to, and be disposed of by, the Tribunal.

(2) Any application for revision pending, immediately before the notified date before the Financial Commissioner, shall on such date stand transferred to the Tribunal and shall be disposed of by it as if it were an appeal made to the Tribunal under and in accordance with the provisions of section 20.

(3) Where an appeal against an order passed by any officer under this Act would lie to the Tribunal after the notified date, and the period of limitation specified for filing such appeal under this Act has not expired, then, such appeal shall lie to the Tribunal within thirty days of the notified date or within the expiry of the period of limitation specified for filing such appeal, whichever is later."

Amendment
of section
22.

22. In section 22 of the principal Act,—

(1) in sub-section (1),—

(a) for the words and figures "under section 21 by the Financial Commissioner", the words and figures "under section 20 by the Tribunal" shall be substituted;

(b) for the words "require the Financial Commissioner", the words "require the Tribunal" shall be substituted;

(2) in sub-section (2), for the words "the Financial Commissioner", the words "the Tribunal" shall be substituted;

(3) in sub-section (3),—

(i) for the words "the Financial Commissioner's decision", the words "the decision of the Tribunal" shall be substituted;

(ii) for the words "the Financial Commissioner", occurring at both the places, the words "the Tribunal" shall be substituted;

(4) in sub-section (4), for the words "the Financial Commissioner", the words "the Tribunal" shall be substituted;

(5) in sub-section (5), for the words "the Financial Commissioner", occurring at both the places, the words "the Tribunal" shall be substituted;

(6) in sub-section (7), for the words "the Financial Commissioner", the words "the Tribunal" shall be substituted.

23. In section 22A of the principal Act, for the word "Commissioner", wherever it occurs, the words "Tribunal or the Commissioner" shall be substituted.

Amendment of section 22A.

24. In section 23 of the principal Act, sub-sections (3), (4) and (5) shall be omitted

Amendment of section 23.

25. After section 23 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 23A and 23B.

"23A. Any property seized under this Act, which is not claimed by any person, shall be disposed of in accordance with the provisions of sections 25, 26 and 27 of the Police Act, 1861, as if the officer or authority seizing such property were a police officer:

Disposal of certain property.

Central Act
5 of 1861

Provided that if, during the period allowed in accordance with such provisions, any person claims the property, it shall not be released to him unless the tax or penalty or both due in respect of the same under this Act is paid by such person.

23B. Notwithstanding the retrospective operation of any of the provisions of the Punjab General Sales Tax (Haryana Amendment and Validation) Act, 1967, no contravention of, or no failure to comply with, any of the provisions of this Act, as amended by the said Act, shall render any person guilty of an offence—

Certain contraventions no to be offences.

(i) if such contravention or failure relates to any provision of this Act as amended by the said Act; and

(ii) if such provision was contravened or not complied with on or after the 1st day of October, 1958 and before the commencement of the said Act."

26. In sub-section (3) of section 26 of the principal Act, for the words "prosecution under the Indian Penal Code in respect of any such statement, return, accounts, documents or evidence, or for the purpose of a prosecution under this Act", the words "any investigation or prosecution under this Act or the Indian Penal Code in respect of such statement, return, accounts, documents or evidence, or for the purpose of audit" shall be substituted.

Amendment of section 26.

Central Act
5 of 1860.

Amendment
of section
27.

27. In section 27 of the principal Act,—

(1) in sub-section (2),—

(i) before clause (b), the following clauses shall be inserted, namely:—

“(a) the salary and allowances and other conditions of service of the member of the Tribunal under sub-section (4) of section 3A;

(aa) the conditions and limitations subject to which the Tribunal shall award costs under sub-section (8) of section 3A;”;

(ii) in clause (f), for the words and figures “section 7 or section 8”, the words, figures and letter “section 7, section 8 or section 8A” shall be substituted;

(iii) in clause (g), for the word “Commissioner”, the words “State Government” shall be substituted;

(iv) after clause (h), the following clause shall be inserted, namely:—

“(hh) the time within which and the manner in which any tax collected under section 10A shall be paid over to the State Government;”;

(v) in clause (o), the words “against assessment”, shall be omitted;

(vi) in clause (p) for the words and figures “applications for revisions under sections 20 and 21”, the words “applications for revision and review under this Act” shall be substituted;

(2) sub-section (3) shall be omitted.

Amendment
of section
30.

28. In sub-section (2) of section 30 of the principal Act,—

(1) in clause (a), the word “and” shall be omitted;

(2) in clause (b), the word “and” shall be inserted at the end;

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

“(c) a registered dealer shall be entitled to deduct from his taxable turnover the purchase value of goods specified in Schedule C to the extent such goods are sold by him to such societies or persons notwithstanding anything contained in sub-section (2) of section 5.”.

29. For section 31 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 31.

“31. The State Government may, after giving by notification, not less than thirty days’ notice of its intention so to do, by notification, add to, or omit from, or otherwise amend Schedule C or Schedule D, and thereupon Schedule C or Schedule D, as the case may be, shall be deemed to be amended accordingly.”

Power to
amend
Schedules
C and D.

30. For Schedule C to the principal Act, the following Schedules shall be substituted, namely:—

Substitution
of new
Schedules
for Schedule
C.

“SCHEDULE C

[See the third proviso to sub-section (1) of section 5.]

(1) Resin (crude pine-gum).

(2) Paddy.

(3) Groundnut.

SCHEDULE D

[See clause (iii) of the second proviso to sub-section (1) of section 5.]

Serial No. 1	Name of declared goods 2	Circumstances under which tax to be levied 3	Stage of levy 4
1	Cotton, that is to say, all kinds of cotton (indigenous or imported) in its manufactured state, whether ginned or unginned, baled, pressed or otherwise but not including cotton waste.	(i) If imported by a dealer from outside the State of Haryana, or otherwise received by him in the State of Haryana, for sale. (ii) If purchased in the State of Haryana.	(i) First sale within the State of Haryana by a dealer liable to pay tax under this Act. (ii) First purchase within the State of Haryana by a dealer liable to pay tax under this Act.
2	Oil-seeds, that is to say, seeds yielding non-volatile oils used for human consumption, or in industry, or in the manufacture of varnishes, soaps and the like, or in lubrication, and volatile oils used chiefly in medicines, perfumes, cosmetics and the like.	(i) If imported by a dealer from outside the State of Haryana, or otherwise received by him in the State of Haryana, for sale. (ii) If purchased in the State of Haryana.	(i) First sale within the State of Haryana by a dealer liable to pay tax under this Act. (ii) First purchase within the State of Haryana by a dealer liable to pay tax under this Act.

Serial No. 1	Name of declared goods 2	Circumstances under which tax to be levied 3	Stage of levy 4
3	All other declared goods	(i) If manufactured in the State of Haryana. (ii) In all other cases.	(i) Sale in the State of Haryana by the manufacturer and where the manufacturer is not liable to pay tax under this Act, by the earliest of successive dealers liable to pay tax under this Act. (ii) First sale in the State of Haryana by a dealer liable to pay tax under this Act."

Validation.

21. (1) Notwithstanding any judgment, decree or order of any court or other authority, any levy, assessment, re-assessment or collection of any tax in respect of any declared goods referred to in section 14 of the Central Sales Tax Act, 1956, resin (crude pine-gum) and groundnut made or purporting to have been made before the commencement of this Act and any action or thing taken or done or purporting to have been taken or done before such commencement in relation to such levy, assessment, re-assessment or collection under the provisions of the principal Act shall be deemed to be as valid and effective as if such levy, assessment, re-assessment or collection or action or thing had been made, taken or done under the principal Act, as amended by this Act, and accordingly—

Central Act
74 of 1956.

(a) all acts, proceedings or things done or action taken by the State Government or by any officer of the State Government or by any authority in connection with the levy, assessment, re-assessment or collection of such tax shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law;

(b) no suit or other proceeding shall be maintained or continued in any court for the refund of any such tax so collected; and

(c) no court shall enforce a decree or order directing the refund of any such tax so collected.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person from claiming refund of any tax paid by him in excess of the amount due from him under the principal Act, as amended by this Act.

Haryana
Ordinance
No. 10 of
1967.

32. (1) The Punjab General Sales Tax (Haryana Amendment and Validation) Ordinance, 1967, is hereby repealed. Repeal and saving.

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

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

In the case of Bhiwani Cotton Mills Ltd. *vs.* the State of Punjab and another, the Supreme Court struck down the levy of tax under the Punjab General Sales Tax Act, 1948, on sales or purchases of declared goods within the meaning of section 2(c) of the Central Sales Tax Act, 1956, on the ground that the Punjab Act did not specifically provide for the stage at which the tax on such goods was to be collected. As the said Punjab Act is in force in the State of Haryana as well, the Governor of Haryana in order to overcome the difficulties caused by this judgment, promulgated on 14th November, 1967 the Punjab General Sales Tax (Haryana Amendment and Validation) Ordinance, 1967 (Haryana Ordinance No. 10 of 1967) which *inter alia* provided for the stage at which tax was to be collected on declared goods as also for validation of the past levy of tax on such goods. The other more important provisions in the said Ordinance were—

(i) Provision was made for the setting up of a one man Tribunal to hear and dispose of appeals against the decisions of the assessing authorities;

(ii) The ceiling in respect of rate of tax on declared goods was raised from 2 per cent. to 3 per cent. so as to conform to the ceiling laid down in section 15 of the Central Sales Tax Act, 1956;

(iii) Provision was made for grant of registration to intending manufacturers;

(iv) Power was taken to compound the tax due from certain classes of dealers;

(v) Provision was made for unauthorised collections by dealers, made by way of tax, being made over to the Government and the refund of such tax by the Government to the persons from whom it was wrongfully collected.

2. The proposed measure seeks to replace the said Ordinance.

3. The opportunity is also proposed to be utilised to overcome another difficulty caused by the judgment of the Punjab and Haryana High Court in the case of Hans Raj Choudhry *vs.* J. S. Rajyana, Excise and Taxation Officer (Enforcement) wherein the High Court ruled that groundnut was not an "oil-seed" within the meaning of the Punjab General Sales Tax Act, 1948 and as such no tax can be levied on its purchase. Through this measure, levy of tax on groundnut prior to its commencement is sought to be validated. For the future it is being specifically provided, that tax on groundnut, will be collected on its purchase.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Haryana State Legislature (Delegation of Powers) Act, 1967 (30 of 1967) has approved the enactment of this measure as a President's Act.

T. P. SINGH,

*Secy. to the Govt. of India,
Ministry of Finance.*

THE MAHE (STAY OF EVICTION PROCEEDINGS) REGULATION (AMENDMENT) ORDINANCE, 1967

No. 9 OF 1967

Promulgated by the President in the Eighteenth Year of the
Republic of India.

An Ordinance further to amend the Mahe (Stay of Eviction
Proceedings) Regulation, 1963.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Mahe (Stay of Eviction Proceedings) Regulation (Amendment) Ordinance, 1967.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of Mahe in the Union territory of Pondicherry.

(3) It shall come into force at once.

2. During the period of operation of this Ordinance, sub-section (3) of section 1 of the Mahe (Stay of Eviction Proceedings) Regulation, 1963, shall have effect subject to the modification that for the words, figures and letters "the 31st day of December, 1967", the words, figures and letters "the 31st day of December, 1968" shall be substituted.

Amendment
of section 1
of Regula-
tion 5 of
1963.

ZAKIR HUSAIN,

President.

V. N. BHATIA,

Secy. to the Govt. of India.

The following Acts of Parliament received the assent of the President on the 30th December, 1967, and are hereby published for general information:—

THE ESSENTIAL COMMODITIES (SECOND AMENDMENT) ACT, 1967

No. 36 OF 1967

[30th December, 1967]

An Act further to amend the Essential Commodities Act, 1955, and to continue the Essential Commodities (Amendment) Act, 1964, for a further period.

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

1. This Act may be called the Essential Commodities (Second Amendment) Act, 1967.

Short title.

Amend-
ment of
section 2.

2. In section 2 of the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act),—

10 of 1955.

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

‘(cc) “order” includes a direction issued thereunder;’

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

‘(e) “sugar” means—

(i) any form of sugar containing more than ninety per cent. of sucrose, including sugar candy;

(ii) khandsari sugar or bura sugar or crushed sugar or any sugar in crystalline or powdered form; or

(iii) sugar in process in vacuum pan sugar factory or raw sugar produced therein.’

Amend-
ment of
section 3.

3. In section 3 of the principal Act,—

(a) in sub-section (1), after the words “at fair prices”, the words “or for securing any essential commodity for the defence of India or the efficient conduct of military operations” shall be inserted;

(b) in sub-section (2), in clause (j), the following shall be inserted at the end, namely:—

“and of any books of accounts and documents which in his opinion would be useful for, or relevant to, any proceedings under this Act and the return of such books of accounts and documents to the person from whom they were seized after copies thereof or extracts therefrom as certified by that person in the manner specified in the order have been taken.”;

(c) after sub-section (3B), the following sub-section shall be inserted, namely:—

‘(3C) Where any producer is required by an order made with reference to clause (f) of sub-section (2) to sell any kind of sugar (whether to the Central Government or a

State Government or to an officer or agent of such Government or to any other person or class of persons) and either no notification in respect of such sugar has been issued under sub-section (3A) or any such notification, having been issued, has ceased to remain in force by efflux of time, then, notwithstanding anything contained in sub-section (3), there shall be paid to that producer an amount therefor which shall be calculated with reference to such price of sugar as the Central Government may, by order, determine, having regard to—

(a) the minimum price, if any, fixed for sugarcane by the Central Government under this section;

(b) the manufacturing cost of sugar;

(c) the duty or tax, if any, paid or payable thereon; and

(d) the securing of a reasonable return on the capital employed in the business of manufacturing sugar,

and different prices may be determined from time to time for different areas or for different factories or for different kinds of sugar.

Explanation.—For the purposes of this sub-section, “producer” means a person carrying on the business of manufacturing sugar.’

4. In section 6A of the principal Act,—

Amend-
ment of
section
6A.

(a) for the words “foodgrains, edible oilseeds or edible oils are seized”, in both the places where they occur, the words “essential commodity is seized” shall be substituted;

(b) for the words “they may”, the words “it may” shall be substituted;

(c) for the words “may order confiscation of the foodgrains, edible oilseeds or edible oils”, the words “may order confiscation of the essential commodity so seized” shall be substituted.

5. In section 6B of the principal Act,—

Amend-
ment of
section
6B.

(a) for the words “any foodgrains, edible oilseeds or edible oils”, the words “any essential commodity” shall be substituted;

(b) for the word "articles" in both the places where it occurs, the words "essential commodity" shall be substituted;

(c) for the words "they are seized", the words "it is seized" shall be substituted.

Amend-
ment of
section
6C.

6. In section 6C of the principal Act, in sub-section (2),—

(a) for the words "return the foodgrains or edible oilseeds or edible oils seized", the words "return the essential commodity seized" shall be substituted;

(b) for the words "as if the foodgrains, edible oilseeds or edible oils, as the case may be," the words "as if the essential commodity" shall be substituted;

(c) for the word "articles", the words "the essential commodity" shall be substituted;

(d) for the words, brackets, figures and letter "and such price shall be determined in accordance with the provisions of sub-section (3B) of section 3", the following shall be substituted, namely:

"and such price shall be determined—

(i) in the case of foodgrains, edible oilseeds or edible oils, in accordance with the provisions of sub-section (3B) of section 3;

(ii) in the case of sugar, in accordance with the provisions of sub-section (3C) of section 3; and

(iii) in the case of any other essential commodity, in accordance with the provisions of sub-section (3) of section 3."

Amend-
ment of
section 7.

7. In section 7 of the principal Act,—

(a) in sub-section (1)—

(i) for the words and figure "If any person contravenes any order made under section 3", the words and figure "If any person contravenes, whether knowingly, intentionally or otherwise, any order made under section 3" shall be substituted;

(ii) in sub-clause (ii) of clause (a), for the words "three years", the words "five years" shall be substituted;

(iii) for the proviso to clause (a), the following proviso shall be substituted, namely:—

"Provided that in the case of a first offence, if the Court is of opinion that a sentence of fine only will meet the ends of justice, it may, for reasons to be recorded,

refrain from imposing a sentence of imprisonment and in the case of a second or subsequent offence, the Court shall impose a sentence of imprisonment and such imprisonment shall not be less than one month; and”;

(iv) for clause (b) (excluding the proviso), the following shall be substituted, namely:—

“(b) any property in respect of which the order has been contravened or such part thereof as to the Court may seem fit including any packages, coverings or receptacles in which the property is found and any animal, vehicle, vessel or other conveyance used in carrying the property, shall be forfeited to the Government.”;

(b) in sub-section (2), for the words “three years”, the words “five years” shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Where a person having been convicted of an offence under sub-section (1) is again convicted of an offence under that sub-section for contravention of an order in respect of an essential commodity, the Court by which such person is convicted shall, in addition to any penalty which may be imposed on him under that sub-section, by order, direct that that person shall not carry on any business in that essential commodity for such period, not being less than six months, as may be specified by the Court in the order.”.

8. In section 9 of the principal Act, for the words “three years”, the words “five years” shall be substituted. Amendment of section 9.

9. After section 10 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 10A.

“10A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every offence punishable under this Act shall be cognizable and bailable.”. Offences to be cognizable and bailable.

10. The duration of the Essential Commodities (Amendment) Act, 1964, is further extended for the period up to and including the 31st day of December, 1969, and accordingly that Act shall have effect subject to the modification that in section 1 of that Act, in sub-section (3), for the words, figures and letters “the 31st day of December, 1967”, the words, figures and letters “the 31st day of December, 1969” shall be substituted. Continuance of Act 47 of 1964.

Repeal
and
saving.

11. (1) The Essential Commodities (Amendment) Ordinance, 1967, 6 of 1967.
and the Essential Commodities (Second Amendment) Ordinance, 8 of 1967.
1967, are hereby repealed.

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

(a) clause (b) of section 2 and clause (c) of section 3 of this Act had come into force on the 21st day of October, 1967; and

(b) the rest of this Act [except clause (a) of section 3 and this section] had come into force on the 16th day of September, 1967:

Provided that during the period commencing on the 16th day of September, 1967, and ending with the 20th day of October, 1967, clause (d) of section 6 of this Act shall have effect subject to the modification that the brackets, figures and letter "(ii) in the case of sugar, in accordance with the provisions of sub-section (3C) of section 3;" had been omitted therefrom.

V. N. BHATIA,

Secy. to the Govt. of India.

THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967

NO. 37 OF 1967

[30th December, 1967]

An Act to provide for the more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith.

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

CHAPTER I

PRELIMINARY

Short
title
and
extent.

1. (1) This Act may be called the Unlawful Activities (Prevention) Act, 1967.

(2) It extends to the whole of India.

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

Defini-
tions.

(a) "association" means any combination or body of individuals;

(b) "cession of a part of the territory of India" includes admission of the claim of any foreign country to any such part;

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

(d) "secession of a part of the territory of India from the Union" includes the assertion of any claim to determine whether such part will remain a part of the territory of India;

(e) "Tribunal" means the Tribunal constituted under section 5;

(f) "unlawful activity", in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),—

(i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession;

(ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India;

(g) "unlawful association" means any association which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity.

CHAPTER II

UNLAWFUL ASSOCIATIONS

3. (1) If the Central Government is of opinion that any association is, or has become, an unlawful association, it may, by notification in the Official Gazette, declare such association to be unlawful.

Declara-
tion of an
associa-
tion as
unlawful.

(2) Every such notification shall specify the grounds on which it is issued and such other particulars as the Central Government may consider necessary:

Provided that nothing in this sub-section shall require the Central Government to disclose any fact which it considers to be against the public interest to disclose.

(3) No such notification shall have effect until the Tribunal has, by an order made under section 4, confirmed the declaration made therein and the order is published in the Official Gazette:

Provided that if the Central Government is of opinion that circumstances exist which render it necessary for that Government to declare an association to be unlawful with immediate effect, it may, for reasons to be stated in writing, direct that the notification shall, subject to any order that may be made under section 4, have effect from the date of its publication in the Official Gazette.

(4) Every such notification shall, in addition to its publication in the Official Gazette, be published in not less than one daily newspaper having circulation in the State in which the principal office, if any, of the association affected is situated, and shall also be served on such association in such manner as the Central Government may think fit and all or any of the following modes may be followed in effecting such service, namely:—

(a) by affixing a copy of the notification to some conspicuous part of the office, if any, of the association; or

(b) by serving a copy of the notification, where possible, on the principal office-bearers, if any, of the association; or

(c) by proclaiming by beat of drum or by means of loud-speakers, the contents of the notification in the area in which the activities of the association are ordinarily carried on; or

(d) in such other manner as may be prescribed.

Reference
to Tribu-
nal.

4. (1) Where any association has been declared unlawful by a notification issued under sub-section (1) of section 3, the Central Government shall, within thirty days from the date of the publication of the notification under the said sub-section, refer the notification to the Tribunal for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful.

(2) On receipt of a reference under sub-section (1), the Tribunal shall call upon the association affected by notice in writing to show cause, within thirty days from the date of the service of such notice, why the association should not be declared unlawful.

(3) After considering the cause, if any, shown by the association or the office-bearers or members thereof, the Tribunal shall hold an inquiry in the manner specified in section 9 and after calling for such further information as it may consider necessary from the Central Government or from any office-bearer or member of the

association, it shall decide whether or not there is sufficient cause for declaring the association to be unlawful and make, as expeditiously as possible and in any case within a period of six months from the date of the issue of the notification under sub-section (1) of section 3, such order as it may deem fit either confirming the declaration made in the notification or cancelling the same.

(4) The order of the Tribunal made under sub-section (3) shall be published in the Official Gazette.

5. (1) The Central Government may, by notification in the Official Gazette, constitute, as and when necessary, a tribunal to be known as the "Unlawful Activities (Prevention) Tribunal" consisting of one person, to be appointed by the Central Government:

Provided that no person shall be so appointed unless he is a Judge of a High Court.

(2) If, for any reason, a vacancy (other than a temporary absence) occurs in the office of the presiding officer of the Tribunal, then, the Central Government shall appoint another person in accordance with the provisions of this section to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The Central Government shall make available to the Tribunal such staff as may be necessary for the discharge of its functions under this Act.

(4) All expenses incurred in connection with the Tribunal shall be defrayed out of the Consolidated Fund of India.

(5) Subject to the provisions of section 9, the Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which it will hold its sittings.

(6) The Tribunal shall, for the purpose of making an inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

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

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the requisitioning of any public record from any court or office;

(e) the issuing of any commission for the examination of witnesses.

(7) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898.

45 of 1860

5 of 1898.

Period of
operation
and cancel-
lation of
notifica-
tion.

6. (1) Subject to the provisions of sub-section (2), a notification issued under section 3 shall, if the declaration made therein is confirmed by the Tribunal by an order made under section 4, remain in force for a period of two years from the date on which the notification becomes effective.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, either on its own motion or on the application of any person aggrieved, at any time, cancel the notification issued under section 3, whether or not the declaration made therein has been confirmed by the Tribunal.

Power to
prohibit
the use of
funds of an
unlawful
associa-
tion.

7. (1) Where an association has been declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section and the Central Government is satisfied, after such inquiry as it may think fit, that any person has custody of any moneys, securities or credits which are being used or are intended to be used for the purpose of the unlawful association, the Central Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with such moneys, securities or credits or with any other moneys, securities or credits which may come into his custody after the making of the order, save in accordance with the written orders of the Central Government and a copy of such order shall be served upon the person so prohibited in the manner specified in sub-section (3).

(2) The Central Government may endorse a copy of the prohibitory order made under sub-section (1) for investigation to any gazetted officer of the Government it may select, and such copy shall be a warrant whereunder such officer may enter in or upon any premises of the person to whom the order is directed, examine the books of such person, search for moneys, securities or credits, and make inquiries from such person or any officer, agent or servant of such person, touching the origin of any dealings in any moneys, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purpose of the unlawful association.

5 of 1898.

(3) A copy of an order made under this section shall be served in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, or, where the person to be served is a corporation, company, bank or other association, it shall be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or other association at its registered office, or where there is no registered office, at the place where it carries on business.

(4) Any person aggrieved by a prohibitory order made under sub-section (1) may, within fifteen days from the date of the service of such order, make an application to the Court of the District Judge within the local limits of whose jurisdiction such person voluntarily resides or carries on business or personally works for gain, to establish that the moneys, securities or credits in respect of which the prohibitory order has been made are not being used or are not intended to be used for the purpose of the unlawful association and the Court of the District Judge shall decide the question.

(5) Except so far as is necessary for the purposes of any proceedings under this section, no information obtained in the course of any investigation made under sub-section (2) shall be divulged by any gazetted officer of the Government, without the consent of the Central Government.

(6) In this section, "security" includes a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money.

Power to
notify
places for
the pur-
pose of
an unlaw-
full associa-
tion.

8. (1) Where an association has been declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section, the Central Government may, by notification in the Official Gazette, notify any place which in its opinion is used for the purpose of such unlawful association.

Explanation.—For the purposes of this sub-section, “place” includes a house or building, or part thereof, or a tent or vessel.

(2) On the issue of a notification under sub-section (1), the District Magistrate within the local limits of whose jurisdiction such notified place is situate or any officer authorised by him in writing in this behalf shall make a list of all movable properties (other than wearing-apparel, cooking vessels, beds and beddings, tools of artisans, implements of husbandry, cattle, grain and food-stuffs and such other articles as he considers to be of a trivial nature) found in the notified place in the presence of two respectable witnesses.

(3) If, in the opinion of the District Magistrate, any articles specified in the list are or may be used for the purpose of the unlawful association, he may make an order prohibiting any person from using the articles save in accordance with the written orders of the District Magistrate.

(4) The District Magistrate may thereupon make an order that no person who at the date of the notification was not a resident in the notified place shall, without the permission of the District Magistrate, enter, or be on or in, the notified place:

Provided that nothing in this sub-section shall apply to any near relative of any person who was a resident in the notified place at the date of the notification.

(5) Where in pursuance of sub-section (4), any person is granted permission to enter, or to be on or in, the notified place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the District Magistrate.

(6) Any police officer, not below the rank of a sub-inspector, or any other person authorised in this behalf by the Central Government may search any person entering, or seeking to enter, or being on or in, the notified place and may detain any such person for the purpose of searching him:

Provided that no female shall be searched in pursuance of this sub-section except by a female.

(7) If any person is in the notified place in contravention of an order made under sub-section (4), then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any officer or by any other person authorised in this behalf by the Central Government.

(8) Any person aggrieved by a notification issued in respect of a place under sub-section (1) or by an order made under sub-section (3) or sub-section (4) may, within thirty days from the date of the notification or order, as the case may be, make an application to the Court of the District Judge within the local limits of whose jurisdiction such notified place is situate—

(a) for declaration that the place has not been used for the purpose of the unlawful association; or

(b) for setting aside the order made under sub-section (3) or sub-section (4),

and on receipt of the application the Court of the District Judge shall, after giving the parties an opportunity of being heard, decide the question.

9. Subject to any rules that may be made under this Act, the procedure to be followed by the Tribunal in holding any inquiry under sub-section (3) of section 4 or by a Court of the District Judge in disposing of any application under sub-section (4) of section 7 or sub-section (8) of section 8 shall, so far as may be, be the procedure laid down in the Code of Civil Procedure, 1908, for the investigation of claims and the decision of the Tribunal or the Court of the District Judge, as the case may be, shall be final.

Procedure to be followed in the disposal of applications under this Act.

5 of 1908.

CHAPTER III

OFFENCES AND PENALTIES

10. Whoever is and continues to be a member of an association declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section, or takes part in meetings of any such unlawful association, or contributes to, or receives or solicits any contribution for the purpose of, any such unlawful association, or in any way assists the operations of any such unlawful association, shall be punishable with imprisonment for a term which may extend to two years, and shall also be liable to fine.

Penalty for being members of an unlawful association.

Penalty
for deal-
ing with
funds of
an unlaw-
ful asso-
ciation.

11. If any person on whom a prohibitory order has been served under sub-section (1) of section 7 in respect of any moneys, securities or credits pays, delivers, transfers or otherwise deals in any manner whatsoever with the same in contravention of the prohibitory order, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and notwithstanding anything contained in the Code of Criminal Procedure, 1898, the court trying such contravention may also impose on the person convicted an additional fine to recover from him the amount of the moneys or credits or the market value of the securities in respect of which the prohibitory order has been contravened or such part thereof as the court may deem fit.

5 of 1898.

Penalty
for con-
travention
of an order
made in
respect of
a notified
place.

12. (1) Whoever uses any article in contravention of a prohibitory order in respect thereof made under sub-section (3) of section 8 shall be punishable with imprisonment for a term which may extend to one year, and shall also be liable to fine.

(2) Whoever knowingly and wilfully is in, or effects or attempts to effect entry into, a notified place in contravention of an order made under sub-section (4) of section 8 shall be punishable with imprisonment for a term which may extend to one year, and shall also be liable to fine.

Punish-
ment for
unlawful
activities.

13. (1) Whoever—

(a) takes part in or commits, or

(b) advocates, abets, advises or incites the commission of, any unlawful activity, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever, in any way, assists any unlawful activity of any association, declared unlawful under section 3, after the notification by which it has been so declared has become effective under sub-section (3) of that section, shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(3) Nothing in this section shall apply to any treaty, agreement or convention entered into between the Government of India and the Government of any other country or to any negotiations therefor carried on by any person authorised in this behalf by the Government of India.

5 of 1898.

14. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognizable. Offences to be cognizable.

CHAPTER IV

MISCELLANEOUS

15. An association shall not be deemed to have ceased to exist by reason only of any formal act of its dissolution or change of name but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof. Continuance of association.

16. Save as otherwise expressly provided in this Act, no proceeding taken under this Act by the Central Government or the District Magistrate or any officer authorised in this behalf by the Central Government or the District Magistrate shall be called in question in any court in any suit or application or by way of appeal or revision, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act. Bar of jurisdiction.

17. No court shall take cognizance of any offence punishable under this Act except with the previous sanction of the Central Government or any officer authorised by the Central Government in this behalf. Prosecution for offences under this Act.

18. (1) No suit or other legal proceeding shall lie against the Government in respect of any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder. Protection of action taken in good faith.

(2) No suit, prosecution or other legal proceeding shall lie against the District Magistrate or any officer authorised in this behalf by the Government or the District Magistrate in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

19. The Central Government may, by notification in the Official Gazette, direct that all or any of the powers which may be exercised by it under section 7, or section 8, or both, shall, in such circumstances Power to delegate

and under such conditions, if any, as may be specified in the notification, be exercised also by any State Government and the State Government may, with the previous approval of the Central Government, by order in writing direct that any power which has been directed to be exercised by it shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised by any person subordinate to the State Government as may be specified therein.

Effect of
Act and
rules, etc.,
inconsis-
tent with
other
enact-
ments.

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

Power to
make
rules.

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

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

(a) the service of notices or orders issued or made under this Act and the manner in which such notices or orders may be served, where the person to be served is a corporation, company, bank or other association;

(b) the procedure to be followed by the Tribunal or a District Judge in holding any inquiry or disposing of any application under this Act;

(c) any other matter which has to be, or may be, prescribed.

(3) Every rule made by the Central Government 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 or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

V. N. BHATIA,
Secy. to the Govt. of India.