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PART II—Section 2

प्राधिकार से प्रकाशित

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

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 23rd November, 1972:—

BIL No. XL OF 1972

A Bill to provide for the extension of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 to the State of Jammu and Kashmir.

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

1. (1) This Act may be called the Diplomatic and Consular Officers (Oaths and Fees) (Extension to Jammu and Kashmir) Act, 1972. Short title and commencement.
- (2) It shall come into force at once.
2. The Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (hereinafter referred to as the principal Act) is hereby extended to, and shall come into force in, and in relation to, the State of Jammu and Kashmir and accordingly,— Extension of Act 41 of 1948.

(a) the provisions of the principal Act and the rules made thereunder shall apply to and in relation to the State of Jammu and Kashmir as they apply to and in relation to any other State;

(b) clause (d) of section 2 of the principal Act shall be omitted.

Amend-
ment of
section 8.

3. In section 8 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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.”.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to extend the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 to the State of Jammu and Kashmir. Opportunity is being taken to insert in section 8 of the Act the standard provision regarding laying of rules before Parliament.

2. The Bill seeks to achieve the above objects.

NEW DELHI;

SURENDRA PAL SINGH.

The 16th November, 1972.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 8 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, confers on the Central Government powers to make rules to carry out the purposes of the Act and spells out certain specific matters with reference to which rules may be so made. The section does not contain any provision regarding laying of the rules before Parliament. Clause 3 of the Bill seeks to amend the section to insert therein the standard provision regarding laying of rules before Parliament.

The extension of the Act to the State of Jammu and Kashmir will involve delegation of powers to make rules under the Act to the Central Government in the sense that the extension would operate to widen the scope of the rule-making section so as to enable Central Government to make rules in relation to the State of Jammu and Kashmir also. However, as there is no addition to the matters in respect of which rules may now be made under the section and as the safeguard regarding laying of rules before Parliament is being incorporated in the section, the delegation of power to make rules involved in the extension of the Act to the State of Jammu and Kashmir is of a normal character.

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B. N. BANERJEE,
Secretary.