



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 1] नई दिल्ली, सोमवार, जनवरी 12, 1981/पौष 22, 1902
No. 1] NEW DELHI, MONDAY, JANUARY 12, 1981/PAUSA 22, 1902

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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 12th January, 1981/Pausa 22, 1902 (Saka).

THE SPECIAL BEARER BONDS (IMMUNITIES AND
EXEMPTIONS) ORDINANCE, 1981

No. 1 OF 1981

Promulgated by the President in the Thirty-first Year of the Republic of India.

An Ordinance to provide for certain immunities to holders of Special Bearer Bonds, 1991 and for certain exemptions from direct taxes in relation to such bonds and for matters connected therewith.

WHEREAS for effective economic and social planning it is necessary to canalise for productive purposes black money which has become a serious threat to the national economy;

AND WHEREAS with a view to such canalisation the Central Government has decided to issue at par certain bearer bonds to be known as the Special Bearer Bonds, 1991, of the face value of ten thousand rupees and redemption value, after ten years, of twelve thousand rupees;

AND WHEREAS it is expedient to provide for certain immunities and exemptions to render it possible for persons in possession of black money to invest the same in the said Bonds;

AND 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:—

Short title,
extent and
commence-
ment.

1. (1) This Ordinance may be called the Special Bearer Bonds (Immunities and Exemptions) Ordinance, 1981.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definition.

2. In this Ordinance, "Special Bearer Bonds" means the Special Bearer Bonds, 1991, issued by the Central Government.

Immunities.

3. (1) Notwithstanding anything contained in any other law for the time being in force,—

(a) no person who has subscribed to or has otherwise acquired Special Bearer Bonds shall be required to disclose, for any purpose whatsoever, the nature and source of acquisition of such Bonds;

(b) no inquiry or investigation shall be commenced against any person under any such law on the ground that such person has subscribed to or has otherwise acquired Special Bearer Bonds; and

(c) the fact that a person has subscribed to or has otherwise acquired Special Bearer Bonds shall not be taken into account and shall be inadmissible as evidence in any proceedings relating to any offence or the imposition of any penalty under any such law.

(2) Nothing in sub-section (1) shall apply in relation to prosecution for any offence punishable under Chapter IX or Chapter XVII of the Indian Penal Code, the Prevention of Corruption Act, 1947 or any offence which is punishable under any other law and which is similar to an offence punishable under either of those Chapters or under that Act or for the purpose of enforcement of any civil liability.

Explanation.—For the purposes of this sub-section, "civil liability" does not include liability by way of tax under any law for the time being in force.

Acquisi-
tion, etc.,
of Bonds
not to be
taken into
account for
certain pro-
ceedings.

4. Without prejudice to the generality of the provisions of section 3, the subscription to or acquisition of, Special Bearer Bonds by any person shall not be taken into account for the purpose of any proceedings under the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act), the Wealth-tax Act, 1957 (hereinafter referred to as the Wealth-tax Act) or the Gift-tax Act, 1958 (hereinafter referred to as the Gift-tax Act) and, in particular, no person who has subscribed to, or has otherwise acquired, the said Bonds shall be entitled—

(a) to claim any set-off or relief in any assessment, re-assessment, appeal, reference or other proceeding under the Income-tax Act or to reopen any assessment or re-assessment made under that Act on the ground that he has subscribed to or has otherwise acquired the said Bonds;

(b) to claim at any time before the date of maturity of the said Bonds that any asset which is includible in his net wealth for any assessment year under the Wealth-tax Act has been converted into the said Bonds; or

(c) to claim at any time before the date of maturity of the said Bonds that any sum credited in his books of account or otherwise held by him represents the consideration received by him for the transfer of the said Bonds.

5. In the Income-tax Act,—

Amendment
of Act 43
of 1961.

(a) in section 2, in clause (14), after sub-clause (iv), the following sub-clause shall be inserted, namely:—

“(v) Special Bearer Bonds, 1991, issued by the Central Government;”;

(b) in section 10, in clause (15), after sub-clause (ia), the following sub-clause shall be inserted, namely:—

“(ib) premium on the redemption of Special Bearer Bonds, 1991;”.

6. In section 5 of the Wealth-tax Act, in sub-section (1), after clause (xvia), the following clause shall be inserted, namely:—

Amendment
of Act 27
of 1957.

“(xvib) Special Bearer Bonds, 1991;”.

7. In section 5 of the Gift-tax Act, in sub-section (1), after clause (iiia), the following clause shall be inserted, namely:—

Amendment
of Act 18
of 1958.

“(iiib) of property in the form of Special Bearer Bonds, 1991;”.

8. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order, not inconsistent with the provisions of this Ordinance, remove the difficulty.

Power to
remove diffi-
culties.

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

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India,



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 2]

नई दिल्ली बुधवार जनवरी 21, 1981/माघा 1, 1902

No. 2]

NEW DELHI, WEDNESDAY, JANUARY 21, 1981/MAGHA 1, 1902

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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 21st January, 1981/Magha 1, 1902 (Saka)

THE DELHI SIKH GURDWARAS (AMENDMENT)

ORDINANCE, 1981

No. 2 OF 1981

Promulgated by the President in the Thirty-first Year of the Republic of India.

An Ordinance further to amend the Delhi Sikh Gurdwaras Act, 1971.

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:—

1. (1) This Ordinance may be called the Delhi Sikh Gurdwaras (Amendment) Ordinance, 1981.

Short title and commencement.

(2) It shall come into force at once.

Act 82 of
1971 to be
amended
tempo-
rarily.

2. During the period of operation of this Ordinance, the Delhi Sikh Gurdwaras Act, 1971 (hereinafter referred to as the principal Act) shall have effect subject to the amendment specified in section 3.

Amend-
ment
of section
16.

3. In the principal Act, sub-section (3) of section 16 shall be omitted.

N. SANJIVA REDDY,

President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

CORRIGENDA

In the Appropriation (No. 4) Act, 1980 (71 of 1980) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 31st December, 1980, in page 755,—

(i) in line 5, for "30th December, 1980", read "29th December, 1980";

(ii) in line 9, for "[30th December, 1980.]", read "[29th December, 1980.]".


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 3] नई दिल्ली, शनिवार, जनवरी 31, 1981/माघ 11, 1902

No. 3] NEW DELHI, SATURDAY, JANUARY 31, 1981/MAGHA 11, 1902

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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 31st January, 1981/Magha 11, 1902 (Saka)

THE LIFE INSURANCE CORPORATION (AMENDMENT)
ORDINANCE, 1981

No. 3 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance further to amend the Life Insurance Corporation Act, 1956.

WHEREAS for securing the interests of the Life Insurance Corporation of India and its Policy-holders and to control the cost of administration, it is necessary that a revision of the terms and conditions of service applicable to the employees and agents of the Corporation should be undertaken expeditiously:

AND 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:—

1. (1) This Ordinance may be called the Life Insurance Corporation (Amendment) Ordinance, 1981.

(2) It shall come into force at once.

Short
title
and com-
mence-
ment.

Amend-
ment of
section
48.

2. In the Life Insurance Corporation Act, 1956 (hereinafter referred to as the principal Act), in section 48,—

(a) in sub-section (2), after clause (c), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 20th day of June, 1979, namely:—

“(cc) the terms and conditions of service of the employees and agents of the Corporation, including those who became employees and agents of the Corporation on the appointed day under this Act;”;

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

“(2A) The regulations and other provisions as in force immediately before the commencement of the Life Insurance Corporation (Amendment) Ordinance, 1981, with respect to the terms and conditions of service of employees and agents of the Corporation including those who became employees and agents of the Corporation on the appointed day under this Act, shall be deemed to be rules made under clause (cc) of sub-section (2) and shall, subject to the other provisions of this section, have effect accordingly.

(2B) The power to make rules conferred by clause (cc) of sub-section (2) shall include—

(i) the power to give retrospective effect to such rules; and

(ii) the power to amend by way of addition, variation or repeal, the regulations and other provisions referred to in sub-section (2A), with retrospective effect,

from a date not earlier than the twentieth day of June, 1979.

(2C) The provisions of clause (cc) of sub-section (2) and sub-section (2B) and any rules made under the said clause (cc) shall have effect, and any such rule made with retrospective effect from any date shall also be deemed to have had effect from that date, notwithstanding any judgment, decree or order of any court, tribunal or other authority and notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law or any agreement, settlement, award or other instrument for the time being in force.”.

Amend-
ment of
section
49.

3. In section 49 of the principal Act, in sub-section (2),—

(a) in clause (b), the words “and the terms and conditions of service of such employees or agents” shall be omitted; and

(b) clause (bb) shall be omitted.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.


भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 15] नई दिल्ली, मंगलवार, जून 9, 1981/ज्येष्ठ 19, 1903

No. 15] NEW DELHI, TUESDAY, JUNE 9, 1981/ JYAISTHA 19, 1903

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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 9th June, 1981/Jyaistha 19, 1903 (Saka)

**THE DELHI UNIVERSITY (AMENDMENT)
ORDINANCE, 1981**

No. 4 OF 1981

Promulgated by the President in the Thirty-second Year
of the Republic of India.

An Ordinance further to amend the Delhi University Act,
1922.

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:—

1. (1) This Ordinance may be called the Delhi University
(Amendment) Ordinance, 1981.

Short title and
commencement.

(2) It shall come into force at once.

Amendment of
section 5.

2. In section 5 of the Delhi University Act, 1922, after sub-section (1), the following sub-section shall be inserted, namely:—

8 of 1922.

“(1A) Notwithstanding anything contained in sub-section (1), the Central Government may, if it is of opinion that it is necessary or expedient so to do in the public interest, direct, by order in writing, the University to admit to its privileges any institution situated outside India and the University shall be bound to comply with such direction.”.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 16] नई दिल्ली, बृहस्पतिवार, जून 11, 1981/ज्येष्ठ 21, 1903
No. 16] NEW DELHI, THURSDAY, JUNE 11, 1981/JYAISTHA 21, 1903

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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 11th June, 1981/Jyaistha 21, 1903 (Saka)

THE BRITISH INDIA CORPORATION (ACQUI-
SITION OF SHARES) ORDINANCE, 1981

No. 5 OF 1981

Promulgated by the President in the Thirty-second Year
of the Republic of India.

An Ordinance to provide for the acquisition of certain shares of the British India Corporation Limited with a view to securing the proper management of the affairs of the Company and the continuity and development of the production of goods which are vital to the needs of the country and for matters connected therewith or incidental thereto.

WHEREAS Messrs. British India Corporation Limited, Kanpur, are engaged in the manufacture and production of pure and blended woollen fabrics which are vital to the needs of the general public;

AND WHEREAS as a result of an investigation made under section 15 of the Industries (Development and Regulation) Act, 1951, certain directions were issued to the Company under section 16 of that Act which, *inter alia*, included the modernisation of the plant and machinery of the undertakings of the Company;

AND WHEREAS for the purpose of carrying out the said directions, public financial institutions had advanced large sums of money to the Company;

AND WHEREAS the Central Government and certain public financial institutions have also invested considerable funds in the share capital of the Company;

AND WHEREAS the State Bank of India has advanced considerable sums to the Company and a part thereof has been guaranteed by the Central Government;

AND WHEREAS further investment of large sums of money is necessary for the maintenance and development of the production of the undertakings of the Company and for securing the proper management of the affairs of the Company;

AND WHEREAS acquisition by the Central Government of an effective control over the affairs of the Company is necessary to enable it to make the investments aforesaid;

AND 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:—

CHAPTER I

PRELIMINARY

Short title
and com-
mencement.

1. (1) This Ordinance may be called the British India Corporation (Acquisition of Shares) Ordinance, 1981.

(2) It shall come into force at once.

Definitions.

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

(a) "appointed day" means the date of commencement of this Ordinance;

(b) "bank" means a banking company within the meaning of the Banking Regulation Act, 1949;

10 of 1949

(c) "Commissioner" means the Commissioner of Payments appointed under section 6;

(d) "Company" means the British India Corporation Limited, being a company within the meaning of the Companies Act, 1956, and having its registered office at Sutherland House, Kanpur, in the State of Uttar Pradesh;

1 of 1956

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

(f) "prescribed" means prescribed by rules made under this Ordinance;

(g) "share" means a share, whether ordinary or preference, in the capital of the Company, and includes a share pledged by

any shareholder with any bank or other creditor, but does not include any share in the capital of the Company held by—

(i) the Central Government;

(ii) any State Government;

(iii) the State Bank of India, established under section 3 of the State Bank of India Act, 1955, and its subsidiary banks;

(iv) the Life Insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956;

(v) the Unit Trust of India, established under section 3 of the Unit Trust of India Act, 1963;

(vi) any corresponding new bank, within the meaning of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(vii) any corresponding new bank, within the meaning of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980;

(viii) any general insurance company nationalised by the General Insurance Companies (Nationalisation) Act, 1972;

(h) "shareholder" means,—

(i) a person who, immediately before the appointed day, was registered by the Company as the holder of any share and includes his legal representative; or

(ii) a person who, before the appointed day, had lodged with the Company a proper instrument of transfer of any share in the form prescribed under section 108 of the Companies Act, 1956, and executed in accordance with the provisions of that section; or

(iii) a person who claims under a proper instrument of transfer of any share in the form prescribed under section 108 of the Companies Act, 1956, and delivers such instrument to the Commissioner, duly executed, on or before such date as the Central Government may, by notification, specify in this behalf;

(i) "specified date" means such date as the Central Government may, for the purpose of any provision of this Ordinance, by notification, specify and different dates may be specified for different provisions of this Ordinance;

(j) words and expressions used herein and not defined but defined in the Companies Act, 1956, have the meanings respectively assigned to them in that Act.

CHAPTER II

ACQUISITION OF THE SHARES OF THE COMPANY

Transfer and vesting of shares of the Company in the Central Government.

3. (1) On the appointed day, all the shares of the Company shall, by virtue of this Ordinance, stand transferred to, and vested in, the Central Government.

(2) The Central Government shall be deemed, on and from the appointed day, to have been registered in the Register of members of the Company as the holder of each share which stands transferred to, and vested in, it by virtue of the provisions of sub-section (1).

(3) All the shares which have vested in the Central Government under sub-section (1), shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges, liens and other encumbrances affecting them and any attachment, injunction or any decree or order of the court, tribunal or other authority restricting the use of such shares in any manner, shall be deemed to have been withdrawn.

(4) For the removal of doubts, it is hereby declared that the provisions of sub-sections (1) and (2) shall not be deemed to affect—

(a) any right of the Company subsisting, immediately before the appointed day, against any shareholder to recover from such shareholder any sum of money on the ground that the shareholder has not paid or credited to the Company the whole or any part of the value of the shares held by him, or on any other ground whatsoever; or

(b) any right of the shareholder subsisting, immediately before the appointed day, against the Company to receive any dividend or other payment due from the Company.

Management of the company.

4. For the purpose of enabling the Company to function as a Government company, the Central Government may, by notification, make such provisions (including changes in the Board of Directors, and amendments in the memorandum and articles of association, of the Company) as it may consider necessary and the provisions so made shall have effect notwithstanding anything contained in the Companies Act, 1956.

1 of 155

Payment of amounts.

5. (1) For the transfer to, and vesting in, the Central Government, under section 3, of the shares of the Company, there shall be given by the Central Government to the shareholders of the Company, in cash and in the manner specified in section 7, an amount of rupees twenty-two lakhs and sixty thousand.

(2) The amount, referred to in sub-section (1), shall carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

Appointment of Commissioner of Payments.

6. (1) The Central Government shall, for the purpose of disbursing the amounts payable to shareholders of the Company under section 5, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to

exercise all or any of the powers exercisable by him under this Ordinance, and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Ordinance, and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

7. (1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the shareholders of the Company,—

Payment by the Central Government to the Commissioner.

(a) an amount equal to the amount specified in sub-section (1) of section 5; and

(b) an amount equal to the amount determined under sub-section (2) of section 5.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Ordinance to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) The interest accruing on the amount standing to the credit of the deposit account, referred to in sub-section (2), shall enure to the benefit of the shareholders of the Company.

8. (1) Every shareholder, having a claim in relation to any share acquired by this Ordinance, shall prefer such claim before the Commissioner within thirty days from the specified date:

Claims to be made to the Commissioner.

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

(2) Every shareholder of a preference share shall have a preferential claim with regard to the amount paid by the Central Government to the Commissioner.

9. On receipt of the claims made under section 8, the Commissioner shall separately arrange the claims in relation to preference shares and in relation to the ordinary shares and examine the claims in relation to each such share.

Examination of claims.

10. (1) After examining the claims, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the disbursements made by the Commissioner.

Admission or rejection of claims.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and in one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant, who fails to file the proof of his claim within the time specified by the Commissioner, shall be excluded from the disbursement made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary, and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sittings and shall, for the purpose of making an investigation under this Ordinance, 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:—

5 of 1908.

(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 issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purposes of section 345 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860

2 of 1974

(7) A claimant, who is dissatisfied with the decision of the Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated.

Disbursement of money by the Commissioner to claimants.

11. (1) After admitting a claim under this Ordinance, the amount due in respect of each share acquired by virtue of this Ordinance shall be paid by the Commissioner at the rate of rupees ten per preference share, and at the rate of fifty paise per ordinary share to the person or persons to whom such sums are due, and on such payment, the liability of the Central Government in respect of the share so acquired shall stand discharged.

(2) The Commissioner shall also apportion amongst the shareholders, the amount paid to him by way of interest under sub-section (3) of section 7, and such apportionment shall be made on the basis of the amount due to each shareholder.

Undisbursed or unclaimed amount to be deposited to the general revenue account.

12. Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner before his office is finally wound up to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of revenue.

13. For the purposes of ascertaining whether any person claiming payment under this Ordinance is a shareholder, the Commissioner shall have the right to—

Power of inspection.

(a) require any person, having the possession, custody or control, of any register or record of the Company, to produce such register or record before the Commissioner,

(b) require any person to make any statement or furnish any information which may be required by the Commissioner.

14. Where there is any dispute as to the person or persons who are entitled to any amount payable under this Ordinance (including any dispute as to who are the legal representatives of any deceased claimant to the amount), the Commissioner may, after making such inquiry as he may deem fit, make the payment to such person as appears to him to be best entitled to receive the amount:

Power of Commissioner to inquire into disputes as to amount.

Provided that if the Commissioner is unable to determine as to who is the person entitled to the amount and considers that the matter could more appropriately be dealt with by the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated, he may refer such dispute to the said court, whose decision thereon shall be final:

Provided further that nothing contained herein shall affect the liability of any person, who may receive the whole or any part of the amount allowed under this Ordinance, to pay the same to the person lawfully entitled thereto.

15. Where any dispute has been referred under section 14 by the Commissioner to the civil court referred to therein, he shall deposit the amount in that court.

Deposit of amount in court.

CHAPTER III

MISCELLANEOUS

16. The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any law, other than this Ordinance, or in any instrument having effect by virtue of any law, other than this Ordinance.

Ordinance to have overriding effect.

17. If any person,—

Penalties.

(a) makes any claim for any payment under this Ordinance, knowing or having reason to believe that such claim is false or without any basis; or

(b) when required under this Ordinance so to do,—

(i) omits or fails to produce any register or record of the Company; or

(ii) makes any statement or furnishes any information which is false in any material particular and which he knows or believes to be false or does not believe to be true; or

(c) makes any such statement as aforesaid in any book, account, record, register, return or other document,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

Offences by
companies.

18. (1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

(b) "director", in relation to a firm, means a partner in the firm.

Limitation of
cognizance of
offences.

19. No court shall take cognizance of an offence punishable under this Ordinance, except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

Power to
make rules.

20. (1) The Central Government may, by notification, make rules to carry out the provisions of this Ordinance.

(2) Every rule made by the Central Government under this Ordinance 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.

N. SANJIVA REDDY,

President.

R. V. S. PERI SASTRI,

Secy. to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 17]

नई दिल्ली, मंगलवार, जून 23, 1981/आसाढ़ा 2, 1903

No. 17]

NEW DELHI, TUESDAY, JUNE 23, 1981/ASADHA 2, 1903

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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 23rd June, 1981/Asadha 2, 1903 (Saka)

THE DALMIA DADRI CEMENT LIMITED (ACQUISITION
AND TRANSFER OF UNDERTAKINGS) ORDINANCE, 1981

No. 6 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance to provide for the acquisition and transfer of the undertakings of the Dalmia Dadri Cement Limited with a view to securing the proper management of such undertakings so as to subserve the interest of the general public by ensuring the continued manufacture, production and distribution of cement which is essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

WHEREAS Messrs. Dalmia Dadri Cement Limited had been engaged in the manufacture and production of portland cement, an article mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951;

AND WHEREAS an order has been made for the winding up of the Company and proceedings for its liquidation are pending in the High Court of Punjab and Haryana;

AND WHEREAS the undertakings of the Company have not been functioning since March, 1980;

AND WHEREAS it is necessary to acquire the undertakings of the said Company to ensure that the interests of the general public are served by the continuance, by the undertakings of the said Company, of the manufacture, production and distribution of portland cement which is essential to the needs of the economy of the country;

AND WHEREAS a Bill to provide for the acquisition and transfer of the undertakings of the Dalmia Dadri Cement Limited with a view to securing the proper management of such undertakings so as to subserve the interest of the general public by ensuring the continued manufacture, production and distribution of cement which is essential to the needs of the economy of the country and for matters connected therewith or incidental thereto, has been introduced in Parliament but has not yet been passed;

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

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:—

CHAPTER I

PRELIMINARY

Short title
and com-
mence-
ment.

1. (1) This Ordinance may be called the Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) Ordinance, 1981.

(2) It shall come into force at once.

Defini-
tions.

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

(a) “appointed day” means the date of commencement of this Ordinance;

(b) “Cement Corporation” means the Cement Corporation of India, a company incorporated and registered under the Companies Act, 1956;

1 of 1981

(c) “Commissioner” means the Commissioner of Payments appointed under section 14;

(d) “Company” means the Dalmia Dadri Cement Limited, being a company within the meaning of the Companies Act, 1956, and having its registered office at Charkhi Dadri (Haryana);

1 of 1981

(e) “notification” means a notification published in the Official Gazette;

(f) “prescribed” means prescribed by rules made under this Ordinance;

(g) “specified date”, in relation to any provision of this Ordinance, means such date as the Central Government may, by notification, specify for the purposes of that provision, and different dates may be specified for different provisions of this Ordinance;

1956.

(h) words and expressions used herein and not defined but defined in the Companies Act, 1956, shall have the meanings, respectively, assigned to them in that Act.

CHAPTER II

ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3. On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Ordinance, stand transferred to, and vest in, the Central Government.

Transfer to, and vesting in, the Central Government of the undertakings of the Company.

4. (1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

General effect of vesting

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them, and any attachment, injunction, decree or order of any court restricting the use of such properties in any manner shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Ordinance in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property, shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified in section 7 and also out of the amount determined under section 8, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) Any licence or other instrument granted to the Company in relation to any undertaking which has vested in the Central Govern-

ment under section 3, at any time before the appointed day and in force immediately before that day, shall continue to be in force on and after such day in accordance with its tenor in relation to, and for the purposes of, such undertaking and on and from the day of vesting of such undertaking under section 6 in the Cement Corporation, that Corporation shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to the Cement Corporation and that Corporation shall hold it for the remainder of the period for which that Company would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any property which has vested in the Central Government, under section 3, instituted or preferred by or against the Company is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of the Company or of anything contained in this Ordinance, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in the Cement Corporation, by or against that Corporation.

5. (1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in the Cement Corporation, against that Corporation.

Central
Govern-
ment or
Cement
Corpora-
tion
not to
be liable
for prior
liabili-
ties.

(2) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this section or in any other provision of this Ordinance, no liability of the Company in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in the Cement Corporation, against that Corporation;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day, in respect of any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in the Cement Corporation, against that Corporation;

(c) no liability incurred by the Company before the appointed day, for the contravention of a provision of any law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in the Cement Corporation, against that Corporation.

6. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, subject to such terms and conditions as it may think fit to impose, direct, by notification, that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in the Cement Corporation either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

Power of Central Government to direct vesting of the undertakings of the Company in Cement Corporation.

(2) Where the right, title and interest of the Company, in relation to its undertakings, vest in the Cement Corporation under sub-section (1), the Cement Corporation shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of the Cement Corporation.

CHAPTER III

PAYMENT OF AMOUNTS

7. For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be paid by the Central Government to the Company, in cash, and in the manner specified in Chapter VI, an amount of rupees eighty-four lakhs.

Payment of amount.

8. (1) The amount specified in section 7 shall carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

Payment of further amount.

(2) The amount determined in accordance with the provisions of sub-section (1) shall be paid by the Central Government to the Company in addition to the amount specified in section 7.

(3) For the removal of doubts, it is hereby declared that the liabilities of the Company in relation to its undertakings which have vested in the Central Government under section 3, shall be discharged from the amount referred to in section 7, and also from the amount determined under sub-section (1) in accordance with the rights and interests of the creditors of the Company.

CHAPTER IV

MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

9. The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall, where a direction has been made by the Central Government under sub-section (1) of section 6, vest in the Cement Corporation, and thereupon the Cement Corporation shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company was authorised to exercise and do in relation to its undertakings.

Management, etc., of the undertakings of the Company.

Duty to deliver possession of the undertakings of the Company and documents relating thereto.

10. (1) Notwithstanding any judgment, decree or order of any court, tribunal or other authority or anything contained in any law for the time being in force, the Official Liquidator of the Company or any other person, in whose possession or custody or under whose control the undertakings of the Company or any part thereof may be, shall forthwith deliver possession of the undertakings of the Company or any part thereof to the Central Government, or where the undertakings of the Company are vested under section 6 in the Cement Corporation, to that Corporation.

(2) On the vesting of the management of the undertakings of the Company in the Cement Corporation, the Official Liquidator of the Company or any other person who has, on the appointed day, in his possession or custody or under his control any books, documents or other papers relating to the undertakings of the Company immediately before such vesting or appointment, shall be bound to deliver the said books, documents or other papers to the Cement Corporation or to such person as the Central Government or the Cement Corporation, as the case may be, may specify in this behalf.

(3) The Central Government may take or cause to be taken all necessary steps for securing possession of the undertakings which have vested in it under section 3.

(4) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Cement Corporation and that Corporation may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted or in relation to any other matter arising in the course of such management.

Duty to furnish particulars.

11. (1) The Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government or to the Cement Corporation a complete inventory of all the properties and assets of the Company as on the appointed day pertaining to the undertakings which have vested in the Central Government or the Cement Corporation, as the case may be.

(2) So much of the obligation of the Company under sub-section (1) as relates to the properties and assets of the Company in the possession, custody or control of the Official Liquidator of the Company shall be discharged by him.

CHAPTER V

PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

Employment of certain employees to continue.

12. (1) Every person who has been, immediately before the appointed day, employed in any of the undertakings of the Company shall become,—

(a) on and from the appointed day, an employee of the Central Government; and

(b) where the undertakings of the Company are directed under sub-section (1) of section 6, to vest in the Cement Corporation, an employee of that Corporation on and from the date of such vesting,

and shall hold office or service under the Central Government or the Cement Corporation, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Cement Corporation, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the Cement Corporation, as the case may be.

of 1947. (2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of the Company to the Central Government or the Cement Corporation shall not entitle such officer or other employee to any compensation under this Ordinance or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(3) Where under the terms of any contract of service or otherwise, any person, whose services become transferred to the Central Government or the Cement Corporation by reason of the provisions of this Ordinance, is entitled to any arrears of salary or wages or any payments for any leave not availed of or any other payment, not being payment by way of gratuity or pension, such person may enforce his claim against the Company, but not against the Central Government or the Cement Corporation.

13. (1) Where the Company has established a provident fund, superannuation fund, welfare fund or any other fund for the benefit of the persons employed in any of the undertakings of the Company, the monies relatable to the officers or other employees, whose services have become transferred, by or under this Ordinance, to the Central Government or the Cement Corporation, shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to, and vest in, the Central Government or the Cement Corporation, as the case may be.

Provident
fund and
other
funds.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Cement Corporation, as the case may be, shall be dealt with by that Government or that Corporation in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

14. (1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under section 7 and section 8, by notification, appoint a Commissioner of Payments.

Appoint-
ment of
Commis-
sioner of
Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Ordinance and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Ordinance and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

Payment
by the
Central
Govern-
ment to the
Commis-
sioner.

15. (1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for the payment to the Company,—

(a) an amount equal to the amount specified in section 7, and

(b) an amount equal to the amount payable to the Company under section 8.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India, and every amount paid under this Ordinance to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the undertakings of the Company in relation to which payment has been made to him under this Ordinance.

(4) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the Company.

Certain
powers
of the
Central
Govern-
ment or
Cement
Corpora-
tion.

16. (1) The Central Government or the Cement Corporation, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company, in relation to its undertakings which have vested in the Central Government or the Cement Corporation, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the Cement Corporation, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day for discharging any liability of the Company in relation to any period prior to the appointed day; and every such claim shall have priority in accordance with the priorities attaching, under this Ordinance, to the matter in relation to which such liability has been discharged by the Central Government or the Cement Corporation.

(3) Save as otherwise provided in this Ordinance, the liabilities of the Company in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

Claims to
be made
to the
Commis-
sioner.

17. Every person having a claim against the Company shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

18. The claims arising out of the matters specified in the Schedule shall have priorities in accordance with the following principles, namely:—

Priority
of claims.

(a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

19. (1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order of priorities.

Examina-
tion of
claims.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Ordinance is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

20. (1) After examining the claims with reference to the priorities set out in the Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim.

Admis-
sion or
rejection
of claims.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major part of the country and one issue of any daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sittings and shall,

for the purpose of making an investigation under this Ordinance, 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:—

5 of 1908

(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 issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1958

2 of 1973

(7) A claimant, who is dissatisfied with the decision of the Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, the appeal shall lie to the High Court of Punjab and Haryana and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

Disburse-
ment of
money by
the Com-
missioner
to clai-
mants.

21. After admitting a claim under this Ordinance, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due, and, on such payment, the liability of the Company in respect of any claim relating to the undertakings of the Company shall stand discharged.

Disburse-
ment of
amounts
to the
Com-
pany.

22. (1) If, out of the monies paid to him in relation to the undertakings of the Company, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the Company.

(2) Where the possession of any machinery, equipment or other property, has vested in the Central Government or the Cement Corporation under this Ordinance, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or the Cement Corporation to continue to possess such machinery or equipment or other property on the same terms and conditions under which it was possessed by the Company immediately before the appointed day.

23. Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim, being treated as an order for the refund of revenue.

Undisbursed or unclaimed amount to be deposited to the general revenue account.

CHAPTER VII

MISCELLANEOUS

24. The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Ordinance, or in any decree or order of any court, tribunal or other authority.

Ordinance to have overriding effect.

25. Every contract entered into by the Company in relation to its undertakings, which has vested in the Central Government under section 3, for any service, sale or supply and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government or the Cement Corporation, where such undertakings have been vested in that Corporation under this Ordinance, and in ratifying such contract, the Central Government or the Cement Corporation may make such alteration or modification therein as it may think fit:

Contracts to cease to have effect unless ratified by the Central Government or Cement Corporation.

Provided that the Central Government or the Cement Corporation shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or the Cement Corporation, and

(b) except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

26. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government or the Cement Corporation or other person authorised by that Government or Corporation for anything which is in good faith done or intended to be done under this Ordinance.

Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government or the Cement Corporation or other person authorised by that Government or Corporation for any damage caused or likely to be caused by anything which is in good faith done or intended to be done.

Delegation of powers.

27. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Ordinance, other than the powers conferred by this section, section 30 and section 31, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

Penalties.

28. Any person who,—

(a) having in his possession, custody or control any property forming part of any undertakings of the Company, wrongfully withholds such property from the Central Government or the Cement Corporation; or

(b) wrongfully obtains possession of, or retains, any property forming part of, the undertakings of the Company; or

(c) wilfully withholds or fails to furnish to the Central Government or the Cement Corporation or to any person or body of persons specified by that Government or the Cement Corporation, as the case may be, any document or inventory relating to the undertakings of the Company, which may be in his possession, custody or control; or

(d) fails to deliver to the Central Government or the Cement Corporation or to any person or body of persons specified by that Government or the Cement Corporation, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertakings of the Company; or

(e) wrongfully removes or destroys any property forming part of the undertakings of the Company; or

(f) prefers any claim under this Ordinance which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

Offences by companies.

29. (1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

(b) “director”, in relation to a firm, means a partner in the firm.

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

Power
to make
rules.

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

(a) the time within which, and the manner in which, an intimation shall be given to the Commissioner under sub-section (3) of section 4;

(b) the manner in which the monies in any provident fund or other fund under section 13 shall be dealt with;

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

(3) Every rule made by the Central Government under this Ordinance 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.

31. If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order, not inconsistent with the provisions of this Ordinance, remove the difficulty:

Power to
remove
difficul-
ties.

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

THE SCHEDULE

ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE COMPANY

Category I—

- (a) Wages, salaries and other dues payable to the employees of the Company.
- (b) Deductions made from the salaries and wages of the employees for provident fund, ESI contribution, premium relating to LIC or for any other purposes.
- (c) Arrears in relation to contributions to be made by the Company to the provident fund and under the Employees' State Insurance Act, 1948 and also under any other law for the time being in force providing for such contributions.

Category II—

Principal amount of loans advanced by—

- (i) Central Government;
- (ii) State Government;
- (iii) Banks and financial institutions;
- (iv) Any other sources.

Category III—

- (a) Any credits availed of by the Company for the purpose of carrying on any trading or manufacturing operations.
- (b) Any dues of State Electricity Boards or other Government or semi-Government institutions against supply of goods or services.
- (c) Arrears of interest on loans and advances.

Category IV—

- (a) Revenue, taxes, cesses, rates or other dues to Central Government, State Government and local authorities.
- (b) Any other dues.

N. SANJIVA REDDY,
President.

A. K. SRINIVASAMURTHY,
Joint Secy. to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 18]

नई दिल्ली, शनिवार, जुलाई 11, 1981/आसाढ़ 20, 1903

No. 18]

NEW DELHI, SATURDAY, JULY 11, 1981/ASADHA 20, 1903

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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 11th July, 1981/Asadha 20, 1903 (Saka)

THE COMPULSORY DEPOSIT SCHEME (INCOME-TAX
PAYERS) AMENDMENT ORDINANCE, 1981

No. 7 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance further to amend the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974.

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:—

1. (1) This Ordinance may be called the Compulsory Deposit Scheme (Income-tax Payers) Amendment Ordinance, 1981.

(2) It shall come into force at once.

2. In section 4 of the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 (hereinafter referred to as the principal Act), in sub-section (1),—

(a) in clause (ii), the word “and” occurring at the end shall be omitted;

Short title
and com-
mence-
ment.

Amend-
ment
of section
4.

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

“(iii) for the assessment year commencing on the 1st day of April, 1979, the assessment year commencing on the 1st day of April, 1980 and the assessment year commencing on the 1st day of April, 1981. at the rates specified in Paragraph C of the Schedule; and

(iv) for the assessment year commencing on the 1st day of April, 1982 and the assessment year commencing on the 1st day of April, 1983. at the rates specified in Paragraph D of the Schedule.”.

Amend-
ment
of the
Schedule.

3. In the Schedule to the principal Act,—

(a) before the proviso, the following Paragraph shall be inserted, namely:—

“PARAGRAPH D

- | | |
|--|---|
| (i) where the current income exceeds Rs. 15,000 but does not exceed Rs. 25,000 | 4.5 per cent. of the current income; |
| (ii) where the current income exceeds Rs. 25,000 but does not exceed Rs. 35,000 | Rs. 1,125 plus 11 per cent. of the amount by which the current income exceeds Rs. 25,000; |
| (iii) where the current income exceeds Rs. 35,000 but does not exceed Rs. 50,000 | Rs. 2,225 plus 12.5 per cent. of the amount by which the current income exceeds Rs. 35,000; |
| (iv) where the current income exceeds Rs. 50,000 but does not exceed Rs. 70,000 | Rs. 4,100 plus 15 per cent. of the amount by which the current income exceeds Rs. 50,000; |
| (v) where the current income exceeds Rs. 70,000 | Rs. 7,100 plus 18 per cent. of the amount by which the current income exceeds Rs. 70,000;”; |

(b) in the proviso, in clause (b), after the word and letter “Paragraph C”, the words and letter “or Paragraph D” shall be inserted.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 19] नई दिल्ली, शनिवार, जुलाई 11, 1981/आसाढ़ 20, 1903
No 19] NEW DELHI, SATURDAY, JULY 11, 1981/ASADHA 20, 1903

इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं 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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 11th July, 1981/Asadha 20, 1903 (Saka)

THE INCOME-TAX (AMENDMENT) ORDINANCE, 1981
No. 8 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance further to amend the Income-tax Act, 1961.

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:—

1. (1) This Ordinance may be called the Income-tax (Amendment) Ordinance, 1981.

(2) It shall come into force at once.

2. In the Income-tax Act, 1961 (hereinafter referred to as the principal Act), after Chapter XXA, the following Chapter shall be inserted, namely:—

Short title
and com-
mence-
ment.

Insertion of
new Chap-
ter XXB.

CHAPTER XXB

Requirement as to mode of repayment in certain cases to counteract evasion of tax

Mode of
repay-
ment
of cer-
tain de-
posits.

269T. No company (including a banking company), co-operative society or firm shall repay to any person any deposit otherwise than by an account payee cheque or account payee bank draft where the amount of such deposit, or where the amount of such deposit is to be repaid together with any interest, the aggregate of the amount of such deposit and such interest, is ten thousand rupees or more:

Provided that where the repayment is by a banking company or co-operative bank, such repayment may also be made by crediting the amount of such deposit to the account (if any) with such company or bank of the person to whom such deposit has to be repaid.

Explanation.—For the purposes of this section,—

(i) “banking company” shall have the meaning assigned to it in clause (a) of the *Explanation* to sub-section (8) of section 40A;

(ii) “deposit” means any deposit of money which is repayable after notice or repayable after a period.’

Insertion of new section 276E.

3. After section 276D of the principal Act, the following section shall be inserted, namely:—

Failure to comply with the provisions of section 269T.

“276E. If a person, without reasonable cause or excuse, repays any deposit referred to in section 269T otherwise than in accordance with the provisions of that section, he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine equal to the amount of such deposit.”

Amendment of section 278A.

4. In section 278A of the principal Act, after the words, figures and letters “or section 276CC”, the words, figures and letter “or section 276E” shall be inserted.

Amendment of section 279.

5. In section 279 of the principal Act, in sub-section (1), after the word, figures and letter “section 276D,” the word, figures and letter “section 276E,” shall be inserted.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 20]

नई दिल्ली, रविवार, जुलाई 26, 1981/श्रावण 4, 1903

No. 20]

NEW DELHI, SUNDAY, JULY 26, 1981/SRAVANA 4, 1903

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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 26th July, 1981/Sravana 4, 1903 (Saka)

THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1981

No. 9 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance further to amend the Customs Tariff Act, 1975.

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:—

1. (1) This Ordinance may be called the Customs Tariff (Amendment) Ordinance, 1981.

Short title and commencement.

(2) It shall come into force at once.

2. In the Customs Tariff Act, 1975, in the First Schedule, in Chapter 15,—

Amendment of First Schedule.

(i) in Heading No. 15.01/06, in sub-heading No. (1) and sub-heading No. (2), for the entry in column (3), the entry "200%" shall be substituted;

(ii) in Heading No. 15.07,—

(a) in sub-heading No. (1), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(b) in sub-heading No. (2), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(c) in sub-heading No. (3), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(iii) in Heading No. 15.08/13, for the entry in column (3), the entry "200%" shall be substituted;

(iv) in Heading No. 15.14/17, for the entry in column (3), the entry "200%" shall be substituted.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 21]

नई दिल्ली, रविवार, जुलाई 26, 1981/श्रावण 4, 1903

No. 21]

NEW DELHI, SUNDAY, JULY 26, 1981/SRAVANA 4, 1903

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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 26th July, 1981/Sravana 4, 1903 (Saka)

THE ESSENTIAL SERVICES MAINTENANCE ORDINANCE,

1981

No. 10 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance to provide for the maintenance of certain essential services and the normal life of the community.

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:—

1. (1) This Ordinance may be called the Essential Services Maintenance Ordinance, 1981.

(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir in so far as it relates to any essential service connected with matters with respect to which Parliament has no power to make laws for that State.

(3) It shall come into force at once.

Short
title,
extent
and com-
mence-
ment.

Defini-
tions.

2. (1) In this Ordinance, unless the context otherwise requires,—

(a) “essential service” means—

(i) any postal, telegraph or telephone service, including any service connected therewith;

(ii) any railway service or any transport service for the carriage of passengers or goods by air or any other transport service for the carriage of passengers or goods by land or water with respect to which Parliament has power to make laws;

(iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft, or any service in the International Airports Authority of India constituted under section 3 of the International Airports Authority Act, 1971;

43 of 1971

(iv) any service in, or in connection with the working of, any major port, including any service connected with the loading, unloading, movement or storage of goods in any such port;

(v) any service connected with the clearance of goods or passengers through the customs or with the prevention of smuggling;

(vi) any service in any establishment of, or connected with, the armed forces of the Union or in any other establishments or installations connected with defence;

(vii) any service in any section of any industrial undertaking pertaining to a scheduled industry on the working of which the safety of such undertaking or the employees employed therein depends;

Explanation.—For the purposes of this sub-clause, the expressions “industrial undertaking” and “scheduled industry” shall have the meanings respectively assigned to them in clauses (d) and (i) of section 3 of the Industries (Development and Regulation) Act, 1951;

65 of 1951

(viii) any service in, or in connection with, the working of any undertaking owned or controlled by the Central Government being an undertaking engaged in the purchase, procurement, storage, supply or distribution of foodgrains;

(ix) any service in, or in connection with the working of, any system of public conservancy or sanitation, hospitals or dispensaries in any Union territory, cantonment area or undertaking owned or controlled by the Central Government;

(x) any service in connection with or in relation to banking;

(xi) any service in any oilfield or refinery or in any establishment or undertaking dealing with the production, supply or distribution of petroleum and petroleum products;

(xii) any service in any mint or security press;

(xiii) any service in connection with elections to Parliament or to the Legislatures of the States;

(xiv) any service in connection with the affairs of the Union, not being a service specified in any of the foregoing sub-clauses;

(xv) any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Ordinance;

(b) "strike" means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment, and includes—

(i) refusal to work overtime where such work is necessary for the maintenance of any essential service;

(ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service.

(2) Any reference in this Ordinance to any law which is not in force in any area and to any authority under such law shall, in relation to that area, be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law.

(3) Every notification issued under sub-clause (xv) of clause (a) of sub-section (1) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation.—Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates.

3. (1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit strikes in any essential service specified in the Order.

Power to prohibit strikes in certain employments.

(2) An Order made under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),—

(a) no person employed in any essential service to which the Order relates shall go or remain on strike;

(b) any strike declared or commenced whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

Dismissal
of
employees
participat-
ing in
illegal
strikes.

4. Any person,—

(a) who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike; or

(b) who instigates or incites other persons to commence, or go or remain on, or otherwise take part in, any such strike,

shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

Penalty
for
illegal
strikes.

5. Any person who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty
for
instiga-
tion, etc.

6. Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Penalty
for giving
financial
aid to
illegal
strikes.

7. Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Power to
arrest
without
warrant.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Ordinance.

2 of 1973

Offences
to be
tried
summarily.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Ordinance shall be tried in a summary way by any Metropolitan Magistrate, or any Judicial Magistrate of the First Class specially empowered in this behalf by the State Government and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

2 of 1973

Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Ordinance.

14 of 1947.

10. The provisions of this Ordinance and of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force.

Ordinance
to over-
ride other
laws.

11. During the continuance in force of this Ordinance, the Essential Services Maintenance (Assam) Act, 1980, shall have effect as if,—

Amend-
ment
of Act 41
of 1980.

(a) in section 2,—

(1) in sub-section (1),—

(i) clause (a) had been omitted;

(ii) for clause (b), the following clauses had been substituted, namely:—

‘(b) “essential service” means—

(i) any transport service for the carriage of passengers or goods, by land or water, with respect to which the Legislative Assembly of the State of Assam has power to make laws;

(ii) any service connected with the production, storage, supply or distribution, as the case may be, of gas or water;

(iii) any service connected with the maintenance of public health and sanitation, including hospitals and dispensaries;

(iv) any public services and posts in connection with the affairs of the State, and also persons appointed to the secretarial staff of the Legislative Assembly of the State of Assam;

(v) any other service or employment or class thereof, connected with matters with respect to which the Legislative Assembly of the State of Assam has power to make laws and which the State Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of the supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;

(bb) “State Government” means the State Government of Assam;’

(2) in sub-section (2), for the words, brackets and figures “under sub-clause (xiv)”, the words, brackets and figure “under sub-clause (v)” had been substituted;

(b) in sections 3 and 9, for the words "appropriate Government", wherever they occur, the words "State Government" had been substituted.

N. SANJIVA REDDY,

President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 22]
No. 22]

नई दिल्ली, रविवार, जुलाई 26, 1981/श्रावण 4, 1903
NEW DELHI, SUNDAY, JULY 26, 1981/SRAVANA 4, 1903

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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 26th July, 1981/Sravana 4, 1903 (Saka)

THE STATE OF NAGALAND (AMENDMENT) ORDINANCE,
1981

No. II OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance further to amend the State of Nagaland Act, 1962.

WHEREAS a Bill further to amend the State of Nagaland Act, 1962, has been introduced in Parliament but has not yet been passed;

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

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:—

1. (1) This Ordinance may be called the State of Nagaland (Amendment) Ordinance, 1981.

(2) It shall come into force at once.

Short title
and com-
mencement.

Insertion
of new
section 22A.

Allowances
and privi-
leges of
Governor
of
Nagaland.

2. In the State of Nagaland Act, 1962, after section 22, the following section shall be inserted, namely:—

“22A. The allowances and privileges of the Governor of Nagaland shall, until provision in that behalf is made by Parliament by law under clause (3) of article 158, be such as the President may, by order, determine.”

N. SANJIVA REDDY,

President.

R. V. S. PERI SASTRI,

Secy. to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 23]

नई दिल्ली, रविवार, जुलाई 26, 1981/श्रावण 4, 1903

No. 23]

NEW DELHI, SUNDAY, JULY 26, 1981/SRAVANA 4, 1903

इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं 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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 26th July, 1981/Sravana 4, 1903 (Saka)

THE WORKING JOURNALISTS AND OTHER NEWSPAPER
EMPLOYEES (CONDITIONS OF SERVICE) AND MISCEL-
LANEOUS PROVISIONS (AMENDMENT) ORDINANCE, 1981

No. 12 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance further to amend the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

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:—

1. (1) This Ordinance may be called the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Ordinance, 1981.

(2) It shall be deemed to have come into force on the 13th day of August, 1980.

Short title
and com-
mence-
ment.

Amend-
ment of
section 2.

2. In section 2 of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as the principal Act), in clause (f), for the words "who is employed as such in, or in relation to, any newspaper establishment", the words "who is employed as such, either whole-time or part-time, in, or in relation to, one or more newspaper establishments" shall be substituted.

45 of 1955.

Insertion
of new
section
16A.

3. After section 16 of the principal Act, the following section shall be inserted, namely:—

Employer
not to
dismiss,
discharge,
etc.
newspaper
employees.

"16A. No employer in relation to a newspaper establishment shall, by reason of his liability for payment of wages to newspaper employees at the rates specified in an order of the Central Government under section 12, or under section 12, read with section 13AA or section 13DD, dismiss, discharge or retrench any newspaper employee."

N. SANJIVA REDDY,

President.

R. V. S. PERI SASTRI,

Secy. to the Govt. of India.