

22<sup>nd</sup> March, 2021

## Bills Introduced in the Parliament

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**Bill No. 18 of 2021**

**THE CONSTITUTION (SCHEDULED CASTES) ORDER  
(AMENDMENT) BILL, 2021**

A

**BILL**

*further to amend the Constitution (Scheduled Castes) Order, 1950 to modify the list of Scheduled Castes in the State of Tamil Nadu.*

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

**1.** (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2021. Short title and commencement.

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

Amendment  
of  
Constitution  
(Scheduled  
Castes) Order,  
1950.

**2.** In the Constitution (Scheduled Castes) Order, 1950, in the Schedule, in Part XVI.— C.O.19.  
Tamil Nadu,—

(a) for entry 17, the following entry shall be substituted, namely:—

"17. DevendrakulaVelalar [Devendrakulathan, Kadaiyan (excluding in the coastal areas of Tirunelveli, Thoothukudi, Ramanathapuram, Pudukottai, 5  
Thanjavur, Tiruvarur and Nagapattinam districts), Kalladi, Kudumban, Pallan,  
Pannadi, Vathiriyam]";

(b) for entry 26, the following entry shall be substituted, namely:—

"26. Kadaiyan (in the districts of Tirunelveli, Thoothukudi, Ramanathapuram, Pudukottai, Thanjavur, Tiruvarur and Nagapattinam)"; 10

(c) entries 28, 35, 49, 54 and 72 shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

In accordance with the provisions of clause (1) of article 341 of the Constitution, six Presidential Orders were issued specifying Scheduled Castes in respect of various States and Union territories. These Orders have been amended from time to time by Acts of Parliament enacted under clause (2) of article 341 of the Constitution.

2. The State Government of Tamil Nadu has proposed certain modifications in the list of Scheduled Castes, by way of grouping of seven castes, which presently exist therein as separate castes in the said list as under:

"DevendrakulaVelalar [Devendrakulathan, Kadaiyan (excluding in the coastal areas of Tirunelveli, Thoothukudi, Ramanathapuram, Pudukottai, Thanjavur, Tiruvarur and Nagapattinam districts), Kalladi, Kudumban, Pallan, Pannadi, Vathiriyar]"; and

"Kadaiyan (in the districts of Tirunelveli, Thoothukudi, Ramanathapuram, Pudukottai, Thanjavur, Tiruvarur and Nagapattinam)".

3. It is also proposed to consequentially omit the redundant entries from the said list in view of the aforementioned grouping.

4. The Registrar General of India has conveyed concurrence to the proposed modifications.

5. In order to give effect to the above changes, it is necessary to amend the Constitution (Scheduled Castes) Order, 1950 in respect of the State of Tamil Nadu.

6. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;

THAAWARCHAND GEHLOT.

*The 11th February, 2021.*

ANNEXURE

EXTRACTS FROM THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950  
(C.O. 19)

\* \* \* \* \*

In exercise of the powers conferred by clause (1) of article 341 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely:—

\* \* \* \* \*

PART XVI.—Tamil Nadu

\* \* \* \* \*

17. Devendrakulathan

\* \* \* \* \*

26. Kadaiyan

\* \* \* \* \*

28. Kalladi

\* \* \* \* \*

35. Kudumban

\* \* \* \* \*

49. Pallan

\* \* \* \* \*

54. Pannadi

\* \* \* \* \*

72. Vathiriyan

\* \* \* \* \*

LOK SABHA

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A

BILL

further to amend the Constitution (Scheduled Castes) Order, 1950 to modify the list of Scheduled Castes in the State of Tamil Nadu.

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*(Shri Thaawarchand Gehlot, Minister of Social Justice and Empowerment)*

MGIPMRND—1412LS—12.02.2021.

Bill No. 19 of 2021

THE TRIBUNALS REFORMS (RATIONALISATION AND  
CONDITIONS OF SERVICE) BILL, 2021

A

BILL

*further to amend the Cinematograph Act, 1952, the Customs Act, 1962, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999 and the Protection of Plant Varieties and Farmers' Rights Act, 2001 and certain other Acts.*

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

CHAPTER I

PRELIMINARY

5           **1.** (1) This Act may be called the Tribunals Reforms (Rationalisation and Conditions of Service) Act, 2021. Short title and commencement.

(2) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

10           Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

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

(a) "notified date" means the date appointed by the Central Government under sub-section (2) of section 1;

(b) "Schedule" means the Schedule appended to this Act.

CHAPTER II

5

AMENDMENTS TO THE CINEMATOGRAPH ACT, 1952

Amendment of Act 37 of 1952.

3. In the Cinematograph Act, 1952,—

(a) in section 2, clause (h) shall be omitted;

(b) in section 5C,—

(i) for the word "Tribunal", at both the places where it occurs, the words "High Court" shall be substituted; 10

(ii) sub-section (2) shall be omitted;

(c) sections 5D and 5DD shall be omitted;

(d) in section 6, the words "or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal)" shall be omitted; 15

(e) in sections 7A and 7C, for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;

(f) in sections 7D, 7E and 7F, the words "the Tribunal," wherever they occur, shall be omitted; 20

(g) in section 8, in sub-section (2), clauses (h), (i), (j) and (k) shall be omitted.

CHAPTER III

AMENDMENTS TO THE COPYRIGHT ACT, 1957

Amendment of Act 14 of 1957.

4. In the Copyright Act, 1957,—

(a) in section 2,— 25

(i) clause (aa) shall be omitted;

(ii) clause (fa) shall be re-lettered as clause (faa) and before the clause (faa) as so re-lettered, the following clause shall be inserted namely:

'(fa) "Commercial Court", for the purposes of any State, means a Commercial Court constituted under section 3, or the Commercial Division of a High Court constituted under section 4 of the Commercial Courts Act, 2015'; 30

4 of 2016.

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

'(u) "prescribed" means,—

(A) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and 35

(B) in other cases, prescribed by rules made under this Act';

(b) in section 6,—

(i) for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted; 40

(ii) the words "constituted under section 11 whose decision thereon shall be final" shall be omitted;

(c) in Chapter II, in the Chapter heading, the words "AND APPELLATE BOARD" shall be omitted;

(d) sections 11 and 12 shall be omitted; 45



(e) in sections 19A, 23, 31, 31A, 31B, 31C, 31D, 32, 32A and 33A, for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

5 (f) in section 50, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(g) in section 53A,—

(i) for the words "Appellate Board", wherever they occur, the words "Commercial Court" shall be substituted;

10 (ii) in sub-section (2), the words "and the decision of the Appellate Board in this behalf shall be final" shall be omitted;

(h) in section 54, for the words "Appellate Board", the words "Commercial Court" shall be substituted;

(i) for section 72, the following section shall be substituted,—

15 "72. (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the High Court. Appeals against orders of Registrar of Copyrights.

(2) Every such appeal shall be heard by a single Judge of the High Court:

Provided that any such Judge may, if he so thinks fit, refer the appeal at any stage of the proceeding to a Bench of the High Court.

20 (3) Where an appeal is heard by a single Judge, a further appeal shall lie to a Bench of the High Court within three months from the date of decision or order of the single Judge.

25 (4) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.";

(j) in sections 74 and 75, the words "and the Appellate Board", wherever they occur, shall be omitted;

(k) in section 77, the words "and every member of the Appellate Board" shall be omitted;

30 (l) in section 78, in sub-section (2),—

(i) clauses (cA) and (cB) shall be omitted;

(ii) in clause (f), the words "and the Appellate Board" shall be omitted.

#### CHAPTER IV

##### AMENDMENTS TO THE CUSTOMS ACT, 1962

35 5. In the Customs Act, 1962,—

(a) in section 28E, clauses (ba), (f) and (g) shall be omitted;

(b) in section 28EA, the proviso shall be omitted;

(c) in section 28F, sub-section (1) shall be omitted;

(d) in section 28KA,—

40 (i) in sub-section (1), for the words "Appellate Authority", at both the places where they occur, the words "High Court" shall be substituted;

(ii) sub-section (2) shall be omitted;

Amendment of Act 52 of 1962.

(e) in section 28L, the words "or Appellate Authority", wherever they occur, shall be omitted;

(f) in section 28M,—

(i) in the marginal heading, the words "and Appellate Authority" shall be omitted;

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

## CHAPTER V

### AMENDMENTS TO THE PATENTS ACT, 1970

Amendment  
of Act 39 of  
1970.

6. In the Patents Act, 1970,—

(a) in section 2, in sub-section (1),—

(i) clause (a) shall be omitted;

(ii) in clause (u), sub-clause (B) shall be omitted;

(b) in section 52, the words "Appellate Board or", wherever they occur, shall be omitted;

(c) in section 58,—

(i) the words "the Appellate Board or", wherever they occur, shall be omitted;

(ii) the words "as the case may be" shall be omitted;

(d) in section 59, the words "the Appellate Board or" shall be omitted;

(e) in section 64, the words "by the Appellate Board or" shall be omitted;

(f) in section 71, for the words "Appellate Board" and "Board", wherever they occur, the words "High Court" shall be substituted;

(g) in section 76, the words "or Appellate Board" shall be omitted;

(h) in section 113,—

(i) in sub-section (1),—

(A) the words "the Appellate Board or", wherever they occur, shall be omitted;

(B) the words "as the case may be" shall be omitted;

(ii) in sub-section (3), the words "or the Appellate Board" shall be omitted;

(i) in Chapter XIX, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;

(j) sections 116 and 117 shall be omitted;

(k) in section 117A, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(l) sections 117B, 117C and 117D shall be omitted;

(m) in section 117E, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;

(n) sections 117F, 117G and 117H shall be omitted;

(o) in section 151,—

(A) in sub-section (1), the words "or the Appellate Board", at both the places where they occur, shall be omitted;

(B) in sub-section (3), for the words "the Appellate Board or the courts, as the case may be", the words "the courts" shall be substituted;

(p) in section 159, in sub-section (2), clauses (xiia), (xiib) and (xiic) shall be omitted.

5

## CHAPTER VI

## AMENDMENTS TO THE AIRPORT AUTHORITY OF INDIA ACT, 1994

7. In the Airports Authority of India Act, 1994,—

Amendment  
of Act 55 of  
1994.

(a) in section 28A, clause (e) shall be omitted;

(b) in section 28E, for the word "Tribunal", at both the places where it occurs, the words "Central Government" shall be substituted;

(c) sections 28-I, 28J and 28JA shall be omitted;

(d) in section 28K,—

(i) in sub-section (1),—

(A) for the words "Tribunal in such form as may be prescribed", the words "High Court" shall be substituted;

(B) in the proviso, for the word "Tribunal" the words "High Court" shall be substituted;

(ii) sub-sections (2), (3), (4) and (5) shall be omitted;

(e) section 28L shall be omitted;

(f) in section 28M, the words "or the Tribunal" shall be omitted;

(g) in section 28N, in sub-section (2), for the word "Tribunal", the words "High Court" shall be substituted;

(h) in section 33, the words "or the Chairperson of the Tribunal" shall be omitted;

(i) in section 41, in sub-section (2), clauses (gvi), (gvii), (gviii) and (gix) shall be omitted.

## CHAPTER VII

## AMENDMENTS TO THE TRADE MARKS ACT, 1999

8. In the Trade Marks Act, 1999,—

(a) in section 2, in sub-section (1),—

(i) clauses (a), (d), (f), (k), (n), (ze) and (zf) shall be omitted;

(ii) for clause (s), the following clause shall be substituted, namely:—

‘(s) “prescribed” means,—

(i) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

(ii) in other cases, prescribed by rules made under this Act;’

(b) in section 10, for the word “tribunal”, the words "Registrar or the High Court, as the case may be," shall be substituted;

(c) in section 26, for the word “tribunal”, the words "Registrar or the High Court, as the case may be," shall be substituted;

(d) in section 46, in sub-section (3), for the word “tribunal”, the words "Registrar or the High Court, as the case may be," shall be substituted;

Amendment  
of Act 47 of  
1999.

(e) in section 47,—

(i) for the words “Appellate Board”, at both the places where it occurs, the words “High Court” shall be substituted;

(ii) for the word “tribunal”, wherever it occurs, the words “Registrar or the High Court, as the case may be,” shall be substituted; 5

(f) in section 55, in sub-section (1), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(g) in section 57,—

(i) for the words “Appellate Board”, wherever it occurs, the words “High Court” shall be substituted; 10

(ii) for the word “tribunal”, wherever it occurs, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(h) in section 71, in sub-section (3), for the word “tribunal”, the words “Registrar or the High Court, as the case may be,” shall be substituted;

(i) in Chapter XI, for the Chapter heading, the Chapter heading “APPEALS” shall be substituted; 15

(j) sections 83, 84, 85, 86, 87, 88, 89, 89A and 90 shall be omitted;

(k) in section 91, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(l) sections 92 and 93 shall be omitted; 20

(m) for section 94, the following section shall be substituted, namely:—

“94. On ceasing to hold the office, the erstwhile Chairperson, Vice-Chairperson or other Members, shall not appear before the Registrar.”;

(n) sections 95 and 96 shall be omitted;

(o) in section 97, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted; 25

(p) in section 98, for the words “Appellate Board” and “Board”, wherever they occur, the words “High Court” shall be substituted;

(q) sections 99 and 100 shall be omitted;

(r) in section 113, 30

(i) for the words “Appellate Board”, at both the places where they occur, the words “High Court” shall be substituted;

(ii) for the word “tribunal” the words “Registrar or the High Court, as the case may be,” shall be substituted;

(s) in section 123, the words “and every Member of the Appellate Board” shall be omitted; 35

(t) in sections 124 and 125, for the words “Appellate Board”, wherever they occur, the words “High Court” shall be substituted;

(u) in section 130, the words “the Appellate Board or” shall be omitted;

(v) in section 141, for the words “Appellate Board”, at both the places where they occur, the words “High Court” shall be substituted; 40

(w) in section 144, for the word “tribunal”, the words “Registrar or the High Court, as the case may be” shall be substituted;

(x) in section 157, in sub-section (2),—

(i) clauses (xxxi) and (xxxii) shall be omitted; 45

(ii) in clause (xxxiii), for the words “Appellate Board”, the words “High Court” shall be substituted.

Bar to appear  
before  
Registrar.

## CHAPTER VIII

## AMENDMENTS TO THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999

9. In the Geographical Indications of Goods (Registration and Protection) Act, 1999,—

Amendment  
of Act 48 of  
1999.

- 5           (a) in section 2, in sub-section (1), clauses (a) and (p) shall be omitted;
- (b) in section 19, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;
- (c) in section 23, for the words "and before the Appellate Board before which", the words "before whom" shall be substituted;
- 10           (d) in section 27,—
- (i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;
- (ii) for the word "tribunal", wherever it occurs, the words "Registrar or the High Court, as the case may be," shall be substituted;
- 15           (e) in Chapter VII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted;
- (f) in section 31,—
- (i) for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;
- 20           (ii) sub-section (3) shall be omitted;
- (g) sections 32 and 33 shall be omitted;
- (h) in sections 34 and 35, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;
- (i) section 36 shall be omitted;
- 25           (j) in section 48,—
- (i) for the words "Appellate Board", at both the places where they occur, the words "High Court" shall be substituted;
- (ii) for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;
- 30           (k) in sections 57 and 58, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;
- (l) in section 63, the words "the Appellate Board or" shall be omitted;
- (m) in section 72, for the words "Appellate Board", wherever they occur, the words "High Court" shall be substituted;
- 35           (n) in section 75, for the word "tribunal", the words "Registrar or the High Court, as the case may be," shall be substituted;
- (o) in section 87, in sub-section (2), clause (n) shall be omitted.

## CHAPTER IX

## AMENDMENTS TO THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

- 40           10. In the Protection of Plant Varieties and Farmers' Rights Act, 2001,—
- (a) in section 2,—
- (i) clauses (d), (n) and (o) shall be omitted;
- (ii) for clause (q), the following clause shall be substituted, namely:—
- '(q) "prescribed" means,—
- 45           (A) in relation to proceedings before a High Court, prescribed by rules made by the High Court; and

Amendment  
of Act 53 of  
2001.

- (B) in other cases, prescribed by rules made under this Act;';
- (iii) clauses (y) and (z) shall be omitted;
- (b) in section 44, the words "or the Tribunal" shall be omitted;
- (c) in Chapter VIII, for the Chapter heading, the Chapter heading "APPEALS" shall be substituted; 5
- (d) sections 54 and 55 shall be omitted;
- (e) in section 56,—
- (i) for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;
- (ii) sub-section (3) shall be omitted; 10
- (f) in section 57,—
- (i) for the word "Tribunal", wherever it occurs, the words "High Court" shall be substituted;
- (ii) sub-section (5) shall be omitted;
- (g) sections 58 and 59 shall be omitted; 15
- (h) in section 89, the words "or the Tribunal" shall be omitted.

#### CHAPTER X

#### AMENDMENTS TO THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

Amendment  
of Act 13 of  
2003.

- 11.** In the Control of National Highways (Land and Traffic) Act, 2002,—
- (a) in section 2,— 20
- (i) clause (a) shall be omitted;
- (ii) after clause (d), the following clause shall be inserted, namely:—
- '(da) "Court" means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction;'; 25
- (iii) clause (l) shall be omitted;
- (b) in Chapter II, in the Chapter heading, the words "AND TRIBUNALS, ETC." shall be omitted;
- (c) section 5 shall be omitted;
- (d) for section 14, the following section shall be substituted, namely:— 30
- "14. An appeal from any order passed, or any action taken, excluding issuance or serving of notice under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be, shall lie to the Court.";
- (e) sections 15 and 16 shall be omitted; 35
- (f) in section 17, for the word "Tribunal", at both the places where it occurs, the word "Court" shall be substituted;
- (g) section 18 shall be omitted;
- (h) in section 19, for the word "Tribunal", at both the places where it occurs, the word "Court" shall be substituted; 40
- (i) section 40 shall be omitted;
- (j) in section 41,—

Appeals.

(i) the words "or every order passed or decision made on appeal under this Act by the Tribunal" shall be omitted;

(ii) the words "or Tribunal" shall be omitted;

(k) in section 50, in sub-section (2), clause (f) shall be omitted.

5

## CHAPTER XI

## AMENDMENTS TO THE FINANCE ACT, 2017

**12.** In the Finance Act, 2017 (hereinafter referred to as the Finance Act),—

Amendment  
of Act 7 of  
2017.

(i) for section 184, the following section shall be substituted, namely:—

10 '184. (1) The Central Government may, by notification, make rules to provide for the qualifications, appointment, salaries and allowances, resignation, removal and the other conditions of service of the Chairperson and Members of the Tribunal as specified in the Eighth Schedule:

Qualifications,  
appointment,  
etc., of  
Chairperson  
and Members  
of Tribunal.

Provided that a person who has not completed the age of fifty years shall not be eligible for appointment as a Chairperson or Member:

15 Provided further that the allowances and benefits so payable shall be to the extent as are admissible to a Central Government officer holding the post carrying the same pay:

20 Provided also that where the Chairperson or Member takes a house on rent, he may be reimbursed a house rent subject to such limits and conditions as may be provided by rules.

(2) The Chairperson and Members of a Tribunal shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee (hereinafter referred to as the Committee) constituted under sub-section (3), in such manner as the Central Government may, by rules, provide.

25 (3) The Search-cum-Selection Committee shall consist of—

(a) the Chief Justice of India or a Judge of Supreme Court nominated by him—Chairperson of the Committee;

(b) two Secretaries nominated by the Government of India—Members;

(c) one Member, who—

30 (i) in case of appointment of a Chairperson of a Tribunal, shall be the outgoing Chairperson of the Tribunal; or

(ii) in case of appointment of a Member of a Tribunal, shall be the sitting Chairperson of the Tribunal; or

35 (iii) in case of the Chairperson of the Tribunal seeking re-appointment, shall be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court nominated by the Chief Justice of India:

Provided that, in the following cases, such Member shall always be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court nominated by the Chief Justice of India, namely:—

40

51 of 1947.

(i) Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947;

(ii) Tribunals and Appellate Tribunals constituted under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993;

(iii) Tribunals where the Chairperson or the outgoing Chairperson, as the case may be, of the Tribunal is not a retired Judge of the Supreme Court or a retired Chief Justice or Judge of a High Court; and

(iv) such other Tribunals as may be notified by the Central Government in consultation with the Chairperson of the Search-cum-Selection Committee of that Tribunal; and

(d) the Secretary to the Government of India in the Ministry or Department under which the Tribunal is constituted or established—Member-Secretary.

(4) The Chairperson of the Committee shall have the casting vote. 10

(5) The Member-Secretary of the Committee shall not have any vote.

(6) The Committee shall determine its procedure for making its recommendations.

(7) The Central Government shall take a decision on the recommendations of the Committee preferably within three months from the date on which the Committee makes its recommendations to the Government. 15

(8) No appointment shall be invalid merely by reason of any vacancy or absence in the Committee.

(9) The Chairperson and Member of a Tribunal shall be eligible for re-appointment in accordance with the provisions of this section:

Provided that in making such re-appointment, preference shall be given to the service rendered by such person. 20

(10) The Central Government shall, on the recommendation of the Committee, remove from office, in such manner as may be provided by rules, any Member, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which involves moral turpitude; or 25

(c) has become physically or mentally incapable of acting as such a Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest: 30

Provided that where a Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

*Explanation.*—For the purposes of this section, the expression— 35

(i) "Tribunal" means a Tribunal, Appellate Tribunal or Authority as specified in column (2) of the Eighth Schedule;

(ii) "Chairperson" includes Chairperson, Chairman, President and Presiding Officer of a Tribunal;

(iii) "Member" includes Vice-Chairman, Vice-Chairperson, Vice-President, Account Member, Administrative Member, Judicial Member, Expert Member, Law Member, Revenue Member and Technical Member, as the case may be, of a Tribunal.; 40

(ii) in section 184 as so substituted, after sub-section (10) and before the Explanation, the following sub-section shall be inserted and shall be deemed to have been inserted which effect from the 26th May, 2017, namely:— 45



"(11) Notwithstanding anything contained in any judgment, order, or decree of any court or any law for the time being in force,—

(i) the Chairperson of a Tribunal shall hold office for a term of four years or till he attains the age of seventy years, whichever is earlier;

5 (ii) the Member of a Tribunal shall hold office for a term of four years or till he attains the age of sixty-seven years, whichever is earlier:

10 Provided that where a Chairperson or Member is appointed between the 26th day of May, 2017 and the notified date and the term of his office or the age of retirement specified in the order of appointment issued by the Central Government is greater than that which is specified in this section, then, notwithstanding anything contained in this section, the term of office or age of retirement or both, as the case may be, of the Chairperson or Member shall be as specified in the order of appointment subject to a maximum term of office of five years".

15 **13.** Section 186 of the Finance Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:— Amendment of section 186.

20 "(2) Subject to the provisions of sections 184 and 185, neither the salary and allowances nor the other terms and conditions of service of Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or, as the case may be, other Authority may be varied to his disadvantage after his appointment."

**14.** In the Finance Act, in the Eighth Schedule,—

Amendment of Eighth Schedule.

(i) items 10, 12, 14 and 15 shall be omitted;

25 (ii) for item 16, the following item shall be substituted, namely:—

	(1)	(2)	(3)
"16.	National Consumer Disputes Redressal Commission	The Consumer Protection Act, 2019 (35 of 2019)"	

30 **15.** (1) Notwithstanding anything contained in any law for the time being in force, any person appointed as the Chairperson or Chairman or President or Presiding Officer or Vice-Chairperson or Vice-Chairman or Vice-President or Member of the Tribunal, Appellate Tribunal, or as the case may be, other Authority specified in the Schedule and holding office as such immediately before the notified date, shall on and from the notified date, cease to hold such office, and he shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of his office or of any contract of service. Transitional provisions.

40 (2) The officers and other employees of the Tribunals, Appellate Tribunals and other Authorities specified in the Schedule appointed on deputation, before the notified date, shall, on and from the notified date, stand reverted to their parent cadre, Ministry or Department.

43 of 1961. (3) Any appeal, application or proceeding pending before the Tribunal, Appellate Tribunal or other Authority specified in the Schedule, other than those pending before the Authority for Advance Rulings under the Income-tax Act, 1961, before the notified date, shall stand transferred to the Court before which it would have been filed had this Act been in force on the date of filing of such appeal or application or initiation of the proceeding, and the Court may proceed to deal with such cases from the stage at which it stood before such transfer, or from any earlier stage, *or de novo*, as the Court may deem fit.

(4) The balance of all monies received by, or advanced to, the Tribunal, Appellate Tribunal or other Authority specified in the Schedule and not spent by it before the notified date, shall, on and from the notified date, stand transferred to the Central Government.

(5) All property of whatever kind owned by, or vested in, the Tribunal, Appellate Tribunal or other Authority specified in the Schedule before the notified date, shall stand transferred to, on and from the notified date, and shall vest in the Central Government. 5

Power to  
remove  
difficulties.

**16.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: 10

Provided that no such order shall be made after the expiry of a period of three years from the notified date.

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

THE SCHEDULE  
(See section 15)

1. Appellate Tribunal under the Cinematograph Act, 1952 (37 of 1952).
2. Authority for Advance Rulings under the Income-tax Act, 1961 (43 of 1961).
3. Airport Appellate Tribunal under the Airports Authority of India Act, 1994 (55 of 1994).
4. Intellectual Property Appellate Board under the Trade Marks Act, 1999 (47 of 1999).
5. Plant Varieties Protection Appellate Tribunal under the Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001).

## STATEMENT OF OBJECTS AND REASONS

With a view to streamline tribunals, the Tribunals Reforms (Rationalisation and Conditions of Service) Bill, 2021 is proposed to be enacted to abolish certain tribunals and authorities and to provide a mechanism for filing appeal directly to the commercial court or the High Court, as the case may be.

2. The Government of India began the process of rationalisation of tribunals in 2015. By the Finance Act, 2017, seven tribunals were abolished or merged based on functional similarity and their total number was reduced from 26 to 19. The rationale followed in the first phase was to close down tribunals which were not necessary and merge tribunals with similar functions.

3. In the second phase, analysis of data of the last three years has shown that tribunals in several sectors have not necessarily led to faster justice delivery and they are also at a considerable expense to the exchequer. The Hon'ble Supreme Court has deprecated the practice of tribunalisation of justice and filing of appeals directly from tribunals to the Supreme Court in many of its judgements, including S.P Sampath Kumar *versus* Union of India (1987) 1 SCC 124, L. Chandra Kumar *versus* Union of India (1997) 3 SCC 261, Roger Mathew *versus* South Indian Bank Limited (2020) 6 SCC 1 and Madras Bar Association *versus* Union of India and another (2020) SCC Online SC 962. Therefore, further streamlining of tribunals is considered necessary as it would save considerable expense to the exchequer and at the same time, lead to speedy delivery of justice. Accordingly, it is proposed to abolish some more tribunals and transfer the jurisdiction exercised by them to the High Court.

4. The tribunals that are proposed to be abolished in this phase are of the kind which handle cases in which public at large is not a litigant or those which neither take away any significant workload from High Courts which otherwise would have adjudicated such cases nor provide speedy disposal. Many cases do not achieve finality at the level of tribunals and are litigated further till High Courts and Supreme Court, especially those with significant implications. Therefore, these tribunals only add to another additional layer of litigation. Having separate tribunal requires administrative action in terms of filling up of posts and such other matters, and any delay in such action further delays disposal of cases. Reducing the number of tribunals shall not only be beneficial for the public at large, reduce the burden on public exchequer, but also address the issue of shortage of supporting staff of tribunals and infrastructure.

5. The Tribunals Reforms (Rationalisation and Conditions of Service) Bill, 2021, *inter-alia*, seeks to give effect to aforesaid proposal and provide for the following, namely:—

(i) abolition of tribunals or authorities under various Acts by amending the Cinematograph Act, 1952, the Copyrights Act, 1957, the Customs Act, 1962, the Patents Act, 1970, the Airport Authority of India Act, 1994, the Trade Marks Act, 1999, the Geographical Indications of Goods (Registration and Protection) Act, 1999, the Protection of Plant Varieties and Farmers' Rights Act, 2001, the Control of National Highways (Land and Traffic) Act, 2002 and the Finance Act, 2017;

(ii) transfer of all cases pending before such tribunals or authorities to the Commercial Court or the High Court, as the case may be, on the appointed date;

(iii) the Chairman and Members of such tribunals shall cease to hold office and they shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of their office or of any contract of service.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;

NIRMALA SITHARAMAN.

*The 11th February, 2021.*

ANNEXURE

EXTRACTS FROM THE CINEMATOGGRAPH ACT, 1952

(37 OF 1952)

\* \* \* \* \*

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

\* \* \* \* \*

(h) Tribunal means the Appellate Tribunal constituted under section 5D.

\* \* \* \* \*

**5C.** (1) Any person applying for a certificate in respect of a film who is aggrieved by any order of the Board— Appeals.

- (a) refusing to grant a certificate; or
- (b) granting only an "A" certificate; or
- (c) granting only a "S" certificate; or
- (d) granting only a "UA" certificate; or
- (e) directing the applicant to carry out any excisions or modifications,

may, within thirty days from the date of such order, prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the aforesaid period of thirty days, allow such appeal to be admitted within a further period of thirty days.

(2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fees, not exceeding rupees one thousand, as may be prescribed.

\* \* \* \* \*

**5D.** (1) For the purpose of hearing appeals against any order of the Board under section 5C, the Central Government shall, by notification in the Official Gazette, constitute an Appellate Tribunal. Constitution of Appellate Tribunal.

(2) The head office of the Tribunal shall be at New Delhi or at such other place as the Central Government may, by notification in the Official Gazette, specify.

(3) Such Tribunal shall consist of a Chairman and not more than four other members appointed by the Central Government.

(4) A person shall not be qualified for appointment as the Chairman of the Tribunal unless he is a retired Judge of a High Court, or is a person who is qualified to be a Judge of a High Court.

(5) The Central Government may appoint such persons who, in its opinion, are qualified to judge the effect of films on the public, to be members of the Tribunal.

(6) The Chairman of the Tribunal shall receive such salary and allowances as may be determined by the Central Government and the members shall receive such allowances or fees as may be prescribed.

(7) Subject to such rules as may be made in this behalf, the Central Government may appoint a Secretary and such other employees as it may think necessary for the efficient performance of the functions of the Tribunal under this Act.

(8) The Secretary to, and other employees of, the Tribunal shall exercise such powers and perform such duties as may be prescribed after consultation with the Chairman of the Tribunal.

(9) The other terms and conditions of service of the Chairman and members of, and the Secretary to, and other employees of, the Tribunal shall be such as may be prescribed.

(10) Subject to the provisions of this Act, the Tribunal may regulate its own procedure.

(11) The Tribunal may, after making such inquiry into the matter as it considers necessary, and after giving the appellant and the Board an opportunity of being heard in the matter, make such order in relation to a film as it thinks fit and the Board shall dispose of the matter in conformity with such order.

Qualifications, terms and conditions of service of Chairman and Member.

**5DD.** Notwithstanding anything contained in this Act, the qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the Chairman and other members of the Appellate Tribunal appointed after the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act: 7 of 2017.

Provided that the Chairman and member appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of the Act and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force. 7 of 2017.

Revisonal powers of the Central Government.

**6.** (1) Notwithstanding anything contained in this Part, the Central Government may, of its own motion, at any stage, call for the record of any proceeding in relation to any film which is pending before, or has been decided by, the Board, or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal) and after such inquiry, into the matter as it considers necessary, make such order in relation thereto as it thinks fit, and the Board shall dispose of the matter in conformity with such order:

Provided that no such order shall be made prejudicially affecting any person applying for a certificate or to whom a certificate has been granted, as the case may be, except after giving him an opportunity for representing his views in the matter:

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

(2) Without prejudice to the powers conferred on it under sub-section (1), the Central Government may, by notification in the Official Gazette, direct that—

(a) a film which has been granted a certificate shall be deemed to be an uncertified film in the whole or any part of India; or

(b) a film which has been granted a "U" certificate or a "UA" certificate or a "S" certificate shall be deemed to be a film in respect of which an "A" certificate has been granted; or

(c) the exhibition of any film be suspended for such period as may be specified in the direction:

Provided that no direction issued under clause (c) shall remain in force for more than two months from the date of the notification.

(3) No action shall be taken under clause (a) or clause (b) of sub-section (2) except after giving an opportunity to the person concerned for representing his views in the matter.

(4) During the period in which a film remains suspended under clause (c) of sub-section (2), the film shall be deemed to be an uncertified film.

\* \* \* \* \*

**7A.** (1) Where a film in respect of which no certificate has been granted under this Act is exhibited, or a film certified as suitable for public exhibition restricted to adults is exhibited to any person who is not an adult or a film is exhibited in contravention of any of the other provisions contained in this Act or of any order made by the Central Government, the Tribunal or the Board in the exercise of any of the powers conferred on it, any police officer may, enter any place in which he has reason to believe that the film has been or is being or is likely to be exhibited, search it and seize the film.

Power of seizure.

(2) All searches under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches.

2 of 1974.

\* \* \* \* \*

**7C.** For the purpose of exercising any of the powers conferred on it by this Act, the Central Government, the Tribunal or the Board may require any film to be exhibited before it or before any person or authority specified by it in this behalf.

Power to direct exhibition of films for examination.

**7D.** No act or proceeding of the Tribunal, the Board or of any advisory panel shall be deemed to be invalid by reason only of a vacancy in, or any defect in, the constitution of the Tribunal, the Board or panel, as the case may be.

Vacancies, etc., not to invalidate proceeding.

**7E.** All members of the Tribunal, the Board and of any advisory panel shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Members of the Board and advisory panels to be public servants.

**7F.** No suit or other legal proceeding shall lie against the Central Government, the Tribunal, the Board, advisory panel or any officer or member of the Central Government, the Tribunal, the Board or advisory panel, as the case may be, in respect of anything which is in good faith done or intended to be done under this Act.

Bar of legal proceedings.

**8.** (1) \* \* \* \* \*

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

\* \* \* \* \*

(h) the allowances or fees payable to the members of the Tribunal;

(i) the powers and duties of the Secretary to, and other employees of, the Tribunal;

(j) the other terms and conditions of service of the Chairman and members of, and the Secretary to, and other employees of, the Tribunal;

(k) the fees payable by the appellant to the Tribunal in respect of an appeal;

\* \* \* \* \*

EXTRACTS FROM THE COPY RIGHT ACT, 1957

(14 OF 1957)

\* \* \* \* \*

Interpretation.

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

\* \* \* \* \*

(aa) "Appellate Board" means the Appellate Board referred to in section 11;

\* \* \* \* \*

(u) "prescribed" means prescribed by rules made under this Act.

Certain disputes to be decided by Appellate Board.

**6.** If any question arises—

(a) whether a work has been published or as to the date on which a work was published for the purposes of Chapter V, or

(b) whether the term of copyright for any work is shorter in any other country than that provided in respect of that work under this Act, it shall be referred to the Appellate Board constituted under section 11 whose decision thereon shall be final:

Provided that if in the opinion of the Appellate Board, the issue of copies or communication to the public referred to in section 3 was of an insignificant nature, it shall not be deemed to be publication for the purposes of that section.

\* \* \* \* \*

CHAPTER II

COPYRIGHT OFFICE AND A BOARD

\* \* \* \* \*

Appellate Board.

**11.** (1) The Appellate Board established under section 83 of the Trade Marks Act, 1999 shall, on and from the commencement of Part XIV of Chapter VI of the Finance Act, 2017, be the Appellate Board for the purposes of this Act and the said Appellate Board shall exercise the jurisdiction, powers and authority conferred on it by or under this Act. 47 of 1999.  
7 of 2017.

Powers and procedure of Appellate Board.

**12.** (1) The Appellate Board shall, subject to any rules that may be made under this Act, have power to regulate its own procedure, including the fixing of places and times of its sittings:

Provided that the Appellate Board shall ordinarily hear any proceeding instituted before it under this Act within the zone in which, at the time of the institution of the proceeding, the person instituting the proceeding actually and voluntarily resides or carries on business or personally works for gain.

*Explanation.*—In this sub-section "zone" means a zone specified in section 15 of the States Reorganisation Act, 1956. 37 of 1956.

(2) The Appellate Board may exercise and discharge its powers and functions through Benches constituted by the Chairman of the Appellate Board from amongst its members:

Provided that, if the Chairman is of opinion that any matter of importance is required to be heard by a larger bench, he may refer the matter to a special bench consisting of five members.

\* \* \* \* \*

(5) No member of the Appellate Board shall take part in any proceedings before the Board in respect of any matter in which he has a personal interest.



(6) No act done or proceeding taken by the Appellate Board under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

2 of 1974.  
45 of 1860.  
(7) The Appellate Board shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 and all proceedings before the Board shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

\* \* \* \* \*

**19A.** (1) If an assignee fails to make sufficient exercise of the rights assigned to him, and such failure is not attributable to any act or omission of the assignor, then, the Appellate Board may, on receipt of a complaint from the assignor and after holding such inquiry as it may deem necessary, revoke such assignment. Disputes with respect to assignment of copyright.

(2) If any dispute arises with respect to the assignment of any copyright, the Appellate Board may, on receipt of a complaint from the aggrieved party and after holding such inquiry as it considers necessary, pass such order as it may deem fit including an order for the recovery of any royalty payable:

Provided that the Appellate Board shall not pass any order under this sub-section to revoke the assignment unless it is satisfied that the terms of assignment are harsh to the assignor in case the assignor is also the author:

Provided further that, pending the disposal of an application for revocation of assignment under this sub-section, the Appellate Board may pass such order, as it deems fit regarding implementation of the terms and conditions of assignment including any consideration to be paid for the enjoyment of the rights assigned:

Provided also that, no order of revocation of assignment under this sub-section, shall be made within a period of five years from the date of such assignment.

(3) Every complaint received under sub-section (2) shall be dealt with by the Appellate Board as far as possible and efforts shall be made to pass the final order in the matter within a period of six months from the date of receipt of the complaint and any delay in compliance of the same, the Appellate Board shall record the reasons thereof.

\* \* \* \* \*

**23.** (1) In the case of literary, dramatic, musical or artistic work (other than a photograph), which is published anonymously or pseudonymously, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the work is first published: Term of copyright in anonymous and pseudonymous works.

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall subsist until sixty years from the beginning of the calendar year next following the year in which the author dies.

(2) In sub-section (1), references to the author shall, in the case of an anonymous work of joint authorship, be construed,—

(a) where the identity of one of the authors is disclosed, as references to that author;

(b) where the identity of more authors than one is disclosed, as references to the author who dies last from amongst such authors.

(3) In sub-section (1), references to the author shall, in the case of a pseudonyms work of joint authorship, be construed,—

(a) where the names of one or more (but not all) of the authors are pseudonyms and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, if the names of two or more of the authors are not pseudonyms, as references to such of those authors who dies last;

(b) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or more of them is disclosed, as references to the author who dies last from amongst the authors whose names are not pseudonyms and the authors whose names are pseudonyms and are disclosed; and

(c) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as references to the author whose identity is disclosed or if the identity of two or more of such authors is disclosed, as references to such of those authors who dies last.

*Explanation.*—For the purposes of this section, the identity of an author shall be deemed to have been disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or is otherwise established to the satisfaction of the Appellate Board by that author.

\* \* \* \* \*

Compulsory licence in works withheld from public.

**31.** (1) If at any time during the term of copyright in any work which has been published or performed in public, a complaint is made to the Appellate Board that the owner of copyright in the work—

(a) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work, and by reason of such refusal the work is withheld from the public; or

(b) has refused to allow communication to the public by broadcast of such work or in the case a sound recording the work recorded in such sound recording, on terms which the complainant considers reasonable, the Appellate Board, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar of Copyrights to grant to the complainant a licence to republish the work, perform the work in public or communicate the work to the public by broadcast, as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Appellate Board may determine; and thereupon the Registrar of Copyrights shall grant the licence to such person or persons who, in the opinion of the Appellate Board, is or are qualified to do so in accordance with the directions of the Appellate Board, on payment of such fee as may be prescribed.

\* \* \* \* \*

Compulsory licence in unpublished or published works.

**31A.** (1) Where, in the case of any unpublished work or any work published or communicated to the public and the work is withheld from the public in India, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the Appellate Board for a licence to publish or communicate to the public such work or a translation thereof in any language.

(2) Before making an application under sub-section (1), the applicant shall publish his proposal in one issue of a daily newspaper in the English language having circulation in the major part of the country and where the application is for the publication of a translation in any language, also in one issue of any daily newspaper in that language.

(3) Every such application shall be made in such form as may be prescribed and shall be accompanied with a copy of the advertisement issued under sub-section (2) and such fee as may be prescribed.

(4) Where an application is made to the Appellate Board under this section, it may after holding such inquiry as may be prescribed, direct the Registrar of Copyrights to grant to the applicant a licence to publish the work or a translation thereof in the language mentioned in the application subject to the payment of such royalty and subject to such

other terms and conditions as the Appellate Board may determine, and thereupon the Registrar of Copyrights shall grant the licence to the applicant in accordance with the direction of the Appellate Board.

(5) Where a licence is granted under this section, the Registrar of Copyrights may, by order, direct the applicant to deposit the amount of the royalty determined by the Appellate Board in the public account of India or in any other account specified by the Appellate Board so as to enable the owner of the copyright or, as the case may be, his heirs, executors or the legal representatives to claim such royalty at any time.

(6) Without prejudice to the foregoing provisions of this section, in the case of a work referred to in sub-section (1), if the original author is dead, the Central Government may, if it considers that the publication of the work is desirable in the national interest, require the heirs, executors or legal representatives of the author to publish such work within such period as may be specified by it.

(7) Where any work is not published within the period specified by the Central Government under sub-section (6), the Appellate Board may, on an application made by any person for permission to publish the work and after hearing the parties concerned, permit such publication on payment of such royalty as the Appellate Board may, in the circumstances of such case, determine in the prescribed manner.

**31B.** (1) Any person working for the benefit of persons with disability on a profit basis or for business may apply to the Appellate Board, in such form and manner and accompanied by such fee as may be prescribed, for a compulsory licence to published any work in which copyright subsists for the benefit of such persons, in a case to which clause (zb) of sub-section (1) of section 52 does not apply and the Appellate Board shall dispose of such application within a period of two months from the receipt of the application.

Compulsory  
licence for  
benefit of  
disabled.

(2) The Appellate Board may, on receipt of an application under sub-section (1), inquire, or direct such inquiry as it considers necessary to establish the credentials of the applicant and satisfy itself that the application has been made in good faith.

(3) If the Appellate Board is satisfied, after giving to the owners of rights in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, that a compulsory licence needs to be issued to make the work available to the disabled, it may direct the Registrar of Copyright to grant to the applicant such a licence to publish the work.

(4) Every compulsory licence issued under this section shall specify the means and format of publication, the period during which the compulsory licence may be exercised and, in the case of issue of copies, the number of copies that may be issued including the rate or royalty:

Provided that where the Appellate Board issued such a compulsory licence it may, on a further application and after giving reasonable opportunity to the owners of rights, extend the period of such compulsory licence and allow the issue of more copies as it may deem fit.

**31C.** (1) Any person desirous of making a cover version, being a sound recording in respect of any literary, dramatic or musical work, where sound recordings of that work have been made by or with the licence or consent of the owner of the right in the work, may do so subject to the provisions of this section:

Statutory  
licence for  
cover versions.

Provided that such sound recordings shall be in the same medium as the last recording, unless the medium of the last recording is no longer in current commercial use.

(2) The person making the sound recordings shall give prior notice of his intention to make the sound recordings in the manner as may be prescribed, and provide in advance copies of all covers or labels with which the sound recordings are to be sold, and pay in advance, to the owner of rights in each work royalties in respect of all copies to be made by him, at the rate fixed by the Appellate Board in this behalf:

Provided that such sound recordings shall not be sold or issued in any form of packaging or with any cover or label which is likely to mislead or confuse the public as to their identity, and in particular shall not contain the name or depict in any way any performer of an earlier sound recording of the same work or any cinematograph film in which sound recording was incorporated and, further, shall state on the cover that it is a cover version made under this section.

(3) The person making such sound recordings shall not make any alteration in the literary or musical work which has not been made previously by or with the consent of the owner of rights, or which is not technically necessary for the purpose of making the sound recordings:

Provided that such sound recordings shall not be made until the expiration of five calendar years after the end of the year in which the first sound recordings of the work was made.

(4) One royalty in respect of such sound recordings shall be paid for a minimum of fifty thousand copies of each work during each calendar year in which copies of it are made:

Provided that the Appellate Board may, by general order, fix a lower minimum in respect of works in a particular language or dialect having regard to the potential circulation of such works.

(5) The person making such sound recordings shall maintain such registers and books of account in respect thereof, including full details of existing stock as may be prescribed and shall allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such sound recording:

Provided that if on a complaint brought before the Appellate Board to the effect that the owner of rights has not been paid in full for any sound recordings purporting to be made in pursuance of this section, the Appellate Board is, *prima facie*, satisfied that the complaint is genuine, it may pass an order *ex parte* directing the person making the sound recording to cease from making further copies and, after holding such inquiry as it considers necessary, make such further order as it may deem fit, including an order for payment of royalty.

*Explanation.*—For the purposes of this section "cover version" means a sound recording made in accordance with this section.

Statutory  
licence for  
broadcasting  
of literary and  
musical works  
and sound  
recording.

**31D.** (1) Any broadcasting organisation desirous of communicating to the public by way of a broadcast or by way of performance of a literary or musical work and sound recording which has already been published may do so subject to the provisions of this section.

(2) The broadcasting organisation shall give prior notice, in such manner as may be prescribed, of its intention to broadcast the work stating the duration and territorial coverage of the broadcast, and shall pay to the owner of rights in each work royalties in the manner and at the rate fixed by the Appellate Board.

(3) The rates of royalties for radio broadcasting shall be different from television broadcasting and the Appellate Board shall fix separate rates for radio broadcasting and television broadcasting.

(4) In fixing the manner and the rate of royalty under sub-section (2), the Appellate Board may require the broadcasting organisation to pay an advance to the owners of rights.

(5) The names of the authors of the principal performers of the work shall, except in case of the broadcasting organisation communicating such work by way of performance, be announced with the broadcast.

(6) No fresh alteration to any literary or musical work, which is not technically necessary for the purpose of broadcasting, other than shortening the work for convenience of broadcast, shall be made without the consent of the owners of rights.

(7) The broadcasting organisation shall—

(a) maintain such records and books of account, and render to the owners of rights such reports and accounts; and

(b) allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such broadcast, in such manner as may be prescribed.

(8) Nothing in this section shall affect the operation of any licence issued or any agreement entered into before the commencement of the Copyright (Amendment) Act, 2012.

27 of 2012.

\* \* \* \* \*

32. (1) Any person may apply to the Appellate Board for a licence to produce and publish a translation of a literary or dramatic work in any language after a period of seven years from the first publication of the work.

Licence to produce and published translations.

(1A) Notwithstanding anything contained in sub-section (1), any person may apply to the Appellate Board for a licence to produce and publish a translation, in printed or analogous forms of reproduction, of a literary or dramatic work, other than an Indian work, in any language in general use in India after a period of three years from the first publication of such work, if such translation is required for the purposes of teaching, scholarship or research:

Provided that where such translation is in a language not in general use in any developed country, such application may be made after a period of one year from such publication.

(2) Every application under this section shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the translation of the work.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the Appellate Board under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a translation of the work in the language mentioned in the application—

(i) subject to the condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work sold to the public, calculated at such rate as the Appellate Board may, in the circumstances of each case, determine in the prescribed manner; and

(ii) where such licence is granted on an application under sub-section (1A), subject also to the condition that the licence shall not extend to the export of copies of the translation of the work outside India and every copy of such translation shall contain a notice in the language of such translation that the copy is available for distribution only in India:

Provided that nothing in clause (ii) shall apply to the export by Government or any authority under the Government of copies of such translation in a language other than English, French or Spanish or to any country if—

(1) such copies are sent to citizens of India residing outside India or to any association of such citizens outside India; or

(2) such copies are meant to be used for purposes of teaching, scholarship or research and not for any commercial purpose; and

(3) in either case, the permission for such export has been given by the Government of that country:

Provided further that no licence under this section shall be granted, unless—

(a) a translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the

work or any person authorised by him, within seven years or three years or one year, as the case may be, of the first publication of the work, or if a translation has been so published, it has been out of print;

(b) the applicant has proved to the satisfaction of the Appellate Board that he had requested and had been denied authorisation by the owner of the copyright to produce and publish such translation, or that he was, after due diligence on his part, unable to find the owner of the copyright;

(c) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for such authorisation by registered air mail post to the publisher whose name appears from the work, and in the case of an application for a licence under sub-section (1), not less than two months before such application;

(cc) a period of six months in the case of an application under sub-section (1A) (not being an application under the proviso thereto), or nine months in the case of an application under the proviso to that sub-section, has elapsed from the date of making the request under clause (b) of this proviso or where a copy of the request has been sent under clause (c) of this proviso, from the date of sending of such copy, and the translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or nine months, as the case may be;

(ccc) in the case of any application made under sub-section (1A)—

(i) the name of the author and the title of the particular edition of the work proposed to be translated are printed on all the copies of the translation;

(ii) if the work is composed mainly of illustrations, the provisions of section 32A are also complied with;

(d) the Appellate Board is satisfied that the applicant is competent to produce and publish a correct translation of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;

(e) the author has not withdrawn from circulation copies of the work; and

(f) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

(4) Any broadcasting authority may apply to the Appellate Board for a licence to produce and publish the translation of—

(a) a work referred to in sub-section (1A) and published in printed or analogous forms of reproduction; or

(b) any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities, for broadcasting such translation for the purposes of teaching or for the dissemination of the results of specialised, technical or scientific research to the experts in any particular field.

(5) The provisions of sub-sections (2) to (4) in so far as they are relatable to an application under sub-section (1A), shall, with the necessary modifications,

apply to the grant of a licence under sub-section (5) and such licence shall not also be granted unless—

- (a) the translation is made from a work lawfully acquired;
- (b) the broadcast is made through the medium of sound and visual recordings;
- (c) such recording has been lawfully and exclusively made for the purpose of broadcasting in India by the applicant or by other broadcasting agency; and
- (d) the translation and the broadcasting of such translation are not used for any commercial purposes.

*Explanation.*—For the purposes of this section,—

(a) "developed country" means a country which is not a developing country;

(b) "developing country" means a country which is for the time being regarded as such in conformity with the practice of the General Assembly of the United Nations;

(c) "purposes of research" does not include purposes of industrial research, or purposes of research by bodies corporate (not being bodies corporate owned or controlled by Government) or other association or body of persons for commercial purposes;

(d) "purposes of teaching, research or scholarship" includes—

(i) purposes of instructional activity at all levels in educational institutions, including Schools, Colleges, Universities and tutorial institutions; and

(ii) purposes of all other types of organised educational activity.

**32A.** (1) Where, after the expiration of the relevant period from the date of the first publication of an edition of a literary, scientific or artistic work,—

- (a) the copies of such edition are not made available in India; or
- (b) such copies have not been put on sale in India for a period of six months,

to the public, or in connection with systematic instructional activities at a price reasonably related to that normally charged in India for comparable works by the owner of the right of reproduction or by any person authorised by him in this behalf, any person may apply to the Appellate Board for a licence to reproduce and publish such work in printed or analogous forms of reproduction at the price at which such edition is sold or at a lower price for the purposes of systematic instructional activities.

(2) Every such application shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the work to be reproduced.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the Appellate Board under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being

Licence to reproduce and publish works for certain purposes.

an exclusive licence, to produce and publish a reproduction of the work mentioned in the application subject to the conditions that,—

(i) the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the reproduction of the work sold to the public, calculated at such rate as the Appellate Board may, in the circumstances of each case, determine in the prescribed manner;

(ii) a licence granted under this section shall not extend to the export of copies of the reproduction of the work outside India and every copy of such reproduction shall contain a notice that the copy is available for distribution only in India:

Provided that no such licence shall be granted unless—

(a) the applicant has proved to the satisfaction of the Appellate Board that he had requested and had been denied authorisation by the owner of the copyright in the work to reproduce and publish such work or that he was, after due diligence on his part, unable to find such owner;

(b) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for such authorisation by registered air-mail post to the publisher whose name appears from the work not less than three months before the application for the licence;

(c) the Appellate Board is satisfied that the applicant is competent to reproduce and publish an accurate reproduction of the work and possesses the means to pay the owner of the copyright the royalties payable to him under this section;

(d) the applicant undertakes to reproduce and publish the work at such price as may be fixed by the Appellate Board, being a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subjects;

(e) a period of six months in the case of an application for the reproduction and publication of any work of natural science, physical science, mathematics or technology, or a period of three months in the case of an application for the reproduction and publication of any other work, has elapsed from the date of making the request under clause (a), or where a copy of the request has been sent under clause (b), from the date of sending of a copy, and a reproduction of the work has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or, three months, as the case may be;

(f) the name of the author and the title of the particular edition of the work proposed to be reproduced are printed on all the copies of the reproduction;

(g) the author has not withdrawn from circulation copies of the work; and

(h) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

(5) No licence to reproduce and publish the translation of a work shall be granted under this section unless such translation has been published by the owner of the right of translation or any person authorised by him and the translation is not in a language in general use in India.

(6) The provisions of this section shall also apply to the reproduction and publication, or translation into a language in general use in India, of any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities.



*Explanation.*—For the purpose of this section, "relevant period", in relation to any work, means a period of—

(a) seven years from the date of the first publication of that work, where the application is for the reproduction and publication of any work of, or relating to, fiction, poetry, drama, music or art;

(b) three years from the date of the first publication of that work, where the application is for the reproduction and publication of any work of, or relating to, natural science, physical science, mathematics or technology; and

(c) five years from the date of the first publication of that work, in any other case.

\* \* \* \* \*

**33A.** (1) Every copyright society shall publish its tariff scheme in such manner as may be prescribed. Tariff Scheme by copyright societies.

(2) Any person who is aggrieved by the tariff scheme may appeal to the Appellate Board and the Board may, if satisfied after holding such inquiry as it may consider necessary, make such orders as may be required to remove any unreasonable element, anomaly or inconsistency therein:

Provided that the aggrieved person shall pay to the copyright society any fee as may be prescribed that has fallen due before making an appeal to the Appellate Board and shall continue to pay such fee until the appeal is decided, and the Board shall not issue any order staying the collection of such fee pending disposal of the appeal:

Provided further that the Appellate Board may after hearing the parties fix an interim tariff and direct the aggrieved parties to make the payment according pending disposal of the appeal.

\* \* \* \* \*

**50.** The Appellate Board, on application of the Registrar of Copyrights or of any person aggrieved, shall order the rectification of the Register of Copyrights by— Rectification of Register by Appellate Board.

(a) the making of any entry wrongly omitted to be made in the register, or

(b) the expunging of any entry wrongly made in, or remaining on, the register, or

(c) the correction of any error or defect in the register.

\* \* \* \* \*

**53A.** (1) In the case of resale for a price exceeding ten thousand rupees, of the original copy of a painting, sculpture or drawing, or of the original manuscript of a literary or dramatic work or musical work, the author of such work if he was the first owner of rights under section 17 or his legal heirs shall, notwithstanding any assignment of copyright in such work, have a right to share in the resale price of such original copy or manuscript in accordance with the provisions of this section: Resale share right in original copies.

Provided that such right shall cease to exist on the expiration of the term of copyright in the work.

(2) The share referred to in sub-section (1) shall be such as the Appellate Board may fix and the decision of the Appellate Board in this behalf shall be final:

Provided that the Appellate Board may fix different shares for different classes of work:

Provided further that in no case shall the share exceed ten percent, of the resale price.

(3) If any dispute arises regarding the right conferred by this section, it shall be referred to the Appellate Board whose decision shall be final.

CHAPTER XII

CIVIL REMEDIES

Definition.

54. For the purposes of this Chapter, unless the context otherwise requires, the expression "owner of copyright" shall include—

(a) an exclusive licensee;

(b) in the case of an anonymous or pseudonymous literary, dramatic, musical or artistic work, the publisher of the work, until the identity of the author or, in the case of an anonymous work of joint authorship, or a work of joint authorship published under names all of which are pseudonyms, the identity of any of the authors, is disclosed publicly by the author and the publisher or is otherwise establishment to the satisfaction of the Appellate Board by that author or his legal representatives.

\* \* \* \* \*

Appeals against orders of Registrar of Copyrights and Appellate Board.

72. (1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the Appellate Board.

(2) Any person aggrieved by any final decision or order of the Appellate Board, not being a decision or order made in an appeal under sub-section (1), may, within three months from the date of such decision or order, appeal to the High Court within whose jurisdiction the appellant actually and voluntarily resides or carries on business or personally works for gain:

Provided that no such appeal shall lie against a decision of the Appellate Board under section 6.

(3) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.

\* \* \* \* \*

CHAPTER XV

MISCELLANEOUS

Registrar of Copyrights and Appellate Board to possess certain powers of civil courts.

74. The Registrar of Copyrights and the Appellate Board shall have the powers of a civil court when trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely, — 5 of 1908.

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

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents;

(e) requisitioning any public record or copy thereof from any court or office;

(f) any other matter which may be prescribed.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Registrar of Copyrights or the Appellate Board, as the case may be, shall be the limits of the territory of India.

**75.** Every order made by the Registrar of Copyrights or the Appellate Board under this Act for the payment of any money or by the High Court in any appeal against any such order of the Appellate Board shall, on a certificate issued by the Registrar of Copyrights, the Appellate Board or the Registrar of the High Court, as the case may be, be deemed to be a decree of a civil court and shall be executable in the same manner as a decree of such court.

Orders for payment of money passed by Registrar of Copyrights and Appellate Board to be executable as a decree.

\* \* \* \* \*

45 of 1860.

**77.** Every officer appointed under this Act and every member of the Appellate Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Certain persons to be public servants.

**78. (1)** \* \* \* \*

Power to make rules.

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

\* \* \* \* \*

(cA) the form and manner in which an organisation may apply to the Appellate Board for compulsory licence for disabled and the fee which may accompany such application under sub-section 31B;

\* \* \* \* \*

(ccB) the fee which is to be paid before filing an appeal to the Appellate Board under sub-section (2) of section 33A;

\* \* \* \* \*

(f) the matters in respect of which the Registrar of Copyrights and the Appellate Board shall have powers of a civil court;

\* \* \* \* \*

**79. (1)** \* \* \* \*

Repeals, savings and transitional provisions.

(2) Where any person has, before the commencement of this Act, taken any action whereby he has incurred any expenditure or liabilities in connection with the reproduction or performance of any work in a manner which at the time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the coming into force of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who, by virtue of this Act, becomes entitled to restrain such reproduction or performance, agrees to pay such compensation as, failing agreement, may be determined by the Appellate Board.

\* \* \* \* \*

EXTRACTS FROM THE CUSTOMS ACT, 1962

(52 OF 1962)

\* \* \* \* \*

CHAPTER VB

ADVANCE RULINGS

**28E.** In this Chapter, unless the context otherwise requires,—

Definitions.

\* \* \* \* \*

(ba) Appellate Authority means the Authority for Advance Rulings constituted under section 245-O of the Income-tax Act, 1961; 43 of 1961.

\* \* \* \* \*

(f) Chairperson means the Chairperson of the Appellate Authority;

(g) Member means a Member of the Appellate Authority and includes the Chairperson; and

\* \* \* \* \*

Customs Authority for Advance Rulings.

**28EA.** (1) The Board may, for the purposes of giving advance rulings under this Act, by notification, appoint an officer of the rank of Principal Commissioner of Customs or Commissioner of Customs to function as a Customs Authority for Advance Rulings:

Provided that till the date of appointment of the Customs Authority for Advance Rulings, the existing Authority for Advance Rulings constituted under section 245-O of the Income-tax Act, 1961 shall continue to be the Authority for giving advance rulings for the purposes of this Act. 43 of 1961.

\* \* \* \* \*

Authority for advance rulings.

**28F.** (1) Subject to the provisions of this Act, the Authority for Advance Rulings constituted under section 245-O of the Income-tax Act, 1961 shall be Appellate Authority for deciding appeal under this Chapter and the said Appellate Authority shall exercise the jurisdiction, powers and authority conferred on it by or under this Act: 43 of 1961.

Provided that the Member from the Indian Revenue Service (Customs and Central Excise), who is qualified to be a Member of the Board, shall be the revenue Member of the Appellate Authority for the purposes of this Act.

\* \* \* \* \*

Appeal.

**28KA.** (1) Any officer authorised by the Board, by notification, or the applicant may file an appeal to the Appellate Authority against any ruling or order passed by the Authority, within sixty days from the date of the communication of such ruling or order, in such form and manner as may be prescribed:

Provided that where the Appellate Authority is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the period so specified, it may allow a further period of thirty days for filing such appeal.

(2) The provisions of sections 28-I and 28J shall, *mutatis mutandis*, apply to the appeal under this section.

Powers of Authority or Appellate Authority.

**28L.** (1) The Authority or Appellate Authority shall, for the purpose of exercising its powers regarding discovery and inspection, enforcing the attendance of any person and examining him on oath, issuing commissions and compelling production of books of account and other records, have all the powers of a civil court under the Code of Civil Procedure, 1908. 5 of 1908.

(2) The Authority or Appellate Authority shall be deemed to be a civil court for the purposes of section 195, but not for the purposes of Chapter XXVI of the Code of Criminal Procedure, 1973, and every proceeding before the Authority or Appellate Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code. 2 of 1974.

45 of 1860.

Procedure for Authority and Appellate Authority.

**28M.** (1) The Authority shall follow such procedure as may be prescribed.

(2) The Appellate Authority shall, subject to the provisions of this Chapter, have power to regulate its own procedure in all matters arising out of the exercise of its powers and authority under this Act.

\* \* \* \* \*

EXTRACTS FROM THE PATENTS ACT, 1970  
(39 OF 1970)

\* \* \* \* \*

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

Definitions and Interpretation.

(a) "Appellate Board" means the Appellate Board referred to in section 116;

\* \* \* \* \*

(u) "prescribed" means,—

(A) in relation to proceedings before a High Court, prescribed by rules made by the High Court;

(B) in relation to proceedings before the Appellate Board, prescribed by rules made by the Appellate Board; and

\* \* \* \* \*

**52.** (1) Where the patent has been revoked under section 64 on the ground that the patent was obtained wrongfully and in contravention of the rights of the petitioner or any person under or through whom he claims, or, where in a petition for revocation, the Appellate Board or court, instead of revoking the patent, directs the complete specification to be amended by the exclusion of a claim or claims in consequence of a finding that the invention covered by such claim or claims had been obtained from the petitioner, the Appellate Board or court may, by order passed in the same proceeding, permit the grant to the petitioner of the whole or such part of the invention which the Appellate Board or court finds has been wrongfully obtained by the patentee, in lieu of the patent so revoked or is excluded by amendment.

Grant of patent to true and first inventor where it has been obtained by another in fraud of him.

(2) Where any such order is passed, the Controller shall, on request by the petitioner made in the prescribed manner grant to him:—

(i) in cases where the Appellate Board or court permits the whole of the patent to be granted, a new patent bearing the same date and number as the patent revoked;

(ii) in cases where the Appellate Board or court permits a part only of the patent to be granted, a new patent for such part bearing the same date as the patent revoked and numbered in such manner as may be prescribed:

Provided that the Controller may, as a condition of such grant, require the petitioner to file a new and complete specification to the satisfaction of the Controller describing and claiming that part of the invention for which the patent is to be granted.

\* \* \* \* \*

**58.** (1) In any proceeding before the Appellate Board or the High Court for the revocation of a patent, the Appellate Board or the High Court, as the case may be, may, subject to the provisions contained in section 59, allow the patentee to amend his complete specification in such manner and subject to such terms as to costs, advertisement or otherwise, as the Appellate Board or the High Court may think fit, and if in any proceedings for revocation the Appellate Board or the High Court decides that the patent is invalid, it may allow the specification to be amended under this section instead of revoking the patent.

Amendment of specification before Appellate Board or High Court.

(2) Where an application for an order under this section is made to the Appellate Board or the High Court, the applicant shall give notice of the application to the Controller, and the Controller shall be entitled to appear and be heard, and shall appear if so directed by the Appellate Board or the High Court.

(3) Copies of all orders of the Appellate Board or the High Court allowing the patentee to amend the specification shall be transmitted by the Appellate Board or the High Court to the Controller who shall, on receipt thereof, cause an entry thereof and reference thereto to be made in the register.

**59.** (1) \* \* \* \* \*

Supplementary provisions as to amendment of application or specification.

(2) Where after the date of grant of patent any amendment of the specification or any other documents related thereto is allowed by the Controller or by the Appellate Board or the High Court, as the case may be,—

(a) the amendment shall for all purposes be deemed to form part of the specification along with other documents related thereto;

(b) the fact that the specification or any other documents related thereto has been amended shall be published as expeditiously as possible; and

(c) the right of the applicant or patentee to make amendment shall not be called in question except on the ground of fraud;

\* \* \* \* \*

Revocation of Power patents.

**64.** (1) Subject to the provisions contained in this Act, a patent whether granted before or after the commencement of this Act, may, be revoked on a petition of any person interested or of the Central Government by the Appellate Board or on a counter-claim in a suit for infringement of the patent by the High Court on any of the following grounds, that is to say—

\* \* \* \* \*

Rectification of register by Appellate Board.

**71.** (1) The Appellate Board may, on the application of any person aggrieved—

(a) by the absence or omission from the register of any entry; or

(b) by any entry made in the register without sufficient cause; or

(c) by any entry wrongly remaining on the register; or

(d) by any error or defect in any entry in the register,

make such order for the making, variation or deletion, of any entry therein as it may think fit.

(2) In any proceeding under this section the Appellate Board may decide any question that may be necessary or expedient to decide in connection with the rectification of the register.

(3) Notice of any application to the Appellate Board under this section shall be given in the prescribed manner to the Controller who shall be entitled to appear and be heard on the application, and shall appear if so directed by the Board.

(4) Any order of the Appellate Board under this section rectifying the register shall direct that notice of the rectification shall be served upon the Controller in the prescribed manner who shall upon receipt of such notice rectify the register accordingly.

\* \* \* \* \*

Officers and employees not to furnish information, etc.

**76.** An officer or employee in the patent office shall not, except when required or authorised by this Act or under a direction in writing of the Central Government or Appellate Board or the Controller or by order of a court,—

(a) furnish information on a matter which is being, or has been, or dealt with under this Act;

(b) prepare or assist in the preparation of a document required or permitted by or under this Act to be lodged in the patent office; or

(c) conduct a search in the records of the patent office.

\* \* \* \* \*

Certificate of validity of specification and costs of subsequent suits for infringement thereof.

**113.** (1) If in any proceedings before the Appellate Board or a High Court for the revocation of a patent under section 64 and section 104, as the case may be, the validity of any claim of a specification is contested and that claim is found by the Appellate Board or the High Court to be valid, the Appellate Board or the High Court may certify that the validity of that claim was contested in those proceedings and was upheld.

\* \* \* \* \*

(3) Nothing contained in this section shall be construed as authorising the courts or the Appellate Board hearing appeals from decrees or orders in suits for infringement or petitions for revocation, as the case may be, to pass orders for costs on the scale referred to therein.

\* \* \* \* \*

CHAPTER XIX

APPEALS TO THE APPELLATE BOARD

47 of 1999. **116.** (1) Subject to the provisions of this Act, the Appellate Board established under section 83 of the Trade Marks Act, 1999 shall be the Appellate Board for the purposes of this Act and the said Appellate Board shall exercise the jurisdiction, power and authority conferred on it by or under this Act: Appellate Board.

Provided that the Technical Member of the Appellate Board for the purposes of this Act shall have the qualifications specified in sub-section (2).

(2) A person shall not be qualified for appointment as a Technical Member for the purposes of this Act unless he—

(a) has, at least five years, held the post of Controller under this Act or has exercised the functions of the Controller under this Act for at least five years; or

(b) has been for at least ten years, functioned as a Registered Patent Agent and possesses a degree in engineering or technology or a masters degree in science from any University established under law for the time being in force or equivalent.

**117.** (1) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Appellate Board in the discharge of its functions under this Act and provide the Appellate Board with such officers and other employees as it may think fit. Staff of Appellate Board.

(2) The salaries and allowances and conditions of service of the officers and other employees of the Appellate Board shall be such as may be prescribed.

(3) The officers and other employees of the Appellate Board shall discharge their functions under the general superintendence of the Chairman of the Appellate Board in the manner as may be prescribed.

**117A.** (1) \* \* \* \* \*

(2) An appeal shall lie to the Appellate Board from any decision, order or direction of the Controller of Central Government under section 15, section 16, section 17, section 18, section 19, section 20, sub-section (4) of section 25, section 28, section 51, section 54, section 57, section 60, section 61, section 63, section 66, sub-section (3) of section 69, section 78, sub-sections (1) to (5) of section 84, section 85, section 88, section 91, section 92 and section 94.

\* \* \* \* \*

(4) Every appeal shall be made within three months from the date of the decision, order or direction, as the case may be, of the Controller or the Central Government or within such further time as the Appellate Board may, in accordance with the rules made by it, allow.

47 of 1999. **117B.** The provisions of sub-sections (2) to (6) of section 84, section 87, section 92, section 95 and section 96 of the Trade Marks Act, 1999, shall apply to the Appellate Board in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Trade Marks Act, 1999. Procedure and powers of Appellate Board.

**117C.** No court or other authority shall have or, be entitled to, exercise any jurisdiction, powers or authority in relation to the matters referred to in sub-section (2) of section 117A or section 117D. Bar of jurisdiction of courts, etc.

**117D.** (1) An application for revocation of a patent before the Appellate Board under section 64 and an application for rectification of the register made to the Appellate Board under section 71 shall be in such form as may be prescribed. Procedure for application for rectification, etc., before Appellate Board.

(2) A certified copy of every order or judgment of the Appellate Board relating to a patent under this Act shall be communicated to the Controller by the Board and the Controller shall give effect to the order of the Board and shall, when so directed, amend the entries in, or rectify, the register in accordance with such order.

**117E.** (1) The Controller shall have the right to appear and be heard—

(a) in any legal proceedings before the Appellate Board in which the relief sought includes alteration or rectification of the register or in which any question relating to the practice of the patent office is raised; Appearance of Controller in legal proceedings.

(b) in any appeal to the Appellate Board from an order of the Controller on an application for grant of a patent—

(i) which is not opposed, and the application is either refused by the Controller or is accepted by him subject to any amendments, modifications, conditions or limitations, or

(ii) which has been opposed and the Controller considers that his appearance is necessary in the public interest, and the Controller shall appear in any case if so directed by the Appellate Board.

(2) Unless the Appellate Board otherwise directs, the Controller may, in lieu of appearing, submit a statement in writing signed by him, giving such particulars as he thinks proper of the proceedings before him relating to the matter in issue or of the grounds of any decision given by him or of the practice of the patent office in like cases, or of other matters relevant to the issues and within his knowledge as the Controller may deem it necessary, and such statement shall be evidence in the proceeding.

Costs of Controller in proceedings Before Appellate Board.

**117F.** In all proceedings under this Act before the Appellate Board, the costs of the Controller shall be in the discretion of the Board, but the Controller shall not be ordered to pay the costs of any of the parties.

Transfer of pending proceedings to Appellate Board.

**117G.** All cases of appeals against any order or decision of the Controller and all cases pertaining to revocation of patent other than on a counter-claim in a suit for infringement and rectification of register pending before any High Court, shall be transferred to the Appellate Board from such date as may be notified by the Central Government in the Official Gazette and the Appellate Board may proceed with the matter either *de novo* or from the stage it was so transferred.

Power of Appellate Board to make rules.

**117H.** The Appellate Board may make rules consistent with this Act as to the conduct and procedure in respect of all proceedings before it under this Act.

\* \* \* \* \*

Transmission of orders of courts to Controller.

**151.** (1) Every order of the High Court or the Appellate Board on a petition for revocation, including orders granting certificates of validity of any claim, shall be transmitted by the High Court or the Appellate Board to the Controller who shall cause an entry thereof and reference thereto to be made in the register.

\* \* \* \* \*

(3) The provisions of sub-sections (1) and (2) shall also apply to the court to which appeals are preferred against decisions of the Appellate Board or the courts, as the case may be, referred to in those sub-sections.

\* \* \* \* \*

Power of Central Government to make rules.

**159.** (1) \* \* \* \*

(2) Without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for all or any of the following matters, namely:—

\* \* \* \* \*

(xiii a) the salaries and allowances and other conditions of service of the officers and other employees of the Appellate Board under sub-section (2) and the manner in which the officers and other employees of the Appellate Board shall discharge their functions under sub-section (3) of section 117;

(xiii b) the form of making an appeal, manner of verification and the fees payable under sub-section (3) of section 117A;

(xiii c) the form in which, and the particulars to be included in, the application to the Appellate Board under sub-section (1) of section 117D;

\* \* \* \* \*



## EXTRACTS FROM THE AIR PORT AUTHORITY OF INDIA ACT, 1994

(55 OF 1994)

**28A.** In this Chapter, unless the context otherwise requires,—

Definitions.

\* \* \* \* \*

(e) "Tribunal" means the Airport Appellate Tribunal established under sub-section (1) of section 28-I;

\* \* \* \* \*

**28E.** (1) Where any persons have been evicted from any airport premises under section 28D, the eviction officer may, after giving ten days notice to the persons from whom possession of the airport premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by public auction any property remaining on such premises.

Disposal of property left on airport premises by unauthorised occupants.

(2) Where any property is sold under sub-section (1), the sale proceeds thereof shall, after deducting the expenses of the sale and the amount, if any, due to the Central Government or the corporate authority on account of arrears of rent or damages or costs, be paid to such person or persons as may appear to the eviction officer to be entitled to the same:

Provided that where the eviction officer is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the Tribunal and the decision of the Tribunal thereon shall be final.

\* \* \* \* \*

**28-I.** (1) The Central Government shall, by notification in the Official Gazette, establish a Tribunal, to be known as the Airport Appellate Tribunal, to exercise the jurisdiction, powers and authority conferred on it by or under this Act and the Control of National Highways (Land and Traffic) Act, 2002.

Establishment of Tribunal.

13 of 2002.

(2) The Tribunal shall consist of a Chairperson (hereinafter referred to in this Act, as the Chairperson of the Tribunal).

(3) The head office of the Tribunal shall be at New Delhi:

Provided that the Tribunal may hold its sittings at other places as the Chairperson of the Tribunal may decide, from time to time, having taken into consideration the convenience to decide the appeals before the Tribunal.

(4) The Chairperson of the Tribunal shall be appointed by the Central Government after consultation with the Chief Justice of India.

(5) A person shall not be qualified for appointment as Chairperson of the Tribunal unless he is, or has been, or is qualified to be, a Judge of a High Court.

(6) The Chairperson of the Tribunal shall hold office as such for a term of three years from the date on which he enters upon his office or until he attains the age of sixty-two years, whichever is earlier.

(7) The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson of the Tribunal shall be such as may be prescribed:

Provided that neither the salary and allowances nor other terms and conditions of service of the Chairperson of the Tribunal shall be varied to his disadvantage after his appointment.

Resignation  
and removal.

**28J.** (1) The Chairperson of the Tribunal may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the Chairperson of the Tribunal shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(2) The Chairperson of the Tribunal shall not be removed from his office except by an order made by the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court in which such Chairperson had been informed of the charges against him and given reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairperson of the Tribunal.

Qualifications,  
terms and  
conditions of  
service of  
Chairperson.

**28JA.** Notwithstanding anything contained in this Act, the qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the Chairperson of the Tribunal appointed after the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act: 7 of 2017.

Provided that the Chairperson appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force. 7 of 2017.

Appeals to  
Tribunal.

**28K.** (1) Any person aggrieved by an order of the eviction officer under this Chapter may, within fifteen days from the date of such order, prefer an appeal to the Tribunal in such form as may be prescribed:

Provided that the Tribunal may entertain any appeal after the expiry of the said period of fifteen days, but not after the period of thirty days from the date aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Tribunal shall, after giving the appellant and the eviction officer an opportunity of being heard, pass such order as it thinks fit.

(3) The Tribunal shall dispose of the appeal within thirty days from the date of filing the appeal:

Provided that the Tribunal may, for reasons to be recorded in writing, dispose of the appeal within a further period of fifteen days.

(4) An order of the Tribunal passed under sub-section (2) shall be executable as a decree of a civil court and for executing the same the Tribunal shall send a copy thereof to the civil court having jurisdiction which shall execute the same, as expeditiously as may be possible, as if such order is a decree passed by that court.

(5) On and from the date from which any jurisdiction, powers and authority becomes exercisable under this Chapter by the Tribunal in relation to any matter, no court (except the Supreme Court under article 136 and the High Court under articles 226 and 227 of the Constitution shall have, or be entitled to exercise any jurisdiction, powers or authority in relation to such matter.

Procedure and  
powers of  
Tribunal.

**28L.** (1) The Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice, and, subject to the other provisions of this Act and of any rules made by the Central Government, the Tribunal shall have power to lay down and regulate its own procedure including the fixing of places and times of its inquiry and deciding whether to sit in public or in private. 5 of 1908.

5 of 1908. (2) The Tribunal shall have, for the purpose of discharging its functions under this Chapter, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) any other matter which may be prescribed.

45 of 1860.  
2 of 1974. (3) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code and the Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

**28M.** Subject to the provisions of this Act, every order made by an eviction officer or the Tribunal under this Chapter shall be final and shall not be called in question in any suit, application, execution or other proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or intended to be taken in pursuance of any power conferred by or under this Chapter. Finality of orders.

**28N.** (1) Whoever, unlawfully occupies any airport premises, shall be punishable with imprisonment for a term which may extend to six years and with fine. Offences under this Chapter.

(2) Whoever fails to comply with any order of the eviction officer or the Tribunal under this Chapter shall be punishable with imprisonment for a term which may extend to seven years and with fine.

(3) If any person who has been evicted from any airport premises under this Chapter again occupies the premises without authority for such occupation, he shall be punishable with imprisonment for a term which may extend to ten years and with fine.

(4) The court may, while convicting a person under sub-section (3), make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any other action that may be taken under this Chapter.

\* \* \* \* \*

**33.** No suit, prosecution or other legal proceeding shall lie against the Authority or any member or any officer or other employee of the Authority or the Chairperson of the Tribunal for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder or for any damage sustained by any aircraft or vehicle in consequence of any defect in any of the airports, civil enclaves, heliports, airstrips, aeronautical communication stations or other things belonging to or under the control of the Authority. Protection of action taken in good faith.

\* \* \* \* \*

**41.** (1) \* \* \* \* \* Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

\* \* \* \* \*

(gvi) the salaries and allowances payable to, and other terms and conditions of service of, the Chairperson of the Tribunal under sub-section (7) of section 28-I;

(gvii) the procedure for the investigation of misbehaviour or incapacity of the Chairperson of the Tribunal under sub-section (3) of section 28J;

(gviii) the form of appeal under sub-section (1) of section 28k;

(gix) any other matter under clause (c) of sub-section (2) of section 28L;

\* \* \* \* \*

EXTRACTS FROM AMENDMENTS OF THE TRADE MARKS ACT, 1999

(47 OF 1999)

Definitions and Interpretation.	* * * * *
	<p><b>2. (1)</b> In this Act, unless the context otherwise requires,—</p> <p style="padding-left: 40px;">(a) "Appellate Board" means the Appellate Board established under section 83;</p> <p style="padding-left: 40px;">(d) "Bench" means a Bench of the Appellate Board;</p> <p style="padding-left: 40px;">(f) "Chairperson" means the Chairperson of the Appellate Board;</p> <p style="padding-left: 40px;">(k) "Judicial Member" means a Member of the Appellate Board appointed as such under this Act, and includes the Chairperson and the Vice-Chairperson;</p> <p style="padding-left: 40px;">(n) "Member" means a Judicial Member or a Technical Member of the Appellate Board and includes the Chairperson and the Vice-Chairperson;</p> <p style="padding-left: 40px;">(s) "prescribed" means prescribed by rules made under this Act;</p> <p style="padding-left: 40px;">(ze) "tribunal" means the Registrar or, as the case may be, the Appellate Board, before which the proceeding concerned is pending;</p> <p style="padding-left: 40px;">(zf) "Vice-Chairperson" means a Vice-Chairperson of the Appellate Board;</p>
Limitation as to colour.	* * * * *
	<p><b>10. (1)</b> A trade mark may be limited wholly or in part to any combination of colours and any such limitation shall be taken into consideration by the tribunal having to decide on the distinctive character of the trade mark.</p> <p>(2) So far as a trade mark is registered without limitation of colour, it shall be deemed to be registered for all colours.</p>
Effect of removal from register for failure to pay fee for renewal.	* * * * *
	<p><b>26.</b> Where a trade mark has been removed from the register for failure to pay the fee for renewal, it shall nevertheless, for the purpose of any application for the registration of another trade mark during one year, next after the date of the removal, be deemed to be a trade mark already on the register, unless the tribunal is satisfied either—</p> <p style="padding-left: 40px;">(a) that there has been no <i>bona fide</i> trade use of the trade mark which has been removed during the two years immediately preceding its removal; or</p> <p style="padding-left: 40px;">(b) that no deception or confusion would be likely to arise from the use of the trade mark which is the subject of the application for registration by reason of any previous use of the trade mark which has been removed.</p>
Proposed use of trade mark by company to be formed, etc.	* * * * *
	<p><b>46. (1)</b> *</p> <p>(3) The tribunal may, in a case to which sub-section (1) applies, require the applicant to give security for the costs of any proceedings relating to any opposition or appeal, and in default of such security being duly given, may treat the application as abandoned.</p>
	* * * * *

47. (1) A registered trade mark may be taken off the register in respect of the goods or services in respect of which it is registered on application made in the prescribed manner to the Registrar or the Appellate Board by any person aggrieved on the ground either—

- (a) \* \* \* \*
- (b) \* \* \* \*

Removal from register and imposition of limitations on ground of non-use.

Provided that except where the applicant has been permitted under section 12 to register an identical or nearly resembling trade mark in respect of the goods or services in question, or where the tribunal is of opinion that he might properly be permitted so to register such a trade mark, the tribunal may refuse an application under clause (a) or clause (b) in relation to any goods or services, if it is shown that there has been, before the relevant date or during the relevant period, as the case may be, *bona fide* use of the trade mark by any proprietor thereof for the time being in relation to—

- (i) goods or services of the same description; or
- (ii) goods or services associated with those goods or services of that description being goods or services, as the case may be, in respect of which the trade mark is registered.

(2) Where in relation to any goods or services in respect of which a trade mark is registered—

- (a) \* \* \* \*

(b) a person has been permitted under section 12 to register an identical or nearly resembling trade mark in respect of those goods, under a registration extending to use in relation to goods to be so sold, or otherwise traded in, or in relation to goods to be so exported, or in relation to services for use or available for acceptance in that place or for use in that country, or the tribunal is of opinion that he might properly be permitted so to register such a trade mark,

on application by that person in the prescribed manner to the Appellate Board or to the Registrar, the tribunal may impose on the registration of the first-mentioned trade mark such limitations as it thinks proper for securing that that registration shall cease to extend to such use.

- \* \* \* \*

55. (1) Where under the provisions of this Act, use of a registered trade mark is required to be proved for any purpose, the tribunal may, if and, so far as it shall think right, accept use of a registered associated trade mark, or of the trade mark with additions or alterations no substantially affecting its identity, as an equivalent for the use required to be proved.

Use of one of associated or substantially identical trade marks equivalent to use of another.

- \* \* \* \*

CHAPTER VII

RECTIFICATION AND CORRECTION OF THE REGISTER

57. (1) On application made in the prescribed manner to the Appellate Board or to the Registrar by any person aggrieved, the tribunal may make such order as it may think fit for cancelling or varying the registration of a trade mark on the ground of any contravention, or failure to observe a condition entered on the register in relation thereto.

Power to cancel or vary registration and to rectify the register.

(2) Any person aggrieved by the absence or omission from the register of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly

remaining on the register, or by any error or defect in any entry in the register, may apply in the prescribed manner to the Appellate Board or to the Registrar, and the tribunal may make such order for making, expunging or varying the entry as it may think fit.

(3) The tribunal may in any proceeding under this section decide any question that may be necessary or expedient to decide in connection with the rectification of the register.

(4) The tribunal, of its own motion, may, after giving notice in the prescribed manner to the parties concerned and after giving them an opportunity of being heard, make any order referred to in sub-section (1) or sub section (2).

(5) Any order of the Appellate Board rectifying the register shall direct that notice of the rectification shall be served upon the Registrar in the prescribed manner who shall upon receipt of such notice rectify the register accordingly.

\* \* \* \* \*

**71. (1)\*** \* \* \* \*

Applications for Registration of certification trade marks.

(3) In dealing under the said provisions with an application under this section, the tribunal shall have regard to the like considerations, so far as relevant, as if the application were applications under section 18 and to any other considerations relevant to applications under this section, including the desirability of securing that a certification trade mark shall comprise some indication that it is a certification trade mark.

CHAPTER XI

APPELLATE BOARD

Establishment of Appellate Board.

**83.** The Central Government shall, by notification in the Official Gazette, establish an Appellate Board to be known as the Intellectual Property Appellate Board to exercise the jurisdiction, powers and authority conferred on it by or under this Act and under the Copyright Act, 1957.

47 of 1957.

Composition of Appellate Board.

**84. (1)** The Appellate Board shall consist of a Chairperson, Vice-Chairperson and such number of other Members, as the Central Government may deem fit and, subject to the other provisions of this Act, the jurisdiction, powers and authority of the Appellate Board may be exercised by Benches thereof.

(2) Subject to the other provisions of this Act, a Bench shall consist of one Judicial Member and one Technical Member and shall sit at such place as the Central Government may, by notification in the Official Gazette, specify.

(3) Notwithstanding anything contained in sub-section (2), the Chairperson—

(a) may, in addition to discharging the functions of the Judicial Member or Technical Member of the Bench to which he is appointed, discharge the functions of the Judicial Member or, as the case may be, the Technical Member, of any other Bench;

(b) may transfer a Member from one Bench to another Bench;

(c) may authorise the Vice-Chairperson, the Judicial Member or the Technical Member appointed to one Bench to discharge also the functions of the Judicial Member or the Technical Member, as the case may be, of another Bench.

(4) Where any Benches are constituted, the Central Government may, from time to time, by notification, make provisions as to the distribution of the business of the Appellate Board amongst the Benches and specify the matters which may be dealt with by each Bench.

(5) If any question arises as to whether any matter falls within the purview of the business allocated to a Bench, the decision of the Chairperson shall be final.

*Explanation.*—For the removal of doubts, it is hereby declared that the expression matter includes an appeal under section 91.

(6) If the Members of a Bench differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members and such point or points shall be decided according to the opinion of the majority of the Members who have heard the case, including those who first heard it.

**85.** (1) A person shall not be qualified for appointment as the Chairperson unless he—

(a) is, or has been, a Judge of a High Court; or

(b) has, for at least two years, held the office of a Vice-Chairperson.

(2) A person shall not be qualified for appointment as the Vice-Chairperson, unless he—

(a) has, for at least two years, held the office of a Judicial Member or a Technical Member; or

(b) has been a Member of the Indian Legal Service and has held a post in Grade I of that Service or any higher post for at least five years.

(3) A person shall not be qualified for appointment as a Judicial Member, unless he—

(a) has been a member of the Indian Legal Service and has held the post in Grade I of that Service for at least three years; or

(b) has, for at least ten years, held a civil judicial office.

(4) A person shall not be qualified for appointment as a Technical Member, unless he—

(a) has, for at least ten years, exercised functions of a tribunal under this Act or under the Trade and Merchandise Marks Act, 1958, or both, and has held a post not lower than the post of a Joint Registrar for at least five years; or

(b) has, for at least ten years, been an advocate of a proven specialised experience in trade mark law.

(5) Subject to the provisions of sub-section (6), the Chairperson, Vice-Chairperson and every other Member shall be appointed by the President of India.

(6) No appointment of a person as the Chairperson shall be made except after consultation with the Chief Justice of India.

**86.** The Chairperson, Vice-Chairperson or other Members shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains,—

(a) in the case of Chairperson and Vice-Chairperson, the age of sixty-five years; and

(b) in the case of a Member, the age of sixty-two years, whichever is earlier.

**87.** (1) In the event of or any vacancy in the office of the Chairperson by reasons of his death, resignation or otherwise, the Vice-Chairperson and in his absence the senior-most Member shall act as Chairperson until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Chairperson is unable to discharge his functions owing to his absence, illness or any other cause, the Vice-Chairperson and in his absence the senior-most Member shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duty.

Qualifications for appointment as Chairperson, Vice-Chairperson, or other Members.

Term of office of Chairperson, Vice-Chairperson and other Members.

Vice-Chairperson or senior-most Member to act as Chairperson or discharge his functions in certain circumstances.

Salaries, allowances and other terms and conditions of service of Chairperson, Vice-Chairperson and other Members.

**88.** (1) The salaries and allowances payable to, and other terms and conditions of service (including pension, gratuity and other retirement benefits), of the Chairperson, Vice-Chairperson and other members shall be such as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), a person who, immediately before the date of assuming office as the Chairperson, Vice-Chairperson or other Member was in service of Government, shall be deemed to have retired from service on the date on which he enters upon office as the Chairperson, Vice-Chairperson or other Member.

Resignation and removal.

**89.** (1) The Chairperson, Vice-Chairperson or any other Member may, by notice in writing under his hand addressed to the President of India, resign his office:

Provided that the Chairperson, Vice-Chairperson or any other Member shall, unless he is permitted by the President of India to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

(2) The Chairperson, Vice-Chairperson or any other Member shall not be removed from his office except by an order made by the President of India on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court in which the Chairperson, Vice-Chairperson or other Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairperson, Vice-Chairperson or other Member referred to in sub-section (2).

Qualifications, terms and conditions of service of Chairperson, Vice-Chairperson and member.

**89A.** Notwithstanding anything in this Act, the qualifications, appointment, term of office, salaries and allowances, resignations, removal and other terms and conditions of service of the Chairperson, Vice-Chairperson and other Members of the Appellate Board appointed after the commencement of Part XIV of chapter VI of the Finance Act 2017, shall be governed by the provisions of section 184 of that Act:

7 of 2017.

Provided that the Chairperson, Vice-Chairperson and other Members appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act, and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017, had not come into force.

7 of 2017.

Staff of Appellate Board.

**90.** (1) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Appellate Board in the discharge of its functions and provide the Appellate Board with such officers and other employees as it may think fit.

(2) The salaries and allowances and conditions of service of the officers and other employees of the Appellate Board shall be such as may be prescribed.

(3) The officers and other employees of the Appellate Board shall discharge their functions under the general superintendence of the Chairperson in the manner as may be prescribed.

Appeals to Appellate Board.

**91.** (1) Any person aggrieved by an order or decision of the Registrar under this Act, or the rules made thereunder may prefer an appeal to the Appellate Board within three months from the date on which the order or decision sought to be appealed against is communicated to such person preferring the appeal.

(2) No appeal shall be admitted if it is preferred after the expiry of the period specified under sub-section (1):

Provided that an appeal may be admitted after the expiry of the period specified therefor, if the appellant satisfies the Appellate Board that he had sufficient cause for not preferring the appeal within the specified period.



(3) An appeal to the Appellate Board shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by a copy of the order or decision appealed against and by such fees as may be prescribed.

5 of 1908. **92.** (1) The Appellate Board shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice and subject to the provisions of this Act and the rules made thereunder, the Appellate Board shall have powers to regulate its own procedure including the fixing of places and times of its hearing. Procedure And powers of Appellate Board.

5 of 1908. (2) The Appellate Board shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

- (a) receiving evidence;
- (b) issuing commissions for examination of witnesses;
- (c) requisitioning any public record; and
- (d) any other matter which may be prescribed.

45 of 1860. 2 of 1974. (3) Any proceeding before the Appellate Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code, and the Appellate Board shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

**93.** No court or other authority shall have or, be entitled to, exercise any jurisdiction, powers or authority in relation to the matters referred to in sub-section (1) of section 91. Bar of Jurisdiction of courts, etc.

**94.** On ceasing to hold office, the Chairperson, Vice-Chairperson or other Members shall not appear before the Appellate Board or the Registrar. Bar to appear before Appellate Board.

**95.** Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay or any other manner) shall be made on, or in any proceedings relating to, an appeal unless— Conditions as to making of interim orders.

(a) copies of such appeal and of all documents in support of the plea for such interim order are furnished to the party against whom such appeal is made or proposed to be made; and

(b) opportunity is given to such party to be heard in the matter.

**96.** On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairman may transfer any case pending before one Bench, for disposal, to any other Bench. Power of Chairperson to transfer cases from one Bench to another.

**97.** (1) An application for rectification of the register made to the Appellate Board under section 57 shall be in such form as may be prescribed. Procedure for application for rectification, etc., before Appellate Board.

(2) A certified copy of every order or judgment of the Appellate Board relating to a registered trade mark under this Act shall be communicated to the Registrar by the Board and the Registrar shall give effect to the order of the Board and shall, when so directed, amend the entries in, or rectify, the register in accordance with such order.

**98.** (1) The Registrar shall have the right to appear and be heard— Appearance of Registrar in Legal proceedings.

(a) in any legal proceedings before the Appellate Board in which the relief sought includes alteration or rectification of the register or in which any question relating to the practice of the Trade Marks Registry is raised;

(b) \* \* \* \* \*

(2) Unless the Appellate Board otherwise directs, the Registrar may, in lieu of appearing, submit a statement in writing signed by him, giving such particulars as he thinks proper of the proceedings before him relating to the matter in issue or of the grounds of any decision given by him affecting it, or of the practice of the Trade Marks Registry in like cases, or of other matters relevant to the issues and within his knowledge as Registrar, and such statement shall be evidence in the proceeding.

Costs of Registrar in proceedings Before Appellate Board.

**99.** In all proceedings under this Act before the Appellate Board the costs of the Registrar shall be in the discretion of the Board, but the Registrar shall not be ordered to pay the costs of any of the parties.

Transfer of pending proceedings to Appellate Board.

**100.** All cases of appeals against any order or decision of the Registrar and all cases pertaining to rectification of register, pending before any High Court, shall be transferred to the Appellate Board from the date as notified by the Central Government in the Official Gazette and the Appellate Board may proceed with the matter either *de novo* or from the stage it was so transferred.

\* \* \* \* \*

Procedure where invalidity of registration is pleaded by the accused.

**113. (1)** Where the offence charged under section 103 or section 104 or section 105 is in relation to a registered trade mark and the accused pleads that the registration of the trade mark is invalid, the following procedure shall be followed:—

(a) If the court is satisfied that such defence is *prima facie* tenable, it shall not proceed with the charge but shall adjourn the proceeding for three months from the date on which the plea of the accused is recorded to enable the accused to file an application before the Appellate Board under this Act, for the rectification of the register on the ground that the registration is invalid.

(b) If the accused proves to the court that he has made such application within the time so limited or within such further time as the court may for sufficient cause allow, the further proceedings in the prosecution shall stand stayed till the disposal of such application for rectification.

(c) If within a period of three months or within such extended time as may be allowed by the court the accused fails to apply to the Appellate Board for rectification of the register, the court shall proceed with the case as if the registration were valid.

(2) Where before the institution of a complaint of an offence referred to in sub-section (1), any application for the rectification of the register concerning the trade mark in question on the ground of invalidity of the registration thereof has already been properly made to and is pending before the tribunal, the court shall stay the further proceedings in the prosecution pending the disposal of the application aforesaid and shall determine the charge against the accused in conformity with the result of the application for rectification in so far as the complainant relies upon the registration of his mark.

\* \* \* \* \*

Certain persons to be public servants.

**123.** Every person appointed under this Act and every Member of the Appellate Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Stay of Proceedings where the validity of registration of the trade mark is questioned, etc.

**124. (1)** Where in any suit for infringement of a trade mark—

(a) the defendant pleads that registration of the plaintiff's trade mark is invalid;

OR

(b) the defendant raises a defence under clause (e) of sub-section (2) of section

30 and the plaintiff pleads the invalidity of registration of the defendant's trade mark, the court trying the suit (hereinafter referred to as the court), shall,—

(i) if any proceedings for rectification of the register in relation to the plaintiff's or defendant's trade mark are pending before the Registrar or the Appellate Board, stay the suit pending the final disposal of such proceedings;

(ii) if no such proceedings are pending and the court is satisfied that the plea regarding the invalidity of the registration of the plaintiff's or defendant's trade mark is *prima facie* tenable, raise an issue regarding the same and adjourn the case for a period of three months from the date of the framing of the issue in order to enable the party concerned to apply to the Appellate Board for rectification of the register.

\* \* \* \* \*

**125.** (1) Where in a suit for infringement of a registered trade mark the validity of the registration of the plaintiff's trade mark is questioned by the defendant or where in any such suit the defendant raises a defence under clause (e) of sub-section (2) of section 30 and the plaintiff questions the validity of the registration of the defendant's trade mark, the issue as to the validity of the registration of the trade mark concerned shall be determined only on an application for the rectification of the register and, notwithstanding anything contained in section 47 or section 57, such application shall be made to the Appellate Board and not the Registrar.

Application for rectification of register to be made to Appellate Board in certain cases.

(2) Subject to the provisions of sub-section (1), where an application for rectification of the register is made to the Registrar under section 47 or section 57, the Registrar may, if he thinks fit, refer the application at any stage of the proceedings to the Appellate Board.

\* \* \* \* \*

**130.** If a person who is a party to a proceeding under this Act (not being a proceeding before the Appellate Board or a court) dies pending the proceeding, the Registrar may, on request, and on proof to his satisfaction of the transmission of the interest of the deceased person, substitute in the proceeding his successor in interest in his place, or, if the Registrar is of opinion that the interest of the deceased person is sufficiently represented by the surviving parties, permit the proceeding to continue without the substitution of his successor in interest.

Death of party to a proceeding.

\* \* \* \* \*

**141.** If in any legal proceeding for rectification of the register before the Appellate Board a decision is on contest given in favour of the registered proprietor of the trade mark on the issue as to the validity of the registration of the trade mark, the Appellate Board may grant a certificate to that effect, and if such a certificate is granted, then, in any subsequent legal proceeding in which the said validity comes into question the said proprietor on obtaining a final order or judgment in his favour affirming validity of the registration of the trade mark shall, unless the said final order or judgment for sufficient reason directs otherwise, be entitled to his full cost charges and expenses as between legal practitioner and client.

Certificate of validity.

\* \* \* \* \*

**144.** In any proceeding relating to a trade mark, the tribunal shall admit evidence of the usages of the trade concerned and of any relevant trade mark or trade name or get up legitimately used by other persons.

Trade usages, etc., to be taken into consideration.

\* \* \* \* \*

Power to make rules.

**157. (1)** \* \* \* \*

(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:—

\* \* \* \*

(xxxi) the salaries and allowances and other conditions of service of the officers and other employees of the Appellate Board under sub-section (2), and the manner in which the officers and other employees of the Appellate Board shall discharge their functions under sub-section (3) of section 90;

(xxxii) the form of making an appeal, the manner of verification and the fee payable under sub-section (3) of section 91;

(xxxiii) the form in which and the particulars to be included in the application to the Appellate Board under sub-section (1) of section 97;

EXTRACTS FROM THE GEOGRAPHICAL INDICATIONS OF GOODS  
(REGISTRATION AND PROTECTION) ACT, 1999

(48 OF 1999)

\* \* \* \*

Definitions and Interpretation.

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

(a) "Appellate Board" means the Appellate Board established under section 83 of the Trade Marks Act, 1999;

47 of 1999.

\* \* \* \*

(p) "tribunal" means the Registrar or, as the case may be, the Appellate Board before which the proceeding concerned is pending.

\* \* \* \*

Effect of removal from register for failure to pay fee for renewal.

**19.** Where a geographical indication has been removed from the register for failure to pay the fee for renewal, it shall nevertheless, for the purpose of any application for the registration of another geographical indication during one year, 11 next after the date of removal, be deemed to be a geographical indication already on the register, unless the tribunal is satisfied either—

(a) that there has been no bona fide trade use of the geographical indication which has been removed within the two years immediately preceding its removal; or

(b) that no deception or confusion would be likely to arise from the use of the geographical indication which is the subject of the application for registration by reason of any previous use of the geographical indication which has been removed.

\* \* \* \*

Registration to be *prima facie* evidence of validity.

**23. (1)** In all legal proceedings relating to a geographical indication, the certificate of registration granted in this regard by the Registrar under this Act, being a copy of the entry in the register under the seal of the Geographical Indications Registry, shall be *prima facie* evidence of the validity thereof and be admissible in all courts and before the Appellate Board without further proof or production of the original.

\* \* \* \*

CHAPTER VI

RECTIFICATION AND CORRECTION OF THE REGISTER

27. (1) On application made in the prescribed manner to the Appellate Board or to the Registrar by any person aggrieved, the tribunal may make such order as it may think fit for cancelling or varying the registration of a geographical indication or authorised user on the ground of any contravention, or failure to observe the condition entered on the register in relation thereto.

Power to cancel or vary registration and to rectify the register.

(2) Any person aggrieved by the absence or omission from the register of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly remaining on the register, or by any error or defect in any entry in the register, may apply in the prescribed manner to the Appellate Board or to the Registrar, and the tribunal may make such order for making, expunging or varying the entry as it may think fit.

(3) The tribunal may in any proceeding under this section decide any question that may be necessary or expedient to decide in connection with the rectification of the register.

(4) The tribunal, of its own motion, may, after giving notice in the prescribed manner to the parties concerned and after giving them an opportunity of being heard, make any order referred to in sub-section (1) or sub-section (2).

(5) Any order of the Appellate Board rectifying the register shall direct that notice of the rectification shall be served upon the Registrar in the prescribed manner who shall upon receipt of such notice rectify the register accordingly.

\* \* \* \* \*

CHAPTER VII

APPEALS TO THE APPELLATE BOARD

31. (1) Any person aggrieved by an order or decision of the Registrar under this Act, or the rules made thereunder, may prefer an appeal to the Appellate Board within three months from the date on which the order or decision sought to be appealed against is communicated to such person preferring the appeal.

Appeals to the Appellate Board.

(2) No appeal shall be admitted if it is preferred after the expiry of the period specified under sub-section (1):

Provided that an appeal may be admitted after the expiry of the period specified therefore, if the appellant satisfies the Appellate Board that he had sufficient cause for not preferring the appeal within the specified period.

(3) An appeal to the Appellate Board shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by a copy of the order or decision appealed against and such fees as may be prescribed.

32. No court or other authority shall have or, be entitled to, exercise any jurisdiction, powers or authority in relation to the matters referred to in sub-section (1) of section 31.

Bar of jurisdiction of courts, etc.

33. The provisions of sub-sections (2), (3), (4), (5), (6) of section 84, section 87, section 92, section 95 and section 96 of the Trade Marks Act, 1999, shall apply to the Appellate Board in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Trade Marks Act, 1999.

47 of 1999.

Procedure of the Appellate Board.

34. (1) An application for rectification of the register made to the Appellate Board under section 27 shall be in such form as may be prescribed.

Procedure for application for rectification, etc., before Appellate Board.

(2) A certified copy of every order or judgment of the Appellate Board relating to a registered geographical indication under this Act shall be communicated to the Registrar by the Appellate Board and the Registrar shall give effect to the order of the Board and shall, when so directed, amend the entries in, or rectify, the register in accordance with such order.

Procedure for application for rectification, etc., before Appellate Board.

35. (1) The Registrar shall have the right to appear and be heard—

(a) in any legal proceedings before the Appellate Board in which the relief sought includes alteration or rectification of the register or in which any question relating to the practice of the Geographical Indications Registry is raised;

(b) in any appeal to the Board from an order of the Registrar on an application for registration of a geographical indication or authorised user—

(i) which is not opposed, and the application is either refused by the Registrar or is accepted by him subject to any amendments, modifications, conditions or limitations, or

(ii) which has been opposed and the Registrar considers that his appearance is necessary in the public interest, and the Registrar shall appear in any case if so directed by the Board.

(2) Unless the Appellate Board otherwise directs, the Registrar may, in lieu of appearing, submit a statement in writing signed by him, giving such particulars as he thinks proper of the proceedings before him relating to the matter in issue or of the grounds of any decision given by him affecting it, or of the practice of the Geographical Indications Registry in like cases, or of other matters relevant to the issues and within his knowledge as Registrar, and such statement shall be evidence in the proceeding.

Costs of Registrar in Proceedings Before Appellate Board.

36. In all proceedings under this Act before the Appellate Board the costs of the Registrar shall be in the discretion of the Board, but the Registrar shall not be ordered to pay the costs of any of the parties.

\* \* \* \* \*

Procedure where invalidity of registration is pleaded by the accused.

48. (1) Where the offence charged under section 39 or section 40 or section 41 is in relation to a registered geographical indication and the accused pleads that the registration of the geographical indication is invalid, the following procedure shall be followed:—

(a) if the court is satisfied that such defence is *prima facie* tenable, it shall not proceed with the charge but shall adjourn the proceeding for three months from the date on which the plea of the accused is recorded to enable the accused to file an application before the Appellate Board under this Act, for the rectification of the register on the ground that the registration is invalid;

(b) if the accused proves to the court that he has made such application within the time so limited or within such further time as the court may for sufficient cause allow, the further proceedings in the prosecution shall stand stayed till the disposal of such application for rectification;

(c) if within a period of three months or within such extended time as may be allowed by the court the accused fails to apply to the Appellate Board for rectification of the register, the court shall proceed with the case as if the registration were valid.

(2) Where before the institution of a complaint of an offence referred to in sub-section (1), any application for the rectification of the register concerning the geographical indication in question on the ground of invalidity of the registration thereof has already been properly made to and is pending before the tribunal, the court shall stay the further proceedings in the prosecution pending the disposal of the application aforesaid and shall determine the charge against the accused in conformity with the result of the application for rectification in so far as the complainant relies upon the registration of his geographical indication.

\* \* \* \* \*

**57.** (1) Where in any suit for infringement of a geographical indication the defendant pleads that registration of the geographical indication relating to plaintiff is invalid, the court trying the suit (hereinafter referred to as the court), shall,—

Stay of proceedings where the validity of registration of the geographical indication is questioned, etc.

(a) if any proceedings for rectification of the register to the geographical indication relating to plaintiff or defendant are pending before the Registrar or the Appellate Board, stay the suit pending the final disposal of such proceedings;

(b) if no such proceedings are pending and the court is satisfied that the plea regarding the invalidity of the registration of the geographical indication relating to plaintiff or defendant is *prima facie* tenable, raise an issue regarding the same and adjourn the case for a period of three months from the date of the framing of the issue in order to enable the party concerned to apply to the Appellate Board for rectification of the register.

\* \* \* \* \*

**58.** (1) Where in a suit for infringement of a registered geographical indication the validity of the registration of the geographical indication relating to plaintiff is questioned by the defendant or where in any such suit the plaintiff questions the validity of the registration of the geographical indication relating to defendant, the issue as to the validity of the registration of the geographical indication concerned shall be determined only on an application for the rectification of the register and, notwithstanding anything contained in section 27, such application shall be made to the Appellate Board and not to the Registrar.

Application for rectification of register to be made to Appellate Board in certain cases.

(2) Subject to the provisions of sub-section (1), where an application for rectification of the register is made to the Registrar under section 27, the Registrar may, if he thinks fit, refer the application at any stage of the proceedings to the Appellate Board.

\* \* \* \* \*

**63.** If a person who is a party to a proceeding under this Act (not being a proceeding before the Appellate Board or a court) dies pending the proceeding, the Registrar may, on request, and on proof to his satisfaction of the transmission of the interest of the deceased person, substitute in the proceeding his successor in interest in his place, or, if the Registrar is of opinion that the interest of the deceased person is sufficiently represented by the surviving parties, permit the proceeding to continue without the substitution of his successor in interest.

Death of party to a proceeding.

\* \* \* \* \*

**72.** If in any legal proceedings for rectification of the register before the Appellate Board a decision is on contest given in favour of the registered proprietor or, as the case may be, authorised user of the geographical indication on the issue as to the validity of the registration of the geographical indication or the authorised user, the Appellate Board may grant a certificate to that effect, and if such a certificate is granted, then, in any subsequent legal proceeding in which the said validity comes into question the said proprietor or the authorised user, as the case may be, on obtaining a final order or judgment in his favour affirming validity of the registration of the geographical indication or the authorised user, as the case may be, shall unless the said final order or judgment for sufficient reason directs otherwise, be entitled to his full cost charges and expenses as between legal practitioner and client.

Certificate of validity.

\* \* \* \* \*

**75.** In any proceeding relating to a geographical indication, the tribunal shall admit evidence of the usages of the trade concerned and of any relevant geographical indication legitimately used by other persons.

Trade usages, etc., to be taken into consideration.

\* \* \* \* \*

Power to  
make rules.

**87. (1)** \* \* \* \*

(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:—

\* \* \* \*

(n) the form of making an appeal, the manner of verification and the fee payable under sub-section (3) of section 31;

\* \* \* \*

EXTRACTS FROM THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

(53 OF 2001)

\* \* \* \*

Definitions.

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

\* \* \* \*

(d) "Chairman" means the Chairman of the Tribunal;

\* \* \* \*

(n) "Judicial Member" means a Member of the Tribunal appointed as such under sub-section (1) of section 55 and includes the Chairman;

(o) "Member" means a Judicial Member or a Technical member of the Tribunal and includes the Chairman;

\* \* \* \*

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

\* \* \* \*

(y) "Tribunal" means the Plant Varieties Protection Appellate Tribunal established under section 54;

(z) "Technical Member" means a Member of the Tribunal who is not a Judicial Member;

\* \* \* \*

Exemption  
from fees.

**44.** A farmer or group of farmers or village community shall not be liable to pay any fees in any proceeding before the Authority or Registrar or the Tribunal or the High Court under this Act or the rules made thereunder.

*Explanation.*—For the purposes of this section, "fees in any proceeding" includes any fees payable for inspection of any document or for obtaining a copy of any decision or order or document under this Act or the rules made thereunder.

\* \* \* \*

CHAPTER VIII

PLANT VARIETIES PROTECTION APPELLATE TRIBUNAL

Tribunal.

**54.** The Central Government may, by notification in the Official Gazette, establish a Tribunal to be known as the Plant Varieties Protection Appellate Tribunal to exercise the jurisdiction, powers and authority conferred on it by or under this Act.

Composition  
of Tribunal.

**55. (1)** The Tribunal shall consist of a Chairman and such number of Judicial Members and Technical Members as the Central Government may deem fit to appoint.



(2) A Judicial Member shall be a person who has for at least ten years held a judicial office in the territory of India or who has been a member of the Indian Legal Service and has held a post in Grade-II of that Service or any equivalent or higher post for at least three years or who has been an advocate for at least twelve years.

*Explanation.*—For the purposes of this sub-section,—

(i) in computing the period during which a person has held judicial office in the territory of India, there shall be included any period, after he has held any judicial office, during which the person has been an advocate or has held the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law;

(ii) in computing the period during which a person has been an advocate, there shall be included any period during which the person has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law after he became an advocate.

(3) A Technical Member shall be a person who is an eminent agricultural scientist in the field of plant breeding and genetics and possesses an experience of at least twenty years to deal with plant variety or seed development activity, or who has held the post in the Central Government or a State Government dealing with plant variety or seed development equivalent to the Joint Secretary to the Government of India for at least three years and possesses the special knowledge in the field of plant breeding and genetics.

(4) The Central Government shall appoint a Judicial Member of the Tribunal to be the Chairman thereof.

(5) The Central Government may appoint one of the Members of the Tribunal to be the senior Member thereof.

(6) The senior Member or a Member shall exercise such of the powers and perform such of the functions of the Chairman as may be delegated to him by the Chairman by a general or special order in writing.

**56.** (1) An appeal shall be preferred to the Tribunal within the prescribed period from any—

Appeals to Tribunal.

(a) order or decision of the Authority or Registrar, relating to registration of a variety; or

(b) order or decision of the Registrar relating to registration as an agent or a licensee of a variety; or

(c) order or decision of the Authority relating to claim for benefit sharing; or

(d) order or decision of the Authority regarding revocation of compulsory licence or modification of compulsory licence; or

(e) order or decision of the Authority regarding payment of compensation, made under this Act or rules made thereunder.

\* \* \* \* \*

(3) The Tribunal in disposing of an appeal under this section shall have the power to make any order which the Authority or the Registrar could make under this Act.

**57.** (1) The Tribunal may, after giving both the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit.

Orders of Tribunal.

(2) The Tribunal may, at any time within thirty days from the date of the order, with a view to rectifying the mistake apparent from the record, amend any order passed by it under

sub-section (1), and make such amendment if the mistake is brought to its notice by the appellant or the opposite party.

(3) In every appeal, the Tribunal may, where it is possible, hear and decide such appeal within a period of one year from the date of filing of the appeal.

(4) The Tribunal shall send a copy of any order passed under this section to the Registrar.

(5) The orders of the Tribunal under this Act shall be executable as a decree of a civil court.

Procedure of Tribunal.

**58.** (1) The powers and functions of the Tribunal may be exercised and discharged by Benches constituted by the Chairman of the Tribunal from among the Members thereof.

(2) A Bench shall consist of one Judicial Member and one Technical Member.

(3) If the Members of a Bench differ in opinion on any point, they shall state the point or points on which they differ, and the case shall be referred to the Chairman for hearing on such point or points by one or more of the other Members and such point or points shall be decided according to the opinion of the majority of the Members who have heard the case, including those who first heard it.

(4) Subject to the provisions of this Act, the Tribunal shall have power to regulate its own procedure and the procedure of Benches thereof in all matters arising out of the exercise of its powers or the discharge of its functions, including the places at which the Benches shall holding their sittings.

(5) The Tribunal shall, for the purpose of discharging its functions, have all the powers which are vested in the Registrar under section 11, and any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code, and the Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.  
2 of 1974.

(6) Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay or any other manner) shall be made on, or in, any proceedings relating to an appeal unless—

(a) copies of such appeal and of all documents in support of the plea for such interim order are furnished to the party against whom such appeal is made or proposed to be made; and

(b) opportunity is given to such party to be heard in the matter.

Transitional provision.

**59.** Notwithstanding anything contained in this Act, till the establishment of the Tribunal under section 54, the Intellectual Property Appellate Board established under section 83 of the Trade Marks Act, 1999, shall exercise the jurisdiction, powers and authority conferred on the Tribunal under this Act subject to the modification that in any Bench of such Intellectual Property Appellate Board constituted for the purposes of this section, for the Technical Member referred to in sub-section (2) of section 84 of the Trade Marks Act, the Technical Member shall be appointed under this Act and he shall be deemed to be the Technical Member for constituting the Bench under the said sub-section (2) of section 84 for the purposes of this Act.

47 of 1999.

\* \* \* \* \*

Bar of jurisdiction.

**89.** No civil court shall have jurisdiction in respect of any matter which the Authority or the Registrar or the Tribunal is empowered by or under this Act to determine.

\* \* \* \* \*

## EXTRACTS FROM THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

(13 OF 2003)

\* \* \* \* \*

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

(a) "appointed day", in relation to a Tribunal, means the date on which such Tribunal is established under sub-section (1) of section 5;

\* \* \* \* \*

(1) "Tribunal" means the Airport Appellate Tribunal referred to in sub-section (1) of Section 5;

\* \* \* \* \*

## CHAPTER II

## HIGHWAYS ADMINISTRATION AND TRIBUNALS ETC.

\* \* \* \* \*

7 of 2017.  
55 of 1994. **5.** (1) The Airport Appellate Tribunal established under section 28-I of the Airports Authority of India Act, 1994 shall, on and from the commencement of Part XIV of Chapter VI of the Finance Act, 2017, be the Tribunal for the purposes of this Act and the said Tribunal shall exercise the jurisdiction, power and authority conferred on it by or under this Act. Establishment of Tribunals.

(2) The Central Government shall specify, by notification in the Official Gazette, the limits of the Highway within which, or the length of Highway on which, the Tribunal may exercise jurisdiction for entertaining and deciding the appeals filed before it.

\* \* \* \* \*

**14.** A Tribunal shall exercise, on and from the appointed day, the jurisdiction, powers and authority to entertain appeals from the orders passed or actions (except issuance or serving of notices) taken under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be. Jurisdiction, powers and authority of Tribunal.

**15.** On and from the appointed day, no court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) or other authority, except the Tribunal shall have, or be entitled to exercise, any jurisdiction, powers or authority in relation to the matters specified in section 14. Bar of jurisdiction.

5 of 1908. **16.** (1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules, the Tribunal shall have powers to regulate its own procedure including the places at which it shall have its sittings. Procedure and powers of Tribunal.

(2) The appeal filed before the Tribunal under section 14 shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within four months from the date of the receipt of the appeal.

5 of 1908. (3) The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

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

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for examination of witnesses or documents;

(e) reviewing its decisions;

(f) dismissing an appeal or application for default or deciding it *ex parte*;

(g) setting aside any order of dismissal of any appeal or application for default or any order passed by it *ex parte*; and

(h) any other matter which may be prescribed.

(4) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code and the Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 45 of 1860. 2 of 1974.

Conditions as to making of interim order.

17. Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceeding relating to, an application or appeal unless—

(a) copies of such application or appeal and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or appeal is preferred; and

(b) opportunity is given to such party to be heard in the matter:

Provided that the Tribunal may dispense with the requirements of clauses (a) and (b) and make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing, that it is necessary so to do for preventing any loss being caused to the applicant or the appellant, as the case may be; which cannot be adequately compensated in money; but any such interim order shall, if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order.

Execution of orders of Tribunal.

18. (1) An order passed by the Tribunal under this Act shall be executable by the Tribunal as a decree of a civil court, and for this purpose, the Tribunal shall have all the powers of the civil court.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may transmit any order made by it to the civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

Limitation.

19. Every appeal to the Tribunal under this Act shall be preferred within a period of sixty days from the date on which the order appealed against has been made:

Provided that an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Tribunal that he had sufficient cause for not preferring the appeal within the specified period.

\* \* \* \* \*

CHAPTER VIII

MISCELLANEOUS

Right of appellant to take assistance of legal practitioner.

40. A person preferring an appeal to the Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.

Finality of orders.

41. Save as otherwise expressly provided in this Act, every order made or any action taken by the Highway Administration or the officer authorised in this behalf by such Administration or every order passed or decision made on appeal under this Act by the Tribunal shall be final and shall not be called in question in any original suit, application or execution proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act to the Highway Administration or Tribunal.

\* \* \* \* \*

**50. (1)** \* \* \* \* \* 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:—

\* \* \* \* \*

(f) the additional matters in respect of which the Tribunal may exercise the powers of a civil court under clause (h) of sub-section (3) of section 16;

\* \* \* \* \*

EXTRACT FROM THE FINANCE ACT, 2017  
(7 OF 2017)

\* \* \* \* \*

**184. (1)** The Central Government may, by notification, make rules to provide for qualifications, appointment, term and conditions of service, salary and allowances, resignation, removal and the other terms and conditions of service of the Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or, as the case may be, other Authorities as specified in column (2) of the Eighth Schedule:

Provided that the Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or other Authority shall hold office for such term as specified in the rules made by the Central Government but not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided further that no Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member shall hold office as such after he has attained such age as specified in the rules made by the Central Government which shall not exceed,—

(a) in the case of Chairperson, Chairman or President, the age of seventy years;

(b) in the case of Vice-Chairperson, Vice-Chairman, Vice-President, Presiding Officer or any other Member, the age of sixty-seven years.

(2) Neither the salary and allowances nor the other terms and conditions of service of Chairperson, Vice-Chairperson, Chairman, Vice-Chairman, President, Vice-President, Presiding Officer or Member of the Tribunal, Appellate Tribunal or, as the case may be, other Authority may be varied to his disadvantage after his appointment.

\* \* \* \* \*

THE EIGHTH SCHEDULE

[See sections 183 and 184]

S.No.	Tribunal/Appellate Tribunal/Board/Authority	Acts
(1)	(2)	(3)
10.	Airport Appellate Tribunal	The Airport Authority of India Act, 1994 (55 of 1994).
	* * *	*
12.	Appellate Board	The Trade Marks Act, 1999 (47 of 1999).
	* * *	*
14.	Authority for Advance Ruling	The Income-Tax Act, 1961 (43 of 1961).
	* * *	*
15.	Film Certification Appellate Tribunal	The Cinematograph Act, 1952 (37 of 1952).
	* * *	*

LOK SABHA

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A

BILL

further to amend the Cinematograph Act, 1952, the Customs Act, 1962, the Airports Authority of India Act, 1994, the Trade Marks Act, 1999 and the Protection of Plant Varieties and Farmers' Rights Act, 2001 and certain other Acts.

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*(Smt. Nirmala Sitharaman, Minister of Finance and Corporate Affairs)*

MGIPMRND—1417LS(S3)—12-02-2021.

**Bill No. 55 of 2021**

THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF  
DELHI (AMENDMENT) BILL, 2021

A

BILL

*further to amend the Government of National Capital Territory of Delhi Act, 1991.*

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

**1.** (1) This Act may be called the Government of National Capital Territory of Delhi (Amendment) Act, 2021. Short title and commencement.

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

1 of 1992.

**2.** In section 21 of the Government of National Capital Territory of Delhi Act, 1991 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:— Amendment of section 21.



'(3) The expression "Government" referred to in any law to be made by the Legislative Assembly shall mean the Lieutenant Governor.'

Amendment  
of section 24.

**3.** In section 24 of the principal Act, in the second proviso,—

(i) in clause (c), for the word and figures "section 43.", the words and figures "section 43; or" shall be substituted; 5

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

"(d) incidentally covers any of the matters which falls outside the purview of the powers conferred on the Legislative Assembly."

Amendment  
of section 33.

**4.** In section 33 of the principal Act, in sub-section (1),—

(a) after the words "conduct of its business", the words "which shall not be inconsistent with the Rules of Procedure and Conduct of Business in House of People" shall be inserted; 10

(b) in the proviso, for the words "Provided that", the following shall be substituted, namely:—

"Provided that the Legislative Assembly shall not make any rule to enable itself or its Committees to consider the matters of day-to-day administration of the Capital or conduct inquiries in relation to the administrative decisions, and any of the rule made in contravention of this proviso, before the commencement of the Government of National Capital Territory of Delhi (Amendment) Act, 2021, shall be void: 15  
20

Provided further that".

Amendment  
of section 44.

**5.** In section 44 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

"Provided that before taking any executive action in pursuance of the decision of the Council of Ministers or a Minister, to exercise powers of Government, State Government, Appropriate Government, Lieutenant Governor, Administrator or Chief Commissioner, as the case may be, under any law in force in the Capital, the opinion of Lieutenant Governor in term of proviso to clause (4) of article 239AA of the Constitution shall be obtained on all such matters as may be specified, by a general or special order, by Lieutenant Governor." 25  
30

## STATEMENT OF OBJECTS AND REASONS

The Government of National Capital Territory of Delhi Act, 1991 (1 of 1992) was enacted to supplement the provisions of the Constitution relating to the Legislative Assembly and a Council of Ministers for the National Capital Territory of Delhi and for matters connected therewith or incidental thereto. Section 44 of the Act deals with conduct of business and there is no structural mechanism provided in the Act for effective time bound implementation of said section. Further, there is no clarity as to what proposal or matters are required to be submitted to Lieutenant Governor before issuing order thereon.

2. The Constitution Bench of the Hon'ble Supreme Court, in its judgment dated the 04th July, 2018, and Division Bench of the Hon'ble Supreme Court, in its judgment dated the 14th February, 2019, has interpreted the provisions of article 239AA of the Constitution relating to the structure of governance in National Capital Territory of Delhi.

3. In order to give effect to the interpretation made by Hon'ble Supreme Court in the aforesaid judgments, a Bill, namely, the Government of National Capital Territory of Delhi (Amendment) Bill, 2021 seeks, *inter alia*, to clarify the expression "Government", which in the context of legislations to be passed by the Legislative Assembly of Delhi, shall mean the Lieutenant Governor of the National Capital Territory of Delhi, consistent with the status of Delhi as a Union territory to address the ambiguities in the interpretation of the legislative provisions. It further seeks to ensure that the Lieutenant Governor is necessarily granted an opportunity to exercise the power entrusted to him under proviso to clause (4) of article 239AA of the Constitution, in select category of cases and also to make rules in matters which incidentally encroach upon matters falling outside the preview of the Legislative Assembly. It also seeks to provide for rules made by the Legislative Assembly of Delhi to be consistent with the rules of the House of the People.

4. The said Bill will promote harmonious relations between the legislature and the executive, and further define the responsibilities of the elected Government and the Lieutenant Governor, in line with the constitutional scheme of governance of National Capital Territory of Delhi, as interpreted by the Hon'ble Supreme Court.

5. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;  
*The 5th March, 2021.*

AMIT SHAH.

ANNEXURE

EXTRACTS FROM THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991

(1 OF 1992)

\* \* \* \* \*

Assent to Bills.

**24.** When a Bill has been passed by the Legislative Assembly, it shall be presented to the Lieutenant Governor and the Lieutenant Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

\* \* \* \* \*

Provided further that the Lieutenant Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which,—

(a) in the opinion of the Lieutenant Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is, by the Constitution, designed to fill; or

(b) the President may, by order, direct to be reserved for his consideration; or

(c) relates to matters referred to in sub-section (5) of section 7 or section 19 or section 34 or sub-section (3) of section 43.

*Explanation.*—For the purposes of this section and section 25, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 22 or any matter incidental to any of those matters and, in either case, there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill.

\* \* \* \* \*

Rules of procedure.

**33.** (1) The Legislative Assembly may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business:

Provided that the Lieutenant Governor shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules—

(a) for securing the timely completion of financial business;

(b) for regulating the procedure of, and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the Capital;

(c) for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of the functions of the Lieutenant Governor in so far as he is required by or under this Act or any law to act in his discretion.

\* \* \* \* \*

Conduct of business.

**44.** (1) \* \* \* \* \*

(2) Save as otherwise provided in this Act, all executive action of the Lieutenant Governor whether taken on the advice of his Ministers or otherwise shall be expressed to be taken in the name of the Lieutenant Governor.

\* \* \* \* \*

LOK SABHA

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A

**BILL**

further to amend the Government of National Capital Territory of Delhi Act, 1991.

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*(Shri Amit Shah, Minister of Home Affairs)*

MGIPMRND—1555LS—09-03-2021.

**Bill No. XX of 2021**

**THE INSURANCE (AMENDMENT) BILL, 2021**

A

BILL

*further to amend the Insurance Act, 1938.*

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

1. (1) This Act may be called the Insurance (Amendment) Act, 2021.

Short title and commencement.

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

4 of 1938.

2. In the Insurance Act, 1938 (hereinafter referred to as the principal Act), in section 2, in clause (7A), for sub-clause (b), the following sub-clause shall be substituted, namely:—

Amendment of section 2.

10 "(b) in which the aggregate holdings of equity shares by foreign investors including portfolio investors, do not exceed seventy-four per cent. of the paid-up equity capital of such Indian insurance company, and the foreign investment in which shall be subject to such conditions and manner, as may be prescribed;"

Amendment of section 27.           **3.** In section 27 of the principal Act, in sub-section (7), the *Explanation* shall be omitted.

Amendment of section 114.       **4.** In section 114 of the principal Act, in sub-section (2), for clause (*aaa*), the following clause shall be substituted, namely:—

"*aaa*) the conditions and manner of foreign investment under sub-clause (*b*) of clause (7A) of section 2;"

## STATEMENT OF OBJECTS AND REASONS

The Insurance Act, 1938 was enacted to consolidate and amend the law relating to business of insurance in the country. The foreign investment in insurance sector was permitted in the year 2000 by allowing the same up to 26 per cent. in an Indian insurance company. Subsequently, *vide* the Insurance Laws (Amendment) Act, 2015, this limit of foreign investment was raised to 49 per cent. of the paid-up equity capital of such company, which is Indian owned and controlled as per the rules made in this behalf.

2. In order to achieve the objective of Government's Foreign Direct Investment Policy of supplementing domestic long-term capital, technology and skills for the growth of the economy and the insurance sector, and thereby enhance insurance penetration and social protection, it has been decided to raise the limit of foreign investment in Indian insurance companies from the existing 49 per cent. to 74 per cent.

3. Accordingly, the Insurance (Amendment) Bill, 2021, amending the Insurance Act, 1938, seeks, *inter alia*, to provide for—

(i) substitution of sub-clause (b) in the definition of "Indian insurance company" in clause (7A) of section 2 of the Insurance Act, 1938, so as to raise the limit of foreign investment in an Indian insurance company from the existing 49 per cent. to 74 per cent. and to allow foreign ownership and control with safeguards;

(ii) omission of the *Explanation* to sub-section (7) of section 27.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;

NIRMALA SITHARAMAN.

*The 12th March, 2021.*

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to amend section 114 of the Insurance Act, 1938, which provides that the Central Government make rules for the conditions and manner of foreign investment under sub-clause (b) of clause (7A) of section 2.

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



ANNEXURE  
EXTRACTS FROM THE INSURANCE ACT, 1938  
(4 OF 1938)

\* \* \* \* \*

**2.** In this Act, unless there is anything repugnant in the subject or context,— Definitions.

\* \* \* \* \*

(7A) "Indian insurance company" means any insurer, being a company which is limited by shares, and,—

\* \* \* \* \*

(b) in which the aggregate holdings of equity shares by foreign investors, including portfolio investors, do not exceed forty-nine per cent. of the paid up equity capital of such Indian insurance company, which is Indian owned and controlled, in such manner as may be prescribed.

*Explanation.*—For the purposes of this sub-clause, the expression "control" shall include the right to appoint a majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;

\* \* \* \* \*

INVESTMENT, LOANS AND MANAGEMENT

**27. (1)** \* \* \* \* \* Investment of assets.

(7) The assets required by this section to be held invested by an insurer incorporated or domiciled outside India shall, except to the extent of any part thereof which consists of foreign assets held outside India, be held in India and all such assets shall be held in trust for the discharge of the liabilities of the nature referred to in sub-section (1) and shall be vested in trustees resident in India and approved by the Authority, and the instrument of trust under this sub-section shall be executed by the insurer with the approval of the Authority and shall define the manner in which alone the subject-matter of the trust shall be dealt with.

*Explanation.*—This sub-section shall apply to an insurer incorporated in India whose share capital to the extent of one-third is owned by, or the members of whose governing body to the extent of one-third consists of members domiciled elsewhere than in India.

\* \* \* \* \*

**114. (1)** \* \* \* \* \* Power of Central Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

\* \* \* \* \*

(aaa) the manner of ownership and control of Indian insurance company under sub-clause (b) of clause (7A) of section 2;

\* \* \* \* \*

RAJYA SABHA

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BILL

further to amend the Insurance Act, 1938.

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*(Smt. Nirmala Sitharaman, Minister of Finance and Corporate Affairs)*

MGIPMRND—1606RS(S3)—12-03-2021.

**Bill No. 56 of 2021**

**THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)  
AMENDMENT BILL, 2021**

A

**BILL**

*to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.*

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

**1.** (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021. Short title and commencement.

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

2 of 2016. **2.** In section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as principal Act),— Amendment of section 2.

(i) clause (4) shall be omitted;

(ii) in clause (14),—

(a) in sub-clause (ii), after the words “contravention of”, the words “the provisions of this Act or” shall be inserted;

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

“(vi) who does not have parents and no one is willing to take care of and protect or who is abandoned or surrendered;”;

(c) in sub-clause (ix), for the words “is likely to be”, the words “has been or is being or is likely to be” shall be substituted;

(iii) in clause (17), for the words “Children’s Home”, the words “child care institution” shall be substituted;

(iv) in clause (26), for the words “which is the focal point”, the words “which shall function under the supervision of the District Magistrate” shall be substituted;

(v) after clause (26), the following clause shall be inserted, namely:—

“(26A) “District Magistrate” includes Additional District Magistrate of the District;”;

(vi) in clause (46), the words “the person in-charge of which is willing” shall be omitted;

(vii) for clause (54), the following clause shall be substituted, namely:—

“(54) “serious offences” includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is,—

(a) minimum imprisonment for a term more than three years and not exceeding seven years; or

(b) maximum imprisonment for a term more than seven years but no minimum imprisonment or minimum imprisonment of less than seven years is provided.’.

Amendment of section 3. **3.** In section 3 of the principal Act, for the words “the Board, and”, the words “the Board, the Committee, or” shall be substituted.

Amendment of section 4. **4.** In section 4 of the principal Act, in sub-section (7), in clause (iii), for the words “less than”, the word “minimum” shall be substituted.

Amendment of section 8. **5.** In section 8 of the principal Act, in sub-section (3), in clause (m), for the words “of such a child to the observation home”, the words “that child to an observation home or place of safety, as the case may be,” shall be substituted.

Amendment of section 12. **6.** In section 12 of the principal Act, in sub-section (2), after the words “observation home”, the words “or a place of safety, as the case may be,” shall be inserted.

Amendment of section 16. **7.** In section 16 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The District Magistrate may, as and when required, in the best interest of a child, call for any information from all the stakeholders including the Board and the Committee.”.

Amendment of section 18. **8.** In section 18 of the principal Act, in sub-section (1), after the words “heinous offence,”, the words and figures “or a child above the age of sixteen years has committed a heinous offence and the Board has, after preliminary assessment under section 15, disposed of the matter” shall be inserted.

9. In section 27 of the principal Act,—

Amendment of  
section 27.

(i) for sub-section (4), the following sub-sections shall be substituted, namely:—

5 “(4) No person shall be appointed as a member of the Committee unless he has a degree in child psychology or psychiatry or law or social work or sociology or human health or education or human development or special education for differently abled children and has been actively involved in health, education or welfare activities pertaining to children for seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human health or education or human development or special education for differently abled children.

10 (4A) No person shall be eligible for selection as a member of the Committee, if he—

(i) has any past record of violation of human rights or child rights,

15 (ii) has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or has not been granted full pardon in respect of such offence,

(iii) has been removed or dismissed from service of the Government of India or State Government or an undertaking or corporation owned or controlled by the Government of India or State Government,

20 (iv) has ever indulged in child abuse or employment of child labour or immoral act or any other violation of human rights or immoral acts, or

(v) is part of management of a child care institution in a District.”.

(ii) in sub-section (7), in clause (iii), for the words “less than”, the word “minimum” shall be substituted;

25 (iii) for sub-section (8), the following sub-section shall be substituted, namely:—

“(8) The Committee shall submit a report to the District Magistrate in such form as may be prescribed and the District Magistrate shall conduct a quarterly review of the functioning of the Committee.”;

(iv) for sub-section (10), the following sub-section shall be substituted, namely:—

30 “(10) The District Magistrate shall be the grievance redressal authority to entertain any grievance arising out of the functioning of the Committee and the affected child or anyone connected with the child, as the case may be, may file a complaint before the District Magistrate who shall take cognizance of the action of the Committee and, after giving the parties an opportunity of being heard, pass appropriate order.”.

10. In section 32 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of  
section 32.

40 “(2) The information regarding a child referred to in sub-section (1) shall be uploaded by the Committee or the District Child Protection Unit or the child care institution, as the case may be, on a portal as may be specified by the Central Government in this behalf.”.

11. In section 37 of the principal Act, in sub-section (1), the words “submitted by Child Welfare Officer” shall be omitted.

Amendment of  
section 37.

45 12. In section 38 of the principal Act, in sub-section (5), after the words “shall inform”, the words “the District Magistrate,” shall be inserted.

Amendment of  
section 38.

- Amendment of section 40. **13.** In section 40 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely: —
- “(4) The Committee shall submit a quarterly report regarding restored, dead and runaway children to the State Government and the District Magistrate in such form as may be prescribed.”. 5
- Amendment of section 41. **14.** In section 41 of the principal Act,—
- (i) in sub-section (1), the words “, within a period of six months from the date of commencement of this Act,” shall be omitted;
- (ii) in sub-section (2), for the words “shall determine”, the words “shall, after considering the recommendations of the District Magistrate, determine” shall be substituted. 10
- Amendment of section 54. **15.** In section 54 of the principal Act,—
- (i) in sub-section (2), for the words “District Child Protection Units or State Government, as the case may be”, the words “District Magistrate” shall be substituted;
- (ii) in sub-section (3), for the words “District Child Protection Unit or the State Government”, the words “District Magistrate” shall be substituted. 15
- Amendment of section 55. **16.** In section 55 of the principal Act, in sub-section (1), after the words “State Government”, the words “or District Magistrate” shall be inserted.
- Amendment of section 56. **17.** In section 56 of the principal Act, in sub-section (5), for the word “Court”, the words “District Magistrate” shall be substituted. 20
- Amendment of section 58. **18.** In section 58 of the principal Act,—
- (i) in sub-section (3), for the words “in the court”, the words “before the District Magistrate” shall be substituted;
- (ii) in sub-section (4), for the words “court order”, the words “order passed by the District Magistrate” shall be substituted. 25
- Amendment of section 59. **19.** In section 59 of the principal Act,—
- (i) in sub-section (7), for the words “in the court”, the words “before the District Magistrate” shall be substituted;
- (ii) in sub-section (8), for the words “court order”, the words “order passed by the District Magistrate” shall be substituted. 30
- Amendment of section 60. **20.** In section 60 of the principal Act, in sub-section (1), for the word “court”, the words “District Magistrate” shall be substituted.
- Amendment of section 61. **21.** In section 61 of the principal Act,—
- (i) for the marginal heading, the following marginal heading shall be substituted, namely:— 35
- “Procedure for disposal of adoption proceedings.”;
- (ii) in sub-section (1), for the word “court”, the words “District Magistrate” shall be substituted;
- (iii) in sub-section (2), for the word “court”, the words “District Magistrate” shall be substituted. 40
- Amendment of section 63. **22.** In section 63 of the principal Act, for the word “court”, the words “District Magistrate” shall be substituted.

	<b>23.</b> In section 64 of the principal Act, for the words “concerned courts”, the words “District Magistrate” shall be substituted.	Amendment of section 64.
	<b>24.</b> In section 65 of the principal Act, in sub-section (4), for the word “court”, the words “District Magistrate” shall be substituted.	Amendment of section 65.
5	<b>25.</b> In section 74 of the principal Act, in sub-section (2), for the words “in cases where the case”, the words “in the pending case or in the case which” shall be substituted.	Amendment of section 74.
	<b>26.</b> For section 86 of the principal Act, the following section shall be substituted, namely:—	Substitution of section 86.
10	“86. (1) Where an offence under this Act is punishable with imprisonment for a term of more than seven years, then, such offence shall be cognizable and non-bailable.	Classification of offences and designated court.
	(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be non-cognizable and non-bailable.	
15	(3) Where an offence, under this Act is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable and bailable.	
2 of 1974. 4 of 2006. 32 of 2012. 20	(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or the Commission for Protection of Child Rights Act, 2005 or the Protection of Children from Sexual Offences Act, 2012, offences under this Act shall be triable by the Children’s Court.”.	
	<b>27.</b> In section 87 of the principal Act, for the “ <i>Explanation</i> ”, the following <i>Explanation</i> shall be substituted, namely:—	Amendment of section 87.
45 of 1860.	‘ <i>Explanation.</i> —For the purposes of this section, the expression “abetment” shall have the same meaning as assigned to it in section 107 of the Indian Penal Code.’.	
25	<b>28.</b> In section 101 of the principal Act, —	Amendment of section 101.
	(i) for sub-section (3), the following sub-section shall be substituted, namely:—	
	“(3) No appeal shall lie from any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years.”.	
30	(ii) after sub-section (5), the following sub-sections shall be inserted, namely:—	
	“(6) Any person aggrieved by an adoption order passed by the District Magistrate may, within a period of thirty days from the date of such order passed by the District Magistrate, file an appeal before the Divisional Commissioner.	
35	(7) Every appeal filed under sub-section (6), shall be decided as expeditiously as possible and an endeavour shall be made to dispose it within a period of four weeks from the date of filing of the appeal:	
40	Provided that where there is no Divisional Commissioner, the State Government or Union territory Administration, as the case may be, may, by notification, empower an officer equivalent to the rank of the Divisional Commissioner to decide the appeal.”.	
	<b>29.</b> In section 110 of the principal Act, in sub-section (2),—	Amendment of section 110.
	(a) after clause (xiv), the following clause shall be inserted, namely:—	
	“(xiva) the form of report submitted to the District Magistrate under sub-section (8) of section 27;”;	

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

“(xxiii) the form of quarterly report regarding restored, dead and runaway children under sub-section (4) of section 40;”.



## STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice (Care and Protection of Children) Act, 2015 (the Juvenile Justice Act) came into force with effect from the 15th January, 2016, by repealing the Juvenile Justice Act, 2000, with a comprehensive provision for the children alleged or found to be in conflict with law and children in need of care and protection. The Juvenile Justice Act has been made in pursuance of the Constitution of India which mandates equal rights for children and also mandates upon State, *inter alia*, to take suitable measures for protection of children. The Act also fulfils the India's commitment as a signatory to the United Nations Convention on the rights of the child, the United Nations Standard Millennium Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (1993) and other related international instruments.

2. Sub-section (1) of section 56 of the Juvenile Justice Act provides that adoption shall be resorted to for ensuring right to family for the orphan, abandoned and surrendered children, as per the provisions of the said Act and the rules and regulations made thereunder. Section 63 of the Juvenile Justice Act stipulates that the adoption is final on the issuance of the adoption order by the Court. Sub-section (2) of section 61 of the said Act also provides that the adoption proceedings shall be disposed of by the court within a period of two months from the date of filing of an application. It was observed that there is significant delay in finalisation of adoption cases in Courts. Besides, these adoption cases are non-adversarial in nature and to be dealt according to well laid out process. Hence, it is proposed to culminate the adoption process at the level of District Magistrate in the District.

3. District Magistrate, being the Chief Executive Officer in the District, is suitably placed to ensure effective coordination among the stakeholders for facilitation of necessary services for children's rehabilitation/re-integration. By further empowering District Magistrate to deal with child protection and adoption process, it aims to facilitate a coordinated and effective response of District Administration to various issues pertaining to children, including adoption.

4. The Juvenile Justice Act deals with "Petty", "Serious" and "Heinous" categories of offences. Hon'ble Supreme Court in the matter of Shilpa Mittal Vs. State of NCT of Delhi (Criminal Appeal No. 34 of 2020), *vide* its judgment dated the 9th January, 2020 has observed that the Juvenile Justice Act does not deal with the fourth category of offences viz., offence where the maximum sentence is more than seven years imprisonment, but no minimum sentence, or minimum sentence of less than seven years is provided and treated the same as "serious offences" under the Act.

5. Accordingly, the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021, *inter alia*, proposes:—

(a) to strengthen child protection at district level by empowering District Magistrate including Additional District Magistrate to effectively coordinate and monitor the functions of various agencies responsible for implementation of the provisions of the Juvenile Justice Act;

(b) to empower District Magistrate including Additional District Magistrate to authorise orders of adoption, in order to address issues of delay in adoption and to propose that appeals on the orders of adoption may be preferred to the Divisional Commissioner;

(c) to strengthen the Child Welfare Committee by incorporating provisions relating to educational qualifications for the members and stipulating eligibility conditions for selection of the committee;

(d) to categorise offences wherein maximum sentence is more than seven years imprisonment but no minimum sentence, or a minimum sentence of less than seven years has been provided as "serious offences" under the Juvenile Justice Act; and

(e) to remove difficulties in interpretation of the Juvenile Justice Act.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;  
*The 9th March, 2021.*

SMRITI ZUBIN IRANI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill seeks to amend section 110 of the Juvenile Justice (Care and Protection of Children) Act, 2015 which provides the Central Government to make rules for—

(a) the form of report submitted to the District Magistrate under sub-section (8) of section 27; and

(b) the form of quarterly report regarding restored, dead and runaway children under sub-section (4) of section 40.

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

ANNEXURE

EXTRACTS FROM THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015  
(2 OF 2016)

Definitions.

\* \* \* \* \*

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

\* \* \* \* \*

(4) "administrator" means any district official not below the rank of Deputy Secretary to the State, on whom magisterial powers have been conferred;

\* \* \* \* \*

(14) "child in need of care and protection" means a child—

\* \* \* \* \*

(i) who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or

\* \* \* \* \*

(vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or

\* \* \* \* \*

(ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or

\* \* \* \* \*

(17) "Child Welfare Officer" means an officer attached to a Children's Home, for carrying out the directions given by the Committee or, as the case may be, the Board with such responsibility as may be prescribed;

\* \* \* \* \*

(26) "District Child Protection Unit" means a Child Protection Unit for a District, established by the State Government under section 106, which is the focal point to ensure the implementation of this Act and other child protection measures in the district;

\* \* \* \* \*

(46) "place of safety" means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person incharge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children's Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order;

\* \* \* \* \*

(54) "serious offences" includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is imprisonment between three to seven years;

\* \* \* \* \*

45 of 1860.

## CHAPTER II

## GENERAL PRINCIPLES OF CARE AND PROTECTION OF CHILDREN

3. The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:—

General principles to be followed in administration of Act.

(i) *Principle of presumption of innocence*: Any child shall be presumed to be an innocent of any *mala fide* or criminal intent up to the age of eighteen years.

(ii) *Principle of dignity and worth*: All human beings shall be treated with equal dignity and rights.

(iii) *Principle of participation*: Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.

(iv) *Principle of best interest*: All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.

(v) *Principle of family responsibility*: The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

(vi) *Principle of safety*: All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.

(vii) *Positive measures*: All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.

(viii) *Principle of non-stigmatising semantics*: Adversarial or accusatory words are not to be used in the processes pertaining to a child.

(ix) *Principle of non-waiver of rights*: No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.

(x) *Principle of equality and non-discrimination*: There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child.

(xi) *Principle of right to privacy and confidentiality*: Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.

(xii) *Principle of institutionalisation as a measure of last resort*: A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.

(xiii) *Principle of repatriation and restoration*: Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socioeconomic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.

(xiv) *Principle of fresh start*: All past records of any child under the Juvenile Justice system should be erased except in special circumstances.

(xv) *Principle of diversion*: Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.

(xvi) *Principles of natural justice*: Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.

CHAPTER III

JUVENILE JUSTICE BOARD

Juvenile Justice Board.	<b>4. (1)*</b>	*	*	*	*
	(7) The appointment of any member of the Board, except the Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he—				
	*	*	*	*	*
	(iii) fails to attend less than three-fourths of the sittings in a year; or				
	*	*	*	*	*
Powers, functions and responsibilities of the Board.	<b>8. (1)*</b>	*	*	*	*
	(3) The functions and responsibilities of the Board shall include—				
	*	*	*	*	*
	(m) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home; and				
	*	*	*	*	*
Bail to a person who is apparently a child alleged to be in conflict with law.	<b>12. (1)*</b>	*	*	*	*
	(2) When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home in such manner as may be prescribed until the person can be brought before a Board.				
	*	*	*	*	*
Orders regarding child found to be in conflict with law.	<b>18. (1)</b>	Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,—			
	(a) allow the child to go home after advice or admonition by following appropriate inquiry and counselling to such child and to his parents or the guardian;				
	(b) direct the child to participate in group counselling and similar activities;				
	(c) order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board;				
	(d) order the child or parents or the guardian of the child to pay fine:				
	Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;				

(e) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and child's well-being for any period not exceeding three years;

(f) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;

(g) direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformatory services including education, skill development, counselling, behaviour modification therapy and psychiatric support during the period of stay in the special home:

Provided that if the conduct and behaviour of the child has been such that, it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

\* \* \* \* \*

CHAPTER V

CHILD WELFARE COMMITTEE

**27. (1)\*** \* \* \* \* \* Child Welfare Committee.

(4) No person shall be appointed as a member of the Committee unless such person has been actively involved in health, education or welfare activities pertaining to children for at least seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human development.

\* \* \* \* \*

(7) The appointment of any member of the Committee shall be terminated by the State Government after making an inquiry, if—

\* \* \* \* \*

(iii) he fails to attend the proceedings of the Committee consecutively for three months without any valid reason or he fails to attend less than three-fourths of the sittings in a year.

(8) The District Magistrate shall conduct a quarterly review of the functioning of the Committee.

\* \* \* \* \*

(10) The District Magistrate shall be the grievances redressal authority for the Child Welfare Committee and anyone connected with the child, may file a petition before the District Magistrate, who shall consider and pass appropriate orders.

\* \* \* \* \*

**32. (1)\*** \* \* \* \* \* Mandatory reporting regarding a child found separated from guardian.

(2) The information regarding a child referred to in sub-section (1) shall be mandatorily uploaded on a portal as may be specified by the Central Government or the Committee or the District Child Protection Unit or the child care institution, as the case may be.

\* \* \* \* \*

Orders passed regarding a child in need of care and protection.

**37. (1)** The Committee on being satisfied through the inquiry that the child before the Committee is a child in need of care and protection, may, on consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, pass one or more of the following orders, namely:—

(a) declaration that a child is in need of care and protection;

(b) restoration of the child to parents or guardian or family with or without supervision of Child Welfare Officer or designated social worker;

(c) placement of the child in Children's Home or fit facility or Specialised Adoption Agency for the purpose of adoption for long term or temporary care, keeping in mind the capacity of the institution for housing such children, either after reaching the conclusion that the family of the child cannot be traced or even if traced, restoration of the child to the family is not in the best interest of the child;

(d) placement of the child with fit person for long term or temporary care;

(e) foster care orders under section 44;

(f) sponsorship orders under section 45;

(g) directions to persons or institutions or facilities in whose care the child is placed, regarding care, protection and rehabilitation of the child, including directions relating to immediate shelter and services such as medical attention, psychiatric and psychological support including need-based counselling, occupational therapy or behaviour modification therapy, skill training, legal aid, educational services, and other developmental activities, as required, as well as follow-up and coordination with the District Child Protection Unit or State Government and other agencies;

(h) declaration that the child is legally free for adoption under section 38.

\* \* \* \* \*

Procedure for declaring a child legally free for adoption.

**38. (1)\*** \* \* \* \*

(5) The Committee shall inform the State Agency and the Authority regarding the number of children declared as legally free for adoption and number of cases pending for decision in the manner as may be prescribed, every month.

\* \* \* \* \*

Registration of child care institutions.

**41. (1)** Notwithstanding anything contained in any other law for the time being in force, all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act in such manner as may be prescribed, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government or, as the case may be, the State Government or not:

Provided that the institutions having valid registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 on the date of commencement of this Act shall be deemed to have been registered under this Act. 56 of 2000.

(2) At the time of registration under this section, the State Government shall determine and record the capacity and purpose of the institution and shall register the institution as a Children's Home or open shelter or Specialised Adoption Agency or observation home or special home or place of safety, as the case may be.

\* \* \* \* \*

Inspection of institutions registered under this Act.

**54. (1)\*** \* \* \* \*



(2) Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer, and submit reports of the findings of such visits within a week of their visit, to the District Child Protection Units or State Government, as the case may be, for further action.

(3) On the submission of the report by the inspection committee within a week of the inspection, appropriate action shall be taken within a month by the District Child Protection Unit or the State Government and a compliance report shall be submitted to the State Government.

**55. (1)** The Central Government or State Government may independently evaluate the functioning of the Board, Committee, special juvenile police units, registered institutions, or recognised fit facilities and persons, at such period and through such persons or institutions as may be prescribed by that Government.

Evaluation of functioning of structures.

\* \* \* \* \*

CHAPTER VIII

ADOPTION

**56. (1)\*** \* \* \* \* \*

Adoption.

(5) Any person, who takes or sends a child to a foreign country or takes part in any arrangement for transferring the care and custody of a child to another person in a foreign country without a valid order from the Court, shall be punishable as per the provisions of section 80.

\* \* \* \* \*

**58.(1)** \* \* \* \* \*

Procedure for adoption by Indian prospective adoptive parents living in India.

(3) On the receipt of the acceptance of the child from the prospective adoptive parents along with the child study report and medical report of the child signed by such parents, the Specialised Adoption Agency shall give the child in pre-adoption foster care and file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

(4) On the receipt of a certified copy of the court order, the Specialised Adoption Agency shall send immediately the same to the prospective adoptive parents.

\* \* \* \* \*

**59. (1)** \* \* \* \* \*

Procedure for inter-country adoption of an orphan or abandoned or surrendered child.

(7) On receipt of the acceptance of the child from the prospective adoptive parents, the Specialised Adoption Agency shall file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

(8) On the receipt of a certified copy of the court order, the specialised adoption agency shall send immediately the same to Authority, State Agency and to the prospective adoptive parents, and obtain a passport for the child.

\* \* \* \* \*

**60. (1)** A relative living abroad, who intends to adopt a child from his relative in India shall obtain an order from the court and apply for no objection certificate from Authority, in the manner as provided in the adoption regulations framed by the Authority.

Procedure for inter-country relative adoption.

\* \* \* \* \*

Court procedure and penalty against payment in consideration of adoption.

**61.** (1) Before issuing an adoption order, the court shall satisfy itself that—

(a) the adoption is for the welfare of the child;

(b) due consideration is given to the wishes of the child having regard to the age and understanding of the child; and

(c) that neither the prospective adoptive parents has given or agreed to give nor the specialised adoption agency or the parent or guardian of the child in case of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the adoption regulations framed by the Authority towards the adoption fees or service charge or child care corpus.

(2) The adoption proceedings shall be held in camera and the case shall be disposed of by the court within a period of two months from the date of filing.

\* \* \* \* \*

Effect of adoption.

**63.** A child in respect of whom an adoption order is issued by the court, shall become the child of the adoptive parents, and the adoptive parents shall become the parents of the child as if the child had been born to the adoptive parents, for all purposes, including intestacy, with effect from the date on which the adoption order takes effect, and on and from such date all the ties of the child in the family of his or her birth shall stand severed and replaced by those created by the adoption order in the adoptive family:

Provided that any property which has vested in the adopted child immediately before the date on which the adoption order takes effect shall continue to vest in the adopted child subject to the obligations, if any, attached to the ownership of such property including the obligations, if any, to maintain the relatives in the biological family.

Reporting of adoption.

**64.** Notwithstanding anything contained in any other law for the time being in force, information regarding all adoption orders issued by the concerned courts, shall be forwarded to Authority on monthly basis in the manner as provided in the adoption regulations framed by the Authority, so as to enable Authority to maintain the data on adoption.

Specialised Adoption Agencies.

**65.** (1)

\* \* \* \* \*

(4) In case any Specialised Adoption Agency is in default in taking necessary steps on its part as provided in this Act or in the adoption regulations framed by the Authority, for getting an orphan or abandoned or surrendered child legally free for adoption from the Committee or in completing the home study report of the prospective adoptive parents or in obtaining adoption order from the court within the stipulated time, such Specialised Adoption Agency shall be punishable with a fine which may extend up to fifty thousand rupees and in case of repeated default, the recognition of the Specialised Adoption Agency shall be withdrawn by the State Government.

\* \* \* \* \*

CHAPTER IX

OTHER OFFENCES AGAINST CHILDREN

Prohibition on disclosure of identity of children.

**74.** (1)

\* \* \* \* \*

(2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.

\* \* \* \* \*

Classification of offences and designated court.

**86.** (1) Where an offence under this Act is punishable with imprisonment for a term more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Children's Court.

(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Magistrate of First Class.

(3) Where an offence, under this Act, is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable, bailable and triable by any Magistrate.

**87.** Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with the punishment provided for that offence. Abetment.

*Explanation.*—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

\* \* \* \* \*

**101. (1)** \* \* \* \* \* Appeals.

(3) No appeal shall lie from,—

(a) any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years; or

(b) any order made by a Committee in respect of finding that a person is not a child in need of care and protection.

\* \* \* \* \*

**110. (1)** \* \* \* \* \* Power to make rules.

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

\* \* \* \* \*

(xiv) qualifications of the members of the Child Welfare Committee under sub-section (5) of section 27;

\* \* \* \* \*

(xxii) information to be given every month by the Committee to State Agency and Authority regarding number of children declared legally free for adoption and number of cases pending under sub-section (5) of section 38;

\* \* \* \* \*

LOK SABHA

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A

BILL

to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.

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*(Smt.Smruti Zubin Irani, Minister of Women and Child Development)*

MGIPMRND—1576LS(S3)—10-03-2021.

THE MARINE AIDS TO NAVIGATION BILL, 2021

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ARRANGEMENT OF CLAUSES

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**Bill No. 60 of 2021**

**THE MARINE AIDS TO NAVIGATION BILL, 2021**

A

**BILL**

*to provide for the development, maintenance and management of aids to navigation in India; for training and certification of operator of aids to navigation, development of its historical, educational and cultural value; to ensure compliance with the obligation under the maritime treaties and international instruments to which India is a party and for matters connected therewith or incidental thereto.*

WHEREAS India is signatory to maritime treaties and international instruments such as International Convention for the Safety of Life at Sea, 1974, as amended; and International Association of Marine Aids and Lighthouse Authorities Maritime Buoyage System;

AND WHEREAS it is considered necessary to give effect to the said treaties and instruments which, *inter alia*, provide for aids to navigation, vessel traffic services and marking of wrecks;

AND WHEREAS it is necessary to provide for and create a framework for the development, maintenance and management of vessel traffic services in India; training and certification of operators of aids to navigation; and the development of the historical educational and cultural value of aids to navigation;



AND WHEREAS it is further necessary to create a framework for the levy and collection of marine aids to navigation dues to discharge the sovereign functions of development, maintenance and management of aids to navigation and vessel traffic services in India by Government, and for matters connected therewith or incidental thereto.

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

## CHAPTER I

### PRELIMINARY

Short title, extent and commencement.	1. (1) This Act may be called the Marine Aids to Navigation Act, 2021.	5	
	(2) It extends to the whole of India including the maritime zones of India as specified in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976.		80 of 1976.
	(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.	10	
Definitions.	2. (1) In this Act, unless the context otherwise requires,—		
	(a) “accredited training organisation” means any organisation which is accredited by the Central Government under section 20;	15	
	(b) “aid to navigation” means a device, system or service, external to vessels, designed and operated to enhance safe and efficient navigation of individual vessels and vessel traffic, but shall not be construed to include a reference to vessel traffic services, unless otherwise specified;		
	(c) “Director General” means the Director General of Aids to Navigation appointed under section 4;	20	
	(d) “district” means an area demarcated as a district for the purposes of this Act under sub-section (1) of section 4;		
	(e) “general aid to navigation” means any aid to navigation, which the Central Government may, by notification in the Official Gazette, declare to be a general aid to navigation for the purposes of this Act;	25	
	(f) “heritage lighthouse” means an aid to navigation designated as such under section 23;		
	(g) “local aid to navigation” means any aid to navigation which is not a general aid to navigation;	30	
	(h) “local authority “ means a State Government or other person having superintendence and management over a local aid to navigation;		
	(i) “marine aids to navigation dues” means the dues levied under section 24;		
	(j) “notification” means a notification published in the Official Gazette of India and the expression “notify” with its grammatical variation and cognate expressions shall be construed accordingly;	35	
	(k) “owner” means the owner of a vessel including its registered owner, a person to whom a share in the vessel belongs, bareboat charterer, manager and operator of the vessel;		
	(l) “port” means any port as defined in the Indian Ports Act, 1908;	40	15 of 1908.
(m) “prescribed” means prescribed by rules made under this Act;			
(n) “proper officer” in relation to any functions to be performed under this Act, means the officer of customs who is assigned those functions by the Central Board of Indirect Taxes and Customs constituted under the Central Boards of Revenue			

54 of 1963. Act, 1963, and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;

(o) "rule" means rules made by the Central Government under this Act;

(p) "ship" includes a sailing vessel;

5 (q) "vessel" includes every description of water craft used or capable of being used in the marine environment, such as ship, boat, sailing vessel, fishing vessel, submersible, semi-submersible, hydrofoils, non-displacement crafts, amphibious crafts, wing-in-ground crafts, pleasure crafts, barges, lighters, mobile offshore drilling units or mobile offshore units;

10 (r) "vessel traffic service" means a service implemented under this Act to improve the safety and efficiency of vessel traffic and to protect the environment.

44 of 1958. (2) Words and expressions used but not defined in this Act, and defined in the Merchant Shipping Act, 1958, shall have the same meanings respectively assigned to them in that Act.

## CHAPTER II

### 15 DESIGNATION OF GENERAL AID TO NAVIGATION

3. The Central Government may, by notification in the Official Gazette, designate any aid to navigation to be a general aid to navigation.

Power to designate general aid to navigation.

## CHAPTER III

### DIRECTOR GENERAL OF AIDS TO NAVIGATION

20 4. (1) The Central Government shall, by notification in the Official Gazette, appoint,—

(a) the Director General;

(b) Deputy Director Generals; and

(c) Directors for districts.

Appointment of Director General, Deputy Director General and Director.

25 (2) For the purposes of sub-section (1), the Central Government may demarcate such areas to be districts.

(3) Every officer appointed under sub-section (1) shall discharge his functions under the general superintendence and control of the Director General.

30 5. The Director General shall advise the Central Government on matters relating to aids to navigation and perform such other duties as may be prescribed by the Central Government under this Act or in any other law for the time being in force.

Duties of Director General.

6. (1) The Central Government shall, by notification in the Official Gazette, appoint a Central Advisory Committee.

Central Advisory Committee.

(2) The Central Government shall consult the Central Advisory Committee in regard to—

35 (a) the establishment or position of aids to navigation or of any works appertaining thereto; or

(b) additions to or the alteration or removal of, any aid to navigation; or

(c) variations to any aid to navigation or of the mode of use thereof; or

(d) the cost of any proposal relating to aids to navigation; or

40 (e) appointment of any sub-committee under sub-section (3); or

(f) the making or alteration of any rules or rates of marine aids to navigation dues under this Act.

(3) The Central Government may, if it deems necessary, appoint sub-committees for the purposes of advising it in regard to any of the matters specified under this Act.

(4) The Central Advisory Committee and the sub-committees referred to in sub-section (3) shall consist of such persons representing the interests affected by this Act or having special knowledge of the subject matter thereof.

(5) The procedure and conduct of business of the Central Advisory Committee and the sub-committees referred to in sub-section (3) shall be such as may be prescribed. 5

Proceedings of Central Advisory Committee not to be invalidated.

7. No act or proceeding of the Central Advisory Committee shall be invalidated merely by reason of—

- (a) any vacancy in, or any defect in its constitution; or
- (b) any defect in appointment of a person acting as its member; or
- (c) any irregularity in its procedure not affecting the merits of the case. 10

#### CHAPTER IV

##### MANAGEMENT OF GENERAL AIDS TO NAVIGATION

Management of general aids to navigation.

8. The development, maintenance and management of all general aids to navigation shall be vested in the Central Government.

Powers of Central Government relating to aids to navigation.

9. (1) The Central Government, shall have the following powers relating to the development, maintenance and management of general aids to navigation, namely:— 15

- (a) establish and maintain aids to navigation;
- (b) add to, alter or remove any aid to navigation;
- (c) alter or vary any aid to navigation;
- (d) authorise to inspect any aid to navigation which may affect the safety of navigation; 20
- (e) authorise to enter any property, whether public or private, for the purposes of inspection of any aid to navigation;
- (f) transport, or cause to be transported, any goods through any property, whether public or private, for any purpose in connection with— 25
  - (i) the maintenance of an aid to navigation; or
  - (ii) the establishment of any aid to navigation;
- (g) acquire any land as may be necessary for the purposes of this Act—
  - (i) to exercise its powers; or
  - (ii) for the maintenance of works. 30

(2) The Central Government shall, for the purposes of exercising its powers under sub-section (1), authorise any of the officers referred to in sub-section (1) of section 4, by general or special order in writing.

#### CHAPTER V

##### MANAGEMENT OF VESSEL TRAFFIC SERVICES

Management of vessel traffic services.

10. (1) The development, maintenance and management of vessel traffic services shall be vested in the Central Government.

(2) For the purposes of sub-section (1), the Central Government may, by order, authorise any person as vessel traffic service provider.

Powers of Central Government relating to vessel traffic services.

11. The Central Government, shall have the following powers relating to the development, maintenance and management of vessel traffic services, namely:— 40

- (a) declare and authorise vessel traffic service provider to operate a vessel traffic service within an authorised area;

(b) accredit and approve vessel traffic service training and certification;

(c) establish and operate vessel traffic services, where it deems necessary;

(d) add to or alter or require any person to add to or alter any aspect of a vessel traffic service.

5 **12.** (1) The Central Government shall, for the purposes of exercising its powers under section 11, appoint a Competent Authority for vessel traffic services by notification in the Official Gazette.

Competent Authority for vessel traffic services.

(2) The manner of appointment of the Competent Authority shall be such as may be prescribed.

10 (3) The Competent Authority shall discharge such functions in such manner, as may be prescribed.

**13.** The standards for establishing and operating vessel traffic services in India shall be such, as may be prescribed.

Standards for establishment and operation of vessel traffic services.

## CHAPTER VI

### INSPECTION AND MANAGEMENT OF LOCAL AIDS TO NAVIGATION

15

**14.** (1) The Central Government may authorise any officer referred to in sub-section (1) of section 4 in writing, to enter upon at any time and inspect any local aid to navigation and make such inquiries in respect thereof or of the management thereof as such officer thinks fit.

Power to inspect Local aids to navigation.

20 (2) Every person having the charge of, or concerned in the management of, any local aid to navigation shall furnish to the officer authorised under sub-section (1) to inspect such aid to navigation, all such information as the officer may require.

(3) Every local authority shall furnish to the Central Government all such returns and other information in respect of the aids to navigation under its supervision and management, or of any of them, as the Central Government may require.

25 **15.** (1) If the Central Government is satisfied, after an inspection under section 14 or such other inquiry, that a direction under this sub-section is necessary or expedient for the safety, or otherwise, in the interests of vessels, it may direct any local authority—

Control of local aids to navigation by Central Government.

30 (a) to remove or discontinue or to refrain from moving or discontinuing any aid to navigation under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such aid to navigation; or

(b) to erect, place or maintain, or to refrain from erecting, placing or maintaining any aid to navigation within the local limits within which the local authority exercises its powers.

35 (2) A local authority shall not erect, place, remove or discontinue any aid to navigation or vary the character or mode of use of any aid to navigation, unless it has given to the Central Government at least one month's notice in writing of its intention so to do:

Provided that, in cases of emergency, a local authority may take such action as it deems necessary and shall give immediate notice of the same to the Central Government and, so far as is possible, to all vessels approaching or in the vicinity of such aid to navigation.

40 (3) If any local authority—

(a) fails to comply with any direction made under sub-section (1); or

45 (b) fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of any aid to navigation conferred or imposed upon it by or under any law for the time being in force; or

(c) fails to make adequate financial provision for the performance of any such duty,

the Central Government may, by order in writing, require such local authority to comply with the direction, or to make arrangements to the satisfaction of that Government for the proper exercise of the power or performance of the duty, or to make financial provision to the satisfaction of that Government for the performance of the duty, as the case may be, within such period as it may specify. 5

(4) If the local authority fails to comply with an order made under sub-section (3) within the specified period or within such further time as the Central Government may allow, the Central Government may exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local authority shall be liable to reimburse to the Central Government any expenditure incurred by it in so doing. 10

Management of local aids to navigation by Central Government.

**16.** The Central Government may, at the request of a local authority, undertake the superintendence and management of any local aids to navigation on its behalf, and the local authority shall pay to the Central Government such sums to defray the cost of superintendence and management, as may be agreed.

## CHAPTER VII

15

### OBSTRUCTION TO FUNCTIONING OF AIDS TO NAVIGATION

Power of Central Government to remove or alter obstructions to aids to navigation.

**17. (1)** The Central Government may, by notification in the Official Gazette, specify restrictions on activities that interfere with or obstruct the operation of any aid to navigation within the specified distance of such aid to navigation.

(2) Notwithstanding anything contained in any other law for the time being in force, where the functioning of any aid to navigation or vessel traffic service is being obstructed, directly or indirectly, the Central Government may, if it deems fit, issue such directions as may be necessary for the removal or alteration of such obstruction. 20

## CHAPTER VIII

### TRAINING AND CERTIFICATION

25

Power of Central Government to train and certify operators of aids to navigation and vessel traffic services.

**18. (1)** No person shall be allowed to operate or work on, including any ancillary activities as may be prescribed, any aid to navigation in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of such aid to navigation.

(2) No person shall be allowed to operate or work on, including any ancillary activities as may be prescribed, a vessel traffic service in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of vessel traffic services. 30

(3) A certificate of training issued under this Act shall be valid and effective throughout the territory of India. 35

Certification.

**19.** A certificate mentioned in sub-sections (1) and (2) of section 18 shall be issued by an accredited training organisation referred to in section 20, in such form, subject to such conditions and in such manner, as may be prescribed.

Accreditation of training organisations.

**20. (1)** The Central Government shall accredit training organisations for imparting training to, or conduct assessments of, persons in the operation of aids to navigation and vessel traffic services. 40

(2) The Central Government shall accredit such training organisations which meet the criteria, as may be prescribed, for imparting training to trainees or conduct assessment of persons in the operation of aids to navigation and vessel traffic services.

## CHAPTER IX

45

### MARKING OF WRECKS

Marking of wrecks.

**21.** The Central Government may, if considers necessary, give directions to any officer referred to in sub-section (1) of section 4 to mark any wreck in such manner as may be prescribed.

22. The cost for marking the wreck shall be borne by or recovered from the owner or the operator of such vessel in such manner as may be prescribed. Reimbursement for marking wrecks.

#### CHAPTER X

##### DEVELOPMENT OF HERITAGE LIGHTHOUSES

5 23. (1) The Central Government may, by notification in the Official Gazette, designate any aid to navigation under its control as a heritage lighthouse. Power of Central Government to designate any aid to navigation as heritage lighthouse.

(2) The Central Government shall develop the heritage lighthouses designated under sub-section (1), in addition to their function as aids to navigation or otherwise, for educational, cultural and tourism purposes, in such manner as may be prescribed.

#### 10 CHAPTER XI

##### MARINE AIDS TO NAVIGATION DUES

24. (1) There shall be levied and collected the marine aids to navigation dues, at such rates, as the Central Government may, by notification in the Official Gazette, specify from time to time. Levy and collection of marine aids to navigation dues.

15 (2) The marine aids to navigation dues levied under sub-section (1) shall be collected by the proper officer in respect of every ship arriving at or departing from any port in India, from such person, in such manner and at such time, as may be prescribed.

(3) The proceeds of the marine aids to navigation dues collected shall be credited to the Consolidated Fund of India in such manner as may be prescribed.

20 (4) Every owner causing any ship to arrive at or depart from any port in India shall, self-assessing its liability to pay dues, file a return before the proper officer in such form and manner, as may be prescribed.

25 25. The marine aids to navigation dues levied under this Act shall be utilised for fulfilling the obligations and carrying out the purposes of this Act. Utilisation of marine aids to navigation dues.

26. (1) The owner shall credit the marine aids to navigation dues into the account of the Central Government in such manner as may be prescribed. Receipts relating to marine aids to navigation dues and their verification.

(2) The payment of marine aids to navigation dues shall be verified by the proper officer in respect of—

- 30 (a) the port at which the marine aids to navigation dues has been paid;
- (b) the amount of the payment;
- (c) the date on which the marine aids to navigation dues became payable; and
- (d) the name, tonnage and other proper description of the ship in respect of which the payment is made,

for the purpose of granting clearance.

35 27. (1) The proper officer to whom the return has been furnished under sub-section (4) of section 24 shall, after making or causing to be made such inquiry as he thinks fit and after satisfying himself that the particulars stated in the return are correct, by order, assess the amount of marine aids to navigation dues payable by the owner or the master of the ship. Assessment of marine aids to navigation dues and ascertainment of tonnage.

40 (2) If the return has not been furnished to the proper officer under sub-section (4) of section 24, he shall, after making or causing to be made such inquiry as he thinks fit, by order, assess the amount of marine aids to navigation dues payable by the owner or the master of the ship.

44 of 1958. 45 (3) For the purposes of levy of marine aids to navigation dues, the tonnage of a ship or sailing vessel shall be reckoned as under the Merchant Shipping Act, 1958, for such dues payable on a ship's tonnage including the tonnage of any space added under the said Act to the tonnage of ships by reason of such space being utilised for carrying cargo.

(4) In order to ascertain the tonnage of any ship for the purpose of levying marine aids to navigation dues, the proper officer may, if he deems it fit, require the production of any

documents, the appearance of any person and the inspection of any vessel, in such manner as may be prescribed.

Recovery of marine aids to navigation dues. **28.** (1) If the owner of any ship refuses or neglects to pay the amount of marine aids to navigation dues payable under this Act in respect of the ship, the proper officer may seize the ship along with its equipment or any part thereof, and detain the same until the amount of the marine aids to navigation dues, together with the costs of the seizure and detention is paid. 5

(2) If any part of such marine aids to navigation dues remains unpaid after the expiry of thirty days following the date of the seizure, the proper officer may cause the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the marine aids to navigation dues remaining unpaid, together with the costs of the sale and shall repay the surplus, if any, to the person by whom the same were payable. 10

Refusal of port clearance. **29.** The officer whose duty it is to grant a port clearance for any ship shall not grant the port clearance until the amount of marine aids to navigation dues payable in respect of the ship under this Act and of any fines imposed thereunder has been paid, or until security for the payment thereof has been given to his satisfaction. 15

Determination of disputes as to liability for payment. **30.** If any dispute arises as to whether marine aids to navigation dues, expenses or costs are payable in respect of any ship under this Act or as to the amount of such dues, expenses or costs, such dispute shall, on an application made in this behalf by either of the disputing parties, be heard and determined by a civil court having jurisdiction at the place where the dispute arose. 20

Marine aids to navigation dues payable at one port recoverable at another. **31.** (1) If the master of any ship in respect of which marine aids to navigation dues is payable at any port causes the ship to leave such port without having paid such dues, the proper officer at that port may, by writing, require the proper officer at any other port in India to which the ship may proceed, to recover the marine aids to navigation dues remaining unpaid. 25

(2) Any proper officer to whom such a requisition is directed, shall proceed to levy such sum as if it were payable under this Act at the port at which he is the proper officer, and a certificate by the proper officer at the port at which the marine aids to navigation dues first became payable, stating the amount payable, shall be sufficient proof in any proceeding under this Act that such amount is payable. 30

Exemption. **32.** The Central Government may, by notification in the Official Gazette, exempt—  
(a) any ship belonging to the Central Government or any State Government, which is not carrying cargo or passengers for freight or fares; or  
(b) any other ship, or classes of ships or ships performing specified voyages, from the payment of marine aids to navigation dues either wholly or to such extent as may be specified in that notification. 35

Refund of excess payments. **33.** Where the marine aids to navigation dues has been paid in respect of any ship in excess of the amount payable under this Act, no claim to refund of such excess payment shall be admissible, unless it is made within six months from the date of such payment. 40

Fees. **34.** The fees to be charged for providing assistance to ships for rendering special services to vessels shall be at such rates as may be prescribed.

## CHAPTER XII

### FINANCE, ACCOUNTS AND AUDIT

Receipt and expenditure. **35.** The Central Government shall cause to be maintained a separate account of all amounts received by way of marine aids to navigation dues, expenses, costs and fines under this Act and of all expenditure incurred for the purposes of this Act, and shall cause such account to be laid before the Central Advisory Committee, as soon as possible after the close of each financial year. 45

Annual report. **36.** (1) The Central Government shall cause to be laid before the Central Advisory Committee before the close of each financial year a statement of the estimated receipts under, 50

and expenditure for the purposes of this Act, during the forthcoming year.

(2) The statement of estimated receipts and expenditure shall be prepared in consultation with the Comptroller and Auditor-General of India, in such manner as may be prescribed.

### CHAPTER XIII

#### OFFENCES AND PENALTIES

5

**37.** (1) Whoever, intentionally commits any act or omits to do any act, which results in obstruction of, or reduction in, or limitation of, the effectiveness of, any aid to navigation or vessel traffic service, shall be liable to imprisonment for a term which may extend up to six months or with fine which may extend up to one lakh rupees, or with both.

Intentionally obstructing aids to navigation or vessel traffic services.

10 (2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the obstruction, reduction or limitation.

15 **38.** (1) Whoever, negligently commits any act or omits to do any act, which results in obstruction of, or reduction in, or limitation of, the effectiveness of, any aid to navigation or vessel traffic service, shall be liable to imprisonment for a term which may extend up to three months or with fine which may extend up to fifty thousand rupees, or with both.

Negligently obstructing aids to navigation or vessel traffic services.

20 (2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the obstruction, reduction or limitation.

25 **39.** (1) Whoever, intentionally commits any act or omits to do any act, which results in damage to or destruction of any aid to navigation or vessel traffic services, shall be liable to imprisonment for a term which may extend up to twelve months or with fine which may extend up to five lakh rupees, or with both.

Intentionally destroying or damaging aids to navigation or vessel traffic services.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

30 (a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the damage or destruction.

35 **40.** (1) Whoever, negligently commits any act or omits to do any act, which results in damage to or destruction of any aid to navigation or vessel traffic services, shall be liable to imprisonment for a term which may extend up to six months or with fine which may extend up to one lakh rupees, or with both.

Negligently destroying or damaging aids to navigation or vessel traffic services.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

(a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the damage or destruction.

40 **41.** (1) Whoever, commits any act or omits to do any act, which results in damage to or destruction of any heritage lighthouse, shall be liable to imprisonment for a term which may extend up to six months or with fine which may extend up to one lakh rupees, or with both.

Causing damage to heritage lighthouse.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable for punishment, if that—

45 (a) act or omission was necessary to save a life or a vessel; and

(b) such person took all reasonable steps to avoid the destruction, fouling, damage, reduction or limitation.



Evading payment of marine aids to navigation dues.

**42.** Every owner or master of a ship, who evades or attempts to evade the payment of marine aids to navigation dues, expenses or costs payable in respect of the ship under this Act, shall be liable for fine, which may extend up to five times the amount of the sum so payable.

Non-compliance with directions of vessel traffic service provider.

**43.** Every owner or master of a ship, who fails to comply with any direction issued by a vessel traffic service provider relating to a vessel traffic service under this Act, shall be liable to fine which may extend up to one lakh rupees. 5

Cognizance of offences.

**44.** (1) No court shall take cognizance of any offence under this Act, except upon a complaint in writing made by any officer authorised in this behalf by the Central Government.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act. 10

Place of trial and jurisdiction of court.

**45.** Whoever commits any offence under this Act or any rules made thereunder, may ordinarily be inquired into and tried by a court within whose local jurisdiction—

(a) such offence was committed; or

(b) such person may be found; or 15

(c) in any court which the Central Government may, by notification, direct in this behalf; or

(d) in any court in which he might be tried under any other law for time being in force. 20

#### CHAPTER XIV

#### MISCELLANEOUS

Power of Central Government to make rules.

**46.** (1) The Central Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:— 25

(a) duties of the Director General under section 5;

(b) procedure and conduct of business of Central Advisory Committee and sub-committees constituted under sub-section (5) of section 6;

(c) manner of appointment of the Competent Authority under sub-section (2) and its functions under sub-section (3), of section 12; 30

(d) standards for establishment and operation of vessel traffic services under section 13;

(e) ancillary activities relating to aids to navigation under sub-section (1) and ancillary activities relating to vessel traffic services under sub-section (2), of section 18; 35

(f) form and manner of certificate, to be issued and the conditions subject to which such certificate is to be issued by the accredited training organisation and validated by the Director General under section 19;

(g) criteria for accreditation of training organisation under sub-section (2) of section 20; 40

(h) manner of marking wrecks under section 21;

(i) manner of recovering cost from the owner of the vessel for marking the wreck under section 22;

(j) development of heritage lighthouses designated under sub-section (2) of section 23;

5 (k) manner of, collection of marine aids to navigation dues by proper officer levied under sub-section (2) and crediting the proceeds of the dues so collected under sub-section (3), of section 24;

(l) form and manner of filing return under sub-section (4) of section 24;

(m) manner of payment of marine aids to navigation dues to the Central Government under sub-section (1) of section 26;

10 (n) manner of production of documents, appearance of any person and inspection of any vessel by proper officer under sub-section (4) of section 27;

(o) rates of fees for special services under section 34;

(p) form and manner of statement of estimated receipts and expenditure to be prepared in consultation with the Comptroller and Auditor-General of India under sub-section (2) of section 36;

15 (q) any other matter which is required to be, or may be, prescribed, for the purposes of carrying out the purposes of this Act.

**47.** The Central Government may delegate to any of its officers all or any of the functions and powers conferred upon it under this Act.

Delegation of powers by Central Government.

20 **48.** (1) Notwithstanding anything contained in this Act, the Director General shall, in the discharge of his functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give to him in writing from time to time.

Power of Central Government to issue directions.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

25 **49.** No suit, prosecution or other proceedings shall lie against the Central Government or any officer appointed under this Act for anything done or in good faith purporting to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

30 **50.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

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

35 **51.** Every rule made and every notification issued under this Act shall be laid, as soon as may be after it is made or issued, 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  
40 in such rule, or notification or both Houses agree that the rule, should not be made or the notification should not be issued, the rule or notification 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 or notification.

Laying of rules and notifications before Parliament.

17 of 1927. 45 **52.** (1) The Lighthouse Act, 1927 is hereby repealed.

Repeal and savings.

17 of 1927. (2) Notwithstanding the repeal of the Lighthouse Act, 1927 (herein referred to as the repealed Act),—

50 (a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under the repealed Act shall, until revoked, have effect as if it had been issued, made or granted under the provisions of this Act;

(b) any office established or created, officer appointed and anybody elected or constituted under the repealed Act shall continue and shall be deemed to have been established, created, appointed, elected, or constituted, as the case may be, under this Act;

(c) any document referring to the repealed Act shall be construed as referring to this Act or to the provision of this Act; 5

(d) any fine levied under the repealed Act may be recovered as if it had been levied under this Act;

(e) any offence committed under the repealed Act may be prosecuted and punished as if it had been committed under this Act; 10

(f) any proceeding pending before any court under the repealed Act may be tried or disposed of under the corresponding provisions of this Act;

(g) the officers appointed under the provisions of the repealed Act and continuing during the commencement of this Act shall continue as if they have been appointed under this Act; 15

(h) any person appointed under or by virtue of the repealed Act shall be deemed to have been appointed to that office under or by virtue of this Act;

(i) any inspection, investigation or inquiry ordered to be done under the provisions of the repealed Act shall continue to be proceeded with as if such inspection, investigation or inquiry was ordered to be done under the corresponding provisions of this Act. 20

## STATEMENT OF OBJECTS AND REASONS

The Lighthouse Act, 1927 (the said Act) was enacted to consolidate and amend the law relating to the provision, maintenance and control of lighthouse by the Government in India. Prior to the year 1927, there was no uniform system of management of lighthouse services in British India which included Myanmar, Pakistan, Bangladesh and also various Princely States. As a first step to centralise the administration of lighthouses, the government decided to enact the said Act to administer thirty-two lighthouses in the then six districts, namely Aden, Karachi, Bombay, Madras, Calcutta and Rangoon.

2. Over the period of time, maritime sector has undergone massive change and there have been enormous technological development in the field of marine aids to navigation such as vessel traffic services and diversification of aids to navigation to include technical aids other than lighthouses and lightships. Since, the role of marine aids to navigation has moved from a purely passive one based on “Visual Aids to Navigation” to “Radio and Digital Based Aids to Navigation”, the roles of the Government and the Director General appointed under section 3 of the said Act have considerably widened. However, lack of statutory framework for such technological advancement has resulted in operational difficulties.

3. Therefore, in order to provide appropriate statutory framework to reflect the technological advancement in marine aids to navigation and the expanded role of regulators and operators thereof so as to be in compliance with the obligation under the maritime treaties and international instruments to which India is a party, the Government has decided to make the proposed legislation by repealing the said Act.

4. The Marine Aids to Navigation Bill, 2021, *inter alia*, provides for the following, namely:—

(a) to use the term “marine aids to navigation” instead of “lighthouse” in order to statutorily recognise and enable further use of modern forms of aids to navigation;

(b) renaming of the existing Director General of Lighthouse and Lightships as the Director General of Marine Aids to Navigation;

(c) to provide a framework for establishment, operation and management of aids to navigation;

(d) to provide a framework for establishment, operation and management of vessel traffic services;

(e) to empower the Central Government to appoint by notification, the Director General of Marine Aids to Navigation and a Competent Authority for Vessel Traffic Services;

(f) to empower the Central Government to provide by the rules the standards of regulation and operation of vessel traffic services;

(g) to provide for training and certification for operators of marine aids to navigation and vessel traffic services;

(h) to provide for marking of wrecks;

(i) to empower the Central Government for identification and development of heritage lighthouses;

(j) to provide for levy of marine aids to navigation dues in the place of the existing light-dues, levied on all vessels entering into or departing from a port in India;

(k) to provide for offences and penalties for obstruction and damage to marine aids to navigation or vessel traffic services;

(l) to empower the Central Government to make rules for carrying out the purposes of the proposed legislation.

5. The notes on clauses explain in detail the various provisions contained in the Bill.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;  
*The 4th March, 2021.*

MANSUKH MANDAVIYA

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PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE  
CONSTITUTION OF INDIA

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**[Letter No. LH-11012/1/2019-SL dated 10 March, 2021 from Shri Mansukh Mandaviya, Minister of State for Ports, Shipping and Waterways (Independent Charge) and Chemicals & Fertilizers to the Speaker, Lok Sabha]**

The President, having been informed of the subject matter of the proposed Bill, recommends under clause 1 of article 117 of the Constitution of India, the introduction of the Marine Aids to Navigation Bill, 2021 in Lok Sabha.

### *Notes on Clauses*

*Clause 2* of the Bill seeks to define various expressions used in the proposed legislation, which, *inter alia*, include “accredited training organisation”, “aid to navigation”, “Director General”, “general aid to navigation”, “heritage lighthouse”, “local aid to navigation”, “marine aids to navigation dues”, etc.

*Clause 3* of the Bill seeks to empower the Central Government to designate any aids to navigation as general aids to navigation.

*Clause 4* of the Bill seeks to provide for the appointment of the Director General of Aids to Navigation, Deputy Director Generals and Directors. It further provides for the demarcation of districts.

*Clause 5* of the Bill seeks to empower the Central Government to specify the duties to be carried out by the Director General.

*Clause 6* of the Bill seeks to empower the Central Government to appoint a Central Advisory Committee and to provide for its functions and appointment of sub-committees under the Central Advisory Committee.

*Clause 7* of the Bill seeks to provide that no act or proceeding of the Central Advisory Committee may be invalidated due to the reasons specified therein.

*Clause 8* of the Bill seeks to provide that the development, maintenance and management of general aids to navigation in India shall vest with the Central Government.

*Clause 9* of the Bill seeks to provide for the powers of Central Government with regard to aids to navigation.

*Clause 10* of the Bill seeks to provide that the authority for development, maintenance and management of vessel traffic services in India shall vest with the Central Government and further to provide that the said Government shall authorise any person as vessel traffic service provider.

*Clause 11* of the Bill seeks to provide the powers of the Central Government in respect of vessel traffic services.

*Clause 12* of the Bill seeks to empower the Central Government to appoint a Competent Authority for Vessel Traffic Services and to provide by rules the functions to be discharged by it.

*Clause 13* of the Bill seeks to empower the Central Government to make rules for standards of establishment and operation of vessel traffic services in India.

*Clause 14* of the Bill seeks to empower the Central Government to authorise any officer to enter upon and inspect any local aids to navigation as specified therein. Every person having the charge of, or concerned in the management of, any local aid to navigation shall furnish to the officer so authorised to inspect such aid to navigation, all such information as the officer may require.

*Clause 15* of the Bill seeks to empower the Central Government to direct local authorities in the management of local aids to navigation and the circumstances in which such power may be exercised so as to have control of local aids to navigation.

*Clause 16* of the Bill seeks to empower the Central Government to undertake the superintendence and management of a local aid to navigation at the request of a local authority.

*Clause 17* of the Bill seeks to empower the Central Government to issue directions to remove or alter obstructions to the functioning of aids to navigation.

*Clause 18* of the Bill seeks to provide that marine aids to navigation and vessel traffic services are to be operated and maintained by trained personnel holding a valid certificate which shall be valid and effective throughout the territory of India.

*Clause 19* of the Bill seeks to provide that the certificate issued under clause 18 by an accredited training organisation shall be in such form and manner as the Central Government may provide by rules.

*Clause 20* of the Bill seeks to empower the Central Government for the accreditation of training organisations in order to enable the creation of trained operators for the operation and maintenance of aids to navigation, vessel traffic services and other ancillary functions.

*Clause 21* of the Bill seeks to provide for the statutory recognition of existing responsibilities with regard to marking of wrecks.

*Clause 22* of the Bill seeks to provide that the cost for marking of wrecks shall be borne by the owner or the operator of such vessel in the manner as may be provided by rules.

*Clause 23* of the Bill seeks to empower the Central Government to designate and develop lighthouses having historical value as heritage lighthouses for educational, cultural and tourism purposes in addition to their role as marine aids to navigation.

*Clause 24* of the Bill seeks to provide for the levy and collection of marine aids to navigation dues upon any ship arriving at or departing from any port in India.

*Clause 25* of the Bill seeks to provide for utilisation of marine aids to navigation dues for fulfilling the obligations and purposes of the proposed legislation.

*Clause 26* of the Bill seeks to empower the Central Government to provide by rules the manner of collecting the payment of marine aids to navigation dues and its verification by the proper officer.

*Clause 27* of the Bill seeks to provide for the manner of assessment of the marine aids to navigation dues and ascertainment of tonnage of vessel.

*Clause 28* of the Bill seeks to provide for the manner in which any outstanding marine aids to navigation dues may be recovered.

*Clause 29* of the Bill seeks to provide for the refusal of port clearance to any ship in the event of non-payment of the marine aids to navigation dues.

*Clause 30* of the Bill seeks to provide for the manner in which disputes relating to the payment of marine aids to navigation dues are to be heard and determined.

*Clause 31* of the Bill seeks to provide that the marine aids to navigation dues payable at one port may be recovered at another port and also provides for the manner in which the same may be recovered.

*Clause 32* of the Bill seeks to empower the Central Government to exempt any ship or class of ships from the payment of the marine aids to navigation dues.

*Clause 33* of the Bill seeks to provide for refund of excess amount paid in respect of the marine aids to navigation dues.

*Clause 34* of the Bill seeks to empower the Central Government to provide by rules the rates of fees to be charged for special services rendered to ships.

*Clause 35* of the Bill seeks to provide that the Central Government shall maintain separate account for marine aids to navigation dues for proper accounts and furnish returns, statements, etc., to the Central Advisory Committee.

*Clause 36* of the Bill seeks to provide that the Central Government shall cause an annual report of receipts and expenditure to be laid before the Central Advisory Committee.

*Clause 37* of the Bill seeks to provide that intentionally obstructing an aid to navigation or a vessel traffic service would constitute an offence and shall be punishable as specified therein.

*Clause 38* of the Bill seeks to provide that negligently obstructing an aid to navigation or a vessel traffic service would constitute an offence and shall be punishable as specified therein.

*Clause 39* of the Bill seeks to provide that intentionally destroying or damaging an aid to navigation or a vessel traffic service would constitute an offence and shall be punishable as specified therein.

*Clause 40* of the Bill seeks to provide that negligently destroying or damaging an aid to navigation or a vessel traffic service would constitute an offence and shall be punishable as specified therein.

*Clause 41* of the Bill seeks to provide that causing damage to a heritage lighthouse would constitute an offence and shall be punishable as specified therein.

*Clause 42* of the Bill seeks to provide penalty for evading marine aids to navigation dues.

*Clause 43* of the Bill seeks to provide penalty for non-compliance of directions of vessel traffic service provider.

*Clause 44* of the Bill seeks to provide for the manner in which cognizance of offences committed under the proposed legislation may be taken.

*Clause 45* of the Bill seeks to provide for the place of trial and appropriate court for trial of offences committed under the proposed legislation.

*Clause 46* of the Bill seeks to empower the Central Government to make rules to carry out the purposes of the proposed legislation.

*Clause 47* of the Bill seeks to empower the Central Government to delegate to its officers any power or function conferred upon it by the proposed legislation.

*Clause 48* of the Bill seeks to empower the Central Government to issue directions to the Director General on all matters of policy, which shall be final.

*Clause 49* of the Bill seeks to protect the actions, of the Central Government, the Director General or any other officer or employee thereof, done under this Act in good faith.

*Clause 50* of the Bill seeks to provide that if any difficulty arises in giving effect to the provisions of the proposed legislation within a period of three years from the date of its commencement, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of the proposed legislation, as appears to it to be necessary or expedient for removing the difficulty.

*Clause 51* of the Bill seeks to provide for laying of every rule, regulation and notification made under the proposed legislation, as soon as may be after it is made, before each House of Parliament.

*Clause 52* of the Bill seeks to provide for the repeal of the Lighthouse Act, 1927 and saving of certain actions taken under the said Act.



## FINANCIAL MEMORANDUM

Clause 6 of the Bill requires the consultation of Central Advisory Committee for alteration of rates of marine aids to navigation dues.

2. Clause 24 of the Bill empowers the Central Government for the levy and collection of marine aids to navigation dues and credit the sum so collected into the Consolidated Fund of India.

3. Clause 25 of the Bill empowers the Central Government to utilise the marine aids to navigation dues for fulfilling obligations and purposes of the Bill.

4. Clause 32 of the Bill empowers the Central Government to exempt any ship from the payment of marine aids to navigation dues.

5. Clause 33 of the Bill empowers the Central Government to refund the excess amount paid in respect of the marine aids to navigation dues.

6. Clause 34 of the Bill empowers the Central Government to provide by rules the rates for charging of fees for services rendered to ships.

7. In line with existing practice of light dues, the marine aids to navigation dues will also be credited into the Consolidated Fund of India under a separate head of account. The annual expenditure on fulfilling the obligation and purpose of this Bill will be equivalent of the annual collection of marine aids to navigation dues and met out through the budgetary allocation of the Ministry of Ports, Shipping and Waterways.

8. The Bill, if enacted, will not involve any additional expenditure from the Consolidated Fund of India, either recurring or non-recurring.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 46 of the Marine Aids to Navigation Bill, 2021 seeks to empower the Central Government to make rules for: (a) duties of the Director General under section 5; (b) procedure and conduct of business of Central Advisory Committee and sub-committees constituted under sub-section (5) of section 6; (c) manner of appointment of the Competent Authority under sub-section (2) and its functions under sub-section (3), of section 12; (d) standards for establishment and operation of vessel traffic services under section 13; (e) ancillary activities relating to aids to navigation under sub-section (1) and ancillary activities relating to vessel traffic services under sub-section (2), of section 18; (f) form and manner of certificate, to be issued and the conditions subject to which such certificate is to be issued by the accredited training organisation and validated by the Director General under section 19; (g) criteria for accreditation of training organisation under sub-section (2) of section 20; (h) manner of marking wrecks under section 21; (i) manner of recovering cost from the owner of the vessel for marking the wreck under section 22; (j) development of heritage lighthouses designated under sub-section (2) of section 23; (k) manner of collection of marine aids to navigation dues by proper officer levied under sub-section (2) and crediting the proceeds of the dues so collected under sub-section (3) of section 24; (l) form and manner of filing return under sub-section (4) of section 24; (m) manner of payment of marine aids to navigation dues to the Central Government under sub-section (1) of section 26; (n) manner of production of documents, appearance of any person and inspection of any vessel by proper officer under sub-section (4) of section 27; (o) rates of fees for special services under section 34; (p) form and manner of statement of estimated receipts and expenditure to be prepared in consultation with the Comptroller and Auditor-General of India under sub-section (2) of section 36; (q) any other matter which is required to be, or may be, provided by rules, for carrying out the purposes of the proposed legislation.

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

LOKSABHA

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A  
BILL

to provide for the development, maintenance and management of aids to navigation in India; for training and certification of operator of aids to navigation, development of its historical, educational and cultural value; to ensure compliance with the obligation under the maritime treaties and international instruments to which India is a party and for matters connected therewith or incidental thereto.

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*(Shri Mansukh Mandaviya, Minister of State (Independent Charge) for Ports,  
Shipping and Waterways)*

MGIPMRND—1585LS(S3)—11.03.2021.

**Bill No. 65 of 2021**

THE MINES AND MINERALS (DEVELOPMENT AND REGULATION)  
AMENDMENT BILL, 2021

A

BILL

*further to amend the Mines and Minerals (Development and Regulation) Act, 1957.*

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

**1.** (1) This Act may be called the Mines and Minerals (Development and Regulation) Amendment Act, 2021. Short title and commencement.

5           (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

67 of 1957.           **2.** Throughout the Mines and Minerals (Development and Regulation) Act, 1957 Substitution of references to certain expressions by certain other expressions.  
10 (hereinafter referred to as the principal Act),—

(i) for the words “reconnaissance permit, prospecting license or mining lease” wherever they occur, the words “mineral concession” shall be substituted;

(ii) for the words “prospecting licence-cum-mining lease”, wherever they occur [other than in clause (a) of section 3], the words “composite licence” shall be substituted.

Amendment  
of section 3.

**3.** In section 3 of the principal Act,—

(i) for clauses (a) and (aa), the following clauses shall be substituted, namely:—

‘(a) “composite licence” means the prospecting licence-cum-mining lease which is a two stage concession granted for the purpose of undertaking prospecting operations followed by mining operations in a seamless manner;

(aa) “dispatch” means the removal of minerals or mineral products from the leased area and includes the consumption of minerals and mineral products within such leased area;

(ab) “Government company” shall have the same meaning as assigned to it in clause (45) of section 2 of the Companies Act, 2013;

(ac) “leased area” means the area specified in the mining lease within which the mining operations can be undertaken and includes the non-mineralised area required and approved for the activities falling under the definition of “mine” as referred to in clause (i);

(ad) “minerals” includes all minerals except mineral oils;

(ae) “mineral concession” means either a reconnaissance permit, prospecting licence, mining lease, composite licence or a combination of any of these and the expression “concession” shall be construed accordingly;’;

(ii) after clause (f), the following clause shall be inserted, namely:—

‘(fa) “production” or any derivative of the word “production” means the winning or raising of mineral within the leased area for the purpose of processing or dispatch;’;

(iii) after clause (hb), the following clause shall be inserted, namely:—

‘(hba) “Schedule” means the Schedules appended to the Act;’;

(iv) in clause (i),—

(i) for the words and figures, “the Mines Act, 1952”, the words and figures “the Occupational Safety, Health and Working Conditions Code, 2020” shall be substituted;

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

“*Explanation.*—For the purposes of this clause,—

(i) a mine continues to be a mine till exhaustion of its mineable mineral reserve and a mine may have different owners during different times from the grant of first mining lease till exhaustion of such mineable mineral reserve;

(ii) the expression “mineral reserve” means the economically mineable part of a measured and indicated mineral resource.”.

Amendment  
of section 4.

**4.** In section 4 of the principal Act, in sub-section (1), in the second proviso, for the words “such entity that may be notified for this purpose by the Central Government”, the words “other entities including private entities that may be notified for this purpose, subject to such conditions as may be specified by the Central Government” shall be substituted.

Amendment  
of section 4A.

**5.** In section 4A of the principal Act, in sub-section (4),—

(i) for the words “mining operations” wherever they occur, the words “production and dispatch” shall be substituted;

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

5 “Provided that the State Government may, on an application made by the holder of such lease before it lapses and on being satisfied that it shall not be possible for the holder of the lease to undertake production and dispatch or to continue such production and dispatch for reasons beyond his control, make an order, within a period of three months from the date of receipt of such application, to extend the period of two years by a further period not exceeding one year and such extension shall not be granted for more than once during the entire period of lease:

10 Provided further that such lease shall lapse on failure to undertake production and dispatch or having commenced the production and dispatch fails to continue the same before the end of such extended period.”.

15 **6.** In section 5 of the principal Act, in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:— Amendment of section 5.

20 “Provided also that the composite licence or mining lease shall not be granted for an area to any person other than the Government, Government company or corporation, in respect of any minerals specified in Part B of the First Schedule where the grade of such mineral in such area is equal to or above such threshold value as may be notified by the Central Government.”.

25 **7.** In section 8 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:— Amendment of section 8.

“(4) Notwithstanding anything contained in this section, in case of Government companies or corporations, the period of mining leases including the existing mining leases, shall be such as may be prescribed by the Central Government:

Provided that the period of mining leases, other than the mining leases granted through auction, shall be extended on payment of such additional amount as specified in the Fifth Schedule:

30 Provided further that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Fifth Schedule so as to modify the entries mentioned therein in the said Schedule with effect from such date as may be specified in the said notification.

35 (5) Any lessee may, where coal or lignite is used for captive purpose, sell such coal or lignite up to fifty per cent. of the total coal or lignite produced in a year after meeting the requirement of the end use plant linked with the mine in such manner as may be prescribed by the Central Government and on payment of such additional amount as specified in the Sixth Schedule:

40 Provided that the Central Government may, by notification in the Official Gazette and for the reasons to be recorded in writing, increase the said percentage of coal or lignite that may be sold by a Government company or corporation:

Provided further that the sale of coal shall not be allowed from the coal mines allotted to a company or corporation that has been awarded a power project on the basis of competitive bid for tariff (including Ultra Mega Power Projects):

45 Provided also that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Sixth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification.”.

Amendment  
of section 8A.

**8.** In section 8A of the principal Act,—

(a) after sub-section (7), the following sub-section shall be inserted, namely:—

“(7A) Any lessee may, where mineral is used for captive purpose, sell mineral up to fifty per cent. of the total mineral produced in a year after meeting the requirement of the end use plant linked with the mine in such manner as may be prescribed by the Central Government and on payment of such additional amount as specified in the Sixth Schedule: 5

Provided that the Central Government may, by notification in the Official Gazette and for the reasons to be recorded in writing, increase the said percentage of mineral that may be sold by a Government company or corporation: 10

Provided further that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Sixth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification.”; 15

(b) in sub-section (8), the following provisos shall be inserted, namely:— 15

“Provided that the period of mining leases, other than the mining leases granted through auction, shall be extended on payment of such additional amount as specified in the Fifth Schedule: 20

Provided further that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Fifth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification. 25

*Explanation.*—For the removal of doubts, it is hereby clarified that all such Government companies or corporations whose mining lease has been extended after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall also pay such additional amount as specified in the Fifth Schedule for the mineral produced after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021.”. 10 of 2015.

Substitution of  
new section for  
section 8B.

**9.** For section 8B of the principal Act, the following section shall be substituted, namely:— 30

Provisions for  
period and  
transfer of  
statutory  
clearances.

“8B. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, all valid rights, approvals, clearances, licences and the like granted to a lessee in respect of a mine (other than those granted under the provisions of the Atomic Energy Act, 1962 and the rules made thereunder) shall continue to be valid even after expiry or termination of lease and such rights, approvals, clearances, licences and the like shall be transferred to, and vested; subject to the conditions provided under such laws; in the successful bidder of the mining lease selected through auction under this Act: 35 33 of 1962.

Provided that where on the expiry of such lease period, mining lease has not been executed pursuant to an auction under provisions of sub-section (4) of section 8A, or lease executed pursuant to such auction has been terminated within a period of one year from such auction, the State Government may, with the previous approval of the Central Government, grant lease to a Government company or corporation for a period not exceeding ten years or till selection of new lessee through auction, whichever is earlier and such Government company or corporation shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee: 40 45

Provided further that the provisions of sub-section (1) of section 6 shall not apply where such mining lease is granted to a Government company or corporation under the first proviso:

5 Provided also that in case of atomic minerals having grade equal to or above the threshold value, all valid rights, approvals, clearances, licences and the like in respect of expired or terminated mining leases shall be deemed to have been transferred to, and vested in the Government company or corporation that has been subsequently granted the mining lease for the said mine.

10 (2) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land till expiry or termination of mining lease granted to it, in which mining operations were being carried out by the previous lessee.”.

10. In section 9B of the principal Act,—

Amendment  
of section 9B.

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

15 “Provided that the Central Government may give directions regarding composition and utilisation of fund by the District Mineral Foundation.”;

(ii) in sub-section (5), after the words and figures, “Amendment Act, 2015”, the words, brackets, figures and letter “, other than those covered under the provisions of sub-section (2) of section 10A” shall be inserted;

20 (iii) in sub-section (6), after the words and figures, “Amendment Act, 2015”, the words, brackets, figures and letter “and those covered under the provisions of sub-section (2) of section 10A” shall be inserted.

11. In section 9C of the principal Act,—

Amendment  
of section 9C.

25 (i) in sub-section (1), for the words “non-profit body”, the words “non-profit autonomous body” shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The entities specified and notified under sub-section (1) of section 4 shall be eligible for funding under the National Mineral Exploration Trust.”.

30 12. In section 10 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment  
of section 10.

“(4) Notwithstanding anything contained in this section, no person shall be eligible to make an application under this section unless—

(a) he has been selected in accordance with the procedure specified under sections 10B, 11, 11A or the rules made under section 11B;

35 (b) he has been selected under the Coal Mines (Special) Provisions Act, 2015; or

(c) an area has been reserved in his favour under section 17A.”.

13. In section 10A of the principal Act, in sub-section (2),—

Amendment of  
section 10A.

(i) in clause (b), the following provisos shall be inserted, namely:—

40 “Provided that for the cases covered under this clause including the pending cases, the right to obtain a prospecting licence followed by a mining lease or a mining lease, as the case may be, shall lapse on the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021:

45 Provided further that the holder of a reconnaissance permit or prospecting licence whose rights lapsed under the first proviso, shall be reimbursed the



expenditure incurred towards reconnaissance or prospecting operations in such manner as may be prescribed by the Central Government.”;

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

“(d) in cases where right to obtain licence or lease has lapsed under, clauses (b) and (c), such areas shall be put up for auction as per the provisions of this Act: 5

Provided that in respect of the minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than the threshold value, the mineral concession for such areas shall be granted in accordance with the rules made under section 11B.”. 10

Amendment of section 10B.

**14.** In section 10B of the principal Act,—

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

“(1) The provisions of this section shall not apply to the,—

(a) cases falling under section 17A;

(b) minerals specified in Part A of the First Schedule; 15

(c) minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than such threshold value as may be notified by the Central Government from time to time; or

(d) land in respect of which the minerals do not vest in the Government.”; 20

(ii) in sub-section (3), the following proviso shall be inserted, namely:—

“Provided that where the State Government has not notified such area for grant of mining lease after establishment of existence of mineral contents of any mineral (whether notified mineral or otherwise), the Central Government may require the State Government to notify such area within a period to be fixed in consultation with the State Government and in cases where the notification is not issued within such period, the Central Government may notify such area for grant of mining lease after the expiry of the period so specified.”; 25

(iii) in sub-section (4), the following provisos shall be inserted, namely:—

“Provided that— 30

(a) where the State Government has not successfully completed auction for the purpose of granting a mining lease in respect of any mineral (whether notified mineral or otherwise) in such notified area; or

(b) upon completion of such auction, the mining lease or letter of intent for grant of mining lease has been terminated or lapsed for any reason whatsoever, 35

the Central Government may require the State Government to conduct and complete the auction or re-auction process, as the case may be, within a period to be fixed in consultation with the State Government and in cases where such auction or re-auction process is not completed within such period, the Central Government may conduct auction for grant of mining lease for such area after the expiry of the period so specified: 40

Provided further that upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant mining lease for such area to such preferred bidder in such manner as may be prescribed by the Central Government.”; 45

(iv) in sub-section (6), for the proviso, the following proviso shall be substituted, namely:—

“Provided that no mine shall be reserved for captive purpose in the auction.”.

5 **15.** Section 10C of the principal Act shall be omitted.

Omission of section 10C.

**16.** In section 11 of the principal Act,—

Amendment of section 11.

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

“(1) The provisions of this section shall not apply to the,—

(a) cases falling under section 17A;

10 (b) minerals specified in Part A of the First Schedule;

(c) minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than such threshold value as may be notified by the Central Government from time to time; or

15 (d) land in respect of which the minerals do not vest in the Government.”;

(ii) in sub-section (4), the following proviso shall be inserted, namely:—

20 “Provided that where the State Government has not notified such area for grant of composite licence of any mineral (whether notified mineral or otherwise), the Central Government may require the State Government to notify such area within a period to be fixed in consultation with the State Government and in cases where the notification is not issued within such period, the Central Government may notify such area for grant of composite licence after the expiry of the period so specified.”;

(iii) in sub-section (5), the following provisos shall be inserted, namely:—

25 “Provided that—

(a) where the State Government has not successfully completed auction for the purpose of granting a composite licence in respect of any mineral (whether notified mineral or otherwise) in such notified area; or

30 (b) upon completion of such auction, the composite licence or letter of intent for grant of composite licence has been terminated or lapsed for any reason whatsoever,

35 the Central Government may require the State Government to conduct and complete the auction or re-auction process, as the case may be, within a period to be fixed in consultation with the State Government and in cases where such auction or re-auction process is not completed within such period, the Central Government may conduct auction for grant of composite licences for such area after the expiry of the period so specified:

40 Provided further that upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant composite licence for such area to such preferred bidder in such manner as may be prescribed by the Central Government.”;

(iv) for sub-section (10), the following sub-section shall be substituted, namely:—

45 “(10) On completion of the prospecting operations, the holder of the composite licence shall submit the result of the prospecting operations in the form of a geological report to the State Government specifying the area required

for mining lease and the State Government shall grant mining lease for such area, to the holder of the composite licence in such manner as may be prescribed by the Central Government.”.

Amendment  
of section  
12A.

**17.** In section 12A of the principal Act,—

(i) in sub-section (2),—

5

(a) for the words, figures and letter, “section 10B or section 11”, the words, “this Act” shall be substituted;

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

“Provided that the transferee of mining lease shall not be required to pay the amount or transfer charges referred to in sub-section (6), as it stood prior to the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, after such commencement but no refund shall be made of the charges already paid.”;

10

(iii) sub-section (6) shall be omitted.

Amendment  
of section 13.

**18.** In section 13 of the principal Act,—

15

(a) in sub-section (1), for the words “reconnaissance permits, prospecting licences and mining leases”, the words “mineral concession” shall be substituted;

(b) in sub-section (2),—

(i) the clauses (qgh) and (qqk) shall be omitted;

(ii) for clause (r), the following clauses shall be substituted, namely:—

20

“(r) the period of mining lease under sub-section (4) of section 8;

(s) the manner of sale of mineral by the holder of a mining lease under sub-section (5) of section 8;

(t) the manner of sale of mineral under sub-section (7A) of section 8A;

(u) the manner for reimbursement of expenditure towards reconnaissance permits or prospecting operations under second proviso to clause (b) of sub-section (2) of section 10A;

25

(v) the manner of granting mining lease to the preferred bidder under the second proviso to sub-section (4) of section 10B;

(w) the manner of granting composite licence to the preferred bidder under the second proviso to sub-section (5) of section 11;

30

(x) the manner of granting mining lease by the State Government to the holder of the composite licence under sub-section (10) of section 11;

(y) any other matter which is to be, or may be prescribed, under this Act.”.

35

Amendment of  
section 17A.

**19.** In section 17A of the principal Act,—

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

“(2A) Where in exercise of the powers conferred by sub-section (1A) or sub-section (2), the Central Government or the State Government, as the case may be, reserves any area for undertaking prospecting or mining operations or prospecting operations followed by mining operations, the State Government shall grant prospecting licence, mining lease or composite licence, as the case may be, in respect of such area to such Government company or corporation within the period specified in this section:

40

Provided that in respect of any mineral specified in Part B of the First Schedule, the State Government shall grant the prospecting licence, mining lease or composite licence, as the case may be, only after obtaining the previous approval of the Central Government.”;

5 (b) in sub-section (2C),—

(i) for the words, “may be prescribed by the Central Government.”, the words “specified in the Fifth Schedule” shall be substituted;

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

10 “Provided that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Fifth Schedule so as to modify the entries mentioned therein in the said Schedule with effect from such date as may be specified in the said notification.

15 *Explanation.*—For the removal of doubts, it is hereby clarified that all such Government companies or corporations whose mining lease has been extended after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall also pay such additional amount as specified in the Fifth Schedule for the mineral produced after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021.”

10 of 2015.

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

“(4) The reservation made under this section shall lapse in case no mining lease is granted within a period of five years from the date of such reservation:

25 Provided that where the period of five years from the date of reservation has expired before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021 or expires within a period of one year from the date of commencement of the said Act, the reservation shall lapse in case no mining lease is granted within a period of one year from the date of commencement of the said Act:

30 Provided further that the State Government may, on application made by such Government company or corporation or on its own motion, and on being satisfied that it shall not be possible to grant the mining lease within the said period, make an order with reasons in writing, within a period of three months from the date of receipt of such application, to relax such period by a further period not exceeding one year:

35 Provided also that where the Government company or corporation in whose favour an area has been reserved under this section before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, has commenced production from the reserved area without execution of mining lease, such Government company or corporation shall be deemed to have become lessee of the State Government from the date of commencement of mining operations and such deemed lease shall lapse upon execution of the mining lease in accordance with this sub-section or expiry of period of one year from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, whichever is earlier.

10 of 2015.

40

45 (5) The termination or lapse of mining lease shall result in the lapse of the reservation under this section.”.

Amendment  
of section 21.

**20.** In section 21 of the principal Act, after sub-section (6), the following *Explanation* shall be inserted, namely:—

“*Explanation.*—On and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, the expression “raising, transporting or causing to raise or transport any mineral without any lawful authority” 5 occurring in this section, shall mean raising, transporting or causing to raise or transport any mineral by a person without prospecting licence, mining lease or composite licence or in contravention of the rules made under section 23C.”.

Amendment  
of Schedules.

**21.** After the Fourth Schedule to the principal Act, the following Schedules shall be inserted, namely:— 10

**“THE FIFTH SCHEDULE**

[See sections 8(4), 8A(8) and 17A(2C)]

S.No.	Mineral	Additional amount on grant or extension of mining lease	
1.	Iron ore and chromite	Equivalent to one hundred and fifty per cent. of the royalty payable	15
2.	Copper	Equivalent to fifty per cent. of the royalty payable	
3.	Coal and lignite	Equivalent to the royalty payable	
4.	Other minerals (other than coal and lignite)	Equivalent to the royalty payable	

*Explanation.*—For the purposes of this Schedule, the additional amount shall be in addition to royalty or payment to the District Mineral Foundation and National Mineral Exploration Trust or any other statutory payment. 20

**THE SIXTH SCHEDULE**

[See sections 8(5) and 8A(7A)]

(i) For non-auctioned captive mines (other than coal and lignite): 25

S.No.	Mineral	Additional Amount	
1.	Bauxite		
	(i) Metallurgical Grade	Equivalent to one hundred and fifty per cent. of the royalty payable	
	(ii) Non Metallurgical Grade	Equivalent to the royalty payable	30
2.	Chromite		
	(i) Up to forty per cent. of Cr <sub>2</sub> O <sub>3</sub>	Equivalent to the royalty payable	
	(ii) forty per cent. and more of Cr <sub>2</sub> O <sub>3</sub> and concentrates	Equivalent to two hundred per cent. of the royalty payable	
3.	Iron ore		35
	(i) Lumps, ROM and concentrates	Equivalent to two hundred and fifty per cent. of the royalty payable	
	(ii) Fines	Equivalent to one hundred and fifty per cent. of the royalty payable	
4.	Limestone		40
	(i) L.D. Grade (less than 1.5 per cent. silica content)	Equivalent to two hundred per cent. of the royalty payable	
	(ii) Other grades	Equivalent to the royalty payable	

5.	Manganese		
	(i) Less than thirty-five per cent. of manganese content	Equivalent to the royalty payable	
5	(ii) Thirty-five per cent. and above of manganese content	Equivalent to five hundred per cent. of the royalty payable	
6.	Other minerals	Equivalent to the royalty payable	
(ii) For auctioned captive mines (other than coal and lignite):			
S.No.	Quantity of sale	Additional Amount	
1.	Sale of mineral up to twenty-five per cent. of annual production	<i>Nil</i>	
10	2.	Sale of mineral more than twenty-five per cent. and up to fifty per cent. of annual production	Equivalent to fifty per cent. of the royalty payable
(iii) For coal and lignite:			
15	S.No.	Type of mine	Additional Amount
	1.	(i) Captive coal and lignite mines, auctioned for power sector through reverse bidding under the Coal Mines (Special Provisions) Act, 2015 (11 of 2015)	Equivalent to two hundred per cent. of the royalty payable
20		(ii) Captive Coal and lignite mines allocated through auction route (other than mines covered under item no. (iv))	Equivalent to the royalty payable
25		(iii) Captive Coal and lignite mines allocated through allotment route (other than mines covered under item nos. (i) and (iv))	Equivalent to the royalty payable
30		(iv) For captive coal and lignite mines that were auctioned and allotted with condition allowing sale of coal up to twenty-five per cent. of annual production—	
35		(a) for sale of coal up to twenty-five per cent. of annual production	Additional amount payable as per the condition mentioned in the tender document or allotment document
40		(b) for sale of coal more than twenty-five per cent. and up to fifty per cent. of annual production	Fifty per cent. of the royalty payable
<p><i>Explanation.</i>—For the purposes of this Schedule, it is hereby clarified that—</p> <p>(i) the additional amount shall be in addition to royalty or payment to the District Mineral Foundation and National Mineral Exploration Trust or any other statutory payment or payment specified in the tender document or the auction premium (wherever applicable).</p> <p>(ii) <i>Ad valorem</i> royalty for the purpose of calculating the additional amount for coal and lignite shall be based on National Coal Index and Representative Price of coal excluding the taxes, levies and other charges.”</p>			
45			

## STATEMENT OF OBJECTS AND REASONS

The Mines and Minerals (Development and Regulation) Act, 1957 (the Act) was enacted with a view to provide for the development and regulation of mines and minerals under the control of Union.

2. The Act was comprehensively amended in 2015 to bring several reforms in the mineral sector, notably, mandating auction of mineral concessions to improve transparency, establishing District Mineral Foundation and National Mineral Exploration Trust and stringent penalty for illegal mining. The Act was further amended in the years 2016 and 2020 to allow transfer of leases for non-auctioned captive mines and to deal with the emergent issue of expiry of leases on 31st March 2020.

3. In order to fully harness the potential of the mineral sector, increase employment and investment in the mining sector including coal, increase the revenue to the States, increase the production and time bound operationalisation of mines, maintain continuity in mining operations after change of lessee, increase the pace of exploration and auction of mineral resources and resolve long pending issues that have slowed the growth of the sector, it is felt necessary to further amend the said Act.

4. The Mines and Minerals (Development and Regulation) Amendment Bill, 2021, *inter alia*, provides for the following, namely:—

(i) to remove the distinction between captive and merchant mines by providing for auction of mines in future without restriction of captive use of minerals and allowing existing captive mines including captive coal mines to sell up to fifty per cent. of the minerals produced after meeting the requirement of linked end use plants to ensure optimal mining of mineral resources and specify the additional amount to be charged on such sale. The sale of minerals by captive plants would facilitate increase in production and supply of minerals, ensure economies of scale in mineral production, stabilize prices of ore in the market and bring additional revenue to the States;

(ii) to provide for payment of additional amount to the State Government on extension and grant of mining lease of Government companies to create level playing field between the auctioned mines and the mines of Government companies;

(iii) to provide that all the valid rights, approvals, clearances, licences and the like granted to a lessee in respect of a mine shall continue to be valid even after expiry or termination of lease and such clearances shall be transferred and vested to the successful bidder of the mining lease. This will ensure continuity in mining operations even with change of lessee, conservation of mineral and avoid repetitive and redundant process of obtaining clearances again for the same mine;

(iv) to grant short term mining lease to Government companies in situations where the auction of mines pursuant to sub-section (4) of section 8A has failed;

(v) to empower the Central Government to issue directions regarding composition and utilisation of Fund by the District Mineral Foundation;

(vi) to close the pending cases of non-auctioned concession holders which have not resulted in grant of mining leases despite passage of a considerable time of more than five years. The existence of these cases is anachronistic and antagonistic to the auction regime. The closure of the pending cases would facilitate the Government to put to auction a large number of mineral blocks in the interest of nation resulting in early operationalisation of such blocks and additional revenue to the State Governments;

(vii) to remove the restrictions on transfer of mineral concessions for non-auctioned mines to attract fresh investment and new technology in the sector;

(viii) to empower the Central Government to notify the area and conduct auction in cases where the State Governments face difficulty in notifying the areas and conducting auction or fails to notify the area or conduct auction in order to ensure auction of more number of mineral blocks on regular basis for continuous supply of minerals in the country;

(ix) to fix a time-frame for grant of leases for the areas reserved for Government companies for expediting grant of leases and production by the Government companies; and

(x) to amend section 21 of the Act so as to clarify the expression "without any lawful authority" in order to limit its scope to the violations of the said Act and the rules made thereunder. The said amendment will bring clarity and certainty to the mining sector.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;  
*The 10th March, 2021.*

PRALHAD JOSHI.



## FINANCIAL MEMORANDUM

The Bill seeks to amend the Mines and Minerals (Development and Regulation) Act, 1957 (the Act) to develop the mining sector to its full potential for faster economic growth.

2. Clause 12 of the Bill proposes to insert two provisos in clause (b) of sub-section (2) of section 10A of the said Act. The first proviso provides that upon commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021, the rights of concession holders under clause (b) of sub-section (2) of section 10A to obtain a prospecting licence followed by a mining lease or a mining lease, as the case may be, shall lapse. The second proviso provides that the holder of a reconnaissance permit or prospecting licence whose right has lapsed under the proposed first proviso shall be reimbursed for expenditure incurred towards reconnaissance permit or prospecting operations in such manner as may be prescribed by the Central Government.

3. The financial implication of this amendment will be to the extent of payment of reimbursement by the Central Government to the holders of a reconnaissance permit or prospecting licence whose rights have lapsed. This expenditure on account of reimbursement may increase in case any foreign investor invokes Bilateral Investment Promotion and Protection Agreements executed between India and other countries. The value of awards, if any, of arbitration bodies under the said Agreement cannot be estimated at this stage.

4. The expenditure is to be incurred from the funds of the National Mineral Exploration Trust established under section 9C of the Act. The said Trust is established for the purpose of funding regional and detailed exploration of minerals. The holder of a mining lease or composite licence is mandated to pay to the Trust, a sum equivalent to two per cent. of royalty paid in terms of the Second Schedule of the Act. At present around six hundred crore rupees accrues annually to the Trust and the Trust has around one thousand seven hundred crore rupees after taking into account the projects sanctioned by the Trust. The accrual to and expenditure from the Trust are done through Consolidated Fund of India.

5. In case the funds accrued to the Trust are not sufficient for reimbursement, the expenditure will be made from the Consolidated Fund of India through budgetary allocation. All the expenditure from the Trust and Consolidated Fund of India would be of non-recurring nature.

6. The amount of reimbursement will be recouped from successful bidders of the mineral concession in that area and will be deposited in the Trust. However, recouping of amount would depend on successful auction of these blocks.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Mines and Minerals (Development and Regulation) Amendment Bill, 2021 seeks to amend sub-section (2) of section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 to make rules for carrying out the provisions of the proposed legislation which are as under:—

(i) the period of mining lease under sub-section (4) of section 8;

(ii) the manner of sale of mineral by the holder of a mining lease under sub-section (5) of section 8;

(iii) the manner of sale of mineral under sub-section (7A) of section 8A;

(iv) the manner for reimbursement of expenditure towards reconnaissance permits or prospecting operations under second proviso to clause (b) of sub-section (2) of section 10A;

(v) the manner of granting mining lease to the preferred bidder under the second proviso to sub-section (4) of section 10B;

(vi) the manner of granting composite licence to the preferred bidder under the second proviso to sub-section (5) of section 11; and

(vii) the manner of granting mining lease by the State Government to the holder of the composite licence under sub-section (10) of section 11.

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

ANNEXURE

EXTRACTS FROM THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957

(67 OF 1957)

\* \* \* \* \*

Definitions

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

(a) “leased area” means the area specified in the mining lease within which mining operations can be undertaken and includes the non-mineralised area required and approved for the activities falling under the definition of mine as referred to in clause (i);

(aa) “minerals” includes all minerals except mineral oils;

\* \* \* \* \*

(i) the expressions, “mine” and “owner”, have the meaning assigned to them in the Mines Act, 1952.

35 of 1952.

CHAPTER II

GENERAL RESTRICTIONS ON UNDERTAKING  
PROSPECTING AND MINING OPERATIONS

Prospecting or mining operations to be under licence or lease.

4. (1) No person shall undertake any reconnaissance, prospecting or mining operations in any area, except under and in accordance with the terms and conditions of a reconnaissance permit or of a prospecting licence or, as the case may be, of a mining lease, granted under this Act and the rules made thereunder:

Provided that nothing in this sub-section shall affect any prospecting or mining operations undertaken in any area in accordance with terms and conditions of a prospecting licence or mining lease granted before the commencement of this Act which is in force at such commencement:

Provided further that nothing in this sub-section shall apply to any prospecting operations undertaken by the Geological Survey of India, the Indian Bureau of Mines, the Atomic Minerals Directorate for Exploration and Research of the Department of Atomic Energy of the Central Government, the Directorates of Mining and Geology of any State Government (by whatever name called), and the Mineral Exploration Corporation Limited a Government company within the meaning of clause (45) of section 2 of the Companies Act, 2013, and any such entity that may be notified for this purpose by the Central Government:

18 of 2013.

\* \* \* \* \*

Termination of prospecting licences or mining leases.

4A. (1) \* \* \* \* \*

(4) Where the holder of a mining lease fails to undertake mining operations for a period of two years after the date of execution of the lease or having commenced mining operations, has discontinued the same for a period of two years, the lease shall lapse on the expiry of the period of two years from the date of execution of the lease or, as the case may be, discontinuance of the mining operations:

Provided that the State Government may, on an application made by the holder of such lease before it lapses and on being satisfied that it will not be possible for the holder of the lease to undertake mining operations or to continue such operations for reasons beyond his control, make an order, within a period of three months from the date of receiving of such application, subject to such conditions as may be prescribed, to the effect that such lease shall not lapse:

Provided further that such lease shall lapse on failure to undertake mining operations or inability to continue the same before the end of a period of six months from the date of the order of the State Government:

Provided also that the State Government may, on an application made by the holder of a lease submitted within a period of six months from the date of its lapse and on being satisfied that such non-commencement or discontinuance was due to reasons beyond the control of the holder of the lease, revive the lease within a period of three months from the date of receiving the application from such prospective or retrospective date as it thinks fit but not earlier than the date of lapse of the lease:

Provided also that no lease shall be revived under the third proviso for more than twice during the entire period of the lease.

\* \* \* \* \*

**5. (1)** A State Government shall not grant a reconnaissance permit, prospecting licence or mining lease to any person unless such person—

Restrictions on the grant of prospecting licences or mining leases.

\* \* \* \* \*

(b) satisfies such conditions as may be prescribed:

Provided that in respect of any mineral specified in Part A and Part B of the First Schedule, no reconnaissance permit, prospecting licence or mining lease shall be granted except with the previous approval of the Central Government:

Provided further that the previous approval of the Central Government shall not be required for grant of reconnaissance permit, prospecting licence or mining lease in respect of the minerals specified in Part A of the First Schedule, where,—

**8A. (1)** \* \* \* \* \*

(8) Notwithstanding anything contained in this section, the period of mining leases, including existing mining leases, of Government companies or corporations shall be such as may be prescribed by the Central Government.

Period of grant of a mining lease for minerals other than coal, lignite and atomic minerals.

\* \* \* \* \*

**8B. (1)** The provisions of this section shall apply to minerals, other than the minerals specified in Part A and Part B of the First Schedule.

Provisions for transfer of statutory clearances.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made thereunder, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years:

Provided that subject to such conditions as may be prescribed, such new lessee shall apply and obtain all necessary rights, approvals, clearances, licences and the like within a period of two years from the date of grant of new lease.

(3) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease.

\* \* \* \* \*

**9B. (1)** \* \* \* \* \*

District Mineral Foundation.

(3) The composition and functions of the District Mineral Foundation shall be such as may be prescribed by the State Government.

\* \* \* \* \*

(5) The holder of a mining lease or a prospecting licence-cum-mining lease granted on or after the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall, in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount which is equivalent to such percentage of the royalty paid in terms of the Second Schedule, not exceeding one-third of such royalty, as may be prescribed by the Central Government. 10 of 2015.

(6) The holder of a mining lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall, in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount not exceeding the royalty paid in terms of the Second Schedule in such manner and subject to the categorisation of the mining leases and the amounts payable by the various categories of lease holders, as may be prescribed by the Central Government. 10 of 2015.

National Mineral Exploration Trust.

**9C.** (1) The Central Government shall, by notification, establish a Trust, as a non-profit body, to be called the National Mineral Exploration Trust.

\* \* \* \* \*

Rights of existing concession holders and applicants.

**10A.** (1) \* \* \* \* \*

(2) Without prejudice to sub-section (1), the following shall remain eligible on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015: — 10 of 2015.

(a) applications received under section 11A of this Act;

(b) where before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 a reconnaissance permit or prospecting licence has been granted in respect of any land for any mineral, the permit holder or the licensee shall have a right for obtaining a prospecting licence followed by a mining lease, or a mining lease, as the case may be, in respect of that mineral in that land, if the State Government is satisfied that the permit holder or the licensee, as the case may be,— 10 of 2015.

(i) has undertaken reconnaissance operations or prospecting operations, as the case may be, to establish the existence of mineral contents in such land in accordance with such parameters as may be prescribed by the Central Government;

(ii) has not committed any breach of the terms and conditions of the reconnaissance permit or the prospecting licence;

(iii) has not become ineligible under the provisions of this Act; and

(iv) has not failed to apply for grant of prospecting licence or mining lease, as the case may be, within a period of three months after the expiry of reconnaissance permit or prospecting licence, as the case may be, or within such further period not exceeding six months as may be extended by the State Government;

\* \* \* \* \*

Grant of mining lease in respect of notified minerals through auction.

**10B.** (1) The provisions of this section shall not be applicable to cases covered by section 10A or section 17A or to minerals specified in Part A or Part B of the First Schedule or to land in respect of which the minerals do not vest in the Government.

\* \* \* \* \*

(3) In areas where the existence of mineral contents of any notified mineral is established in the manner prescribed by the Central Government, the State Government shall notify such

areas for grant of mining leases for such notified mineral, the terms and conditions subject to which such mining leases shall be granted, and any other relevant conditions, in such manner as may be prescribed by the Central Government.

(4) For the purpose of granting a mining lease in respect of any notified mineral in such notified area, the State Government shall select, through auction by a method of competitive bidding, including e-auction, an applicant who fulfils the eligibility conditions as specified in this Act.

\* \* \* \* \*

(6) Without prejudice to the generality of sub-section (5), the Central Government shall, if it is of the opinion that it is necessary and expedient to do so, prescribe terms and conditions, procedure and bidding parameters in respect of categories of minerals, size and area of mineral deposits and a State or States, subject to which the auction shall be conducted:

Provided that the terms and conditions may include the reservation of any particular mine or mines for a particular end-use and subject to such condition which allow only such eligible end users to participate in the auction.

\* \* \* \* \*

**10C.** (1) Non-exclusive reconnaissance permits may be granted in respect of any notified mineral or non-notified mineral or a group of specified minerals, other than minerals specified in Part A or Part B of the First Schedule, subject to such terms and conditions as may be prescribed by the Central Government.

Grant of non-exclusive reconnaissance permits.

(2) The holder of such non-exclusive reconnaissance permit shall not be entitled to make any claim for the grant of any prospecting licence-cum-mining lease or a mining lease:

Provided that the holder of non-exclusive reconnaissance permit who carries out the prescribed level of exploration in respect of deep seated minerals or such minerals as may be notified by the Central Government, may submit an application to the State Government for the grant of any prospecting licence-cum-mining lease as per the procedure laid down under section 11 or a mining lease as per the procedure laid down under section 10B and with a view to increase the reconnaissance and prospecting operations of such minerals, the Central Government shall prescribe such procedure, including the bidding parameters for selection of such holders.

*Explanation.*—For the purposes of this sub-section, the expression “deep seated minerals” means such minerals which occur at a depth of more than three hundred meters from the surface of land with poor surface manifestations.

**11.** (1) The provisions of this section shall not be applicable to cases covered by section 10A or section 17A or to minerals specified in Part A or Part B of the First Schedule or to land in respect of which minerals do not vest in the Government.

Grant of prospecting licence-cum-mining lease through auction in respect of minerals other than notified minerals.

\* \* \* \* \*

(4) The State Government shall notify the areas in which prospecting licence-cum-mining leases shall be granted for any minerals other than notified minerals, the terms and conditions subject to which such prospecting licence-cum-mining leases shall be granted, and any other relevant conditions, in such manner as may be prescribed by the Central Government.

(5) For the purpose of granting prospecting licence-cum-mining leases, the State Government shall select, through auction by method of competitive bidding, including e-auction, an applicant who fulfils the eligibility conditions as specified in this Act.

\* \* \* \* \*

(10) A holder of a prospecting licence-cum-mining lease, who completes the prospecting operation as laid down in sub-section (9) and establishes the existence of mineral contents in the area in conformity with such parameters as may be prescribed for this purpose by the Central Government, shall be required to apply for a mining lease for such area and shall have the right to get the mining lease and thereafter undertake mining operations in accordance with the provisions of this Act.

\* \* \* \* \*

Transfer of mineral concessions.

**12A. (1)** \* \* \* \* \*

(2) A holder of a mining lease or a prospecting licence-cum-mining lease granted in accordance with the procedure laid down in section 10B or section 11 may, with the previous approval of the State Government, transfer his mining lease or prospecting licence-cum-mining lease, as the case may be, in such manner as may be prescribed by the Central Government, to any person eligible to hold such mining lease or prospecting licence-cum-mining lease in accordance with the provisions of this Act and the rules made thereunder.

\* \* \* \* \*

(6) The transfer of mineral concessions shall be allowed only for concessions which are granted through auction:

Provided that where a mining lease has been granted otherwise than through auction and where mineral from such mining lease is being used for captive purpose, such mining lease may be permitted to be transferred subject to compliance of such terms and conditions and payment of such amount or such amount or transfer charges as may be prescribed.

*Explanation.*—For the purposes of this proviso, the expression “used for captive purpose” shall mean the use of the entire quantity of mineral extracted from the mining lease in a manufacturing unit owned by the lessee.

CHAPTER IV

RULES FOR REGULATING THE GRANT OF PROSPECTING LICENCES AND MINING LEASES

Power of Central Government to make rules in respect of minerals.

**13. (1)** The Central Government may, by notification in the Official Gazette, make rules for regulating the grant of reconnaissance permits, prospecting licences and mining leases in respect of minerals and for purposes connected therewith.

(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:—

\* \* \* \* \*

(*qqh*) the terms and conditions for grant of non-exclusive reconnaissance permits under sub-section (1) of section 10C;

\* \* \* \* \*

(*qqk*) the amount to be payable by a Government company or corporation, or a joint venture for grant of mining lease under sub-section (2C) of section 17A; and

(*r*) any other matter which is to be, or may be, prescribed under this Act.

\* \* \* \* \*

Reservation of areas for purposes of conservation.

**17A. (1)** \* \* \* \* \*

(2A) Where in exercise of the powers conferred by sub-section (1A) or sub-section (2), the Central Government or the State Government, as the case may be, reserves any area for undertaking prospecting or mining operations, the State Government shall grant prospecting licence or mining lease, as the case may be, in respect of such area to such Government company or corporation:

Provided that in respect of any mineral specified in Part B of the First Schedule, the State Government shall grant the prospecting licence or mining lease, as the case may be, only after obtaining the previous approval of the Central Government.

\* \* \* \* \*

(2C) A mining lease granted to a Government company or corporation, or a joint venture, referred to in sub-sections (2A) and (2B), shall be granted on payment of such amount as may be prescribed by the Central Government.

\* \* \* \* \*

**21. (1)** \* \* \* \* \* Penalties.

2 of 1974.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under sub-section (1) shall be cognizable.

\* \* \* \* \*



LOK SABHA

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BILL

further to amend the Mines and Minerals (Development and Regulation) Act, 1957.

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*(Shri Pralhad Joshi, Minister of Parliamentary Affairs, Coal and Mines)*

MGIPMRND—1586LS(S3)—11-03-2021.

**Bill No. 54 of 2021**

THE NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION  
AND RESEARCH (AMENDMENT) BILL, 2021

A

BILL

*further to amend the National Institute of Pharmaceutical Education and Research Act, 1998.*

BE it enacted by Parliament in the Seventy-second year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5           **1.** (1) This Act may be called the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021. Short title and commencement.

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

Amendment of long title.	<p><b>2.</b> In the National Institute of Pharmaceutical Education and Research Act, 1998 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—</p> <p style="padding-left: 40px;">“An Act to declare certain institutions of pharmaceutical education and research to be institutions of national importance and for matters connected therewith or incidental thereto.”.</p>	13 of 1998.  5
Amendment of section 1.	<p><b>3.</b> In section 1 of the principal Act, in sub-section (1), for the word “Institute”, the word “Institutes” shall be substituted.</p>	
Substitution of new section for section 2.	<p><b>4.</b> For section 2 of the principal Act, the following section shall be substituted, namely:—</p>	
Declaration of certain institutions as institutions of national importance.	<p style="padding-left: 40px;">“2. (1) Whereas the objects of the institutions mentioned in the Schedule, are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance.</p> <p style="padding-left: 40px;">(2) It is hereby declared that every Institute established under sub-section (2A) of section 4, on and after the commencement of the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021, shall be an institution of national importance.”.</p>	10  15
Amendment of section 3.	<p><b>5.</b> In section 3 of the principal Act,—</p> <p style="padding-left: 40px;">(i) for clause (a), the following clause shall be substituted, namely:—</p> <p style="padding-left: 80px;">‘(a) “appointed day”, in relation to an Institute mentioned in column (3) of the Schedule, means the date of its establishment as mentioned against it in column (4) of that Schedule;’;</p> <p style="padding-left: 40px;">(ii) in clauses (b) and (c), for the words “the Institute”, the words “an Institute” shall be substituted;</p> <p style="padding-left: 40px;">(iii) after clause (c), the following clause shall be inserted, namely:—</p> <p style="padding-left: 80px;">‘(ca) “Council” means the Council established under sub-section (1) of section 30A;’;</p> <p style="padding-left: 40px;">(iv) in clauses (d), (e) and (f), for the words “the Institute”, the words “an Institute” shall be substituted;</p> <p style="padding-left: 40px;">(v) for clause (g), the following clauses shall be substituted, namely:—</p> <p style="padding-left: 80px;">‘(g) “Institute” means any of the institutions mentioned in column (3) of the Schedule;</p> <p style="padding-left: 80px;">(ga) “member” means a member of the Council nominated or elected under sub-section (2) of section 30A;</p> <p style="padding-left: 80px;">(gb) “prescribed” means prescribed by rules made under this Act;</p> <p style="padding-left: 80px;">(gc) “Schedule” means the Schedule to this Act; ’;</p> <p style="padding-left: 40px;">(vi) in clauses (h) and (j), for the words “the Institute”, the words “an Institute” shall be substituted.</p>	20  25  30  35
Amendment of section 4.	<p><b>6.</b> In section 4 of the principal Act,—</p> <p style="padding-left: 40px;">(i) in the marginal heading, for the words “Establishment of Institute”, the words “Establishment and incorporation of Institutes” shall be substituted;</p> <p style="padding-left: 40px;">(ii) for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p style="padding-left: 80px;">“(1) Each of the Institutes mentioned in column (3) of the Schedule shall be a body corporate.”;</p>	40

(iii) in sub-section (2), for the words “The Institute”, the words “Each Institute” shall be substituted;

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

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

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

(b) the Director of the institute, *ex officio*;

(c) the Joint Secretary to the Government of India in Department of Pharmaceuticals dealing with the national institutes of pharmaceutical education and research, *ex officio*;

(d) the Secretary, dealing with medical or technical education in the State Government concerned, *ex officio*;

(e) the representative of Drug Controller General of India, Ministry of Health and Family Welfare of the Government of India, *ex officio*;

(f) three eminent pharmaceutical experts, at least one of whom shall be a woman, having special knowledge or practical experience in education, research and biotechnology, to be nominated by the Council;

(g) two pharmaceutical industrialists to be nominated by the Council;

(h) two professors of the institute, to be nominated by the Senate.”;

(v) in sub-section (4), the proviso shall be omitted.

**7.** In section 4A of the principal Act, the words “within its jurisdiction” shall be omitted. Amendment of section 4A.

**8.** Section 5 of the principal Act shall be omitted. Omission of section 5.

**9.** In section 6 of the principal Act,— Amendment of section 6.

(i) for the words “On and from the appointed day”, the words “On and from the appointed day, in relation to the National Institute of Pharmaceutical Education and Research, Mohali” shall be substituted;

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

“(aa) all property, movable and immovable of, or belonging to, the Society, shall vest in that Institute;”;

(iii) for the words “the Institute”, wherever they occur, the words “that Institute” shall be substituted.

**10.** In section 7 of the principal Act,— Amendment of section 7.

(a) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted;

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

“(ii) to develop courses leading to graduate and post graduate degrees, doctoral and post-doctoral distinctions and research in pharmaceutical education or to develop integrated courses relating thereto;

(iia) to conduct executive education courses, short-term certificate courses, training programmes, online or distant education, diploma courses and such other short-term executive courses;”;

(c) in clause (v), for the words “by exchange of faculty members”, the words “by promoting collaborative research, exchange of faculty members, researchers” shall be substituted;

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

“(xa) to establish Centres of Excellence for drug discovery and development and medical devices;”.

Amendment of section 8.	<b>11.</b> In section 8 of the principal Act, for the word “Board”, wherever it occurs, the words “Board of an Institute” shall be substituted.	
Amendment of section 9.	<b>12.</b> In section 9 of the principal Act,— (i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted; (ii) in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted; (iii) in sub-section (2), for the words “the Institute”, the words “any Institute” shall be substituted.	5 10 15
Amendment of section 10.	<b>13.</b> In section 10 of the principal Act,— (i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted; (ii) for the words “the Institute”, the words “each of the Institutes” shall be substituted.	20
Amendment of section 11.	<b>14.</b> In section 11 of the principal Act,— (i) in sub-section (1), for the words “the Institute”, the words “every Institute” shall be substituted; (ii) in sub-section (2), for the words “the Institute”, the words “any Institute” shall be substituted.	25
Amendment of section 12.	<b>15.</b> In section 12 of the principal Act,— (i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted; (ii) in the opening portion, for the words “the Institute”, the words “an Institute” shall be substituted.	30
Amendment of section 13.	<b>16.</b> In section 13 of the principal Act, in the opening portion, for the words “the Institute”, the words “each Institute” shall be substituted.	
Amendment of section 14.	<b>17.</b> In section 14 of the principal Act, for the words “senate of the Institute”, the words “senate of each Institute” shall be substituted.	
Amendment of section 16.	<b>18.</b> In section 16 of the principal Act, for the words “Director of the Institute”, the words “Director of each Institute” shall be substituted.	35
Amendment of section 17.	<b>19.</b> In section 17 of the principal Act, for the words “the Institute”, the words “each Institute” shall be substituted.	
Amendment of section 18.	<b>20.</b> In section 18 of the principal Act, for the words “Registrar of the Institute”, the words “Registrar of each Institute” shall be substituted.	40
Amendment of section 20.	<b>21.</b> In section 20 of the principal Act,— (i) for the words “enabling the Institute”, the words “enabling the Institutes” shall be substituted;	

(ii) for the words “pay to the Institute”, the words “pay to each Institute” shall be substituted.

**22.** In section 21 of the principal Act,—

Amendment  
of section 21.

(i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted;

(ii) in sub-section (1), for the words “The Institute shall”, the words “Every Institute shall” shall be substituted.

**23.** In section 22 of the principal Act, for the words “the Institute”, the words “every Institute” shall be substituted.

Amendment  
of section 22.

**24.** In section 23 of the principal Act,—

Amendment  
of section 23.

(i) in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted;

(ii) in sub-section (2), for the words “the Institute”, the words “every Institute” shall be substituted;

(iii) in sub-section (3), for the words “accounts of the Institute”, the words “accounts of any Institute” shall be substituted;

(iv) in sub-section (4), for the words “the Institute”, the words “every Institute” shall be substituted.

**25.** In section 24 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.

Amendment  
of section 24.

**26.** In section 25 of the principal Act, for the words “the Institute”, the words “an Institute” shall be substituted.

Amendment  
of section 25.

**27.** In section 27 of the principal Act, in sub-section (1), for the words “the Institute”, the words “every Institute” shall be substituted.

Amendment  
of section 27.

**28.** In section 28 of the principal Act, for the words “Ordinances of the Institute”, the words “Ordinances of each Institute” shall be substituted.

Amendment  
of section 28.

**29.** After Chapter II of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of  
new Chapter  
II-A.

#### “CHAPTER II-A

##### THE COUNCIL

30A. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for all the Institutes specified in column (3) of the Schedule, a central body to be called the Council.

Establishment  
of Council.

(2) The Council shall consist of the following members, namely:—

(a) Minister in charge of the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Chairperson;

(b) Minister of State in the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Vice-Chairperson;

(c) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*;

(d) the Chairperson of every Board of Governors, *ex officio*;

(e) the Director of every Institute, *ex officio*;

(f) the Chairperson, All India Council for Technical Education, *ex officio*;

(g) the Director General, Council of Scientific and Industrial Research, *ex officio*;

5

(h) four Secretaries to the Government of India, to represent the Ministries or Departments of the Central Government dealing with Biotechnology, Health Research, Higher Education and Science and Technology, *ex officio*;

(i) not less than three, but not more than five persons to be nominated by the Visitor, at least one of whom shall be a woman, having special knowledge or practical experience in education, pharmaceutical industry, medical devices industry or pharmaceutical research;

10

(j) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States, from amongst its members;

(k) the President, Indian Drugs Manufacturing Association, *ex officio*;

15

(l) the President, Organisation of Pharmaceutical Producers of India, *ex officio*;

(m) the President, Pharmacy Council of India, *ex officio*;

(n) the Financial Advisor of the Ministry or Department of the Central Government dealing with Pharmaceuticals, *ex officio*;

20

(o) the Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Member-Secretary.

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

25

30B. (1) Save as otherwise provided in this section, the term of office of a member of the Council shall be three years from the date of his nomination or election, as the case may be.

(2) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

30

(3) The term of office of a member elected under clause (j) of sub-section (2) of section 30A shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairperson of the Council of States or ceases to be a member of the House which elected him.

35

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

(5) Notwithstanding anything contained in this section an outgoing member shall, unless the Central Government otherwise directs, continue in office until another person is nominated or elected as a member in his place.

40

(6) The members of the Council shall be paid such travelling and other allowances by the Central Government as may be determined by that Government, but no member shall be entitled to any salary by reason of this sub-section.

45

Term of office of, vacancies among, and allowances payable to, members of Council.

30C. (1) It shall be the general duty of the Council to coordinate the activities of all the Institutes and to take all such steps as to ensure planned and coordinated development of pharmaceutical education and research and maintenance of standards thereof.

Functions of Council.

5 (2) Without prejudice to the provisions of sub-section (1), the Council shall perform the following functions, namely:—

(a) to advise on matters relating to the duration of the courses, the degrees and other academic distinctions to be conferred by the Institutes, admission standards and other academic matters;

10 (b) to lay down policy regarding cadres, methods of recruitment and conditions of service of employees, institution of scholarships and free-ships, levying of fees and other matters of common interest;

15 (c) to examine the development plans of each Institute and to approve such of them as are considered necessary and also to indicate broadly the financial implications of such approved plans;

(d) to lay down policy or guidelines for promoting research and development in pharmaceuticals and related areas, fostering collaboration and overseeing developments and on matters incidental thereto;

20 (e) to examine the annual budget estimates of each Institute and to recommend to the Central Government the allocation of funds for that purpose;

(f) to advise the Visitor, if so required, in respect of any function to be performed by him under this Act; and

(g) to perform such other functions as are assigned to it by or under this Act.

25 (3) The Council shall meet at least once every year and follow such procedure in its meetings as may be prescribed.

30D. (1) The Chairperson of the Council shall ordinarily preside at the meetings of the Council:

Chairman of Council.

30 Provided that in the absence of the Chairperson, the Vice-Chairperson shall preside at the meetings of the Council:

Provided further that in the absence of both the Chairperson and the Vice-Chairperson, any other member, chosen from amongst themselves by the members present at the meeting shall preside at that meeting.

35 (2) It shall be the duty of the Chairperson of the Council to ensure that the decisions taken by the Council are implemented.

(3) The Chairman shall exercise such other powers and perform such other duties as are assigned to him by this Act.

40 30E. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Chapter.

Power to make rules in respect of matters in this Chapter.

(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 manner of filling vacancies among the members of the Council;

(b) the disqualifications for being chosen as, and for being, a member of the Council;

45 (c) the circumstances in which, and the authority by which, members may be removed;



(d) the meetings of the Council and the procedure of conducting business thereat;

(e) the travelling and other allowances payable to members of the Council; and

(f) the functions of the Council and the manner in which such functions may be exercised. 5

(3) Every rule made by the Central Government under this Chapter 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.”. 10 15

Amendment of section 31. **30.** In section 31 of the principal Act, for the words “No act of the Institute”, the words “No act of the Council or any Institute” shall be substituted.

Amendment of section 32. **31.** In section 32 of the principal Act,—  
(i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted; 20

(ii) for the words “the Institute”, the words “every Institute” shall be substituted.

Amendment of section 33. **32.** In section 33 of the principal Act, for the words “Whenever the Institute”, the words “Whenever an Institute” shall be substituted.

Insertion of new section 33A. **33.** After section 33 of the principal Act, the following section shall be inserted, namely:— 25

Power of Central Government to issue directions. “33A. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.”.

Amendment of section 35. **34.** In section 35 of the principal Act, for clause (b), the following clause shall be substituted, namely:—

“(b) until the first Statutes and the Ordinances in relation to the Institutes mentioned in column (3) of the Schedule are made under this Act, the Statutes and the Ordinances of the National Institute of Pharmaceutical Education and Research, Sector-67, S.A.S. Nagar (Mohali), District Ropar, Punjab as in force, shall apply to those Institutes with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act.”. 30 35

## THE SCHEDULE

[See sections 2, 3(a), (g), (gc), 4(I), 30A and 35(b)]

Sl. No.	Location of	Name of institutions incorporated under this Act institute and the State	Date of establishment of Institute
(1)	(2)	(3)	(4)
1.	Mohali, Punjab	The National Institute of Pharmaceutical Education and Research Society, Mohali	8th July, 1998
2.	Ahmedabad, Gujarat	The National Institute of Pharmaceutical Education and Research, Ahmedabad	6th September, 2007
3.	Hajipur, Bihar	The National Institute of Pharmaceutical Education and Research, Hajipur	6th September, 2007
4.	Hyderabad, Telengana	The National Institute of Pharmaceutical Education and Research, Hyderabad	6th September, 2007
5.	Kolkata, West Bengal	The National Institute of Pharmaceutical Education and Research, Kolkata	6th September, 2007
6.	Guwahati, Assam	The National Institute of Pharmaceutical Education and Research, Guwahati	5th August, 2008
7.	Raebareli, Uttar Pradesh	The National Institute of Pharmaceutical Education and Research, Raebareli	26th September, 2008

## STATEMENT OF OBJECTS AND REASONS

The National Institute of Pharmaceutical Education and Research Act, 1998 (13 of 1998) was enacted to declare the National Institute of Pharmaceutical Education and Research at Mohali, Punjab to be an institute of national importance and to provide for its incorporation and matters connected therewith.

2. The Act was subsequently amended in 2007 to empower the Central Government to establish similar institutes in different parts of the country. Thereafter, six new institutes at Ahmedabad, Guwahati, Hajipur, Hyderabad, Kolkata and Raebareli were established during 2007-08.

3. A need is felt to bring clarity that the six institutes so established as well as any other similar institute to be established under the said Act shall be institutes of national importance. In order to coordinate the activities of all such institutes, to ensure coordinated development of pharmaceutical education and research and maintenance of standards, etc., there is a need to establish a central body, to be called the Council. Also, there is a need to rationalise the Board of Governors of each such institute and to widen the scope and number of courses run by such institutes.

4. The National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2021, *inter alia*, seeks to provide for —

(i) amendment of section 2 to declare that—

(a) each such Institute is an institution of national importance;

(b) every Institute established under sub-section (2A) of section 4 on and after the commencement of the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021 shall also be an institution of national importance;

(ii) amendment of section 4 to rationalise the Board of Governors of each such institute from its existing strength of 23 to 12 members;

(iii) amendment of section 7 to widen the scope and number of courses run by such institutes, including graduate and post-graduate degrees, doctoral and post-doctoral distinctions and research in pharmaceutical education, integrated courses, certificate courses and executive courses;

(iv) insertion of new sections 30A, 30B, 30C, 30D, 30E to provide for establishment of Council, term of office, etc., of members of Council, functions of Council, Chairman of Council and power to make rules by Central Government, respectively;

(v) insertion of a new section 33A to empower the Central Government to issue directions to the Institute for efficient administration of the Act.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;  
The 5th March, 2021.

D.V. SADANANDA GOWDA.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill seeks to insert new Chapter II-A, and new sections 30A to 30E, in the principal Act. Proposed section 30E empowers the Central Government to make rules to provide for (i) the manner of filling vacancies among the members of the Council; (ii) the disqualifications for being chosen as, and for being, a member of the Council; (iii) the circumstances in which, and the authority by which, members may be removed; (iv) the meetings of the Council and the procedure of conducting business thereat; (v) the travelling and other allowances payable to members of the Council; and (vi) the functions of the Council and the manner in which such functions may be exercised.

## ANNEXURE

### EXTRACTS FROM THE NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION AND RESEARCH ACT, 1998

(13 OF 1998)

An Act to declare the institution known as the National Institute of Pharmaceutical Education and Research to be an institution of national importance and to provide for its incorporation and matters connected therewith.

\* \* \* \* \*

## CHAPTER I

### PRELIMINARY

Short title and commencement. **1.** (1) This Act may be called the National Institute of Pharmaceutical Education and Research Act, 1998.

13 of 1998.

\* \* \* \* \*

Declaration of National Institute of Pharmaceutical Education and Research as an institution of national importance. **2.** Whereas the objects of the institution known as the National Institute of Pharmaceutical Education and Research, Sector-67, S.A.S. Nagar (Mohali), District Ropar, Punjab are such as to make the institution one of national importance, it is hereby declared that the institution known as the National Institute of Pharmaceutical Education and Research is an institution of national importance.

Definitions. **3.** In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date of establishment of the National Institute of Pharmaceutical Education and Research under sub-section (1) of section 4;

(b) “Board” means the Board of Governors of the Institute constituted under sub-section (3) of section 4;

(c) “Chairperson” means the Chairperson of the Institute nominated under clause (a) of sub-section (3) of section (4);

(d) “Dean” means the Dean of the Institute appointed under section 17;

(e) “Director” means the Director of the Institute appointed under section 16;

(f) “Fund” means the fund of the Institute to be maintained under section 21;

(g) “Institute” means a National Institute of Pharmaceutical Education and Research established under sub-section (1) or sub-section (2A) of section 4;

(h) “Senate” means the Senate of the Institute referred to in section 13;

\* \* \* \* \*

(j) “Statutes” and “Ordinances” mean the Statutes and the Ordinances of the Institute made under this Act.

## CHAPTER II

### THE INSTITUTE

Establishment of Institute. **4.** (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, the National Institute of Pharmaceutical Education and Research shall be constituted as a body corporate by the name aforesaid.

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

\* \* \* \* \*

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

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

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

(c) the Joint Secretary, incharge of Pharmaceutical Industries in the concerned Ministry or Department of the Government of India, *ex officio*;

(d) the Secretary, Technical Education, Government of the State within which the Institute is situated, *ex officio*;

(e) the Financial Adviser of the Ministry or Department of the Government of India dealing with the pharmaceutical industries, *ex officio*;

(f) the Drug Controller General of India, Ministry of Health and Family Welfare of the Government of India, *ex officio*;

(g) the Member Secretary, All-India Council for Technical Education, *ex officio*;

(h) the Director of any one of the national laboratories of the Council of Scientific and Industrial Research to be nominated by the Director General of Council of Scientific and Industrial Research, New Delhi;

(i) the Director of either the All-India Institute of Medical Sciences, New Delhi or the Post-Graduate Institute of Medical Education and Research, Chandigarh, to be nominated by rotation by the Ministry of Health and Family Welfare of the Government of India;

(j) the President, Indian Drugs Manufacturers' Association, *ex officio*;

(ja) a representative of the Pharmacy Council of India;

(k) the President, Organisation of Pharmaceutical Producers of India, *ex officio*;

(l) three eminent pharmaceutical experts, one of whom shall be an educationist, a research scientist and a biotechnologist, to be nominated by the Central Government;

(m) three eminent public persons or social workers one of whom shall be either from the Scheduled Castes or the Scheduled Tribes to be nominated by the Visitor out of a panel prepared by the Central Government;

(n) two pharmaceutical industrialists to be nominated by the Visitor out of a panel prepared by the Central Government;

(o) three Members of Parliament, two from Lok Sabha to be nominated by the Speaker of Lok Sabha and one from Rajya Sabha to be nominated by the Chairman of Rajya Sabha.

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

Provided that the term of office of a member nominated under clause (o) of sub-section (3) shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairman of the Council of States, or ceases to be a member of the House from which he was nominated.

\* \* \* \* \*



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

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

(f) institute and award fellowship, scholarship, prizes and medals;

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

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

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

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

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

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

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

**11.** (1) The President of India shall be the Visitor of the Institute. Visitor.

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

\* \* \* \* \*

**12.** The following shall be the other authorities of the Institute, namely:— Authorities of Institute.

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

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

\* \* \* \* \*

**16.** (1) The Director of the Institute shall be appointed by the Board with the prior approval of the Visitor. Director.

(2) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the proper administration and academic performance of the Institute and for imparting of instruction and maintenance of discipline therein.

(3) The Director shall submit annual reports and accounts to the Board.



(4) The Director shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or the Ordinances.

Dean. **17.** (1) The Dean of the Institute shall be appointed on such terms and conditions as may be laid down by the Statutes and shall exercise such powers and perform such duties as may be assigned to him by this Act or the Statutes or the Director.

(2) The Dean shall report to the Director.

Registrar. **18.** (1) The Registrar of the Institute shall be appointed on such terms and conditions as may be laid down by the Statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Board shall commit to his charge.

(2) The Registrar shall act as the Secretary of the Board, the Senate and such committees as may be prescribed by the Statutes.

(3) The Registrar shall be responsible to the Director for the proper discharge of his functions.

(4) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or the Director.

\* \* \* \* \*

Grants by Central Government. **20.** For the purpose of enabling the Institute to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit.

Fund of Institute. **21.** (1) The Institute shall maintain a Fund to which shall be credited—

(a) all moneys provided by the Central Government;

(b) all fees and other charges;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

\* \* \* \* \*

Setting up of endowment fund. **22.** Notwithstanding anything contained in section 21, the Central Government may direct the Institute to—

(a) set up an endowment fund and any other fund for specified purpose;

(b) transfer money from its Fund to endowment fund or any other fund.

Accounts and audit. **23.** (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet, in such form as may be specified, in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

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

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

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

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

\* \* \* \* \*

25. All appointments of the staff of the institute except that of the Director, shall be made in accordance with the procedure laid down in the Statutes—

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

(b) by the Director, in any other case.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

### CHAPTER III

#### MISCELLANEOUS

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

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

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

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

3 of 1956.

32. Notwithstanding anything contained in the University Grants Commission Act, 1956 or in any other law for the time being in force, the Institute shall have power to grant degrees and other academic distinctions and titles under this Act.

33. Whenever the Institute receives funds from any Government, the University Grants Commission or any other agency sponsoring a scheme to be executed by the Institute, notwithstanding anything in this Act,—

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

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

Provided that any money remaining unutilised under clause (a) shall be transferred to the endowment fund created under section 22 of this Act.

\* \* \* \* \*

Transitional provisions.

**35. Notwithstanding anything contained in this Act,—**

\* \* \* \* \*

(b) until the first Statutes and the Ordinances are made under this Act, the Statutes and the Ordinances of the National Institute of Pharmaceutical Education and Research, Sector-67, S.A.S. Nagar (Mohali), District Ropar, Punjab as in force, immediately before the commencement of this Act, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

\* \* \* \* \*

LOK SABHA

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BILL

further to amend the National Institute of Pharmaceutical Education and Research Act, 1998.

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*(Shri D.V. Sadananda Gowda, Minister of Chemicals and Fertilizers)*

MGIPMRND—1540LS(S3)—08-03-2021.

**Bill No. 53 of 2021**

**THE APPROPRIATION (No. 2) BILL, 2021**

A

**BILL**

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2021-22.*

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

1. This Act may be called the Appropriation (No. 2) Act, 2021. Short title.
- 5 2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred seventeen lakh sixteen thousand seven hundred eleven crore and thirty-five lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2021-22 in respect of the services specified in column 2 of the Schedule. Issue of Rs.  
11716711,35,00,000  
out of the  
Consolidated  
Fund of India  
for the  
financial year  
2021-22.
- 10 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.
- 15 4. Reference to the Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 18<sup>th</sup> January, 2021 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as constituted from time to time. Construction  
of references  
to Ministries or  
Departments in  
the Schedule.

**THE SCHEDULE**

(See sections 2, 3 and 4)

1 No. of Vote	2 Services and purposes	3			
		Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
1.	Department of Agriculture, Cooperation and Farmers' Welfare .....	Revenue	122961,57,00,000	..	122961,57,00,000
		Capital	56,00,00,000		56,00,00,000
2.	Department of Agricultural Research and Education .....	Revenue	8513,62,00,000	..	8513,62,00,000
		Capital	..	..	..
3.	Atomic Energy .....	Revenue	16391,20,00,000	1,00,00,000	16392,20,00,000
		Capital	11403,20,00,000	..	11403,20,00,000
4.	Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) .....	Revenue	2970,30,00,000	..	2970,30,00,000
		Capital	..	..	..
5.	Department of Chemicals and Petrochemicals .....	Revenue	229,64,00,000	..	229,64,00,000
		Capital	3,50,00,000	..	3,50,00,000
6.	Department of Fertilisers .....	Revenue	83596,77,00,000	..	83596,77,00,000
		Capital	444,62,00,000	..	444,62,00,000
7.	Department of Pharmaceuticals .....	Revenue	461,29,00,000	..	461,29,00,000
		Capital	9,12,00,000	..	9,12,00,000
8.	Ministry of Civil Aviation .....	Revenue	3184,15,00,000	..	3184,15,00,000
		Capital	40,52,00,000	..	40,52,00,000
9.	Ministry of Coal .....	Revenue	534,88,00,000	..	534,88,00,000
		Capital	..	..	..
10.	Department of Commerce .....	Revenue	4699,01,00,000	..	4699,01,00,000
		Capital	287,00,00,000	..	287,00,00,000
11.	Department for Promotion of Industry and Internal Trade .....	Revenue	6570,66,00,000	..	6570,66,00,000
		Capital	1211,58,00,000	..	1211,58,00,000
12.	Department of Posts .....	Revenue	34262,38,00,000	80,00,000	34263,18,00,000
		Capital	910,09,00,000	..	910,09,00,000
13.	Department of Telecommunications .....	Revenue	41803,44,00,000	..	41803,44,00,000
		Capital	31133,56,00,000	..	31133,56,00,000
14.	Department of Consumer Affairs .....	Revenue	3191,55,00,000	..	3191,55,00,000
		Capital	46,05,00,000	..	46,05,00,000
15.	Department of Food and Public Distribution .....	Revenue	251248,34,00,000	..	251248,34,00,000
		Capital	52725,96,00,000	..	52725,96,00,000
16.	Ministry of Corporate Affairs .....	Revenue	686,13,00,000	..	686,13,00,000
		Capital	51,00,00,000	..	51,00,00,000
17.	Ministry of Culture .....	Revenue	2609,23,00,000	..	2609,23,00,000
		Capital	78,76,00,000	..	78,76,00,000
18.	Ministry of Defence (Civil) .....	Revenue	30088,23,00,000	70,00,000	30088,93,00,000
		Capital	7698,41,00,000	50,00,00,000	7748,41,00,000
19.	Defence Services (Revenue) .....	Revenue	231945,49,00,000	101,44,00,000	232046,93,00,000
		Capital	..	..	..
20.	Capital Outlay on Defence Services .....	Revenue	..	..	..
		Capital	134978,85,00,000	81,87,00,000	135060,72,00,000
21.	Defence Pensions .....	Revenue	115841,73,00,000	8,27,00,000	115850,00,00,000
		Capital	..	..	..
22.	Ministry of Development of North Eastern Region .....	Revenue	2031,51,00,000	..	2031,51,00,000
		Capital	652,49,00,000	..	652,49,00,000
23.	Ministry of Earth Sciences .....	Revenue	1738,69,00,000	..	1738,69,00,000
		Capital	163,00,00,000	..	163,00,00,000
24.	Department of School Education and Literacy .....	Revenue	103673,66,00,000	..	103673,66,00,000
		Capital	..	..	..

1 No. of Vote	2 Services and purposes	3 Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
25.	Department of Higher Education .....	Revenue	65325,15,00,000	..	65325,15,00,000
		Capital	25,50,00,000	..	25,50,00,000
26.	Ministry of Electronics and Information Technology .....	Revenue	9274,66,00,000	..	9274,66,00,000
		Capital	446,00,00,000	..	446,00,00,000
27.	Ministry of Environment, Forests and Climate Change .....	Revenue	3014,10,00,000	..	3014,10,00,000
		Capital	122,48,00,000	..	122,48,00,000
28.	Ministry of External Affairs .....	Revenue	16663,95,00,000	3,00,000	16663,98,00,000
		Capital	1490,75,00,000	..	1490,75,00,000
29.	Department of Economic Affairs .....	Revenue	4649,12,00,000	..	4649,12,00,000
		Capital	94900,41,00,000	..	94900,41,00,000
30.	Department of Expenditure .....	Revenue	454,74,00,000	..	454,74,00,000
		Capital	..	..	..
31.	Department of Financial Services .....	Revenue	3710,78,00,000	..	3710,78,00,000
		Capital	47800,03,00,000	..	47800,03,00,000
32.	Department of Investment and Public Asset Management (DIPAM) .....	Revenue	110,52,00,000	..	110,52,00,000
		Capital	..	..	..
33.	Department of Revenue .....	Revenue	201499,60,00,000	2,00,000	201499,62,00,000
		Capital	13,02,00,000	..	13,02,00,000
34.	Direct Taxes .....	Revenue	8180,34,00,000	..	8180,34,00,000
		Capital	352,00,00,000	..	352,00,00,000
35.	Indirect Taxes .....	Revenue	20906,77,00,000	50,00,000	20907,27,00,000
		Capital	452,00,00,000	..	452,00,00,000
36.	Indian Audit and Accounts Department .....	Revenue	5209,97,00,000	200,00,00,000	5409,97,00,000
		Capital	24,95,00,000	..	24,95,00,000
	CHARGED.—Interest Payments .....	Revenue	..	847195,79,00,000	847195,79,00,000
		Capital	..	..	..
	CHARGED.—Repayment of Debt .....	Revenue	..	..	..
		Capital	..	6944151,48,00,000	6944151,48,00,000
39.	Pensions .....	Revenue	56473,12,00,000	400,00,00,000	56873,12,00,000
		Capital	..	..	..
40.	Transfers to States .....	Revenue	71490,77,00,000	220843,00,00,000	292333,77,00,000
		Capital	10000,01,00,000	46850,00,00,000	56850,01,00,000
41.	Department of Fisheries .....	Revenue	1192,16,00,000	..	1192,16,00,000
		Capital	28,68,00,000	..	28,68,00,000
42.	Department of Animal Husbandry and Dairying .....	Revenue	3555,59,00,000	..	3555,59,00,000
		Capital	44,39,00,000	..	44,39,00,000
43.	Ministry of Food Processing Industries .....	Revenue	1308,66,00,000	..	1308,66,00,000
		Capital	..	..	..
44.	Department of Health and Family Welfare .....	Revenue	114771,54,00,000	..	114771,54,00,000
		Capital	4355,61,00,000	..	4355,61,00,000
45.	Department of Health Research .....	Revenue	2663,00,00,000	..	2663,00,00,000
		Capital	..	..	..
46.	Department of Heavy Industry .....	Revenue	927,85,00,000	..	927,85,00,000
		Capital	67,42,00,000	..	67,42,00,000
47.	Department of Public Enterprises .....	Revenue	21,81,00,000	..	21,81,00,000
		Capital	..	..	..
48.	Ministry of Home Affairs .....	Revenue	7333,38,00,000	3,00,000	7333,41,00,000
		Capital	286,99,00,000	..	286,99,00,000
49.	Cabinet .....	Revenue	1961,04,00,000	..	1961,04,00,000
		Capital	137,00,00,000	..	137,00,00,000
50.	Police .....	Revenue	95424,05,00,000	8,02,00,000	95432,07,00,000
		Capital	9721,72,00,000	8,32,00,000	9730,04,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
51.	Andaman and Nicobar Islands .....	Revenue	4721,23,00,000	1,00,000	4721,24,00,000
		Capital	666,17,00,000	..	666,17,00,000
52.	Chandigarh .....	Revenue	4530,11,00,000	37,56,00,000	4567,67,00,000
		Capital	508,45,00,000	110,00,00,000	618,45,00,000
53.	Dadra and Nagar Haveli and Daman and Diu .....	Revenue	2798,76,00,000	..	2798,76,00,000
		Capital	764,83,00,000	..	764,83,00,000
54.	Ladakh .....	Revenue	2331,64,00,000	..	2331,64,00,000
		Capital	3626,36,00,000	..	3626,36,00,000
55.	Lakshadweep .....	Revenue	1238,21,00,000	..	1238,21,00,000
		Capital	229,10,00,000	..	229,10,00,000
56.	Transfers to Delhi .....	Revenue	957,50,00,000	..	957,50,00,000
		Capital	1,00,000	..	1,00,000
57.	Transfers to Jammu and Kashmir .....	Revenue	30757,00,00,000	..	30757,00,00,000
		Capital	..	..	..
58.	Transfers to Puducherry .....	Revenue	1729,78,00,000	..	1729,78,00,000
		Capital	1,00,000	..	1,00,000
59.	Ministry of Housing and Urban Affairs .....	Revenue	36885,14,00,000	106,85,00,000	36991,99,00,000
		Capital	25723,95,00,000	35,07,00,000	25759,02,00,000
60.	Ministry of Information and Broadcasting .....	Revenue	4058,61,00,000	..	4058,61,00,000
		Capital	12,62,00,000	..	12,62,00,000
61.	Department of Water Resources, River Development and Ganga Rejuvenation ....	Revenue	8756,92,00,000	..	8756,92,00,000
		Capital	344,77,00,000	..	344,77,00,000
62.	Department of Drinking Water and Sanitation .....	Revenue	128024,45,00,000	..	128024,45,00,000
		Capital	..	..	..
63.	Ministry of Labour and Employment .....	Revenue	13269,37,00,000	..	13269,37,00,000
		Capital	37,13,00,000	..	37,13,00,000
64.	Law and Justice .....	Revenue	1745,82,00,000	..	1745,82,00,000
		Capital	1100,00,00,000	..	1100,00,00,000
65.	Election Commission .....	Revenue	242,16,00,000	..	242,16,00,000
		Capital	7,00,00,000	..	7,00,00,000
	CHARGED.— <i>Supreme Court of India</i> .....	Revenue	..	334,96,00,000	334,96,00,000
		Capital	..	..	..
67.	Ministry of Micro, Small and Medium Enterprises .....	Revenue	15329,65,00,000	..	15329,65,00,000
		Capital	370,00,00,000	..	370,00,00,000
68.	Ministry of Mines .....	Revenue	1498,49,00,000	..	1498,49,00,000
		Capital	68,33,00,000	..	68,33,00,000
69.	Ministry of Minority Affairs .....	Revenue	4657,75,00,000	..	4657,75,00,000
		Capital	153,02,00,000	..	153,02,00,000
70.	Ministry of New and Renewable Energy .....	Revenue	5743,00,00,000	..	5743,00,00,000
		Capital	10,00,00,000	..	10,00,00,000
71.	Ministry of Panchayati Raj .....	Revenue	913,43,00,000	..	913,43,00,000
		Capital	..	..	..
72.	Ministry of Parliamentary Affairs .....	Revenue	65,07,00,000	..	65,07,00,000
		Capital	..	..	..
73.	Ministry of Personnel, Public Grievances and Pensions .....	Revenue	1829,93,00,000	30,28,00,000	1860,21,00,000
		Capital	186,71,00,000	11,65,00,000	198,36,00,000
	CHARGED.— <i>Central Vigilance Commission</i> .....	Revenue	..	38,67,00,000	38,67,00,000
		Capital	..	..	..
75.	Ministry of Petroleum and Natural Gas .....	Revenue	15866,78,00,000	..	15866,78,00,000
		Capital	427,00,00,000	..	427,00,00,000
76.	Ministry of Planning .....	Revenue	1061,99,00,000	..	1061,99,00,000
		Capital	78,00,000	..	78,00,000



1 No. of Vote	2 Services and purposes	3 Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
77.	Ministry of Ports, Shipping and Waterways .....	Revenue Capital	1859,35,00,000 353,00,00,000	.. ..	1859,35,00,000 353,00,00,000
78.	Ministry of Power .....	Revenue Capital	17727,03,00,000 3180,77,00,000	.. ..	17727,03,00,000 3180,77,00,000
	CHARGED.— <i>Staff, Household and Allowances of the President</i> .....	Revenue Capital	.. ..	74,47,00,000 ..	74,47,00,000 ..
80.	Lok Sabha .....	Revenue Capital	854,00,00,000 ..	1,00,00,000 ..	855,00,00,000 ..
81.	Rajya Sabha .....	Revenue Capital	445,29,00,000 ..	1,21,00,000 ..	446,50,00,000 ..
82.	Secretariat of the Vice-President .....	Revenue Capital	7,43,00,000 ..	.. ..	7,43,00,000 ..
	CHARGED.— <i>Union Public Service Commission</i> .....	Revenue Capital	.. ..	304,17,00,000 ..	304,17,00,000 ..
84.	Ministry of Railways .....	Revenue Capital	275986,65,00,000 304836,88,00,000	466,00,00,000 92,08,00,000	276452,65,00,000 304928,96,00,000
85.	Ministry of Road Transport and Highways .....	Revenue Capital	19668,06,00,000 207840,29,00,000	.. 10,00,00,000	19668,06,00,000 207850,29,00,000
86.	Department of Rural Development .....	Revenue Capital	234019,08,00,000 ..	.. ..	234019,08,00,000 ..
87.	Department of Land Resources .....	Revenue Capital	2170,42,00,000 ..	.. ..	2170,42,00,000 ..
88.	Department of Science and Technology .....	Revenue Capital	5949,57,00,000 122,00,00,000	2,00,000 ..	5949,59,00,000 122,00,00,000
89.	Department of Biotechnology .....	Revenue Capital	3502,37,00,000 ..	.. ..	3502,37,00,000 ..
90.	Department of Scientific and Industrial Research .....	Revenue Capital	5202,12,00,000 22,15,00,000	.. ..	5202,12,00,000 22,15,00,000
91.	Ministry of Skill Development and Entrepreneurship .....	Revenue Capital	2711,53,00,000 73,70,00,000	.. ..	2711,53,00,000 73,70,00,000
92.	Department of Social Justice and Empowerment .....	Revenue Capital	10197,62,00,000 370,00,00,000	.. ..	10197,62,00,000 370,00,00,000
93.	Department of Empowerment of Persons with Disabilities .....	Revenue Capital	1171,76,00,000 1,00,000	.. ..	1171,76,00,000 1,00,000
94.	Department of Space .....	Revenue Capital	5719,86,00,000 8228,23,00,000	60,00,000 40,00,000	5720,46,00,000 8228,63,00,000
95.	Ministry of Statistics and Programme Implementation .....	Revenue Capital	1396,09,00,000 13,04,00,000	.. ..	1396,09,00,000 13,04,00,000
96.	Ministry of Steel .....	Revenue Capital	39,25,00,000 ..	.. ..	39,25,00,000 ..
97.	Ministry of Textiles .....	Revenue Capital	3591,61,00,000 40,03,00,000	.. ..	3591,61,00,000 40,03,00,000
98.	Ministry of Tourism .....	Revenue Capital	2032,04,00,000 ..	.. ..	2032,04,00,000 ..
99.	Ministry of Tribal Affairs .....	Revenue Capital	2816,52,00,000 2,00,000	4708,33,00,000 ..	7524,85,00,000 2,00,000
100.	Ministry of Women and Child Development .....	Revenue Capital	24930,00,00,000 5,00,00,000	.. ..	24930,00,00,000 5,00,00,000
101.	Ministry of Youth Affairs and Sports .....	Revenue Capital	2549,41,00,000 46,73,00,000	.. ..	2549,41,00,000 46,73,00,000
	TOTAL :		3650446,75,00,000	8066264,60,00,000	11716711,35,00,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114 (1) of the Constitution of India to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Consolidated Fund and the grants made by Lok Sabha for expenditure of the Central Government for the financial year 2021-22.

NIRMALA SITHARAMAN.

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PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE  
CONSTITUTION OF INDIA

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**[Letter No. 2(11)-B(D)/2021 dated 8th March, 2021 from Smt. Nirmala Sitharaman,  
Minister of Finance to the Secretary-General, Lok Sabha]**

The President, having been informed of the subject matter of the Appropriation (No. 2) Bill, 2021 to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2021-22 recommends, under article 117(1) and (3) of the Constitution the introduction of the Appropriation (No.2) Bill, 2021 in Lok Sabha and also the consideration of the Bill.

LOK SABHA

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**BILL**

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2021-22.

---

*(Smt. Nirmala Sitharaman, Minister of Finance)*

MGIPMRND—1556LS(S3)—09-03-2021.

**Bill No. 17 of 2021**

THE APPROPRIATION BILL, 2021

A

BILL

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2020-21.*

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

- |    |  |   |
|----|--|---|
|    | <b>1.</b> This Act may be called the Appropriation Act, 2021.  | Short title.  |
| 5  | <b>2.</b> From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of six lakh twenty-eight thousand three hundred seventy-nine crore and ninety-nine lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2020-21, in respect of the services specified in column 2 of the Schedule. | Issue of Rs. 628379,99,00,000 out of the Consolidated Fund of India for the financial year 2020-21. |
| 10 | <b>3.</b> The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.  | Appropriation.  |

**THE SCHEDULE**  
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3		
		Sums not exceeding		Total
		Voted by Parliament	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
1	Department of Agriculture, Cooperation and Farmers' Welfare ..... Revenue	3,00,000	..	3,00,000
2	Department of Agricultural Research and Education ..... Revenue	2,00,000	..	2,00,000
3	Atomic Energy ..... Revenue	1,00,000	..	1,00,000
	Capital	2,00,000	..	2,00,000
4	Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) ..... Revenue	2,00,000	..	2,00,000
5	Department of Chemicals and Petrochemicals ..... Revenue	3,64,00,000	..	3,64,00,000
6	Department of Fertilisers ..... Revenue	64598,30,00,000	..	64598,30,00,000
	Capital	813,23,00,000	..	813,23,00,000
7	Department of Pharmaceuticals ..... Revenue	136,82,00,000	..	136,82,00,000
8	Ministry of Civil Aviation ..... Revenue	286,56,00,000	..	286,56,00,000
	Capital	28,00,00,000	..	28,00,00,000
9	Ministry of Coal ..... Revenue	1,00,000	..	1,00,000
10	Department of Commerce ..... Revenue	1,00,000	..	1,00,000
11	Department for Promotion of Industry and Internal Trade ..... Revenue	1649,12,00,000	..	1649,12,00,000
13	Department of Telecommunications ..... Revenue	1,00,000	..	1,00,000
	Capital	1,00,000	..	1,00,000
14	Department of Consumer Affairs ..... Revenue	3759,12,00,000	..	3759,12,00,000
15	Department of Food and Public Distribution ..... Revenue	304557,83,00,000	..	304557,83,00,000
17	Ministry of Culture ..... Revenue	1,00,000	..	1,00,000
18	Ministry of Defence (Civil) ..... Revenue	1,00,000	18,00,000	19,00,000
	Capital	799,00,00,000	..	799,00,00,000
19	Defence Services (Revenue) ..... Revenue	5,00,000	..	5,00,000
20	Capital Outlay on Defence Services ..... Capital	20466,50,00,000	159,50,00,000	20626,00,00,000
21	Defence Pensions ..... Revenue	..	1,41,00,000	1,41,00,000
23	Ministry of Earth Sciences ..... Revenue	1,00,000	..	1,00,000
24	Ministry of Electronics and Information Technology ..... Revenue	3,00,000	..	3,00,000
25	Ministry of Environment, Forests and Climate Change ..... Revenue	1,00,000	..	1,00,000
26	Ministry of External Affairs ..... Revenue	1,00,000	..	1,00,000
	Capital	1,00,000	..	1,00,000
27	Department of Economic Affairs ..... Revenue	2979,48,00,000	..	2979,48,00,000
	Capital	3,00,000	..	3,00,000
28	Department of Expenditure ..... Revenue	1,00,000	..	1,00,000
29	Department of Financial Services ..... Revenue	5473,60,00,000	..	5473,60,00,000
	Capital	2,00,000	..	2,00,000
31	Department of Revenue ..... Revenue	280,90,00,000	..	280,90,00,000
32	Direct Taxes ..... Capital	1,00,000	..	1,00,000
33	Indirect Taxes ..... Capital	2,00,000	..	2,00,000
34	Indian Audit and Accounts Department ..... Revenue	1,00,000	..	1,00,000
37	Pensions ..... Revenue	981,58,00,000	..	981,58,00,000
38	Transfers to States ..... Capital	122208,00,00,000	7025,00,00,000	129233,00,00,000
39	Department of Fisheries ..... Revenue	92,00,00,000	..	92,00,00,000
	Capital	1,00,000	..	1,00,000
40	Department of Animal Husbandry and Dairying ..... Revenue	3,00,000	..	3,00,000
41	Ministry of Food Processing Industries ..... Revenue	4,00,000	..	4,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
42	Department of Health and Family Welfare ..... Revenue	21227,72,00,000	..	21227,72,00,000
	Capital	1497,27,00,000	..	1497,27,00,000
43	Department of Health Research ..... Revenue	1,00,000	..	1,00,000
44	Department of Heavy Industry ..... Revenue	1,00,000	..	1,00,000
	Capital	1,00,000	..	1,00,000
46	Ministry of Home Affairs ..... Capital	30,85,00,000	..	30,85,00,000
47	Cabinet ..... Revenue	100,84,00,000	..	100,84,00,000
48	Police ..... Revenue	1,00,000	23,79,00,000	23,80,00,000
	Capital	1,00,000	..	1,00,000
49	Andaman and Nicobar Islands ..... Revenue	5,00,000	..	5,00,000
	Capital	6,00,000	..	6,00,000
50	Chandigarh ..... Revenue	7,00,000	..	7,00,000
	Capital	9,00,000	..	9,00,000
51	Dadra and Nagar Haveli and Daman and Diu ..... Capital	1,00,000	..	1,00,000
52	Ladakh ..... Revenue	9,00,000	..	9,00,000
	Capital	1,00,000	..	1,00,000
53	Lakshadweep ..... Revenue	1,00,000	..	1,00,000
	Capital	2,00,000	..	2,00,000
54	Transfers to Delhi ..... Revenue	149,99,00,000	..	149,99,00,000
57	Ministry of Housing and Urban Affairs ..... Revenue	10000,03,00,000	..	10000,03,00,000
	Capital	1,00,000	..	1,00,000
58	Department of School Education and Literacy ..... Revenue	4,00,000	..	4,00,000
59	Department of Higher Education ..... Revenue	4661,09,00,000	..	4661,09,00,000
	Capital	1,00,000	..	1,00,000
61	Department of Water Resources, River Development and Ganga Rejuvenation .. Revenue	3,00,000	..	3,00,000
62	Department of Drinking Water and Sanitation ..... Revenue	3249,64,00,000	..	3249,64,00,000
63	Ministry of Labour and Employment ..... Revenue	3,00,000	..	3,00,000
64	Law and Justice ..... Revenue	10,00,00,000	..	10,00,00,000
	Capital	86,00,00,000	..	86,00,00,000
65	Election Commission ..... Capital	5,00,00,000	..	5,00,00,000
	CHARGED.— <i>Supreme Court of India</i> ..... Revenue	..	19,39,00,000	19,39,00,000
67	Ministry of Micro, Small and Medium Enterprises ..... Revenue	2,00,000	..	2,00,000
	Capital	500,00,00,000	..	500,00,00,000
68	Ministry of Mines ..... Revenue	1,00,000	..	1,00,000
69	Ministry of Minority Affairs ..... Revenue	1,00,000	..	1,00,000
70	Ministry of New and Renewable Energy ..... Revenue	1,00,000	..	1,00,000
	Capital	118,00,00,000	..	118,00,00,000
71	Ministry of Panchayati Raj ..... Revenue	1,00,000	..	1,00,000
73	Ministry of Personnel, Public Grievances and Pensions ..... Revenue	69,31,00,000	..	69,31,00,000
	Capital	1,47,00,000	..	1,47,00,000
75	Ministry of Petroleum and Natural Gas ..... Revenue	1,00,000	..	1,00,000
76	Ministry of Planning ..... Revenue	120,00,00,000	..	120,00,00,000
77	Ministry of Power ..... Revenue	403,51,00,000	..	403,51,00,000
79	Lok Sabha ..... Revenue	1,00,000	..	1,00,000
83	Ministry of Railways ..... Capital	1,00,000	336,00,00,000	336,01,00,000
84	Ministry of Road Transport and Highways ..... Revenue	2,00,000	..	2,00,000
	Capital	16220,00,00,000	..	16220,00,00,000
85	Department of Rural Development ..... Revenue	33057,84,00,000	..	33057,84,00,000
86	Department of Land Resources ..... Revenue	2,00,000	..	2,00,000

1	2		3	
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
87	Department of Science and Technology ..... Revenue	1,00,000	..	1,00,000
90	Ministry of Shipping ..... Revenue	1,00,000	..	1,00,000
	Capital	185,00,00,000	..	185,00,00,000
91	Ministry of Skill Development and Entrepreneurship ..... Revenue	1,00,000	..	1,00,000
92	Department of Social Justice and Empowerment ..... Revenue	2,00,000	..	2,00,000
94	Department of Space ..... Revenue	1,00,000	..	1,00,000
	Capital	1,00,000	..	1,00,000
95	Ministry of Statistics and Programme Implementation ..... Revenue	1,00,000	..	1,00,000
97	Ministry of Textiles ..... Revenue	1,00,000	..	1,00,000
	Capital	6,16,00,000	..	6,16,00,000
98	Ministry of Tourism ..... Revenue	1,00,000	..	1,00,000
99	Ministry of Tribal Affairs ..... Revenue	1,00,000	..	1,00,000
100	Ministry of Women and Child Development ..... Revenue	1,00,000	..	1,00,000
101	Ministry of Youth Affairs and Sports ..... Revenue	2,00,000	..	2,00,000
	Capital	1,00,000	..	1,00,000
	TOTAL:	620814,72,00,000	7565,27,00,000	628379,99,00,000

#### STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114 (1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government for the financial year 2020-21.

NIRMALA SITHARAMAN.

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#### PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

**[Letter No. 4(38)-B(SD)/2020, dated 9.2.2021 from Smt. Nirmala Sitharaman, Minister of Finance to the Secretary-General, Lok Sabha]**

The President, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2020-21, recommends under article 117(1) and (3) of the Constitution, the introduction of the Appropriation Bill, 2021 in Lok Sabha and also the consideration of the Bill.



LOK SABHA

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A

**BILL**

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2020-21.

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*(Smt. Nirmala Sitharaman, Minister of Finance and Corporate Affairs)*

MGIPMRND—1407LS(S3)—11-02-2021.

**Bill No. 69 of 2021**

**THE JAMMU AND KASHMIR APPROPRIATION**

(No. 2) BILL, 2021

A

BILL

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir for the services of the financial year 2021-22.*

BE it enacted by the Parliament in the Seventy-second Year of the Republic of India, in exercise of the powers vested under the Jammu and Kashmir Reorganisation Act, 2019 as follows:—

- |    |   |  |
|----|---|--|
|    | <b>1.</b> This Act may be called the Jammu and Kashmir Appropriation (No.2) Act, 2021   | Short title.   |
| 5  | <b>2.</b> From and out of the Consolidated Fund of the Union territory of Jammu and Kashmir, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of One Lakh thirty thousand eight hundred thirty-two crores twenty-three lakh and eighty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year | Issue of<br>Rs.130832,23,87,000<br>out of<br>Consolidated<br>Fund of Union<br>territory of<br>Jammu and<br>Kashmir for<br>financial<br>year 2021-22. |
| 10 | 2021-22 in respect of the services specified in column 2 of the Schedule.   |  |

Appropriation.

**3.** The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

**THE SCHEDULE**  
(See sections 2 and 3)

1 No. of Vote/ Appropriation	2 Services and purposes	3		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	General Administration Department Revenue	551,25,74,000	25,22,86,000	576,48,60,000
	Capital	222,46,61,000	-	222,46,61,000
2	Home Department Revenue	8865,05,98,000	-	8865,05,98,000
	Capital	1383,69,51,000	-	1383,69,51,000
3	Planning Department Revenue	130,53,86,000	-	130,53,86,000
	Capital	1017,00,00,000	-	1017,00,00,000
4	Information Department Revenue	134,36,06,000	-	134,36,06,000
	Capital	1,15,00,000	-	1,15,00,000
6	Power Development Department Revenue	6694,65,83,000	-	6694,65,83,000
	Capital	2727,76,38,000	-	2727,76,38,000
7	Education Department Revenue	11016,32,49,000	-	11016,32,49,000
	Capital	830,94,41,000	-	830,94,41,000
8	Finance Department Revenue	9868,25,34,000	7689,56,40,000	17557,81,74,000
	Capital	1901,47,91,000	26265,22,00,000	28166,69,91,000
9	Parliamentary Affairs Department Revenue	50,22,29,000	87,10,000	51,09,39,000
	Capital	4,00,00,000	-	4,00,00,000
10	Law Department Revenue	689,44,76,000	78,50,00,000	767,94,76,000
	Capital	116,00,00,000	-	116,00,00,000
11	Industry and Commerce Department Revenue	443,35,68,000	-	443,35,68,000
	Capital	648,35,50,000	-	648,35,50,000
12	Agriculture Department Revenue	1342,65,66,000	-	1342,65,66,000
	Capital	1607,85,66,000	-	1607,85,66,000
13	Animal/Sheep Husbandry Department Revenue	675,79,34,000	-	675,79,34,000
	Capital	235,91,62,000	-	235,91,62,000
14	Revenue Department Revenue	787,92,35,000	-	787,92,35,000
	Capital	114,70,00,000	-	114,70,00,000
15	Food Civil Supplies and Consumer Affairs Department Revenue	278,02,42,000	-	278,02,42,000
	Capital	304,96,95,000	-	304,96,95,000
16	Public Works Department Revenue	1266,05,73,000	-	1266,05,73,000
	Capital	4088,87,04,000	-	4088,87,04,000
17	Health & Medical Education Department Revenue	5605,57,73,000	-	5605,57,73,000
	Capital	1455,83,09,000	-	1455,83,09,000
18	Social Welfare Department Revenue	2506,01,52,000	-	2506,01,52,000
	Capital	173,76,88,000	-	173,76,88,000
19	Housing and Urban Development Department Revenue	896,73,13,000	-	896,73,13,000
	Capital	2709,99,18,000	-	2709,99,18,000
20	Tourism Department Revenue	252,78,37,000	-	252,78,37,000
	Capital	260,05,00,000	-	260,05,00,000
21	Forest Department Revenue	1533,99,51,000	-	1533,99,51,000
	Capital	218,23,89,000	-	218,23,89,000
22	Irrigation Department Revenue	786,69,79,000	-	786,69,79,000
	Capital	1410,84,33,000	-	1410,84,33,000
23	Public Health Engineering Department Revenue	1837,53,00,000	-	1837,53,00,000
	Capital	6346,45,69,000	-	6346,45,69,000

1	2	3		
		Sums not exceeding		
No. of Vote/ Appropriation	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
24	Hospitality and Protocol Department Revenue	291,02,95,000	-	291,02,95,000
	Capital	46,22,00,000	-	46,22,00,000
25	Labour, Stationery and Printing Department ..... Revenue	97,82,41,000	-	97,82,41,000
	Capital	67,07,80,000	-	67,07,80,000
26	Fisheries Department ..... Revenue	113,75,38,000	-	113,75,38,000
	Capital	102,11,21,000	-	102,11,21,000
27	Higher Education Department ..... Revenue	1365,23,59,000	-	1365,23,59,000
	Capital	1042,25,00,000	-	1042,25,00,000
28	Rural Development Department ..... Revenue	714,61,46,000	-	714,61,46,000
	Capital	4816,70,39,000	-	4816,70,39,000
29	Transport Department ..... Revenue	132,68,11,000	-	132,68,11,000
	Capital	163,00,00,000	-	163,00,00,000
30	Tribal Affairs Department ..... Revenue	104,71,90,000	-	104,71,90,000
	Capital	273,42,95,000	-	273,42,95,000
31	Culture Department ..... Revenue	64,42,09,000	-	64,42,09,000
	Capital	525,82,16,000	-	525,82,16,000
32	Horticulture Department ..... Revenue	188,79,16,000	-	188,79,16,000
	Capital	400,08,87,000	-	400,08,87,000
33	Disaster Management, Relief, Rehab. & Reconst. Department ..... Revenue	986,15,12,000	-	986,15,12,000
	Capital	179,49,00,000	-	179,49,00,000
34	Youth Services & Technical Education ..... Revenue	652,97,20,000	-	652,97,20,000
	Capital	245,76,76,000	-	245,76,76,000
35	Science & Technology Department ..... Revenue	19,00,68,000	-	19,00,68,000
	Capital	105,91,00,000	-	105,91,00,000
36	Cooperative Department ..... Revenue	65,17,09,000	-	65,17,09,000
	Capital	15,00,00,000	-	15,00,00,000
	TOTAL:	96772,85,51,000	34059,38,36,000	130832,23,87,000

#### STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), S.O. 3938(E), dated the 31st day of October, 2019, issued consequent upon the proclamation issued on the 31st day of October, 2019, Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), S.O. 3937(E), dated the 31st day of October, 2019 under Section 73 of the Jammu and Kashmir Reorganisation Act, 2019 read with articles 239 and 239A of the Constitution and Section 74 of the Jammu and Kashmir Reorganisation Act, 2019, to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir of the moneys required to meet the expenditure charged on the Consolidated Fund of Union territory of Jammu and Kashmir and the grants made for expenditure of the Union territory of Jammu and Kashmir (with legislature) for financial year 2021-22 for the period from 1st day of April, 2021 to 31st day of March, 2022.

NIRMALA SITHARAMAN.

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PRESIDENT'S RECOMMENDATION UNDER SECTION 36(1)(C) AND (D), 43 (1)  
AND 74 OF JAMMU AND KASHMIR REORGANISATION ACT, 2019

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**[Letter No. 2(13)-B(S)/2020, dated 14th March, 2021 from Smt. Nirmala Sitharaman, Minister of Finance and Corporate Affairs addressed to the Secretary General, Lok Sabha]**

The President, having been informed of the subject matter of the Jammu and Kashmir Appropriation (No. 2) Bill, 2021 to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of Union territory of Jammu and Kashmir for the services of the financial year 2021-22 recommends, under section 36(1)(c) and (d), 43(1) and 74 of the Jammu and Kashmir Reorganisation Act, 2019 read with articles 239 and 239A of the Constitution, the introduction of the Jammu and Kashmir Appropriation (No. 2) Bill, 2021 in Lok Sabha and also the consideration of the Bill.

LOK SABHA

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A  
BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir for the services of the financial year 2021-22.

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*(Smt. Nirjala Sitharaman, Minister of Finance and Corporate Affairs)*

MGIPMRND—1665LS(S3)—17-03-2021.

**Bill No. 72 of 2021**

**THE JAMMU AND KASHMIR APPROPRIATION BILL, 2021**

A

**BILL**

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir for the services of the financial year 2020-21.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India, in exercise of the powers vested under the Jammu and Kashmir Reorganisation Act, 2019 as follows:—

- |    |  |  |
|----|--|--|
|    | <b>1.</b> This Act may be called the Jammu and Kashmir Appropriation Act, 2021.  | Short title.   |
| 5  | <b>2.</b> From and out of the Consolidated Fund of the Union territory of Jammu and Kashmir, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twelve thousand two crores, five lakh and seventy-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2020-21 in respect of the services specified in | Issue of Rs. 12002,05,75,000 (Supplementary Grants) out of Consolidated Fund of Union territory of Jammu and Kashmir for financial year 2020-21. |
| 10 | column 2 of the Schedule.  |  |
|    | <b>3.</b> The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.   | Appropriation.   |



**THE SCHEDULE**  
(See sections 2 and 3)

1 No. of Vote/ Appropriation	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
3	Planning Department ..... Capital	29,35,29,000	..	29,35,29,000
6	Power Development Department ..... Capital	9909,47,13,000	..	9909,47,13,000
8	Finance Department ..... Capital	..	<i>299,25,00,000</i>	299,25,00,000
10	Law Department ..... Revenue	15,98,10,000	..	15,98,10,000
14	Revenue Department ..... Capital	11,24,18,000	..	11,24,18,000
16	Public Works Department ..... Capital	501,58,42,000	..	501,58,42,000
17	Health and Medical Education Department ..... Revenue	503,23,76,000	..	503,23,76,000
18	Social Welfare Department ..... Revenue	205,23,98,000	..	205,23,98,000
23	Public Health Engineering Department ..... Capital	506,71,06,000	..	506,71,06,000
26	Fisheries Department ..... Revenue	3,24,52,000	..	3,24,52,000
	Capital	16,74,31,000	..	16,74,31,000
	TOTAL :	11702,80,75,000	<i>299,25,00,000</i>	12002,05,75,000

## STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), S.O. 3938(E), dated the 31st day of October, 2019, issued consequent upon the proclamation issued on the 31st day of October, 2019, Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), S.O. 3937(E), dated the 31st day of October, 2019 under section 73 of the Jammu and Kashmir Reorganisation Act, 2019 read with articles 239 and 239A of the Constitution and section 74 of the Jammu and Kashmir Reorganisation Act, 2019, to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of the Union territory of Jammu and Kashmir and the grants made for expenditure of the Union territory of Jammu and Kashmir (with legislature) for the financial year 2020-21 for the period from 1st day of April, 2020 to 31st day of March, 2021.

NIRMALA SITHARAMAN.

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PRESIDENT'S RECOMMENDATION UNDER SECTION 36(1)(c) AND (d), 44(1)  
AND 74 OF JAMMU AND KASHMIR REORGANISATION ACT, 2019

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**[Letter No. 2(13)-B(S)/2020, dated 14th March, 2021 from Smt. Nirmala Sitharaman,  
Minister of Finance and Corporate Affairs addressed to the Secretary General,  
Lok Sabha]**

The President, having been informed of the subject matter of the Jammu and Kashmir Appropriation Bill, 2021 to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of Union territory of Jammu and Kashmir for the services of the financial year 2020-21 recommends under section 36(1)(c) and (d), 44(1) and 74 of the Jammu and Kashmir Reorganisation Act, 2019, the introduction of the Jammu and Kashmir Appropriation Bill, 2021 in Lok Sabha and also the consideration of the Bill.

LOK SABHA

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A  
BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Jammu and Kashmir for the services of the financial year 2020-21.

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*(Smt. Nirmla Sitharaman, Minister of Finance and Corporate Affairs)*

MGIPMRND—1664LS(S3)—17-03-2021.

**Bill No. 70 of 2021**

**THE PUDUCHERRY APPROPRIATION (VOTE ON ACCOUNT)  
BILL, 2021**

A

**BILL**

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Puducherry for the services of a part of the financial year 2021-22.*

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

**1.** This Act may be called the Puducherry Appropriation (Vote on Account) Act, 2021. Short title.

5       **2.** From and out of the Consolidated Fund of the Union territory of Puducherry there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three thousand nine hundred and thirty-four crore rupees towards defraying the several charges which will come in course of payment during the financial year 2021-22 in respect of the services specified  
10 in column 2 of the Schedule. Withdrawal of Rs. 3934,00,00,000 from and out of the Consolidated Fund of the Union territory of Puducherry for the financial year 2021-22.

Appropriation.       **3.** The sums authorised to be withdrawn from and out of the Consolidated Fund of the Union territory of Puducherry by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

## THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote/ Appropriation	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Legislative Assembly ..... Revenue	5,83,79,000	5,74,000	5,89,53,000
2	Administrator ..... Revenue	4,000	3,25,05,000	3,25,09,000
3	Council of Ministers ..... Revenue	5,28,70,000	..	5,28,70,000
4	Administration of Justice ..... Revenue	13,40,94,000	..	13,40,94,000
5	Elections ..... Revenue	8,91,45,000	..	8,91,45,000
6	Revenue and Food ..... Revenue	133,62,69,000	..	133,62,69,000
7	Sales Tax ..... Revenue	5,79,92,000	..	5,79,92,000
8	Transport ..... Revenue	15,86,77,000	..	15,86,77,000
9	Secretariat ..... Revenue	21,25,13,000	..	21,25,13,000
10	District Administration ..... Revenue	98,21,91,000	..	98,21,91,000
	Capital	48,50,000	..	48,50,000
11	Treasury and Accounts Administration ..... Revenue	10,60,01,000	..	10,60,01,000
12	Police ..... Revenue	134,96,54,000	..	134,96,54,000
	Capital	3,57,35,000	58,000	3,57,93,000
13	Jails ..... Revenue	3,83,37,000	..	3,83,37,000
	Capital	4,17,000	..	4,17,000
14	Stationary and Printing ..... Revenue	13,80,63,000	..	13,80,63,000
	Capital	10,60,000	..	10,60,000
15	Retirement Benefits ..... Revenue	479,28,50,000	..	479,28,50,000
16	Public Works ..... Revenue	136,47,23,000	1,82,000	136,49,05,000
	Capital	55,93,38,000	2,63,28,000	58,56,66,000
17	Education ..... Revenue	470,91,53,000	..	470,91,53,000
	Capital	4,83,000	2,05,35,000	2,10,18,000
18	Medical ..... Revenue	325,14,36,000	1,88,000	325,16,24,000
	Capital	7,57,80,000	21,000	7,58,01,000
19	Information and Publicity ..... Revenue	10,88,70,000	..	10,88,70,000
	Capital	..	44,58,000	44,58,000
20	Labour and Employment ..... Revenue	20,76,90,000	..	20,76,90,000
	Capital	7,72,000	..	7,72,000
21	Social Welfare ..... Revenue	302,82,23,000	9,31,000	302,91,54,000
22	Co-operation ..... Revenue	12,43,91,000	..	12,43,91,000
	Capital	18,75,000	..	18,75,000
23	Statistics ..... Revenue	2,35,64,000	..	2,35,64,000
24	Agriculture ..... Revenue	55,65,93,000	..	55,65,93,000
	Capital	20,59,000	..	20,59,000
25	Animal Husbandry ..... Revenue	19,03,82,000	67,000	19,04,49,000
	Capital	7,08,000	..	7,08,000
26	Fisheries ..... Revenue	31,92,02,000	..	31,92,02,000
	Capital	2,21,29,000	..	2,21,29,000
27	Community Development ..... Revenue	21,24,41,000	..	21,24,41,000
28	Industries ..... Revenue	65,71,80,000	..	65,71,80,000
29	Electricity ..... Revenue	713,58,85,000	9,17,000	713,68,02,000
	Capital	19,36,64,000	..	19,36,64,000
30	Ports and Pilotage ..... Revenue	2,25,52,000	..	2,25,52,000
	Capital	1,47,92,000	47,92,000	1,95,84,000
	<i>Public Debt</i> ..... Revenue	..	319,74,90,000	319,74,90,000
	Capital	..	350,27,09,000	350,27,09,000
31	Loans to Government Servants ..... Capital	1,67,000	..	1,67,000
32	Building Programmes ..... Revenue	4,52,41,000	..	4,52,41,000
	Capital	15,72,80,000	1,25,71,000	16,98,51,000
	TOTAL:	3253,56,74,000	680,43,26,000	3934,00,00,000

STATEMENT OF OBJECTS AND REASONS

As required in section 31 of the Government of Union Territories Act, 1963 'Vote on Account' is obtained for part of Demands for Grants. This Bill is introduced in pursuance of sub-section (1) of section 29 of the Government of Union Territories Act, 1963, and the Order of the President made on 25th February, 2021 under section 51 of that Act, to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Puducherry of the moneys required to meet the expenditure charged on the Consolidated Fund and the grants made for the expenditure of the Union territory of Puducherry (with Legislature) for the period from 1st day of April, 2021 to 31st day of August, 2021 of the Financial Year 2021-22.

NIRMALA SITHARAMAN.

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PRESIDENT'S RECOMMENDATION UNDER SECTIONS 23, 29 AND 51 OF THE  
GOVERNMENT OF UNION TERRITORIES ACT, 1963

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**[Letter No. 2(14)-B(S)/2020 dated 15th March, 2021 from Smt. Nirmala Sitharaman,  
Minister of Finance and Corporate Affairs to the Secretary General, Lok Sabha]**

The President, having been informed of the subject matter of the Puducherry Appropriation (Vote on Account) Bill, 2021 to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of Union territory of Puducherry for the services of the financial year 2021-22 recommends, under sections 23, 29 and 51 of the Government of Union territories Act, 1963, read with articles 239 and 239A of the Constitution, the introduction of the Puducherry Appropriation (Vote on Account) Bill, 2021 in Lok Sabha and also the consideration of the Bill.

LOK SABHA

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A

BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Puducherry for the services of a part of the financial year 2021-22.

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*(Smt. Nirmala Sitharaman, Minister of Finance and Corporate Affairs)*

MGIPMRND—1666LS(S3)—17-03-2021.



**Bill No. 71 of 2021**

**THE PUDUCHERRY APPROPRIATION BILL, 2021**

A

**BILL**

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Puducherry for the services of the financial year 2020-21.*

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

**1.** This Act may be called the Puducherry Appropriation Act, 2021.

Short title.

**2.** From and out of the Consolidated Fund of the Union territory of Puducherry there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred fifty-six crores, four lakhs and ten thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2020-21, in respect of the services specified in column 2 of the Schedule.

Issue of  
Rs. 256,04,10,000  
from and out of  
the  
Consolidated  
Fund of the  
Union territory  
of Puducherry  
for the  
financial year  
2020-21.

Appropriation. **3.** The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Puducherry by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

**THE SCHEDULE**  
(See sections 2 and 3)

1 No. of Vote/ Appro- pria- tion	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
5	Elections ..... Revenue	8,05,18,000	..	8,05,18,000
8	Transport ..... Revenue	3,60,54,000	..	3,60,54,000
10	District Administration ..... Revenue	28,52,24,000	..	28,52,24,000
	Capital	1,16,38,000	..	1,16,38,000
12	Police ..... Revenue	4,50,68,000	..	4,50,68,000
	Capital	3,60,81,000	..	3,60,81,000
16	Public Works ..... Capital	..	70,10,73,000	70,10,73,000
17	Education ..... Revenue	1,000	..	1,000
	Capital	1,87,000	13,99,83,000	14,01,70,000
18	Medical ..... Revenue	19,57,33,000	..	19,57,33,000
	Capital	1,000	..	1,000
19	Information and Publicity ..... Capital	..	1,61,73,000	1,61,73,000
21	Social Welfare ..... Revenue	9,000	17,35,000	17,44,000
22	Co-operation ..... Capital	34,01,000	..	34,01,000
26	Fisheries ..... Revenue	1,23,56,000	..	1,23,56,000
	Capital	..	10,50,000	10,50,000
27	Community Development ..... Revenue	1,000	..	1,000
28	Industries ..... Revenue	7,36,25,000	27,54,000	7,63,79,000
29	Electricity ..... Revenue	51,76,94,000	..	51,76,94,000
	Capital	4,87,90,000	..	4,87,90,000
30	Ports and Pilotage ..... Revenue	24,56,000	..	24,56,000
	Capital	..	45,00,000	45,00,000
	<i>Public Debt</i> ..... Revenue	..	33,33,60,000	33,33,60,000
32	Building Programmes ..... Revenue	13,52,000	..	13,52,000
	Capital	3,000	95,90,000	95,93,000
	TOTAL:	135,01,92,000	121,02,18,000	256,04,10,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of sections 29 and 30 of the Government of Union Territories Act, 1963, and the Order of the President made on the 25th February, 2021 under section 51 of that Act, to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Puducherry of the moneys required to meet the expenditure charged on the Consolidated Fund of the Union territory of Puducherry and the grants made for the expenditure of the Union territory of Puducherry (with Legislature) for the period from 1st day of April, 2020 to 31st day of March, 2021 of the financial year 2020-21.

NIRMALA SITHARAMAN.

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PRESIDENT'S RECOMMENDATION UNDER SECTIONS 23, 29 AND 51 OF THE  
GOVERNMENT OF UNION TERRITORIES ACT, 1963

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**[Letter No. 2(14)-B(S)/2020 dated 15th March, 2021 from Smt. Nirmala Sitharaman,  
Minister of Finance and Corporate Affairs to the Secretary General, Lok Sabha]**

The President, having been informed of the subject matter of the Puducherry Appropriation Bill, 2021 to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Puducherry for the services of the Financial year 2020-21, recommends under sections 23, 29 and 51 of the Government of Union territories Act, 1963, read with articles 239 and 239A of the Constitution, the introduction of the Puducherry Appropriation Bill, 2021 in Lok Sabha and also the consideration of the Bill.

LOK SABHA

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A

BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Puducherry for the services of the financial year 2020-21.

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*(Smt. Nirmala Sitharaman, Minister of Finance and Corporate Affairs)*

MGIPMRND—1667LS(S3)—17-03-2021.