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## Part IV—Section 4

### CENTRAL ACTS AND ORDINANCES

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ACTS OF PARLIAMENT ASSENTED TO BY THE PRESIDENT,  
GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 22nd December, 2009*

The following Act of Parliament received the assent of the President on the 22nd December, 2009 and is hereby published for general information:—

THE ESSENTIAL COMMODITIES (AMENDMENT AND VALIDATION) ACT, 2009.

**Act No. 36 of 2009.**

*An Act further to amend the Essential Commodities Act, 1955 and to make provisions for validation of certain orders issued by the Central Government determining the price of levy sugar and actions taken under those orders and for matters connected therewith.*

Whereas a Bench of three Judges of the Hon'ble Supreme Court in the case of Modi Industries Ltd. and Another *versus* Union of India and Others on the 20th February, 1996 reported in (1999) 9 SCC 245, accepted the statement made on behalf of the Union of India that while determining the minimum cane price of levy sugar, regard had been given only to the minimum cane price referred to in section 3(3C) of the Essential Commodities Act, 1955 and that the additional cane price payable under clause 5A of the Sugarcane (Control) Order, 1966 had not been taken into account and held that the case was not covered by the decision of the Supreme Court dated 22-9-1993 in Shri Malaprabha Co-op. Sugar Factory Ltd. *versus* Union of India [(1994) 1 SCC 648 Malaprabha (1)];

And Whereas subsequently the decision of a Bench of three Judges of the Supreme Court dated 28-1-1997 in the case of Shri Malaprabha Co-op. Sugar Factory Ltd. *versus* Union of India (Malaprabha 2) (1997) 10 SCC 216 held that the decision in Modi Industries' case did not have any bearing on the fixation of price of levy sugar for the year 1975-1976 to 1979-1980;

And Whereas the decision of the Bench of three Judges in Modi Industries Ltd. and Another *versus* Union of India and others was followed in the case of Bharat Sugar Mills Ltd. and another *versus* Union of India, (decided on 19th August, 1998) after noticing the judgments in Shri Malaprabha Co-op. Sugar Factory Ltd. (Malaprabha 1) and Shri Malaprabha Co-op. Sugar Factory Ltd. [(Malaprabha 2)];

And Whereas in the case of Union of India and Others *versus* Triveni Engineering Works Ltd. (1999) 9 SCC 244, by judgment dated 2-2-1999, the appeal of the Union of India was allowed relying upon the decision in Modi Industries Ltd. and the decision of the Bench of two Judges of the Supreme Court in Bharat Sugar Mills Ltd., ;

And Whereas in Shri Malaprabha Co-op. Sugar Factory Ltd. *Versus* Union of India, (2002) 9 SCC 716] (Malaprabha 3) Contempt Petitions filed against the Union of India for alleged non-compliance with the decision in Malaprabha 1 and Malaprabha 2, were dismissed by order dated 16-11-2000 and the working statement given before the Hon'ble Court showed that the retention of fifty per cent being a factor which can be taken into consideration in determining element (d) in section 3(3C) of the Essential Commodities Act was taken into account, not to the extent as desired by the petitioners, but the result of this was that the levy price fixed at Rs. 163.780 in respect of West U.P. had gone up to Rs. 172.430, the Hon'ble Supreme Court held that "the said fixation is in accordance with law and the directions given by this Court have been complied with. Neither a case for contempt has been made out nor is there any justification, in our opinion, for giving any direction to the Government to refix the levy price under section 3(3C) of the Essential Commodities Act.";

And Whereas notwithstanding the judgment in the Modi Industries case, the Bharat Sugar Mills case, and the Triveni Engineering Works Ltd. case and the judgment of a Bench of three Judges of the Hon'ble Supreme Court in Shri Malaprabha Co-op. Sugar Factory Ltd. (Malaprabha 3), a Bench of two Judges of the Hon'ble Supreme Court in Mahalakshmi Sugar Mills Co-op. Ltd. and Anr. *Versus* Union of India and Others (2008) 6 SCALE 275, in a judgment dated 31st March, 2008, in relation to sugar seasons 1983-1984 and 1984-1985, held that the actual price payable to cane growers was absolutely relevant for determining the price of levy sugar;

And Whereas there are thus conflicting decisions as to the factors to be taken into consideration in determining the price of levy sugar;

10 of 1955 And Whereas it has become necessary to make suitable amendments to the Essential Commodities Act, 1955 to clarify and reiterate the underlying principles and the factors that needed to be taken into consideration in determining the price of levy sugar and to give effect accordingly;

And Whereas in order to remove doubts and ambiguities it has become necessary to make such provisions with retrospective effect to validate the determination of the price of levy sugar by the Central Government from time to time pursuant to the provisions of the Essential Commodities Act, 1955.

10 of 1955 BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities (Amendment and Validation) Act, 2009.

Short title and Commencement.

(2) It shall be deemed to have come into force on the 21st day of October, 2009.

10 of 1955 2. In section 3 of the Essential Commodities Act, 1955 (hereinafter referred to as the 10 (principal Act)

Amendment of section 3.

(a) in sub-section (3C), the existing Explanation shall be numbered as *Explanation I* and after *Explanation I* as so numbered, the following Explanation shall be inserted and shall be deemed to have been inserted, with effect from the 1st day of October, 1974, namely:—

*'Explanation II.*-For the removal of doubts, it is hereby declared that the expressions "minimum price" referred to in clause (a), "manufacturing cost of sugar" referred to in clause (b) and "reasonable return on the capital employed" referred to in clause (d) exclude the additional price of sugarcane paid or payable under clause 5A of the Sugarcane (Control) Order, 1966 and any price paid or payable under any order or enactment of any State Government and any price agreed to between the producer and the grower of sugarcane or a sugarcane growers' co-operative society.;

(b) for sub-section (3C) and the *Explanations* thereunder, the following shall be substituted, and shall be deemed to have been substituted, on and from the 1st day of October, 2009, namely:—

(3C) Where any producer is required by an order made with reference to clause (f) of sub-section (2) to sell any kind of sugar (whether to the Central Government or to a State Government or to an officer or agent of such Government or to any other person or class of persons) whether a notification was issued under sub-section (3A) or otherwise, then, notwithstanding anything contained in sub-section (3), there shall be paid to that producer only such amount as the Central Government may, by order, determine, having regard to—

(a) the fair and remunerative price, if any, determined by the Central Government as the price of sugarcane to be taken into account under this section;

(b) the manufacturing cost of sugar;

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

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

Provided that the Central Government may determine different prices, from time to time, for different areas or factories or varieties of sugar:

Provided further that where any provisional determination of price of levy sugar has been done in respect of sugar produced up to the sugar season 2008-2009, the final determination of price may be undertaken in accordance with the provisions of this sub-section as it stood immediately before the 1st day of October, 2009.

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

(a) "fair and remunerative price" means the price of sugarcane determined by the Central Government under this section;

(b) "manufacturing cost of sugar" means the net cost incurred on conversion of sugarcane into sugar including net cost of transportation of sugarcane from the purchase centre to the factory gate, to the extent it is borne by the producer;

(c) "producer" means a person carrying on the business of manufacturing sugar;

(d) "reasonable return on the capital employed" means the return on net fixed assets plus working capital of a producer in relation to manufacturing of sugar including procurement of sugarcane at a fair and remunerative price determined under this section.'

Validation of action taken, etc., under specified orders issued under sub-section (3C) of Section 3 of the principal Act.

**3.** (1) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority—

(a) all things done or an actions taken by the Central Government under the specified orders shall be deemed to be and deemed to have always been done or taken in accordance with law;

(b) no suit, claim or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for the payment or adjustment of any payment in relation to the determination of price of levy sugar under any specified order;

(c) no court shall enforce any decree or order directing any payment in relation to the determination of price of levy sugar under any specified order;

(d) no claim or challenge shall be made in, or entertained by any court, tribunal or other authority on the ground that the Central Government did not take into consideration any of the factors specified in sub-section (3C) of Section 3 of the principal Act in the determination of price of levy sugar under any specified order.

(2) In this section, "specified order" means any order relating to the determination of price of sugar issued under sub-section (3C) of Section 3 of the principal Act before the 21st day of October, 2009, in relation to sugar produced in any sugar season up to and including the sugar season 2008-2009.

Repeal and saving.

**4.** (1) The Essential Commodities (Amendment and Validation) Ordinance, 2009, is hereby repealed.

Ord. 9 of 2009.

(2) Notwithstanding the repeal of the Essential Commodities (Amendment and Validation) Ordinance, 2009, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall, subject to the provisions contained in sub-section (3), be deemed to have been done or taken under the principal Act, as amended by this Act.

Ord. 9 of 2009.

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(3) Nothing contained in sub-section (2) shall apply to clause 3B of the Sugarcane (Control) Order, 1966, as inserted by the Government of India in the Ministry of Consumer Affairs, Food and Public Distribution Order Number S.O. 266 (E)/Ess Com./Sugarcane, dated the 22nd October 2009 or any thing done or any action taken thereunder.

V.K. BHASIN,  
*Secretary to the Government of India.*

(Re-published by Order of the Governor)

R. KATHIRVEL,  
*Additional Secretary to Government,  
Law Department.*



*New Delhi, the 23rd December 2009*

The following Act of Parliament received the assent of the President on the 22nd December 2009 and is hereby published for general information:—

THE JHARKHAND CONTINGENCY FUND (AMENDMENT) ACT, 2009.

**Act No. 37 of 2009.**

*An Act to amend the Jharkhand Contingency Fund Act, 2001.*

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

1. (1) This Act may be called the Jharkhand Contingency Fund (Amendment) Act, 2009. Short title and commencement.
- (2) It shall be deemed to have come into force on the 20th day of October, 2009.
2. In section 4 of the Jharkhand Contingency Fund Act, 2001 (hereinafter referred as the principal Act), the following proviso shall be inserted, namely: Amendment of section 4 of Jharkhand Act 9 of 2001.
- ‘Provided that during the period beginning on the date of commencement of the Jharkhand Contingency Fund (Amendment) Act, 2009 and ending on the 31st day of March 2010, this section shall have effect subject to the modification that for the words “one hundred and fifty crore rupees”, the words “five hundred crore rupees” shall be substituted.’.
- Ord. 7 of 2009. 3. (1) The Jharkhand Contingency Fund (Amendment) Ordinance, 2009 is hereby repealed. Repeal and saving.
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

V.K. BHASIN,  
*Secretary to the Government of India.*

(Re-published by Order of the Governor)

R. KATHIRVEL,  
*Additional Secretary to Government,  
Law Department.*





*New Delhi, the 23rd December, 2009*

The following Act of Parliament received the assent of the President on the 22nd December, 2009 and is hereby published for general information:—

THE CENTRAL UNIVERSITIES (AMENDMENT) ACT, 2009.

**Act No. 38 of 2009.**

*An Act to amend the Central Universities Act, 2009.*

BE It enacted by parliament in the sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Universities (Amendment) Act, 2009.

Short title and commencement.

(2) It shall be deemed to have come into force on the 20th day of October, 2009.

25 of 2009.

2. After section 3 of the Central Universities Act, 2009 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of section 3A.

“3A. (1) The Central University of Jammu and Kashmir established under sub-section (4) of section 3 shall be known as the Central University of Kashmir and its territorial jurisdiction shall be limited to the Kashmir Division of the State of Jammu and Kashmir.

Special provision with respect to the State of Jammu and Kashmir.

(2) There shall be established a university, which shall be a body corporate, to be known as the Central University of Jammu having its territorial jurisdiction extending to the Jammu Division of the State of Jammu and Kashmir.

(3) All assets and liabilities of the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall stand transferred to be the assets and liabilities of the Central University of Jammu.

(4) Anything done or any action taken by the University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to have been done or taken by the Central University of Jammu.

(5) Any suit or legal proceedings instituted or continued by or against the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to have been instituted or continued by or against the Central University of Jammu.”.

3. In the First Schedule to the principal Act, for serial number 5 and the corresponding entries against it, the following serial numbers and entries shall be substituted, namely:—

Amendment of the First Schedule to the principal Act.

“5.	Jammu and Kashmir	Central University of Kashmir	Kashmir Division of the State of Jammu and Kashmir
5A.	Jammu and Kashmir	Central University of Jammu	Jammu Division of the State of Jammu and Kashmir”.

Repeal and  
saving

4. (1) The Central Universities (Amendment) Ordinance, 2009 is hereby repealed. Ord. 8 of 2009.

(2) Notwithstanding the repeal of the Central Universities (Amendment) Ordinance, 2009, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act. Ord. 8 of 2009.

V.K. BHASIN,  
*Secretary to the Government of India.*

(Re-published by Order of the Governor)

R. KATHIRVEL,  
*Additional Secretary to Government,  
Law Department.*

*New Delhi, the 23rd December, 2009*

The following Act of Parliament received the assent of the President on the 22nd December, 2009 and is hereby published for general information:—

THE COMPETITION (AMENDMENT) ACT, 2009.

**Act No. 39 of 2009.**

*An Act further to amend the Competition Act, 2002.*

BE It enacted by parliament in the sixtieth Year of the Republic of India as follows:—

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| <p>1. (1) This Act may be called the Competition (Amendment) Act, 2009.</p> <p>(2) It shall be deemed to have come into force on the 14th day of October, 2009.</p>  | <p>Short title and commencement.</p>              |
| <p>2. In section 66 of the Competition Act, 2002,-</p> <p>(a) in sub-section (1), the proviso and the <i>Explanation</i> thereto shall be omitted;</p> <p>(b) in sub-section (3),—</p> <p>(i) for the words, brackets and figure “after the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “on the commencement of the Competition (Amendment) Act, 2009” shall be substituted;</p> <p>(ii) the following <i>Explanation</i> shall be inserted, namely:-</p> <p>“<i>Explanation.</i>—For the removal of doubts, it is hereby declared that all cases referred to in this sub-section, sub-section (4) and sub-section (5) shall be deemed to include all applications made for the losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 as it stood before its repeal;</p> <p>(c) in sub-section (4),-</p> <p>(i) for the words, brackets and figure “on or before the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “immediately before the commencement of the Competition (Amendment) Act, 2009, shall, on such commencement” shall be substituted;</p> <p>(ii) after the proviso, the following proviso shall be inserted, namely:-</p> <p>“Provided further that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.”;</p> <p>(d) in sub-section (5), for the words, brackets and figure “after the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “on the commencement of the Competition (Amendment) Act, 2009” shall be substituted;</p> <p>(e) in sub-section (7), the following proviso shall be inserted, namely:-</p> <p>“Provided that all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit .”.</p> | <p>Amendment of section 66 of Act 12 of 2003.</p> |

Repeal and savings.

3. (1) The Competition (Amendment) Ordinance, 2009 is hereby repealed. Ord. 6 of 2009.
- (2) Notwithstanding such repeal, anything done or any action taken under the Competition Act, 2002, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act as amended by this Act. 12 of 2003.

V.K. BHASIN,  
*Secretary to the Government of India.*

(Re-published by Order of the Governor)

R. KATHIRVEL,  
*Additional Secretary to Government,  
Law Department.*

New Delhi, the 23rd December, 2009

The following Act of Parliament received the assent of the President on the 22nd December, 2009 and is hereby published for general information:—

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS)  
SECOND ACT, 2009.

**Act No. 40 of 2009**

*An Act to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December 2010, and for matters connected therewith or incidental thereto.*

Whereas there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not in consonance with the concept of planned development as provided in the Master Plan of Delhi, 2001 and the relevant Acts and building bye-laws made thereunder;

And Whereas the Master Plan of Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

And Whereas the Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

And Whereas a strategy and as scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021, and is being implemented;

And Whereas based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village *abadi* area and its extension, the guidelines and regulations for this purpose have been issued;

And Whereas in pursuance of the guidelines and regulations for regularisation of unauthorised colonies, necessary steps are being taken which, *inter alia* involve scrutiny of layout plans, assessment of built up percentage existed as on the 31st day of March, 2002, identification of mixed use streets, approval of layout plans, fixation of boundaries, change of land use and identification of colonies not eligible for regularisation;

And Whereas more time is required for orderly implementation of scheme regarding hawkers and urban street vendors and for regularisation of unauthorised colonies, village *abadi* area and its extension;

And Whereas the revised policy and orderly arrangements for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompr*i clusters in the National Capital Territory of Delhi has been considered and a Bill, namely, the Delhi Urban Shelter Improvement Board Bill, 2009 has been prepared by the Government of National Capital Territory of Delhi to provide for implementation of schemes for improvement of *Jhuggi-Jhompr*i clusters and its redevelopment with a view to bring improvement in environment and living conditions, and preparing housing scheme for resettlement of persons;

And Whereas the draft policy regarding farm houses has been formulated by the Delhi Development Authority and has been forwarded to major stakeholders for their views and comments;,

And Whereas in pursuance of the Master Plan for Delhi, 2021, the policy or plan regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land is under consideration of the Central Government;

And Whereas the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 was enacted on the 5th day of December, 2007 to make special provisions for the areas of National Capital Territory of Delhi for a period up to the 31st day of December, 2008 which ceased to operate after the 31st day of December, 2008; 43 of 2007.

And Whereas the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009 was enacted in continuation of the aforesaid Act referred to in the preceding paragraph for a period up to the 31st day of December, 2009 to make special provisions for the areas of National Capital Territory of Delhi and that Act shall cease to operate after the 31st day of December, 2009; 24 of 2009.

And Whereas it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a period up to the 31st day of December, 2010 to provide temporary relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:-

Short title,  
extent,  
commence-  
ment and  
duration.

1. (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2009.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall come into force on the 1st day of January, 2010.

(4) It shall cease to have effect on the 31st day of December, 2010, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act. 10 of 1897.

Definitions.

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

(a) "building bye-laws" means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of Section 189 and sub-section (I) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (I) of section 57 of the Delhi Development Act, 1957, relating to buildings; 66 of 1957. Punjab Act 3 of 1911. 61 of 1957.

(b) "Delhi" means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of Section 2 of the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(c) "encroachment" means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction; 66 of 1957. 44 of 1994. 61 of 1957.

(e) "Master Plan" means the Master Plan for Delhi with the perspective for the year 2021, notified *vide* notification number S.O.141 (E), dated the 7th day of February, 2007, under the Delhi Development Act, 1957; 61 of 1957.

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

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) "relevant law" means in case of—

61 of 1957.

(i) the Delhi Development Authority, the Delhi Development Act, 1957;

66 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and

44 of 1994.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994;

(i) "unauthorised development" means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

61 of 1957.

66 of 1957.

44 of 1994.

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and *Jhuggi-Jhompri* clusters, hawkers and urban street vendors, unauthorised colonies, village abadi area (including urban villages) and its extension, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:

Enforcement to be kept in abeyance.

(a) policy for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompri* clusters in accordance with the provisions of the Master Plan of Delhi, 2021 to ensure development of Delhi in a sustainable, planned and humane manner;

(b) scheme and orderly arrangements for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in the Master Plan of Delhi, 2021.

(c) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised colonies, village abadi area (including urban villages) and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(d) policy regarding existing farm houses involving construction beyond permissible building limits; and

(e) policy or plan regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, status quo—

(i) as on the 1st day of January, 2006, in respect of encroachment or unauthorised development; and

(ii) in respect of unauthorised colonies, village abadi area (including urban villages) and its extension, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February, 2007, mentioned in sub-section (1),

shall be maintained.

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2010.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2010, withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

Provisions of this Act not to apply in certain cases.

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:-

(a) encroachment on public land except in those cases which are covered under clauses (a), (b) and (c) of sub-section (1) of section 3;

(b) removal of slums and Jhuggi-Jhompri dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village abadi area (including urban villages) and its extension in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

Power of Central Government to give directions.

5. The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

V.K. BHASIN,  
*Secretary to the Government of India.*

(Re-published by Order of the Governor)

R. KATHIRVEL,  
*Additional Secretary to Government,  
Law Department.*



*New Delhi, the 23rd December, 2009*

The following Act of Parliament received the assent of the President on the 22nd December, 2009 and is hereby published for general information:—

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 2009

**Act No. 41 of 2009**

*An Act further to amend the Representation of the People Act 1950 and the Representation of the People Act, 1951.*

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2009.

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.

CHAPTER II

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

43 of 1950.

2. In section 24 of the Representation of the People Act, 1950,—

Amendment of section 24.

(i) in clause (a), for the words “chief electoral officer”, the words “district magistrate or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank” shall be substituted;

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

“(b) to the chief electoral officer, from any order of the district magistrate or the additional district magistrate under clause (a).”.

43 of 1950.

3. In the Second Schedule to the Representation of the People Act, 1950, against second number 18 relating to the State of Mizoram, in column 7, for the entry “38”, the entry “39” shall be substituted.

Amendment of the Second Schedule.

CHAPTER III

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

43 of 1951.

4. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in sub-section (1) of section 8A, for the words “as soon as may be after such or takes effect”, the words “as soon as may be within” a period of three months from the date such order takes effect” shall be substituted.

Amendment of section 8A.

5. In section 34 of the principal Act, in sub-section (1),-

Amendment of section 34.

(i) in clause (a), for the words “a sum of ten thousand rupees or where candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees”, the words “a sum of twenty-five thousand rupees or where candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of Twelve thousand five hundred rupees”, shall be substituted;

(ii) in clause (b), for the words “a sum of five thousand rupees or where candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of two thousand five hundred rupees”, the words “a sum of ten thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees”, shall be substituted.

Amendment of section 123.

6. In section 123 of the principal Act, in clause (7),-

(i) for the words "from any person in the service of the Government", the words "from" any person whether or not in the service of the Government" shall substituted;

(ii) after sub-clause (g),the following sub-clause shall be inserted, namely:-

"(h) class of persons in the service of a local authority, university government company or institution or concern or undertaking appointed or deputed by the Election Commission in connection with the conduct of elections."

Insertion of new Sections 126 and 126B.

7. After section 126 of the principal Act, the following sections shall be inserted namely:-

Restriction on publication and dissemination of result of exit polls, etc.

126A. (1) No person shall conduct any exit poll and publish or publicise by means of the print or electronic media or disseminate in any other manner, whatsoever, the result of any exit poll during such period, as may be notified by the Election Commission in this regard.

(2) For the purposes of sub-section (1), the Election Commission shall, by general order, notify the date and time having due regard to the following, namely:—

(a) in case of a general election, the period may commence from beginning of the hours fixed for poll on the first day of poll and continue till an hour after closing of the poll in all the States and Union territories;

(b) in case of a bye-election or a number of bye-elections held together the period may commence from the beginning of the hours fixed for poll on and from the first day of poll and continue till half an hour after closing of the poll:

Provided that In case of a number of bye-elections held together on different days, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the last poll.

(3) Any person who contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

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

(a) "exit poll" means an opinion survey respecting how electors have voted at an election or respecting how all the electors have performed with regard to the identification of a political party or candidate in an election;

(b) "electronic media" includes internet, radio an television including Internet Protocol Television, satellite, terrestrial or cable channels, mobile and such other media either owned by the Government or private person or by both;

(c) "print media" includes any newspaper, magazine or periodical, poster, placard, handbill or any other document; .

(d) "dissemination" includes publication in any "print media" or broadcast or display on any electronic media.

Offences by companies.

126B. (1) Where an offence under sub-section (2) of section 126A has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

*Explanation.*- For the purpose of this section,-

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

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

V.K. BHASIN,  
*Secretary to the Government of India.*

(Re-published by Order of the Governor)

R. KATHIRVEL,  
*Additional Secretary to Government,  
Law Department.*



*New Delhi, the 23rd December, 2009*

The following Act of Parliament received the assent of the President on the 22nd December, 2009 and is hereby published for general information:—

THE APPROPRIATION (No. 4) ACT, 2009.

**Act No. 42 of 2009.**

*An Act 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 2009-10.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:-

1. This Act may be called the Appropriation (No.4 ) Act, 2009. Short title.
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 thirty thousand nine hundred forty-two crores and sixty-two lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2009- 10, in respect of the services specified in column 2 of the Schedule. Issue of Rs.  
30942,62,00,000  
out of the  
Consolidated  
Fund of India  
for the  
financial year  
2009-2010
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.

## THE SCHEDULE.

(See Sections 2 and 3)

No. of Vote	Services and purposes.	Sums not exceeding			
		Voted by the Parliament.	Charged on the Consolidated Fund of the State.	Total	
(1)	(2)	(3) Rs.	(4) Rs.	(5) Rs.	
1	Department of Agriculture and Cooperation..... ..	Revenue	14,23,00,000	..	14,23,00,000
2	Department of Agriculture Research and Education ..	Revenue	19,96,00,000	..	19,96,00,000
4	Atomic Energy..... ..	Revenue	422,48,00,000	..	422,48,00,000
		.. Capital	199,83,00,000	..	199,83,00,000
5	Nuclear Power Scheme..... ..	Revenue	55,67,00,000	..	55,67,00,000
		.. Capital	302,28,00,000	..	302,28,00,000
6	Department of Chemicals and Petrochemicals... ..	Revenue	166,07,00,000	..	166,07,00,000
7	Department of Fertilisers..... ..	Revenue	3000,00,00,000	..	3000,00,00,000
9	Ministry of Civil Aviation..... ..	Revenue	281,00,00,000	..	281,00,00,000
		.. Capital	800,00,00,000	..	800,00,00,000
11	Department of Commerce..... ..	Revenue	160,58,00,000	2,05,00,000	162,63,00,000
12	Department of Industrial Policy and Promotion.....	Revenue	1,00,000	..	1,00,000
13	Department of Posts..... ..	Revenue		4,03,00,000	4,03,00,000
		.. Capital		10,00,000	10,00,000
14	Department of Telecommunications..... ..	Revenue	249,24,00,000		249,24,00,000
		.. Capital	171,75,00,000		171,75,00,000
17	Department of Food and Public Distribution..... ..	Revenue	3660,82,00,000		3660,82,00,000
		.. Capital	150,00,00,000		150,00,00,000
18	Ministry of Corporate Affairs..... ..	Revenue	9,43,00,000		9,43,00,000
		.. Capital	1,00,00,000		1,00,00,000
19	Ministry of Culture..... ..	Revenue	2,00,000		2,00,000
		.. Capital	9,00,00,000		9,00,00,000
20	Ministry of Defence..... ..	Revenue	29,81,00,000		29,81,00,000
		.. Capital	1,00,000	40,00,000	41,00,000
21	Defence Pensions..... ..	Revenue	2210,00,00,000		2210,00,00,000
23	Defence Services-Navy..... ..	Revenue		2,50,00,000	2,50,00,000
24	Defence Services-Air Force..... ..	Revenue		1,45,00,000	1,45,00,000
28	Ministry of Development of North Eastern Region ..	Revenue	1,00,000	..	1,00,000
29	Ministry of Earth Sciences..... ..	Revenue	4,00,000	..	4,00,000
		.. Capital	1,00,000	..	1,00,000
30	Ministry of Environment and Forests..... ..	Revenue	5,00,000	..	5,00,000
		.. Capital	1,00,000	..	1,00,000

## THE SCHEDULE.

(See Sections 2 and 3)

No. of Vote.	Services and purposes.	Sums not exceeding		
		Voted by the Parliament.	Charged on the Consolidated Fund of the State.	Total
(1)	(2)	(3) Rs.	(4) Rs.	(5) Rs.
31	Ministry of Exteranal Affairs.....	Capital	297,50,00,000 ..	297,50,00,000
32	Department of Economic Affairs.....	Revenue	1,00,000 ..	1,00,000
33	Department of Financial Services.....	Revenue	400,02,00,000 ..	400,02,00,000
		Capital	1266,00,00,000 ..	1266,00,00,000
35	Transfers to State and Union territory Governments.	Revenue	1200,02,00,000 ..	1200,02,00,000
		Capital	..1400,00,00,000	1400,00,00,000
38	Department of Expenditure.....	Revenue	3,94,00,000	3,94,00,000
39	Pensions.....	Revenue	4533,33,00,000	4533,33,00,000
41	Department of Revenue.....	Revenue	1,00,000	1,00,000
44	Department of Disinvestment.....	Capital	3139,90,00,000	3139,90,00,000
46	Department of Health and Family Welfare.....	Revenue	3,00,000	3,00,000
49	Department of Heavy Industry.....	Revenue	1,00,000	1,00,000
		Capital	1,00,000	1,00,000
51	Ministry of Home Affairs.....	Revenue	195,83,00,000	39,00,000
53	Police.....	Revenue	2,00,000	2,00,000
		Capital	2,00,000	70,00,000
54	Other Expenditure of the Ministry of Home Affairs ...	Revenue	7,92,00,000	7,92,00,000
		Capital	48,00,00,000	48,00,00,000
55	Transfers to Union territory Governments.....	Revenue	105,68,00,000	105,68,00,000
57	Department of School Education and Literacy... ..	Revenue	1,00,000	1,00,000
58	Department of Higher Education.....	Revenue	87,12,00,000	87,12,00,000
		Capital	100,00,00,000	100,00,00,000
59	Ministry of Information and Broadcasting.....	Revenue	1,00,000	1,00,000
60	Ministry of Labour and Employment.....	Revenue	1,00,000	1,00,000
61	Election Commission.....	Revenue	5,59,00,000	5,59,00,000
62	Law and Justice.....	Revenue	1,00,000	1,00,000
	Charged—Supreme Court of India.....	Revenue		10,81,00,000
64	Ministry of Micro, Small and Medium Enterprises ...	Revenue	2,00,000	2,00,000
65	Ministry of Mines.....	Revenue	21,13,00,000	21,13,00,000
67	Ministry of New and Renewable Energy.....	Revenue	1,00,000	1,00,000
71	Ministry of Personnel, Public Grievances and Pensions ...	Revenue	39,13,00,000	3,05,00,000
		Capital	15,21,00,000	.. 15,21,00,000

## THE SCHEDULE.

(See Sections 2 and 3)

No. of Vote.	Services and purposes.	Sums not exceeding		
		Voted by the Parliament.	Charged on the Consolidated Fund of the State.	Total
(1)	(2)	(3) Rs.	(4) Rs.	(5) Rs.
74	Ministry of Power.....	Revenue	75,93,00,000	.. 75,93,00,000
	Charged—Union Public Service Commission	Revenue		17,10,00,000 17,10,00,000
79	Secretariat of the Vice-President.....	Revenue	41,00,000	.. 41,00,000
80	Department of Rural Development.....	Revenue	154,45,00,000	.. 154,45,00,000
84	Department of Scientific and Industrial Research ...	Revenue	6,77,00,000	.. 6,77,00,000
86	Ministry of Shipping.....	Revenue	2,00,000	.. 2,00,000
		Capital	3,00,000	.. 3,00,000
87	Ministry of Road Transport and Highways.....	Revenue	1,00,000	.. 1,00,000
		Capital	311,00,00,000	.. 311,00,00,000
88	Ministry of Social Justice and Empowerment...	Revenue	2,00,000	.. 2,00,000
90	Ministry of Statistics and Programme ... Implementation	Revenue	3,00,000	.. 3,00,000
91	Ministry of Steel.....	Revenue	728,69,00,000	.. 728,69,00,000
		Capital	1,00,000	.. 1,00,000
92	Ministry of Textiles.....	Revenue	514,45,00,000	.. 514,45,00,000
93	Ministry of Tourism.....	Revenue	2,00,000	.. 2,00,000
100	Department of Urban Development.....	Revenue	414,76,00,000	.. 414,76,00,000
		Capital	2025,10,00,000	.. 2025,10,00,000
101	Public Works.....	Revenue	25,52,00,000	.. 25,52,00,000
103	Ministry of Water Resources.....	Revenue	1,00,000	.. 1,00,000
104	Ministry of Women and Child Development.....	Revenue	1200,00,00,000	.. 1200,00,00,000
105	Ministry of Youth Affairs and Sports.....	Revenue	312,42,00,000	.. 312,42,00,000
		Capital	350,58,00,000	.. 350,58,00,000
<b>Total:</b>			<b>29500,04,00,000</b>	<b>1442,58,00,000 30942,62,00,000</b>

V.K. BHASIN,  
Secretary to the Government of India.

(Re-published by Order of the Governor)

R. KATHIRVEL,  
Additional Secretary to Government,  
Law Department.



*New Delhi, the 23rd December, 2009.*

The following Act of Parliament received the assent of the President on the 22nd December, 2009 and is hereby published for general information:—

THE JHARKHAND APPROPRIATION (No. 3) ACT, 2009.

**Act No. 43 of 2009.**

*An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Jharkhand for the services of the financial year 2009-10.*

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

1. This Act may be called the Jharkhand Appropriation (No. 3) Act, 2009. Short title
2. From and out of the Consolidated Fund of the State of Jharkhand 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 thousand seventy-four crores, three lakhs, eighty-eight thousand and seventeen rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10, in respect of the services specified in Column 2 of the Schedule. Issue of Rs. 1074,03,88,017 out of the Consolidated Fund of the State of Jharkhand for the financial year 2009-10.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Jharkhand 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)

No. of Vote.	Services and purposes.	Sums not exceeding		
		Voted by the Parliament.	Charged on the Consolidated Fund of the State.	Total
(1)	(2)	(3) Rs.	(4) Rs.	(5) Rs.
1	Agriculture Department	Revenue 18,08,25,000	..	18,08,25,000
2	Animal Husbandry and Fisheries Department	Revenue 1,54,77,000	..	1,54,77,000
		Capital 1,23,60,000	..	1,23,60,000
3	Building Construction Department	Capital 6,22,00,000	..	6,22,00,000
6	Election	Revenue 12,38,68,000	..	12,38,68,000
9	Co-operative Department	Revenue 5,96,00,000	..	5,96,00,000
10	Energy Department	Capital 193,50,00,000	..	193,50,00,000
18	Food, Supply and Consumer Forum Department	Revenue 22,73,00,000	..	22,73,00,000
21	Higher Education Department	Revenue 40,61,00,000	..	40,61,00,000
22	Home Department	Revenue 17,00,01,000	..	17,00,01,000
23	Industries Department	Revenue 77,53,75,000	..	77,53,75,000
26	Labour, Employment and Training Department	Revenue 19,73,00,000	..	19,73,00,000

No. of Vote.	Services and purposes.	Sums not exceeding		
		Voted by the Parliament.	Charged on the Consolidated Fund of the State.	Total
(1)	(2)	(3) Rs.	(4) Rs.	(5) Rs.
27	Law Department,	Revenue 8,00,000	..	8,00,000
28	High Court of Jharkhand	Revenue ..	48,00,000	48,00,000
30	Minorities Welfare Department	Capital 3,84,00,000	..	3,84,00,000
33	Personnel and Administrative Reforms Department	Revenue 50,00,000	..	50,00,000
39	Disaster Management Department	Revenue 300,00,00,000	..	300,00,00,000
40	Revenue and Land Reforms Department	Revenue 5,41,00,000	..	5,41,00,000
41	Road Construction Department	Revenue 21,36,00,000	..	21,36,00,000
42	Rural Development Department	Revenue 55,98,85,000	..	55,98,85,000
		Capital 115,45,15,000	..	115,45,15,000
44	Secondary, Primary and Public Education Department	Revenue 13,53,39,017	..	13,53,39,017
47	Transport Department	Revenue 68,70,00,000	..	68,70,00,000
48	Urban Development and Housing Department	Revenue 1,00,00,000	..	1,00,00,000
51	Welfare Department	Revenue 51,60,50,000	..	51,60,50,000
		Capital 19,54,93,000	..	19,54,93,000
	<b>Total</b>	<b>1073,55,88,017</b>	<b>48,00,000</b>	<b>1074,03,88,017</b>

V.K. BHASIN,  
Secretary to the Government of India.

(Re-published by Order of the Governor)

R. KATHIRVEL,  
Additional Secretary to Government,  
Law Department.

*New Delhi, the 23rd December, 2009.*

The following Act of Parliament received the assent of the President on the 22nd December, 2009 and is hereby published for general information:—

THE APPROPRIATION (RAILWAYS) No. 4, ACT, 2009.

**Act No. 44 of 2009.**

*An Act 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 2009-10 for the purposes of Railways.*

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

1. This Act may be called the Appropriation (Railways) No.4 Act, 2009. Short title.
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 seven hundred thirty-one crores, thirty lakhs and sixty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10, in respect of the services relating to Railways specified in column 2 of the Schedule. Issue of Rs. 731,30,60,000 out of the Consolidated Fund of India for the financial year 2009-10.
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.

THE SCHEDULE

(See Section 2 and 3.)

No. of Votes	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
(1)	(2)	(3) Rs.	(4) Rs.	(5) Rs.
16	Assets—Acquisition, Construction and Replacement—  <i>Other Expenditure</i>			
	Capital	731,30,13,000	..	731,30,13,000
	Railway Funds	26,000	..	26,000
	Railways Safety Fund	21,000	..	21,000
	<b>Total</b>	<b>731,30,60,000</b>	<b>..</b>	<b>731,30,60,000</b>

V.K. BHASIN,  
*Secretary to the Government of India.*

(Re-published by Order of the Governor)

R. KATHIRVEL,  
*Additional Secretary to Government,  
Law Department.*



*New Delhi, the 23rd December, 2009.*

The following Act of Parliament received the assent of the President on the 22nd December, 2009 and is hereby published for general information:—

THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 2009.

**Act No. 45 of 2009.**

*An Act further to amend the Workmen's Compensation Act, 1923*

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

- |            |  |  |
|------------|--|--|
|            | <p>1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 2009.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>   | <p>Short title and commencement.</p>   |
| 8 of 1923  | <p>2. In the long title to the Workmen's Compensation Act, 1923 (hereinafter referred to as the principal Act), for the word "workmen", the word "employees" shall be substituted.</p>   | <p>Amendment of long title.</p>  |
|            | <p>3. In the principal Act, in the preamble, for the word "workmen", the word "employees" shall be substituted.</p>  | <p>Amendment of preamble.</p>  |
|            | <p>4. In section 1 of the principal Act, in sub-section (1), for the word "Workmen's", the word "Employee's" shall be substituted.</p>   | <p>Amendment of section 1.</p>   |
|            | <p>5. Throughout the principal Act, for the words "workman" and "workmen", wherever they occur, the words "employee" and "employees" shall respectively be substituted, by and such other consequential amendments as the rules of grammar may require shall also be made.</p>   | <p>Substitution of references to certain expressions by certain other expressions.</p> |
|            | <p>6. In section 2 of the principal Act, in sub-section (1),-</p>  | <p>Amendment of section 2.</p>   |
|            | <p>(i) after clause (d), the following clause shall be inserted, namely:-</p>  |  |
|            | <p>(dd) "employee" means a person, who is-</p>   |  |
| 24 of 1989 | <p>(i) a railway servant as defined in clause (34) of section 2 of the Railways Act, 1989, not permanently employed in any administrative 2 district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II ; or</p>   |  |
|            | <p>(ii)(a) a master, seaman or other member of the crew of a ship,</p>   |  |
|            | <p>(b) a captain or other member of the crew of an aircraft,</p>   |  |
|            | <p>(c) a person recruited as driver, helper, mechanic, cleaner or in any other capacity in connection with a motor vehicle,</p>  |  |
|            | <p>(d) a person recruited for work abroad by a company,</p>  |  |
|            | <p>and who is employed outside India in any such capacity as is specified in Schedule II and the ship, aircraft or motor vehicle, or company, as the case may be, is registered in India; or</p>   |  |
|            | <p>(iii) employed in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of the Armed Forces of the Union; and any reference to any employee who has been injured shall, where the employee is dead, include a reference to his dependants or any of them".</p> |  |
|            | <p>(ii) clause (n) shall be omitted.</p>   |  |

Amendment of section 4.

7. In section 4 of the principal Act,-

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

(i) in clause (a) for the words "eighty thousand rupees", the words "one lakh and twenty thousand rupees" shall be substituted;

(ii) in clause (b), for to words "ninety thousand rupees", the words "one lakh and forty thousand rupees" shall be substituted;

(iii) after clause (b), the following proviso shall be inserted, namely:-

"Provided that the Central Government may, by notification in the Official Gazette, from time to time, enhance the amount of compensation mentioned in clauses (a) and (b).";

(iv) after clause (b), *Explanation II* shall be omitted;

(b) after sub-section (1A), the following sub-section shall be inserted, namely:-

"(1B) The Central Government may, by notification in the Official Gazette, specify, for the purposes of sub-section (1), such monthly wages in relation to an employee as it may consider necessary.";

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

"(2A) The employee shall be reimbursed the actual medical expenditure incurred by him for treatment of injuries caused during the course of employment.";

(d) in sub-section (4),-

(A) for the words "two thousand and five hundred rupees", the words "not less than five thousand rupees" shall be substituted;

(B) the following proviso shall be inserted, namely:-

"Provided that the Central Government may, by notification in the Official Gazette, from time to time, enhance the amount specified in this sub-section.".

Amendment of section 20.

8. In section 20 of the principal Act, in sub-section (1), after the words "appoint any person", the words "who is or has been a member of a State Judicial Service for a period of not less than five years or is or has been for not less than five years an advocate or a pleader or is or has been a Gazetted Officer for not less than five years having educational qualifications and experience in personnel management, human resource development and industrial relations" shall be inserted.

Insertion of new section 25A.

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

Time limit for disposal of cases relating to compensation.

"25A. The Commissioner shall dispose of the matter relating to compensation under this Act within a period of three months from the date of reference and intimate the decision in respect thereof within the said period to the employee.".

Amendment of Schedule II.

10. In Schedule II to the principal Act,-

(i) for the word, figures, brackets and letter "section 2(1)(n)", wherever they occur, the word, figures, brackets and letters "section 2(1)(dd)" shall be substituted;

(ii) in item (i), for the words "employed, otherwise than in a clerical capacity or on a railway", the words "employed in railways" shall be substituted;

(iii) in item (ii), the words "otherwise than in a clerical capacity" shall be omitted;

(iv) in item (iii), the words "wherein or within the precincts where of twenty or more persons are so employed" shall be omitted;

(v) in item (v), the words "other than clerical work" shall be omitted;

(vi) in item (vi),—

(a) clause (b) shall be omitted;

(b) in clause (c), the words, brackets and letter "or sub-clause (b)" shall be omitted;

(vii) in item (x), the words "otherwise than in a clerical capacity" shall be omitted,

(viii) in item (xiv), the words "otherwise than in a clerical capacity" shall be omitted

(ix) in item (xvi), the words "in which on any one day of the preceding twelve months more than twenty-five persons have been employed" shall be omitted;

(x) for item (xviii), the following Item shall be substituted, namely:-

"(xviii) employed on any estate which is maintained for the purpose of growing cardamom, cinchona, coffee, rubber or tea; or";

(xi) in item (xix), the words "otherwise than in a clerical capacity" shall be omitted;

(xii) in item (xxvi),-

(a) in clause (a), the words "and in which on anyone day of the preceding twelve months ten or more persons have been so employed" shall be omitted;

(b) in clause (b), the words "in which on anyone day of the preceding twelve months fifty or more persons have been so employed" shall be omitted;

(xiii) in item (xxx), the words "otherwise than in a clerical capacity" shall be omitted;

(xiv) in items (xi) and (xli), the words "in which on anyone day of the preceding twelve months more than twenty-five persons have been employed" shall be omitted;

(xv) the Explanation occurring after item (xlix) at the end shall be omitted.

V.K. BHASIN,  
*Secretary to the Government of India.*

(Re-published by Order of the Governor)

R. KATHIRVEL,  
*Additional Secretary to Government,  
Law Department.*





*New Delhi, the 31st December 2009.*

The following Act of Parliament received the assent of the President on the 31st December, 2009 and is hereby published for the general information:—

THE NATIONAL RURAL EMPLOYMENT GUARANTEE  
(AMENDMENT) ACT, 2009.

**Act No. 46 of 2009.**

*An Act to amend the National Rural Employment Guarantee Act, 2005.*

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

1. (1) This Act may be called the National Rural Employment Guarantee (Amendment) Act, 2009.

Short title and commencement.

(2) It shall be deemed to have come into force on the 2nd day of October, 2009.

42 of 2005.

2. In the National Rural Employment Guarantee Act, 2005, in sub-section (l) of section I, for the words "the National Rural Employment Guarantee Act", the words "the Mahatma Gandhi National Rural Employment Guarantee Act" shall be substituted.

Amendment of Section 1.

V.K. BHASIN,  
*Secretary to the Government of India.*

(Re-published by Order of the Governor)

R. KATHIRVEL,  
*Additional Secretary to Government,  
Law Department.*



*New Delhi, the 31st December 2009.*

The following Act of Parliament received the assent of the President on the 31st December, 2009 and is hereby published for the general information:—

THE PAYMENT OF GRATUITY (AMENDMENT) ACT, 2009

**Act No. 47 of 2009.**

*An Act further to amend the Payment of Gratuity Act, 1972.*

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

1. (1) This Act may be called the Payment of Gratuity (Amendment) Act, 2009.

Short title and commencement.

(2) It shall be deemed to have come into force on the 3rd day of April, 1997.

39 of 1972.

2. In the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act), in section 2, for clause (e), the following clause shall be substituted, namely:—

Amendment of section 2.

‘(e) “employee” means any person (other than an apprentice) who is employed for wages, whether the terms of such employment are express or implied, in any kind of work, manual or otherwise, in or in connection with the work of a factory, mine, oilfield, plantation, port, railway company, shop or other establishment to which this Act applies, but does not include any such person who holds a post under the Central Government-or a State Government and is governed by any other Act or by any rules providing for payment of gratuity;’.

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

Insertion of new section 13A.

“13A. Notwithstanding anything contained in any judgment, decree or order of any court, for the period commencing on and from the 3rd day of April, 1997 and ending on the day on which the Payment of Gratuity (Amendment) Act, 2009, receives the assent of the President, the gratuity shall be payable to an employee in pursuance of the notification of the Government of India in the Ministry of Labour and Employment *vide* number S.O. 1080, dated the 3rd day of April, 1997 and the said notification shall be valid and shall be deemed always to have been valid as if the Payment of Gratuity (Amendment) Act, 2009 had been in force at all material times and the gratuity shall be payable accordingly :

Validation of payment of gratuity.

Provided that nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of the non-payment by him of the gratuity during the period specified in this section which shall become due in pursuance of the said notification.”.

V.K. BHASIN,  
*Secretary to the Government of India.*

(Re-published by Order of the Governor)

R. KATHIRVEL,  
*Additional Secretary to Government,  
Law Department.*



*New Delhi, the 31st December 2009.*

The following Act of Parliament received the assent of the President on the 31st December, 2009 and is hereby published for the general information:—

THE STATE BANK OF SAURASHTRA (REPEAL) AND THE STATE BANK OF INDIA (SUBSIDIARY BANKS) AMENDMENT ACT, 2009.

**Act No. 48 of 2009.**

*An Act to repeal the State Bank of Saurashtra Act, 1950 and further to amend the State Bank of India (Subsidiary Banks) Act, 1959.*

BE It enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009.

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.

CHAPTER II

REPEAL OF THE STATE BANK OF SAURASHTRA ACT, 1950

2. (1) The State Bank of Saurashtra Act, 1950 is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, anything done or any action taken including any agreement entered into, under the provisions of the State Bank of Saurashtra Act, 1950, by the State Bank of Saurashtra shall continue to be in force and have effect as if this Act has not been enacted.

10 of 1897.

(3) The mention of particulars in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeal.

CHAPTER III

AMENDMENTS TO THE STATE BANK OF INDIA (SUBSIDIARY BANKS) ACT, 1959

38 of 1959.

3. In section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (here after in this Chapter referred to as the Subsidiary Banks Act),—

Amendment of section 2.

(i) in clause (a), sub-clause (iv) shall be omitted;

(ii) clause (i) shall be omitted;

(iii) in clause (k), the words “and the Saurashtra Bank” shall be omitted.

4. In the Subsidiary Banks Act, in section 14,—

Amendment of section 14.

(i) in the marginal heading, the words “the Saurashtra Bank” shall be omitted;

(ii) in sub-section (1), the words “the State Government of Gujarat in respect of the Saurashtra Bank” shall be omitted;

(iii) in sub-section (2) and in the proviso, the words “the State Government of Gujarat,” and “or the State Government of Gujarat” shall, respectively, be omitted;

(iv) in sub-section (3), the words “the State Government of Gujarat” shall be omitted;

(v) in sub-section (4), the words “the State Government of Gujarat” shall be omitted.

- Amendment of section 23. **5.** In the Subsidiary Banks Act, in section 23,—  
 (i) for the words “the Hyderabad Bank and the Saurashtra Bank”, the words “and the Hyderabad Bank” shall be substituted;  
 (ii) for the words “the Hyderabad Bank or the Saurashtra Bank”, the words “or the Hyderabad Bank” shall be substituted.
- Amendment of section 42. **6.** In the Subsidiary Banks Act, in section 42, for the words “the Hyderabad Bank or the Saurashtra Bank”, the words “or the Hyderabad Bank” shall be substituted.
- Amendment of section 46. **7.** In the Subsidiary Banks Act, in section 46,—  
 (i) in the marginal heading, the words “and the Saurashtra Bank” shall be omitted;  
 (ii) in sub-section (1), the words “or the Saurashtra Bank,” shall be omitted;  
 (iii) the *Explanation* shall be omitted.
- Amendment of section 47. **8.** In the Subsidiary Banks Act, in section 47, in sub-section (1), for the words “the Hyderabad Bank or the Saurashtra Bank”, the words “or the Hyderabad Bank” shall be substituted.
- Amendment of section 49. **9.** In the Subsidiary Banks Act, in section 49,—  
 (i) in sub-section (1), the words “or the Saurashtra Bank” shall be omitted;  
 (ii) in sub-section (2), the words “or of the Saurashtra Bank” shall be omitted;  
 (iii) in sub-section (3), the words “or the Saurashtra Bank” shall be omitted.
- Amendment of section 56. **10.** In the Subsidiary Banks Act, in section 56,—  
 (i) in the marginal heading, the words “and the State Bank of Saurashtra” shall be omitted;  
 (ii) the words “and the Saurashtra Bank” shall be omitted;  
 (iii) the words “or the Saurashtra Bank, as the case may be,” at both the places where they occur, shall be omitted.
- Amendment of First Schedule. **11.** In the First Schedule to the Subsidiary Banks Act, in paragraph 1, in sub-paragraph A, for the words “the Bank of Patiala or the Saurashtra Bank,” the words “or the Bank of Patiala” shall be substituted.

V.K. BHASIN,  
 Secretary to the Government of India.

(Re-published by Order of the Governor)

R. KATHIRVEL,  
 Additional Secretary to Government,  
 Law Department.