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मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 19]

भोपाल, शुक्रवार, दिनांक 9 मई 2014—वैशाख 19, शक 1936

भाग ४

विषय-सूची

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| (क) (1) मध्यप्रदेश विधेयक, | (2) प्रवर समिति के प्रतिवेदन, | (3) संसद में पुरःस्थापित विधेयक. |
| (ख) (1) अध्यादेश, | (2) मध्यप्रदेश अधिनियम, | (3) संसद के अधिनियम. |
| (ग) (1) प्रारूप नियम, | (2) अन्तिम नियम. | |

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)

संसद् के अधिनियम

विधि और विधायी कार्य विभाग

THE LOKPAL AND LOKAYUKTAS ACT, 2013

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Bhopal, the 7th May 2014

No. 2829-109-XXI-A(Dr.)—The following Act of the Parliament, published in the Gazette of India, Extra-ordinary, Part-II, Section I, dated the 1st January 2014 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 1st January 2014.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE LOKPAL AND LOKAYUKTAS ACT, 2013

(Act No. 1 of 2014)

An Act

to provide for the establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India established a Democratic Republic to ensure justice for all;

AND WHEREAS India has ratified the United Nations Convention Against Corruption;

AND WHEREAS the Government's commitment to clean and responsive governance has to be reflected in effective bodies to contain and punish acts of corruption;

NOW, THEREFORE, it is expedient to enact a law, for more effective implementation of the said Convention and to provide for prompt and fair investigation and prosecution in cases of corruption.

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

PART I

PRELIMINARY

Short title,
extent,
application
and
commencement.

1. (1) This Act may be called the Lokpal and Lokayuktas Act, 2013.
- (2) It extends to the whole of India.
- (3) It shall apply to public servants in and outside India.
- (4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

PART II

LOKPAL FOR THE UNION

CHAPTER I

DEFINITIONS

Definitions.

2. (1) In this Act, unless the context otherwise requires,—
 - (a) "bench" means a bench of the Lokpal;
 - (b) "Chairperson" means the Chairperson of the Lokpal;
 - (c) "competent authority", in relation to—
 - (i) the Prime Minister, means the House of the People;
 - (ii) a member of the Council of Ministers, means the Prime Minister;
 - (iii) a member of Parliament other than a Minister, means—
 - (A) in the case of a member of the Council of States, the Chairman of the Council; and
 - (B) in the case of a member of the House of the People, the Speaker of the House;
 - (iv) an officer in the Ministry or Department of the Central Government, means the Minister in charge of the Ministry or Department under which the officer is serving;
 - (v) a chairperson or members of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under any Act of Parliament or wholly or partly financed by the Central Government or controlled by it, means the Minister in charge of the administrative Ministry of such body or Board or corporation or authority or company or society or autonomous body;
 - (vi) an officer of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under any Act of Parliament or wholly or partly financed by the Central Government or controlled by it, means the head of such body or Board or corporation or authority or company or society or autonomous body;
 - (vii) in any other case not falling under sub-clauses (i) to (vi) above, means such Department or authority as the Central Government may, by notification, specify;

Provided that if any person referred to in sub-clause (v) or sub-clause (vi) is also a member of Parliament, then, the competent authority shall be—

(A) in case such member is a member of the Council of States, the Chairman of the Council; and

(B) in case such member is a member of the House of the People, the Speaker of the House;

(d) "Central Vigilance Commission" means the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003;

45 of 2003.

(e) "complaint" means a complaint, made in such form as may be prescribed, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988;

49 of 1988.

(f) "Delhi Special Police Establishment" means the Delhi Special Police Establishment constituted under sub-section (1) of section 2 of the Delhi Special Police Establishment Act, 1946;

25 of 1946.

(g) "investigation" means an investigation as defined under clause (h) of section 2 of the Code of Criminal Procedure, 1973;

2 of 1974.

(h) "Judicial Member" means a Judicial Member of the Lokpal;

(i) "Lokpal" means the body established under section 3;

(j) "Member" means a Member of the Lokpal;

(k) "Minister" means a Union Minister but does not include the Prime Minister;

(l) "notification" means notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(m) "preliminary inquiry" means an inquiry conducted under this Act;

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

(o) "public servant" means a person referred to in clauses (a) to (h) of sub-section (1) of section 14 but does not include a public servant in respect of whom the jurisdiction is exercisable by any court or other authority under the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1957 and the Coast Guard Act, 1978 or the procedure is applicable to such public servant under those Acts;

45 of 1950.

46 of 1950.

62 of 1957.

30 of 1978.

(p) "regulations" means regulations made under this Act;

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

(r) "Schedule" means a Schedule appended to this Act;

(s) "Special Court" means the court of a Special Judge appointed under sub-section (1) of section 3 of the Prevention of Corruption Act, 1988.

49 of 1988.

49 of 1988.

(2) The words and expressions used herein and not defined in this Act but defined in the Prevention of Corruption Act, 1988, shall have the meanings respectively assigned to them in that Act.

(3) Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

CHAPTER II

ESTABLISHMENT OF LOKPAL

Establishment
of Lokpal.

3. (1) On and from the commencement of this Act, there shall be established, for the purpose of this Act, a body to be called the "Lokpal".

(2) The Lokpal shall consist of—

(a) a Chairperson, who is or has been a Chief Justice of India or is or has been a Judge of the Supreme Court or an eminent person who fulfils the eligibility specified in clause (b) of sub-section (3); and

(b) such number of Members, not exceeding eight out of whom fifty per cent. shall be Judicial Members:

Provided that not less than fifty per cent. of the Members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women.

(3) A person shall be eligible to be appointed,—

(a) as a Judicial Member if he is or has been a Judge of the Supreme Court or is or has been a Chief Justice of a High Court;

(b) as a Member other than a Judicial Member, if he is a person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty-five years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.

(4) The Chairperson or a Member shall not be—

(i) a member of Parliament or a member of the Legislature of any State or Union territory;

(ii) a person convicted of any offence involving moral turpitude;

(iii) a person of less than forty-five years of age, on the date of assuming office as the Chairperson or Member, as the case may be;

(iv) a member of any Panchayat or Municipality;

(v) a person who has been removed or dismissed from the service of the Union or a State,

and shall not hold any office of trust or profit (other than his office as the Chairperson or a Member) or be affiliated with any political party or carry on any business or practise any profession and, accordingly, before he enters upon his office, a person appointed as the Chairperson or a Member, as the case may be, shall, if—

(a) he holds any office of trust or profit, resign from such office; or

(b) he is carrying on any business, sever his connection with the conduct and management of such business; or

(c) he is practising any profession, cease to practise such profession.

Appointment
of Chairperson
and Members
on
recommendations
of Selection
Committee.

4. (1) The Chairperson and Members shall be appointed by the President after obtaining the recommendations of a Selection Committee consisting of—

(a) the Prime Minister—Chairperson;

(b) the Speaker of the House of the People—Member;

(c) the Leader of Opposition in the House of the People—Member;

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

(e) one eminent jurist, as recommended by the Chairperson and Members referred to in clauses (a) to (d) above, to be nominated by the President—Member.

(2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Selection Committee.

(3) The Selection Committee shall for the purposes of selecting the Chairperson and Members of the Lokpal and for preparing a panel of persons to be considered for appointment as such, constitute a Search Committee consisting of at least seven persons of standing and having special knowledge and expertise in the matters relating to anti-corruption policy, public administration, vigilance, policy making, finance including insurance and banking, law and management or in any other matter which, in the opinion of the Selection Committee, may be useful in making the selection of the Chairperson and Members of the Lokpal:

Provided that not less than fifty per cent. of the members of the Search Committee shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women:

Provided further that the Selection Committee may also consider any person other than the persons recommended by the Search Committee.

(4) The Selection Committee shall regulate its own procedure in a transparent manner for selecting the Chairperson and Members of the Lokpal.

(5) The term of the Search Committee referred to in sub-section (3), the fees and allowances payable to its members and the manner of selection of panel of names shall be such as may be prescribed.

5. The President shall take or cause to be taken all necessary steps for the appointment of a new Chairperson and Members at least three months before the expiry of the term of the Chairperson or Member, as the case may be, in accordance with the procedure laid down in this Act.

Filling of vacancies of Chairperson or Members.

6. The Chairperson and every Member shall, on the recommendations of the Selection Committee, be appointed by the President by warrant under his hand and seal and hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:

Term of office of Chairperson and Members.

Provided that he may—

- (a) by writing under his hand addressed to the President, resign his office; or
- (b) be removed from his office in the manner provided in section 37.

7. The salary, allowances and other conditions of service of—

- (i) the Chairperson shall be the same as those of the Chief Justice of India;
- (ii) other Members shall be the same as those of a Judge of the Supreme Court:

Provided that if the Chairperson or a Member is, at the time of his appointment, in receipt of pension (other than disability pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of service as the Chairperson or, as the case may be, as a Member, be reduced—

Salary, allowances and other conditions of service of Chairperson and Members.

(a) by the amount of that pension; and

(b) if he has, before such appointment, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension:

Provided further that the salary, allowances and pension payable to, and other conditions of service of, the Chairperson or a Member shall not be varied to his disadvantage after his appointment.

Restriction on employment by Chairperson and Members after ceasing to hold office.

8. (1) On ceasing to hold office, the Chairperson and every Member shall be ineligible for—

(i) reappointment as the Chairperson or a Member of the Lokpal;

(ii) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal;

(iii) further employment to any other office of profit under the Government of India or the Government of a State;

(iv) contesting any election of President or Vice-President or Member of either House of Parliament or Member of either House of a State Legislature or Municipality or Panchayat within a period of five years from the date of relinquishing the post.

(2) Notwithstanding anything contained in sub-section (1), a Member shall be eligible to be appointed as a Chairperson, if his total tenure as Member and Chairperson does not exceed five years.

Explanation.—For the purposes of this section, it is hereby clarified that where the Member is appointed as the Chairperson, his term of office shall not be more than five years in aggregate as the Member and the Chairperson.

Member to act as Chairperson or to discharge his functions in certain circumstances.

9. (1) In the event of occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the President may, by notification, authorise the senior-most Member to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, the senior-most Member available, as the President may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

Secretary, other officers and staff of Lokpal.

10. (1) There shall be a Secretary to the Lokpal in the rank of Secretary to Government of India, who shall be appointed by the Chairperson from a panel of names sent by the Central Government.

(2) There shall be a Director of Inquiry and a Director of Prosecution not below the rank of Additional Secretary to the Government of India or equivalent, who shall be appointed by the Chairperson from a panel of names sent by the Central Government.

(3) The appointment of officers and other staff of the Lokpal shall be made by the Chairperson or such Member or officer of Lokpal as the Chairperson may direct:

Provided that the President may by rule require that the appointment in respect of any post or posts as may be specified in the rule, shall be made after consultation with the Union Public Service Commission.

(4) Subject to the provisions of any law made by Parliament, the conditions of service of Secretary and other officers and staff of the Lokpal shall be such as may be specified by regulations made by the Lokpal for the purpose:

Provided that the regulations made under this sub-section shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the President.

CHAPTER III

INQUIRY WING

11. (1) Notwithstanding anything contained in any law for the time being in force, the Lokpal shall constitute an Inquiry Wing headed by the Director of Inquiry for the purpose of conducting preliminary inquiry into any offence alleged to have been committed by a public servant punishable under the Prevention of Corruption Act, 1988:

Inquiry Wing.

49 of 1988.

Provided that till such time the Inquiry Wing is constituted by the Lokpal, the Central Government shall make available such number of officers and other staff from its Ministries or Departments, as may be required by the Lokpal, for conducting preliminary inquiries under this Act.

(2) For the purposes of assisting the Lokpal in conducting a preliminary inquiry under this Act, the officers of the Inquiry Wing not below the rank of the Under Secretary to the Government of India, shall have the same powers as are conferred upon the Inquiry Wing of the Lokpal under section 27.

CHAPTER IV

PROSECUTION WING

12. (1) The Lokpal shall, by notification, constitute a Prosecution Wing headed by the Director of Prosecution for the purpose of prosecution of public servants in relation to any complaint by the Lokpal under this Act:

Prosecution Wing.

Provided that till such time the Prosecution Wing is constituted by the Lokpal, the Central Government shall make available such number of officers and other staff from its Ministries or Departments, as may be required by the Lokpal, for conducting prosecution under this Act.

(2) The Director of Prosecution shall, after having been so directed by the Lokpal, file a case in accordance with the findings of investigation report, before the Special Court and take all necessary steps in respect of the prosecution of public servants in relation to any offence punishable under the Prevention of Corruption Act, 1988.

49 of 1988.

(3) The case under sub-section (2), shall be deemed to be a report, filed on completion of investigation, referred to in section 173 of the Code of Criminal Procedure, 1973.

2 of 1974.

CHAPTER V

EXPENSES OF LOKPAL TO BE CHARGED ON CONSOLIDATED FUND OF INDIA

13. The administrative expenses of the Lokpal, including all salaries, allowances and pensions payable to or in respect of the Chairperson, Members or Secretary or other officers or staff of the Lokpal, shall be charged upon the Consolidated Fund of India and any fees or other moneys taken by the Lokpal shall form part of that Fund.

Expenses of Lokpal to be charged on Consolidated Fund of India.

CHAPTER VI

JURISDICTION IN RESPECT OF INQUIRY

14. (1) Subject to the other provisions of this Act, the Lokpal shall inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of the following, namely:—

Jurisdiction of Lokpal to include Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central Government.

(a) any person who is or has been a Prime Minister:

Provided that the Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against the Prime Minister,—

(i) in so far as it relates to international relations, external and internal security, public order, atomic energy and space;

(ii) unless a full bench of the Lokpal consisting of its Chairperson and all Members considers the initiation of inquiry and at least two-thirds of its Members approves of such inquiry:

Provided further that any such inquiry shall be held *in camera* and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry shall not be published or made available to anyone;

(b) any person who is or has been a Minister of the Union;

(c) any person who is or has been a member of either House of Parliament;

(d) any Group 'A' or Group 'B' officer or equivalent or above, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 when serving or who has served, in connection with the affairs of the Union;

49 of 1988.

(e) any Group 'C' or Group 'D' official or equivalent, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 when serving or who has served in connection with the affairs of the Union subject to the provision of sub-section (1) of section 20;

49 of 1988.

(f) any person who is or has been a chairperson or member or officer or employee in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of Parliament or wholly or partly financed by the Central Government or controlled by it:

Provided that in respect of such officers referred to in clause (d) who have served in connection with the affairs of the Union or in any body or Board or corporation or authority or company or society or trust or autonomous body referred to in clause (e) but are working in connection with the affairs of the State or in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of the State Legislature or wholly or partly financed by the State Government or controlled by it, the Lokpal and the officers of its Inquiry Wing or Prosecution Wing shall have jurisdiction under this Act in respect of such officers only after obtaining the consent of the concerned State Government;

(g) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not), by whatever name called, wholly or partly financed by the Government and the annual income of which exceeds such amount as the Central Government may, by notification, specify;

(h) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakh rupees in a year or such higher amount as the Central Government may, by notification, specify.

42 of 2010.

Explanation.—For the purpose of clauses (f) and (g), it is hereby clarified that any entity or institution, by whatever name called, corporate, society, trust, association of persons, partnership, sole proprietorship, limited liability partnership (whether registered under any law for the time being in force or not), shall be the entities covered in those clauses:

Provided that any person referred to in this clause shall be deemed to be a public servant under clause (c) of section 2 of the Prevention of Corruption Act, 1988 and the provisions of that Act shall apply accordingly.

49 of 1988.

(2) Notwithstanding anything contained in sub-section (1), the Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against any member of either House of Parliament in respect of anything said or a vote given by him in Parliament or any committee thereof covered under the provisions contained in clause (2) of article 105 of the Constitution.

49 of 1988.

(3) The Lokpal may inquire into any act or conduct of any person other than those referred to in sub-section (1), if such person is involved in the act of abetting, bribe giving or bribe taking or conspiracy relating to any allegation of corruption under the Prevention of Corruption Act, 1988 against a person referred to in sub-section (1):

Provided that no action under this section shall be taken in case of a person serving in connection with the affairs of a State, without the consent of the State Government.

60 of 1952.

(4) No matter in respect of which a complaint has been made to the Lokpal under this Act, shall be referred for inquiry under the Commissions of Inquiry Act, 1952.

Explanation.—For the removal of doubts, it is hereby declared that a complaint under this Act shall only relate to a period during which the public servant was holding or serving in that capacity.

49 of 1988.

15. In case any matter or proceeding related to allegation of corruption under the Prevention of Corruption Act, 1988 has been pending before any court or committee of either House of Parliament or before any other authority prior to commencement of this Act or prior to commencement of any inquiry after the commencement of this Act, such matter or proceeding shall be continued before such court, committee or authority.

Matters pending before any court or committee or authority for inquiry not to be affected.

16. (1) Subject to the provisions of this Act,—

Constitution of benches of Lokpal.

(a) the jurisdiction of the Lokpal may be exercised by benches thereof;

(b) a bench may be constituted by the Chairperson with two or more Members as the Chairperson may deem fit;

(c) every bench shall ordinarily consist of at least one Judicial Member;

(d) where a bench consists of the Chairperson, such bench shall be presided over by the Chairperson;

(e) where a bench consists of a Judicial Member, and a non-Judicial Member, not being the Chairperson, such bench shall be presided over by the Judicial Member;

(f) the benches of the Lokpal shall ordinarily sit at New Delhi and at such other places as the Lokpal may, by regulations, specify.

(2) The Lokpal shall notify the areas in relation to which each bench of the Lokpal may exercise jurisdiction.

(3) Notwithstanding anything contained in sub-section (2), the Chairperson shall have the power to constitute or reconstitute benches from time to time.

(4) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member that the case or matter is of such nature that it ought to be heard by a bench consisting of three or more Members, the case or matter may be transferred by the Chairperson or, as the case may be, referred to him for transfer, to such bench as the Chairperson may deem fit.

Distribution of business amongst benches.

Power of Chairperson to transfer cases.

Decision to be by majority.

Provisions relating to complaints and preliminary inquiry and investigation.

17. Where benches are constituted, the Chairperson may, from time to time, by notification, make provisions as to the distribution of the business of the Lokpal amongst the benches and also provide for the matters which may be dealt with by each bench.

18. On an application for transfer made by the complainant or the public servant, the Chairperson, after giving an opportunity of being heard to the complainant or the public servant, as the case may be, may transfer any case pending before one bench for disposal to any other bench.

19. If the Members of a bench consisting of an even number of Members 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 of the Lokpal and such point or points shall be decided according to the opinion of the majority of the Members of the Lokpal who have heard the case, including those who first heard it.

CHAPTER VII

PROCEDURE IN RESPECT OF PRELIMINARY INQUIRY AND INVESTIGATION

20. (1) The Lokpal on receipt of a complaint, if it decides to proceed further, may order—

(a) preliminary inquiry against any public servant by its Inquiry Wing or any agency (including the Delhi Special Police Establishment) to ascertain whether there exists a *prima facie* case for proceeding in the matter; or

(b) investigation by any agency (including the Delhi Special Police Establishment) when there exists a *prima facie* case:

Provided that the Lokpal shall if it has decided to proceed with the preliminary inquiry, by a general or special order, refer the complaints or a category of complaints or a complaint received by it in respect of public servants belonging to Group A or Group B or Group C or Group D to the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003:

45 of 2003.

Provided further that the Central Vigilance Commission in respect of complaints referred to it under the first proviso, after making preliminary inquiry in respect of public servants belonging to Group A and Group B, shall submit its report to the Lokpal in accordance with the provisions contained in sub-sections (2) and (4) and in case of public servants belonging to Group C and Group D, the Commission shall proceed in accordance with the provisions of the Central Vigilance Commission Act, 2003:

45 of 2003.

Provided also that before ordering an investigation under clause (b), the Lokpal shall call for the explanation of the public servant so as to determine whether there exists a *prima facie* case for investigation:

Provided also that the seeking of explanation from the public servant before an investigation shall not interfere with the search and seizure, if any, required to be undertaken by any agency (including the Delhi Special Police Establishment) under this Act.

(2) During the preliminary inquiry referred to in sub-section (1), the Inquiry Wing or any agency (including the Delhi Special Police Establishment) shall conduct a preliminary inquiry and on the basis of material, information and documents collected seek the comments on the allegations made in the complaint from the public servant and the competent authority and after obtaining the comments of the concerned public servant and the competent authority, submit, within sixty days from the date of receipt of the reference, a report to the Lokpal.

(3) A bench consisting of not less than three Members of the Lokpal shall consider every report received under sub-section (2) from the Inquiry Wing or any agency (including the Delhi Special Police Establishment), and after giving an opportunity of being heard to the public servant, decide whether there exists a *prima facie* case, and proceed with one or more of the following actions, namely:—

(a) investigation by any agency or the Delhi Special Police Establishment, as the case may be;

(b) initiation of the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority;

(c) closure of the proceedings against the public servant and to proceed against the complainant under section 46.

(4) Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.

(5) In case the Lokpal decides to proceed to investigate into the complaint, it shall direct any agency (including the Delhi Special Police Establishment) to carry out the investigation as expeditiously as possible and complete the investigation within a period of six months from the date of its order:

Provided that the Lokpal may extend the said period by a further period not exceeding of six months at a time for the reasons to be recorded in writing.

2 of 1974.

(6) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, any agency (including the Delhi Special Police Establishment) shall, in respect of cases referred to it by the Lokpal, submit the investigation report under that section to the court having jurisdiction and forward a copy thereof to the Lokpal.

(7) A bench consisting of not less than three Members of the Lokpal shall consider every report received by it under sub-section (6) from any agency (including the Delhi Special Police Establishment) and after obtaining the comments of the competent authority and the public servant may—

(a) grant sanction to its Prosecution Wing or investigating agency to file charge-sheet or direct the closure of report before the Special Court against the public servant;

(b) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servant.

(8) The Lokpal may, after taking a decision under sub-section (7) on the filing of the charge-sheet, direct its Prosecution Wing or any investigating agency (including the Delhi Special Police Establishment) to initiate prosecution in the Special Court in respect of the cases investigated by the agency.

(9) The Lokpal may, during the preliminary inquiry or the investigation, as the case may be, pass appropriate orders for the safe custody of the documents relevant to the preliminary inquiry or, as the case may be, investigation as it deems fit.

(10) The website of the Lokpal shall, from time to time and in such manner as may be specified by regulations, display to the public, the status of number of complaints pending before it or disposed of by it.

(11) The Lokpal may retain the original records and evidences which are likely to be required in the process of preliminary inquiry or investigation or conduct of a case by it or by the Special Court.

(12) Save as otherwise provided, the manner and procedure of conducting a preliminary inquiry or investigation (including such material and documents to be made available to the public servant) under this Act, shall be such as may be specified by regulations.

21. If, at any stage of the proceeding, the Lokpal—

(a) considers it necessary to inquire into the conduct of any person other than the accused; or

(b) is of opinion that the reputation of any person other than an accused is likely to be prejudicially affected by the preliminary inquiry,

the Lokpal shall give to that person a reasonable opportunity of being heard in the preliminary inquiry and to produce evidence in his defence, consistent with the principles of natural justice.

Persons likely to be prejudicially affected to be heard.

Lokpal may require any public servant or any other person to furnish information, etc.

Power of Lokpal to grant sanction for initiating prosecution.

22. Subject to the provisions of this Act, for the purpose of any preliminary inquiry or investigation, the Lokpal or the investigating agency, as the case may be, may require any public servant or any other person who, in its opinion, is able to furnish information or produce documents relevant to such preliminary inquiry or investigation, to furnish any such information or produce any such document.

23. (1) Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 or section 6A of the Delhi Special Police Establishment Act, 1946 or section 19 of the Prevention of Corruption Act, 1988, the Lokpal shall have the power to grant sanction for prosecution under clause (a) of sub-section (7) of section 20.

2 of 1974.
25 of 1946.
49 of 1988.

(2) No prosecution under sub-section (1) shall be initiated against any public servant accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, and no court shall take cognizance of such offence except with the previous sanction of the Lokpal.

(3) Nothing contained in sub-sections (1) and (2) shall apply in respect of the persons holding office in pursuance of the provisions of the Constitution and in respect of which a procedure for removal of such person has been specified therein.

(4) The provisions contained in sub-sections (1), (2) and (3) shall be without prejudice to the generality of the provisions contained in article 311 and sub-clause (c) of clause (3) of article 320 of the Constitution.

Action on investigation against public servant being Prime Minister, Ministers or Members of Parliament.

24. Where, after the conclusion of the investigation, the findings of the Lokpal disclose the commission of an offence under the Prevention of Corruption Act, 1988 by a public servant referred to in clause (a) or clause (b) or clause (c) of sub-section (1) of section 14, the Lokpal may file a case in the Special Court and shall send a copy of the report together with its findings to the competent authority.

49 of 1988.

CHAPTER VIII

POWERS OF LOKPAL

Supervisory powers of Lokpal.

25. (1) The Lokpal shall, notwithstanding anything contained in section 4 of the Delhi Special Police Establishment Act, 1946 and section 8 of the Central Vigilance Commission Act, 2003, have the powers of superintendence over, and to give direction to the Delhi Special Police Establishment in respect of the matters referred by the Lokpal for preliminary inquiry or investigation to the Delhi Special Police Establishment under this Act:

25 of 1946.
45 of 2003.

Provided that while exercising powers of superintendence or giving direction under this sub-section, the Lokpal shall not exercise powers in such a manner so as to require any agency (including the Delhi Special Police Establishment) to whom the investigation has been given, to investigate and dispose of any case in a particular manner.

(2) The Central Vigilance Commission shall send a statement, at such interval as the Lokpal may direct, to the Lokpal in respect of action taken on complaints referred to it under the second proviso to sub-section (1) of section 20 and on receipt of such statement, the Lokpal may issue guidelines for effective and expeditious disposal of such cases.

(3) Any officer of the Delhi Special Police Establishment investigating a case referred to it by the Lokpal, shall not be transferred without the approval of the Lokpal.

(4) The Delhi Special Police Establishment may, with the consent of the Lokpal, appoint a panel of Advocates, other than the Government Advocates, for conducting the cases referred to it by the Lokpal.

(5) The Central Government may from time to time make available such funds as may be required by the Director of the Delhi Special Police Establishment for conducting effective investigation into the matters referred to it by the Lokpal and the Director shall be responsible for the expenditure incurred in conducting such investigation.

26. (1) If the Lokpal has reason to believe that any document which, in its opinion, shall be useful for, or relevant to, any investigation under this Act, are secreted in any place, it may authorise any agency (including the Delhi Special Police Establishment) to whom the investigation has been given to search for and to seize such documents.

Search and seizure.

(2) If the Lokpal is satisfied that any document seized under sub-section (1) may be used as evidence for the purpose of any investigation under this Act and that it shall be necessary to retain the document in its custody or in the custody of such officer as may be authorised, it may so retain or direct such authorised officer to retain such document till the completion of such investigation:

Provided that where any document is required to be returned, the Lokpal or the authorised officer may return the same after retaining copies of such document duly authenticated.

27. (1) Subject to the provisions of this section, for the purpose of any preliminary inquiry, the Inquiry Wing of the Lokpal shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

Lokpal to have powers of civil court in certain cases.

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

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

(iii) receiving evidence on affidavits;

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

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

Provided that such commission, in case of a witness, shall be issued only where the witness, in the opinion of the Lokpal, is not in a position to attend the proceeding before the Lokpal; and

(vi) such other matters as may be prescribed.

(2) Any proceeding before the Lokpal shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.

28. (1) The Lokpal may, for the purpose of conducting any preliminary inquiry or investigation, utilise the services of any officer or organisation or investigating agency of the Central Government or any State Government, as the case may be.

Power of Lokpal to utilise services of officers of Central or State Government.

(2) For the purpose of preliminary inquiry or investigating into any matter pertaining to such inquiry or investigation, any officer or organisation or agency whose services are utilised under sub-section (1) may, subject to the superintendence and direction of the Lokpal,—

(a) summon and enforce the attendance of any person and examine him;

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

(c) requisition any public record or copy thereof from any office.

(3) The officer or organisation or agency whose services are utilised under sub-section (2) shall inquire or, as the case may be, investigate into any matter pertaining to the preliminary inquiry or investigation and submit a report thereon to the Lokpal within such period as may be specified by it in this behalf.

29. (1) Where the Lokpal or any officer authorised by it in this behalf, has reason to believe, the reason for such belief to be recorded in writing, on the basis of material in his possession, that—

Provisional attachment of assets.

(a) any person is in possession of any proceeds of corruption;

(b) such person is accused of having committed an offence relating to corruption;
and

(c) such proceeds of offence are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceedings relating to confiscation of such proceeds of offence,

the Lokpal or the authorised officer may, by order in writing, provisionally attach such property for a period not exceeding ninety days from the date of the order, in the manner provided in the Second Schedule to the Income-tax Act, 1961 and the Lokpal and the officer shall be deemed to be an officer under sub-rule (e) of rule 1 of that Schedule.

43 of 1961.

(2) The Lokpal or the officer authorised in this behalf shall, immediately after attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Special Court, in a sealed envelope, in the manner as may be prescribed and such Court may extend the order of attachment and keep such material for such period as the Court may deem fit.

(3) Every order of attachment made under sub-section (1) shall cease to have effect after the expiry of the period specified in that sub-section or after the expiry of the period as directed by the Special Court under sub-section (2).

(4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) or sub-section (2), from such enjoyment.

Explanation.—For the purposes of this sub-section, "person interested", in relation to any immovable property, includes all persons claiming or entitled to claim any interest in the property.

Confirmation
of attachment
of assets.

30. (1) The Lokpal, when it provisionally attaches any property under sub-section (1) of section 29 shall, within a period of thirty days of such attachment, direct its Prosecution Wing to file an application stating the facts of such attachment before the Special Court and make a prayer for confirmation of attachment of the property till completion of the proceedings against the public servant in the Special Court.

(2) The Special Court may, if it is of the opinion that the property provisionally attached had been acquired through corrupt means, make an order for confirmation of attachment of such property till the completion of the proceedings against the public servant in the Special Court.

(3) If the public servant is subsequently acquitted of the charges framed against him, the property, subject to the orders of the Special Court, shall be restored to the concerned public servant along with benefits from such property as might have accrued during the period of attachment.

(4) If the public servant is subsequently convicted of the charges of corruption, the proceeds relating to the offence under the Prevention of Corruption Act, 1988 shall be confiscated and vest in the Central Government free from any encumbrance or leasehold interest excluding any debt due to any bank or financial institution.

49 of 1988.

Explanation.—For the purposes of this sub-section, the expressions "bank", "debt" and "financial institution" shall have the meanings respectively assigned to them in clauses (d), (g) and (h) of section 2 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

51 of 1993.

Confiscation of
assets,
proceeds,
receipts and
benefits arisen
or procured by
means of
corruption in
special
circumstances.

31. (1) Without prejudice to the provisions of sections 29 and 30, where the Special Court, on the basis of *prima facie* evidence, has reason to believe or is satisfied that the assets, proceeds, receipts and benefits, by whatever name called, have arisen or procured by means of corruption by the public servant, it may authorise the confiscation of such assets, proceeds, receipts and benefits till his acquittal.

(2) Where an order of confiscation made under sub-section (1) is modified or annulled by the High Court or where the public servant is acquitted by the Special Court, the assets, proceeds, receipts and benefits, confiscated under sub-section (1) shall be returned to such

public servant, and in case it is not possible for any reason to return the assets, proceeds, receipts and benefits, such public servant shall be paid the price thereof including the money so confiscated with interest at the rate of five per cent. per annum thereon calculated from the date of confiscation.

32. (1) Where the Lokpal, while making a preliminary inquiry into allegations of corruption, is *prima facie* satisfied, on the basis of evidence available,—

(i) that the continuance of the public servant referred to in clause (d) or clause (e) or clause (f) of sub-section (1) of section 14 in his post while conducting the preliminary inquiry is likely to affect such preliminary inquiry adversely; or

(ii) such public servant is likely to destroy or in any way tamper with the evidence or influence witnesses,

then, the Lokpal may recommend to the Central Government for transfer or suspension of such public servant from the post held by him till such period as may be specified in the order.

(2) The Central Government shall ordinarily accept the recommendation of the Lokpal made under sub-section (1), except for the reasons to be recorded in writing in a case where it is not feasible to do so for administrative reasons.

33. The Lokpal may, in the discharge of its functions under this Act, issue appropriate directions to a public servant entrusted with the preparation or custody of any document or record—

(a) to protect such document or record from destruction or damage; or

(b) to prevent the public servant from altering or secreting such document or record; or

(c) to prevent the public servant from transferring or alienating any assets allegedly acquired by him through corrupt means.

34. The Lokpal may, by general or special order in writing, and subject to such conditions and limitations as may be specified therein, direct that any administrative or financial power conferred on it may also be exercised or discharged by such of its Members or officers or employees as may be specified in the order.

CHAPTER IX

SPECIAL COURTS

35. (1) The Central Government shall constitute such number of Special Courts, as recommended by the Lokpal, to hear and decide the cases arising out of the Prevention of Corruption Act, 1988 or under this Act.

(2) The Special Courts constituted under sub-section (1) shall ensure completion of each trial within a period of one year from the date of filing of the case in the Court:

Provided that in case the trial cannot be completed within a period of one year, the Special Court shall record reasons therefor and complete the trial within a further period of not more than three months or such further periods not exceeding three months each, for reasons to be recorded in writing before the end of each such three months period, but not exceeding a total period of two years.

36. (1) Notwithstanding anything contained in this Act or the Code of Criminal Procedure, 1973 if, in the course of an preliminary inquiry or investigation into an offence or other proceeding under this Act, an application is made to a Special Court by an officer of the Lokpal authorised in this behalf that any evidence is required in connection with the preliminary inquiry or investigation into an offence or proceeding under this Act and he is of the opinion that such evidence may be available in any place in a contracting State, and the Special Court, on being satisfied that such evidence is required in connection with the preliminary

Power of Lokpal to recommend transfer or suspension of public servant connected with allegation of corruption.

Power of Lokpal to give directions to prevent destruction of records during preliminary inquiry.

Power to delegate.

Special Courts to be constituted by Central Government.

49 of 1988.

2 of 1974.

Letter of request to a contracting State in certain cases.

inquiry or investigation into an offence or proceeding under this Act, may issue a letter of request to a court or an authority in the contracting State competent to deal with such request to—

(i) examine the facts and circumstances of the case;

(ii) take such steps as the Special Court may specify in such letter of request;
and

(iii) forward all the evidence so taken or collected to the Special Court issuing such letter of request.

(2) The letter of request shall be transmitted in such manner as the Central Government may prescribe in this behalf.

(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be evidence collected during the course of the preliminary inquiry or investigation.

CHAPTER X

COMPLAINTS AGAINST CHAIRPERSON, MEMBERS AND OFFICIALS OF LOKPAL

Removal and suspension of Chairperson and Members of Lokpal:

37. (1) The Lokpal shall not inquire into any complaint made against the Chairperson or any Member.

(2) Subject to the provisions of sub-section (4), the Chairperson or any Member shall be removed from his office by order of the President on grounds of misbehaviour after the Supreme Court, on a reference being made to it by the President on a petition signed by at least one hundred Members of Parliament has, on an inquiry held in accordance with the procedure prescribed in that behalf, reported that the Chairperson or such Member, as the case may be, ought to be removed on such ground.

(3) The President may suspend from office the Chairperson or any Member in respect of whom a reference has been made to the Supreme Court under sub-section (2), on receipt of the recommendation or interim order made by the Supreme Court in this regard until the President has passed orders on receipt of the final report of the Supreme Court on such reference.

(4) Notwithstanding anything contained in sub-section (2), the President may, by order, remove from the office, the Chairperson or any Member if the Chairperson or such Member, as the case may be,—

(a) is adjudged an insolvent; or

(b) engages, during his term of office, in any paid employment outside the duties of his office; or

(c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

(5) If the Chairperson or any Member is, or becomes, in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (2), be deemed to be guilty of misbehaviour.

49 of 1988.

38. (1) Every complaint of allegation or wrongdoing made against any officer or employee or agency (including the Delhi Special Police Establishment), under or associated with the Lokpal for an offence punishable under the Prevention of Corruption Act, 1988 shall be dealt with in accordance with the provisions of this section.

Complaints against officials of Lokpal.

(2) The Lokpal shall complete the inquiry into the complaint or allegation made within a period of thirty days from the date of its receipt.

(3) While making an inquiry into the complaint against any officer or employee of the Lokpal or agency engaged or associated with the Lokpal, if it is *prima facie* satisfied on the basis of evidence available, that—

(a) continuance of such officer or employee of the Lokpal or agency engaged or associated in his post while conducting the inquiry is likely to affect such inquiry adversely; or

(b) an officer or employee of the Lokpal or agency engaged or associated is likely to destroy or in any way tamper with the evidence or influence witnesses,

then, the Lokpal may, by order, suspend such officer or employee of the Lokpal or divest such agency engaged or associated with the Lokpal of all powers and responsibilities hereto before exercised by it.

49 of 1988.

(4) On the completion of the inquiry, if the Lokpal is satisfied that there is *prima facie* evidence of the commission of an offence under the Prevention of Corruption Act, 1988 or of any wrongdoing, it shall, within a period of fifteen days of the completion of such inquiry, order to prosecute such officer or employee of the Lokpal or such officer, employee, agency engaged or associated with the Lokpal and initiate disciplinary proceedings against the official concerned:

Provided that no such order shall be passed without giving such officer or employee of the Lokpal, such officer, employee, agency engaged or associated, a reasonable opportunity of being heard.

CHAPTER XI

ASSESSMENT OF LOSS AND RECOVERY THEREOF BY SPECIAL COURT

49 of 1988.

39. If any public servant is convicted of an offence under the Prevention of Corruption Act, 1988 by the Special Court, notwithstanding and without prejudice to any law for the time being in force, it may make an assessment of loss, if any, caused to the public exchequer on account of the actions or decisions of such public servant not taken in good faith and for which he stands convicted, and may order recovery of such loss, if possible or quantifiable, from such public servant so convicted:

Assessment of loss and recovery thereof by Special Court.

Provided that if the Special Court, for reasons to be recorded in writing, comes to the conclusion that the loss caused was pursuant to a conspiracy with the beneficiary or beneficiaries of actions or decisions of the public servant so convicted, then such loss may, if assessed and quantifiable under this section, also be recovered from such beneficiary or beneficiaries proportionately.

CHAPTER XII

FINANCE, ACCOUNTS AND AUDIT

40. The Lokpal shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Lokpal and forward the same to the Central Government for information.

Budget.

41. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Lokpal grants of such sums of money as are required to be paid for the salaries and allowances payable to the Chairperson and Members and the administrative expenses, including the salaries and allowances and pension payable to or in respect of officers and other employees of the Lokpal.

Grants by Central Government.

Annual
statement of
accounts.

42. (1) The Lokpal shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Lokpal shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.

(3) The Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the Lokpal under this Act shall have the same rights, privileges and authority in connection with such audit, as the Comptroller and Auditor-General of India generally 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 any of the offices of the Lokpal.

(4) The accounts of the Lokpal, 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 the Central Government shall cause the same to be laid before each House of Parliament.

Furnishing of
returns, etc.,
to Central
Government.

43. The Lokpal shall furnish to the Central Government, at such time and in such form and manner as may be prescribed or as the Central Government may request, such returns and statements and such particulars in regard to any matter under the jurisdiction of the Lokpal, as the Central Government may, from time to time, require.

CHAPTER XIII

DECLARATION OF ASSETS

Declaration of
assets.

44. (1) Every public servant shall make a declaration of his assets and liabilities in the manner as provided by or under this Act.

(2) A public servant shall, within a period of thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office, furnish to the competent authority the information relating to—

(a) the assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries;

(b) his liabilities and that of his spouse and his dependent children.

(3) A public servant holding his office as such, at the time of the commencement of this Act, shall furnish information relating to such assets and liabilities, as referred to in sub-section (2), to the competent authority within thirty days of the coming into force of this Act.

(4) Every public servant shall file with the competent authority, on or before the 31st July of every year, an annual return of such assets and liabilities, as referred to in sub-section (2), as on the 31st March of that year.

(5) The information under sub-section (2) or sub-section (3) and annual return under sub-section (4) shall be furnished to the competent authority in such form and in such manner as may be prescribed.

(6) The competent authority in respect of each Ministry or Department shall ensure that all such statements are published on the website of such Ministry or Department by 31st August of that year.

Explanation.—For the purposes of this section, "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the public servant for their livelihood.

45. If any public servant wilfully or for reasons which are not justifiable, fails to—

(a) to declare his assets; or

(b) gives misleading information in respect of such assets and is found to be in possession of assets not disclosed or in respect of which misleading information was furnished,

Presumption as to acquisition of assets by corrupt means in certain cases.

then, such assets shall, unless otherwise proved, be presumed to belong to the public servant and shall be presumed to be assets acquired by corrupt means:

Provided that the competent authority may condone or exempt the public servant from furnishing information in respect of assets not exceeding such minimum value as may be prescribed.

CHAPTER XIV

OFFENCES AND PENALTIES

46. (1) Notwithstanding anything contained in this Act, whoever makes any false and frivolous or vexatious complaint under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to one lakh rupees.

Prosecution for false complaint and payment of compensation, etc., to public servant.

(2) No Court, except a Special Court, shall take cognizance of an offence under sub-section (1).

(3) No Special Court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom the false, frivolous or vexatious complaint was made or by an officer authorised by the Lokpal.

(4) The prosecution in relation to an offence under sub-section (1) shall be conducted by the public prosecutor and all expenses connected with such prosecution shall be borne by the Central Government.

(5) In case of conviction of a person [being an individual or society or association of persons or trust (whether registered or not)], for having made a false complaint under this Act, such person shall be liable to pay compensation to the public servant against whom he made the false complaint in addition to the legal expenses for contesting the case by such public servant, as the Special Court may determine.

(6) Nothing contained in this section shall apply in case of complaints made in good faith.

Explanation.—For the purpose of this sub-section, the expression “good faith” means any act believed or done by a person in good faith with due care, caution and sense of responsibility or by mistake of fact believing himself justified by law under section 79 of the Indian Penal Code.

45 of 1860.

47. (1) Where any offence under sub-section (1) of section 46 has been committed by any society or association of persons or trust (whether registered or not), every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the society or association of persons or trust, for the conduct of the business or affairs or activities of the society or association of persons or trust as well as such society or association of persons or trust shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

False complaint made by society or association of persons or trust.

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 had 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 society or association of persons or trust (whether registered or not) 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 such society or association of persons or trust, 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.

CHAPTER XV

MISCELLANEOUS

Reports of Lokpal.

48. It shall be the duty of the Lokpal to present annually to the President a report on the work done by the Lokpal and on receipt of such report the President shall cause a copy thereof together with a memorandum explaining, in respect of the cases, if any, where the advice of the Lokpal was not accepted, the reason for such non-acceptance to be laid before each House of Parliament.

Lokpal to function as appellate authority, for appeals arising out of any other law for the time being in force.

49. The Lokpal shall function as the final appellate authority in respect of appeals arising out of any other law for the time being in force providing for delivery of public services and redressal of public grievances by any public authority in cases where the decision contains findings of corruption under the Prevention of Corruption Act, 1988.

49 of 1988.

Protection of action taken in good faith by any public servant.

50. No suit, prosecution or other legal proceedings under this Act shall lie against any public servant, in respect of anything which is done in good faith or intended to be done in the discharge of his official functions or in exercise of his powers.

Protection of action taken in good faith by others.

51. No suit, prosecution or other legal proceedings shall lie against the Lokpal or against any officer, employee, agency or any person, in respect of anything which is done in good faith or intended to be done under this Act or the rules or the regulations made thereunder.

Members, officers and employees of Lokpal to be public servants.

52. The Chairperson, Members, officers and other employees of the Lokpal shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Limitation to apply in certain cases.

53. The Lokpal shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed.

Bar of Jurisdiction.

54. No civil court shall have jurisdiction in respect of any matter which the Lokpal is empowered by or under this Act to determine.

Legal assistance.

55. The Lokpal shall provide to every person against whom a complaint has been made, before it, under this Act, legal assistance to defend his case before the Lokpal, if such assistance is requested for.

Act to have overriding effect.

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

Provisions of this Act to be in addition of other laws.

57. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

58. The enactments specified in the Schedule shall be amended in the manner specified therein.

Amendment of certain enactments.

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

Power to make rules.

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

(a) the form of complaint referred to in clause (e) of sub-section (1) of section 2;

(b) the term of the Search Committee, the fee and allowances payable to its members and the manner of selection of panel of names under sub-section (5) of section 4;

(c) the post or posts in respect of which the appointment shall be made after consultation with the Union Public Service Commission under the proviso to sub-section (3) of section 10;

(d) other matters for which the Lokpal shall have the powers of a civil court under clause (vi) of sub-section (1) of section 27;

(e) the manner of sending the order of attachment along with the material to the Special Court under sub-section (2) of section 29;

(f) the manner of transmitting the letter of request under sub-section (2) of section 36;

(g) the form and the time for preparing in each financial year the budget for the next financial year, showing the estimated receipts and expenditure of the Lokpal under section 40;

(h) the form for maintaining the accounts and other relevant records and the form of annual statement of accounts under sub-section (1) of section 42;

(i) the form and manner and the time for preparing the returns and statements along with particulars under section 43;

(j) the form and the time for preparing an annual return giving a summary of its activities during the previous year under sub-section (5) of section 44;

(k) the form of annual return to be filed by a public servant under sub-section (5) of section 44;

(l) the minimum value for which the competent authority may condone or exempt a public servant from furnishing information in respect of assets under the proviso to section 45;

(m) any other matter which is to be or may be prescribed.

60. (1) Subject to the provisions of this Act and the rules made thereunder, the Lokpal may, by notification in the Official Gazette, make regulations to carry out the provisions of this Act.

Power of Lokpal to make regulations.

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

(a) the conditions of service of the secretary and other officers and staff of the Lokpal and the matters which in so far as they relate to salaries, allowances, leave or pensions, require the approval of the President under sub-section (4) of section 10;

(b) the place of sittings of benches of the Lokpal under clause (f) of sub-section (1) of section 16;

(c) the manner for displaying on the website of the Lokpal, the status of all complaints pending or disposed of along with records and evidence with reference thereto under sub-section (10) of section 20;

(d) the manner and procedure of conducting preliminary inquiry or investigation under sub-section (11) of section 20;

(e) any other matter which is required to be, or may be, specified under this Act.

Laying of rules and regulations.

61. Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation 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 regulation.

Power to remove difficulties.

62. (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 appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two 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.

PART III

ESTABLISHMENT OF THE LOKAYUKTA

Establishment of Lokayukta.

63. Every State shall establish a body to be known as the Lokayukta for the State, if not so established, constituted or appointed, by a law made by the State Legislature, to deal with complaints relating to corruption against certain public functionaries, within a period of one year from the date of commencement of this Act.

THE SCHEDULE

[See section 58]

AMENDMENT TO CERTAIN ENACTMENTS

PART I

AMENDMENT TO THE COMMISSIONS OF INQUIRY ACT, 1952

(60 OF 1952)

In section 3, in sub-section (1), for the words "The appropriate Government may", the words and figures "Save as otherwise provided in the Lokpal and Lokayuktas Act, 2013, the appropriate Government may" shall be substituted. Amendment of section 3.

PART II

AMENDMENTS TO THE DELHI SPECIAL POLICE ESTABLISHMENT ACT, 1946

(25 OF 1946)

1. In section 4A,—

Amendment of section 4A.

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

“(1) The Central Government shall appoint the Director on the recommendation of the Committee consisting of—

(a) the Prime Minister — Chairperson;

(b) the Leader of Opposition in the House of the People — Member;

(c) the Chief Justice of India or Judge of the Supreme Court nominated by him — Member.”;

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

2. After section 4B, the following section shall be inserted, namely:—

Insertion of new section 4BA.

“4BA. (1) There shall be a Directorate of Prosecution headed by a Director who shall be an officer not below the rank of Joint Secretary to the Government of India, for conducting prosecution of cases under this Act. Director of Prosecution.

(2) The Director of Prosecution shall function under the overall supervision and control of the Director.

(3) The Central Government shall appoint the Director of Prosecution on the recommendation of the Central Vigilance Commission.

(4) The Director of Prosecution shall notwithstanding anything to the contrary contained in the rules relating to his conditions of service, continue to hold office for a period of not less than two years from the date on which he assumes office.”

3. In section 4C, for sub-section (1), the following sub-section shall be substituted, namely:— Amendment of section 4C.

“(1) The Central Government shall appoint officers to the posts of the level of Superintendent of Police and above except Director, and also recommend the extension or curtailment of the tenure of such officers in the Delhi Special Police Establishment, on the recommendation of a committee consisting of:—

(a) the Central Vigilance Commissioner — Chairperson;

(b) Vigilance Commissioners — Members;

(c) Secretary to the Government of India in charge of the Ministry of Home — Member;

(d) Secretary to the Government of India in charge of the Department of Personnel — Member:

Provided that the Committee shall consult the Director before submitting its recommendation to the Central Government."

PART III

AMENDMENTS TO THE PREVENTION OF CORRUPTION ACT, 1988

(49 OF 1988)

Amendment of sections 7, 8, 9 and 12.

1. In sections 7, 8, 9 and section 12,—

(a) for the words "six months", the words "three years" shall respectively be substituted;

(b) for the words "five years", the words "seven years" shall respectively be substituted.

Amendment of section 13.

2. In section 13, in sub-section (2),—

(a) for the words "one year", the words "four years" shall be substituted;

(b) for the words "seven years", the words "ten years" shall be substituted.

Amendment of section 14.

3. In section 14,—

(a) for the words "two years", the words "five years" shall be substituted;

(b) for the words "seven years", the words "ten years" shall be substituted.

Amendment of section 15.

4. In section 15, for the words "which may extend to three years", the words "which shall not be less than two years but which may extend to five years" shall be substituted.

Amendment of section 19.

5. In section 19, after the words "except with the previous sanction", the words "save as otherwise provided in the Lokpal and Lokayuktas Act, 2013" shall be inserted.

PART IV

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973

(2 OF 1974)

Amendment of section 197.

In section 197, after the words "except with the previous sanction", the words "save as otherwise provided in the Lokpal and Lokayuktas Act, 2013" shall be inserted.

PART V

AMENDMENTS TO THE CENTRAL VIGILANCE COMMISSION ACT, 2003

(45 OF 2003)

Amendment of section 2.

1. In section 2, after clause (d), the following clause shall be inserted, namely:—

'(da) "Lokpal" means the Lokpal established under sub-section (1) of section 3 of the Lokpal and Lokayuktas Act, 2013;'

Amendment of section 8.

2. In section 8, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

"(c) on a reference made by the Lokpal under proviso to sub-section (1) of section 20 of the Lokpal and Lokayuktas Act, 2013, the persons referred to in clause (d) of sub-section (1) shall also include—

(i) members of Group B, Group C and Group D services of the Central Government;

(ii) such level of officials or staff of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf.

Provided that till such time a notification is issued under this clause, all officials or staff of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred in clause (d) of sub-section (1)."

3. After section 8, the following sections shall be inserted, namely:—

Insertion of
new sections
8A and 8B.

“8A. (1) Where, after the conclusion of the preliminary inquiry relating to corruption of public servants belonging to Group C and Group D officials of the Central Government, the findings of the Commission disclose, after giving an opportunity of being heard to the public servant, a *prima facie* violation of conduct rules relating to corruption under the Prevention of Corruption Act, 1988 by such public servant, the Commission shall proceed with one or more of the following actions, namely:—

Action on
preliminary
inquiry in
relation to
public
servants.

49 of 1988.

(a) cause an investigation by any agency or the Delhi Special Police Establishment, as the case may be;

(b) initiation of the disciplinary proceedings or any other appropriate action against the concerned public servant by the competent authority;

(c) closure of the proceedings against the public servant and to proceed against the complainant under section 46 of the Lokpal and Lokayuktas Act, 2013.

(2) Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.

8B. (1) In case the Commission decides to proceed to investigate into the complaint under clause (a) of sub-section (1) of section 8A, it shall direct any agency (including the Delhi Special Police Establishment) to carry out the investigation as expeditiously as possible and complete the investigation within a period of six months from the date of its order and submit the investigation report containing its findings to the Commission:

Action on
investigation
in relation to
public
servants.

Provided that the Commission may extend the said period by a further period of six months for the reasons to be recorded in writing.

(2) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, any agency (including the Delhi Special Police Establishment) shall, in respect of cases referred to it by the Commission, submit the investigation report to the Commission.

2 of 1974.

(3) The Commission shall consider every report received by it under sub-section (2) from any agency (including the Delhi Special Police Establishment) and may decide as to—

(a) file charge-sheet or closure report before the Special Court against the public servant;

(b) initiate the departmental proceedings or any other appropriate action against the concerned public servant by the competent authority.”

4. After section 11, the following section shall be inserted, namely:—

Insertion of
new section
11A.

“11A. (1) There shall be a Director of Inquiry, not below the rank of Joint Secretary to the Government of India, who shall be appointed by the Central Government for conducting preliminary inquiries referred to the Commission by the Lokpal.

Director of
Inquiry for
making
preliminary
inquiry.

(2) The Central Government shall provide the Director of Inquiry such officers and employees as may be required for the discharge of his functions under this Act.”

THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND
REGULATION OF STREET VENDING) ACT, 2014

ARRANGEMENT OF SECTIONS

Sections :

CHAPTER I
PRELIMINARY

1. Short title, extent, commencement and provisions.
2. Definitions.

CHAPTER II
REGULATION OF STREET VENDING

3. Survey of street vendors and protection from eviction or relocation.
4. Issue of certificate of vending.
5. Conditions for issue of certificate of vending.
6. Categories of certificate of vending and issue of identity cards.
7. Criteria for issuing certificate of vending.
8. Vending fees.
9. Validity and renewal of certificate of vending.
10. Cancellation or suspension of certificate of vending.
11. Appeal from decision of Town Vending Committee.

CHAPTER III

RIGHTS AND OBLIGATIONS OF STREET VENDORS

12. Rights of street vendor.
13. Right of street vendor for a new site or area on relocation.
14. Duty of street vendors.
15. Maintenance of cleanliness and public hygiene.
16. Maintenance of civic amenities in vending zone in good condition.
17. Payment of maintenance charges.

CHAPTER IV

RELOCATION AND EVICTION OF STREET VENDORS

18. Relocation or eviction of street vendors.
19. Seizure and reclaiming of goods.

Sections :

CHAPTER V

DISPUTE REDRESSAL MECHANISM

20. Redressal of grievances or resolution of disputes of street vendors.

CHAPTER VI

PLAN FOR STREET VENDING

21. Plan for street vending.

CHAPTER VII

TOWN VENDING COMMITTEE

22. Town Vending Committee.
 23. Meetings of Town Vending Committee.
 24. Temporary association of persons with Town Vending Committee for particular purposes.
 25. Office space and other employees for Town Vending Committee.
 26. Publication of street vendor's charter and data-base and carrying out of social audit.

CHAPTER VIII

PREVENTION OF HARASSMENT OF STREET VENDORS

27. Prevention of harassment by police and other authorities.

CHAPTER IX

PENAL PROVISIONS

28. Penalty for contraventions.

CHAPTER X

MISCELLANEOUS

29. Provisions of this Act, not to be construed as conferring ownership rights, etc.
 30. Returns.
 31. Promotional measures.
 32. Research, training and awareness.
 33. Act to have overriding effect.
 34. Power to delegate.
 35. Power to amend Schedules.
 36. Power to make rules.
 37. Power to make bye-laws.
 38. Scheme for street vendors.
 39. Power to remove difficulties.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

Bhopal, the 7th May 2014

No. 2829-115-XXI-A(Dr.)—The following Act of the Parliament, published in the Gazette of India, Extra-ordinary, Part-II, Section I, dated the 5th March 2014 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 4th March 2014.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014

(Act No. 7 of 2014)

An Act

to protect the rights of urban street vendors and to regulate street vending activities and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(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 States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

(4) The provisions of this Act shall not apply to any land, premises and trains owned and controlled by the Railways under the Railway Act, 1989.

Short title,
extent,
commencement
and
provisions.

24 of 1989.

Definitions.

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

(a) “appropriate Government” means in respect of matters relating to,—

(i) a Union territory without Legislature, the Central Government;

(ii) the Union territories with Legislature, the Government of the National Capital Territory of Delhi or, as the case may be, the Government of Union territory of Puducherry;

(iii) a State, the State Government;

(b) "holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(c) "local authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under section 47 of the Cantonment Act, 2006 or such other body entitled to function as a local authority in any city or town to provide civic services and regulate street vending and includes the "planning authority" which regulates the land use in that city or town;

41 of 2006.

(d) "mobile vendors" means street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services;

(e) "natural market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

(f) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;

(g) "planning authority" means an Urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act, as the case may be;

(h) "prescribed" means prescribed by rules made under this Act by the appropriate Government;

(i) "Schedule" means the Schedule annexed to this Act;

(j) "scheme" means a scheme framed by the appropriate Government under section 38;

(k) "stationary vendors" means street vendors who carry out vending activities on regular basis at a specific location;

(l) "street vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;

(m) "Town Vending Committee" means the body constituted by the appropriate Government under section 22;

(n) "vending zone" means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.

(2) Any reference in this Act to any enactment or any provision thereof, shall, in relation to an area in which such enactment or such provision is not in force be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

REGULATION OF STREET VENDING

3. (1) The Town Vending Committee shall, within such period and in such manner as may be specified in the scheme, conduct a survey of all existing street vendors, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.

Survey of street vendors and protection from eviction or relocation.

(2) The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent. of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.

(3) No street vendor shall be evicted or, as the case may be, relocated till the survey specified under sub-section (1) has been completed and the certificate of vending is issued to all street vendors.

4. (1) Every street vendor, identified under the survey carried out under sub-section (1) of section 3, who has completed the age of fourteen years or such age as may be prescribed by the appropriate Government, shall be issued a certificate of vending by the Town Vending Committee, subject to such terms and conditions and within the period specified in the scheme including the restrictions specified in the plan for street vending:

Issue of certificate of vending.

Provided that a person, whether or not included under the survey under sub-section (1) of section 3, who has been issued a certificate of vending before the commencement of this Act, whether known as licence or any other form of permission (whether as a stationary vendor or a mobile vendor or under any other category) shall be deemed to be a street vendor for that category for the period for which he has been issued such certificate of vending.

(2) Where, in the intervening period between two surveys, any person seeks to vend, the Town Vending Committee may grant a certificate of vending to such person, subject to the scheme, the plan for street vending and the holding capacity of the vending zones.

(3) Where the number of street vendors identified under sub-section (1) or the number of persons seeking to vend under sub-section (2) are more than the holding capacity of the vending zone and exceeds the number of persons to be accommodated in that vending zone, the Town Vending Committee shall carry out a draw of lots for issuing the certificate of vending for that vending zone and the remaining persons shall be accommodated in any adjoining vending zone to avoid relocation.

Conditions for issue of certificate of vending.

5. (1) Every street vendor shall give an undertaking to the Town Vending Committee prior to the issue of a certificate of vending under section 4, that—

(a) he shall carry on the business of street vending himself or through any of his family member;

(b) he has no other means of livelihood:

(c) he shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.

(2) Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—

(a) spouse of the street vendor;

(b) dependent child of the street vendor:

Provided that where a dispute arises as to who is entitled to vend in the place of the vendor, the matter shall be decided by the committee under section 20.

Categories of certificate of vending and issue of identity cards.

6. (1) The certificate of vending shall be issued under any of the following categories, namely:—

- (a) a stationary vendor;
- (b) a mobile vendor; or
- (c) any other category as may be specified in the scheme.

(2) The certificate of vending issued for the categories specified in sub-section (1) shall be in such form, and issued in such manner, as may be specified in the scheme and specify the vending zone where the street vendor shall carry on his vending activities, the days and timings for carrying on such vending activities and the conditions and restrictions subject to which he shall carry on such vending activities.

(3) Every street vendor who has been issued certificate of vending under sub-section (1) shall be issued identity cards in such form and manner as may be specified in the scheme.

Criteria for issuing certificate of vending.

7. The criteria to be followed by the Town Vending Committee for issuing certificate of vending to a street vendor shall be as specified in the scheme, which may, apart from other things, provide for preference to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, women, persons with disabilities, minorities or such other categories as may be specified in the scheme.

Vending fees.

8. Every street vendor who has been issued certificate of vending shall pay such vending fees as may be specified in the scheme.

Validity and renewal of certificate of vending.

9. (1) Every certificate of vending shall be valid for such period as may be specified in the scheme.

(2) Every certificate of vending shall be renewable for such period, in such manner, and on payment of such fees, as may be specified in the scheme.

Cancellation or suspension of certificate of vending.

10. Where a street vendor who has been issued a certificate of vending under this Act commits breach of any of the conditions thereof or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder, or where the Town Vending Committee is satisfied that such certificate of vending has been secured by the street vendor through misrepresentation or fraud, the Town Vending Committee may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the certificate of vending or suspend the same in such manner as may be specified in the scheme and for such period as it deems fit:

Provided that no such cancellation or suspension shall be made by the Town Vending Committee unless an opportunity of hearing has been given to the street vendor.

11. (1) Any person who is aggrieved by any decision of the Town Vending Committee with respect to issue of certificate of vending under section 6 or cancellation or suspension of certificate of vending under section 10 may prefer an appeal to the local authority in such form, within such period, and in such manner, as may be prescribed.

Appeal from decision of Town Vending Committee.

(2) No appeal shall be disposed of by the local authority unless the appellant has been given an opportunity of hearing.

CHAPTER III

RIGHTS AND OBLIGATIONS OF STREET VENDORS

12. (1) Every street vendor shall have the right to carry on the business of street vending activities in accordance with the terms and conditions mentioned in the certificate of vending.

Rights of street vendor.

(2) Notwithstanding anything contained in sub-section (1), where any area or space, as the case may be, has been earmarked as no-vending zone, no street vendor shall carry out any vending activities in that zone.

13. Every street vendor, who possesses a certificate of vending, shall, in case of his relocation under section 18, be entitled for new site or area, as the case may be, for carrying out his vending activities as may be determined by the local authority, in consultation with the Town Vending Committee.

Right of street vendor for a new site or area on relocation.

14. Where a street vendor occupies space on a time sharing basis, he shall remove his goods and wares every day at the end of the time-sharing period allowed to him.

Duty of street vendors.

15. Every street vendor shall maintain cleanliness and public hygiene in the vending zones and the adjoining areas.

Maintenance of cleanliness and public hygiene.

16. Every street vendor shall maintain civic amenities and public property in the vending zone in good condition and not damage or destroy or cause any damage or destruction to the same.

Maintenance of civic amenities in vending zone in good condition.

17. Every street vendor shall pay such periodic maintenance charges for the civic amenities and facilities provided in the vending zones as may be determined by the local authority.

Payment of maintenance charges.

CHAPTER IV

RELOCATION AND EVICTION OF STREET VENDORS

18. (1) The local authority may, on the recommendations of the Town Vending Committee, declare a zone or part of it to be a no-vending zone for any public purpose and relocate the street vendors vending in that area, in such manner as may be specified in the scheme.

Relocation or eviction of street vendors.

(2) The local authority shall evict such street vendor whose certificate of vending has been cancelled under section 10 or who does not have a certificate of vending and vendors without such certificate, in such manner as may be specified in the scheme.

(3) No street vendor shall be relocated or evicted by the local authority from the place specified in the certificate of vending unless he has been given thirty days' notice for the same in such manner as may be specified in the scheme.

(4) A street vendor shall be relocated or evicted by the local authority physically in such manner as may be specified in the scheme only after he had failed to vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice.

(5) Every street vendor who fails to relocate or vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice, shall be liable to pay for every day of such default, a penalty which may extend up to two hundred and fifty rupees, as may be determined by the local authority, but shall not be more than the value of goods seized.

Seizure and reclaiming of goods.

19. (1) If the street vendor fails to vacate the place specified in the certificate of vending, after the lapse of the period specified in the notice given under sub-section (3) of section 18, the local authority, in addition to evicting the street vendor under section 18, may, if it deems necessary, seize the goods of such street vendor in such manner as may be specified in the scheme:

Provided that where any such seizure is carried out, a list of goods seized shall be prepared, as specified in the scheme, and a copy thereof, duly signed by the person authorised to seize the goods, shall be issued to the street vendor.

(2) The street vendor whose goods have been seized under sub-section (1) may, reclaim his goods in such manner, and after paying such fees, as may be specified in the scheme:

Provided that in case of non-perishable goods, the local authority shall release the goods within two working days of the claim being made by the street vendor, and in case of perishable goods the local authority shall release the goods on the same day of the claim being made by the street vendor.

CHAPTER V

DISPUTE REDRESSAL MECHANISM

Redressal of grievances or resolution of disputes of street vendors.

20. (1) The appropriate Government may constitute one or more committees consisting of a Chairperson who has been a civil judge or a judicial magistrate and two other professionals having such experience as may be prescribed for the purpose of deciding the applications received under sub-section (2):

Provided that no employee of the appropriate Government or the local authority shall be appointed as members of the committee.

(2) Every street vendor who has a grievance or dispute may make an application in writing to the committee constituted under sub-section (1) in such form and manner as may be prescribed.

(3) On receipt of grievance or dispute under sub-section (2), the committee referred to in sub-section (1) shall, after verification and enquiry in such manner, as may be prescribed, take steps for redressal of such grievance or resolution of such dispute, within such time and in such manner as may be prescribed.

(4) Any person who is aggrieved by the decision of the committee may prefer an appeal to the local authority in such form, within such time and in such manner as may be prescribed.

(5) The local authority shall dispose of the appeal received under sub-section (4) within such time and in such manner as may be prescribed:

Provided that the local authority shall, before disposing of the appeal, give an opportunity of being heard to the aggrieved person.

CHAPTER VI

PLAN FOR STREET VENDING

Plan for street vending.

21. (1) Every local authority shall, in consultation with the planning authority and on the recommendations of the Town Vending Committee, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the First Schedule.

(2) The plan for street vending prepared by the local authority shall be submitted to the appropriate Government for approval and that Government shall, before notifying the plan, determine the norms applicable to the street vendors.

CHAPTER VII

TOWN VENDING COMMITTEE

22. (1) The appropriate Government may, by rules made in this behalf, provide for the term and the manner of constituting a Town Vending Committee in each local authority:

Town Vending Committee.

Provided that the appropriate Government may, if considers necessary, provide for constitution of more than one Town Vending Committee, or a Town Vending Committee for each zone or ward, in each local authority.

(2) Each Town Vending Committee shall consist of:—

(a) Municipal Commissioner or Chief Executive Officer, as the case may be, who shall be the Chairperson; and

(b) such number of other members as may be prescribed, to be nominated by the appropriate Government, representing the local authority, medical officer of the local authority, the planning authority, traffic police, police, association of street vendors, market associations, traders associations, non-governmental organisations, community based organisations, resident welfare associations, banks and such other interests as it deems proper;

(c) the number of members nominated to represent the non-governmental organisations and the community based organisations shall not be less than ten per cent.;

(d) the number of members representing the street vendors shall not be less than forty per cent. who shall be elected by the street vendors themselves in such manner as may be prescribed:

Provided that one-third of members representing the street vendors shall be from amongst women vendors:

Provided further that due representation shall be given to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities from amongst the members representing street vendors.

(3) The Chairperson and the members nominated under sub-section (2) shall receive such allowances as may be prescribed by the appropriate Government.

23. (1) The Town Vending Committee shall meet at such times and places within the jurisdiction of the local authority and shall observe such rules of procedure in regard to the transaction of business at its meetings, and discharge such functions, as may be prescribed.

Meetings of Town Vending Committee.

(2) Every decision of the Town Vending Committee shall be notified along with the reasons for taking such decision.

24. (1) The Town Vending Committee may associate with itself in such manner and for such purposes, as may be prescribed, any person whose assistance or advice it may desire, in carrying out any of the provisions of this Act.

Temporary association of persons with Town Vending Committee for particular purposes.

(2) A person associated under sub-section (1) shall be paid such allowances as may be prescribed.

25. The local authority shall provide the Town Vending Committee with appropriate office space and such employees as may be prescribed.

Office space and other employees for Town Vending Committee.

26. (1) Every Town Vending Committee shall publish the street vendor's charter specifying therein the time within which the certificate of vending shall be issued to a street vendor and the time within which such certificate of vending shall be renewed and other activities to be performed within the time limit specified therein.

Publication of street vendor's charter and data-base and carrying out of social audit.

(2) Every Town Vending Committee shall maintain up to date records of registered street vendors and street vendors to whom certificate of vending has been issued containing name of such street vendor, stall allotted to him, nature of business carried out by him, category of street vending and such other particulars which may be relevant to the street vendors, in such manner as may be prescribed.

(3) Every Town Vending Committee shall carry out social audit of its activities under the Act or the rules or the schemes made thereunder in such form and manner as may be specified in the scheme.

CHAPTER VIII

PREVENTION OF HARASSMENT OF STREET VENDORS

Prevention of harassment by police and other authorities.

27. Notwithstanding anything contained in any other law for the time being in force, no street vendor who carries on the street vending activities in accordance with the terms and conditions of his certificate of vending shall be prevented from exercising such rights by any person or police or any other authority exercising powers under any other law for the time being in force.

CHAPTER IX

PENAL PROVISIONS

Penalty for contraventions.

28. If any street vendor—

(a) indulges in vending activities without a certificate of vending;

(b) contravenes the terms of certificate of vending; or

(c) contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder,

he shall be liable to a penalty for each such offence which may extend up to rupees two thousand as may be determined by the local authority.

CHAPTER X

MISCELLANEOUS

Provisions of this Act, not to be construed as conferring ownership rights, etc.

29. (1) Nothing contained in this Act shall be construed as conferring upon a street vendor any temporary, permanent or perpetual right of carrying out vending activities in the vending zones allotted to him or in respect of any place on which he carries on such vending activity.

(2) Nothing contained in sub-section (1) shall apply to any stationery vendor, if a temporary leasehold or ownership right has been conferred on him by a lease deed or otherwise, in respect of a place at specific location where he carries on such vending activity in accordance with the provisions of any law for the time being in force for carrying out such vending activity.

Returns.

30. Every Town Vending Committee shall furnish, from time to time, to the appropriate Government and the local authority such returns as may be prescribed.

Promotional measures.

31. The appropriate Government may, in consultation with the Town Vending Committee, local authority, planning authority and street vendors associations or unions, undertake promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.

Research, training and awareness.

32. The appropriate Government may, to the extent of availability of financial and other resources,—

(a) organise capacity building programmes to enable the street vendors to exercise the rights contemplated under this Act;

(b) undertake research, education and training programmes to advance knowledge and understanding of the role of the informal sector in the economy, in general and the street vendors, in particular and to raise awareness among the public through Town Vending Committee.

Act to have overriding effect.

33. The provisions of this Act shall have effect notwithstanding anything inconsistent therein contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

34. The appropriate Government may, by general or special order in writing, delegate such of its powers and functions under this Act (excluding the power to frame scheme under section 38 and power to make rules under section 36), as it may deem necessary, to the local authority or the Town Vending Committee or any other officer, subject to such conditions, if any, as may be specified in that order. Power to delegate.

35. (1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedules and thereupon the First Schedule or the Second Schedule, as the case may be, shall be deemed to have been amended accordingly. Power to amend Schedules.

(2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.

36. (1) The appropriate Government shall, within one year from the date of commencement of this Act, by notification, make rules for carrying out the provisions of this Act. Power to make rules.

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

(a) the age for street vending under sub-section (1) of section 4;

(b) the form, period and manner of filing appeal with the local authority under sub-section (1) of section 11;

(c) the persons and the experience such person shall have under sub-section (1) of section 20;

(d) the form and the manner of making application under sub-section (2) of section 20;

(e) the manner of verification and enquiry on receipt of grievance or dispute, the time within which and the manner in which steps for redressal of grievances and resolution of disputes may be taken under sub-section (3) of section 20;

(f) the form, the time within which and the manner in which an appeal may be filed under sub-section (4) of section 20;

(g) the time within which and the manner in which an appeal shall be disposed of under sub-section (5) of section 20;

(h) the term of, and the manner of constituting, the Town Vending Committee under sub-section (1) of section 22;

(i) the number of other members of the Town Vending Committee under clause (b) of sub-section (2) of section 22;

(j) the manner of elections among street vendors under clause (d) of sub-section (2) of section 22;

(k) the allowances to Chairperson and members under sub-section (3) of section 22;

(l) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged by the Town Vending Committee under section 23;

(m) the manner and the purpose for which a person may be associated under sub-section (1) of section 24;

(n) the allowances to be paid to an associated person under sub-section (2) of section 24;

(o) the other employees of Town Vending Committee under section 25;

(p) the manner of maintaining up to date record of all street vendors under sub-section (2) of section 26;

(q) the returns to be furnished under section 30;

(r) the manner of publishing summary of scheme under sub-section (2) of section 38.

(3) Every rule and scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or scheme or both Houses agree that the rule or scheme should not be made, the rule or scheme 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 scheme.

(4) Every rule or scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

Power to
make bye-
laws.

37. Subject to the provisions of this Act or any rule or scheme made thereunder, the local authority may make bye-laws to provide for all or any of the following matters, namely:—

(a) the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;

(b) determination of monthly maintenance charges for the civic amenities and facilities in the vending zones under section 17;

(c) determination of penalty under sub-section (5) of section 18 and section 28;

(d) the regulation of the collection of taxes and fees in the vending zones;

(e) the regulation of traffic in the vending zones;

(f) the regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;

(g) the regulation of civic services in the vending zones; and

(h) the regulation of such other matters in the vending zones as may be necessary.

Scheme for
street vendors.

38. (1) For the purposes of this Act, the appropriate Government shall frame a scheme, within six months from the date of commencement of this Act, after due consultations with the local authority and the Town Vending Committee, by notification, which may specify all or any of the matters provided in the Second Schedule.

(2) A summary of the scheme notified by the appropriate Government under sub-section (1) shall be published by the local authority in at least two local news papers in such manner as may be prescribed.

Power to
remove
difficulties.

39. (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 appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after expiry of three years from the commencement of this Act.

(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 FIRST SCHEDULE

(See section 21)

PLAN FOR STREET VENDING

(1) The plan for street vending shall,—

(a) ensure that all existing street vendors identified in the survey, subject to a norm conforming to two and half per cent. of the population of the ward, zone, town or city, as the case may be, are accommodated in the plan for street vending;

(b) ensure the right of commuters to move freely and use the roads without any impediment;

(c) ensure that the provision of space or area for street vending is reasonable and consistent with existing natural markets;

(d) take into account the civic facilities for appropriate use of identified spaces or areas as vending zones;

(e) promote convenient, efficient and cost effective distribution of goods and provision of services;

(f) such other matters as may be specified in the scheme to give effect to the plan for street vending.

(2) The plan for street vending shall contain all of the following matters, namely:—

(a) determination of spatial planning norms for street vending;

(b) earmarking of space or area for vending zones;

(c) determination of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones;

(d) making of spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the future growth, by adopting such norms as may be necessary;

(e) consequential changes needed in the existing master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones.

(3) Declaration of no-vending zone shall be carried out by the plan for street vending, subject to the following principles, namely:—

(a) any existing market, or a natural market as identified under the survey shall not be declared as a no-vending zone;

(b) declaration of no-vending zone shall be done in a manner which displaces the minimum percentage of street vendors;

(c) overcrowding of any place shall not be a basis for declaring any area as a no-vending zone provided that restrictions may be placed on issuing certificate of vending in such areas to persons not identified as street vendors in the survey;

(d) sanitary concerns shall not be the basis for declaring any area as a no-vending zone unless such concerns can be solely attributed to street vendors and cannot be resolved through appropriate civic action by the local authority;

(e) till such time as the survey has not been carried out and the plan for street vending has not been formulated, no zone shall be declared as a no-vending zone.

THE SECOND SCHEDULE

(See section 38)

Matters to be provided in the Scheme for Street Vendors framed by the appropriate Government:—

- (a) the manner of conducting survey;
- (b) the period within which certificate of vending shall be issued to the street vendors identified under the survey;
- (c) the terms and conditions subject to which certificate of vending may be issued to a street vendor including to those persons who wish to carry on street vending during the intervening period of two surveys;
- (d) the form and the manner in which the certificate of vending may be issued to a street vendor;
- (e) the form and manner of issuing identity cards to street vendors;
- (f) the criteria for issuing certificate of vending to street vendors;
- (g) the vending fees to be paid on the basis of category of street vending, which may be different for different cities;
- (h) the manner of collecting, through banks, counters of local authority and counters of Town Vending Committee, vending fees, maintenance charges and penalties for registration, use of parking space for mobile stalls and availing of civic services;
- (i) the period of validity of certificate of vending;
- (j) the period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;
- (k) the manner in which the certificate of vending may be suspended or cancelled;
- (l) the categories of street vendors other than stationery vendors and mobile vendors;
- (m) the other categories of persons for preference for issue of certificate of vending;
- (n) the public purpose for which a street vendor may be relocated and the manner of relocating street vendor;
- (o) the manner of evicting a street vendor;
- (p) the manner of giving notice for eviction of a street vendor;
- (q) the manner of evicting a street vendor physically on failure to evict;
- (r) the manner of seizure of goods by the local authority, including preparation and issue of list of goods seized;
- (s) the manner of reclaiming seized goods by the street vendor and the fees for the same;
- (t) the form and the manner for carrying out social audit of the activities of Town Vending Committee;
- (u) the conditions under which private places may be designated as restriction-free-vending zones, restricted-vending zones and no-vending zones;

(v) the terms and conditions for street vending including norms to be observed for up keeping public health and hygiene;

(w) the designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level;

(x) the manner of maintenance of proper records and other documents by the Town Vending Committee, local authority, planning authority and State Nodal Officer in respect of street vendors;

(y) the manner of carrying out vending activities on time-sharing basis;

(z) the principles for determination of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones;

(za) the principles for determining holding capacity of vending zones and the manner of undertaking comprehensive census and survey;

(zb) principles of relocation subject to the following:—

(i) relocation should be avoided as far as possible, unless there is clear and urgent need for the land in question;

(ii) affected vendors or their representatives shall be involved in planning and implementation of the rehabilitation project;

(iii) affected vendors shall be relocated so as to improve their livelihoods and standards of living or at least to restore them, in real terms to pre-evicted levels;

(iv) livelihood opportunities created by new infrastructure development projects shall accommodate the displaced vendors so that they can make use of the livelihood opportunities created by the new infrastructure;

(v) loss of assets shall be avoided and in case of any loss, it shall be compensated;

(vi) any transfer of title or other interest in land shall not affect the rights of street vendors on such land, and any relocation consequent upon such a transfer shall be done in accordance with the provisions of this Act;

(vii) state machinery shall take comprehensive measures to check and control the practice of forced evictions;

(viii) natural markets where street vendors have conducted business for over fifty years shall be declared as heritage markets, and the street vendors in such markets shall not be relocated;

(zc) any other matter which may be included in the scheme for carrying out the purposes of this Act.

Bhopal, the 7th May 2014

No. 2829-116-XXI-A(Dr.)—The following Act of the Parliament, published in the Gazette of India, Extra-ordinary, Part-II, Section I, dated the 5th March 2014 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 4th March 2014.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) AMENDMENT ACT, 2014

(Act No. 8 of 2014)

An Act

further to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982.

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

1. (1) This Act may be called the Governors (Emoluments, Allowances and Privileges) Amendment Act, 2014.

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.

43 of 1982.

2. In section 2 of the Governors (Emoluments, Allowances and Privileges) Act, 1982 (hereinafter referred to as the principal Act), for clause (a), the following clauses shall be substituted, namely:—

Amendment of section 2.

‘(a) “ex-Governor” means a person who has been the Governor of a State or two or more States;

(aa) “Governor” means the Governor, or any person discharging the functions of the Governor, of any State or of two or more States;’

3. After section 12 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 12A.

“12A. Subject to any rules made in this behalf, the ex-Governor shall, for the remainder of his life, be entitled to secretarial assistance of one Personal Assistant on reimbursement basis:

Entitlement of ex-Governor to secretarial assistance.

Provided that where such ex-Governor is re-appointed to the office of the Governor or elected to Parliament or the State Legislature or appointed to any office of profit under the Union or a State Government, he shall not be entitled for such secretarial assistance for the period during which he holds such office.”

4. In section 13 of the principal Act, in sub-section (2), after clause (g), the following clause shall be inserted, namely:—

Amendment of section 13.

“(h) the manner of providing secretarial assistance and reimbursement under section 12A.”

THE RANI LAKSHMI BAI CENTRAL AGRICULTURAL UNIVERSITY ACT, 2014

ARRANDEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Declaration of Rani Lakshmi Bai Central Agricultural University as an institution of national importance.
3. Definitions.
4. The University.
5. Objects of the University.
6. Powers of the University.
7. Jurisdiction.
8. University open to all classes, castes and creed.
9. The Visitor.
10. Officers of the University.
11. The Chancellor.
12. The Vice-Chancellor.
13. Deans and Directors.
14. The Registrar.
15. The Comptroller.
16. Other officers.
17. Authorities of the University.
18. The Board of Management.
19. The Academic Council.
20. The Research Council.
21. The Extension Education Council.
22. The Finance Committee.
23. Faculties.
24. The Board of Studies.
25. Other authorities.
26. Power to make Statutes.
27. Statutes how to be made.
28. Power to make Ordinances.
29. Regulations.
30. Annual report.

Sections :

31. Annual accounts.
32. Conditions of service of employees.
33. Procedure of appeal and arbitration in disciplinary cases against students.
34. Right to appeal.
35. Provident and pension funds.
36. Disputes as to constitution of University authorities.
37. Constitution of Committees.
38. Filling of casual vacancies.
39. Proceedings of the University authorities not invalidated by vacancy.
40. Protection of action taken in good faith.
41. Mode of proof of University records.
42. Power to remove difficulties.
43. Transitional provisions.
44. Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.

THE SCHEDULE.

Bhopal, the 7th May 2014

No. 2829-118-XXI-A(Dr.)—The following Act of the Parliament, published in the Gazette of India, Extra-ordinary, Part-II, Section I, dated the 5th March, 2014 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 4th March, 2014.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

**THE RANI LAKSHMI BAI CENTRAL AGRICULTURAL
UNIVERSITY ACT, 2014**

(Act No. 10 of 2014)

An Act

to provide for the establishment and incorporation of a University in the Bundelkhand region for the development of agriculture and for the furtherance of the advancement of learning and pursuit of research in agriculture and allied sciences and declare it to be an institution of national importance.

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

1. (1) This Act may be called the Rani Lakshmi Bai Central Agricultural University Act, 2014.

Short title
and com-
mencement.

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

2. Whereas the objects of the institution known as the Rani Lakshmi Bai Central Agricultural University are such as to make the institution one of national importance, it is hereby declared that the institution known as the Rani Lakshmi Bai Central Agricultural University is an institution of national importance.

Declaration of
Rani Lakshmi
Bai Central
Agricultural
University as
an institution
of national
importance.

3. In this Act, and in all Statutes made hereunder, unless the context otherwise requires,—

Definitions.

(a) "Academic Council" means the Academic Council of the University;

(b) "Academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(c) "agriculture" means the basic and applied sciences of the soil and water management, crop production including production of all garden crops, control of plants, pests and diseases, horticulture including floriculture, animal husbandry including veterinary and dairy science, fisheries, forestry including farm forestry, home-science, agricultural engineering and technology, marketing and processing of agricultural and animal husbandry products, land use and management;

(d) "Board" means the Board of Management of the University;

(e) "Board of Studies" means the Board of Studies of the University;

(f) "Bundelkhand" means the area covering six districts, namely Chhatarpur, Damoh, Datia, Panna, Sagar and Tikamgarh of Madhya Pradesh and seven districts, namely Banda, Chitrakoot, Hamirpur, Jalaun, Jhansi, Lalitpur and Mahoba of Uttar Pradesh;

(g) "Chancellor" means the Chancellor of the University;

(h) "college" means a constituent college of the University whether located at the headquarters, campus or elsewhere;

(i) "Department" means a Department of Studies of the University;

(j) "employee" means any person appointed by the University and includes teachers and other staff of the University;

(k) "extension education" means the educational activities concerned with the training of orchardists, farmers and other groups serving agriculture, horticulture, fisheries and improved practices related thereto and the various phases of scientific technology related to agriculture and agricultural production including post harvest technology and marketing;

(l) "Faculty" means Faculty of the University;

(m) "Ordinances" means the Ordinances of the University;

(n) "Regulations" means the Regulations made by any authority of the University;

(o) "Research Advisory Committee" means the Research Advisory Committee of the University;

(p) "Statutes" means the Statutes of the University;

(q) "Student" means a person enrolled in the University for undergoing a course of studies for obtaining a degree, diploma or other academic distinction duly instituted;

(r) "teachers" means Professors, Associate Professors, Assistant Professors, Teaching Faculty Members and their equivalent appointed for imparting instruction or conducting research or extension education programmes or combination of these in the University, college or any institute maintained by the University and designated as teachers by the Ordinances;

(s) "University" means the Rani Lakshmi Bai Central Agricultural University established under this Act;

(t) "Vice-Chancellor" means the Vice-Chancellor of the University;

(u) "Visitor" means the Visitor of the University.

(2) The headquarters of the University shall be at Jhansi in the State of Uttar Pradesh and it may also establish campuses at such other places within its jurisdiction as it may deem fit:

Provided that the University shall establish two colleges in the State of Madhya Pradesh and two colleges at Jhansi in the State of Uttar Pradesh in the Bundelkhand Region.

(3) The first Chancellor and the first Vice-Chancellor and the first members of the Board, the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of the Rani Lakshmi Bai Central Agricultural University.

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

5. The objects of the University shall be—

Objects of the University.

(a) to impart education in different branches of agriculture and allied sciences as it may deem fit;

(b) to further the advancement of learning and conducting of research in agricultural and allied sciences;

(c) to undertake programmes of extension education in Bundelkhand in the districts of the States under its jurisdiction;

(d) to promote partnership and linkages with national and international educational institutions; and

(e) to undertake such other activities as it may, from time to time, determine.

6. The University shall have the following powers, namely:—

Powers of the University.

(i) to make provisions for instructions in agriculture and allied sciences;

(ii) to make provisions for conduct of research in agriculture and allied branches of learning;

(iii) to make provisions for dissemination of the findings of research and technical information through extension programmes;

(iv) to grant, subject to such conditions as it may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examination, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinction for good and sufficient cause;

(v) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(vi) to provide lectures and instructions for field workers, village leaders and other persons not enrolled as regular students of the University and to grant certificates to them as may be prescribed by the Statutes;

(vii) to co-operate or collaborate or associate with any other University or authority or institution of higher learning in such manner and for such purpose as the University may determine;

(viii) to establish and maintain colleges relating to agriculture, horticulture, fisheries, forestry, veterinary and animal science, dairying, home-science and allied sciences, as necessary;

(ix) to establish and maintain such campuses, special centres, specialised laboratories, libraries, museums or other units for research and institution as are, in its opinion, necessary for the furtherance of its objects;

(x) to create teaching, research and extension education posts and to make appointments thereto;

(xi) to create administrative, ministerial and other posts and to make appointments thereto;

(xii) to institute and award fellowships, scholarships, studentships, medals and prizes;

(xiii) to determine standards of admission to the University which may include examination, evaluation or any other method of testing;

(xiv) to provide and maintain residential accommodation for students and employees;

(xv) to supervise the residential accommodation of the students and employees of the University and to make arrangements for promoting their health and general welfare;

(xvi) to lay down conditions of service of all categories of employees, including their code of conduct;

(xvii) to regulate and enforce discipline among the students and the employees and to take such disciplinary measures in this regard as it may deem necessary;

(xviii) to fix, demand and receive such fees and other charges as may be prescribed by the Statutes;

(xix) to borrow, with the approval of the Central Government on the security of its property, money for the purpose of the University;

(xx) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose of any property, movable or immovable including trust and endowment properties, for its purposes;

(xxi) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

Jurisdiction.

7. (1) The jurisdiction and responsibility of the University with respect to teaching, research and programmes of extension education at the University level, in the field of agriculture shall extend to whole country and priority shall be laid on the issues related to Bundelkhand region.

(2) All colleges, research and experimental stations or other institutions to be established under the authority of the University shall come in as constituent units under the full management and control of the officers and authorities and no such units shall be recognised as affiliated units.

(3) The University may assume responsibility for the training of field extension workers and others and may develop such training centres as may be required in various parts of Bundelkhand under its jurisdiction.

University open to all classes, castes and creed.

8. The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof.

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens.

The Visitor.

9. (1) The President of India shall be the Visitor of the University.

(2) Subject to the provisions of sub-sections (3) and (4), the Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the

University, its buildings, laboratories, libraries, museums, workshops and equipments, and of any institution or college and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(3) The Visitor shall, in every case, give notice to the University of his intention to cause, an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Visitor may determine, such representations to him as it may consider necessary.

(4) After considering the representations, if any, made by the University, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

(5) Where an inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard on such inspection or inquiry.

(6) The Visitor may address the Vice-Chancellor with reference to the results of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Visitor may be pleased to offer and on receipt of the address made by the Visitor, the Vice-Chancellor shall communicate forthwith to the Board, the results of the inspection or inquiry and the views of the Visitor and the advice tendered by him upon the action to be taken thereon.

(7) The Board shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken by it upon the results of such inspection or inquiry.

(8) Where the Board does not, within reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Board, issue such directions as he may think fit and the Board shall be bound to comply with such directions.

(9) Without prejudice to the foregoing provisions of this section, the Visitor may, by an order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made and, if any cause is shown within a reasonable time, he shall consider the same.

(10) The Visitor shall have such other powers as may be prescribed by the Statutes.

10. The following shall be the officers of the University, namely:—

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Deans;
- (4) the Directors;
- (5) the Registrar;
- (6) the Comptroller;
- (7) the University Librarian; and
- (8) such other officers as may be prescribed by the Statutes.

11. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the Head of the University.

Officers of the
University.

The
Chancellor.

(3) The Chancellor shall, if present, preside at the convocations of the University held for conferring degrees.

The Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board within three months from the date on which decision on such action is communicated to him and thereupon the Board may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Deans and Directors.

13. Every Dean and every Director shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Registrar.

14. (1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Comptroller.

15. The Comptroller shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Other officers.

16. The manner of appointment and powers and duties of the other officers of the University shall be as prescribed by the Statutes.

Authorities of the University.

17. The following shall be the authorities of the University, namely:—

- (1) the Board of Management;
- (2) the Academic Council;
- (3) the Research Council;
- (4) the Extension Education Council;
- (5) the Finance Committee;
- (6) the Faculties and Board of Studies; and
- (7) such other authorities as may be prescribed by the Statutes.

18. (1) The Board of Management shall be the principal executive body of the University. The Board of Management.
- (2) The constitution of the Board, the term of office of its members and its powers and functions shall be prescribed by the Statutes.
19. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, have the control and general regulation of, and be responsible for, the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes. The Academic Council.
- (2) The constitution of the Academic Council and the term of office of its members shall be prescribed by the Statutes.
20. The constitution, powers and functions of the Research Council shall be prescribed by the Statutes. The Research Council.
21. The constitution, powers and functions of the Extension Education Council shall be prescribed by the Statutes. The Extension Education Council.
22. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes. The Finance Committee.
23. The University shall have such Faculties as may be prescribed by the Statutes. Faculties.
24. The constitution, powers and functions of the Board of Studies shall be prescribed by the Statutes. The Board of Studies.
25. The constitution, powers and functions of other authorities of the University referred to in clause (7) of section 17 shall be such as may be prescribed by the Statutes. Other authorities.
26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:— Power to make Statutes.
- (a) the constitution, powers and functions of the authorities of the University, as may be constituted from time to time;
- (b) the appointment and continuance in office of the members of the said authorities, the filling up of vacancies of members, and all other matters relating to those authorities for which it may be necessary or desirable to provide;
- (c) the appointment, powers and duties of the officers of the University and their emoluments;
- (d) the appointment of teachers, academic staff and other employees of the University and their emoluments;
- (e) the appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project;
- (f) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary action;
- (g) the principles governing the seniority of service of employees of the University;
- (h) the procedure for arbitration in cases of dispute between employees or students and the University;
- (i) the procedure for appeal to the Board by any employee or student against the action of any officer or authority of the University;

(j) the establishment and abolition of Departments, centres, colleges and institutions;

(k) the conferment of honorary degrees;

(l) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(m) the institution of fellowships, scholarships, studentships, medals and prizes;

(n) the delegation of powers vested in the authorities or officers of the University;

(o) the maintenance of discipline among the employees and students;

(p) all other matters which are to be, or may be, prescribed by the Statutes.

Statutes how to be made.

27. (1) The first Statutes are those set out in the Schedule.

(2) The Board may from time to time make Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Board shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Board.

(3) Every Statute or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent therefrom or remit it to the Board for consideration.

(4) A Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act.

(6) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Board is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Board for its inability to comply with such direction, make or amend the Statutes suitably.

Power to make Ordinances.

28. (1) Subject to the provisions of this Act and Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, diplomas and certificates of the University;

(f) the conditions for award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of the students;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;

(j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(k) the establishment of special centres, specialised laboratories and other committees;

(l) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;

(m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

(o) the management of colleges and institutions established by the University;

(p) the setting up of a machinery for redressal of grievances of employees; and

(q) all other matters which by this Act or the Statutes may be provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended or repealed at any time by the Board in the manner prescribed by the Statutes.

29. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

Regulations.

30. (1) The annual report of the University shall be prepared under the direction of the Board, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Board on or after such date as may be prescribed by the Statutes and the Board shall consider the report in its annual meeting.

Annual report.

(2) The Board shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report as prepared under sub-section (1) shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both the Houses of Parliament.

31. (1) The annual accounts of the University shall be prepared under the directions of the Board and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

Annual accounts.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Board and the Visitor along with the observations of the Board.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Board and observations of the Board, if any, shall be submitted to the Visitor.

(4) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both the Houses of Parliament.

(5) The audited annual accounts after having been laid before both the Houses of Parliament shall be published in the Official Gazette.

Conditions of service of employees.

32. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Board, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

26 of 1996.

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of appeal and arbitration in disciplinary cases against students.

33. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Board and the Board may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 32 shall, as far as may be, apply to a reference made under this sub-section.

Right to appeal.

34. Every employee or student of the University or of a college or institution maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal, within such time as may be prescribed by the Statutes, to the Board against the decision of any officer or authority of the University or any college or an institution, as the case may be, and thereupon the Board may confirm, modify or reverse the decision appealed against.

Provident and pension funds.

35. (1) The University shall constitute for the benefit of its employees such provident or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund, as if it were a Government provident fund.

19 of 1925.

Disputes as to constitution of University authorities.

36. If any question arises as to whether any person has been duly appointed as, or is entitled to be, a member of any authority of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Constitution of Committees.

37. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such persons, if any, as the authority in each case may think fit.

Filling of casual vacancies.

38. All casual vacancies among the members (other than *ex officio* members) of any authority of the University shall be filled, as soon as may be, by the person who appointed or co-opted the member whose place has become vacant and the person appointed or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term, for which the person whose place he fills would have been a member.

39. No act or proceedings of any authority of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings of the University authorities not invalidated by vacancy.

40. No suit, prosecution or other legal proceedings shall lie against the Board, Vice-Chancellor, any authority or officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Protection of action taken in good faith.

41. A copy of any receipt, application, notice, order, proceeding, resolution of any authority or Committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if verified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force.

Mode of proof of University records.

1 of 1872.

42. (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 appear to it to be necessary or expedient for removing the difficulties:

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.

43. Notwithstanding anything contained in this Act, and the Statutes,—

Transitional provisions.

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor and shall hold office for a term of five years;

(b) the first Registrar and the first Comptroller shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(c) the first members of the Board shall be nominated by the Visitor and shall hold office for a term of three years;

(d) the first members of the Academic Council shall be nominated by the Visitor and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

44. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation 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 Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statutes, Ordinances or Regulations may be applicable.

THE SCHEDULE

(See section 27)

THE STATUTES OF THE UNIVERSITY

The Chancellor

1. (1) The Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Board from amongst persons of eminence in education in general and agricultural sciences in particular:

Provided that if the Visitor does not approve any of the persons so recommended, he may call for fresh recommendations from the Board.

(2) The Chancellor shall hold office for a term of five years and shall not be eligible for reappointment:

Provided that in exceptional circumstances, the chancellor may continue to hold office until his successor enters upon his office.

The Vice-Chancellor

2. (1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a Committee as constituted under clause (2).

(2) The Committee referred to in clause (1) shall consist of the following:—

(i) Secretary, Department of Agricultural Research and Education, Government of India who shall be the Chairman;

(ii) one nominee of the Visitor as Member, who shall also be the Convener;

(iii) one nominee of the Central Government.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of seventy years, whichever is earlier, and he shall be eligible for reappointment for a further term of five years, or until he attains the age of seventy years whichever is earlier:

Provided that in exceptional circumstances, the Vice-Chancellor may continue in office for a period not exceeding one year or until his successor is appointed and enters upon his office.

(5) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows:—

(i) the Vice-Chancellor shall be paid a monthly salary and allowances other than the house rent allowance, at the rate fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor in respect of the maintenance of such residence;

(ii) the Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Board with the approval of the Visitor from time to time:

Provided that where an employee of the University or a college or an institution maintained by it, or of any other University or any institution maintained by or affiliated to such other University, is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University

shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

Provided further that where such employee had been a member of any pension scheme, the University shall make the necessary contribution to such scheme;

(iii) the Vice-Chancellor shall be entitled to travelling and other allowances as per the rate fixed from time to time by the Government of India for the officers equivalent to the rank of Secretary to the Government of India. Further, he shall be entitled to transfer travelling allowances and other allowances as admissible to officers of the rank of Secretary to the Government of India for joining and after relinquishing the post;

(iv) the Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the first day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and a half days for each completed month of service;

(v) in addition to the leave referred to in sub-clause (iv), the Vice-Chancellor shall also be entitled to half pay leave at the rate of twenty days for each completed year of service. This half pay leave may also be availed of as commuted leave on full pay on medical certificate. When commuted leave is available, twice the amount of half pay leave shall be debited against half pay leave due;

(vi) the Vice-Chancellor shall be entitled to Leave Travel Concession and Home Travel Concession as per rules of Government of India;

(vii) the Vice-Chancellor shall be entitled to the benefit of leave encashment at the time of laying down the office as per rules of Government of India.

(6) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill health or any other cause, the senior-most Dean or Director, as the case may be, shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the Vice-Chancellor attends to the duties of his office, as the case may be.

Powers and duties of the Vice-Chancellor

3. (1) The Vice-Chancellor shall be *ex officio* Chairman of the Board, the Academic Council, the Finance Committee, the Research Council and the Extension Education Council and shall in the absence of the Chancellor, preside over the Convocation held for conferring degrees.

(2) The Vice-Chancellor shall be entitled to be present at, and address any meeting of any authority of the University, but shall not be entitled to vote thereat unless he is a member of such authority.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed, and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.

(5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he may deem fit.

(6) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Board, the Academic Council, the Research Council, the Extension Education Council and the Finance Committee.

The Dean of colleges and Faculties

4. (1) Each Faculty shall have a Dean who shall also be the head of the college concerned. If any Faculty has more than one college, the Vice-Chancellor may nominate one of the Deans as Dean of the Faculty.

(2) The Dean of the college shall be appointed by the Board on the recommendations of the Selection Committee constituted for the purpose as per Statute 18 and he shall be a whole-time salaried officer of the University.

(3) The Dean shall be entitled to rent free and unfurnished residential accommodation.

(4) The Dean shall hold the office for a term of five years and shall be eligible for reappointment:

Provided that a Dean on attaining the age of sixty-five years shall cease to hold office as such.

(5) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by such persons as the Vice-Chancellor may appoint for the purpose.

(6) The Dean shall be responsible to the Vice-Chancellor for the conduct and maintenance of the standards of teaching in the college and Faculty and shall perform such other functions as may be prescribed by the Ordinances.

(7) The Dean shall be the *ex officio* Chairman of the Board of Studies of the Faculty, a member of the Academic Council, the Research Council and the Extension Education Council of the University.

The Director of Education

5. (1) The Director of Education shall be appointed by the Board on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Director of Education shall be entitled to rent free and unfurnished residential accommodation.

(3) The Director of Education shall hold office for a term of five years and shall be eligible for reappointment:

Provided that Director of Education on attaining the age of sixty-five years shall cease to hold office as such.

(4) The Director of Education shall be responsible for planning, co-ordination and supervision for all educational programmes in the various Faculties of the University.

The Director of Research

6. (1) The Director of Research shall be appointed by the Board on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Director of Research shall be entitled to rent free and unfurnished accommodation.

(3) The Director of Research shall hold office for a term of five years and shall be eligible for reappointment:

Provided that the Director of Research on attaining the age of sixty-five years shall cease to hold office as such.

(4) The Director of Research shall be responsible for supervision and co-ordination of all research programmes of the University and shall be responsible to the Vice-Chancellor for performance of his duties.

(5) The Director of Research shall be *ex officio* Member-Secretary of the Research Council of the University.

The Director of Extension Education

7. (1) The Director of Extension Education shall be appointed by the Board on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Director of Extension Education shall be entitled to rent free and unfurnished accommodation.

(3) The Director of Extension Education shall hold office for a term of five years and shall be eligible for reappointment:

Provided that the Director of Extension Education on attaining the age of sixty-five years shall cease to hold office as such.

(4) The Director of Extension Education shall be responsible for supervision and co-ordination of all Extension Education Programmes in the University and shall be responsible to the Vice-Chancellor for performance of his duties.

(5) The Director of Extension Education shall be *ex officio* Member-Secretary of the Extension Education Council of the University.

The Registrar

8. (1) The Registrar shall be appointed by the Board on the recommendations of a duly constituted Selection Committee under Statute 18 and he shall be a whole-time salaried officer of the University. He shall be responsible to the Vice-Chancellor for performance of his duties.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment.

(3) He may also be appointed on deputation for a specified period not exceeding five years.

(4) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances:

Provided that the Registrar shall retire on attaining the age of sixty-two years.

(5) In case of a person appointed on deputation, his tenure, emoluments and other terms of service shall be according to the terms of deputation.

(6) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence, or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(7) (a) The Registrar shall have the power to take disciplinary action against such of the employees excluding teachers, as may be specified in the order of the Board and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the power of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Board against an order of the Vice-Chancellor imposing any penalty.

(8) The Registrar shall be the Secretary *ex officio* of the Board and the Academic Council, but shall not be deemed to be a member of any of these authorities.

(9) It shall be the duty of the Registrar—

(a) to be the custodian of the records, the common seal and such other property of the University as the Board shall commit to his charge;

(b) to issue all notice convening meeting of the Board, the Academic Council and of any Committee appointed by those authorities;

(c) to keep the minutes of all the meetings of the Board, the Academic Council and of any committees appointed by those authorities;

(d) to conduct the official correspondence of the Board and the Academic Council;

(e) to arrange for the examinations of the University in accordance with the manner prescribed by the Ordinances or notifications;

(f) to supply to the Visitor, copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(g) to represent the University in suits or proceedings by or against the University, sign powers-of-attorney and verify pleadings or depute his representatives for the purpose; and

(h) to perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be required, from time to time, by the Board or the Vice-Chancellor.

The Comptroller

9. (1) The Comptroller shall be appointed by the Board on the recommendations of a duly constituted Selection Committee under Statute 18 and he shall be a whole-time salaried officer of the University.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment.

(3) The Comptroller may also be appointed on deputation for a specified period not exceeding five years.

(4) The emoluments and other terms and conditions of service of the Comptroller shall be such as may be prescribed by the Ordinances. In case of a person being appointed on deputation, his tenure, emoluments and other terms of service shall be according to the standard of deputation:

Provided that the Comptroller shall retire on attaining the age of sixty years.

(5) When the office of the Comptroller is vacant or when the Comptroller is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(6) The Comptroller shall be the Secretary *ex officio* of the Finance Committee, but shall not be deemed to be a member of such Committee.

(7) The Comptroller shall—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other duties as may be specified in the Statutes, the Ordinances or as may be required, from time to time, by the Board or the Vice-Chancellor.

(8) Subject to the control of the Board, the Comptroller shall—

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Board for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Board;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking is conducted, of equipment and other consumable materials in all offices, specialised laboratories, colleges and institutions maintained by the University;

(g) bring to the notice of the Vice-Chancellor unauthorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for from any office, laboratory, college or institution maintained by the University and information or returns that he may consider necessary for performance of his duties.

(9) Any receipt given by the Comptroller or the person or persons duly authorised in this behalf by the Board for any money payable to the University shall be sufficient discharge for payment of such money.

Heads of Departments

10: (1) Each Department shall have a Head appointed by the Vice-Chancellor who shall be not below the rank of an Associate Professor and whose duties and functions and terms and conditions of appointment shall be prescribed by the Ordinances.

(2) He shall be responsible to the Dean for teaching, to Director of Research for research, to Director of Extension Education for extension education work. However, the Dean shall be the administrative controlling officer of the Heads of Departments in college concerned:

Provided that if there is more than one Professor in any Department, the Head of the Department shall be appointed by the Vice-Chancellor from amongst the Professors:

Provided further that in the case of Department where there is only one Professor, the Vice-Chancellor shall have the option, to appoint either the Professor or an Associate Professor as the Head of the Department:

Provided also that in a Department where there is no Professor or Associate Professor, the Dean of the college shall act as the Head of the Department or with the approval of the Vice-Chancellor assign the duty to any other Head of the Department of the college.

(3) It shall be open to a Professor or an Associate Professor to decline the offer of appointment as the Head of the Department.

(4) A Professor or an Associate Professor appointed as Head of the Department shall hold office as such for a period of three years and shall be eligible for reappointment.

(5) A Head of the Department may resign his office at any time during his tenure of office.

(6) A Head of the Department shall perform such functions as may be prescribed by the Ordinances.

(7) The Head of the Department shall retire at the age of sixty-five years.

Librarians

11. (1) The University Librarian shall be appointed by the Board on the recommendations of the Selection Committee constituted for the purpose under Statute 18 and he shall be a whole-time salaried officer of the University.

(2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor.

Constitution, powers and functions of the Board of Management

12. (1) The Board shall consist of the following members, namely:—

(i) the Vice-Chancellor, *ex officio* Chairman;

(ii) Four Secretaries, from amongst the Secretaries in charge of the Departments of Agriculture and Animal Husbandry, Fishery and Horticulture of the States of Madhya Pradesh and Uttar Pradesh to be nominated by the Visitor by rotation:

Provided that there shall not be more than two Secretaries from a State in the Board at a particular time;

(iii) three eminent scientists to be nominated by the Visitor;

(iv) one distinguished person representing Agro-based industries or a manufacturer having a special knowledge in agricultural development to be nominated by the Visitor;

(v) the Deputy Director-General (Education) representing the Indian Council of Agricultural Research;

(vi) one Dean of college and one Director to be nominated by the Vice-Chancellor on rotational basis;

(vii) three persons including at least a woman representing farmers in Bundelkhand to be nominated by the Vice-Chancellor by rotation in the States of Madhya Pradesh and Uttar Pradesh:

Provided that there shall not be more than two representatives from a State in the Board at a particular time;

(viii) an Advisor (Agriculture), Planning Commission;

(ix) a distinguished authority on natural resource or environment management to be nominated by the Visitor;

(x) two persons not below the rank of Joint Secretary representing respectively the Departments of Government of India dealing with the Agriculture and Animal Husbandry to be nominated by the concerned Secretary to the Government of India;

(xi) nominee of the Secretary representing the Department of Agricultural Research and Education, Government of India;

(xii) the Registrar of the University—Secretary.

(2) The term of office of the members of the Board, other than *ex officio* members, shall be three years.

(3) The Board shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(4) Subject to the provisions of this Act, the Statutes and the Ordinances, the Board shall in addition to all other powers vested in it, have the following powers, namely:—

(i) to create teaching and academic posts, to determine the number and emoluments of such posts and to define the duties and conditions of service of University staff, subject to the approval of the Indian Council of Agricultural Research;

(ii) to appoint such teachers and other academic staff, as may be necessary, and Deans of colleges, Director and Heads of other institutions maintained by the University on the recommendations of the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to create administrative, ministerial and other necessary posts and to make appointments thereto in the manner prescribed by the Ordinances;

(iv) to regulate and enforce discipline among employees in accordance with the Statutes and Ordinances;

(v) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University, and for that purpose to appoint such agents as it may think fit;

(vi) to fix limits on the total recurring and the total non-recurring expenditure for one year on the recommendations of the Finance Committee;

(vii) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities, from time to time, as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;

(viii) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(ix) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(x) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xi) to entertain, adjudicate upon, and, if thought fit, to redress any grievances of the employees and students of the University;

(xii) to fix fees, honorarium, emoluments and travelling allowances of examiners or experts or consultants, advisors and officers on special duty;

(xiii) to select a common seal for the University and provide for the custody and use of such seal;

(xiv) to make such special arrangements as may be necessary for the residence and discipline of women students;

(xv) to delegate any of its powers to the Vice-Chancellor, Deans, Directors, Registrar or Comptroller or such other employee or authority of the University or to a Committee appointed by it as it may deem fit;

(xvi) to institute fellowships, scholarships, studentships, medals and prizes;

(xvii) to provide for appointment of Visiting Professor, Emeritus Professor, Consultant and Officers on Special Duty and Scholars and to determine the terms and conditions of such appointment;

(xviii) to exercise such other power and perform such other duties as may be conferred on it by the Act, or the Statutes.

Quorum for meetings of the Board

13. Six members of the Board shall form the quorum for a meeting of the Board.

Constitution and powers of the Academic Council

14. (1) The Academic Council shall consist of the following members, namely:—

- (i) the Vice-Chancellor, *ex officio* Chairman;
- (ii) all the Deans of the colleges of the University;
- (iii) the Director of Research of the University;
- (iv) the Director of Extension Education of the University;
- (v) the Director of Education;
- (vi) a Librarian to be nominated by the Vice-Chancellor on rotational basis;
- (vii) two eminent scientists to be co-opted from outside the University to be nominated by the Vice-Chancellor;
- (viii) seven Heads of the Departments, at least one from each Faculty to be nominated by the Vice-Chancellor;
- (ix) the Registrar of the University, *ex officio* Secretary.

(2) The term of office of the members of the Academic Council other than *ex officio* members shall be three years.

(3) Subject to the Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

- (a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, co-operative teaching among colleges and institutions, evaluation and improvements in academic standards;
- (b) to bring about inter-college co-ordination and establish or appoint Committee on academic matters;
- (c) to consider matters of general academic interest either on its own initiative or on a reference by a college or the Board and to take appropriate action thereon; and
- (d) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residences, admissions, award of fellowships and studentships, fees, concessions, corporate life and attendance.

Quorum for meetings of the Academic Council

15. One-third members of the Academic Council shall form the quorum for a meeting of the Academic Council.

Board of Studies

16. (1) Each Faculty shall have a Board of Studies.

(2) The Board of Studies of each Faculty shall be constituted as under:—

- (i) Dean of Faculty — Chairperson;
- (ii) Director of Research — Member;
- (iii) Director of Extension Education—Member;
- (iv) all Heads of Departments of the Faculty not below the rank of Associate Professor—Member;
- (v) one representative of the Academic Council not belonging to the particular Faculty to be nominated by the Vice-Chancellor;

(vi) two eminent scientists from agricultural education system not belonging to the University to be nominated by the Vice-Chancellor;

(vii) one final year Post-Graduate student with Highest Overall Grade Point Average (OGPA) – Member;

(viii) Assistant Registrar (Academic) of the Faculty – Member;

(ix) Director of Education—Member.

(3) The functions of the Board of Studies shall be to recommend to the Academic Council, the course curriculum to be prescribed for various degrees to be offered by the concerned Faculty and to make suitable recommendations for the teaching of the prescribed approved course, namely:—

(a) courses of studies and appointment of examiners for courses, but excluding research degrees;

(b) appointment of supervisors of research; and

(c) measures for the improvement of the standard of teaching and research.

Finance Committee

17. (1) The Finance Committee shall consist of the following members, namely:—

(i) the Vice-Chancellor—Chairman;

(ii) Financial Advisor, Department of Agricultural Research and Education or his nominee not below the rank of Deputy Secretary;

(iii) three persons to be nominated by the Board, out of whom at least one shall be a member of the Board;

(iv) three persons to be nominated by the Visitor; and

(v) the Comptroller of the University—Member-Secretary.

(2) Three members of the Finance Committee shall form the quorum for meeting of the Finance Committee.

(3) The members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least twice a year to examine the accounts and to scrutinise proposals for expenditure.

(6) Every proposal relating to creation of posts, and those items which have not been included in the Budget, shall be examined by the Finance Committee before they are considered by the Board.

(7) The annual accounts and the financial estimates of the University prepared by the Comptroller, shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Board for approval.

(8) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

Selection Committee

18. (1) There shall be a Selection Committee for making recommendations to the Board for appointment to the posts of teachers, Comptroller, Registrar, Librarians, Deans of colleges, Directors and Heads of other institutions maintained by the University.

(2) The Selection Committee for appointment to the posts specified in column 1 of the Table below shall consist of members as specified in the corresponding entries in column 2 of the said Table:

TABLE

1	2	3
A. Directors/Deans	<ul style="list-style-type: none"> (i) Vice-Chancellor or his nominee—Chairman. (ii) One nominee of the Visitor—Member. (iii) Three eminent scientists not below the rank of Vice-Chancellor or equivalent (serving or retired) to be nominated by the Vice-Chancellor from a panel of six names approved by the Board—Member. 	
B. Professors/Equivalent	<ul style="list-style-type: none"> (i) Vice-Chancellor or his nominee—Chairman. (ii) One nominee of the Visitor—Member. (iii) Dean of the concerned Faculty—Member. (iv) Director of Research or Director of Extension Education or Director of Education to be nominated by the Vice-Chancellor—Member. (v) Three eminent subject specialists not below the rank of Head of Department or equivalent (serving or retired) to be nominated by the Vice-Chancellor out of a panel of six names approved by the Board—Members. 	
C. Associate Professor/ Assistant Professor/ Equivalent	<ul style="list-style-type: none"> (i) Vice-Chancellor or his nominee—Chairman. (ii) One nominee of the Visitor—Member. (iii) Dean of the concerned faculty—Member. (iv) Director of Education or Director of Research or Director of Extension Education to be nominated by the Vice-Chancellor—Member. (v) Head of the concerned Department not below the rank of Professor—Member. (vi) Two eminent teachers or scientists not below the rank of Professor or equivalent (serving or retired) to be nominated by the Vice-Chancellor out of a panel of six names approved by the Board—Members. 	
D. Registrar/Comptroller/ Librarian	<ul style="list-style-type: none"> (i) Vice-Chancellor or his nominee—Chairman. (ii) One nominee of the Visitor—Member. (iii) One Director/Dean to be nominated by the Vice-Chancellor—Member. (iv) Two experts in the concerned subject to be nominated by the Vice-Chancellor, out of a panel of six names approved by the Board—Members. 	

(3) The Vice-Chancellor, or in his absence, his nominee shall preside at the meetings of the Selection Committee:

Provided that the meetings of the Selection Committee shall be fixed after prior consultation with the nominees of the Visitor:

Provided further that the proceedings of the Selection Committee shall not be valid unless at least two members, not in the service of the University are present in the meeting.

(4) The meeting of the Selection Committee shall be convened by the Vice-Chancellor or in his absence by his nominee.

(5) The procedure to be followed by the Selection Committee in making recommendations shall be decided by the Committee prior to the interview.

(6) If the Board is unable to accept the recommendations made by the Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.

(7) Appointments to temporary posts shall be made in the manner indicated below:—

(i) the Vice-Chancellor shall have the authority to appoint a person on *ad hoc* basis for a period not exceeding six months extendable by a further period of six months with the approval of the Board:

Provided that if the Vice-Chancellor is satisfied that in the interest of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis by the local Selection Committee referred to in sub-clause (ii) for the period not exceeding six months;

(ii) if the temporary vacancy is for a period less than one year, an appointment to such vacancy shall be made on the recommendation of the local Selection Committee consisting of the Dean of the college concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor:

Provided further that in case of sudden casual vacancies of teaching posts caused by death or any other reason, the Dean may, in consultation with the Head of the Department concerned, make a temporary appointment for one month and report to the Vice-Chancellor and the Registrar about such appointment;

(iii) no teacher appointed temporarily shall, if he is not recommended by the regular Selection Committee for appointment under the Statutes, be continued in service on such temporary employment, unless he is subsequently selected by the local Selection Committee or the regular Selection Committee, for a temporary or permanent appointment, as the case may be.

(8) Mode of constitution of the Selection Committee for non-academic staff, not prescribed in the Statutes, shall be prescribed by the Ordinances.

Special mode of appointment

19. (1) Notwithstanding anything contained in Statute 18, the Board may invite a person of high academic distinction and professional attainments to accept a post of Professor or Associate Professor or any other academic post in the University, as the case may be, on such terms and conditions as it deems fit, and on the person agreeing to do so, appoint him to the post.

(2) The Board may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

Appointment for a fixed tenure

20. The Board may appoint a person selected in accordance with the procedure laid down in Statute 18 for a fixed tenure on such terms and conditions as it deems fit.

Qualifications of Director, Dean, Professor, etc.

21. (1) Qualifications of Director, Dean, Professor, Associate Professor and Assistant Professor of different Faculties and their equivalents in Research and Extension Education shall be as prescribed by the Ordinances.

(2) Qualification of non-academic staff shall be prescribed by the Ordinances.

Committees

22. (1) The authorities of the University specified in section 16 may appoint as many standing or special Committees as it may deem fit, and may appoint to such committees persons who are not members of such authority.

(2) Any such Committee appointed under clause (1) may deal with any subject delegated to it subject to confirmation by the authority appointing it.

Terms and conditions of service and code of conduct of the teachers, etc.

23. (1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

(2) Every teacher and other staff of the University shall be appointed on a written contract, the term of which shall be prescribed by the Ordinances.

(3) A copy of every contract referred to in clause (2) shall be deposited with the Registrar.

Terms and conditions of service and code of conduct of other employees

24. All the non-academic employees of the University, shall in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations as made from time to time.

Seniority list

25. (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and, in accordance with such other principles as the Board may, from time to time, prescribe.

(2) It shall be the duty of the Registrar to prepare and maintain, in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any person, submit the matter to the Board whose decision thereon shall be final.

Removal of employees of the University

26. (1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of the teacher or member of the academic staff and the authority competent to appoint (hereinafter referred to as the appointing authority) in the case of other employee, may, by order in writing, place such teacher, member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Board, the circumstances in which the order was made:

Provided that the Board may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or a member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Board in respect of teacher and other academic staff and the appointing authority, in respect of other employees, shall have the power to remove a teacher or a member of the academic staff, or other employees, as the case may be, on grounds of misconduct.

(3) Save as aforesaid, the Board or the appointing authority, as the case may be, shall not be entitled to remove any teacher, member of the academic staff or other employee except for a good cause and after giving three months, notice or on payment of three months salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher, member of the academic staff or other employee shall take effect from the date on which the order of removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of this Statute, a teacher, member of the academic staff or other employee may resign,—

(a) if he is a permanent employee, only after giving three months' notice in writing to the Board or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof;

(b) if he is not a permanent employee, only after giving one month's notice in writing to the Board or, the appointing authority, as the case may be, or by paying one months' salary in lieu thereof.

Provided that such resignation shall take effect only on the date from which the resignation is accepted by the Board or the appointing authority, as the case may be.

Honorary degrees

27. (1) The Board may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Provided that in case of emergency, the Board may, on its own motion, make such proposals.

(2) The Board may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

Withdrawal of degrees, etc.

28. The Board may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Board.

Maintenance of discipline among students of the University

29. (1) All powers relating to discipline and disciplinary action in relation to students of the University shall vest in the Vice-Chancellor.

(2) The Vice-Chancellor may delegate all or any of his powers as he deems proper to such officers as he may specify in this behalf.

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in exercise of his powers, by order, direct that any student or students be expelled, or rusticated, for a specified period, or be not admitted to a course or courses of study in a college, institution or Department of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, college, institution or Department for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.

(4) The Dean of colleges, institutions and Heads of the teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective colleges, institutions and teaching Departments in the University as may be necessary for the proper conduct of such colleges, institutions and teaching in the Departments.

(5) Without prejudice to the powers of the Vice-Chancellor, the Deans and other persons specified in clause (4), detailed rules of discipline and proper conduct shall be made by the University. The Deans of the colleges, institutions and Heads of the teaching Departments in the University may also make the supplementary rules as they deem necessary for the aforesaid purposes.

(6) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

Maintenance of discipline among students of colleges, etc.

30. All powers relating to discipline and disciplinary action in relation to the students of the college or an institution maintained by the University, shall vest in the Dean of the College or institution, as the case may be, in accordance with the procedure prescribed by the Ordinances.

Convocations

31. Convocations of the University for the conferring of the degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

Acting Chairman

32. When no provision is made for a Chairman to preside over a meeting of any Committee or when the Chairman so provided for is absent, or the Vice-Chancellor has not in writing made any arrangement, the members shall elect one from among themselves to preside over meeting.

Resignation

33. Any member, other than an *ex officio* member of the Board, Academic Council or any other authority of the University or any committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Disqualifications

34. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University,—

(i) if he is of unsound mind;

(ii) if he is an undischarged insolvent;

(iii) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for a period of not less than six months.

(2) If any question arises as to whether a person is or has been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Visitor and his decision thereon shall be final and no suit or other proceedings shall lie in any civil court against such decision.

Residence condition for membership and office

35. Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.

Membership of authorities by virtue of membership of other bodies

36. Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority of the University in his capacity as a member of a particular authority or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or the holder of that particular appointment, as the case may be.

Alumni Association

37. (1) There shall be an *Alumni* Association for the University.

(2) The subscription for membership of the *Alumni* Association shall be prescribed by the Ordinances.

(3) No member of the *Alumni* Association shall be entitled to vote or stand for election unless he has been a member of the said Association for at least one year prior to the date of the election and is a degree holder of the University of at least five years standing.

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.

Students' Council

38. (1) There shall be, in each College of the University, a Students' Council for each academic session for the purpose of making recommendations to the authorities of the University with regard to various activities relating to students welfare, including games, sports, dramatics, debates, cultural activities, etc., and such Council shall consist of:—

(i) the Dean of the College-Chairperson;

(ii) all Hostel Wardens;

(iii) Campus Estate Officer;

(iv) five Heads of the Departments to be nominated by the Dean;

(v) Hostel Prefects;

(vi) one student from each class or year who has secured the Highest Overall Grade Point Average (OGPA) in the previous academic session;

(vii) Students Welfare Officer—Member-Secretary.

(2) The Students Council shall meet at least once in each semester.

Ordinances how made

39. (1) The first Ordinances made under sub-section (2) of section 27 may be amended or repealed at any time by the Board in the manner specified below.

(2) No Ordinances in respect of the matters enumerated in section 27, other than those enumerated in clause (n) of sub-section (1) thereof shall be made by the Board unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Board shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for reconsideration either in whole or in part, together with any amendment which the Board may suggest.

(4) Where the Board has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Board which shall either adopt it or refer it to the Visitor whose decision shall be final.

(5) Every Ordinance made by the Board shall come into effect immediately.

(6) Every Ordinance made by the Board shall be submitted to the Visitor within two weeks from the date of its adoption. The Visitor shall have the power to direct the University within four weeks of the receipt of the Ordinance to suspend the operation of any such Ordinance and he shall, as soon as possible, inform the Board about his objection to the proposed Ordinance. The Visitor may, after receiving the comments of the University, either withdraw the order suspending the Ordinance, or disallow the Ordinance and his decision shall be final.

Regulations

40. (1) The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the following matters, namely:—

(i) laying down the procedure to be observed at their meeting and the number of members required to form a quorum;

(ii) providing for all matters which are required by the Act, the Statutes or the Ordinances to be specified by the Regulations;

(iii) providing for all other matters concerning such authority or committees appointed by them and not provided for by the Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authorities of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Board may direct the amendment in such manner as it may specify of any Regulation made under the Statutes or the annulment of any such Regulation.

Delegation of Powers

41. Subject to the provisions of the Act and the Statutes, any officer or authority of the University may delegate his or its power to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

Collaboration with other Institution and Organisations

42. The University shall have the authority to enter into an agreement through a Memorandum of Understanding with any research and/or academic institution of higher learning to conduct collaborative Post Graduate Research Programme to fulfil the partial requirement for the award of Master's and Ph.D. degrees of the University.

Constitution and Function of Research Council

43. (1) There shall be a Research Council of the University to exercise general supervision over the research policies and programmes of the University in the area of Agriculture and allied disciplines. The Research Council shall consist of the following members, namely:—

- (i) the Vice-Chancellor—Chairman;
- (ii) Director of Extension Education—Member;
- (iii) Director of Education—Member;
- (iv) all Deans of the colleges of the University—Members;
- (v) nominees of the State Governments not below the rank of Director—Members;
- (vi) all co-ordinators of the Research teams of the University—Members;
- (vii) two eminent agricultural scientists to be nominated by the Vice-Chancellor for three years—Members;
- (viii) Director of Research—Member-Secretary.

(2) The Research Council shall meet at least once in a year.

(3) One-third members of the Research Council shall form a quorum for the meeting of the Research Council.

(4) If a vacancy occurs due to resignation or otherwise the same shall be filled up for the remaining period.

Constitution and function of the Extension Education Council

44. (1) There shall be an Extension Education Council of the University to exercise general supervision over the extension education policies and programmes of the University in the area of Agriculture and allied disciplines. The Extension Education Council shall consist of the following members, namely:—

- (i) the Vice-Chancellor—Chairman;
- (ii) Director of Research—Member;
- (iii) Director of Education—Member;
- (iv) all Deans of the colleges of the University—Members;
- (v) nominees of the State Governments not below the rank of Director—Members;
- (vi) farmers representatives from Bundelkhand and one woman social worker to be nominated by the Vice-Chancellor for a term of three years—Members;
- (vii) two eminent scientists from outside the University to be nominated by the Vice-Chancellor for two years—Members;
- (viii) Director of Extension Education—Member-Secretary.

(2) The Extension Education Council shall meet at least once in a year.

(3) One-third members of the Extension Education Council shall form a quorum for the meeting of the Extension Education Council.

Application of the Central Civil Services (Pension) Rules, 1972, etc.

45. (1) All regular employees of the University shall be governed by the provisions of the Central Civil Services (Pension) Rules, 1972, and General Provident Fund (Central Services) Rules, 1960, in respect of grant of pension and gratuity and general provident fund.

(2) Any amendment made by the Government of India in the Central Civil Services (Pension) Rules, 1972, and the General Provident Fund (Central Services) Rules, 1960, shall also be applicable to employees of the University.

(3) In respect of commutation of pension, the provisions of the Central Civil Services (Commutation of Pension) Rules, 1981, shall apply.

(4) The Vice-Chancellor shall be the pension sanctioning authority and the pension authorisation authority.

(5) Pension payment shall be centralised and controlled by Comptroller's office.

Bhopal, the 7th May 2014

No. 2829-124-XXI-A(Dr.)—The following Act of the Parliament, published in the Gazette of India, Extra-ordinary, Part-II, Section I, dated the 10th March 2014 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 7th March 2014.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ACT, 2014

(Act No. 16 of 2014)

An Act

further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

1. (1) This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014.

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.

61 of 1985.

2. In section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the principal Act),—

Amendment of section 2.

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

‘(iva) “Central Government factories” means factories owned by the Central Government or factories owned by any company in which the Central Government holds at least fifty-one per cent. of the paid-up share capital;’;

(b) clause (viii a) shall be relettered as clause (viii b) and before, clause (viii b) as so relettered, the following clause shall be inserted, namely:—

‘(viii a) “essential narcotic drug” means a narcotic drug notified by the Central Government for medical and scientific use;’.

Amendment
of section 4.

3. In section 4 of the principal Act,—

(a) in sub-section (1), after the words “the illicit traffic therein”, the words “and for ensuring their medical and scientific use” shall be inserted;

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

“(da) availability of narcotic drugs and psychotropic substances for medical and scientific use;”

Amendment
of section 9.

4. In section 9 of the principal Act,—

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

(i) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iia) the possession, transport, import inter-State, export inter-State, warehousing, sale, purchase, consumption and use of poppy straw produced from plants from which no juice has been extracted through lancing;”

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

(va) the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption and use of essential narcotic drugs:

Provided that where, in respect of an essential narcotic drug, the State Government has granted licence or permit under the provisions of section 10 prior to the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, such licence or permit shall continue to be valid till the date of its expiry or for a period of twelve months from such commencement, whichever is earlier.”;

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

“(ha) prescribe the forms and conditions of licences or permits for the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption or use of essential narcotic drugs, the authorities by which such licence or permit may be granted and the fees that may be charged therefor;”

Amendment
of section 10.

5. In section 10 of the principal Act, in sub-section (1), in clause (a),—

(a) in sub-clause (i), after the words “poppy straw”, the words “except poppy straw produced from plants from which no juice has been extracted through lancing” shall be inserted;

(b) in sub-clause (v), for the words “manufactured drugs other than prepared opium”, the words and brackets “manufactured drugs (other than prepared opium and essential narcotic drugs)” shall be inserted.

Amendment
of section 15.

6. In section 15 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

Amendment
of section 17.

7. In section 17 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

Amendment
of section 18.

8. In section 18 of the principal Act, in clause (a), for the words “six months”, the words “one year” shall be substituted.

Amendment
of section 20.

9. In section 20 of the principal Act, in clause (b), in sub-clause (ii), in item (A), for the words “six months”, the words “one year” shall be substituted.

10. In section 21 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted. Amendment of section 21.
11. In section 22 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted. Amendment of section 22.
12. In section 23 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted. Amendment of section 23.
13. After section 27A of the principal Act, the following section shall be inserted, namely:— Insertion of new section 27B.
- "27B. Whoever contravenes the provision of section 8A shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend to ten years and shall also be liable to fine." Punishment for contravention of section 8A.
14. In section 31 of the principal Act,— Amendment of section 31.
- (a) in sub-section (1),—
- (i) for the words "one-half of the maximum term", the words "one and one-half times of the maximum term" shall be substituted;
- (ii) for the words "one-half of the maximum amount", the words "one and one-half times of the maximum amount" shall be substituted;
- (b) in sub-section (2),—
- (i) for the words "one-half of the minimum term", the words "one and one-half times of the minimum term" shall be substituted;
- (ii) for the words "one-half of the minimum amount", the words "one and one-half times of the minimum amount" shall be substituted.
15. In section 31A of the principal Act, in sub-section (1), for the words "shall be punishable with death", the words and figures "shall be punished with punishment which shall not be less than the punishment specified in section 31 or with death" shall be substituted. Amendment of section 31A.
16. In section 42 of the principal Act, in sub-section (1), in the proviso, for the words "Provided that", the following shall be substituted, namely:— Amendment of section 42.
- "Provided that in respect of holder of a licence for manufacture of manufactured drugs or psychotropic substances or controlled substances granted under this Act or any rule or order made thereunder, such power shall be exercised by an officer not below the rank of sub-inspector:
- Provided further that".
17. In section 52A of the principal Act,— Amendment of section 52A.
- (a) for sub-section (1), the following sub-section shall be substituted, namely:—
- "(1) The Central Government may, having regard to the hazardous nature, vulnerability to theft, substitution, constraint of proper storage space or any other relevant consideration, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, by notification in the Official Gazette, specify such narcotic drugs, psychotropic substances, controlled substances or conveyance or class of narcotic drugs, class of psychotropic substances, class of controlled substances or conveyances, which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner as that Government may, from time to time, determine after following the procedure hereinafter specified.";

(b) in sub-section (2),—

(i) for the words "narcotic drug or psychotropic substance" and "narcotic drugs or psychotropic substances", wherever they occur, the words "narcotic drugs, psychotropic substances, controlled substances or conveyances" shall be substituted;

(ii) in clause (b), for the words "such drugs or substances", the words "such drugs, substances or conveyances" shall be substituted;

(c) in sub-section (4), for the words "narcotic drugs or psychotropic substances", the words "narcotic drugs, psychotropic substances, controlled substances or conveyances" shall be substituted.

Insertion of new section 57A.

18. After section 57 of the principal Act, the following section shall be inserted, namely:—

Report of seizure of property of the person arrested by the notified officer.

"57A. Whenever any officer notified under section 53 makes an arrest or seizure under this Act, and the provisions of Chapter VA apply to any person involved in the case of such arrest or seizure, the officer shall make a report of the illegally acquired properties of such person to the jurisdictional competent authority within ninety days of the arrest or seizure."

Substitution of new heading for heading of Chapter VA.

19. In Chapter VA of the principal Act, for the heading "FORFEITURE OF PROPERTY DERIVED FROM, OR USED IN ILLICIT TRAFFIC", the heading "FORFEITURE OF ILLEGALLY ACQUIRED PROPERTY" shall be substituted.

Amendment of section 68B.

20. In section 68B of the principal Act,—

(a) in clause (g),—

(i) in sub-clause (i), for the words "of this Act; or", the words "of this Act or the equivalent value of such property; or" shall be substituted;

(ii) in sub-clause (ii), for the words "such property," the words "such property or the equivalent value of such property; or" shall be substituted;

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

"(iii) any property acquired by such person, whether before or after the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, wholly or partly out of or by means of any income, earnings or assets the source of which cannot be proved, or the equivalent value of such property;"

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

'(h) "property" means any property or assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, wherever located and includes deeds and instruments evidencing title to, or interest in, such property or assets;'

Amendment of section 68D.

21. In section 68D of the principal Act, in sub-section (1), for the words "any Collector of Customs or Collector of Central Excise", the words "any Commissioner of Customs or Commissioner of Central Excise" shall be substituted.

Amendment of section 68H.

22. In section 68H of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—For the removal of doubts, it is hereby declared that in a case where the provisions of section 68J are applicable, no notice under this section shall be invalid merely on the ground that it fails to mention the evidence relied upon or it fails to establish a direct nexus between the property sought to be forfeited and any activity in contravention of the provisions of this Act."

23. In section 68-O of the principal Act, in sub-section (4), after the proviso, the following proviso shall be inserted, namely:—

Amendment of section 68-O.

"Provided further that if the office of the Chairman is vacant by reason of his death, resignation or otherwise, or if the Chairman is unable to discharge his duties owing to absence, illness or any other cause, the Central Government may, by order, nominate any member to act as the Chairman until a new Chairman is appointed and assumes charge or, as the case may be, resumes his duties."

24. In section 71 of the principal Act, in sub-section (1), for the words "The Government may, in its discretion, establish, as many centres as it thinks fit for identification, treatment", the words "The Government may establish, recognise or approve as many centres as it thinks fit for identification, treatment, management" shall be substituted.

Amendment of section 71.

भाग ४ (ग)—कुछ नहीं