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मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 18]

भोपाल, शुक्रवार, दिनांक 1 मई 2020—वैशाख 11, शक 1942

भाग ४

विषय—सूची

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

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)

संसद के अधिनियम
विधि और विधायी कार्य विभाग

Bhopal, the 16th March 2020

No.-57-XXI-A(Dr.)- The following Act of the Parliament, Published in the Gazette of India Extraordinary Part II Section 1 dated the 22nd January, 2020 is hereby, republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 21st January 2020.

By order and in the name of the Governor of Madhya Pradesh,
R.P.Gupta, Under Secy.

THE CONSTITUTION (ONE HUNDRED AND FOURTH AMENDMENT) ACT, 2019

(AS PASSED BY THE HOUSES OF PARLIAMENT)

An Act

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (One Hundred and Fourth Amendment) Act, 2019. Short title and commencement.

(2) It shall come into force on the 25th day of January, 2020.

2. In article 334 of the Constitution,—

Amendment
of article 334.

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Reservation of seats and special representation to cease after certain period”;

(b) in the long line, after clauses (a) and (b), for the words “seventy years”, the words “eighty years in respect of clause (a) and seventy years in respect of clause (b)” shall be substituted.

Bhopal, the 16th March 2020

No.-57-XXI-A(Dr.).- The following Act of the Parliament, Published in the Gazette of India Extraordinary Part II Section 1 dated the 3rd December, 2019 is hereby, republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 29th November, 2019.

By order and in the name of the Governor of Madhya Pradesh,
R.P.Gupta, Under Secy.

THE NATIONAL INSTITUTE OF DESIGN (AMENDMENT) ACT, 2019

An Act

to amend the National Institute of Design Act, 2014.

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

1. (1) This Act may be called the National Institute of Design (Amendment) Act, 2019. 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 and different dates may be appointed for different provisions of this Act.

18 of 2014.

2. In the National Institute of Design Act, 2014 (hereinafter referred to as the principal Act), in the long title, for the words “the institution known as the National Institute of Design, Ahmedabad, to be an institution of national importance”, the words “certain institutions of design to be institutions of national importance” shall be substituted. Amendment
of long title.

Amendment of section 1. 3. In section 1 of the principal Act, in sub-section (1), for the word "Institute", the word "Institutes" shall be substituted.

Substitution of section 2. 4. For section 2 of the principal Act, the following section shall be substituted, namely:—

Declaration of certain institutions as institutions of national importance. "2. Whereas the objects of the institutions mentioned in the Schedule, are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance."

Amendment of section 3. 5. In section 3 of the principal Act,—

(i) for clause (d), the following clause shall be substituted, namely:—

'(d) "Director", in relation to any Institute, means the Director of such Institute as appointed under section 18;';

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

'(e) "Fund", in relation to any Institute, means the Fund of such Institute as maintained under section 23;';

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

'(f) "Governing Council", in relation to any Institute, means the Governing Council of such Institute as constituted under section 11;';

(iv) for clause (g), the following clause shall be substituted, namely:—

'(g) "Institute" means any of the institutions mentioned in column (4) of the Schedule;';

(v) for clause (h), the following clause shall be substituted, namely:—

'(h) "Institute campus" means the campus of an Institute as may be established by such Institute at any place within India or outside India;';

(vi) for clause (k), the following clause shall be substituted, namely:—

'(k) "Registrar", in relation to any Institute, means the Registrar of such Institute as appointed under section 20;';

(vii) after clause (k), the following clause shall be inserted, namely:—

'(ka) "Schedule" means the Schedule annexed to this Act;';

(viii) for clause (l), the following clause shall be substituted, namely:—

'(l) "Senate", in relation to any Institute, means the Senate of such Institute;';

(ix) for clause (m), the following clause shall be substituted, namely:—

'(m) "Society" means any of the societies registered under the Societies Registration Act, 1860, and mentioned in column (3) of the Schedule;';

(x) for clause (n), the following clause shall be substituted, namely:—

'(n) "Statutes" and "Ordinances", in relation to any Institute, mean the Statutes and the Ordinances of such Institute made under this Act.'

Substitution of section 4. 6. For section 4 of the principal Act, the following section shall be substituted, namely:—

Incorporation of Institute. "4. (1) Each Institute shall be a body corporate by the same name as mentioned in column (4) of the Schedule.

(2) Each Institute shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The body corporate constituting each Institute shall consist of a Chairperson, Director and other members of the Governing Council for the time being, of the Institute.

(4) Any Institute may establish an Institute campus at such place within India or outside India, as it may deem fit:

Provided that each campus of the National Institute of Design, Ahmedabad, established before the commencement of this Act, at Bengaluru in the State of Karnataka and at Gandhinagar in the State of Gujarat, shall be deemed to be the Institute campus thereof.

Explanation.—The reference in this sub-section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.”

7. In section 5 of the principal Act,—

Amendment
of section 5.

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) any reference to the Society mentioned in column (3) of the Schedule in any law or in any contract or other instrument shall be deemed as a reference to the corresponding Institute mentioned in column (4) thereof;”;

(ii) in clause (e), the words “located at Bengaluru in the State of Karnataka and at Gandhinagar in the State of Gujarat,” shall be omitted;

(iii) the following *Explanations* shall be inserted, namely:—

“*Explanation I.*—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

“*Explanation II.*—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”

8. In section 6 of the principal Act, in sub-section (1), for the words “the Institute shall”, the words “each Institute shall” shall be substituted.

Amendment
of section 6.

9. In section 7 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.

Amendment
of section 7.

10. In section 8 of the principal Act, for the words “teaching at the Institute”, the words “teaching at each of the Institutes” shall be substituted.

Amendment
of section 8.

11. In section 9 of the principal Act, in sub-section (1), for the words “the Institute”, the words “each of the Institutes” shall be substituted.

Amendment
of section 9.

12. In section 10 of the principal Act, for the words “The following shall be the authorities of the Institute”, the words “Each Institute shall have the following authorities” shall be substituted.

Amendment
of section 10.

13. In section 11 of the principal Act, for the words “The Governing Council shall consist of”, the words “The Governing Council of every Institute shall consist of” shall be substituted.

Amendment
of section 11.

- Amendment of section 15. 14. In section 15 of the principal Act, for the words "The Senate of the Institute", the words "The Senate of each Institute" shall be substituted.
- Amendment of section 16. 15. In section 16 of the principal Act, for the words "the Senate of the Institute", the words "the Senate of an Institute" shall be substituted.
- Amendment of section 18. 16. In section 18 of the principal Act, in sub-section (1), for the words "the Institute", the words "each of the Institutes" shall be substituted.
- Amendment of section 20. 17. In section 20 of the principal Act, in sub-section (1), for the words "Registrar of the Institute", the words "Registrar of each Institute" shall be substituted.
- Amendment of section 22. 18. In section 22 of the principal Act, for the words "enabling the Institute", the words "enabling an Institute" shall be substituted.
- Amendment of section 23. 19. In section 23 of the principal Act, in sub-section (1), for the words "The Institute", the words "Every Institute" shall be substituted.
- Amendment of section 24. 20. In section 24 of the principal Act, for the words "the Institute", the words "any Institute" shall be substituted.
- Amendment of section 25. 21. In section 25 of the principal Act, in sub-section (1), for the words "The Institute", the words "Every Institute" shall be substituted.
- Amendment of section 26. 22. In section 26 of the principal Act, in sub-section (1), for the words "The Institute", the words "Every Institute" shall be substituted.
- Amendment of section 27. 23. In section 27 of the principal Act,—
 (i) in the opening portion, for the words "the Institute", the words "an Institute" shall be substituted;
 (ii) in clause (a), for the words "Senior Designer", at both the places where they occur, the words "Principal Designer" shall be substituted.
- Amendment of section 29. 24. In section 29 of the principal Act, in sub-section (1), for the words "the Institute", the words "each Institute" shall be substituted.
- Amendment of section 30. 25. In section 30 of the principal Act, for the words "Ordinances of the Institute", the words "Ordinances of each Institute" shall be substituted.
- Amendment of section 32. 26. In section 32 of the principal Act, in sub-section (1), for the words "between the Institute", the words "between an Institute" shall be substituted.
- Amendment of section 33. 27. In section 33 of the principal Act, for the words "the Institute", the words "any Institute" shall be substituted.
- Amendment of section 34. 28. In section 34 of the principal Act, for the words "the Institute receives", the words "an Institute receives" shall be substituted.
- Amendment of section 35. 29. In section 35 of the principal Act, for the words "The Institute", the words "Every Institute" shall be substituted.
- Amendment of section 36. 30. In section 36 of the principal Act, for the words "to the Institute", the words "to any Institute" shall be substituted.
- Amendment of section 37. 31. In section 37 of the principal Act, for the words "the Institute", the words "every Institute" shall be substituted.
- Amendment of section 39. 32. In section 39 of the principal Act,—
 (i) in clause (a), for the words "Governing Council of the Institute", the words "Governing Council of an Institute" shall be substituted;

(ii) in clause (c), the words “located at Bengaluru or Gandhinagar, as the case may be” shall be omitted;

(iii) the following *Explanations* shall be inserted, namely:—

“*Explanation I.*—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

“*Explanation II.*—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”.

33. In section 40 of the principal Act, after sub-section (3), the following *Explanations* shall be inserted, namely:—

Amendment of section 40.

“*Explanation I.*—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

“*Explanation II.*—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”.

34. After section 41 of the principal Act, the following Schedule shall be inserted, namely:—

Insertion of a new Schedule.

“THE SCHEDULE

[See sections 2, 3(g), (ka), (m), 4 (1) and 5 (a)]

Sl. No.	Name of the State	Name of the Society	Name of the institutions incorporated under this Act
(1)	(2)	(3)	(4)
1.	Gujarat	The National Institute of Design, Ahmedabad, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Ahmedabad
2.	Madhya Pradesh	The National Institute of Design, Bhopal, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Madhya Pradesh
3.	Assam	The National Institute of Design, Jorhat, Assam, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Assam
4.	Haryana	The National Institute of Design, Kurukshetra, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Haryana
5.	Andhra Pradesh	The National Institute of Design, Andhra Pradesh, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Andhra Pradesh.”.

Bhopal, the 16th March 2020

No.-57-XXI-A(Dr.).- The following Act of the Parliament, Published in the Gazette of India Extraordinary Part II Section 1 dated the 5th December, 2019 is hereby, republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 5th December, 2019.

By order and in the name of the Governor of Madhya Pradesh,
R.P.Gupta, Under Secy.

THE JALLIANWALA BAGH NATIONAL MEMORIAL (AMENDMENT) ACT, 2019

An Act

further to amend the Jallianwala Bagh National Memorial Act, 1951.

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

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| 25. of 1951. | <p>1. This Act may be called the Jallianwala Bagh National Memorial (Amendment) Act, 2019.</p> | Short title and commencement. |
| 25. of 1951. | <p>2. In the Jallianwala Bagh National Memorial Act, 1951 (hereinafter referred to as the principal Act), in section 4, in sub-section (1),—</p> <p>(i) clause (b) shall be omitted;</p> <p>(ii) for clause (d), the following clause shall be substituted, namely:—</p> <p>"(d) the Leader of Opposition recognised as such in the House of the People or where there is no such Leader of Opposition, then the Leader of the single largest Opposition Party in that House;"</p> | Amendment of section 4. |
| | <p>3. In section 5 of the principal Act, the following proviso shall be inserted, namely:—</p> <p>"Provided that the term of office of a Trustee nominated under clause (g) of sub-section (1) of section 4 may be terminated before the expiry of the period of five years by the Central Government."</p> | Amendment of section 5. |

Bhopal, the 16th March 2020

No.-57-XXI-A(Dr.).- The following Act of the Parliament, Published in the Gazette of India Extraordinary Part II Section 1 dated the 5th December, 2019 is hereby, republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 5th December, 2019.

By order and in the name of the Governor of Madhya Pradesh,
R.P.Gupta, Under Secy.

THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019

An Act

to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto.

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

CHAPTER I

PRELIMINARY

- | | | |
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| Act, 2019. | <p>1. (1) This Act may be called the Transgender Persons (Protection of Rights) Act, 2019.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> | Short title, extent and commencement. |
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Definitions.

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

(a) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment, wholly or substantially financed by that Government, the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, the State Government;

(b) "establishment" means—

(i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or

18 of 2013.

(ii) any company or body corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution;

(c) "family" means a group of people related by blood or marriage or by adoption made in accordance with law;

(d) "inclusive education" means a system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students;

(e) "institution" means an institution, whether public or private, for the reception, care, protection, education, training or any other service of transgender persons;

(f) "local authority" means the municipal corporation or Municipality or Panchayat or any other local body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

(g) "National Council" means the National Council for Transgender Persons established under section 16;

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

(i) "person with intersex variations" means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from normative standard of male or female body;

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

(k) "transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*.

CHAPTER II

PROHIBITION AGAINST DISCRIMINATION

Prohibition
against
discrimination.

3. No person or establishment shall discriminate against a transgender person on any of the following grounds, namely:—

(a) the denial, or discontinuation of, or unfair treatment in, educational establishments and services thereof;

(b) the unfair treatment in, or in relation to, employment or occupation;

(c) the denial of, or termination from, employment or occupation;

(d) the denial or discontinuation of, or unfair treatment in, healthcare services;

(e) the denial or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public or customarily available to the public;

(f) the denial or discontinuation of, or unfair treatment with regard to the right of movement;

(g) the denial or discontinuation of, or unfair treatment with regard to the right to reside, purchase, rent, or otherwise occupy any property;

(h) the denial or discontinuation of, or unfair treatment in, the opportunity to stand for or hold public or private office; and

(i) the denial of access to, removal from, or unfair treatment in, Government or private establishment in whose care or custody a transgender person may be.

CHAPTER III

RECOGNITION OF IDENTITY OF TRANSGENDER PERSONS

4. (1) A transgender person shall have a right to be recognised as such, in accordance with the provisions of this Act.

Recognition of identity of transgender person.

(2) A person recognised as transgender under sub-section (1) shall have a right to self-perceived gender identity.

5. A transgender person may make an application to the District Magistrate for issuing a certificate of identity as a transgender person, in such form and manner, and accompanied with such documents, as may be prescribed:

Application for certificate of identity.

Provided that in the case of a minor child, such application shall be made by a parent or guardian of such child.

6. (1) The District Magistrate shall issue to the applicant under section 5, a certificate of identity as transgender person after following such procedure and in such form and manner, within such time, as may be prescribed indicating the gender of such person as transgender.

Issue of certificate of identity.

(2) The gender of transgender person shall be recorded in all official documents in accordance with certificate issued under sub-section (1).

(3) A certificate issued to a person under sub-section (1) shall confer rights and be a proof of recognition of his identity as a transgender person.

Change in
gender.

7. (1) After the issue of a certificate under sub-section (1) of section 6, if a transgender person undergoes surgery to change gender either as a male or female, such person may make an application, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery, to the District Magistrate for revised certificate, in such form and manner as may be prescribed.

(2) The District Magistrate shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed.

(3) The person who has been issued a certificate of identity under section 6 or a revised certificate under sub-section (2) shall be entitled to change the first name in the birth certificate and all other official documents relating to the identity of such person:

Provided that such change in gender and the issue of revised certificate under sub-section (2) shall not affect the rights and entitlements of such person under this Act.

CHAPTER IV

WELFARE MEASURES BY GOVERNMENT

Obligation of
appropriate
Government.

8. (1) The appropriate Government shall take steps to secure full and effective participation of transgender persons and their inclusion in society.

(2) The appropriate Government shall take such welfare measures as may be prescribed to protect the rights and interests of transgender persons, and facilitate their access to welfare schemes framed by that Government.

(3) The appropriate Government shall formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory.

(4) The appropriate Government shall take steps for the rescue, protection and rehabilitation of transgender persons to address the needs of such persons.

(5) The appropriate Government shall take appropriate measures to promote and protect the right of transgender persons to participate in cultural and recreational activities.

CHAPTER V

OBLIGATION OF ESTABLISHMENTS AND OTHER PERSONS

Non-
discrimination
in
employment.

9. No establishment shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion and other related issues.

Obligations of
establishments.

10. Every establishment shall ensure compliance with the provisions of this Act and provide such facilities to transgender persons as may be prescribed.

Grievance
redressal
mechanism.

11. Every establishment shall designate a person to be a complaint officer to deal with the complaints relating to violation of the provisions of this Act.

Right of
residence.

12. (1) No child shall be separated from parents or immediate family on the ground of being a transgender, except on an order of a competent court, in the interest of such child.

(2) Every transgender person shall have—

(a) a right to reside in the household where parent or immediate family members reside;

(b) a right not to be excluded from such household or any part thereof; and

(c) a right to enjoy and use the facilities of such household in a non-discriminatory manner.

(3) Where any parent or a member of his immediate family is unable to take care of a transgender, the competent court shall by an order direct such person to be placed in rehabilitation centre.

CHAPTER VI

EDUCATION, SOCIAL SECURITY AND HEALTH OF TRANSGENDER PERSONS

13. Every educational institution funded or recognised by the appropriate Government shall provide inclusive education and opportunities for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others.

Obligation of educational institutions provide inclusive education to transgender persons.

14. The appropriate Government shall formulate welfare schemes and programmes to facilitate and support livelihood for transgender persons including their vocational training and self-employment.

Vocational training and self-employment.

15. The appropriate Government shall take the following measures in relation to transgender persons, namely:—

Healthcare facilities.

(a) to set up separate human immunodeficiency virus Sero-surveillance Centres to conduct sero-surveillance for such persons in accordance with the guidelines issued by the National AIDS Control Organisation in this behalf;

(b) to provide for medical care facility including sex reassignment surgery and hormonal therapy;

(c) before and after sex reassignment surgery and hormonal therapy counselling;

(d) bring out a Health Manual related to sex reassignment surgery in accordance with the World Profession Association for Transgender Health guidelines;

(e) review of medical curriculum and research for doctors to address their specific health issues;

(f) to facilitate access to transgender persons in hospitals and other healthcare institutions and centres;

(g) provision for coverage of medical expenses by a comprehensive insurance scheme for Sex Reassignment Surgery, hormonal therapy, laser therapy or any other health issues of transgender persons.

CHAPTER VII

NATIONAL COUNCIL FOR TRANSGENDER PERSONS

16. (1) The Central Government shall by notification constitute a National Council for Transgender Persons to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

National Council for Transgender Persons.

(2) The National Council shall consist of—

(a) the Union Minister in-charge of the Ministry of Social Justice and Empowerment, Chairperson, *ex officio*;

(b) the Minister of State, in-charge of the Ministry of Social Justice and Empowerment in the Government, Vice-Chairperson, *ex officio*;

(c) Secretary to the Government of India in-charge of the Ministry of Social Justice and Empowerment, Member, *ex officio*;

(d) one representative each from the Ministries of Health and Family Welfare, Home Affairs, Housing and Urban Affairs, Minority Affairs, Human Resources

Development, Rural Development, Labour and Employment and Departments of Legal Affairs, Pensions and Pensioners Welfare and National Institute for Transforming India Aayog, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(e) one representative each from the National Human Rights Commission and National Commission for Women, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(f) representatives of the State Governments and Union territories by rotation, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members, *ex officio*;

(g) five representatives of transgender community, by rotation, from the State Governments and Union territories, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members;

(h) five experts, to represent non-governmental organisations or associations, working for the welfare of transgender persons, to be nominated by the Central Government, Members; and

(i) Joint Secretary to the Government of India in the Ministry of Social Justice and Empowerment dealing with the welfare of the transgender persons, Member Secretary, *ex officio*.

(3) A Member of National Council, other than *ex officio* member, shall hold office for a term of three years from the date of his nomination.

Functions of Council.

17. The National Council shall perform the following functions, namely:—

(a) to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons;

(b) to monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons;

(c) to review and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to transgender persons;

(d) to redress the grievances of transgender persons; and

(e) to perform such other functions as may be prescribed by the Central Government.

CHAPTER VIII

OFFENCES AND PENALTIES

Offences and penalties.

18. Whoever,—

(a) compels or entices a transgender person to indulge in the act of forced or bonded labour other than any compulsory service for public purposes imposed by Government;

(b) denies a transgender person the right of passage to a public place or obstructs such person from using or having access to a public place to which other members have access to or a right to use;

(c) forces or causes a transgender person to leave household, village or other place of residence; and

(d) harms or injures or endangers the life, safety, health or well-being, whether mental or physical, of a transgender person or tends to do acts including causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine.

CHAPTER IX

MISCELLANEOUS

19. The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, credit such sums to the National Council as may be necessary for carrying out the purposes of this Act.

Grants by Central Government.

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

Act not in derogation of any other law.

21. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any local authority or any officer of the Government in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act and any rules made thereunder.

Protection of action taken in good faith.

22. (1) The appropriate Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

Power of appropriate Government 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 and manner in which an application shall be made under section 5;
- (b) the procedure, form and manner and the period within which a certificate of identity is issued under sub-section (1) of section 6;
- (c) the form and manner in which an application shall be made under sub-section (1) of section 7;
- (d) the form, period and manner for issuing revised certificate under sub-section (2) of section 7;
- (e) welfare measures to be provided under sub-section (2) of section 8;
- (f) facilities to be provided under section 10;
- (g) other functions of the National Council under clause (e) of section 17; and
- (h) any other matter which is required to be or may be prescribed.

(3) Every rule made by the Central Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such legislature consists of one House, before that House.

23. (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:

Power to remove difficulties.

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

Bhopal, the 16th March 2020

No.-57-XXI-A(Dr.).- The following Act of the Parliament, Published in the Gazette of India Extraordinary Part II Section 1 dated the 5th December, 2019 is hereby, republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 5th December, 2019.

By order and in the name of the Governor of Madhya Pradesh,
R.P.Gupta, Under Secy.

THE CHIT FUNDS (AMENDMENT) ACT, 2019

An Act

further to amend the Chit Funds Act, 1982.

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

1. (1) This Act may be called the Chit Funds (Amendment) Act, 2019.

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.

40 of 1982.

2. In the Chit Funds Act, 1982 (hereinafter referred to as the principal Act), in section 2,—

Amendment of section 2.

(i) in clause (b), after the word “kurf”, the words “, fraternity fund, Rotating Savings and Credit Institution” shall be inserted;

(ii) clause (d) shall be omitted;

(iii) clause (h) shall be omitted;

(iv) after clause (j), the following clauses shall be inserted, namely:—

‘(ja) “gross chit amount” means the sum-total of the subscriptions payable by all the subscribers for any instalment of a chit without any deduction of discount or otherwise;

(jb) “net chit amount” means the difference between the gross chit amount and the discount, and in the case of a fraction of a ticket means the difference between the gross chit amount and the discount proportionate to the fraction of the ticket, and when the net chit amount is payable otherwise than in cash, the value of the net chit amount shall be the value at the time when it becomes payable;’

(v) clause (m) shall be omitted;

(vi) after clause (p), the following clause shall be inserted, namely:—

‘(pa) “share of discount” means the share of the subscriber in the amount of discount available under the chit agreement for rateable distribution among the subscribers at each instalment of the chit;’

3. Throughout the principal Act,—

(i) for the words “chit amount”, the words “gross chit amount” shall be substituted;

(ii) for the word “dividend”, the words “share of discount” shall be substituted; and

(iii) for the words “prize amount”, the words “net chit amount” shall be substituted.

Substitution of words to certain expressions by certain other expressions.

Substitution of new section for section 11. namely:—

4. For section 11 of the principal Act, the following section shall be substituted,

Use of words
"chit", "chit
fund", "chitty",
"kuri",
"fraternity
fund" or
"Rotating
Savings and
Credit
Institution".

"11. (1) No person shall carry on chit business unless he uses as part of his name any of the words "chit", "chit fund", "chitty", "kuri", "fraternity fund" or "Rotating Savings and Credit Institution" and no person other than a person carrying on chit business shall use as part of his name any such word.

(2) Where at the commencement of this Act,—

(a) any person is carrying on chit business without using as part of his name any of the words specified in sub-section (1); or

(b) any person not carrying on chit business is using any such word as part of his name,

he shall, within a period of one year from such commencement, add as part of his name any such word or, as the case may be, delete such word from his name:

Provided that the State Government may, if it considers necessary in the public interest or for avoiding any hardship, extend the said period of one year by such further period or periods not exceeding one year in the aggregate."

Amendment
of section 13.

5. In section 13 of the principal Act,—

(i) in sub-section (1), for the words "rupees one lakh", the words "rupees three lakhs" shall be substituted;

(ii) in sub-section (2),—

(a) in clause (a), for the words "rupees six lakhs", the words "rupees eighteen lakhs" shall be substituted;

(b) in clause (b), for the words "rupees one lakh", the words "rupees three lakhs" shall be substituted.

6. In section 16 of the principal Act, in sub-section (2), after the words "two subscribers", the words "present in person or through video conferencing duly recorded by the foreman" shall be inserted. Amendment
of section 16.

7. In section 17 of the principal Act, in sub-section (1),—

(a) after the words "at least two other subscribers who are present", the words "in person or through video conferencing" shall be inserted;

(b) the following proviso shall be inserted, namely:—

"Provided that where two subscribers required to be present under sub-section (2) of section 16 are present through video conferencing, the foreman shall have the minutes of the proceedings signed by such subscribers within a period of two days of the date of the draw."

8. In section 21 of the principal Act, in sub-section (1),—

(i) in clause (b), for the words "five per cent.", the words "seven per cent." shall be substituted;

(ii) in clause (f), the word "and" shall be omitted;

(iii) after clause (f), the following clause shall be inserted, namely:—

"(fa) to exercise his right to lien against the credit balance in other non-prized chits; and".

9. In section 85 of the principal Act, in clause (b), for the words "one hundred rupees", the words "such amount as may be specified, by notification in the Official Gazette, by the State Government" shall be substituted. Amendment
of section 85.

Bhopal, the 16th March 2020

No.-57-XXI-A(Dr.).- The following Act of the Parliament, Published in the Gazette of India Extraordinary Part II Section 1 dated the 5th December, 2019 is hereby, republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 5th December, 2019.

By order and in the name of the Governor of Madhya Pradesh,
R.P.Gupta, Under Secy.

**THE PROHIBITION OF ELECTRONIC CIGARETTES (PRODUCTION,
MANUFACTURE, IMPORT, EXPORT, TRANSPORT, SALE,
DISTRIBUTION, STORAGE AND ADVERTISEMENT)**

ACT, 2019

An Act

to prohibit the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes in the interest of public health to protect the people from harm and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019. Short title and commencement.

(2) It shall be deemed to have come into force on the 18th day of September, 2019.

Declaration as to expediency of control by Union.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the electronic cigarettes industry.

Definitions.

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

(a) "advertisement" means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, internet or website or social media and includes through any notice, circular, label, wrapper, invoice or other document or device;

(b) "authorised officer" means—

(i) any police officer not below the rank of sub-inspector; or

(ii) any other officer, not below the rank of sub-inspector, authorised by the Central Government or the State Government by notification;

(c) "distribution" includes distribution by way of samples, whether free or otherwise and the expression "distribute" shall be construed accordingly;

(d) "electronic cigarette" means an electronic device that heats a substance, with or without nicotine and flavours, to create an aerosol for inhalation and includes all forms of Electronic Nicotine Delivery Systems, Heat Not Burn Products, e-Hookah and the like devices, by whatever name called and whatever shape, size or form it may have, but does not include any product licensed under the Drugs and Cosmetics Act, 1940.

Explanation.—For the purposes of this clause, the expression "substance" includes any natural or artificial substance or other matter, whether it is in a solid state or in liquid form or in the form of gas or vapour;

(e) "export" with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(f) "import" with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(g) "manufacture" means a process for making or assembling electronic cigarettes and any part thereof, which includes any sub-process, incidental or ancillary to the manufacture of electronic cigarettes and any part thereof;

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

(i) "person" includes—

(i) any individual or group of individuals;

(ii) a firm (whether registered or not);

(iii) a Hindu Undivided Family;

(iv) a trust;

(v) a limited liability partnership;

(vi) a co-operative society;

(vii) any corporation or company or body of individuals; and

(viii) every artificial juridical person not falling within any of the preceding sub-clauses;

(j) "place" includes any house, room, enclosure, space, conveyance or the area in like nature;

(k) "production" with its grammatical variations and cognate expressions, includes the making or assembling of electronic cigarettes and any part thereof;

(l) "sale" with its grammatical variations and cognate expressions, means any transfer of property in goods (including online transfer) by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale.

4. On and from the date of commencement of this Act, no person shall, directly or indirectly,—

(i) produce or manufacture or import or export or transport or sell or distribute electronic cigarettes, whether as a complete product or any part thereof; and

(ii) advertise electronic cigarettes or take part in any advertisement that directly or indirectly promotes the use of electronic cigarettes.

Prohibition on production, manufacturing, import, export, transport, sale, distribution, advertisement of electronic cigarettes.

5. On and from the date of commencement of this Act, no person, being the owner or occupier or having the control or use of any place shall, knowingly permit it to be used for storage of any stock of electronic cigarettes:

Prohibition on storage of electronic cigarettes.

Provided that any existing stock of electronic cigarettes as on the date of the commencement of this Act kept for sale, distribution, transport, export or advertisement shall be disposed of in the manner hereinafter specified—

(a) the owner or occupier of the place with respect to the existing stock of electronic cigarettes shall, *suo motu*, prepare a list of such stock of electronic cigarettes in his possession and without unnecessary delay submit the stock as specified in the list to the nearest office of the authorised officer; and

(b) the authorised officer to whom any stock of electronic cigarettes is forwarded under clause (a) shall, with all convenient despatch, take such measures as may be necessary for the disposal according to the law for the time being in force.

6. (1) An authorised officer, if he has reason to believe that any provision of this Act has been, or is being contravened, may enter and search any place where—

Power to enter, search and seize without warrant.

(a) any trade or commerce in electronic cigarettes is carried on or electronic cigarettes are produced, supplied, distributed, stored or transported; or

(b) any advertisement of the electronic cigarettes has been or is being made.

(2) After completion of the search referred to in sub-section (1), the authorised officer shall seize any record or property found as a result of the search in the said place, which are intended to be used, or reasonably suspected to have been used, in connection with any matter referred to in sub-section (1) and if he thinks proper, take into custody and produce, along with the record or property so seized, before the Court of Judicial Magistrate of the first class, any such person whom he has reason to believe to have committed any offence punishable under this Act.

(3) Where it is not practicable to seize the record or property, the officer authorised under sub-section (1), may make an order in writing to attach such property, stocks or records maintained by the producer, manufacturer, importer, exporter, transporter, seller, distributor, advertiser or stockist about which a complaint has been made or credible information has been received or a reasonable suspicion exists of their having been connected with any offence in contravention of the provisions of this Act and such order shall be binding on the person connected with the said offence.

(4) All searches, seizures and attachment under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

2 of 1974.

Punishment for contravention of section 4.

7. Whoever contravenes the provisions of section 4, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.

Punishment for contravention of section 5.

8. Whoever contravenes the provisions of section 5, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

Jurisdiction and trial of offences.

9. (1) Any person committing an offence under section 4 or section 5 shall be triable for such offence in any place in which he is liable to be tried under any law for the time being in force.

(2) All offences under this Act shall be tried by the Court of Judicial Magistrate of the first class in accordance with the procedure provided for trials in the Code of Criminal Procedure, 1973.

2 of 1974.

Power to dispose of stock seized.

10. After completion of the proceedings before the Court and if it is proved that the stock seized by the authorised officer under the provisions of this Act are stocks of electronic cigarettes, such stocks shall be disposed of in accordance with the provisions contained in Chapter XXXIV of the Code of Criminal Procedure, 1973.

2 of 1974.

Offences by companies.

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

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he 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 company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

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

(b) "director" means a whole-time director in the company and in relation to a firm, means a partner in the firm.

Cognizance of offences.

12. No court shall take cognizance of an offence punishable under this Act, except upon a complaint in writing made by an authorised officer under this Act.

Offences to be cognizable.

13. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under section 4 shall be cognizable.

2 of 1974.

Act to have overriding effect.

14. Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

15. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force prohibiting production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes.

Application of other laws not barred.

16. No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or any State Government for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

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

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of 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.

Ord. 14 of 2019.

18. (1) The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Ordinance, 2019 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Bhopal, the 16th March 2020

No.-57-XXI-A(Dr.).- The following Act of the Parliament, Published in the Gazette of India Extraordinary Part II Section 1 dated the 9th December, 2019 is hereby, republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 9th December, 2019.

By order and in the name of the Governor of Madhya Pradesh,
R.P.Gupta, Under Secy.

THE SPECIAL PROTECTION GROUP (AMENDMENT) ACT, 2019

An Act

further to amend the Special Protection Group Act, 1988.

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

1. (1) This Act may be called the Special Protection Group (Amendment) Act, 2019. Short title and commencement.

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

Amendment
of section 4.

2. In section 4 of the Special Protection Group Act, 1988,— 34 of 1988.

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

"(1) There shall be an armed force of the Union called the Special Protection Group for providing proximate security to,—

(a) the Prime Minister and members of his immediate family residing with him at his official residence; and

(b) any former Prime Minister and such members of his immediate family as are residing with him at the residence allotted to him, for a period of five years from the date he ceases to hold the office of Prime Minister.";

(ii) in sub-section (1A), for clause (b), the following clause shall be substituted, namely:—

"(b) where the proximate security is withdrawn from a former Prime Minister, such proximate security shall also stand withdrawn from members of immediate family of such former Prime Minister.".

Bhopal, the 16th March 2020

No.-57-XXI-A(Dr.).- The following Act of the Parliament, Published in the Gazette of India Extraordinary Part II Section 1 dated the 12th December, 2019 is hereby, republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 12th December, 2019.

By order and in the name of the Governor of Madhya Pradesh,
R.P.Gupta, Under Secy.

THE TAXATION LAWS (AMENDMENT) ACT, 2019

An Act

further to amend the Income-tax Act, 1961 and to amend the Finance (No. 2) Act, 2019.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Taxation Laws (Amendment) Act, 2019.

Short title and commencement.

(2) Save as otherwise provided, it shall be deemed to have come into force on the 20th day of September, 2019.

CHAPTER II

AMENDMENTS IN THE INCOME-TAX ACT, 1961

43 of 1961.

2. In section 92BA of the Income-tax Act, 1961 (hereafter in this Chapter referred to as the Income-tax Act), after clause (v), the following clause shall be inserted, with effect from the 1st day of April, 2020, namely:—

Amendment of section 92BA.

"(va) any business transacted between the persons referred to in sub-section (6) of section 115BAB;"

Amendment of section 115BA.

3. In section 115BA of the Income-tax Act, with effect from the 1st day of April, 2020,—

(a) for the marginal heading "Tax on income of certain domestic companies", the marginal heading "Tax on income of certain manufacturing domestic companies" shall be substituted;

(b) in sub-section (1), for the words "subject to the other provisions of this Chapter", the words, figures and letters "subject to the other provisions of this Chapter, other than those mentioned under section 115BAA and section 115BAB" shall be substituted;

(c) in sub-section (4), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that where the person exercises option under section 115BAA, the option under this section may be withdrawn."

Insertion of
new sections
115BAA and
115BAB.
Tax on
income of
certain
domestic
companies.

4. After section 115BA of the Income-tax Act, the following sections shall be inserted with effect from the 1st day of April, 2020, namely:—

'115BAA. (1) Notwithstanding anything contained in this Act but subject to the provisions of this Chapter, other than those mentioned under section 115BA and section 115BAB, the income-tax payable in respect of the total income of a person, being a domestic company, for any previous year relevant to the assessment year beginning on or after the 1st day of April, 2020, shall, at the option of such person, be computed at the rate of twenty-two per cent., if the conditions contained in sub-section (2) are satisfied:

Provided that where the person fails to satisfy the conditions contained in sub-section (2) in any previous year, the option shall become invalid in respect of the assessment year relevant to that previous year and subsequent assessment years and other provisions of the Act shall apply, as if the option had not been exercised for the assessment year relevant to that previous year and subsequent assessment years.

(2) For the purposes of sub-section (1), the total income of the company shall be computed,—

(i) without any deduction under the provisions of section 10AA or clause (iia) of sub-section (1) of section 32 or section 32AD or section 33AB or section 33ABA or sub-clause (ii) or sub-clause (iia) or sub-clause (iii) of sub-section (1) or sub-section (2AA) or sub-section (2AB) of section 35 or section 35AD or section 35CCC or section 35CCD or under any provisions of Chapter VI-A under the heading "C.—Deductions in respect of certain incomes" other than the provisions of section 80JJAA;

(ii) without set off of any loss carried forward or depreciation from any earlier assessment year, if such loss or depreciation is attributable to any of the deductions referred to in clause (i);

(iii) without set off of any loss or allowance for unabsorbed depreciation deemed so under section 72A, if such loss or depreciation is attributable to any of the deductions referred to in clause (i); and

(iv) by claiming the depreciation, if any, under any provision of section 32, except clause (iia) of sub-section (1) of the said section, determined in such manner as may be prescribed.

(3) The loss and depreciation referred to in clause (ii) and clause (iii) of sub-section (2) shall be deemed to have been given full effect to and no further deduction for such loss or depreciation shall be allowed for any subsequent year:

Provided that where there is a depreciation allowance in respect of a block of asset which has not been given full effect to prior to the assessment year beginning on the 1st day of April, 2020, corresponding adjustment shall be made to the written down value of such block of assets as on the 1st day of April, 2019 in the prescribed manner, if the option under sub-section (5) is exercised for a previous year relevant to the assessment year beginning on the 1st day of April, 2020.

(4) In case of a person, having a Unit in the International Financial Services Centre, as referred to in sub-section (1A) of section 80LA, which has exercised option under sub-section (5), the conditions contained in sub-section (2) shall be modified to the extent that the deduction under section 80LA shall be available to such Unit subject to fulfilment of the conditions contained in the said section.

Explanation.—For the purposes of this sub-section, the term "Unit" shall have the same meaning as assigned to it in clause (zc) of section 2 of the Special Economic Zones Act, 2005.

(5) Nothing contained in this section shall apply unless the option is exercised by the person in the prescribed manner on or before the due date specified under sub-section (1) of section 139 for furnishing the returns of income for any previous year relevant to the assessment year commencing on or after the 1st day of April, 2020 and such option once exercised shall apply to subsequent assessment years:

Provided that in case of a person, where the option exercised by it under section 115BAB has been rendered invalid due to violation of conditions contained in sub-clause (ii) or sub-clause (iii) of clause (a), or clause (b) of sub-section (2) of said section, such person may exercise option under this section:

Provided further that once the option has been exercised for any previous year, it cannot be subsequently withdrawn for the same or any other previous year.

115BAB. (1) Notwithstanding anything contained in this Act but subject to the provisions of this Chapter, other than those mentioned under section 115BA and section 115BAA, the income-tax payable in respect of the total income of a person, being a domestic company, for any previous year relevant to the assessment year beginning on or after the 1st day of April, 2020, shall, at the option of such person, be computed at the rate of fifteen per cent., if the conditions contained in sub-section (2) are satisfied:

Tax on
income of new
manufacturing
domestic
companies.

Provided that where the total income of the person, includes any income, which has neither been derived from nor is incidental to manufacturing or production of an article or thing and in respect of which no specific rate of tax has been provided separately under this Chapter, such income shall be taxed at the rate of twenty-two per cent. and no deduction or allowance in respect of any expenditure or allowance shall be allowed in computing such income:

Provided further that the income-tax payable in respect of the income of the person deemed so under second proviso to sub-section (6) shall be computed at the rate of thirty per cent.:

Provided also that the income-tax payable in respect of income being short term capital gains derived from transfer of a capital asset on which no depreciation is allowable under the Act shall be computed at the rate of twenty-two per cent.:

Provided also that where the person fails to satisfy the conditions contained in sub-section (2) in any previous year, the option shall become invalid in respect of the assessment year relevant to that previous year and subsequent assessment years and other provisions of the Act shall apply to the person as if the option had not been exercised for the assessment year relevant to that previous year and subsequent assessment years.

(2) For the purposes of sub-section (1), the following conditions shall apply, namely:—

(a) the company has been set-up and registered on or after the 1st day of October, 2019, and has commenced manufacturing or production of an article or thing on or before the 31st day of March, 2023 and,—

(i) the business is not formed by splitting up, or the reconstruction, of a business already in existence:

Provided that this condition shall not apply in respect of a company, business of which is formed as a result of the re-establishment, reconstruction or revival by the person of the business of any such undertaking as is referred to in section 33B, in the circumstances and within the period specified in the said section;

(ii) does not use any machinery or plant previously used for any purpose.

Explanation 1.—For the purposes of sub-clause (ii), any machinery or plant which was used outside India by any other person shall not be regarded as machinery or plant previously used for any purpose, if the following conditions are fulfilled, namely:—

(A) such machinery or plant was not, at any time previous to the date of the installation used in India;

(B) such machinery or plant is imported into India from any country outside India; and

(C) no deduction on account of depreciation in respect of such machinery or plant has been allowed or is allowable under the provisions of this Act in computing the total income of any person for any period prior to the date of the installation of machinery or plant by the person.

Explanation 2.—Where in the case of a person, any machinery or plant or any part thereof previously used for any purpose is put to use by the company and the total value of such machinery or plant or part thereof does not exceed twenty per cent. of the total value of the machinery or plant used by the company, then, for the purposes of sub-clause (ii) of this clause, the condition specified therein shall be deemed to have been complied with;

(iii) does not use any building previously used as a hotel or a convention centre, as the case may be, in respect of which deduction under section 80-ID has been claimed and allowed.

Explanation.—For the purposes of this sub-clause, the expressions "hotel" and "convention centre" shall have the meanings respectively assigned to them in clause (a) and clause (b) of sub-section (6) of section 80-ID;

(b) the company is not engaged in any business other than the business of manufacture or production of any article or thing and research in relation to, or distribution of, such article or thing manufactured or produced by it.

Explanation.—For the removal of doubts, it is hereby clarified that the business of manufacture or production of any article or thing referred to in clause (b) shall not include business of,—

(i) development of computer software in any form or in any media;

(ii) mining;

(iii) conversion of marble blocks or similar items into slabs;

(iv) bottling of gas into cylinder;

(v) printing of books or production of cinematograph film; or

(vi) any other business as may be notified by the Central Government in this behalf; and

(c) the total income of the company has been computed,—

(i) without any deduction under the provisions of section 10AA or clause (iia) of sub-section (1) of section 32 or section 32AD or section 33AB or section 33ABA or sub-clause (ii) or sub-clause (iia) or sub-clause (iii) of sub-section (1) or sub-section (2AA) or sub-section (2AB) of section 35 or section 35AD or section 35CCC or section 35CCD or under any provisions of Chapter VI-A under the heading "C.—Deductions in respect of certain incomes" other than the provisions of section 80JJAA;

(ii) without set off of any loss or allowance for unabsorbed depreciation deemed so under section 72A where such loss or depreciation is attributable to any of the deductions referred to in sub-clause (i).

Explanation.—For the removal of doubts, it is hereby clarified that in case of an amalgamation, the option under sub-section (7) shall remain valid in case of the amalgamated company only and if the conditions contained in sub-section (2) are continued to be satisfied by such company; and

(iii) by claiming the depreciation under the provision of section 32, except clause (iia) of sub-section (1) of the said section, determined in such manner as may be prescribed.

(3) The loss referred to in sub-clause (ii) of clause (c) of sub-section (2) shall be deemed to have been given full effect to and no further deduction for such loss shall be allowed for any subsequent year.

(4) If any difficulty arises regarding fulfilment of the conditions contained in sub-clause (ii) or sub-clause (iii) of clause (a) of sub-section (2) or clause (b) of said sub-section, as the case may be, the Board may, with the approval of the Central Government, issue guidelines for the purpose of removing the difficulty and to promote manufacturing or production of article or thing using new plant and machinery.

(5) Every guideline issued by the Board under sub-section (4) shall be laid before each House of Parliament, and shall be binding on the person, and the income-tax authorities subordinate to it.

(6) Where it appears to the Assessing Officer that, owing to the close connection between the person to which this section applies and any other person, or for any other reason, the course of business between them is so arranged that the business transacted between them produces to the person more than the ordinary profits which might be expected to arise in such business, the Assessing Officer shall, in computing the profits and gains of such business for the purposes of this section, take the amount of profits as may be reasonably deemed to have been derived therefrom:

Provided that in case the aforesaid arrangement involves a specified domestic transaction referred to in section 92BA, the amount of profits from such transaction shall be determined having regard to arm's length price as defined in clause (ii) of section 92F:

Provided further that the amount, being profits in excess of the amount of the profits determined by the Assessing Officer, shall be deemed to be the income of the person.

(7) Nothing contained in this section shall apply unless the option is exercised by the person in the prescribed manner on or before the due date specified under sub-section (1) of section 139 for furnishing the first of the returns of income for any previous year relevant to the assessment year commencing on or after 1st day of April, 2020 and such option once exercised shall apply to subsequent assessment years:

Provided that once the option has been exercised for any previous year, it cannot be subsequently withdrawn for the same or any other previous year.

Explanation.—For the purposes of section 115BAA and this section, the expression "unabsorbed depreciation" shall have the meaning assigned to it in clause (b) of sub-section (7) of section 72A.

Amendment
of section
115JAA.

5. In section 115JAA of the Income-tax Act, after sub-section (7), the following sub-section shall be inserted with effect from the 1st day of April, 2020, namely:—

"(8) The provisions of this section shall not apply to a person who has exercised the option under section 115BAA."

Amendment
of section
115JB.

6. In section 115JB of the Income-tax Act, with effect from the 1st day of April, 2020,—

(a) in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that for the previous year relevant to the assessment year commencing on or after the 1st day of April, 2020, the provisions of this sub-section shall have effect as if for the words "eighteen and one-half per cent." occurring at both the places, the words "fifteen per cent." had been substituted.;"

(b) for sub-section (5A), the following sub-section shall be substituted, namely:—

"(5A) The provisions of this section shall not apply to,—

(i) any income accruing or arising to a company from life insurance business referred to in section 115B;

(ii) a person who has exercised the option referred to under section 115BAA or section 115BAB."

Amendment
of section
115QA.

7. In section 115QA of the Income-tax Act, in sub-section (1), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 5th day of July, 2019, namely:—

"Provided that the provisions of this sub-section shall not apply to such buy-back of shares (being the shares listed on a recognised stock exchange), in respect of which public announcement has been made on or before the 5th day of July, 2019 in accordance with the provisions of the Securities and Exchange Board of India (Buy-back of Securities) Regulations, 2018 made under the Securities and Exchange Board of India Act, 1992.

15 of 1992.

CHAPTER III

AMENDMENTS IN THE FINANCE (NO. 2) ACT, 2019

Amendment
of Act No. 23
of 2019.

8. In section 2 of the Finance (No. 2) Act, 2019 [hereafter in this Chapter referred to as the Finance (No. 2) Act], in sub-section (9), with effect from the 1st day of April, 2019,—

(a) in the second proviso, for the words "First Schedule", the words, figures and letters "First Schedule, except in case of a domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act" shall be inserted and shall be deemed to have been inserted;

(b) in the third proviso,—

(i) in clause (a) for the words "the Income-tax Act" the words, figures and letters "the Income-tax Act, not having any income under section 115AD of the Income-tax Act" shall be inserted and shall be deemed to have been inserted;

(ii) after clause (a), the following clause shall be inserted and shall be deemed to have been inserted, namely:—

'(aa) in the case of individual or every association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act having income under section 115AD of the Income-tax Act,—

(i) at the rate of ten per cent. of such "advance tax", where the total income exceeds fifty lakh rupees, but does not exceed one crore rupees;

(ii) at the rate of fifteen per cent. of such "advance tax", where the total income exceeds one crore rupees but does not exceed two crore rupees;

(iii) at the rate of twenty-five per cent. of such "advance tax", where the total income [excluding the income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds two crore rupees but does not exceed five crore rupees;

(iv) at the rate of thirty-seven per cent. of such "advance tax", where the total income [excluding the income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds five crore rupees;

(v) at the rate of fifteen per cent. of such "advance tax", where the total income [including the income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds two crore rupees but is not covered in sub-clauses (iii) and (iv):

Provided that in case where the total income includes any income chargeable under clause (b) of sub-section (1) of section 115AD of the Income-tax Act, the rate of surcharge on the advance tax calculated on that part of income shall not exceed fifteen per cent.;

(iii) in clause (c), in the opening portion, for the words "domestic company", the words, figures and letters "domestic company except such domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act," shall be inserted and shall be deemed to have been inserted;

(c) in the fourth proviso, for the words, brackets and letter "in (a) above", the words, brackets and letters "in (a) and (aa) above" shall be substituted;

(d) after the eighth proviso, the following proviso shall be inserted, namely:—

"Provided also that in case of every domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act, the "advance tax" computed under the first proviso shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of ten per cent. of such "advance tax"."

Amendment
of Part II of
First Schedule.

9. In the First Schedule of the Finance (No.2) Act,—

(A) in PART II, under the sub-heading "Surcharge on income-tax", in paragraph (i), in clause (a), with effect from the 1st day of April, 2019,—

(i) in sub-clauses I and II, after the words "aggregate of such incomes", the brackets, words, figures and letters "(including the income under the provisions of section 111A and section 112A of the Income-tax Act)" shall be inserted and shall be deemed to have been inserted;

(ii) in sub-clauses III and IV, after the words "aggregate of such incomes", the brackets, words, figures and letters "(excluding the income under the provisions of section 111A and section 112A of the Income-tax Act)" shall be inserted and shall be deemed to have been inserted;

(iii) after sub-clause IV, the following sub-clause shall be inserted and shall be deemed to have been inserted, namely:—

"V. at the rate of fifteen per cent. of such tax, where the income or aggregate of the such incomes (including income under the provisions of section 111A and section 112A of the Income-tax Act) paid or likely to be paid and subject to the deduction exceeds two crore rupees, but is not covered under sub-clauses III and IV):

Provided that in case where the total income includes any income chargeable under section 111A and section 112A of the Income-tax Act, the rate of surcharge on the amount of Income-tax deducted in respect of that part of income shall not exceed fifteen per cent.;"

(B) in PART III, in Paragraph A, under the sub-heading "Surcharge on income-tax", after the opening portion,—

(i) in clauses (a) and (b), after the words "having a total income", the brackets, words, figures and letters "(including the income under the provisions of section 111A and section 112A)" shall be inserted;

(ii) in clauses (c) and (d), after the words "having a total income", the brackets, words, figures and letters "(excluding the income under the provisions of section 111A and section 112A)" shall be inserted;

(iii) after clause (d) and before the proviso, the following clause shall be inserted, namely:—

"(e) having a total income (including income under the provisions of section 111A and section 112A) exceeding two crore rupees, but is not covered under clauses (c) and (d), shall be applicable at the rate of fifteen per cent. of such income-tax:

Provided that in case where the total income includes any income chargeable under section 111A and section 112A of the Income-tax Act, the rate of surcharge on the amount of Income-tax computed in respect of that part of income shall not exceed fifteen per cent.;"

Ord. 15 of
2019.

10. (1) The Taxation Laws (Amendment) Ordinance, 2019 is hereby repealed.

Repeal and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Bhopal, the 16th March 2020

No.-57-XXI-A(Dr.).- The following Act of the Parliament, Published in the Gazette of India Extraordinary Part II Section 1 dated the 12th December, 2019 is hereby, republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 12th December, 2019.

By order and in the name of the Governor of Madhya Pradesh,
R.P.Gupta, Under Secy.

THE CITIZENSHIP (AMENDMENT) ACT, 2019

An Act

further to amend the Citizenship Act, 1955.

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

1. (1) This Act may be called the Citizenship (Amendment) Act, 2019.

Short title and commencement.

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

Amendment of section 2.

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

57 of 1955.

"Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act;"

34 of 1920.

31 of 1946.

Insertion of new section 6B.

3. After section 6A of the principal Act, the following section shall be inserted, namely:—

Special provisions as to citizenship of person covered by proviso to clause (b) of sub-section (1) of section 2.

'6B. (1) The Central Government or an authority specified by it in this behalf may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or certificate of naturalisation to a person referred to in the proviso to clause (b) of sub-section (1) of section 2.

(2) Subject to fulfilment of the conditions specified in section 5 or the qualifications for naturalisation under the provisions of the Third Schedule, a person granted the certificate of registration or certificate of naturalisation under sub-section (1) shall be deemed to be a citizen of India from the date of his entry into India.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2019, any proceeding pending against a person under this section in respect of illegal migration or citizenship shall stand abated on conferment of citizenship to him:

Provided that such person shall not be disqualified for making application for citizenship under this section on the ground that the proceeding is pending against him and the Central Government or authority specified by it in this behalf shall not reject his application on that ground if he is otherwise found qualified for grant of citizenship under this section:

Provided further that the person who makes the application for citizenship under this section shall not be deprived of his rights and privileges to which he was entitled on the date of receipt of his application on the ground of making such application.

(4) Nothing in this section shall apply to tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under "The Inner Line" notified under the Bengal Eastern Frontier Regulation, 1873.'

Reg. 5 of 1873.

Amendment
of section 7D.

4. In section 7D of the principal Act,—

(i) after clause (d), the following clause shall be inserted, namely:—

"(da) the Overseas Citizen of India Cardholder has violated any of the provisions of this Act or provisions of any other law for time being in force as may be specified by the Central Government in the notification published in the Official Gazette; or";

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

"Provided that no order under this section shall be passed unless the Overseas Citizen of India Cardholder has been given a reasonable opportunity of being heard."

Amendment
of section 18.

5. In section 18 of the principal Act, in sub-section (2), after clause (ee), the following clause shall be inserted, namely:—

"(eei) the conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation under sub-section (1) of section 6B;".

6. In the Third Schedule to the principal Act, in clause (d), the following proviso shall be inserted, namely:—

Amendment
of Third
Schedule.

'Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government in India as required under this clause shall be read as "not less than five years" in place of "not less than eleven years".'

Bhopal, the 16th March 2020

No.-57-XXI-A(Dr.).- The following Act of the Parliament, Published in the Gazette of India Extraordinary Part II Section 1 dated the 13th December, 2019 is hereby, republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 13th December, 2019.

By order and in the name of the Governor of Madhya Pradesh,
R.P.Gupta, Under Secy.

THE ARMS (AMENDMENT) ACT, 2019

An Act

further to amend the Arms Act, 1959.

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

1. (1) This Act may be called the Arms (Amendment) Act, 2019.

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.

54 of 1959.

2. In the Arms Act, 1959 (hereinafter referred to as the principal Act), in section 2, after clause (e), the following clause shall be inserted, namely:—

Amendment of section 2.

(ea) "licence" means a licence issued in accordance with the provisions of this Act and rules made thereunder and includes a licence issued in the electronic form;

Amendment of section 3.

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

(i) for the words "three firearms", the words "two firearm" shall be substituted;

(ii) for the proviso, the following provisos shall be inserted, namely:—

"Provided that a person who has in his possession more firearms than two at the commencement of the Arms (Amendment) Act, 2019, may retain with him any two of such firearms and shall deposit, within one year from such commencement, the remaining firearm with the officer in charge of the nearest police station or, subject to the conditions prescribed for the purposes of sub-section (1) of section 21, with a licensed dealer or, where such person is a member of the armed forces of the Union, in a unit armoury referred to in that sub-section after which it shall be delicensed within ninety days from the date of expiry of aforesaid one year:

Provided further that while granting arms licence on inheritance or heirloom basis, the limit of two firearms shall not be exceeded."

Amendment
of section 5.

4. In section 5 of the principal Act, in sub-section (1), in clause (a), for the word "manufacture," the words "manufacture, obtain, procure," shall be substituted.

Amendment
of section 6.

5. In section 6 of the principal Act, after the words "convert an imitation firearm into a firearm", the words and figures "or convert from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms" shall be inserted.

Amendment
of section 8.

6. In section 8 of the principal Act, in sub-section (1), for the word "firearm", the words "firearm or ammunition" shall be substituted.

Amendment
of section 13.

7. In section 13 of the principal Act, in sub-section (3), in clause (a), in sub-clause (ii), for the words and figures "point 22 bore rifle or an air rifle", the word "firearm" shall be substituted.

Amendment
of section 15.

8. In section 15 of the principal Act, in sub-section (1),—

(a) for the words "period of three years", the words "period of five years" shall be substituted;

(b) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the licence granted under section 3 shall be subject to the conditions specified in sub-clauses (ii) and (iii) of clause (a) of sub-section (1) of section 9 and the licensee shall produce the licence along with the firearm or ammunition and connected document before the licensing authority after every five years from the date on which it is granted or renewed."

Amendment
of section 25.

9. In section 25 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (a), for the word "manufactures," the words "manufactures, obtains, procures," shall be substituted;

(b) in clause (b), after the words "convert an imitation firearm into a firearm", the words and figures "or convert from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms" shall be inserted;

(c) in the long line, for the words "three years but which may extend to seven years", the words "seven years but which may extend to imprisonment for life" shall be substituted;

(ii) in sub-section (1A),—

(a) for the words "five years but which may extend to ten years", the words "seven years but which may extend to fourteen years" shall be substituted;

(b) the following proviso shall be inserted, namely:—

"Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than seven years.";

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

"(1AB) Whoever, by using force, takes the firearm from the police or armed forces shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.";

(iv) in sub-section (1AA), for the words "seven years", the words "ten years" shall be substituted;

(v) in sub-section (1B),—

(a) in the long line, for the words "one year but which may extend to three years", the words "two years but which may extend to five years and shall also be liable to fine" shall be substituted;

(b) in the proviso, for the words "one year", the words "two years" shall be substituted;

(vi) after sub-section (5), the following sub-sections shall be inserted, namely:—

(6) If any member of an organised crime syndicate or any person on its behalf has at any time has in his possession or carries any arms or ammunition in contravention of any provision of Chapter II shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

(7) Whoever on behalf of a member of an organised crime syndicate or a person on its behalf,—

(i) manufactures, obtains, procures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or

(ii) shortens the barrel of a firearm or converts an imitation firearm into a firearm or converts from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms in contravention of section 6; or

(iii) brings into, or takes out of India, any arms or ammunition of any class or description in contravention of section 11,

shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

Explanation.—For the purposes of sub-sections (6) and (7),—

(a) "organised crime" means any continuing unlawful activity by any person, singly or collectively, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion, or other unlawful means, with the objective of gaining pecuniary benefits, or gaining undue economic or other advantage for himself or any person;

(b) "organised crime syndicate" means a group of two or more persons who, acting either singly or collectively, as a syndicate or gang indulge in activities of organised crime.

(8) Whoever involves in or aids in the illicit trafficking of firearms and ammunition in contravention of sections 3, 5, 6, 7 and 11 shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

Explanation.—For the purposes of this sub-section, "illicit trafficking" means the import, export, acquisition, sale, delivery, movement or transfer of firearms and ammunition into, from or within the territory of India, if the firearms and ammunition are not marked in accordance with the provisions of this Act or are being trafficked in contravention of the provisions of this Act including smuggled firearms of foreign make or prohibited arms and prohibited ammunition.

(9) Whoever uses firearm in a rash or negligent manner or in celebratory gunfire so as to endanger human life or personal safety of others shall be punishable with an imprisonment for a term which may extend to two years, or with fine which may extend to rupees one lakh, or with both.

Explanation.—For the purposes of this sub-section, "celebratory gunfire" means the practice of using firearm in public gatherings, religious places, marriage parties or other functions to fire ammunition.'

Amendment
of section 27.

10. In section 27 of the principal Act, in sub-section (3), for the words "shall be punishable with death", the words "shall be punishable with imprisonment for life, or death and shall also be liable to fine" shall be substituted.

Amendment
of section 44.

11. In section 44 of the principal Act, in sub-section (2), in clause (f),—

(a) for the words "firearm shall be stamped or otherwise shown thereon", the words "firearm or ammunition shall be stamped or otherwise shown thereon for the purposes of tracing" shall be substituted;

(b) the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this clause, "tracing" means the systematic tracking of firearms and ammunition from manufacturer to purchaser for the purpose of detecting, investigating and analysing illicit manufacturing and illicit trafficking.'

अंतिम नियम

नगरीय विकास एवं आवास विभाग

मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 18 मार्च 2020

सूचना

क्रमांक-एफ 3-100/18/18-5 :: मध्य प्रदेश नगर तथा ग्राम निवेश अधिनियम, 1973 (क्रमांक 23 सन् 1973) की धारा 85 के साथ पठित धारा 58 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार एतद् द्वारा मध्य प्रदेश विकास प्राधिकरणों की सम्पत्तियों का प्रबंधन तथा व्ययन नियम-2018 में संशोधन करती है, जो की धारा 85 की उपधारा (1) के द्वारा अपेक्षित किये गये अनुसार मध्य प्रदेश राजपत्र में दिनांक 15 नवम्बर, 2019 में पूर्व में प्रकाशित किये जा चुके हैं :-

संशोधन

उक्त नियमों में,-

1. नियम 8 में,-

(1) उप-नियम (2) में खण्ड (आठ) के पश्चात्, निम्नलिखित खण्ड जोड़ा जाए, अर्थात्:-

“(नौ) कॉर्नर का भूखण्ड होने की स्थिति में, नियत मूल्य कलक्टर गाईडलाईन के अनुसार 10 प्रतिशत अतिरिक्त राशि सहित होगा।”।

(2) उप-नियम (2) के पश्चात्, निम्नलिखित उप-नियम जोड़ा जाए, अर्थात्:-

“(3) किसी योजना के अधीन लॉटरी/आबंटन के माध्यम से विक्रय के लिए शेष ऐसे भवनों/भूखण्डों/वासगृहों, जो कि विज्ञापित किए गए थे, की उपलब्धता की दशा में यदि कोई आबंटिती भवन/भूखण्ड/वासगृह के उक्त आबंटन के क्रमांक का परिवर्तन कराने का इच्छुक है, तो ऐसा प्रीमियम राशि अथवा प्रचलित कलक्टर गाईडलाईन मूल्य का 5 प्रतिशत, जो भी अधिक हो, उक्त आबंटिती

द्वारा वांछित परिवर्तन के लिए परिवर्तन शुल्क के रूप में जमा किए जाने के पश्चात् ही किया जाएगा।”।

2. नियम 11 में, उप-नियम (1) में, शब्द “भारतीय रिजर्व बैंक द्वारा अनुसूचित ऋण दरों में दो प्रतिशत जोड़कर निर्धारित की जाएगी” के स्थान पर, शब्द “दस प्रतिशत होगी” स्थापित किए जाएं।

3. नियम 15 में,—

(1) उप-नियम (2) के स्थान पर, निम्नलिखित उप-नियम स्थापित किया जाए, अर्थात् :—

“(2) पट्टे की नियत अवधि समाप्त होने पर, मूल पट्टा अनुबंध में जिस प्रयोजन हेतु भूमि आबंटित की गई थी उसी प्रयोजन हेतु आगामी तीस वर्षों की अवधि के लिए पट्टे को नवीनीकरण करने की शक्ति मुख्य कार्यपालन अधिकारी में निहित होगी, परन्तु नवीनीकरण के दौरान प्रीमियम राशि का निर्धारण आवासीय भू-खण्ड/भवन हेतु प्रचलित बाजार दर का 0.5 प्रतिशत निर्धारित की जाएगी। आवासीय-सह-वाणिज्यिक, वाणिज्यिक तथा औद्योगिक प्रयोजन हेतु भूमि के उपयोग होने की दशा में प्रचलित बाजार दर का 1 प्रतिशत तथा सार्वजनिक एवं अर्द्ध सार्वजनिक प्रयोजन हेतु प्रचलित बाजार दर का 0.25 प्रतिशत एवं पट्टा-भाटक मूल पट्टा भाटक का चार गुना अथवा प्रचलित बाजार मूल्य का 0.5 प्रतिशत, जो भी कम हो, निर्धारित किया जाएगा :

परन्तु मुख्य कार्यपालन अधिकारी, नवीनीकरण के मामलों के संबंध में रिपोर्ट संचालक मण्डल की आगामी बैठक में प्रस्तुत करेंगे।”

(2) उप-नियम (3) में, खण्ड (एक) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात् :—

“(एक) सम्पत्ति व्ययन के मामलों प्रकरणों में, पट्टे के नवीनीकरण के समस्त अधिकार मुख्य कार्यपालन अधिकारी जबकि पट्टे के निबंधनों के उल्लंघन एवं उल्लंघन के मामलों में शमन के मामलों में संचालक मण्डल में निहित होंगे ;”।

4. नियम 19 में, उप-नियम (1) में, शब्द तथा अंक "अंतरण शुल्क रू. 5,000/- से अधिक नहीं होगा" के स्थान पर, शब्द तथा अंक "इस हेतु, अंतरण शुल्क कलक्टर गार्ड लाइन के अनुसार 0.25 प्रतिशत अथवा रूपये 5000/- जो भी अधिक हो, देय होगा" स्थापित किए जाएं।
5. नियम 22 में, उप-नियम (1) में, सारणी में,—
- (1) अनुक्रमांक (3) के सामने, कॉलम (2) में, प्रविष्टियों के अन्त में पूर्ण विराम से पहले, निम्नलिखित शब्द अन्तःस्थापित किए जाएं, अर्थात्:—
"हस्तांतरण शुल्क एवं हस्तांतरण शुल्क पर ब्याज की गणना विक्रय पत्र के रजिस्ट्रीकरण की तारीख से की जाएगी "।
- (2) अनुक्रमांक (4) के सामने, कॉलम (3) में, प्रविष्टियों के अंत में, पूर्ण विराम के स्थान पर, कॉलन स्थापित किया जाए और कॉलन के पश्चात्, निम्नलिखित परन्तुक जोड़ा जाए, अर्थात्:—
"परन्तु उपरोक्त उपबंध केवल पट्टा अवधि के दौरान लागू होंगे।"।
6. नियम 32 में,—
- (1) उप-नियम (1) में, शब्द "पट्टाधारी" के स्थान पर, शब्द "पट्टाधारी/आबंटिती" स्थापित किए जाएं।
- (2) उप-नियम (2) में, शब्द "पट्टाधारी" के स्थान पर, शब्द "पट्टाधारी/आबंटिती" स्थापित किए जाएं।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
शुभाशीष बैनर्जी, उपसचिव.

भोपाल, दिनांक 18 मार्च 2020

क्र. एफ-03-100-2018-अठारह-5.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, नगरीय विकास एवं आवास की सूचना क्रमांक एफ-03-100-2018-अठारह-5, दिनांक 18 मार्च 2020 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
शुभाशीष बैनर्जी, उपसचिव.

NOTICE

Bhopal, the 18th March 2020

No. F-3-100-18-XVIII-5.—In exercise of the powers conferred by Section 85 read with Section 58 of Madhya Pradesh Town and Country Planning Act, 1973, the State Government hereby makes the following amendments in Madhya Pradesh Vikas Pradhikarano ki Sampatiyon ka Prabandhan Tatha Vyayan Niyam, 2018, the same having been previously published in the Madhya Pradesh Gazette dated 15th November 2019 as required by sub-section (1) of Section 85 of the said Act.

AMENDMENT

In the said rules-

1. In rule 8,-

(1) In sub-rule (2), after clause (viii), the following clause shall be added, namely:-

“(ix) In case of corner plot, the fixed price shall be inclusive of 10% additional amount as per the Collector Guideline.”.

(2) After sub-rule (2), the following sub-rule shall be added, namely:-

“(3) In case of availability of remaining buildings/plots/ tenements for sale through lottery/allotment under a scheme which were put to advertisement, if any allottee is desirous of any change of serial number of the said allotment of building/ plot/ tenement, the same shall be carried out only after deposit of premium amount or 5% of prevailing Collector Guideline price, whichever is higher, by the said allottee as conversion fee in respect of the desired change.”.

2. In rule 11, in sub-rule (1), for the words, “fixed by adding two percent on the interest rate scheduled by the Reserve Bank of India”, the words, “10% maximum” shall be substituted.

3. In rule 15,-

- (1) For sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) Upon expiry of fixed period of lease, the power to renew the lease for a period of thirty years for the same use for which the land was allotted in the original lease deed shall be vested in the chief Executive Officer, but during renewal, the premium amount will be determined on 0.5% of prevailing market rate for residential plots/ building. In case of use of land for residential - cum - commercial, commercial and industrial purpose 1% of prevailing market rate and for public and semi public purpose 0.25% of prevailing market rate and lease rent shall be determined on four times of the original lease rent or 0.5% of the prevailing market value, whichever is less :

Provided that the Chief Executive Officer shall submit report in respect of the renewal cases in the next meeting of the Board of Directors.”

- (2) In sub-rule (3), for clause (i), the following clause shall be substituted, namely:-

“(i) In property disposal cases, the right towards renewal of the lease shall vest with the Chief Executive officer whereas renewal of lease in cases of violation of terms of lease and compounding in matter of violation shall vest with the Board of Directors;”.

4. In rule 19, in sub-rule (1), for the words and figure, "The transfer fee shall not be more than Rs 5000/-", the words and figure, "Towards this, the transfer fee of 0.25% as per collector guide line or Rs 5000/-

whichever is higher shall be payable.” shall be substituted.

5. In rule 22, in sub-rule (1), in the table,-

(1) Against serial No (3), in column (2) in the end of entries before full stop, the following words shall be inserted, namely:-

“the calculation of transfer fee and interest on transfer fee shall be carried out from the date of registration of the sale deed”.

(2) Against serial No (4), in column (3) in the end of entries, for full stop, colon shall be substituted and after colon the following proviso shall be added, namely:-

“Provided that the above provisions shall apply during lease period only.”.

6. In rule 32,-

(1) In sub-rule (1), for the words "lease holder", the words "lease holder/allottee" shall be substituted.

(2) In sub-rule (2), for the words "lease holder", the words "lease holder/allottee" shall be substituted.

By order and in the name of the Governor of Madhya Pradesh,
SHUBHASHISH BANERJEE, Dy. Secy.