



GOVERNMENT OF TAMIL NADU
2009

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Part IV—Section 4

CENTRAL ACTS AND ORDINANCES

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ACTS OF PARLIAMENT ASSENTED TO BY THE PRESIDENT

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 31st October, 2008.

The following Act of Parliament received the assent of the President on the 31st October, 2008 and is hereby published for general information:—

THE APPROPRIATION (No. 3) ACT, 2008

ACT No. 20 OF 2008

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2008-09.

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 1. This Act may be called the Appropriation (No. 3) Act, 2008. | Short title. |
| 2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two lakh thirty-seven thousand two hundred eighty-five crore and eighty four lakh rupees only towards defraying the several charges which will come in course of payment during the financial year 2008-09 in respect of the services specified in column 2 of the Schedule | Issue of Rs.25728584/000 out of the Consolidated Fund of India for the Financial year 2008-09 |
| 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year | Appropriation |

THE SCHEDULE
(See sections 2 and 3)

1		2		3			
No. of Vote		Services and purposes		Sum not exceeding		Total	
				Voted by Parliament	Charged on the Consolidated Fund		Rs.
1	Department of Agriculture and Cooperation	Revenue	280,39,00,000		280,39,00,000		
		Capital	65,68,00,000		65,68,00,000		
2	Department of Agricultural Research and Education	Revenue	213,44,00,000		213,44,00,000		
3	Department of Animal Husbandry, Dairying and Fisheries	Revenue	24,66,00,000	43,00,000	25,09,00,000		
		Capital	1,00,000		1,00,000		
4	Atomic Energy	Revenue	609,12,00,000		609,12,00,000		
		Capital	37,39,00,000		37,39,00,000		
5	Nuclear Power Schemes	Revenue	6,23,00,000		6,23,00,000		
6	Department of Chemicals and Petrochemicals	Revenue	7,11,00,000		7,11,00,000		
7	Department of Fertilisers	Revenue	52865,56,00,000		52865,56,00,000		
8	Ministry of Civil Aviation	Revenue	10,14,00,000		10,14,00,000		
9	Ministry of Coal	Revenue	2,58,00,000		2,58,00,000		
10	Department of Commerce	Revenue	360,66,00,000	1,00,000	360,67,00,000		
		Capital	1,00,000		1,00,000		
11	Department of Industrial Policy and Promotion	Revenue	27,89,00,000		27,89,00,000		
12	Department of Posts	Revenue	1915,25,00,000		1915,25,00,000		
13	Department of Telecommunications	Revenue		7,00,000	7,00,000		
14	Department of Information Technology	Revenue	100,00,00,000		100,00,00,000		
15	Department of Consumer Affairs	Revenue	8,66,00,000		8,66,00,000		
16	Department of Food and Public Distribution	Revenue	5109,15,00,000	1,54,00,000	5111,09,00,000		
17	Ministry of Corporate Affairs	Revenue	14,48,00,000		14,48,00,000		
		Capital	30,00,00,000		30,00,00,000		
18	Ministry of Culture	Revenue	98,89,00,000		98,89,00,000		
19	Ministry of Defence	Revenue	354,30,00,000		354,30,00,000		
		Capital	9,81,00,000		9,81,00,000		
20	Defence Functions	Revenue	1941,00,00,000		1941,00,00,000		
21	Defence Services—Army	Revenue	6303,26,00,000		6303,26,00,000		
22	Defence Services—Navy	Revenue	688,88,00,000		688,88,00,000		
23	Defence Services—Air Force	Revenue	1120,79,00,000		1120,79,00,000		
24	Defence Ordnance Factories	Revenue	100,00,00,000		100,00,00,000		
25	Defence Services—Research and Development	Revenue	259,65,00,000		259,65,00,000		
27	Ministry of Development of North-Eastern Region	Revenue	1,00,00,000		1,00,00,000		
28	Ministry of Earth Sciences	Revenue	49,76,00,000		49,76,00,000		
		Capital	1,00,000		1,00,000		
29	Ministry of Environment and Forests	Revenue	27,03,00,000		27,03,00,000		
		Capital	70,00,000		70,00,000		
30	Ministry of External Affairs	Revenue	778,11,00,000		778,11,00,000		
31	Department of Economic Affairs	Revenue	204,43,00,000		204,43,00,000		
		Capital	1000,60,00,000		1000,60,00,000		
32	Payments to Financial Institutions	Revenue	40668,40,00,000		40668,40,00,000		
		Capital	4996,23,00,000		4996,23,00,000		
33	Department of Financial Services	Revenue	9,00,00,000		9,00,00,000		
35	Transfers to State and Union territory Governments	Revenue	3240,66,00,000		3240,66,00,000		
		Capital		2000,00,00,000	2000,00,00,000		

2		3		
No. of Vote	Services and purposes	Sums not exceeding		Total
		Voted by Parliament	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
	CHARGED.—Repayment of Debt	Capital	8622.63,00,000	8622.63,00,000
38	Department of Expenditure	Revenue	7,18,00,000	7,18,00,000
39	Pensions	Revenue	2050,00,00,000	2050,00,00,000
40	Indian Audit and Accounts Department	Revenue	344,97,00,000	344,97,00,000
41	Department of Revenue	Revenue	40,49,00,000	40,49,00,000
42	Direct Taxes	Revenue	303,55,00,000	303,55,00,000
43	Indirect Taxes	Revenue	373,29,00,000	373,29,00,000
44	Department of Disinvestment	Revenue	57,00,000	57,00,000
		Capital	1,00,000	1,00,000
45	Ministry of Food Processing Industries	Revenue	2,10,00,000	2,10,00,000
46	Department of Health and Family Welfare	Revenue	378,30,00,000	378,30,00,000
		Capital	1,00,000	1,00,000
47	Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH)	Revenue	35,60,00,000	35,60,00,000
48	Department of Health Research	Revenue	7,00,000	7,00,000
49	Department of Heavy Industry	Revenue	813,99,00,000	813,99,00,000
		Capital	1,00,000	1,00,000
50	Department of Public Enterprises	Revenue	79,00,000	79,00,000
51	Ministry of Home Affairs	Revenue	253,36,00,000	253,36,00,000
52	Cabinet	Revenue	41,78,00,000	41,78,00,000
53	Police	Revenue	5065,29,00,000	5065,29,00,000
		Capital	2,00,000	2,00,000
54	Other Expenditure of the Ministry of Home Affairs	Revenue	84,33,00,000	84,33,00,000
55	Transfers to Union territory Governments	Revenue	165,00,00,000	165,00,00,000
56	Ministry of Housing and Urban Poverty Alleviation	Revenue	2,17,00,000	2,17,00,000
57	Department of School Education and Literacy ..	Revenue	282,35,00,000	282,35,00,000
		Capital	761,54,00,000	761,54,00,000
58	Department of Higher Education	Revenue	554,68,00,000	554,68,00,000
59	Ministry of Information and Broadcasting	Revenue	238,19,00,000	238,19,00,000
60	Ministry of Labour and Employment	Revenue	117,35,00,000	117,35,00,000
		Capital	625,00,00,000	625,00,00,000
61	Election Commission	Revenue	1,87,00,000	1,87,00,000
62	Law and Justice	Revenue	208,28,00,000	208,28,00,000
	CHARGED.—Supreme Court of India	Revenue	12,41,00,000	12,41,00,000
64	Ministry of Micro, Small and Medium Enterprises	Revenue	53,63,00,000	53,63,00,000
65	Ministry of Mines	Revenue	77,02,00,000	77,02,00,000
66	Ministry of Minority Affairs	Revenue	1,72,00,000	1,72,00,000
67	Ministry of New and Renewable Energy	Revenue	3,55,00,000	3,55,00,000
68	Ministry of Overseas Indian Affairs	Revenue	1,38,00,000	1,38,00,000
69	Ministry of Panchayati Raj	Revenue	74,00,000	74,00,000
70	Ministry of Parliamentary Affairs	Revenue	92,00,000	92,00,000
71	Ministry of Personnel, Public Grievances and Pensions	Revenue	142,55,00,000	142,55,00,000
72	Ministry of Petroleum and Natural Gas	Revenue	65944,54,00,000	65944,54,00,000

1 No. of Vote	2 Services and purposes	3 Sum not exceeding		4 Total
		Voted by Parliament	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
73	Ministry of Planning	10,83,00,000	..	10,83,00,000
74	Ministry of Power	29,79,00,000	..	29,79,00,000
	CHARGES.—Staff, Household and Allowances of the President	3,08,00,000	3,08,00,000
76	Lok Sabha	24,89,00,000	..	24,89,00,000
77	Rajya Sabha	10,28,00,000	..	10,28,00,000
	CHARGES.—Union Public Service Commission	11,54,00,000	11,54,00,000
79	Secretary of the Vice-President	30,00,000	..	30,00,000
80	Department of Rural Development	21360,57,00,000	..	21360,57,00,000
81	Department of Land Resources	79,00,000	..	79,00,000
82	Department of Drinking Water Supply	100,42,00,000	..	100,42,00,000
83	Department of Science and Technology	118,15,00,000	..	118,15,00,000
84	Department of Scientific and Industrial Research	207,09,00,000	..	207,09,00,000
85	Department of Biotechnology	12,32,00,000	..	12,32,00,000
86	Department of Shipping	17,20,00,000	..	17,20,00,000
	Capital	1,30,00,000	..	1,30,00,000
87	Department of Road Transport and Highways	13,22,00,000	..	13,22,00,000
88	Ministry of Social Justice and Empowerment	12,72,00,000	..	12,72,00,000
89	Department of Space	220,95,00,000	..	220,95,00,000
	Capital	5,00,00,000	..	5,00,00,000
90	Ministry of Statistics and Programme Implementation	56,89,00,000	..	56,89,00,000
91	Ministry of Steel	2,88,00,000	..	2,88,00,000
92	Ministry of Textiles	245,05,00,000	..	245,05,00,000
	Capital	1,00,000	..	1,00,000
93	Ministry of Tourism	5,70,00,000	..	5,70,00,000
94	Ministry of Tribal Affairs	4,27,00,000	..	4,27,00,000
95	Andaman and Nicobar Islands	116,14,00,000	..	116,14,00,000
	Capital	205,00,00,000	..	205,00,00,000
97	Dadra and Nagar Haveli	14,18,00,000	..	14,18,00,000
98	Daman and Diu	12,03,00,000	..	12,03,00,000
99	Lakshadweep	17,73,00,000	..	17,73,00,000
	Capital	2,00,000	..	2,00,000
100	Department of Urban Development	11,09,00,000	..	11,09,00,000
	Capital	400,00,00,000	..	400,00,00,000
101	Public Works	112,65,00,000	..	112,65,00,000
102	Stationery and Printing	40,23,00,000	..	40,23,00,000
103	Ministry of Water Resources	112,70,00,000	..	112,70,00,000
	Capital	1,61,00,000	..	1,61,00,000
104	Ministry of Women and Child Development	13,07,00,000	..	13,07,00,000
105	Ministry of Youth Affairs and Sports	551,07,00,000	..	551,07,00,000
	Total	226623,00,00,000	10663,78,00,000	237286,78,00,000

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
Joint Secretary to Government,
Law Department.

New Delhi, the 31st October, 2008.

The following Act of Parliament received the assent of the President on the 31st October, 2008 and is hereby published for general information:—

THE APPROPRIATION (RAILWAYS) No. 4 ACT, 2008.

ACT No. 21 OF 2008

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2008-09 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) No. 4 Act, 2008.

Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of five hundred twenty-six crore, one lakh and seventy thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2008-09, in respect of the services relating to Railways specified in column 2 of the Schedule.

Issue of
Rs.
526,01,70,000
out of
Consolidated
Fund of India
for financial
year 2008-09

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
16	Assets—Acquisition, Construction and Replacement			
	<i>Other Expenditure</i>			
	Capital.....	526,00,30,000	..	526,00,30,000
	Railway Funds.....	85,000	..	85,000
	Railway Safety Fund...	55,000	..	55,000
	TOTAL	526,01,70,000	..	526,01,70,000

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
Joint Secretary to Government,
Law Department.

New Delhi, the 11th November, 2008.

The following Act of Parliament received the assent of the President on the 11th November, 2008 and is hereby published for general information:—

THE INDIAN MARITIME UNIVERSITY ACT, 2008

ARRANGEMENT OF SECTIONS

SECTIONS

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SECTIONS

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49. Transfer of assets and options of the employees.
50. Role of Central Government and Director-General of Shipping.

THE SCHEDULE.

THE INDIAN MARITIME UNIVERSITY ACT, 2008

ACT No. 22 OF 2008

An Act to establish and incorporate a teaching and affiliating University at the national level to facilitate and promote maritime studies and research and to achieve excellence in areas of marine science and technology, marine environment and other related fields, and to provide for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Indian Maritime University Act, 2008.

Short title and
commence-
ment

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

Definitions.

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

- (a) "Academic Council" means the Academic Council of the University;
- (b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;
- (c) "Board of Affiliation and Recognition" means Board of Affiliation and Recognition of the University;
- (d) "Board of Studies" means the Board of Studies of the University;
- (e) "Campus" means the unit established or constituted by the University for making arrangements for instruction, research, education and training;
- (f) "Certificate of Competency" means a certificate issued by the competent authority under the Merchant Shipping Act, 1958;
- (g) "Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" mean, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;
- (h) "College" means a college maintained by or admitted to the privileges of the University for imparting education and training in maritime studies or in its associated disciplines;
- (i) "Court" means the Court of the University;
- (j) "Department" means a Department of Studies; and includes a Centre of Studies;
- (k) "Director-General" means the Director-General of Shipping appointed by the Government of India under section 7 of the Merchant Shipping Act, 1958;
- (l) "Distance Education System" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes, e-learning or the combination of any two or more such means;
- (m) "Employee" means any person appointed by the University and includes teachers and other staff including deputationists of the University;
- (n) "Executive Council" means the Executive Council of the University;
- (o) "Finance Committee" means the Finance Committee of the University;
- (p) "Governing Body" in relation to a college or an institution, means the Governing Body or any other body, by whatever name called, charged with the management of the affairs of such college or institution, as the case may be, and recognised as such by the University;
- (q) "Hall" means a unit of residence for the students of the University, or of a College or an Institution, maintained by the University;
- (r) "Institution" means an institution, school, college or centre of studies maintained by or admitted to the privileges of the University for imparting education and training in maritime studies or in its associated disciplines;
- (s) "Notification" means a notification published in the Official Gazette;
- (t) "Off-shore Campus" means an institution, college, centre, school or campus of the University, that could be established outside the country;
- (u) "Planning Board" means the Planning Board of the University;

44 of 1958.

44 of 1958

(v) "Principal" means the head of a college or an institution;

(w) "Recognised institution" means an institution admitted to the privileges of the University for imparting education in maritime studies or its associated disciplines;

(x) "Recognised teachers" means such persons as are recognised by the University for the purpose of imparting instructions in a college or an institution admitted to the privileges of the University;

(y) "School" means a School of Studies of the University;

(z) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, the Ordinances and the Regulations made under this Act;

(za) "University" means the Indian Maritime University established under this Act;

(zb) "teachers of the University" means Professors, Associate Professors, Assistant Professors, Readers, Senior Lecturers, Lecturers and such other persons as may be appointed for imparting instruction or conducting research in the University or in any college or institution maintained by the University; and

(zc) "University Grants Commission" means the commission established under section 4 of the University Grants Commission Act, 1956.

3 of 1956.

3. (1) There shall be established a University by the name of Indian Maritime University.

The University.

(2) The headquarters of the University shall be at Chennai with its campuses at Mumbai, Kolkata, Chennai, Vishakhapatnam and such other places within its jurisdiction as it may deem fit.

(3) The first Chancellor, the first Vice-Chancellor, the first members of the Court, the Executive Council, the Academic Council, the Planning Board and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the University.

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

(5) The University shall be both, a teaching and an affiliating University.

4. The objects of the University shall be,—

Objects of the University.

(i) to facilitate and promote maritime studies, training, research and extension work with focus on emerging areas of studies like oceanography, maritime history, maritime laws, maritime security, search and rescue, transportation of dangerous cargo, environmental studies and other related fields, and also to achieve excellence in these and connected fields and other matters connected therewith or incidental thereto;

(ii) to promote advanced knowledge by providing institutional and research facilities in such branches of learning as it may deem fit and to make provisions for integrated courses in Science and other key and frontier areas of Technology and allied disciplines in the educational programmes of the University;

(iii) to take appropriate measures for promoting innovations in teaching-learning process, inter-disciplinary studies and research; and to pay special attention to the promotion of educational and economic interests and welfare of the people of India;

(iv) to promote freedom, secularism, equality and social justice as enshrined in the Constitution of India and to act as catalyst in socio-economic transformation by promoting basic attitudes and values of essence to national development; and

(v) to extend the benefits of knowledge and skills for development of individuals and society by associating the University closely with local, regional and national issues of development.

Powers of the University

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

(i) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

(ii) to make provision for recognised institutions to undertake special studies;

(iii) to establish and maintain campuses, colleges, institutions, departments, laboratories, libraries, museums, centres of research, training and specialised studies;

(iv) to establish and maintain hostels, health centres and other related facilities like auditoria, playgrounds, gymnasiums, swimming pools, training ships;

(v) to provide for establishment of campuses for serving a group of recognised colleges and to provide for and maintain common resource centres in such campuses in the form of libraries, laboratories, computer centres and the like centres of learning;

(vi) to grant, subject to such conditions as the University may determine, diplomas for certificates other than Certificates of Competencies of Sea-farers, which shall continue to be issued by Director-General of Shipping, Government of India till the Central Government otherwise decides, and confer degrees and other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

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

(viii) to organise and to undertake extra-mural studies, training and extension services;

(ix) to institute Directorships, Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or academic positions;

(x) to provide for the terms and conditions of service of—

(i) Directors, Principals and teachers and other members of the academic staff appointed by the University;

(ii) teachers and other members of the academic staff appointed by any college or institution; and

(iii) any other employee of recognised college or institution, whether appointed by the University or such college or institution;

(xi) to appoint persons working in any other University or organisation as teachers of the University for a specified period;

(xii) to recognise an institution of higher learning for such purposes as the University may determine and to withdraw such recognition;

(xiii) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;

(xiv) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;

(xv) to create teaching, non-teaching, administrative, ministerial and other posts in the University and to make appointments thereto;

(xvi) to co-operate or collaborate or associate with any other University or authority or institution of higher learning within India or abroad, in such manner and for such purposes as the University may determine;

(xvii) to approve appointment of persons for imparting instructions in any institution admitted to the privileges of the University and to withdraw such approval;

(xviii) to inspect recognised institutions through suitable machinery established for the purpose, and to take measures to ensure that proper standards of instruction, teaching and training are maintained by them, and adequate library, laboratory, hospital, workshop and other academic facilities are provided for;

(xix) to prescribe fees and other charges to be levied on the students of self-financing colleges and institutions;

(xx) to coordinate the work of different colleges and institutions working in the same and similar areas;

(xxi) to set up central facilities like computer centre, training centre, instrumentation centre, library, simulators;

(xxii) to set up curriculum development centres for different subjects;

(xxiii) to admit to its privileges colleges and institutions, not maintained by the University, and to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes;

(xxiv) to recognise guide, supervise and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;

(xxv) to make provision for research and advisory services and for that purpose, to enter into such arrangements with other institutions or bodies as the University may deem necessary;

(xxvi) to prescribe fees for recognising of colleges and institutions;

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

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

(xxix) to demand and receive payment of fees and other charges;

(xxx) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(xxxi) to make such special arrangements in respect of women students as the University may consider desirable;

(xxxii) to regulate the conduct of the students of the University and of colleges and institutions;

(xxxiii) to control and regulate admission of students for various courses of study in Departments, recognised institutions, schools and centres of studies;

(xxxiv) to regulate the work and conduct of the employees of the University and of the employees of the colleges and institutions;

(xxxv) to regulate and enforce discipline among the employees and students of the University and to take such disciplinary measures in this regard as may be deemed necessary;

(xxxvi) to prescribe code of conduct for managements of recognised colleges and institutions;

(xxxvii) to make arrangements for promoting the health and general welfare of the employees of the University and those of colleges and institutions;

(xxxviii) to receive benefactions, donations and gifts from persons and to name after them such chairs, institutions, buildings and the like, the University may determine, whose gift or donation to the University is worth such amount as the University may decide;

(xxxix) to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the purposes of the University;

(xl) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(xli) to assess needs of the students in terms of subjects, fields of specialisation, levels of education and training of technical manpower, both on short and long term basis, and to initiate necessary programmes to meet these needs;

(xlii) to initiate measures to enlist the co-operation of the industry to provide complementary facilities;

(xliii) to provide for instruction through "distance learning" and "open approach" and for mobility of students from the non-formal open learning stream to the formal stream and *vice versa*;

(xliv) to establish such campuses, special centres, specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objective;

(xlv) to confer autonomous status on a college or an institution or a Department, as the case may be, in accordance with the Statutes;

(xlvi) to arrange for the training to upgrade maritime standard of the employees of the industry and institutes and to levy fees for such training as prescribed by the Statutes;

(xlvii) to establish Off-shore Campus at any place outside the Country as and when it is considered necessary for advancing the aims and objectives of the University; and

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

Jurisdiction.

6. The jurisdiction of the University shall extend to the whole of India.

University open to all classes, castes and creed.

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

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or promotion of educational interests of women, physically handicapped or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

Fund of the University.

8. (1) There shall be a University Fund which shall include—

(a) any contribution or grant made by the Central Government or an instrumentality of the Central Government;

(b) any contribution or grant made by the State Governments;

(c) any contribution from the shipping companies, off-shore construction companies and diving companies;

(d) any bequests, donations, endowments or other grants made by any private individual or institution;

(e) income received by the University from fees and charges; and

(f) amounts received from any other source.

(2) The said fund shall be utilised for such purposes of the University and in such manner as may be prescribed by the Statutes and the Ordinances.

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

The Visitor

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including colleges and institutions managed by it, and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any college, institution or Campus maintained by the University or admitted to its privileges; and also of the examinations, instruction and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, colleges or institutions.

(4) The Visitor shall, in every matter referred to in sub-section (3), give notice to the University of his intention to cause an inspection or inquiry to be made,--

(a) to the University, if such inspection or inquiry is to be made in respect of the University or any college or institution maintained by it, or

(b) to the management of the college or institution, if the inspection or inquiry is to be made in respect of the college or institution admitted to the privileges of the University,

and the University or the management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University or the management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where any inspection or inquiry has been caused to be made by the Visitor, the University or the management shall be entitled to appoint a representative, who shall have the right to be present in person and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University, college or institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate forthwith to the Executive Council the results of the inspection or inquiry, and the views of the Visitor and the advice tendered by him upon the action to be taken thereon.

(8) The Visitor may, if the inspection or inquiry is made in respect of any college or institution admitted to the privileges of the University, address the management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

(9) The Executive Council or the management, as the case may be, shall communicate, through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

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

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

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

(12) Notwithstanding anything contained in the foregoing provisions, the Visitor may give any direction to the University after giving an opportunity to the University as the circumstances warrant.

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

Officers of
the Univer-
sity.

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

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Pro-Vice-Chancellor;
- (4) the Deans of Schools;
- (5) the Directors;
- (6) the Registrars;
- (7) the Finance Officer; and
- (8) such other officers as may be declared by the Statutes to be officers of the University.

The
Chancellor

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

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

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

The Vice-
Chancellor

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

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

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

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

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

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

(5) The Vice-Chancellor may cause an inspection to be made by such person or persons as he may direct, of a college or an institution not being maintained by the University, its buildings, libraries, laboratories and equipment, and also examinations, teaching and other work conducted or done by the college or the institution and cause an inquiry to be made in the like manner, in respect of any matter connected with the administration or finance of the college or the institutions.

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

13. The Pro-Vice-Chancellor shall be appointed in such manner, on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

The Pro-Vice-Chancellor.

14. Every Dean of a School shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Deans of Schools.

15. Every Director shall be appointed in such manner, on such terms and conditions of service, and perform such duties, as may be prescribed by the Statutes.

Directors

16. (1) Every Registrar shall be appointed in such manner, as may be prescribed by the Statutes.

Registrars

(2) The Registrar shall have the power to enter into agreement, sign documents and authenticate records on behalf of the University.

(3) Every Registrar shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

17. The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

The Finance Officer.

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

Other officers.

19. The following shall be the authorities of the University:

Authorities of the University.

(1) the Court;

(2) the Executive Council;

(3) the Academic Council;

(4) the Planning Board;

(5) the Board of Affiliation and Recognition;

(6) the Boards of Schools;

(7) the Finance Committee; and

(8) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Court.	<p>20. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.</p> <p>(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—</p> <p>(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;</p> <p>(b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;</p> <p>(c) to advise the Visitor in respect of any matter which may be referred to it for advice; and</p> <p>(d) to perform such other functions as may be prescribed by the Statutes.</p>
The Executive Council.	<p>21. (1) The Executive Council shall be the principal executive body of the University.</p> <p>(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.</p>
The Academic Council.	<p>22. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and supervision over, and be responsible for, the maintenance of standards of instruction, education and examination within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it.</p> <p>(2) The Academic Council shall have the right to advise the Executive Council on all academic matters.</p> <p>(3) The constitution of the Academic Council and the term of office of its members shall be such as may be prescribed by the Statutes.</p>
The Board of Affiliation and Recognition.	<p>23. (1) The Board of Affiliation and Recognition shall be responsible for admitting colleges and institutions to the privileges of the University.</p> <p>(2) The constitution of the Board of Affiliation and Recognition, the term of office of its members and its powers and duties shall be such as may be prescribed by the Statutes.</p>
The Planning Board.	<p>24. (1) The Planning Board shall be the principal planning body of the University.</p> <p>(2) The Planning Board shall be responsible for monitoring the development of the University.</p> <p>(3) The constitution of the Planning Board, term of office of its members and its powers and functions shall be prescribed by the Statutes.</p>
The Boards of Schools.	<p>25. (1) There shall be such number of Boards of Schools as the University may determine from time to time.</p> <p>(2) The constitution, powers and functions of the Boards of Schools shall be such as may be prescribed by the Statutes.</p>
The Finance Committee.	<p>26. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.</p>
Other authorities of the University.	<p>27. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.</p>
Power to make statutes.	<p>28. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—</p>

(a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;

(b) the election and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the manner of appointment of the officers of the University, terms and conditions of service, their powers and duties and emoluments;

(d) the manner of appointment of teachers, academic staff and other employees of the University and their emoluments;

(e) the manner of appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project, their terms and conditions of service and emoluments;

(f) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing the seniority of service of the employees of the University;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the conferment of autonomous status on a college or an institution or a Department;

(k) the establishment and abolition of Schools, Departments, Centres, Halls, colleges and institutions;

(l) the conferment of honorary degrees;

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

(n) the conditions under which colleges and institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

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

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

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

(r) all other matters which by this Act are to be or may be provided for by the Statutes.

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

Statutes how
to be made.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

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

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for consideration.

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

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

Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

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

Power to
make
Ordinances.

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

- (a) the admission of students to the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (c) the medium of instruction and examination;
- (d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
- (e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;
- (f) the conditions for award of fellowships, scholarships, studentships, assistantships, medals and prizes;
- (g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (h) the conditions of residence of the students of the University;
- (i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;
- (j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;
- (k) the establishment of centre of Studies, Board of Studies, Special centre, Specialised Laboratories and other Committees;
- (l) the manner of co-operation and collaboration with other Universities in India or abroad and authorities including learned bodies or associations;
- (m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

- (o) the management of colleges and institutions maintained by the University;
- (p) the supervision and management of colleges and institutions admitted to the privileges of the University;
- (q) the setting up of a machinery for redressal of grievances of employees; and
- (r) all other matters which by this Act or the Statutes may be provided for by the Ordinances.

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

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

Regulations.

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

Annual report.

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

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

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

Annual accounts

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the visitor and the Court along with the observations, if any, of the Executive Council.

(3) Any observation made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

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

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

34. (1) The University shall enter into written contract of service with every employee of the University appointed on regular basis or otherwise and the terms and conditions of the contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

Conditions of service of employees.

(2) A copy of the contract referred to in sub-section (1) shall be kept with the University and a copy thereof shall also be furnished to the employee concerned.

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

Tribunal of Arbitration.

(2) The decision of the Tribunal of Arbitration shall be final and binding on the parties.

(3) Every request made by the employee under sub-section (1), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

26 of 1996.

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

Procedure of
appeal and
arbitration in
disciplinary
cases against
students.

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

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of section 35 shall, as far as may be, apply to a reference made under this sub-section.

Right to
appeal.

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

Provident and
pension funds.

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

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

19 of 1925.

Disputes as to
constitution
of University
authorities
and bodies.

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

Constitution
of
Committees.

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

Filling of
casual
vacancies.

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

Proceedings
of University
authorities or
bodies not
invalidated by
vacancies.

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

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

Protection of
action taken
in good faith

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

Made or
proof of
University
record

1 of 1872.

45. (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 under this section after the expiry of three years from the commencement of this Act.

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

46. Notwithstanding anything contained in this Act and the Statutes:—

Transitional
provisions.

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

(b) the first Registrar and the first Finance Officer shall be appointed by the Visitor on the recommendation of the Vice-Chancellor and each of the said officers shall hold office for a term of two years;

(c) the first Court and the first Executive Council shall consist of not more than fifteen members, who shall be nominated by the Visitor and they shall hold office for a term of two years;

(d) (i) the first Planning Board shall consist of not more than fifteen members, who shall be nominated by the Visitor out of a panel submitted by the Vice-Chancellor and they shall hold office for a term of two years; and

(ii) the first Planning Board shall, in addition to the powers and functions conferred on it by this Act, exercise the powers of the Academic Council, until the Academic Council is constituted under the provisions of this Act and the Statutes, and in the exercise of such powers, the Planning Board may co-opt such members as it may decide;

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held that office, if no vacancy had not occurred.

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

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

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute,

Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

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

Completion of courses of studies in colleges or institutions affiliated to the University.

48. Notwithstanding anything contained in this Act, or in the Statutes or the Ordinances, any student of a college or an institution, who, immediately before the admission of such college or institution to the privileges of the University, was studying for a degree, diploma or certificate of any University constituted under any Act, shall be permitted by the University, to complete his course for that degree, diploma or certificate, as the case may be, and the University shall provide for the instructions and examination of such student in accordance with the syllabus of studies of such college or institution or University, as the case may be.

Transfer of assets and options of the employees.

49. Notwithstanding anything contained in this Act, or in the Statutes or the Ordinances, consequent upon merger of the Training Ship Chanakya, Mumbai, the Marine Engineering and Research Institute, Mumbai, the Marine Engineering and Research Institute, Kolkata, Lal Bahadur Shastri College of Advance Maritime Studies, Mumbai, the National Maritime Academy, Chennai, Indian Institute of Port Management, Kolkata and the National Ship Design and Research Centre, Visakhapatnam into the Indian Maritime University, all the assets and employees shall stand transferred to the University and such employees shall have the following options:

(i) the employees of the four training institutes under Indian Institute of Maritime Studies who shall stand transferred to Indian Maritime University shall have the option to continue on deemed deputation in Indian Maritime University on the terms and conditions in force of the Central Government and also continue to retain or to be allotted government residential accommodation on turn and avail of the Central Government Health Scheme facilities till their retirement;

(ii) the employees of the National Maritime Academy, Chennai, Indian Institute of Port Management, Kolkata and the National Ship Design and Research Centre, Visakhapatnam shall have the option to continue on the terms and conditions of their respective institutes till their retirement; and

(iii) all employees shall have the option to join University as per the service conditions of the University.

Role of Central Government and Director-General of Shipping.

50. (1) The University shall, in discharge of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

(2) The decision of the Central Government as to whether a question is one of policy or not shall be final.

THE SCHEDULE

(See section 29)

THE STATUTES OF THE UNIVERSITY

1. (1) The Chancellor shall be appointed by the Visitor recommended by the Executive Council from amongst three persons of eminence in the field of academic, maritime, public administration, or public life of the country:

The
Chancellor

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

(2) The Chancellor shall hold office for a term of three years and shall be eligible for re-appointment:

Provided that notwithstanding the expiry of his term of office, the Chancellor shall continue to hold office until his successor enters upon his office.

2. (1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons having experience in the field of human resource management, maritime, public administration, marine or port administration:

The Vice
Chancellor

Provided that if the Visitor does not approve of any of the persons included in the panel, he may call for a fresh panel.

(2) The Committee referred to in clause (1), shall consist of three persons, none of whom shall be an employee of the University or the Academic Council or a member of the Court, the Executive Council, Planning Board or member of any authority of the University or connected with an institution recognised by or associated with the University and out of the three persons, one shall be nominated by the Executive Council, one by the Court and one by the Visitor and the nominee of the Visitor shall be the convener of the Committee.

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

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of sixty-five years, whichever is earlier, and he shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office:

Provided further that the Visitor may direct any Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by him.

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

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

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

Provided that where an employee of the University or a college or an institution maintained by or affiliated to it, or of any other University or any institution maintained by or affiliated to such other University, is appointed as the Vice-Chancellor, he may be

allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

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

(iii) The Vice-Chancellor shall be entitled to travelling allowance at such rate as may be fixed by the Executive Council.

(iv) The Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the 1st day of January and July every year:

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

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

(6) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill health or any other cause, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor:

Provided that if the Pro-Vice-Chancellor is not available, the senior-most Professor shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the existing Vice-Chancellor attends to the duties of his office, as the case may be.

Powers and
duties of the
Vice-Chancel-
lor.

3. (1) The Vice-Chancellor shall be *ex officio* Chairman of the Executive Council, the Academic Council, the Planning Board, Board of Affiliation and Recognition and the Finance Committee and shall, in the absence of the Chancellor, preside at the convocations held for conferring degrees.

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

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

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

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

(6) The Vice-Chancellor shall have the power to convene or cause to be convened the meeting of the Executive Council, the Academic Council, the Planning Board and the Finance Committee.

(7) The Vice-Chancellor shall have the power to make short-term appointments with the approval of the Executive Council, for a period of six months of such persons as he may consider necessary for the functioning of the University.

4. (1) Every Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Pro-Vice-Chancellor.

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend another person to the Executive Council:

Provided further that the Executive Council may, on the recommendation of the Vice-Chancellor, appoint a Professor to discharge the duties of a Pro-Vice-Chancellor in addition to his own duties as a Professor.

(2) The term of office of a Pro-Vice-Chancellor shall be such as may be decided by the Executive Council but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-Chancellor, whichever is earlier:

Provided that a Pro-Vice-Chancellor whose term of office has expired shall be eligible for reappointment:

Provided further that, in any case, a Pro-Vice-Chancellor shall retire on attaining the age of sixty-five years:

Provided also that the Pro-Vice-Chancellor shall, while discharging the duties of the Vice-Chancellor under clause (6) of Statute 2, continue in office notwithstanding the expiration of his term of office as Pro-Vice-Chancellor, until a new Vice-Chancellor or the Vice-Chancellor, as the case may be, assumes office:

Provided also that when the office of the Vice-Chancellor becomes vacant and there is no Pro-Vice-Chancellor to perform the functions of the Vice-Chancellor, the Executive Council may appoint a Pro-Vice-Chancellor and the Pro-Vice-Chancellor so appointed shall cease to hold office as such as soon as a Vice-Chancellor is appointed and enters upon his office.

(3) (a) The emoluments and other terms and conditions of service of a Pro-Vice-Chancellor shall be such as may be laid down by the Ordinances.

(b) The salary of the Pro-Vice-Chancellor shall be decided by the Executive Council with the approval of the Visitor.

(c) The Pro-Vice-Chancellor shall be entitled without payment of rent, to the use of a furnished residence throughout his tenure of office and no charge shall fall on the Pro-Vice-Chancellor personally in respect of maintenance of such residence.

(d) In addition to the salary specified in sub-clause (b), a Pro-Vice-Chancellor shall be entitled to such leave, benefits and other allowances as admissible to the employees of the University from time to time.

(e) The Pro-Vice-Chancellor shall be entitled to such terminal benefits as may be fixed by the Executive Council from time to time.

(f) The Pro-Vice-Chancellor shall be entitled to subscribe to the contributory provident fund of the University till the end of his tenure:

Provided that when an employee of the University or a college or an institution or of any other University or institution maintained or affiliated to such other University is appointed as Pro-Vice-Chancellor, his salary shall be fixed after taking into consideration the salary of such person.

(4) A Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf, from time to time, and shall also exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

5. (1) Every Registrar shall be appointed by the Executive Council on the

Registrars.

recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University:

Provided that a nominee of the Court shall also be included in the Selection Committee.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment for one more term.

(3) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances:

Provided that the Registrar shall retire on attaining the age of sixty-two years.

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

(5) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and academic staff, as may be specified in the order of the Executive Council and to suspend them pending inquiry, to administer warnings to them or to impose upon them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the power of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty on an employee.

(6) The Executive Council shall designate any Registrar to act *ex officio* in one or more of the following capacities, namely:—

(i) Secretary to the Court;

(ii) Secretary to the Executive Council;

(iii) Secretary to the Academic Council;

(iv) Secretary to the Board of Affiliation and Recognition; and

(v) Secretary to the Planning Board.

(7) It shall be the duty of the Registrar so designated in relation to the authority concerned to—

(a) be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charge;

(b) issue all notices convening meetings of that authority and the Committees appointed by it;

(c) keep the minutes of all the meetings of that authority and the Committees appointed by it;

(d) conduct the official correspondence of the Court, the Executive Council, the Academic Council, the Planning Board and the Board of Affiliation and Recognition;

(e) arrange for and superintend the examinations of the University in accordance with the manner prescribed by the Ordinances;

(f) supply to the Visitor copies of the agenda of meetings of the authorities of the University as soon as they are issued; and the minutes of such meetings;

(g) represent the University in suits or proceedings by or against the University, sign powers-of-attorney and verify pleadings or depute his representative for the purpose; and

(h) perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be required, from time to time, by the Executive Council or the Vice-Chancellor.

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

The Finance
Officer.

(2) He shall be appointed for a term of five years and shall be eligible for reappointment for one more term.

(3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be laid down by the Ordinances:

Provided that a Finance Officer shall retire on attaining the age of sixty-two years.

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

(5) The Finance Officer shall be *ex officio* Secretary of the Finance Committee but shall not be deemed to be a member of such Committee.

(6) The Finance Officer shall

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances:

Provided that the Finance Officer shall not make any expenditure or make any investment exceeding one lakh rupees without the prior approval of the Executive Council.

(7) Subject to the control of the Executive Council, the Finance Officer shall

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council after they have been considered by the Finance Committee;

(d) keep a constant watch on the state of the cash and balances and on the state of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking is conducted, of equipment and other consumable materials in all offices, Special Centres, Specialised Laboratories, colleges and institutions maintained by the University;

(g) bring to the notice of the Vice-Chancellor, unauthorised expenditure or any other financial irregularities and suggest appropriate action against persons at fault; and

(h) call for from any office, Centre, Laboratory, college or institution maintained by the University any information that he may consider necessary for the performance of his duties.

(8) Any receipt given by the Finance Officer or the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

Deans of
Schools of
Studies.

7. (1) Every Dean of a School of Studies shall be appointed by the Vice-Chancellor from among the Professors in the School for a period of three years and he shall be eligible for reappointment:

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

Provided further that if at any time there is no Professor in a School, the Vice-Chancellor, or a Dean authorised by the Vice-Chancellor in this behalf, shall exercise the powers of the Dean of the School.

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

(3) The Dean shall be the Head of the School and shall be responsible for the conduct and maintenance of the standards of teaching and research in the School and shall have such other functions as may be prescribed by the Ordinances.

(4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Studies or Committees of the School, as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

Heads of
Departments.

8. (1) In the case of Departments which have more than one Professor, the Head of the Department shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor from among the Professors on rotation basis.

(2) In the case of Departments where there is only one Professor, the Executive Council shall have the option to appoint, on the recommendation of the Vice-Chancellor, either the Professor or a Reader as the Head of the Department:

Provided that it shall be open to a Professor or Reader to decline the offer of appointment as the Head of the Department.

(3) A person appointed as the Head of the Department shall hold office as such for a period of three years and shall be eligible for reappointment.

(4) A Head of a Department may resign his office at any time during his tenure of office.

(5) A Head of a Department shall perform such duties as may be prescribed by the Ordinances.

Proctors.

9. (1) Every Proctor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor.

(2) Every Proctor shall hold office for a term of two years and shall be eligible for reappointment.

Librarian.

10. (1) The Librarian shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time officer of the University.

(2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.

11. (1) The Executive Council shall consist of the following members, namely:—

- (a) the Vice-Chancellor, who shall be the Chairperson *ex officio*;
- (b) the Pro-Vice-Chancellor, *ex officio*;
- (c) the Secretary of Ministry of Shipping, Road Transport and Highways (Department of Shipping), Government of India, or his nominee not below the rank of a Joint Secretary;
- (d) the Director-General of Shipping or his nominee not below the rank of a Joint Secretary;
- (e) The Chairman, Indian Port Association, New Delhi;
- (f) the Financial Adviser, Ministry of Shipping, Road Transport and Highways (Department of Shipping) Government of India, or his nominee not below the rank of a Joint Secretary;
- (g) five members to be nominated by the Visitor having special knowledge and/or practical experience in respect of maritime-education, industry, science or technology and other related subjects on the recommendation of the Vice-Chancellor, out of a panel of at least ten persons;
- (h) one member not below the rank of Joint Secretary to be appointed by the Central Government to represent the Ministry of Defence of the Central Government.
- (i) one Dean of Schools of Studies nominated by the Vice-Chancellor by rotation on the basis of seniority;
- (j) two Directors nominated by the Vice-Chancellor by rotation on the basis of seniority;
- (k) three Principals of the affiliated colleges and academic institutions nominated by the Executive Council by rotation;
- (l) one Vice-Chancellor present or former, of any technical University; and
- (m) one representative of the Government of the State where University is located.

Membership,
Constitution,
Quorum and
Tenure of the
Executive
Council.

(2) The Registrar shall be *ex officio* Secretary of the Executive Council.

(3) Seven members of the Executive Council shall form a quorum for a meeting of the Executive Council.

(4) The members of the Executive Council other than *ex officio* members shall hold office for a term of three years.

(5) There shall be not less than four meetings of the Executive Council in a year and the rules of procedure for conduct of business to be followed at a meeting and such other matters in relation to meeting as may be necessary shall be such as may be prescribed by the Statutes.

12. (1) The Executive Council shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

Powers and
functions of
the Executive
Council.

(2) Subject to the provisions of this Act, the Statutes and the Ordinances, the Executive Council shall, in addition to all other powers vested in it, have the following powers, namely:—

- (i) to create teaching and academic posts, to determine the number and emoluments of such posts and to define the duties and conditions of service of

Professors, Associate Professors, Assistant Professors and other academic staff and Principals of colleges and institutions maintained by the University:

Provided that no action shall be taken by the Executive Council in respect of the number, qualifications and the emoluments of teachers and academic staff otherwise than after consideration of the recommendations of the Academic Council;

(ii) to appoint such Professors, Associate Professors, Assistant Professors and other academic staff, as may be necessary, and the Principals of colleges and institutions maintained by the University on the recommendation of the Selection Committee constituted for the purpose and to fill the temporary vacancies therein;

(iii) to create administrative, ministerial and other necessary posts and to make appointments there to in the manner prescribed by the Ordinances;

(iv) to grant leave of absence to any officer of the University other than the Chancellor and the Vice-Chancellor, and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(v) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances;

(vi) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University, and for that purpose to appoint such agents as it may think fit;

(vii) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendations of the Finance Committee;

(viii) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, share or securities, from time to time, as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;

(ix) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(x) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(xi) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xii) to entertain, adjudicate upon, and, if thought fit, to redress any grievances of the employees and students of the University who may, for any reason, feel aggrieved;

(xiii) to appoint examiners and moderators and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(xiv) to select a common seal for the University and provide for the custody and use of such seal;

(xv) to make such special arrangements as may be necessary for the residence and discipline of women students;

(xvi) to delegate any of its powers to the Vice-Chancellor, the Pro-Vice-Chancellor, the Deans, the Registrar or the Finance Officer or such other employee or authority of the University or to a committee appointed by it as it may deem fit;

(xvii) to institute fellowships, scholarships, studentships, assistantships, medals and prizes;

(xviii) to provide for the appointment of Visiting Professors, Emeritus Professors, Consultants and Scholars and determine the terms and conditions of such appointments; and

(xix) to exercise such other powers and perform such other duties as may be conferred or imposed on it by the Act, or the Statutes.

13. (1) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year.

Meetings of the Court.

(2) At an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet as audited, and the financial estimates for the next year shall be presented.

(3) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (2), shall be sent to every Member of the Court at least seven days before the date of the annual meeting.

(4) Twelve Members of the Court shall form a quorum for a meeting of the Court.

(5) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor or if there is no Vice-Chancellor, Pro-Vice-Chancellor or if there is no Pro-Vice-Chancellor, by the Registrar.

(6) The Court shall consist of the following members, namely:—

Ex Officio Members:

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Schools of Studies;
- (iv) the Heads of teaching Departments who are not the Deans;
- (v) the Dean of students' Welfare;
- (vi) the Registrar;
- (vii) the Librarian;
- (viii) the Proctor;
- (ix) the Finance Officer.

Representatives of Teachers:

- (x) All Professors who are not Heads of teaching Departments;
- (xi) Two Readers who are not Heads of teaching Departments, by rotation according to seniority, to be appointed by the Vice-Chancellor;
- (xii) Two Lecturers by rotation according to seniority, to be appointed by the Vice-Chancellor.

Representatives of Non-Teaching Staff:

- (xiii) Two members of the non-teaching staff, one from among group 'D' Staff and the other from the rest, to be nominated by the Vice-Chancellor.

Representatives of Institutions affiliated to the University

- (xiv) One representative from the affiliated institutions who shall be the head of the institution, to be nominated by the Vice-Chancellor.

Representatives of Parliament:

- (xv) Five representatives of Parliament out of which three to be nominated by the Speaker of the Lok Sabha and two by the Chairman of the Rajya Sabha from amongst the Members thereof. However, consequent upon a Member of Parliament becoming a Minister or Speaker or Deputy Speaker, of the Lok Sabha or Deputy Chairman of the Rajya Sabha, his/her nomination or election to the Court of the University shall be deemed to have been terminated.

Persons representing Industry:

(xvi) Eleven persons representing the Maritime Industries, to be nominated by Visitor out of which one each from,— Indian National Ship Owners' Association, Maritime Association of Ship Owners and Ship Managers Association, Foreign Owners Representatives and Ship Managers Association, Ship Building Industries, Dredging Industries, Offshore Industries, Unions representing Seamen, Association of Multimodal Transport Operators of India, Indian Register of Shipping, Major and Minor Ports;

(xvii) Ten representatives of maritime States, out of which one each to be nominated by the States or Union territories.

Other Members:

(xviii) Members of the Executive Council, who are not authorised members of the Court.

(7) All members of the Court, other than the *ex officio* members, shall hold office for a term of three years:

Provided that a Member of Parliament shall hold office for three years or so long as he continues to be a member of the House which he represents, whichever is less.

Membership,
Constitution,
Quorum and
Tenure of the
Academic
Council.

14. (1) The Academic Council shall consist of the following members, namely:—

- (a) the Vice-Chancellor, who shall be the Chairperson *ex officio*;
- (b) the Pro-Vice-Chancellor;
- (c) the Chief Surveyor, Directorate-General of Shipping, Ministry of Shipping, Road Transport and Highways (Department of Shipping), Government of India, or his nominee;
- (d) the Nautical Advisor, Directorate-General of Shipping, Ministry of Shipping, Road Transport and Highways (Department of Shipping), Government of India, or his nominee;
- (e) the Deans of Schools of Studies;
- (f) all Directors of University maintained Campuses;
- (g) all Heads of University teaching Departments;
- (h) one Professor from each University teaching Department by rotation on the basis of seniority to be nominated by the Vice-Chancellor;
- (i) three eminent experts in the field of maritime studies and related subjects, nominated by the Vice-Chancellor; and
- (j) two Principals of recognised colleges.

(2) The Registrar shall be *ex officio* Secretary to the Academic Council, but shall have no right to vote.

(3) Nine members of the Academic Council shall form a quorum for a meeting of the Academic Council.

(4) The members of the Academic Council other than *ex officio* members, shall hold office for a term of three years.

(5) The Academic Council shall meet at least twice a year.

Powers of the
Academic
Council.

15. Subject to the Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

- (a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instructions, co-operative teaching among colleges and institutions, evaluation of research or improvements in academic standards;
- (b) to bring about inter-School co-ordination, to establish or appoint committees or boards, for taking up projects on an inter-School basis;

(c) to consider matters of general academic interest either on its own initiative or on a reference by a School or the Executive Council and to take appropriate action thereon;

(d) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residences, admissions, award of fellowship assistantship, research assistantship and studentships, fees, concessions, corporate life and attendance;

(e) to recommend the Executive Council, the number, qualification and the emolument of the teacher and other academic staff;

(f) to recommend the Executive Council, examiners and modernators;

(g) to recommend the Executive Council, persons for award of honorary degrees; and

(h) to recommend the executive council, setting up of Chairs.

16. (1) The Planning Board shall consist of the following members, namely:—

(a) the Vice-Chancellor, who shall be the Chairperson *ex officio*;

(b) the Pro-Vice-Chancellor;

(c) the Secretary, Department of Shipping, in the Government of India or his nominee not below the rank of a Joint Secretary;

(d) the Secretary, Ministry of Defence in the Government of India, or his nominee not below the rank of a Joint Secretary;

(e) the Director-General of Shipping, Department of Shipping, in the Government of India;

(f) the Financial Adviser, Department of Shipping, in the Government of India, or his nominee not below the rank of a Joint Secretary;

(g) two members to be nominated by the Visitor having special knowledge and/or practical experience in respect of maritime - education, industry, science or technology and other related subjects on the recommendation of the Vice-Chancellor out of a panel of at least six persons;

(h) one Dean of Schools of Studies nominated by the Vice-Chancellor by rotation on the basis of seniority;

(i) one Director of the University Campus nominated by the Vice-Chancellor by rotation on the basis of seniority;

(j) one Principal of the affiliated colleges nominated by the Executive Council by rotation; and

(k) one Vice-Chancellor present or former, of any Technical University:

Provided that the members nominated under sub-clauses (e) to (i) above shall, as far as practicable, be drawn from different faculties.

(2) The Registrar shall be the *ex officio* Secretary of the Planning Board.

(3) The conduct of the meetings of the Planning Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(4) The members of the Planning Board other than *ex officio* members, shall hold office for a term of three years.

17. (1) The Planning Board shall be the principal planning body of the University and shall be responsible for—

(a) reviewing the educational programmes offered by the University;

(b) organising the structure of education in the University so as to provide opportunities to students to offer different combinations of subjects appropriate for the development of personality and skills for useful work in society;

Membership,
Constitution,
Quorum and
Tenure of the
Planning
Board

The Planning
Board.

(c) creating an atmosphere and environment conducive to value oriented education; and

(d) developing new teaching-learning processes which will combine the lectures, tutorials, seminars, demonstrations, self-studies and collective practical projects.

(2) The Planning Board shall have the power to advise on the development of the University and review the progress implementation of programmes so as to ascertain whether they are on the lines recommended by it and shall also have the power to advise the Executive Council and the Academic Council on any matter in connection therewith.

(3) The Academic Council and the Executive Council shall be bound to consider the recommendations of the Planning Board and shall implement such of the recommendations as are accepted by it.

(4) Recommendations of the Planning Board as have not been accepted by the Executive Council or the Academic Council under clause (3) shall be submitted by the Vice-Chancellor along with the recommendations of the Executive Council or the Academic Council, to the Visitor for advice and the advice of the Visitor shall be implemented by the Executive Council or the Academic Council, as the case may be.

(5) The Planning Board may constitute such committees as may be necessary for planning and monitoring the programmes of the University.

Schools of
Studies and
Departments.

18. (1) The University shall have such Schools of Studies as may be specified by the Ordinances.

(2) Every School shall have a School Board and the members of the first School Board shall be nominated by the Executive Council and shall hold office for a period of three years.

(3) The powers and functions of a School Board shall be prescribed by the Ordinances.

(4) The conduct of the meetings of a School Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(5) (a) Each School shall consist of such Departments as may be assigned to it by the Ordinances.

(b) No Department shall be established or abolished except by the Statutes:

Provided that the Executive Council may, on the recommendation of the Academic Council, establish Centres of Studies to which may be assigned such teachers of the University as the Executive Council may consider necessary.

(c) Each Department shall consist of the following members, namely:—

(i) Teachers of the Department;

(ii) Persons conducting research in the Department;

(iii) Dean of the School;

(iv) Honorary Professors, if any, attached to the Department; and

(v) Such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

Boards of
Studies.

19. (1) Each Department shall have a Board of Post-graduate Studies and a Board of Under-graduate Studies.

(2) The Constitution of a Board of Post-graduate Studies and the term of office of its members shall be prescribed by the Ordinances.

(3) The functions of a Board of Post-graduate Studies shall be to approve subjects for research for various degrees and other requirements of research degrees and to recommend to the concerned School Board in the manner prescribed by the Ordinances—

(a) courses of studies and appointment of examiners for Post-graduate courses, but excluding research degrees;

(b) appointment of supervisors of research; and

(c) measures for the improvement of the standard of Post-graduate teaching and research:

Provided that the above functions of a Board of Post-graduate Studies shall, during the period of three years immediately after the commencement of the Act, be performed by the Department.

(4) The constitution and functions of a Board of Under-graduate, Post-graduate and Vocational Studies and the term of its members shall be prescribed by the Ordinances.

20. (1) The Finance Committee shall consist of the following members, namely:—

Finance
Committee.

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) three persons nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council;

(iv) three persons nominated by the Visitor; and

(v) atleast one person to be nominated by the Court.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least thrice every year to examine the accounts and to scrutinise proposals for expenditure.

(6) All proposals relating to creation of posts, and those items which have not been included in the Budget, should be examined by the Finance Committee before they are considered by the Executive Council.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(8) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

21. (1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professor, Reader, Lecturer, Registrar, Finance Officer, Librarian and Principals of colleges and institutions maintained by the University.

Selection
Committees.

(2) The Selection Committee for appointment to the posts specified in column 1 of the Table below shall consist of the Vice-Chancellor, Pro-Vice-Chancellor, a nominee of the Visitor and the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

1	2
Professor	(i) The Head of Department concerned, if he is a Professor. (ii) One Professor to be nominated by the Vice-Chancellor. (iii) Three persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special

1	2
	knowledge of, or interest in, the subject with which the Professor will be concerned.
Reader/Lecturer	(i) The Head of the Department concerned. (ii) One Professor to be nominated by the Vice-Chancellor. (iii) Two persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in the subject with which the Reader or a Lecturer will be concerned.
Registrar, Finance Officer	(i) Two members of the Executive Council nominated by it. (ii) One person not in the service of the University nominated by the Executive Council.
Librarian	(i) Two persons not in the service of the University, who have special knowledge of the subject of the Library Science/ Library Administration to be nominated by the Executive Council. (ii) One person not in the service of the University, nominated by the Executive Council.
Principal of college or institution maintained by the University	Three persons not in the service of the University of whom two shall be nominated by the Executive Council and one by the Academic Council for their special knowledge of, or interest in, a subject in which instruction is being provided by the college or institution.

NOTE: 1. Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.

2. The Professor to be nominated shall be Professor concerned with the speciality for which the selection is being made and that the Vice-Chancellor shall consult the Head of the Department and the Dean of School before nominating the Professor.

(3) The Vice-Chancellor, or in his absence, the Pro-Vice-Chancellor shall preside at the meetings of a Selection Committee:

Provided that the meetings of the Selection Committee shall be fixed after prior consultation with, and subject to the convenience of Visitor's nominee and the persons nominated by the Executive Council under clause (2):

Provided further that the proceedings of the Selection Committee shall not be valid unless,—

(a) where the number of Visitor's nominee and the persons nominated by the Executive Council is four in all, at least three of them attend the meeting; and

(b) where the number of Visitor's nominee and the persons nominated by the Executive Council is three in all, at least two of them attend the meeting.

(4) The meeting of a Selection Committee shall be convened by the Vice-Chancellor or in his absence by the Pro-Vice-Chancellor.

(5) The procedure to be followed by a Selection Committee in making recommendations shall be laid down in the Ordinances.

(6) If the Executive Council is unable to accept the recommendations made by a Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.

(7) Appointments to temporary posts shall be made in the manner indicated below:—

(i) If the temporary vacancy is for a duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses:

Provided that if the Vice-Chancellor is satisfied that in the interests of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis by a local Selection Committee referred to in sub-clause (ii) for a period not exceeding six months.

(ii) If the temporary vacancy is for a period less than a year, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the School concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor:

Provided further that in case sudden casual vacancies of teaching posts caused by death or any other reason, the Dean may, in consultation with the Head of the Department concerned, make a temporary appointment for a month and report to the Vice-Chancellor and the Registrar about such appointment.

(iii) No teacher appointed temporarily shall, if he is not recommended by the regular Selection Committee for appointment under the Statutes, be continued in service on such temporary employment, unless he is subsequently selected by a local Selection Committee, for a temporary or permanent appointment, as the case may be.

22. (1) Notwithstanding anything contained in Statute 21, Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or Reader or any other academic post in the University, as the case may be, on such terms and conditions as it deems fit, and on the person agreeing to do so appoint him to the post.

Special mode of appointment

(2) The Executive Council may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner, laid down in the Ordinances.

Appointment for a fixed tenure.

23. The Executive Council may appoint a person selected in accordance with the procedure laid down in Statute 21 for a fixed tenure on such terms and conditions as it deems fit.

Recognised teachers.

24. (1) The qualifications of recognised teachers shall be such as may be prescribed by the Ordinances.

(2) All applications for the recognition of teachers shall be made in such manner as may be laid down in the Ordinances.

(3) No teacher shall be recognised as a teacher except on the recommendation of a Selection Committee constituted for the purpose in the manner laid down in the Ordinances.

(4) The period of recognition of a teacher shall be determined by the Ordinances made in that behalf.

(5) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw recognition from a teacher:

Provided that no such resolution shall be passed until notice in writing has been given to the person concerned calling upon him to show cause, within such time as may be specified in the notice, why such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them have been considered by the Academic Council.

(6) Any person aggrieved by an order of withdrawal under clause (5) may, within three months from the date of communication to him of such order, appeal to the Executive Council which may pass such orders thereon as it thinks fit.

Committees.

25. (1) Any authority of the University may appoint as many Standing, Special or Search Committees as it may deem fit, and may appoint to such Committees, persons who are not members of such authority.

(2) Any such Committee appointed under clause (1) may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing.

Terms and conditions of service and code of conduct of the teachers, etc.

26. (1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

(2) Every teacher and member of the academic staff of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances.

(3) A copy of every contract referred to in clause (2) shall be deposited with the Registrar.

Terms and conditions of service and code of conduct of other employees.

27. All the employees of the University, other than the teachers and other academic staff of the University, shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

Seniority list.

28. (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade, and, in accordance with such other principles as the Executive Council may, from time to time prescribe.

(2) It shall be the duty of the Registrar to prepare and maintain, in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

Removal of employees of the University.

29. (1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of the teacher or member of the academic staff, and the authority competent to appoint (hereinafter referred to as the appointing authority) in the case of other employee, may, by order in writing, place such teacher, member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or the member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Executive Council in respect of teachers and other academic staff, and the appointing authority, in respect of other employees, shall have the power to remove a teacher or a member of the academic staff, or as the case may be, other employee on grounds of misconduct.

(3) Save as aforesaid, the Executive Council, or as the case may be the appointing authority, shall not be entitled to remove any teacher, member of the academic staff or other

employee except for a good cause and after giving three months' notice or on payment of three months' salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher, member of the academic staff or other employee shall take effect from the date on which the order of removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of this Statute, a teacher, member of the academic staff or other employee may resign,—

(a) if he is a permanent employee, only after giving three months' notice in writing to the Executive Council or the appointing authority, as the case may be or by paying three months' salary in lieu thereof; and

(b) if he is not a permanent employee, only after giving one month's notice in writing to the Executive Council or, as the case may be, the appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Executive Council or the appointing authority, as the case may be.

30. (1) The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Honorary
Degrees.

Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

31. The Executive Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Withdrawal of
degrees, etc.

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

32. (1) All powers relating to discipline and disciplinary action in relation to students of the University shall vest in the Vice-Chancellor.

Maintenance
of discipline
among
students of
the
University.

(2) The Vice-Chancellor may delegate all or any of his powers as he deems proper to a Proctor and to such other officers as he may specify in this behalf.

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in exercise of his powers, by order, direct that any student be expelled, or rusticated, for a specified period, or be not admitted to a course of study in a college, institution or Department of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, college, institution or Department or a School for

one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.

(4) The Principals of colleges, institutions, Deans of Schools of Studies and Heads of teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective colleges, institutions, Schools and teaching Departments in the University as may be necessary for the proper conduct of such colleges, institutions, Schools and teaching Departments.

(5) Without prejudice to the powers of the Vice-Chancellor, the Principals and other persons specified in clause (4), detailed rules of discipline and proper conduct shall be made by the University. The Principals of colleges, institutions, Deans of Schools of Studies and Heads of teaching Departments in the University may also make the supplementary rules as they deem necessary for the aforesaid purpose.

(6) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

Maintenance
of discipline
among
Students of
colleges, etc.

33. All powers relating to discipline and disciplinary action in relation to students of a college or an institution, not maintained by the University, shall vest in the Principal of the college or institution, as the case may be, in accordance with the procedure prescribed by the Ordinances.

Admission of
colleges, etc.,
to the
privilege of
the
University.

34. (1) Colleges and other institutions situated within the jurisdiction of the University may be admitted to such privileges of the University as the Executive Council may decide on the following conditions, namely:—

(i) Every such college or institution shall have a regularly constituted Governing Body, consisting of not more than fifteen persons approved by the Executive Council and including among others, two teachers of the University to be nominated by the Executive Council and three representatives of the teaching staff of whom the Principal of the college or institution shall be one. The procedure for appointment of members of the Governing Body and other matters affecting the management of a college or an institution shall be prescribed by the Ordinances:

Provided that the said condition shall not apply in the case of colleges and institutions maintained by Government which shall, however, have an Advisory Committee consisting of not more than fifteen persons which shall consist of among others, three teachers including the Principal of the college or institution, and two teachers of the University nominated by the Executive Council.

(ii) Every such college or institution shall satisfy the Executive Council on the following matters, namely:—

(a) the suitability and adequacy of its accommodation and equipment for teaching;

(b) the qualifications and adequacy of its teaching staff and the conditions of their service;

(c) the arrangements for the residence, welfare, discipline and supervision of students;

(d) the adequacy of financial provision made for the continued maintenance of the college or institution; and

(e) such other matters as are essential for the maintenance of the standards of University education.

(iii) No college or institution shall be admitted to any privileges of the University except on the recommendation of the Academic Council made after considering the report of a Committee of Inspection appointed for the purpose by the Academic Council.

(iv) Colleges and institutions desirous of admission to any privileges of the University shall be required to intimate their intention to do so in writing so as to reach the Registrar not later than the 15th August, preceding the year from which permission applied for is to have effect.

(v) A college or an institution shall not, without the previous permission of the Executive Council and the Academic Council, suspend instruction in any subject or course of study which it is authorised to teach and teaches.

(2) Appointment to the teaching staff and Principals of colleges or institutions admitted to the privileges of the University shall be made in the manner prescribed by the Ordinances:

Provided that nothing in this clause shall apply to colleges and institutions maintained by Government.

(3) The service conditions of the administrative and other non-academic staff of every college or institution referred to in clause (2) shall be such as may be laid down in the Ordinances:

Provided that nothing in this clause shall apply to colleges and institutions maintained by Government.

(4) Every college or institution admitted to the privilege of the University shall be inspected at least once in every two academic years by a Committee appointed by the Academic Council, and the report of the Committee shall be submitted to the Academic Council, which shall forward the same to the Executive Council with such recommendations as it may deem fit to make.

(5) The Executive Council, after considering the report and the recommendations, if any, of the Academic Council, shall forward a copy of the report to the Governing Body of the college or institution with such remarks, if any, as it may deem fit for suitable action.

(6) The Executive Council may, after consulting the Academic Council, withdraw any privileges granted to a college or an institution, at any time it considers that the college or institution does not satisfy any of the conditions on the fulfilment of which the college or institution was admitted to such privileges:

Provided that before any privileges are so withdrawn, the Governing Body of the college or institution concerned shall be given an opportunity to represent to the Executive Council why such action should not be taken.

(7) Subject to the conditions set forth in clause (1), the Ordinances may prescribe—

(i) such other conditions as may be considered necessary;

(ii) the procedure for the admission of colleges and institutions to the privileges of the University and for the withdrawal of those privileges.

(8) the constitution of Board of affiliation and recognition and the terms of office of its members shall be prescribed by the Ordinances.

35. Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

Convocations.

36. Where no provision is made for a President or Chairman to preside over a meeting of any authority of the University or any Committee of such authority or when the President or Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

Acting
Chairman of
meetings.

37. Any member, other than an *ex officio* member of the Court, the Executive Council, the Academic Council or any other authority of the University or any committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Resignation.

38. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University,—

Disquali-
fications.

(i) if he is of unsound mind;

(ii) if he is an undischarged insolvent; and

(iii) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Visitor and his decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.

Residence
condition for
membership
and office.

39. Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall be eligible to be an officer of the University or a member of any authority of the University.

Membership
of authorities
by virtue of
membership
of other
bodies.

40. Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

Alumni
Association.

41. (1) There shall be an Alumni Association for the University.

(2) The subscription for membership of the Alumni Association shall be prescribed by the Ordinances.

(3) No member of the Alumni Association shall be entitled to vote or stand for election unless he has been a member of the Association for at least one year prior to the date of the election and is a degree holder of the University of at least five years standing:

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.

Students'
Council.

42. (1) There shall be constituted in the University, a Students' Council for every academic year, consisting of—

(i) the Dean of Students' Welfare, who shall be the Chairman of the Students' Council;

(ii) all students who have won prizes in the previous academic year in the fields of studies, fine arts, sports and extension work;

(iii) ten students to be nominated by the Academic Council on the basis of merit in studies, sports activities and all-round development of personality:

Provided that any student of the University shall have the right to bring up any matter concerning the University before the Students' Council if so permitted by the Chairman, and he shall have the right to participate in the discussions at any meeting when the matter is taken up for consideration.

(2) The functions of the Students' Council shall be to make suggestions to the appropriate authorities of the University in regard to the programmes of studies, students' welfare and other matters of importance in regard to the working of the University in general and such suggestions shall be made on the basis of consensus of opinion.

(3) The Students' Council shall meet at least once in an academic year preferably in the beginning of that year.

Ordinances
how to be
made.

43. (1) The first Ordinances made under sub-section (2) of section 30 may be amended, repealed or added to at any time by the Executive Council in the manner specified below.

(2) No Ordinance in respect of the matters enumerated in section 30 other than those enumerated in clause (n) of sub-section (1) thereof, shall be made by the Executive Council unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for re-consideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(4) Where the Executive Council has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision shall be final.

(5) Every Ordinance made by the Executive Council shall come into effect immediately.

(6) Every Ordinance made by the Executive Council shall be submitted to the Visitor within two weeks from the date of its adoption. The Visitor shall have the power to direct the University within four weeks of the receipt of the Ordinance to suspend the operation of any such Ordinance and he shall, as soon as possible, inform the Executive Council about his objection to the proposed Ordinance. The Visitor may, after receiving the comments of the University, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

44. (1) The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the following matters, namely:—

Regulations

(i) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(ii) providing for all matters which are required by the Act, the Statutes or the Ordinances to be prescribed by Regulations; and

(iii) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by the Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meeting and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify, of any Regulation made under the Statutes or the annulment of any such Regulation.

45. Subject to the provisions of the Act and the Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

Delegation powers.

46. (1) Keeping in view the outstanding nature of qualification in maritime discipline, Ministry of Shipping, Road Transport and Highways, Government of India constituted an "Equivalence Committee" with a view to consider relativity of the existing teaching posts in

Equivalence Committee

four Government Maritime Institutes (Marine Engineering and Research Institute, Kolkata and Mumbai, Lal Bahadur Shastri College of Advanced Maritime Studies and Research, Mumbai, Training Ship Chanakya, Navi Mumbai), presently under Indian Institute of Maritime Studies with equivalent posts in the proposed University. The recommendation of the committee is given in the Table below:

TABLE

(1)	(2)
Name of the present posts and pay scale and recruitment rules as per the Gazette notification	Recommendation by the 'Equivalence Committee' for recognition of post in University
Captain Superintendent/Principal/Director (Rs.18400-500-22400)	Professor
Vice Principal/Deputy/Chief Officer/Senior Engineer Officer/Senior Nautical Officer (Rs.14300-400-18300)	Associate Professor
Engineer Officer/Nautical Officer (Rs.12000-375-16500)	Assistant Professor
Senior Lecturer (Rs.12000-375-16500)	Assistant Professor
Senior Lecturer (MERI) (Rs.10000-325-15000)	Senior Lecturer
Lecturer (Rs.8000-275-13500)	Lecturer

(2) In the absence of Post-graduate and Doctoral studies in maritime discipline, the existing posts in the Institutes are deemed to be equivalent to the University posts in the appropriate scale.

(3) The qualifications for future direct recruitments shall be governed by separate Ordinances to be framed by the University.

Review of
fees.

47. The Fees shall be reviewed after every three years.

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor.)

G. BHASKAR,
Joint Secretary to Government,
Law Department.

New Delhi, the 18th November, 2008.

The following Act of Parliament received the assent of the President on the 17th November, 2008 and is hereby published for general information:—

THE NATIONAL WATERWAY (TALCHER-DHAMRA STRETCH OF RIVERS, GEONKHALI-CHARBATIA STRETCH OF EAST COAST CANAL, CHARBATIA-DHAMRA STRETCH OF MATAI RIVER AND MAHANADI DELTA RIVERS) ACT, 2008.

ACT No. 23 OF 2008

An Act to provide for the declaration of the Talcher-dhamra stretch of Brahmani-Kharsua-Dhamra rivers, Geonkhali-Charbatia stretch of East Coast Canal, Charbatia-Dhamra stretch of Matai river and Mahanadi delta rivers between Mangalgadi and Paradip in the States of West Bengal and Orissa to be a national waterway and also to provide for the regulation and development of the said stretch of the rivers and the canals for the purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the National Waterway (Talcher-Dhamra Stretch of Rivers, Geonkhali-Charbatia Stretch of East Coast Canal, Charbatia-Dhamra Stretch of Matai River and Mahanadi Delta Rivers) Act, 2008.

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.

Declaration of certain stretches of rivers and canals as National Waterway.

2. The Talcher-Dhamra stretch of Brahmani-Kharsua-Dhamra rivers, Geonkhali-Charbatia stretch of East Coast Canal, Charbatia-Dhamra stretch of Matai river and Mahanadi delta rivers between Mangalgadi and Paradip, the limits of which are specified in the Schedule, is hereby declared to be a National Waterway.

Declaration as to expediency of control by the Union of certain stretches of rivers and canals for certain purposes.

3. It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of Talcher-Dhamra stretch of Brahmani-Kharsua-Dhamra rivers, Geonkhali-Charbatia stretch of East Coast Canal, Charbatia-Dhamra stretch of Matai river and Mahanadi delta rivers between Mangalgadi and Paradip for the purposes of shipping and navigation on the national waterway to the extent provided in the Inland Waterways Authority of India Act, 1985.

82 of 1985.

THE SCHEDULE

(See section 2)

LIMITS OF THE NATIONAL WATERWAY (TALCHER-DHAMRA STRETCH OF BRAHMANI-KHARSUA-DHAMRA RIVERS, GEONKHALI-CHARBATIA STRETCH OF EAST COAST CANAL, CHARBATIA DHAMRA STRETCH OF MATAI RIVER AND MAHANADI DELTA RIVERS)

East Coast Canal and Matai river

(Consisting of old Hijli tidal canal, Orissa coast canal and Matai river)

Northern limit	Confluence point of Hooghly river and Hijli tidal canal at Geonkhali at Lat 22° 12' 20" N, Lon 88° 03' 07" E.
Southern limit	Confluence of Matai river and Dhamra river near Dhamra Fishing harbour at Lat 20° 47' 42" N, Lon 86° 53' 03" E.

Brahmani-Kharsua-Dhamra river system

(Consisting of Brahmani-Kharsua-Dhamra rivers)

North-Western limit	Samal barrage across river Brahmani, Talcher at Lat 21° 04' 26" N, Lon 85° 08' 05" E.
South-Eastern limit	An imaginary line drawn across Dhamra river at East Point of Kalibhanj Dian Reserved Forest near Chandnipal at Lat 20° 46' 26" N, Lon 86° 57' 15" E.

Mahanadi delta rivers

(Consisting of Hansua river, Nuna nala, Gobri nala, Kharnasi river and Mahanadi river)
(Alternate route-Hansua river enters into Bay of Bengal through northern point of False point bay, then enters river Kharnasi at southern end of False point bay, river Atharabanko, a northernly distributory of river Mahanadi)

Northern limit	Confluence of Kharsua river with Brahmani river at Ramchandrapur at Lat 20° 36' 55" N, Lon 86° 45' 05" E.
Southern limit	An imaginary line in continuation to the Northern break water structure across the entrance channel at Paradip Port at Lat 20° 15' 38" N, Lon 86° 40' 55" E.

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
Joint Secretary to Government,
Law Department.

New Delhi, the 18th November, 2008.

The following Act of Parliament received the assent of the President on the 17th November, 2008 and is hereby published for general information:—

THE NATIONAL WATERWAY (KAKINADA-PUDUCHERRY STRETCH OF CANALS AND THE KALUVELLY TANK, BHADRACHALAM-RAJAHMUNDY STRETCH OF RIVER GODAVARI AND WAZIRABAD-VIJAYAWADA STRETCH OF RIVER KRISHNA) ACT, 2008.

ACT No. 24 OF 2008

An Act to provide for the declaration of the Kakinada-Puducherry stretch of canals comprising of Kakinada canal, Eluru canal, Commamur canal, Buckingham canal and the Kaluvelly tank, Bhadrachalam-Rajahmundry stretch of river Godavari and Wazirabad-Vijayawada stretch of river Krishna in the States of Andhra Pradesh and Tamil Nadu and the Union territory of Puducherry to be a national waterway and also to provide for the regulation and development of the said stretch of the rivers and the canals for the purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the National Waterway (Kakinada-Puducherry stretch of Canals and Kaluvelly Tank, Bhadrachalam-Rajahmundry stretch of River Godavari and Wazirabad-Vijayawada stretch of River Krishna) Act, 2008.

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.

Declaration of certain stretches of rivers and canals as National Waterway.

2. The Kakinada-Puducherry stretch of canals comprising of Kakinada canal, Eluru canal, Commamur canal, Buckingham canal and the Kaluvelly tank, Bhadrachalam-Rajahmundry stretch of river Godavari and Wazirabad-Vijayawada stretch of river Krishna, the limits of which are specified in the Schedule, is hereby declared to be a National Waterway.

Declaration as to expediency of control by the Union of certain stretches of rivers and canals as National Waterway.

3. It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of Kakinada-Puducherry stretch of canal comprising of Kakinada canal, Eluru canal, Commamur canal, Buckingham canal and Kaluvelly tank, Bhadrachalam-Rajahmundry stretch of river Godavari and Wazirabad-Vijayawada stretch of river Krishna for the purposes of shipping and navigation on the national waterway to the extent provided in the Inland Waterways Authority of India Act, 1985.

82 of 1985.

THE SCHEDULE

(See section 2)

LIMITS OF THE NATIONAL WATERWAY (KAKINADA-PUDUCHERRY STRETCH OF CANALS AND
KALUVELLY TANK, BHADRACHALAM-RAJAHMUNDY STRETCH OF RIVER GODAVARI AND
WAZIRABAD-VIJAYAWADA STRETCH OF RIVER KRISHNA)

Kakinada-Puducherry canal

(Canal system consisting of Kakinada canal, Eluru canal, Commamur canal and North Buckingham canal, portion of the Coovum river linking North and South Buckingham canals, South Buckingham canal and Kaluvelly tank)

- Northern limit A line drawn across the Kakinada canal parallel to the Jagannadhapuram road bridge, Kakinada at a distance of 500 metres down stream at Lat $16^{\circ} 56' 24''$ N, Lon $82^{\circ} 14' 20''$ E.
- Southern limit Junction of East Coast Highway and Chinnakalawari-Kanakachettikulam road at Kanakachettikulam which is the end point of the artificial canal link to Kaluvelly tank at Lat $12^{\circ} 02' 36''$ N, Lon $79^{\circ} 52' 12''$ E.

River Godavari

- Western limit Road bridge at Bhadrachalam across river Godavari at Lat $17^{\circ} 40' 39''$ N, Lon $80^{\circ} 52' 52''$ E.
- Eastern limit Sir Arthur Cotton barrage across river Godavari at Dowlaiswaram, Rajahmundry at Lat $16^{\circ} 56' 05''$ N, Lon $81^{\circ} 45' 32''$ E.

River Krishna

- Western limit Road bridge at Wazirabad across river Krishna at Lat $16^{\circ} 40' 50''$ N, Lon $79^{\circ} 39' 29''$ E.
- Eastern limit Prakasam barrage across river Krishna at Vijayawada at Lat $16^{\circ} 30' 18''$ N, Lon $80^{\circ} 36' 23''$ E.

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
Joint Secretary to Government,
Law Department.

New Delhi, the 5th December, 2008.

The following Act of Parliament received the assent of the President on the 5th December, 2008 and is hereby published for general information:—

THE CENTRAL UNIVERSITIES LAWS (AMENDMENT) ACT, 2008.

ACT No. 25 OF 2008

An Act further to amend the Banaras Hindu University Act, 1915, the Delhi University Act, 1922, the Jawaharlal Nehru University Act, 1966, the North-Eastern Hill University Act, 1973 and the University of Hyderabad Act, 1974.

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

CHAPTER I

PRELIMINARY

1. This Act may be called the Central Universities Laws (Amendment) Act, 2008. Short title.

CHAPTER II

AMENDMENTS TO THE BANARAS HINDU UNIVERSITY ACT, 1915

16 of 1915.

2. In the Banaras Hindu University Act, 1915 (hereafter in this Chapter referred to as the Banaras Hindu University Act), in section 13, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 13.

"(3) A copy of the accounts, together with the auditor's report, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament."

Insertion of
new section
13A.
Annual report.

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

"13A. (1) The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and shall be considered by the Court in its annual meeting.

(2) The Court may communicate its comments thereon to the Executive Council.

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

CHAPTER III

AMENDMENTS TO THE DELHI UNIVERSITY ACT, 1922

Amendment
of section 38.

4. In the Delhi University Act, 1922 (hereafter in this Chapter referred to as the Delhi University Act), section 38 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

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

Amendment
of section 39.

5. In section 39 of the Delhi University Act, after sub-section (2), the following sub-section shall be inserted, namely:—

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

CHAPTER IV

AMENDMENTS TO THE JAWAHARLAL NEHRU UNIVERSITY ACT, 1966

Amendment
of section 19.

6. In the Jawaharlal Nehru University Act, 1966 (hereafter in this Chapter referred to as the Jawaharlal Nehru University Act), in section 19, after sub-section (2), the following sub-section shall be inserted, namely:—

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

Amendment
of section 20.

7. In section 20 of the Jawaharlal Nehru University Act, after sub-section (2), the following sub-section shall be inserted, namely:—

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

CHAPTER V

AMENDMENTS TO THE NORTH-EASTERN HILL UNIVERSITY ACT, 1973

Amendment
of section
28.

8. In the North-Eastern Hill University Act, 1973 (hereafter in this Chapter referred to as the North-Eastern Hill University Act), in section 28, after sub-section (2), the following sub-section shall be inserted, namely:—

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

9. In section 29 of the North-Eastern Hill University Act, after sub-section (3), the following sub-section shall be inserted, namely:— Amendment
of section 29.

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

CHAPTER VI

AMENDMENT TO THE UNIVERSITY OF HYDERABAD ACT, 1974

39 of 1974. 10. In the University of Hyderabad Act, 1974, in section 28, after sub-section (2), the following sub-section shall be inserted, namely:— Amendment
of section 28.

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

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
*Joint Secretary to Government,
Law Department.*

New Delhi, the 5th December, 2008.

The following Act of Parliament received the assent of the President on the 5th December, 2008 and is hereby published for general information:—

THE DRUGS AND COSMETICS (AMENDMENT) ACT, 2008.

ACT No. 26 OF 2008.

An Act further to amend the Drugs and Cosmetics Act, 1940.

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

1. (1) This Act may be called the Drugs and Cosmetics (Amendment) Act, 2008.

Short title
and commence-
ment.

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

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

Insertion of
new section
17E.

Adulterated
cosmetics.

2. After section 17D of the Drugs and Cosmetics Act, 1940 (hereinafter referred to as the principal Act), the following section shall be inserted, namely,—

23 of 1940.

"17E. For the purposes of this Chapter, a cosmetic shall be deemed to be adulterated,—

(a) if it consists in whole or in part, of any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) if it contains any harmful or toxic substance which may render it injurious to health; or

(f) if any substance has been mixed therewith so as to reduce its quality or strength."

Amendment
of section 18.

3. In section 18 of the principal Act, in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely,—

"(ii) any cosmetic which is not of a standard quality, or is misbranded, adulterated or spurious;"

Amendment
of section
26A.

4. In section 26A of the principal Act, for the word "prohibit", the words "regulate, restrict or prohibit" shall be substituted.

Insertion of
new section
26B.

5. After section 26A of the principal Act, the following section shall be inserted, namely,—

Power of
Central
Government to
regulate or
restrict,
manufacture,
etc., of drug in
public interest.
Amendment
of section 27.

"26B. Without prejudice to any other provision contained in this Chapter, if the Central Government is satisfied that a drug is essential to meet the requirements of an emergency arising due to epidemic or natural calamities and that in the public interest, it is necessary or expedient so to do, then, that Government may, by notification in the Official Gazette, regulate or restrict the manufacture, sale or distribution of such drug."

6. In section 27 of the principal Act,—

(i) in clause (a),—

(A) for the figures, letter and words "17B or which", the figures, letter and words "17B and which" shall be substituted.

(B) for the words "punishable with imprisonment for a term which shall not be less than five years but which may extend to a term of life and with fine which shall not be less than ten thousand rupees;", the words "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 which shall not be less than ten lakh rupees or three times value of the drugs confiscated, whichever is more:" shall be substituted.

(C) the following provisos shall be inserted, namely:—

"Provided that the fine imposed on and released from, the person convicted under this clause shall be paid, by way of compensation, to the person who had used the adulterated or spurious drugs referred to in this clause:

Provided further that where the use of the adulterated or spurious drugs referred to in this clause has caused the death of a person who used such drugs, the fine imposed on and realised from, the person convicted under this clause, shall be paid to the relative of the person who had died due to the use of the adulterated or spurious drugs referred to in this clause.

Explanation.—For the purposes of the second proviso, the expression "relative" means—

(i) spouse of the deceased person; or

(ii) a minor legitimate son, and unmarried legitimate daughter and a widowed mother; or

(iii) parent of the minor victim; or

(iv) if wholly dependent on the earnings of the deceased person at the time of his death, a son or a daughter who has attained the age of eighteen years; or

(v) any person, if wholly or in part, dependent on the earnings of the deceased person at the time of his death,—

(a) the parent; or

(b) a minor brother or an unmarried sister; or

(c) a widowed daughter-in-law; or

(d) a widowed sister; or

(e) a minor child of a pre-deceased son; or

(f) a minor child of a pre-deceased daughter where no parent of the child is alive; or

(g) the paternal grandparent if no parent of the member is alive;";

(ii) in clause (b),—

(A) for the words "not be less than one year but which may extend to three years and with fine which shall not be less than five thousand rupees", the words "not be less than three years but which may extend to five years and with fine which shall not be less than one lakh rupees or three times the value of the drugs confiscated, whichever is more" shall be substituted;

(B) in the proviso, for the words "less than one year and of fine of less than five thousand rupees", the words "less than three years and of fine of less than one lakh rupees" shall be substituted;

(iii) in clause (c),—

(A) for the words "not be less than three years but which may extend to five years and with fine which shall not be less than five thousand rupees", the words "not less than seven years but which may extend to imprisonment for life and with fine which shall not be three lakh rupees or three times the value of the drugs confiscated, whichever is more" shall be substituted;

(B) in the proviso, for the words "less than three years but not less than one year", the words "less than seven years but not less than three years and of fine of less than one lakh rupees" shall be substituted;

(iv) in clause (d), for the words "and with fine", the words "and with fine which shall not be less than twenty thousand rupees" shall be substituted.

Amendment
of section
27A.

7. In section 27A of the principal Act, for clauses (i) and (ii), the following clauses shall be substituted, namely,—

(i) any cosmetic deemed to be spurious under section 17D or adulterated under section 17E shall be punishable with imprisonment for a term which may extend to three years and with fine which shall not be less than fifty thousand rupees or three times the value of the cosmetics confiscated, whichever is more;

(ii) any cosmetic other than a cosmetic referred to in clause (i) in contravention of any provisions of this Chapter or any rule made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees, or with both."

Amendment
of section 28.

8. In section 28 of the principal Act, for the words "with fine which may extend to one thousand rupees or with both", the words "with fine which shall not be less than twenty thousand rupees or with both" shall be substituted.

Amendment
of section
28A.

9. In section 28A of the principal Act, for the words "with fine which may extend to one thousand rupees or with both", the words "with fine which shall not be less than twenty thousand rupees or with both" shall be substituted.

Amendment
of section 29.

10. In section 29 of the principal Act, for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

Amendment
of section 30.

11. In section 30 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a),—

(A) for the words "not be less than two years but which may extend to six years and with fine which shall not be less than ten thousand rupees", the words "not be less than seven years but which may extend to ten years and with fine which shall not be less than two lakh rupees" shall be substituted;

(B) in the proviso, for the words "less than two years and of fine of less than ten thousand rupees", the words "less than seven years and of fine of less than one lakh rupees" shall be substituted;

(ii) in clause (b), for the words "shall not be less than six years but which may extend to ten years and with fine which shall not be less than ten thousand rupees", the words "shall not be less than ten years but which may extend to imprisonment for life and with fine which shall not be less than three lakh rupees" shall be substituted;

(iii) in clause (c), for the words "five thousand rupees", the words "fifty thousand rupees" shall be substituted;

(b) in sub-section (2), for the words "ten years, or with fine, or with both", the words "two years, or with fine which shall not be less than ten thousand rupees or with both" shall be substituted.

Amendment
of section 32.

12. In section 32 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) No prosecution under this Chapter shall be instituted except by—

(a) an Inspector; or

(b) any gazetted officer of the Central Government or a State Government authorised in writing in this behalf by the Central Government or a State Government by a general or special order made in this behalf by that Government; or

(c) the person aggrieved; or

(d) a recognised consumer association whether such person is a member of that association or not.

(2) Save as otherwise provided in this Act, no court inferior to that of a Court of Session shall try an offence punishable under this Chapter."

13. After section 32A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 32B.

2 of 1974.

"32B. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under clause (b) of sub-section (1) of section 13, section 28 and section 28A of this Act (whether committed by a company or any officer thereof), not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by the Central Government or by any State Government or any officer authorised in this behalf by the Central Government or a State Government, on payment for credit to that Government of such sum as that Government may, by rules made in this behalf, specify:

Compounding of certain offences.

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded:

Provided further that in cases of subsequent offences, the same shall not be compoundable.

(2) When the accused has been committed for trial or when he has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the court to which he is committed or, as the case may be, before which the appeal is to be heard.

(3) Where an offence is compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded and the offender, if in custody, shall be released forthwith."

14. In section 33 of the principal Act, in sub-section (2),—

Amendment of section 33.

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

"(dda) prescribe under clause (d) of section 17E the colour or colours which a cosmetic may bear or contain for the purposes of colouring;"

(ii) in clause (p), the word "and" occurring at the end shall be omitted;

(iii) in clause (q), the word "and" shall be inserted at the end;

(iv) after clause (q), the following clause shall be inserted, namely,—

"(r) sum which may be specified by the Central Government under section 32B."

15. In section 33-I of the principal Act,—

Amendment of section 33-I.

(a) in sub-section (1),—

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

"(a) any Ayurvedic, Siddha or Unani drug—

(i) deemed to be misbranded under section 33E,

(ii) deemed to be adulterated under section 33EE, or

(iii) without a valid licence or in violation of any of the conditions thereof, as required under section 33 EEC,

shall be punishable with imprisonment for a term which may extend to one year and with fine which shall not be less than twenty thousand rupees or three times the value of the drugs confiscated, whichever is more;"

(ii) in clause (b), for the words "five thousand rupees", occurring at both the places, the words "fifty thousand rupees or three times the value of the drugs confiscated, whichever is more" shall be substituted;

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

"(c) any Ayurvedic, Siddha or Unani drug in contravention of the provisions of any notification issued under section 33EED shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees or three times the value of the drugs confiscated, whichever is more.";

(b) in sub-section (2), for the words "three months and with fine which shall not be less than five hundred rupees", the words "six months and with fine which shall not be less than ten thousand rupees" shall be substituted.

Amendment of
section 33J.

16. In section 33J of the principal Act,—

(a) in clause (a), for the words "two thousand rupees", the words "fifty thousand rupees or three times the value of the drugs confiscated, whichever is more" shall be substituted;

(b) in clause (b), for the words "five thousand rupees" occurring at both the places, the words "one lakh rupees or three times the value of the drugs confiscated, whichever is more" shall be substituted;

(c) in clause (c), for the words "six months and with fine which shall not be less than one thousand rupees", the words "one year and with fine which shall not be less than twenty thousand rupees or three times the value of the drugs confiscated, whichever is more" shall be substituted.

Insertion of
new sections
33KA and
33KB.

17. After section 33K of the principal Act, the following sections shall be inserted, namely,—

Disclosure of
name of
manufacturer,
etc.

"33KA. Every person, not being the manufacturer of any Ayurvedic, Siddha or Unani drug or his agent for the distribution thereof, shall, if so required, disclose to the Inspector the name, address and other particulars of the person from whom he acquired the Ayurvedic, Siddha or Unani drug.

Maintenance
of records and
furnishing of
information.

33KB. Every person holding a licence under clause (c) of section 33EEC shall keep and maintain such records, registers and other documents as may be prescribed and shall furnish to any officer or authority exercising any power or discharging any function under this Act such information as is required by such officer or authority for carrying out the purposes of this Act."

Amendment
of section
33N.

18. In section 33N of the principal Act, in sub-section (2),—

(i) in clause (gga), the word "and" occurring at the end shall be omitted;

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

"(ggb) prescribe the records, registers or other documents to be kept and maintained under section 33KB; and"

Amendment
of section
36A.

19. In section 36A of the principal Act, for the words "all offences under this Act", the words, brackets, figures and letters "all offences (except the offences triable by the Special Court under section 36AB or Court of Session) under this Act" shall be substituted.

20. After section 36A of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 36AB, 36AC, 36AD and 36AE.

‘36AB. (1) The Central Government, or the State Government, in consultation with the Chief Justice of the High Court, shall, for trial of offences relating to adulterated drugs or spurious drugs and punishable under clauses (a) and (b) of section 13, sub-section (3) of section 22, clauses (a) and (c) of section 27, section 28, section 28A, section 28B and clause (b) of sub-section (1) of section 30 and other offences relating to adulterated drugs or spurious drugs, by notification, designate one or more Courts of Session as a Special Court or Special Courts for such area or areas or for such case or class or group of cases as may be specified in the notification.

Special Courts.

Explanation.—In this sub-section, "High Court" means the High Court of the State in which a Court of Session designated as Special Court was functioning immediately before such designation.

(2) While trying an offence under this Act, a Special Court shall also try an offence, other than an offence referred to in sub-section (1), with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

2 of 1974.

36AC. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

2 of 1974.

Offences to be cognizable and non-bailable in certain cases.

(a) every offence, relating to adulterated or spurious drug and punishable under clauses (a) and (c) of sub-section (1) of section 13, clause (a) of sub-section (2) of section 13, sub-section (3) of section 22, clauses (a) and (c) of section 27, section 28, section 28A, section 28B and sub-sections (1) and (2) of section 30 and other offences relating to adulterated drugs or spurious drugs, shall be cognizable.

(b) no person accused, of an offence punishable under clauses (a) and (c) of sub-section (1) of section 13, clause (a) of sub-section (2) of section 13, sub-section (3) of section 22, clauses (a) and (c) of section 27, section 28, section 28A, section 28B and sub-sections (1) and (2) of section 30 and other offences relating to adulterated drugs or spurious drugs, shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release; and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail:

Provided that a person, who, is under the age of sixteen years, or is a woman or is sick or infirm, may be released on bail, if the Special Court so directs.

(2) The limitation on granting of bail specified in clause (b) of sub-section (1) is in addition to the limitations under the Code of Criminal Procedure, 1973 or any other law for the time being in force on granting of bail.

2 of 1974.

(3) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code of Criminal Procedure, 1973 and the High Court may exercise such powers including the power under clause (b) of sub-section (1) of that section as if the reference to "Magistrate" in that section includes also a reference to a "Special Court" designated under section 36AB.

2 of 1974.

Application of
Code of
Criminal
Procedure,
1973 to
proceedings
before Special
Court.

36AD. (1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (including the provisions as to bails or bonds), shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting the prosecution before the Special Court, shall be deemed to be a Public Prosecutor: 2 of 1974.

Provided that the Central Government or the State Government may also appoint, for any case or class or group of cases, a Special Public Prosecutor.

(2) A person shall not be qualified to be appointed as a Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an advocate for not less than seven years, under the Union or a State, requiring special knowledge of law.

(3) Every person appointed as a Public Prosecutor or a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 and the provisions of that Code shall have effect accordingly. 2 of 1974.

Appeal and
revision.

36AE. The High Court may exercise, so far as may be applicable, all the powers conferred by Chapter XXIX or Chapter XXX of the Code of Criminal Procedure, 1973, on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court. 2 of 1974.

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
*Joint Secretary to Government,
Law Department.*

New Delhi, the 5th December, 2008.

The following Act of Parliament received the assent of the President on the 5th December, 2008 and is hereby published for general information:—

THE AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA ACT, 2008

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THE SCHEDULE.

THE AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA ACT, 2008

ACT No. 27 OF 2008.

An Act to provide for the establishment of an Airports Economic-Regulate Authority to regulate tariff and other charges for the aeronautical services rendered at airports and to monitor performance standards of airports and also to establish Appellate Tribunal to adjudicate disputes and dispose of appeals and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Airports Economic Regulatory Authority of India Act, 2008.

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

(3) It applies to—

(a) all airports whereat air transport services are operated or are intended to be operated, other than airports and airfields belonging to or subject to the control of the Armed Forces or paramilitary Forces of the Union;

Short title,
commencement
and
application.

- (b) all private airports and leased airports;
- (c) all civil enclaves;
- (d) all major airports.

Definitions.

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

(a) “aeronautical service” means any service provided—

(i) for navigation, surveillance and supportive communication thereto for air traffic management;

(ii) for the landing, housing or parking of an aircraft or any other ground facility offered in connection with aircraft operations at an airport;

(iii) for ground safety services at an airport;

(iv) for ground handling services relating to aircraft, passengers and cargo at an airport;

(v) for the cargo facility at an airport;

(vi) for supplying fuel to the aircraft at an airport; and

(vii) for a stake-holder at an airport, for which the charges, in the opinion of the Central Government for the reasons to be recorded in writing, may be determined by the Authority;

(b) “airport” means a landing and taking off area for aircrafts, usually with runways and aircraft maintenance and passenger facilities and includes an aerodrome as defined in clause (2) of section 2 of the Aircraft Act, 1934;

22 of 1934.

(c) “airport user” means any person availing of passenger or cargo facilities at an airport;

(d) “Appellate Tribunal” means the Airports Economic Regulatory Authority Appellate Tribunal established under section 17;

(e) “Authority” means the Airports Economic Regulatory Authority established under sub-section (1) of section 3;

(f) “civil enclave” means an area, if any, allotted at an airport belonging to any armed force of the Union, for use by persons availing of any air transport services from such airport or for the handling of baggage or cargo by such service, and includes land comprising of any building and structure on such area;

(g) “Chairperson” means the Chairperson of the Authority appointed under sub-section (2) of section 4;

(h) “leased airport” means an airport in respect of which a lease has been made under section 12A of the Airports Authority of India Act, 1994;

55 of 1994.

(i) “major airport” means any airport which has, or is designated to have, annual passenger throughput in excess of one and a half million or any other airport as the Central Government may, by notification, specify as such;

(j) “Member” means a Member of the Authority and includes the Chairperson;

(k) “prescribed” means prescribed by rules made under this Act;

(l) “private airport” has the same meaning as assigned to it in clause (nn) of section 2 of the Airports Authority of India Act, 1994;

55 of 1994.

(m) “regulations” means regulations made by the Authority under this Act;

(n) “service provider” means any person who provides aeronautical services and is eligible to levy and charge user development fees from the embarking passengers at any airport and includes the authority which manages the airport;

(o) “stake-holder” includes a licensee of an airport, airlines operating thereat, a person who provides aeronautical services, and any association of individuals, which in the opinion of the Authority, represents the passenger or cargo facility users;

55 of 1994.

(p) words and expressions used but not defined in this Act and defined in the Airports Authority of India Act, 1994 shall have the same meanings respectively assigned to them in that Act.

CHAPTER II

THE AIRPORTS ECONOMIC REGULATORY AUTHORITY

3. (1) The Central Government shall, within three months from the date of commencement of this Act, by notification in the Official Gazette, establish an Authority, to be known as the Airports Economic Regulatory Authority, to exercise the powers conferred on, and the functions assigned to it, by or under this Act.

Establishment
of Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power 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 head office of the Authority shall be at such place as the Central Government may, by notification in the Official Gazette, specify.

4. (1) The Authority shall consist of a Chairperson and two other Members to be appointed by the Central Government:

Composition of
Authority.

Provided that whenever the Authority is deciding a matter involving a civil enclave in a defence airfield, there shall be an additional Member, not below the rank of Additional Secretary to the Government of India, to be nominated by the Ministry of Defence.

(2) The Chairperson and Members of the Authority shall be appointed by the Central Government from amongst persons of ability and integrity having adequate knowledge of, and professional experience in, aviation, economics, law, commerce or consumer affairs:

Provided that a person who is or has been in the service of Government shall not be appointed as a Member unless such person has held the post of Secretary or Additional Secretary to the Government of India or any equivalent post in the Central or State Government for a total period of not less than three years.

(3) The Chairperson and other Members shall be whole-time Members.

(4) The Chairperson or other Members shall not hold any other office.

(5) The Chairperson shall be the Chief Executive of the Authority.

(6) The Chairperson and other Members of the Authority shall be appointed by the Central Government on the recommendation of Selection Committee referred to in section 5.

5. (1) The Central Government shall, for the purpose of sub-section (6) of section 4 constitute a Selection Committee consisting of the following, namely:—

Constitution of
Selection
Committee to
recommend
Members.

(a) Cabinet Secretary — Chairman;

(b) Secretary, in the Ministry of Civil Aviation — Member;

(c) Secretary, Department of Legal Affairs in the Ministry of Law and Justice — Member;

(d) Secretary, in the Ministry of Defence — Member;

(e) One expert to be nominated by the Ministry of Civil Aviation — Member.

(2) The Central Government shall within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or a Member and six months before the superannuation or end of tenure of the Chairperson or any Member, make a reference to the Selection Committee for filling up of the vacancy.

(3) The Selection Committee shall finalise the selection of the Chairperson and Members within one month from the date on which the reference is made to it.

(4) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

(5) Before recommending any person for appointment as a Chairperson or other Member of the Authority, the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as a Member.

Terms of office and other conditions of service, etc., of Chairperson and Members.

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

6. (1) The Chairperson and other Members, shall hold office, as such, for a term of five years from the date on which he enters upon his office, but shall not be eligible for re-appointment:

Provided that no Chairperson or other Member shall hold office, as such, after he attains —

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

(b) in the case of any other Member, the age of sixty-two years.

Explanation.—For the purposes of this sub-section, a Member may be appointed as Chairperson of the Authority, but a person who has been the Chairperson shall not be eligible for appointment as a Member.

(2) The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members shall be such as may be prescribed.

(3) The salary, allowances and other conditions of service of the Chairperson and other Members shall not be varied to their disadvantage after their appointment.

(4) Notwithstanding anything contained in sub-section (1), the Chairperson or any Member may,—

(a) relinquish his office by giving, in writing to the Central Government, a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 8.

(5) The Chairperson or any Member ceasing to hold office; as such, shall—

(a) be ineligible for further employment under the Central Government or any State Government for a period of two years from the date he ceases to hold such office;

(b) not accept any commercial employment including private for a period of two years from the date he ceases to hold such office; or

(c) not represent any person before the Authority in any other manner.

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

(a) “employment under the Central Government or State Government” includes employment under any local or other authority within the territory of India or under the control of the Central Government or State Government or under any corporation or society owned or controlled by the Government.

(b) “commercial employment” means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes also a director of a company or partner of a firm and it also includes setting up practice either independently or as partner of a firm or as an adviser or a consultant.

Power of Chairperson.

7. The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of the Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and functions of the Authority and shall discharge such other powers and functions as may be prescribed.

Removal and suspension of Members.

8. (1) The Central Government may, by order, remove from office the Chairperson or other Member, if the Chairperson or such other Member, as the case may be,—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

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

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

(e) has so abused his position, as to render his continuance in office prejudicial to the public interest; or

(f) has engaged at any time during his term of office in any other employment.

(2) The Chairperson or any other Member shall not be removed from his office except by an order of the Central Government on the ground of his proved misbehavior or incapacity after the Central Government, has, on an inquiry, held in accordance with the procedure prescribed in this behalf by the Central Government, come to the conclusion that the Member ought on any such ground to be removed.

(3) The Central Government may suspend any Member in respect of whom an inquiry under sub-section (2) is being initiated or pending until the Central Government has passed an order on receipt of the report of the inquiry.

9. (1) The Central Government may appoint a Secretary to discharge his functions under this Act.

Appointment of Secretary, experts, professionals and officers and other employees of Authority.

(2) The Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

(3) The salaries and allowances payable to and other terms and conditions of service of the Secretary and officers and other employees of the Authority and the number of such officers and other employees shall be such as may be prescribed.

(4) The Authority may engage, in accordance with the procedure specified by regulations such number of experts and professionals of integrity and outstanding ability, who have special knowledge of, and experience in, economics, law, business or such other disciplines related to aviation as it deems necessary to assist the Authority in the discharge of its functions under this Act.

10. (1) The Authority shall meet at such places and times and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings), as may be determined by regulations.

Meetings.

(2) The Chairperson shall preside at the meeting of the Authority and if for any reason the Chairperson is unable to attend a meeting of the Authority, any other Member chosen by the members present from amongst themselves at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the Members present and voting and, in the event of an equality of votes, the Chairperson or the Member presiding shall have the right to exercise a second or casting vote.

(4) Save as otherwise provided in sub-section (1), every Member shall have one vote.

11. All orders and decisions of the Authority shall be authenticated by signatures of the Secretary or any other officer of the Authority, duly authorised by the Authority in this behalf.

Authentication.

12. No act or proceedings of the Authority shall be invalid merely by reason of —

(a) any vacancy in, or any defect in, the constitution of the Authority; or

(b) any defect in the appointment of a person acting as a Member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

Vacancies, etc., not to invalidate proceedings of Authority.

CHAPTER III

POWERS AND FUNCTIONS OF THE AUTHORITY

13. (1) The Authority shall perform the following functions in respect of major airports, namely:—

Functions of Authority.

(a) to determine the tariff for the aeronautical services taking into consideration—

(i) the capital expenditure incurred and timely investment in improvement of airport facilities;

- (ii) the service provided, its quality and other relevant factors;
- (iii) the cost for improving efficiency;
- (iv) economic and viable operation of major airports;
- (v) revenue received from services other than the aeronautical services;
- (vi) the concession offered by the Central Government in any agreement or memorandum of understanding or otherwise;
- (vii) any other factor which may be relevant for the purposes of this Act:

Provided that different tariff structures may be determined for different airports having regard to all or any of the above considerations specified at sub-clauses (i) to (vii);

- (b) to determine the amount of the development fees in respect of major airports;
- (c) to determine the amount of the passengers service fee levied under rule 88 of the Aircraft Rules, 1937 made under the Aircraft Act, 1934;
- (d) to monitor the set performance standards relating to quality, continuity and reliability of service as may be specified by the Central Government or any authority authorised by it in this behalf;
- (e) to call for such information as may be necessary to determine the tariff under clause (a);
- (f) to perform such other functions relating to tariff, as may be entrusted to it by the Central Government or as may be necessary to carry out the provisions of this Act.

22 of 1934.

(2) The Authority shall determine the tariff once in five years and may if so considered appropriate and in public interest, amend, from time to time during the said period of five years, the tariff so determined.

(3) While discharging its functions under sub-section (1) the Authority shall not act against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.

(4) The Authority shall ensure transparency while exercising its powers and discharging its functions, *inter alia*,—

- (a) by holding due consultations with all stake-holders with the airport;
- (b) by allowing all stake-holders to make their submissions to the authority; and
- (c) by making all decisions of the authority fully documented and explained.

14. (1) Where the Authority considers it expedient so to do, it may by order in writing—

- (a) call upon any service provider at any time to furnish in writing such information or explanation relating to its functions as the Authority may require to assess the performance of the service provider; or
- (b) appoint one or more persons to make an inquiry in relation to the affairs of any service provider; and
- (c) direct any of its officers or employees to inspect the books of account or other documents of any service provider.

(2) Where any inquiry in relation to the affairs of a service provider has been undertaken under sub-section (1)—

- (a) every office of the Government department, if such service provider is a department of the Government; or
- (b) every director, manager, secretary or other officer, if such service provider is a company; or
- (c) every partner, manager, secretary or other officer, if such service provider is a firm; or
- (d) every other person or body of persons who has had dealings in the course of business with any of the persons mentioned in clauses (b) or (c),

Powers of
Authority to
call for
information,
conduct
investigations,
etc.

shall be bound to produce before the Authority making the inquiry, all such books of account or other documents in his custody or power relating to, or having a bearing on the subject-matter of such inquiry and also to furnish to the Authority with any such statement or information relating thereto, as the case may be, required of him, within such time as may be specified.

(3) Every service provider shall maintain such books of account or other documents as may be prescribed.

(4) The Authority shall have the power to issue such directions to monitor the performance of the service providers as it may consider necessary for proper functioning by service providers.

15. The Authority may, for the purpose of discharge of its functions under this Act, issue, from time to time to the service providers, such directions, as it may consider necessary.

Power of Authority to issue certain directions.

16. The Authority or any other officer specially authorised by it in this behalf may enter any building or place where the Authority has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of section 100 of the Code of Criminal Procedure, 1973 in so far as they may be applicable.

Power of seizure.

2 of 1974.

CHAPTER IV APPELLATE TRIBUNAL

17. The Central Government shall, by notification in the Official Gazette, establish an Appellate Tribunal to be known as the Airports Economic Regulatory Authority Appellate Tribunal to—

Establishment of Appellate Tribunal.

(a) adjudicate any dispute—

(i) between two or more service providers;

(ii) between a service provider and a group of consumer:

Provided that the Appellate Tribunal may, if considers appropriate, obtain the opinion of the Authority on any matter relating to such dispute:

Provided further that nothing in this clause shall apply in respect of matters—

(i) relating to the monopolistic trade practice, restrictive trade practice and unfair trade practice which are subject to the jurisdiction of the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the Monopolies and Restrictive Trade Practices Act, 1969;

54 of 1969.

(ii) relating to the complaint of an individual consumer maintainable before a Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or the National Consumer Redressal Commission established under section 9 of the Consumer Protection Act, 1986;

68 of 1986.

12 of 2003.

(iii) which are within the purview of the Competition Act, 2002;

55 of 1994.

(iv) relating to an order of eviction which is appealable under section 28K of the Airports Authority of India Act, 1994.

(b) hear and dispose of appeal against any direction, decision or order of the Authority under this Act.

18. (1) The Central Government or a State Government or a local authority or any person may make an application to the Appellate Tribunal for adjudication of any dispute as referred to in clause (a) of section 17.

Application for settlement of disputes and appeals to Appellate Tribunal.

(2) The Central Government or a State Government or a local authority or any person aggrieved by any direction, decision or order made by the Authority may prefer an appeal to the Appellate Tribunal.

(3) Every appeal under sub-section (2) shall be preferred within a period of thirty days from the date on which a copy of the direction or order or decision made by the Authority is received by the Central Government or the State Government or the local authority or the aggrieved person and it shall be in such form; verified in such manner and be accompanied by such fee as may be prescribed:

Provided that the Appellate Tribunal may entertain any appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(4) On receipt of an application under sub-section (1) or an appeal under sub-section (2), the Appellate Tribunal may, after giving the parties to the dispute or the appeal an opportunity of being heard, pass such orders thereon as it thinks fit.

(5) The Appellate Tribunal shall send a copy of every order made by it to the parties to the dispute or the appeal and to the Authority, as the case may be.

(6) The application made under sub-section (1) or the appeal preferred under sub-section (2) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the application or appeal finally within ninety days from the date of receipt of application or appeal, as the case may be:

Provided that where any such application or appeal could not be disposed of within the said period of ninety days, the Appellate Tribunal shall record its reasons in writing for not disposing of the application or appeal within that period.

(7) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness, of any dispute made in any application under sub-section (1), or of any direction or order or decision of the Authority referred to in the appeal preferred under sub-section (2), on its own motion or otherwise, call for the records relevant to disposing of such application or appeal and make such orders as it thinks fit.

Composition
of Appellate
Tribunal.

19.(1) The Appellate Tribunal shall consist of a Chairperson and not more than two Members to be appointed, by notification in the Official Gazette, by the Central Government:

Provided that the Chairperson or a Member holding a post as such in any other Tribunal, established under any law for the time being in force, in addition to his being the Chairperson or a Member of that Tribunal, may be appointed as the Chairperson or a Member, as the case may be, of the Appellate Tribunal under this Act.

(2) The selection of Chairperson and Members of the Appellate Tribunal shall be made by the Central Government in consultation with the Chief Justice of India or his nominee.

Qualifications
for appoint-
ment of Chair-
person and
Members.

20. A person shall not be qualified for appointment as the Chairperson or a Member of the Appellate Tribunal unless he—

(a) in the case of Chairperson, is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court;

(b) in the case of a Member, has held the post of Secretary to the Government of India or any equivalent post in the Central Government or the State Government for a total period of not less than two years in the Ministries or Departments dealing with aviation or economics or law or a person who is well-versed in the field of aviation or economics or law.

Term of office.

21. The Chairperson and every other Member of the Appellate Tribunal shall hold office as such for a term not exceeding three years from the date on which he enters upon his office:

Provided that no Chairperson or other Member shall hold office as such after he has attained,—

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

(b) in the case of any other Member, the age of sixty-five years.

22. The salary and allowances payable to and the other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal shall be such as may be prescribed:

Terms and conditions of service.

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

23. If, for reason other than temporary absence, any vacancy occurs in the office of the Chairperson or a Member of the Appellate Tribunal, the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy is filled.

Vacancies.

24. (1) The Central Government may remove from office, the Chairperson or any Member of the Appellate Tribunal, who—

Removal and resignation.

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

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

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

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

(2) Notwithstanding anything contained in sub-section (1), the Chairperson or a Member of the Appellate Tribunal shall not be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the Supreme Court on a reference being made to it in this behalf by the Central Government, has, on an enquiry, held by it in accordance with such procedure as it may specify in this behalf, reported that the Chairperson or a Member ought, on such grounds, to be removed.

(3) The Central Government may suspend from office, the Chairperson or a Member of the Appellate Tribunal in respect of whom a reference has been made to the Supreme Court under sub-section (2), until the Central Government has passed an order on receipt of the report of the Supreme Court on such reference.

25. (1) The Central Government shall provide the Appellate Tribunal with such officers and employees as it may deem fit.

Staff of Appellate Tribunal.

(2) The officers and employees of the Appellate Tribunal shall discharge their functions under the general superintendence of its Chairperson.

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

26. If the Chairperson and other Members differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.

Decision to be by majority.

27. The Chairperson, Members and other officers and employees of the Appellate Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, etc., to be public servants.

28. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Civil court not to have jurisdiction.

Procedure and
powers of
Appellate
Tribunal.

29. (1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Appellate Tribunal shall have powers to regulate its own procedure. 5 of 1908.

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

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

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or a copy of such record or document, from any office; 1 of 1872.

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

(f) reviewing its decisions;

(g) dismissing an application for default or deciding it, *ex parte*;

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

(i) any other matter which may be prescribed.

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

Right to legal
representation.

30. The applicant or appellant may either appear in person or authorises one or more chartered accountants or company secretaries or cost accountants or legal practitioners or any of its officers to present his or its case before the Appellate Tribunal.

Explanation.— For the purposes of this section,—

(a) “chartered accountant” means a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949 and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act; 38 of 1949.

(b) “company secretary” means a company secretary as defined in clause (c) of sub-section (1) of section 2 of the Company Secretaries Act, 1980 and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act; 56 of 1980.

(c) “cost accountant” means a cost accountant as defined in clause (b) of sub-section (1) of section 2 of the Cost and Works Accountants Act, 1959, and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act; 23 of 1959.

(d) “legal practitioner” means an advocate, vakil or an attorney of any High Court, and includes a pleader in practice.

Appeal to
Supreme
Court.

31. (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 or in any other law, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on one or more of the grounds specified in section 100 of that Code. 5 of 1908.

(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.

(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against:

Provided that the Supreme Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

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

Orders passed by Appellate Tribunal to be executable as a decree.

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

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

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

Budget.

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

Grants by Central Government.

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

Annual statement of accounts.

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

(3) The Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights, privileges and authority in connection with such audit, as the Comptroller and Auditor-General of India generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(4) The accounts of the Authority, as certified by Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.

36. (1) The Authority shall furnish to the Central Government, at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any matter under the jurisdiction of the Authority, as the Central Government may, from time to time, require.

Furnishing of returns, etc., to Central Government.

(2) The Authority shall prepare, once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.

(3) A copy of the report received under sub-section (2) shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.

CHAPTER VI

OFFENCES AND PENALTIES

Penalty for wilful failure to comply with orders of Appellate Tribunal.

37. If any person wilfully fails to comply with the order of the Appellate Tribunal, he shall be punishable with fine which may extend to one lakh rupees and in case of a second or subsequent offence with fine which may extend to two lakh rupees and in the case of continuing contravention with additional fine which may extend to two lakh rupees for every day during which such default continues.

Punishment for non-compliance of orders and directions under this Act.

38. Whoever fails to comply with any order or direction given under this Act, or contravenes, or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder shall be punishable with fine which may extend to one lakh rupees and in the case of a second or subsequent offence with fine which may extend to two lakh rupees and in the case of a continuing contravention with an additional fine which may extend to four thousand rupees for every day during which the default continues.

Punishment for non-compliance with order of Authority or Appellate Tribunal.

39. If any person wilfully fails to comply with an order of the Authority or of the Appellate Tribunal, passed under Chapter IV, he shall be punishable with fine which may extend to one lakh rupees and, in the case of a second or subsequent offence, with fine which may extend to two lakh rupees and in the case of a continuing failure, with an additional fine which may extend to four thousand rupees for every day during which such failure continues.

Offences by companies.

40. (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 purposes 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.

Offences by Government Departments.

41. (1) Where an offence under this Act has been committed by any Department of Government or any of its undertakings, the Head of the Department or its undertakings shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly unless 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 any Department of Government or its undertakings 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 officer, other than the Head of the Department, or its undertakings, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER VII

MISCELLANEOUS

42. (1) The Central Government may, from time to time, issue to the Authority such directions as it may think necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.

Directions by
Central
Government.

(2) Without prejudice to the foregoing provisions, the Authority shall, in exercise of its powers or the performance of its functions, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(3) The decision of the Central Government whether a question is one of policy or not shall be final.

45 of 1860.

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

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

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

Bar of
jurisdiction.

45. No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any Member, officer or other employees thereof for anything which is in good faith done or intended to be done under this Act or the rules and regulations made thereunder.

Protection of
action taken
in good faith.

27 of 1957.
43 of 1961.

46. Notwithstanding anything contained in the Wealth-tax Act, 1957, the Income-tax Act, 1961, or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Authority shall not be liable to pay wealth-tax, income-tax or any other tax in respect of their wealth, income, profits or gains derived.

Exemption
from tax on
wealth and
income.

47. No court shall take cognizance of an offence punishable under this Act, except upon a complaint in writing made by the Authority or by any officer of the Authority duly authorised by the Authority for this purpose.

Cognizance of
offences.

48. The Authority may, by general or special order in writing, delegate to the Chairperson or any Member or officer of the Authority, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to settle disputes and the power to make regulations), as it may deem necessary.

Delegation of
powers.

49. (1) If, at any time, the Central Government is of opinion—

Power of
Central
Government
to supersede
Authority.

(a) that on account of a grave emergency, the Authority is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of which default, the financial position of the Authority or the administration of any airport, heliport, airstrip, civil enclave or aeronautical communication station has deteriorated; or

(c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (b), the Central Government shall give a reasonable opportunity to the Authority to show cause as to why it should not be superseded and shall consider the explanations and objections, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) all the Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority, shall until the Authority is re-constituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct;

(c) all property owned or controlled by the Authority shall, until the Authority is re-constituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may,—

(a) extend the period of supersession for such further term not exceeding six months, as it may consider necessary; or

(b) re-constitute the Authority by fresh appointment and in such case the Members who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment.

Provided that the Central Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before both Houses of Parliament at the earliest opportunity.

Application of
other laws not
barred.

50. 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.

Power to make
rules.

51. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

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

(a) the salary and allowances payable to, and the other conditions of service of, the Chairperson and other Members under sub-section (2) of section 6;

(b) the form and manner in which and the Authority before whom the oath of office and secrecy shall be made and subscribed under sub-section (4) of section 6;

(c) the powers and functions to be exercised or discharged by the Chairperson under section 7;

(d) the procedure for conducting any inquiry made under sub-section (2) of section 8;

(e) the salaries and allowances payable to, and the other terms and conditions of service of the Secretary, officers and other employees of the Authority under sub-section (3) of section 9;

(f) the performance standards relating to the quality, continuity and reliability of service to be monitored under clause (d) of sub-section (1) of section 13;

(g) the books of account or other documents which are required to be maintained by the service provider under sub-section (3) of section 14;

(h) the form and manner in which the form shall be verified and fee to be accompanied by the form under sub-section (3) of section 18;

(i) the salary and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members of the Appellate Tribunal under section 22;

(j) the salaries and allowances and other conditions of service of such officers and employees of the Appellate Tribunal under sub-section (3) of section 25;

(k) the matters in respect of which the Authority will have the powers of a civil court under clause (a) of sub-section (2) of section 29;

(l) the form in which the Authority shall prepare, and at such time in each financial year, its budget and the time at which such budget shall be prepared under section 33;

(m) the form in which proper accounts and other relevant records shall be maintained and the annual statement of accounts shall be prepared by the Authority under sub-section (1) of section 35;

(n) the form, manner and the time in which the returns and statements shall be furnished by the Authority under sub-section (1) of section 36;

(o) the form and time at which the annual report shall be prepared by the Authority under sub-section (2) of section 36;

(p) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

52. (1) The Authority may, by notification in the Official Gazette, and with the previous approval of the Central Government, make regulations, not inconsistent with this Act, and the rules made thereunder, to carry out the purposes of this Act.

Power to make regulations.

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

(a) the procedure in accordance with which the experts and professionals may be engaged under sub-section (4) of section 9;

(b) the places and time of meetings of the Authority and the procedure to be followed at such meetings, (including the quorum at its meetings) under sub-section (1) of section 10;

(c) any other matter which is required to be, or may be, specified by regulations.

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

Rules and regulations to be laid before parliament.

54. The enactments specified in the Schedule to this Act shall be amended in the manner specified therein and such amendments shall take effect on the date of establishment of the Authority.

Amendment of certain enactments.

Power to
remove
difficulties.

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

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

THE SCHEDULE

[See section 54]

AMENDMENT TO THE AIRCRAFT ACT, 1934

(22 OF 1934)

Section 5, sub-section (2), clause (ab), for "or revision on tariff of operators of air transport services", substitute "or revision on tariff of operators of air transport services [other than the tariff referred to in clause (a) of sub-section (1) of section 13 of the Airports Economic Regulatory Authority of India Act, 2008]".

AMENDMENT TO THE AIRPORTS AUTHORITY OF INDIA ACT, 1994

(55 OF 1994)

1. Section 22A, for the portion beginning with the words "The Authority may" and ending with the words "for the purposes of—", substitute the following:—

"The Authority may,—

(i) after the previous approval of the Central Government in this behalf, levy on, and collect from, the embarking passengers at an airport other than the major airports referred to in clause (h) of section 2 of the Airports Economic Regulatory Authority of India Act, 2008 the development fees at the rate as may be prescribed;

(ii) levy on, and collect from, the embarking passengers at major airport referred to in clause (h) of section 2 of the Airports Economic Regulatory Authority of India Act, 2008 the development fees at the rate as may be determined under clause (b) of sub-section (1) of section 13 of the Airports Economic Regulatory Authority of India Act, 2008,

and such fees shall be credited to the Authority and shall be regulated and utilised in the prescribed manner, for the purposes of— "

2. Section 41, in sub-section (2), clause (ee), for "the rate of development fees and", substitute—

"the rate of development fees in respect of airports other than major airports and".

The above Bill has been passed by the Houses of Parliament.

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
Joint Secretary to Government,
Law Department.

New Delhi, the 31st December, 2008.

The following Act of Parliament received the assent of the President on the 30th December, 2008 and is hereby published for general information:—

THE PRESIDENT'S EMOLUMENTS AND PENSION (AMENDMENT) ACT, 2008.

ACT No. 28 OF 2008

An Act further to amend the President's Emoluments and Pension Act, 1951.

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

1. (1) This Act may be called the President's Emoluments and Pension (Amendment) Act, 2008. Short title and commencement.

(2) The provisions of section 2 and clause (i) of section 3 shall be deemed to have come into force on the 1st day of January, 2006 and remaining provisions of this Act shall come into force at once.

30 of 1951.

2. In section 1A of the President's Emoluments and Pension Act, 1951 (hereinafter referred to as the principal Act), for the words "fifty thousand rupees", the words "one lakh fifty thousand rupees" shall be substituted. Amendment of section 1A.

3. In section 2 of the principal Act,—

(i) in sub-section (1), for the words "of three lakh rupees per annum", the words "at the rate of fifty per cent. of the emoluments of the President per month" shall be substituted; Amendment of section 2.

(ii) in sub-section (2), for clauses (a) and (b), the following clauses shall be substituted, namely:—

"(a) to the use of a furnished residence (including its maintenance), without payment of rent, two telephones (one for internet and broadband connectivity), one mobile phone with national roaming facility and a motor-car, free of charge or to such car allowance as may be specified in the rules;

(b) to secretarial staff consisting of a Private Secretary, one Additional Private Secretary, one Personal Assistant, two Peons and office expenses up to sixty thousand rupees per annum."

Amendment
of section 3A.

4. In section 3A of the principal Act, for clause (b), the following clause shall be substituted, namely:—

"(b) after ceasing to hold office as President, either on the expiration of his term of office or by resignation of his office, shall be entitled,—

(i) to the use of furnished residence (including its maintenance) without payment of licence fee;

(ii) to secretarial staff consisting of a Private Secretary and a Peon and office expenses as per actuals, the total expenditure on which shall not exceed twelve thousand rupees per annum;

(iii) to a telephone and a motor-car, free of charge or such car allowance for the remainder of his life, as may be specified in the rules;

(iv) to travel anywhere in India, in a calendar year to twelve single journeys, by the highest class, by air, rail or steamer, accompanied by a companion or a relative."

Insertion of
new section 6.
Power to
remove
difficulties.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

"6. (1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the President's Emoluments and Pension (Amendment) Act, 2008, the Central Government may, by order, do anything not inconsistent with such provisions for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the date on which this Act comes into force.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament."

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
*Joint Secretary to Government,
Law Department.*

New Delhi, the 31st December, 2008.

The following Act of Parliament received the assent of the President on the 30th December, 2008 and is hereby published for general information:—

THE VICE-PRESIDENT'S PENSION (AMENDMENT) ACT, 2008

ACT No. 29 OF 2008.

An Act further to amend the Vice-President's Pension Act, 1997.

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

1. (1) This Act may be called the Vice-President's Pension (Amendment) Act, 2008.

Short title and
commencement.

(2) Clause (i) of section 2 shall be deemed to have come into force on the 1st day of January, 2006 and the remaining provisions of this Act shall come into force at once.

30 of 1997.

2. In section 2 of the Vice-President's Pension Act, 1997 (hereinafter referred to as the principal Act),—

Amendment
of section 2.

(i) in sub-section (1), for the words “of twenty thousand rupees”, the words “at the rate of fifty per cent. of the salary of the Vice-President” shall be substituted;

(ii) in sub-section (2), for clause (c), the following clause shall be substituted, namely:—

“(c) to secretarial staff consisting of a Private Secretary, an Additional Private Secretary, a Personal Assistant and two Peons and office expenses not exceeding sixty thousand rupees per annum.”.

Amendment
of section 3A.

3. In section 3A of the principal Act, for the words “unfurnished residence”, the words and brackets “furnished residence (including its maintenance)” shall be substituted.

Insertion of
new section 6.

4. After section 5 of the principal Act, the following section shall be inserted, namely:—

Power to
remove
difficulties.

“6. (1) If any difficulty arises in giving effect to the provisions of this Act as amended by the Vice-President’s Pension (Amendment) Act, 2008, the Central Government may, by order, do anything not inconsistent with such provisions for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the date on which this Act comes into force.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament.”.

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
*Joint Secretary to Government,
Law Department.*

New Delhi, the 31st December, 2008.

The following Act of Parliament received the assent of the President on the 30th December, 2008 and is hereby published for general information:—

THE SALARIES AND ALLOWANCES OF OFFICERS OF PARLIAMENT
(AMENDMENT) ACT, 2008

ACT No. 30 OF 2008.

An Act further to amend the Salaries and Allowances of Officers of Parliament Act, 1953.

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

1. This Act may be called the Salaries and Allowances of Officers of Parliament (Amendment) Act, 2008. Short title.

2. In section 3 of the Salaries and Allowances of Officers of Parliament Act, 1953, in sub-section (1), for the words “forty thousand rupees”, the words “one lakh twenty-five thousand rupees” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of January, 2006. Amendment of section 3 of Act 20 of 1953.

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
*Joint Secretary to Government,
Law Department.*



New Delhi, the 31st December, 2008.

The following Act of Parliament received the assent of the President on the 30th December, 2008 and is hereby published for general information:—

THE APPROPRIATION (No. 4) ACT, 2008

ACT No. 31 OF 2008.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2008-09.

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

1. This Act may be called the Appropriation (No. 4) Act, 2008.
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of fifty-five thousand six hundred and four crores, and eighty-three lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2008-09 in respect of the services specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short title.

Issue of Rs.
55604,83,00,000
out of the
Consolidated
Fund of India
for the
financial year
2008-09.

Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1	2	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
No. of Vote	Services and purposes	Rs.	Rs.	Rs.
4	Atomic Energy Revenue	51,39,00,000	..	51,39,00,000
	Capital	217,75,00,000	1,00,00,000	218,75,00,000
5	Nuclear Power Schemes Revenue	145,98,00,000	..	145,98,00,000
	Capital	180,02,00,000	..	180,02,00,000
7	Department of Fertilisers Revenue	13656,06,00,000	..	13656,06,00,000
10	Department of Commerce Revenue	956,69,00,000	..	956,69,00,000
16	Department of Food and Public Distribution Revenue	6500,00,00,000	..	6500,00,00,000
20	Defence Pensions Revenue	2728,20,00,000	..	2728,20,00,000
35	Transfers to State and Union territory Governments Revenue	8964,70,00,000	..	8964,70,00,000
60	Ministry of Labour and Employment Revenue	3,00,000	..	3,00,000
74	Ministry of Power Revenue	1,00,000	..	1,00,000
	Capital	103,00,00,000	..	103,00,00,000
80	Department of Rural Development Revenue	18000,00,00,000	..	18000,00,00,000
87	Department of Road Transport and Highways ... Revenue	500,00,00,000	..	500,00,00,000
	Capital	500,00,00,000	..	500,00,00,000
92	Ministry of Textiles Revenue	1400,00,00,000	..	1400,00,00,000
100	Department of Urban Development Capital	1700,00,00,000	..	1700,00,00,000
	TOTAL	55603,83,00,000	1,00,00,000	55604,83,00,000

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
Joint Secretary to Government,
Law Department.

New Delhi, the 31st December, 2008.

The following Act of Parliament received the assent of the President on the 30th December 2008 and is hereby published for general information:—

THE APPROPRIATION (RAILWAYS) No. 5 ACT, 2008

ACT No. 32 OF 2008.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2008-09 for the purposes of Railways.

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

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 1. This Act may be called the Appropriation (Railways) No. 5 Act, 2008. | Short title. |
| 2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand seven hundred one crore rupees towards defraying the several charges which will come in course of payment during the financial year 2008-09, in respect of the services relating to Railways specified in column 2 of the Schedule. | Issue of Rs. 1701,00,00,000 out of the Consolidated Fund of India for the financial year 2008-09. |
| 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. | Appropriation. |

THE SCHEDULE
(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
16.	Assets—Acquisition, Construction and Replacement			
	<i>Other Expenditure</i>			
	Capital	1701,00,00,000	..	1701,00,00,000
	TOTAL	1701,00,00,000	..	1701,00,00,000

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
*Joint Secretary to Government,
Law Department.*

New Delhi, the 31st December, 2008.

The following Act of Parliament received the assent of the President on the 30th December, 2008 and is hereby published for general information:—

THE UNORGANISED WORKERS' SOCIAL SECURITY ACT, 2008.

ACT No. 33 OF 2008.

An Act to provide for the social security and welfare of unorganised workers and for other matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Unorganised Workers' Social Security Act, 2008.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

Definitions.

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

(a) “employer” means a person or an association of persons, who has engaged or employed an unorganised worker either directly or otherwise for remuneration;

(b) “home-based worker” means a person engaged in the production of goods or services for an employer in his or her home or other premises of his or her choice other than the workplace of the employer, for remuneration, irrespective of whether or not the employer provides the equipment, materials or other inputs;

(c) “identity card” means a card, document or certificate issued to an unorganised worker by the District Administration under sub-section (3) of section 10;

(d) “National Board” means the National Social Security Board for unorganised workers constituted under sub-section (1) of section 5;

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

(f) “organised sector” means an enterprise which is not an unorganised sector;

(g) “prescribed” means prescribed by rules made under this Act by the Central Government or the State Government, as the case may be;

(h) “registered worker” means an unorganised worker registered under sub-section (3) of section 10;

(i) “Schedule” means the Schedule annexed to the Act;

(j) “State Board” means the (name of the State) State Social Security Board for unorganised workers constituted under sub-section (1) of section 6;

(k) “self-employed worker” means any person who is not employed by an employer, but engages himself or herself in any occupation in the unorganised sector subject to a monthly earning of an amount as may be notified by the Central Government or the State Government from time to time or holds cultivable land subject to such ceiling as may be notified by the State Government;

(l) “unorganised sector” means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten;

(m) “unorganised worker” means a home-based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by any of the Acts mentioned in Schedule II to this Act; and

(n) “wage worker” means a person employed for remuneration in the unorganised sector, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or for one or more employers, whether in cash or in kind, whether as a home-based worker, or as a temporary or casual worker, or as a migrant worker, or workers employed by households including domestic workers, with a monthly wage of an amount as may be notified by the Central Government and State Government, as the case may be.

CHAPTER II

SOCIAL SECURITY BENEFITS

3.(1) The Central Government shall formulate and notify, from time to time, suitable welfare schemes for unorganised workers on matters relating to—

(a) life and disability cover;

(b) health and maternity benefits;

Framing of scheme.

(c) old age protection; and

(d) any other benefit as may be determined by the Central Government.

(2) The schemes included in the Schedule 1 to this Act shall be deemed to be the welfare schemes under sub-section (1).

(3) The Central Government may, by notification, amend the Schedules annexed to this Act.

(4) The State Government may formulate and notify, from time to time, suitable welfare schemes for unorganised workers, including schemes relating to—

(a) provident fund;

(b) employment injury benefit;

(c) housing;

(d) educational schemes for children;

(e) skill upgradation of workers;

(f) funeral assistance; and

(g) old age homes.

4. (1) Any scheme notified by the Central Government may be—

(i) wholly funded by the Central Government; or

(ii) partly funded by the Central Government and partly funded by the State Government; or

(iii) partly funded by the Central Government, partly funded by the State Government and partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be prescribed in the scheme by the Central Government.

Funding of
Central
Government
Schemes.

(2) Every scheme notified by the Central Government shall provide for such matters that are necessary for the efficient implementation of the scheme including the matters relating to,—

(i) scope of the scheme;

(ii) beneficiaries of the scheme;

(iii) resources of the scheme;

(iv) agency or agencies that will implement the scheme;

(v) redressal of grievances; and

(vi) any other relevant matter.

CHAPTER III

NATIONAL SOCIAL SECURITY BOARD FOR UNORGANISED WORKERS

5. (1) The Central Government shall, by notification, constitute a National Board to be known as the National Social Security Board to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

National
Social Security
Board.

(2) The National Board shall consist of the following members, namely: —

(a) Union Minister for Labour and Employment—Chairperson, *ex officio*;

(b) the Director General (Labour Welfare)—Member-Secretary, *ex officio*; and

- (c) thirty-four members to be nominated by the Central Government, out of whom –
 - (i) seven representing unorganised sector workers;
 - (ii) seven representing employers of unorganised sector;
 - (iii) seven representing eminent persons from civil society;
 - (iv) two representing members from Lok Sabha and one from Rajya Sabha;
 - (v) five representing Central Government Ministries and Departments concerned; and
 - (vi) five representing State Governments.

(3) The Chairperson and other members of the Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.

(4) The number of persons to be nominated as members from each of the categories specified in clause (c) of sub-section (2), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the National Board shall be such as may be prescribed:

Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women.

(5) The term of the National Board shall be three years.

(6) The National Board shall meet at least thrice a year, at such time and place and shall observe such rules of procedure relating to the transaction of business at its meetings, as may be prescribed.

(7) The members may receive such allowances as may be prescribed for attending the meetings of the National Board.

(8) The National Board shall perform the following functions, namely:—

- (a) recommend to the Central Government suitable schemes for different sections of unorganised workers;
- (b) advise the Central Government on such matters arising out of the administration of this Act as may be referred to it;
- (c) monitor such social welfare schemes for unorganised workers as are administered by the Central Government;
- (d) review the progress of registration and issue of identity cards to the unorganised workers;
- (e) review the record keeping functions performed at the State level;
- (f) review the expenditure from the funds under various schemes; and
- (g) undertake such other functions as are assigned to it by the Central Government from time to time.

CHAPTER IV

STATE SOCIAL SECURITY BOARD FOR UNORGANISED WORKERS

State Social
Security
Board.

6. (1) Every State Government shall, by notification, constitute a State Board to be known as (name of the State) State Social Security Board to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The State Board shall consist of the following members, namely:—

- (a) Minister of Labour and Employment of the concerned State—Chairperson, *ex officio*;
- (b) the Principal Secretary or Secretary (Labour)—Member—Secretary, *ex officio*; and

(c) twenty-eight members to be nominated by the State Government, out of whom—

- (i) seven representing the unorganised workers;
- (ii) seven representing employers of unorganised workers;
- (iii) two representing members of Legislative Assembly of the concerned State;
- (iv) five representing eminent persons from civil society; and
- (v) seven representing State Government Departments concerned.

(3) The Chairperson and other members of the Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.

(4) The number of persons to be nominated as members from each of the categories specified in clause (c) of sub-section (2), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the State Board shall be such as may be prescribed:

Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women.

(5) The term of the State Board shall be three years.

(6) The State Board shall meet atleast once in a quarter at such time and place and shall observe such rules of procedure relating to the transaction of business at its meetings, as may be prescribed.

(7) The members may receive such allowances as may be prescribed for attending the meetings of the State Board.

(8) The State Board shall perform the following functions, namely:—

(a) recommend the State Government in formulating suitable schemes for different sections of the unorganised sector workers;

(b) advise the State Government on such matters arising out of the administration of this Act as may be referred to it;

(c) monitor such social welfare schemes for unorganised workers as are administered by the State Government;

(d) review the record keeping functions performed at the District level;

(e) review the progress of registration and issue of cards to unorganised sector workers;

(f) review the expenditure from the funds under various schemes; and

(g) undertake such other functions as are assigned to it by the State Government from time to time.

7. (1) Any scheme notified by the State Government may be—

(i) wholly funded by the State Government; or

(ii) partly funded by the State Government, partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be prescribed in the scheme by the State Government.

(2) The State Government may seek financial assistance from the Central Government for the schemes formulated by it.

(3) The Central Government may provide such financial assistance to the State Governments for the purpose of schemes for such period and on such terms and conditions as it may deem fit.

Funding of State
Government
Schemes.

Record
keeping by
District
Administra-
tion.

8. The record keeping functions for the purpose of this Act shall be performed by the District Administration:

Provided that the State Government may direct that the record keeping function shall be performed by—

- (a) the District Panchayat in rural areas; and
- (b) the Urban Local Bodies in urban areas.

Workers
facilitation
centres.

9. The State Government may set up such Workers' facilitation centres as may be considered necessary from time to time to perform the following functions, namely:—

- (a) disseminate information on available social security schemes for the unorganised workers;
- (b) facilitate the filling, processing and forwarding of application forms for registration of unorganised workers;
- (c) assist unorganised worker to obtain registration from the District Administration;
- (d) facilitate the enrollment of the registered unorganised workers in social security schemes.

CHAPTER V

REGISTRATION

Eligibility for
registration
and social
security
benefits.

10. (1) Every unorganised worker shall be eligible for registration subject to the fulfilment of the following conditions, namely:—

- (a) he or she shall have completed fourteen years of age; and
- (b) a self-declaration by him or her confirming that he or she is an unorganised worker.

(2) Every eligible unorganised worker shall make an application in the prescribed form to the District Administration for registration.

(3) Every unorganised worker shall be registered and issued an identity card by the District Administration which shall be a smart card carrying a unique identification number and shall be portable.

(4) If a scheme requires a registered unorganised worker to make a contribution, he or she shall be eligible for social security benefits under the scheme only upon payment of such contribution.

(5) Where a scheme requires the Central or State Government to make a contribution, the Central or State Government, as the case may be, shall make the contribution regularly in terms of the scheme.

CHAPTER VI

MISCELLANEOUS

Power of
Central
Government
to give
directions.

11. The Central Government may give directions to—

- (i) the National Board; or
- (ii) the Government of a State or the State Board of that State,

in respect of matters relating to the implementation of the provisions of this Act.

Vacancies,
etc., not to
invalidate
proceedings.

12. No proceedings of the National Board or any State Board shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the National Board or, as the case may be, the State Board.

Power to
make rules by
Central
Government.

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

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

- (a) the contributions to be collected from the beneficiaries of the scheme or the employers under sub-section (1) of section 4;

(b) the number of persons to be nominated, the term of office and other conditions of service of members, the procedure to be followed in the discharge of functions by, and the manner of filling vacancies of, the National Board under sub-section (4) of section 5;

(c) the rules of procedure relating to the transaction of the business at the meeting of the National Board under sub-section (6) of section 5;

(d) the allowances for attending the meetings of the National Board under sub-section (7) of section 5;

(e) the form for making an application for registration under sub-section (2) of section 10; and

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

14. (1) The State Government may, by notification, make rules to carry out the provisions of this Act.

Power to
make rules by
State
Government.

(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 number of persons to be nominated, the term of office and other conditions of service of members, the procedure to be followed in the discharge of functions by, and the manner of filling vacancies of, the State Board under sub-section (4) of section 6;

(b) the rules of procedure relating to the transaction of business at the meetings of the State Board under sub-section (6) of section 6;

(c) the allowances for attending the meetings of the State Board under sub-section (7) of section 6;

(d) the contributions to be collected from the beneficiaries of the scheme or the employers under sub-section (1) of section 7;

(e) the form in which the application for registration shall be made under sub-section (2) of section 10; and

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

15. (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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.

Laying of
rules.

(2) Every rule made under this Act by State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

16. Nothing contained in this Act shall affect the operation of any corresponding law in a State providing welfare schemes which are more beneficial to the unorganised workers than those provided for them by or under this Act.

Saving of
certain laws.

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

Power to
remove
difficulties.

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

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

SCHEDULE I

[See sections 2(i) and (3)]

SOCIAL SECURITY SCHEMES FOR THE UNORGANISED WORKERS

S. No.	Name of the Scheme
1.	Indira Gandhi National Old Age Pension Scheme.
2.	National Family Benefit Scheme.
3.	Janani Suraksha Yojana.
4.	Handloom Weavers' Comprehensive Welfare Scheme.
5.	Handicraft Artisans' Comprehensive Welfare Scheme.
6.	Pension to Master craft persons.
7.	National Scheme for Welfare of Fishermen and Training and Extension.
8.	Janshree Bima Yojana.
9.	Aam Admi Bima Yojana.
10.	Rashtriya Swasthya Bima Yojana.

SCHEDULE II

[See section 2(m)]

S. No.	Name of the Act
1.	The Workmen's Compensation Act, 1923 (8 of 1923).
2.	The Industrial Disputes Act, 1947 (14 of 1947).
3.	The Employees' State Insurance Act, 1948 (34 of 1948).
4.	The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).
5.	The Maternity Benefit Act, 1961 (53 of 1961).
6.	The Payment of Gratuity Act, 1972 (39 of 1972).

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
*Joint Secretary to Government,
Law Department.*

New Delhi, the 31st December, 2008.

The following Act of Parliament received the assent of the President on the 31st December, 2008 and is hereby published for general information:—

THE NATIONAL INVESTIGATION AGENCY ACT, 2008.

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

- 1/ Short title, extent and application.
2. Definitions.

CHAPTER II

NATIONAL INVESTIGATION AGENCY

3. Constitution of National Investigation Agency.
4. Superintendence of National Investigation Agency.
5. Manner of constitution of Agency and conditions of service of members.

CHAPTER III

INVESTIGATION BY THE NATIONAL INVESTIGATION AGENCY

6. Investigation of Scheduled Offences.
7. Power to transfer investigation to State Government.
8. Power to investigate connected offences.
9. State Government to extend assistance to National Investigation Agency.
10. Power of State Government to investigate Scheduled Offences.

CHAPTER IV

SPECIAL COURTS

11. Power of Central Government to constitute Special Courts.
12. Place of sitting.
13. Jurisdiction of Special Courts.
14. Powers of Special Courts with respect to other offences.
15. Public Prosecutors.
16. Procedure and powers of Special Courts.
17. Protection of witnesses.
18. Sanction for prosecution.
19. Trial by Special Court to have precedence.
20. Power to transfer cases to regular courts.
21. Appeals.
22. Power of State Government to constitute Special Courts.

CHAPTER V**MISCELLANEOUS****SECTIONS**

- 23. Power of High Courts to make rules.
- 24. Power to remove difficulties.
- 25. Power to make rules.
- 26. Laying of rules.

THE SCHEDULE.

THE NATIONAL INVESTIGATION AGENCY ACT, 2008.

ACT No. 34 OF 2008.

An Act to constitute an investigation agency at the national level to investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of State, friendly relations with foreign States and offences under Acts enacted to implement international treaties, agreements, conventions and resolutions of the United Nations, its agencies and other international organisations and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Investigation Agency Act, 2008.

(2) It extends to the whole of India and it applies also—

(a) to citizens of India outside India;

(b) to persons in the service of the Government wherever they may be; and

(c) to persons on ships and aircrafts registered in India wherever they may be.

Short title,
extent and
application.

Definitions.

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

(a) “Agency” means the National Investigation Agency constituted under section 3;

(b) “Code” means the Code of Criminal Procedure 1973;

2 of 1974.

(c) “High Court” means the High Court within whose jurisdiction the Special Court is situated;

(d) “prescribed” means prescribed by rules;

(e) “Public Prosecutor” means a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor appointed under section 15;

(f) “Schedule” means the Schedule to this Act;

(g) “Scheduled Offence” means an offence specified in the Schedule;

(h) “Special Court” means a Special Court constituted under section 11 or, as the case may be, under section 22;

(i) words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

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

CHAPTER II

NATIONAL INVESTIGATION AGENCY

Constitution of National Investigation Agency.

3. (1) Notwithstanding anything in the Police Act, 1861, the Central Government may constitute a special agency to be called the National Investigation Agency for investigation and prosecution of offences under the Acts specified in the Schedule.

5 of 1861.

(2) Subject to any orders which the Central Government may make in this behalf, officers of the Agency shall have throughout India in relation to the investigation of Scheduled Offences and arrest of persons concerned in such offences, all the powers, duties, privileges and liabilities which police officers have in connection with the investigation of offences committed therein.

(3) Any officer of the Agency of, or above, the rank of Sub-Inspector may, subject to any orders which the Central Government may make in this behalf, exercise throughout India, any of the powers of the officer-in-charge of a police station in the area in which he is present for the time being and when so exercising such powers shall, subject to any such orders as aforesaid, be deemed to be an officer-in-charge of a police station discharging the functions of such an officer within the limits of his station.

Superintendence of National Investigation Agency.

4. (1) The superintendence of the Agency shall vest in the Central Government.

(2) The administration of the Agency shall vest in an officer designated as the Director-General appointed in this behalf by the Central Government who shall exercise in respect of the Agency such of the powers exercisable by a Director-General of Police in respect of the police force in a State, as the Central Government may specify in this behalf.

Manner of constitution of Agency and conditions of service of members.

5. Subject to the provisions of this Act, the Agency shall be constituted in such manner as may be prescribed and the conditions of service of persons employed in the Agency shall be such as may be prescribed.

CHAPTER III

INVESTIGATION BY THE NATIONAL INVESTIGATION AGENCY

6. (1) On receipt of information and recording thereof under section 154 of the Code relating to any Scheduled Offence the officer-in-charge of the police station shall forward the report to the State Government forthwith.

Investigation
of Scheduled
Offences.

(2) On receipt of the report under sub-section (1), the State Government shall forward the report to the Central Government as expeditiously as possible.

(3) On receipt of report from the State Government, the Central Government shall determine on the basis of information made available by the State Government or received from other sources, within fifteen days from the date of receipt of the report, whether the offence is a Scheduled Offence or not and also whether, having regard to the gravity of the offence and other relevant factors, it is a fit case to be investigated by the Agency.

(4) Where the Central Government is of the opinion that the offence is a Scheduled Offence and it is a fit case to be investigated by the Agency, it shall direct the Agency to investigate the said offence.

(5) Notwithstanding anything contained in this section, if the Central Government is of the opinion that a Scheduled Offence has been committed which is required to be investigated under this Act, it may, *suo motu*, direct the Agency to investigate the said offence.

(6) Where any direction has been given under sub-section (4) or sub-section (5), the State Government and any police officer of the State Government investigating the offence shall not proceed with the investigation and shall forthwith transmit the relevant documents and records to the Agency.

(7) For the removal of doubts, it is hereby declared that till the Agency takes up the investigation of the case, it shall be the duty of the officer-in-charge of the police station to continue the investigation.

7. While investigating any offence under this Act, the Agency, having regard to the gravity of the offence and other relevant factors, may—

Power to
transfer
investigation
to State
Government.

(a) if it is expedient to do so, request the State Government to associate itself with the investigation; or

(b) with the previous approval of the Central Government, transfer the case to the State Government for investigation and trial of the offence.

8. While investigating any Scheduled Offence, the Agency may also investigate any other offence which the accused is alleged to have committed if the offence is connected with the Scheduled Offence.

Power to
investigate
connected
offences.

9. The State Government shall extend all assistance and co-operation to the Agency for investigation of the Scheduled Offences.

State
Government
to extend
assistance to
National
Investigation
Agency.

10. Save as otherwise provided in this Act, nothing contained in this Act shall affect the powers of the State Government to investigate and prosecute any Scheduled Offence or other offences under any law for the time being in force.

Power of
State
Government
to investigate
Scheduled
Offences.

CHAPTER IV

SPECIAL COURTS

Power of
Central
Government
to constitute
Special
Courts.

11. (1) The Central Government shall, by notification in the Official Gazette, for the trial of Scheduled Offences, constitute one or more Special Courts for such area or areas, or for such case or class or group of cases, as may be specified in the notification.

(2) Where any question arises as to the jurisdiction of any Special Court, it shall be referred to the Central Government whose decision in the matter shall be final.

(3) A Special Court shall be presided over by a judge to be appointed by the Central Government on the recommendation of the Chief Justice of the High Court.

(4) The Agency may make an application to the Chief Justice of the High Court for appointment of a Judge to preside over the Special Court.

(5) On receipt of an application under sub-section (4), the Chief Justice shall, as soon as possible and not later than seven days, recommend the name of a judge for being appointed to preside over the Special Court.

(6) The Central Government may, if required, appoint an additional judge or additional judges to the Special Court, on the recommendation of the Chief Justice of the High Court.

(7) A person shall not be qualified for appointment as a judge or an additional judge of a Special Court unless he is, immediately before such appointment, a Sessions Judge or an Additional Sessions Judge in any State.

(8) For the removal of doubts, it is hereby provided that the attainment, by a person appointed as a judge or an additional judge of a Special Court, of the age of superannuation under the rules applicable to him in the service to which he belongs shall not affect his continuance as such judge or additional judge and the Central Government may by order direct that he shall continue as judge until a specified date or until completion of the trial of the case or cases before him as may be specified in that order.

(9) Where any additional judge or additional judges is or are appointed in a Special Court, the judge of the Special Court may, from time to time, by general or special order, in writing, provide for the distribution of business of the Special Court among all judges including himself and the additional judge or additional judges and also for the disposal of urgent business in the event of his absence or the absence of any additional judge.

Place of
sitting.

12. A Special Court may, on its own motion, or on an application made by the Public Prosecutor and if it considers it expedient or desirable so to do, sit for any of its proceedings at any place other than its ordinary place of sitting.

Jurisdiction of
Special
Courts.

13. (1) Notwithstanding anything contained in the Code, every Scheduled Offence investigated by the Agency shall be tried only by the Special Court within whose local jurisdiction it was committed.

(2) If, having regard to the exigencies of the situation prevailing in a State if,—

(a) it is not possible to have a fair, impartial or speedy trial; or

(b) it is not feasible to have the trial without occasioning the breach of peace or grave risk to the safety of the accused, the witnesses, the Public Prosecutor or a judge of the Special Court or any of them; or

(c) it is not otherwise in the interests of justice,

the Supreme Court may transfer any case pending before a Special Court to any other Special Court within that State or in any other State and the High Court may transfer any case pending before a Special Court situated in that State to any other Special Court within the State.

(3) The Supreme Court or the High Court, as the case may be, may act under this section either on the application of the Central Government or a party interested and any such application shall be made by motion, which shall, except when the applicant is the Attorney-General for India, be supported by an affidavit or affirmation.

14.(1) When trying any offence, a Special Court may also try any other offence with which the accused may, under the Code be charged, at the same trial if the offence is connected with such other offence.

Powers of
Special Courts
with respect
to other
offences.

(2) If, in the course of any trial under this Act of any offence, it is found that the accused person has committed any other offence under this Act or under any other law, the Special Court may convict such person of such other offence and pass any sentence or award punishment authorised by this Act or, as the case may be, under such other law.

15.(1) The Central Government shall appoint a person to be the Public Prosecutor and may appoint one or more persons to be the Additional Public Prosecutor or Additional Public Prosecutors:

Public
Prosecutors.

Provided that the Central Government may also appoint for any case or class or group of cases a Special Public Prosecutor.

(2) A person shall not be qualified to be appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an Advocate for not less than seven years or has held any post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

(3) Every person appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code, and the provisions of the Code shall have effect accordingly.

16. (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts that constitute such offence or upon a police report of such facts.

Procedure
and powers of
Special
Courts.

(2) Where an offence triable by a Special Court is punishable with imprisonment for a term not exceeding three years or with fine or with both, the Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code shall, so far as may be, apply to such trial:

Provided that when, in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is not desirable to try it in a summary way, the Special Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to, and in relation to, a Special Court as they apply to and in relation to a Magistrate:

Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding one year and with fine which may extend to five lakh rupees.

(3) Subject to the other provisions of this Act, a Special Court shall, for the purpose of trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session so far as may be in accordance with the procedure prescribed in the Code for the trial before a Court of Session.

(4) Subject to the other provisions of this Act, every case transferred to a Special Court under sub-section (2) of section 13 shall be dealt with as if such case had been transferred under section 406 of the Code to such Special Court.

(5) Notwithstanding anything contained in the Code, but subject to the provisions of section 299 of the Code, a Special Court may, if it thinks fit and for reasons to be recorded by it, proceed with the trial in the absence of the accused or his pleader and record the evidence of any witness, subject to the right of the accused to recall the witness for cross-examination.

Protection
of witnesses.

17. (1) Notwithstanding anything contained in the Code, the proceedings under this Act may, for reasons to be recorded in writing, be held *in camera* if the Special Court so desires.

(2) On an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, if the Special Court is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit for keeping the identity and address of such witness secret.

(3) In particular, and without prejudice to the generality of the provisions of sub-section (2), the measures which a Special Court may take under that sub-section may include—

(a) the holding of the proceedings at a place to be decided by the Special Court;

(b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to public;

(c) the issuing of any directions for securing that the identity and address of the witnesses are not disclosed; and

(d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a Court shall not be published in any manner.

(4) Any person who contravenes any decision or direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to one thousand rupees.

Sanction for
prosecution.

18. No prosecution, suit or other legal proceedings shall be instituted in any court of law, except with the previous sanction of the Central Government, against any member of the Agency or any person acting on his behalf in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

Trial by
Special Court
to have
precedence.

19. The trial under this Act of any offence by a Special Court shall be held on day-to-day basis on all working days and have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference to the trial of such other case and accordingly the trial of such other case shall, if necessary, remain in abeyance.

Power to
transfer cases
to regular
courts.

20. Where, after taking cognizance of any offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for the trial of such offence to any court having jurisdiction under the Code and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

Appeals.

21. (1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.

(2) Every appeal under sub-section (1) shall be heard by a bench of two Judges of the High Court and shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.

(3) Except as aforesaid, no appeal or revision shall lie to any court from any judgment, sentence or order including an interlocutory order of a Special Court.

(4) Notwithstanding anything contained in sub-section (3) of section 378 of the Code, an appeal shall lie to the High Court against an order of the Special Court granting or refusing bail.

(5) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days:

Provided further that no appeal shall be entertained after the expiry of period of ninety days.

22. (1) The State Government may constitute one or more Special Courts for the trial of offences under any or all the enactments specified in the Schedule.

Power of
State
Government
to constitute
Special
Courts.

(2) The provisions of this Chapter shall apply to the Special Court constituted by the State Government under sub-section (1) and shall have effect subject to the following modifications, namely—

(i) references to “Central Government” in sections 11 and 15 shall be construed as references to State Government;

(ii) reference to “Agency” in sub-section (1) of section 13 shall be construed as a reference to the “investigation agency of the State Government”;

(iii) reference to “Attorney-General for India” in sub-section (3) of section 13 shall be construed as reference to “Advocate-General of the State”.

(3) The jurisdiction conferred by this Act on a Special Court shall, until a Special Court is constituted by the State Government under sub-section (1) in the case of any offence punishable under this Act, notwithstanding anything contained in the Code, be exercised by the Court of Session of the division in which such offence has been committed and it shall have all the powers and follow the procedure provided under this Chapter.

(4) On and from the date when the Special Court is constituted by the State Government the trial of any offence investigated by the State Government under the provisions of this Act, which would have been required to be held before the Special Court, shall stand transferred to that Court on the date on which it is constituted.

CHAPTER V

MISCELLANEOUS

23. The High Court may, by notification in the Official Gazette, make such rules, as it may deem necessary for carrying out the provisions of this Act relating to Special Courts within its territory.

Power of
High Courts
to make rules.

24. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette make such provisions, not inconsistent with the provisions of this Act, as may appear to it 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 expiration of two years from the commencement of this Act.

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

25. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

Power to
make rules.

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

(a) the manner of constitution of the Agency and the conditions of service of persons employed in the Agency under section 5;

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

Laying of
rules.

26. Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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.

THE SCHEDULE

[See section 2(1)(f)]

1. The Atomic Energy Act, 1962 (33 of 1962);
2. The Unlawful Activities (Prevention) Act, 1967 (37 of 1967);
3. The Anti-Hijacking Act, 1982 (65 of 1982);
4. The Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982 (66 of 1982);
5. The SAARC Convention (Suppression of Terrorism) Act, 1993 (36 of 1993);
6. The Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002 (69 of 2002);
7. The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005);
8. Offences under—
 - (a) Chapter VI of the Indian Penal Code (45 of 1860) [sections 121 to 130 (both inclusive)];
 - (b) Sections 489-A to 489-E (both inclusive) of the Indian Penal Code (45 of 1860).

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
*Joint Secretary to Government,
Law Department.*

New Delhi, the 31st December, 2008.

The following Act of Parliament received the assent of the President on the 31st December, 2008 and is hereby published for general information:—

THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2008.

ACT No. 35 OF 2008.

An Act further to amend the Unlawful Activities (Prevention) Act, 1967.

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

1. This Act may be called the Unlawful Activities (Prevention) Amendment Act, 2008. Short title.

37 of 1967.

2. In the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the principal Act), after long title and before the enacting formula, the following preamble shall be inserted, namely:— Insertion of Preamble.

“WHEREAS the Security Council of the United Nations in its 4385th meeting adopted Resolution 1373 (2001) on 28th September, 2001, under Chapter VII of the Charter of the United Nations requiring all the States to take measures to combat international terrorism;

AND WHEREAS Resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1390 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1735 (2006) and 1822 (2008) of the Security Council of the United Nations require the States to take action against certain terrorists and terrorist organisations, to freeze the assets and other economic resources, to prevent the entry into or the transit through their territory, and prevent the direct or indirect supply, sale or transfer of arms and ammunitions to the individuals or entities listed in the Schedule;

AND WHEREAS the Central Government, in exercise of the powers conferred by section 2 of the United Nations (Security Council) Act, 1947 has made the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007;

43 of 1947

AND WHEREAS it is considered necessary to give effect to the said Resolutions and the Order and to make special provisions for the prevention of, and for coping with, terrorist activities and for matters connected therewith or incidental thereto.”.

Amendment
of section 2.

3. In section 2 of the principal Act,—

(i) in clause (d), the words “and includes a Special Court constituted under section 11 or under section 21 of the National Investigation Agency Act, 2008;” shall be inserted at the end;

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

‘(ea) “Order” means the Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007, as may be amended from time to time;’;

(iii) in clause (g), after the words “for the purpose of a terrorist organisation”, the words “or terrorist gang” shall be inserted at the end;

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

‘(h) “property” means property and assets of every description whether corporeal or incorporeal, movable or immovable, tangible or intangible and legal documents, deeds and instruments in any form including electronic or digital, evidencing title to, or interest in, such property or assets by means of bank credits, travellers’ cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit, cash and bank account including fund, however acquired;

(ha) “Schedule” means the Schedule to this Act;’.

Substitution of
new section
for section 15.
Terrorist act.

4. For section 15 of the principal Act, the following section shall be substituted, namely:—

“15. Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country,—

(a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause—

(i) death of, or injuries to, any person or persons; or

(ii) loss of, or damage to, or destruction of, property; or

(iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or

(iv) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or

(b) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or

(c) detains, kidnaps or abducts any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or any other person to do or abstain from doing any act,

commits a terrorist act.

Explanation.—For the purpose of this section, public functionary means the constitutional authorities and any other functionary notified in the Official Gazette by the Central Government as a public functionary.”

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

Insertion of new section 16A.

“16A. Whoever intentionally, by use of force or threat of use of force or by any other means, demands any bomb, dynamite or other explosive substance or inflammable substances or fire arms or other lethal weapons or poisonous or noxious or other chemicals or any biological, radiological, nuclear material or device, with the intention of aiding, abetting or committing a terrorist act, shall be punishable with imprisonment for a term which may extend to ten years, and shall also be liable to fine.”

Punishment for making demands of radioactive substances, nuclear devices, etc.

6. For section 17 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 17.

“17. Whoever, in India or in a foreign country, directly or indirectly, raises or collects funds or provides funds to any person or persons or attempts to provide funds to any person or persons, knowing that such funds are likely to be used by such person or persons to commit a terrorist act, notwithstanding whether such funds were actually used or not for commission of such act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.”

Punishment for raising funds for terrorist act.

7. In section 18 of the principal Act, for the words “incites or knowingly facilitates”, the words “incites, directs or knowingly facilitates” shall be substituted.

Amendment of section 18.

8. After section 18 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 18A and 18B.

“18A. Whoever organises or causes to be organised any camp or camps for imparting training in terrorism shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment for organising of terrorist camps.

18B. Whoever recruits or causes to be recruited any person or persons for commission of a terrorist act shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.”

Punishment for recruiting of any person or persons for terrorist act.

9. In section 23 of the principal Act, —

Amendment of section 23.

(a) in sub-section (1), for the words “If any person with intent to aid any terrorist contravenes”, the words “If any person with intent to aid any terrorist or a terrorist organisation or a terrorist gang contravenes” shall be substituted.

(b) in sub-section (2), for the words "Any person who, with the intent to aid any terrorist", the words "Any person who with the intent to aid any terrorist, or a terrorist organisation or a terrorist gang" shall be substituted.

Amendment
of section 24.

10. In section 24 of the principal Act, in sub-section (2), after the words "proceeds of terrorism whether held by a terrorist or", the words "terrorist organisation or terrorist gang or" shall be inserted.

Amendment of
section 25.

11. In section 25 of the principal Act, in sub-section (5), in the *Explanation*, after clause (c), the following clause shall be inserted, namely:—

"(ca) credit or debit cards or cards that serve a similar purpose;"

Insertion of
new sections
43A to 43F.
Power to
arrest, search,
etc.

12. After section 43 of the principal Act, the following sections shall be inserted, namely:—

43A. Any officer of the Designated Authority empowered in this behalf, by general or special order of the Central Government or the State Government, as the case may be, knowing of a design to commit any offence under this Act or has reason to believe from personal knowledge or information given by any person and taken in writing that any person has committed an offence punishable under this Act or from any document, article or any other thing which may furnish evidence of the commission of such offence or from any illegally acquired property or any document or other article which may furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under this Chapter is kept or concealed in any building, conveyance or place, may authorise any officer subordinate to him to arrest such a person or search such building, conveyance or place whether by day or by night or himself arrest such a person or search a such building, conveyance or place.

Procedure of
arrest, seizure,
etc.

43B. (1) Any officer arresting a person under section 43A shall, as soon as may be, inform him of the grounds for such arrest.

(2) Every person arrested and article seized under section 43A shall be forwarded without unnecessary delay to the officer-in-charge of the nearest police station.

(3) The authority or officer to whom any person or article is forwarded under sub-section (2) shall, with all convenient dispatch, take such measures as may be necessary in accordance with the provisions of the Code.

Application of
provisions of
Code.

43C. The provisions of the Code shall apply, insofar as they are not inconsistent with the provisions of this Act, to all arrests, searches and seizures made under this Act.

Modified appli-
cation of
certain
provisions of
the Code.

43D. (1) Notwithstanding anything contained in the Code or any other law, every offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of clause (c) of section 2 of the Code, and "cognizable case" as defined in that clause shall be construed accordingly.

(2) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modification that in sub-section (2),—

(a) the references to "fifteen days", "ninety days" and "sixty days", wherever they occur, shall be construed as references to "thirty days", "ninety days" and "ninety days" respectively; and

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

"Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Court may if it is satisfied with the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of ninety days, extend the said period up to one hundred and eighty days:

Provided also that if the police officer making the investigation under this Act, requests, for the purposes of investigation, for police custody from judicial custody of any person in judicial custody, he shall file an affidavit stating the reasons for doing so and shall also explain the delay, if any, for requesting such police custody."

(3) Section 268 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modification that—

(a) the reference in sub-section (1) thereof—

(i) to "the State Government" shall be construed as a reference to "the Central Government or the State Government";

(ii) to "order of the State Government" shall be construed as a reference to "order of the Central Government or the State Government, as the case may be"; and

(b) the reference in sub-section (2) thereof, to "the State Government" shall be construed as a reference to "the Central Government or the State Government, as the case may be".

(4) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person accused of having committed an offence punishable under this Act.

(5) Notwithstanding anything contained in the Code, no person accused of an offence punishable under Chapters IV and VI of this Act shall, if in custody, be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity of being heard on the application for such release:

Provided that such accused person shall not be released on bail or on his own bond if the Court, on a perusal of the case diary or the report made under section 173 of the Code is of the opinion that there are reasonable grounds for believing that the accusation against such person is *prima facie* true.

(6) The restrictions on granting of bail specified in sub-section (5) is in addition to the restrictions under the Code or any other law for the time being in force on granting of bail.

(7) Notwithstanding anything contained in sub-sections (5) and (6), no bail shall be granted to a person accused of an offence punishable under this Act, if he is not an Indian citizen and has entered the country unauthorisedly or illegally except in very exceptional circumstances and for reasons to be recorded in writing.

43E. In a prosecution for an offence under section 15, if it is proved —

(a) that the arms or explosives or any other substances specified in the said section were recovered from the possession of the accused and there is reason to believe that such arms or explosives or other substances of a similar nature were used in the commission of such offence; or

(b) that by the evidence of the expert the finger-prints of the accused or any other definitive evidence suggesting the involvement of the accused in the offence were found at the site of the offence or on anything including arms and vehicles used in connection with the commission of such offence,

the Court shall presume, unless the contrary is shown, that the accused has committed such offence.

43F. (1) Notwithstanding anything contained in any other law, the officer investigating any offence under this Act, with the prior approval in writing of an officer not below the rank of a Superintendent of Police, may require any officer or

Presumption
as to offence
under section
15.

Obligation to
furnish
information.

authority of the Central Government or a State Government or a local authority or a bank, or a company, or a firm or any other institution, establishment, organisation or any individual to furnish information in his or its possession in relation to such offence, on points or matters, where the investigating officer has reason to believe that such information will be useful for, or relevant to, the purposes of this Act.

(2) The failure to furnish the information called for under sub-section (1), or deliberately furnishing false information shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(3) Notwithstanding anything contained in the Code, an offence under sub-section (2) shall be tried as a summary case and the procedure prescribed in Chapter XXI of the said Code [except sub-section (2) of section 262] shall be applicable thereto.

Amendment of section 45.

13. Section 45 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Sanction for prosecution under sub-section (1) shall be given within such time as may be prescribed only after considering the report of such authority appointed by the Central Government or, as the case may be, the State Government which shall make an independent review of the evidence gathered in the course of investigation and make a recommendation, within such time as may be prescribed, to the Central Government or, as the case may be, the State Government.”

Insertion of new section 51A.

14. After section 51 of the principal Act, the following section shall be inserted, namely:—

Certain powers of the Central Government.

“51A. For the prevention of, and for coping with terrorist activities, the Central Government shall have power to—

(a) freeze, seize or attach funds and other financial assets or economic resources held by, on behalf of or at the direction of the individuals or entities listed in the Schedule to the Order, or any other person engaged in or suspected to be engaged in terrorism;

(b) prohibit any individual or entity from making any funds, financial assets or economic resources or related services available for the benefit of the individuals or entities listed in the Schedule to the Order or any other person engaged in or suspected to be engaged in terrorism;

(c) prevent the entry into or the transit through India of individuals listed in the Schedule to the Order or any other person engaged in or suspected to be engaged in terrorism.”

Amendment of section 52.

15. In section 52 of the principal Act, in sub-section (2), after clause (e), the following clause shall be inserted, namely:—

“(ee) the time within which sanction for prosecution and recommendation to the Central Government shall be given under sub-section (2) of section 45, and”.

Amendment of section 53.

16. Section 53 of the principal Act, shall be renumbered as sub-section (1) thereof and after sub-section as so renumbered, the following sub-section shall be inserted, namely:—

“(2) The Order referred to in entry 33 of the Schedule and every amendment made to that Order 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 30 days which may be comprised in one session or in two or more successive sessions.”

17. In the Schedule to the principal Act after entry 32, the following entry shall be inserted, namely:—

Amendment
of Schedule.

43 of 1947.

“33. Organisations listed in the Schedule to the U.N. Prevention and Suppression of Terrorism (Implementation of Security Council Resolutions) Order, 2007 made under section 2 of the United Nations (Security Council) Act, 1947 and amended from time to time.”.

T.K. VISWANATHAN,
Secretary to the Government of India.

(Republished by Order of the Governor)

G. BHASKAR,
*Joint Secretary to Government,
Law Department.*