

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There are two Extraordinary issues to the Official Gazette Series I No. 21 dated 19-8-2004 as follows:

- (1) Extraordinary dated 20-8-2004 from pages 511 to 512 regarding Notification from Department of Town & Country Planning.
- (2) Extraordinary (No. 2) dated 24-8-2004 from pages 513 to 514 regarding Notifications from Department of Law & Judiciary (Legal Affairs Division).

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

10/4/99-LA (Vol. IV)

The Countess of Dufferin's Fund (Repeal) Act, 2002 (Central Act No. 65 of 2002), which has been passed by the Parliament and assented to by the President of India on 18-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 19-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji,

THE COUNTESS OF DUFFERIN'S FUND (REPEAL) ACT, 2002

AN

ACT

to repeal the Countess of Dufferin's Fund Act, 1957.

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

1. *Short title.*— This Act may be called the Countess of Dufferin's Fund (Repeal) Act, 2002.

2. *Repeal of Act 63 of 1957.*— The Countess of Dufferin's Fund Act, 1957 is hereby repealed.

Notification

10/4/99-LA (Vol. IV)

The Prevention of Food Adulteration (Extension to Kohima and Mokokchung Districts) Repeal Act, 2002 (Central Act No. 66 of 2002), which has been passed by the Parliament and assented to by the President of India on 18-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 19-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 15th April, 2004.

THE PREVENTION OF FOOD ADULTERATION (EXTENSION TO KOHIMA AND MOKOKCHUNG DISTRICTS) REPEAL ACT, 2002

AN

ACT

to repeal the Prevention of Food Adulteration (Extension to Kohima and Mokokchung Districts) Act, 1972.

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

1. *Short title.*— This Act may be called the Prevention of Food Adulteration (Extension to Kohima and Mokokchung Districts) Repeal Act, 2002.

2. *Repeal of Act 24 of 1972.*— The Prevention of Food Adulteration (Extension to Kohima and Mokokchung Districts) Act, 1972, is hereby repealed.

Notification

10/4/99-LA (Vol. IV)

The Appropriation (Railways) No. 5 Act, 2002 (Central Act No. 67 of 2002), which has been passed by the Parliament and assented to by the President of India on 20-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 15th April, 2004.

THE APPROPRIATION (RAILWAYS) No. 5
ACT, 2002

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 2002-03 for the purposes of Railways.

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

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 5 Act, 2002.

2. *Issue of Rs. 25,000 out of the Consolidated Fund of India for the financial year 2002-03.*— 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 twenty-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2002-03, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— 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.

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	7,000	...	7,000
	Railway Funds	18,000	...	18,000
	Total	25,000	...	25,000

Notification

10/4/99-LA (Vol. IV)

The Refugee Relief Taxes (Abolition) Repeal Act, 2002 (Central Act No. 70 of 2002), which has been passed by the Parliament and assented to by the President of India on 24-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 24-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 15th April, 2004.

THE REFUGEE RELIEF TAXES
(ABOLITION) REPEAL ACT, 2002

AN

ACT

to repeal the Refugee Relief Taxes (Abolition) Act, 1973.

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

1. *Short title.*— This Act may be called the Refugee Relief Taxes (Abolition) Repeal Act, 2002.

2. *Repeal of Act 13 of 1973.*— The Refugee Relief Taxes (Abolition) Act, 1973 is hereby repealed.

Notification

10/4/99-LA (Vol. IV)

The North-Eastern Council (Amendment) Act, 2002 (Central Act No. 68 of 2002), which has been passed by the Parliament and assented to by the President of India on 20-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 15th April, 2004.

THE NORTH-EASTERN COUNCIL
(AMENDMENT) ACT, 2002

AN

ACT

further to amend the North-Eastern Council Act, 1971.

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

1. *Short title and commencement.*— (1) This Act may be called the North-Eastern Council (Amendment) Act, 2002.

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

2. *Amendment of section 2.*— In section 2 of the North-Eastern Council Act, 1971 (84 of 1971) (hereinafter referred to as the principal Act), in clause (b), for the words "Nagaland and Tripura", the words "Nagaland, Sikkim and Tripura" shall be substituted.

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

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

"(1) There shall be a Council to be called the North-Eastern Council which shall consist of the following members, namely:—

(i) the person or persons for the time being holding the office of the Governor of the States;

(ii) the Chief Ministers of the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura:

Provided that, if there is no Council of Ministers in any State referred to in clause (ii), the President may nominate not more than one person to represent such State in the Council for so long as there is no Council of Ministers in such State;

(iii) three members to be nominated by the President.";

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) the President shall nominate the Chairman of the Council."

4. *Amendment of section 4.*— In section 4 of the principal Act,—

(a) for sub-section (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) The Council shall function as a regional planning body for the north-eastern area.

(2) While formulating the regional plans for the north-eastern area, the Council shall give priority to schemes and projects which will benefit two or more States:

Provided that in case of Sikkim, the Council shall formulate specific projects and schemes for that State including the review of implementation of such projects and schemes.";

(b) in sub-section (3), clause (c) shall be omitted;

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

"(5) The Council shall have such power as may be delegated to it by the Central Government."

5. *Amendment of section 5.*— In section 5 of the principal Act, in sub-section (1), for the

words "The Council shall meet at such times", the words "The Council shall meet at least twice in a year at such times" shall be substituted.

6. *Amendment of section 6.*— In section 6 of the principal Act, for the words "and Planning", the words "Planning and the Department of Development of North-Eastern Region" shall be substituted.

Notification

10/4/99-LA (Vol. IV)

The Representation of the People (Third Amendment) Act, 2002 (Central Act No. 72 of 2002), which has been passed by the Parliament and assented to by the President of India on 28-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 28-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 15th April, 2004.

THE REPRESENTATION OF THE PEOPLE (THIRD AMENDMENT) ACT, 2002

AN

ACT

further to amend the Representation of the People Act, 1951.

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

1. *Short title and commencement.*— (1) This Act may be called the Representation of the People (Third Amendment) Act, 2002.

(2) Save as otherwise provided in this Act, the provisions of this Act shall be deemed to have come into force on the 24th August, 2002.

2. *Insertion of new section 33A.*— After section 33 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"33A. *Right to information.*— (1) A candidate shall, apart from any information which he is required to furnish, under this Act or the rules made thereunder, in his nomination paper delivered under sub-section (1) of section 33, also furnish the information as to whether—

(i) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court of competent jurisdiction;

(ii) he has been convicted of an offence [other than any offence referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 8] and sentenced to imprisonment for one year or more.

(2) The candidate or his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (1) of section 33, also deliver to him an affidavit sworn by the candidate in a prescribed form verifying the information specified in sub-section (1).

(3) The returning officer shall, as soon as may be after the furnishing of information to him under sub-section (1), display the aforesaid information by affixing a copy of the affidavit, delivered under sub-section (2), at a conspicuous place at his office for the information of the electors relating to a constituency for which the nomination paper is delivered."

3. *Insertion of new section 33B.*— After section 33A of the principal Act as so inserted, the following section shall be inserted and shall be deemed to have been inserted with effect from the 2nd day of May, 2002, namely:—

"33B. *Candidate to furnish information only under the Act and the rules.*— Notwithstanding anything contained in any judgment, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act or the rules made thereunder."

4. *Insertion of new Chapter VIIA.*— In Part V of the principal Act, after Chapter VII, the following Chapter shall be inserted, namely:—

CHAPTER VIIA

Declaration of Assets and Liabilities

75A. *Declaration of assets and liabilities.*— (1) Every elected candidate for a House of Parliament shall, within ninety days from the date on which he makes and subscribes an oath or affirmation, according to the form set out for the purpose in the Third Schedule to the Constitution, for taking his seat in either House of Parliament, furnish the information, relating to—

(i) the movable and immovable property of which he, his spouse and his dependant children are jointly or severally owners or beneficiaries;

(ii) his liabilities to any public financial institution; and

(iii) his liabilities to the Central Government or the State Government,

to the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

(2) The information under sub-section (1) shall be furnished in such form and in such manner as may be prescribed in the rules made under sub-section (3).

(3) The Chairman of the Council of States or the Speaker of the House of the People, as the case may be, may make rules for the purposes of sub-section (2).

(4) The rules made by the Chairman of the Council of States or the Speaker of the House of the People, under sub-section (3) shall be laid, as soon as may be after they are made, before the Council of States or the House of the People, as the case may be, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the Council of States or the House of the People and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(5) The Chairman of the Council of States or the Speaker of the House of the People, as the

case may be, may direct that any wilful contravention of the rules made under sub-section (3) by an elected candidate for a House of Parliament referred to in sub-section (1) may be dealt with in the same manner as a breach of privilege of the Council of States or the House of the People, as the case may be.

Explanation.— For the purposes of this section;—

(i) "immovable property" means the land includes any building or other structure attached to the land of permanently fastened to anything which is attached to the land;

(ii) "movable property" means any other property which is not the immovable property and includes corporeal and incorporeal property of every description;

(iii) "public financial institution" means a public financial institution within the meaning of section 4A of the Companies Act, 1956 and includes bank;

(iv) "bank" referred to in clause (iii) means—

(a) State Bank of India constituted under section 3 of the State Bank of India Act, 1955; 23 of 1955.

(b) subsidiary bank having the meaning assigned to it in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959; 38 of 1959.

(c) Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976; 21 of 1976.

(d) corresponding new bank having the meaning assigned to it in clause (da) of section 5 of the Banking Regulation Act, 1949; and 10 of 1949.

(e) co-operative bank having the meaning assigned to it in clause (cci) of section 5 of the Banking Regulation Act, 1949 as modified by sub-clause (i) of clause (c) of section 56 of that Act; and

(v) "dependant children" means sons and daughters who have no separate means of

earning and are wholly dependent on the elected candidate referred to in sub-section (1) for their livelihood.'

5. *Insertion of new section 125A.*— After section 125 of the principal Act, the following section shall be inserted, namely:—

"125A.— *Penalty for filing false affidavit, etc.*—

A candidate who himself or through his proposer, with intent to be elected in an election,—

(i) fails to furnish information relating to sub-section (1) of section 33A; or

(ii) gives false information which he knows or has reason to believe to be false; or

(iii) conceals any information,

in his nomination paper delivered under sub-section (1) of section 33 or in his affidavit which is required to be delivered under sub-section (2) of section 33A, as the case may be, shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both."

6. *Amendment of section 169.*— In section 169 of the principal Act, in sub-section (2), clause (a) shall be renumbered as clause (aa) thereof, and before clause (aa) as so renumbered, the following clause shall be inserted, namely:—

"(a) the form of affidavit under sub-section (2) of section 33A;"

7. *Repeal and saving.*— (1) The Representation of the People (Amendment) Ordinance, 2002 is hereby Ord. 4 of 2002. repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Notification

10/4/99-LA (Vol. IV)

The Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002 (Central Act No. 55 of 2002), which has been passed by the Parliament and assented to by the President of India on 17-12-2002 and published in the

Gazette of India, Extraordinary, Part II, Section 1, dated 18-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 15th April, 2004.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002

AN

ACT

further to amend the Negotiable Instruments Act, 1881, the Banker's Books Evidence Act, 1891 and the Information Technology Act, 2000.

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

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

CHAPTER II

Amendments to the Negotiable Instruments Act, 1881

2. *Substitution of new section for section 6.*— For section 6 of the Negotiable Instruments Act, 1881 (hereinafter in this Chapter referred to as the principal Act), the following section shall be substituted, namely:—

6. "Cheque".— A "cheque" is a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand and it includes the electronic image of a truncated cheque and a cheque in the electronic form.

Explanation I.— For the purposes of this section, the expressions—

(a) "a cheque in the electronic form" means a cheque which contains the exact mirror image of a paper cheque, and is generated, written and signed in a secure system ensuring the minimum safety standards with the use of digital signature (with or without biometrics signature) and asymmetric crypto system;

(b) "a truncated cheque" means a cheque which is truncated during the course of a clearing cycle, either by the clearing house or by the bank whether paying or receiving payment, immediately on generation of an electronic image for transmission, substituting the further physical movement of the cheque in writing.

Explanation II.— For the purposes of this section, the expression "clearing house" means the clearing house managed by the Reserve Bank of India or a clearing house recognised as such by the Reserve Bank of India.

3. *Amendment of section 64.*— Section 64 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in section 6, where an electronic image of a truncated cheque is presented for payment, the drawee bank is entitled to demand any further information regarding the truncated cheque from the bank holding the truncated cheque in case of any reasonable suspicion about the genuineness of the apparent tenor of instrument, and if the suspicion is that of any fraud, forgery, tampering or destruction of the instrument, it is entitled to further demand the presentment of the truncated cheque itself for verification:

Provided that the truncated cheque so demanded by the drawee bank shall be retained by it, if the payment is made accordingly."

4. *Amendment of section 89.*— Section 81 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) Where the cheque is an electronic image of a truncated cheque, even after the payment the banker who received the payment shall be entitled to retain the truncated cheque.

(3) A certificate issued on the foot of the printout of the electronic image of a truncated cheque by the banker who paid the instrument, shall be *prima facie* proof of such payment."

5. *Amendment of section 89.*— Section 89 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) Where the cheque is an electronic image of a truncated cheque, any difference in apparent tenor of such electronic image and the truncated cheque shall be a material alteration and it shall be the duty of the bank or the clearing house, as the case may be, to ensure the exactness of the apparent tenor of electronic image of the truncated cheque while truncating and transmitting the image.

(3) Any bank or a clearing house which receives a transmitted electronic image of a truncated cheque, shall verify from the party who transmitted the image to it, that the image so transmitted to it and received by it, is exactly the same."

6. *Amendment of section 131.*— In section 131 of the principal Act, *Explanation* shall be re-numbered as *Explanation I* thereof, and after *Explanation I* as so re-numbered, the following *Explanation* shall be inserted, namely:—

"*Explanation II.*— It shall be the duty of the banker who receives payment based on an electronic image of a truncated cheque held with him, to verify the *prima facie* genuineness of the cheque to be truncated and any fraud, forgery or tampering apparent on the face of the instrument that can be verified with due diligence and ordinary care."

7. *Amendment of section 138.*— In section 138 of the principal Act,—

(a) for the words "a term which may be extended to one year", the words "a term which may be extended to two years" shall be substituted;

(b) in the proviso, in clause (b), for the words "within fifteen days", the words "within thirty days" shall be substituted.

8. *Amendment of section 141.*— In section 141 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that where a person is nominated as a Director of a company by virtue

of his holding any office or employment in the Central Government or State Government or a financial corporation owned or controlled by the Central Government or the State Government, as the case may be, he shall not be liable for prosecution under this Chapter."

9. *Amendment of section 142.*—In section 142 of the principal Act, after clause (b), the following proviso shall be inserted, namely:—

"Provided that the cognizance of a complaint may be taken by the Court after the prescribed period, if the complainant satisfies the Court that he had sufficient cause for not making a complaint within such period."

10. *Insertion of new sections after section 142.*—After section 142 of the principal Act, the following sections shall be inserted, namely:—

"143. *Power of Court to try cases summarily.*— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Chapter shall be tried by a Judicial Magistrate of the first class or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trials:

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year and an amount of fine exceeding five thousand rupees:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

(2) The trial of a case under this section shall, so far as practicable, consistently with the interests of justice, be continued from day to day until its conclusion, unless the Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded in writing.

(3) Every trial under this section shall be conducted as expeditiously as possible and an

endeavour shall be made to conclude the trial within six months from the date of filing of the complaint.

144. *Mode of service of summons.*—

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, and for the purposes of this Chapter, a Magistrate issuing a summons to an accused or a witness may direct a copy of summons to be served at the place where such accused or witness ordinarily resides or carries on business or personally works for gain, by speed post or by such courier services as are approved by a Court of Session.

(2) Where an acknowledgment purporting to be signed by the accused or the witness or an endorsement purported to be made by any person authorised by the postal department or the courier services that the accused or the witness refused to take delivery of summons has been received, the Court issuing the summons may declare that the summons has been duly served.

145. *Evidence on affidavit.*— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the evidence of the complainant may be given by him on affidavit and may, subject to all just exceptions be read in evidence in any enquiry, trial or other proceeding under the said Code.

(2) The Court may, if it thinks fit, and shall, on the application of the prosecution or the accused, summon and examine any person giving evidence on affidavit as to the facts contained therein.

146. *Bank's slip prima facie evidence of certain facts.*— The Court shall, in respect of every proceeding under this Chapter, on production of bank's slip or memo having thereon the official mark denoting that the cheque has been dishonoured, presume the fact of dishonour of such cheque, unless and until such fact is disproved.

147. *Offences to be compoundable.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be compoundable."

CHAPTER III

Amendment to the Banker's Books
Evidence Act, 1891

11. *Amendment of section 2.*— In section 2 of the Bankers' Books Evidence Act, 1891,— 18 of 1891.

(a) for clause (3), the following clause shall be substituted, namely:—

'(3) "bankers' books" include ledgers, day-books, cash-books, account-books and all other records used in the ordinary business of the bank, whether these records are kept in written form or stored in a micro film, magnetic tape or in any other form of mechanical or electronic data retrieval mechanism, either onsite or at any offsite location including a back-up or disaster recovery site of both;'

(b) in clause (8), after sub-clause (b), the following sub-clause shall be inserted:—

"(c) a printout of any entry in the books of a bank stored in a micro film, magnetic tape or in any other form of mechanical or electronic data retrieval mechanism obtained by a mechanical or other process which in itself ensures the accuracy of such printout as a copy of such entry and such printout contains the certificate in accordance with the provisions of section 2A."

CHAPTER IV

Amendments to the Information Technology
Act, 2000

12. *Amendment of section 1.*— In the Information Technology Act, 2000 21 of 2000 (hereinafter in this Chapter referred to as the principal Act), in section 1, in sub-section (4), for clause (a), the following clause shall be substituted, namely:—

"(a) a negotiable instrument (other than a cheque) as defined in section 13 of the Negotiable Instruments Act, 1881;" 26 of 1881.

13. *Insertion of new section 81A.*— After section 81 of the principal Act, the following section shall be inserted, namely:—

'81A. *Application of the Act to electronic cheque and truncated cheque.*— (1) The provisions of this Act, for the time being in force, shall apply to, or in relation to, electronic cheques and the truncated cheques subject to such modifications and amendments as may be necessary for carrying out the purposes of the Negotiable Instruments Act, 1881 by the Central 26 of 1881. Government, in consultation with the Reserve Bank of India, by notification in the Official Gazette.

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

Explanation.— For the purposes of this Act, the expressions "electronic cheque" and "truncated cheque" shall have the same meaning as assigned to them in section 6 of the Negotiable Instruments Act, 1881.' 26 of 1881.

Notification

10/3/2003-LA (Part)

The Prevention of Terrorism (Amendment) Act, 2003 (Central Act No. 4 of 2004), which has been passed by the Parliament and assented to by the President of India on 2-1-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 5-1-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

THE PREVENTION OF TERRORISM
(AMENDMENT) ACT, 2003

AN

ACT

to amend the Prevention of Terrorism Act, 2002.

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

1. *Short title and commencement.*— (1) This Act may be called the Prevention of Terrorism (Amendment) Act, 2003.

(2) It shall be deemed to have come into force on the 27th day of October, 2003.

2. *Amendment of section 60.*— In section 60 of the Prevention of Terrorism Act, 2002, after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) Without prejudice to the other provisions of this Act, any Review Committee constituted under sub-section (1) shall, on an application by any aggrieved person, review whether there is a *prima facie* case for proceeding against the accused under this Act and issue directions accordingly.

(5) Any direction issued under sub-section (4),—

(i) by the Review Committee constituted by the Central Government, shall be binding on the Central Government, the State Government and the police officer investigating the offence; and

(ii) by the Review Committee constituted by the State Government, shall be binding on the State Government and the police officer investigating the offence.

(6) Where the reviews under sub-section (4) relating to the same offence under this Act, have been made by a Review Committee constituted by the Central Government and a Review Committee constituted by the State Government, under sub-section (1), any direction issued by the Review Committee constituted by the Central Government shall prevail.

(7) Where any Review Committee constituted under sub-section (1) is of opinion that there is no *prima facie* case for proceeding against the accused and issues directions under sub-section (4), then, the proceedings pending against the accused shall be deemed to have been withdrawn from the date of such direction.”

3. *Repeal and saving.*— (1) The Prevention of Terrorism (Amendment) Ordinance, 2003, is hereby repealed. Ord. 4 of 2003.

(2) Notwithstanding such repeal, anything done or any action taken under the Prevention of Terrorism Act, 2002, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act. 15 of 2002.

Notification

10/3/2003-LA (Part)

The Sick Industrial Companies (Special Provisions) Repeal Act, 2003 (Central Act No. 1 of 2004), which has been passed by the Parliament and assented to by the President of India on 1-1-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 2-1-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

THE SICK INDUSTRIAL COMPANIES (SPECIAL PROVISIONS) REPEAL ACT, 2003

AN

ACT

to repeal the Sick Industrial Companies (Special Provisions) Act, 1985.

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

1. *Short title and commencement.*— (1) This Act may be called the Sick Industrial Companies (Special Provisions) Repeal Act, 2003.

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

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

(a) "Appellate Authority" means the Appellate Authority for Industrial and Financial Reconstruction constituted under section 5 of the Sick Industrial Companies (Special Provisions) Act, 1985; 1 of 1986.

(b) "Board" means the Board for Industrial and Financial Reconstruction established under section 4 of the Sick Industrial Companies (Special Provisions) Act, 1985; 1 of 1986.

(c) words and expressions used herein and not defined but defined in the Sick Industrial Companies (Special Provisions) Act, 1985, shall have the meanings respectively assigned to them in that Act.

3. *Repeal of Act 1 of 1986 and dissolution of Appellate Authority and Board.*— The Sick Industrial Companies (Special Provisions) Act, 1985 (hereinafter referred to as the repealed enactment) is hereby repealed and the Appellate Authority and the Board stand dissolved.

4. *Consequential provisions.*— On the dissolution of the Appellate Authority and the Board,—

(a) (i) the persons appointed as Chairman and Member of the Appellate Authority or the Board; and

(ii) every other person appointed by the Central Government, Appellate Authority or the Board,

and holding office as such immediately before the commencement of this Act, shall vacate his office and no such Chairman, Member or other person shall be entitled to claim any compensation for premature termination of the term of his office or of any contract of service:

Provided that every officer or employee who has been, immediately before the dissolution of the Appellate Authority or the Board, appointed on deputation basis to the Appellate Authority or

the Board, shall stand reverted to his parent cadre, Ministry or Department, as the case may be:

Provided further that every officer or employee who has been, immediately before the dissolution of the Appellate Authority or the Board, employed on regular basis by the Appellate Authority or the Board, shall become, on and from the date of such dissolution, the officer and employee, respectively, of the Central Government with the same rights and privileges as to pension, gratuity and other like matters as would have been admissible to him if the rights in relation to such Appellate Authority or the Board had not been transferred to, and vested in, the Central Government and shall continue to do so unless and until his employment in the Central Government is duly terminated or until his remuneration, terms and conditions of employment are duly altered by that Government:

Provided also that notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other employee, employed in the Appellate Authority or the Board, to the Central Government, shall not entitle such officer or employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority:

Provided also that where the Appellate Authority or the Board has established a provident fund, superannuation, welfare or other fund for the benefit of the officers and employees employed in the Appellate Authority or the Board, the monies relatable to the officers and employees whose services have been transferred by or under this Act to the Central Government shall, out of the monies standing, on the dissolution of the Appellate Authority or the Board, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vest in, the Central Government and such monies which stand so transferred shall be dealt with by that Government in such manner as may be prescribed;

(b) any appeal preferred to the Appellate Authority or any reference made to the Board or any inquiry pending before the Board or any other authority or any proceeding of whatever nature pending before the Appellate Authority

or the Board immediately before the commencement of this Act shall stand abated:

Provided that a company:—

(1) in respect of which such appeal or reference or inquiry stand abated under this clause may make a reference under PART VIA of the Companies Act, 1956 within one hundred and eighty days from the commencement of this Act in accordance with the provisions of the Companies Act, 1956; 1 of 1956.

(ii) which had become a sick industrial company as defined in clause (46AA) of section 2 of the Companies Act, 1956, before the commencement of the Companies (Second Amendment) Act, 2002 may make a reference under PART VIA of the Companies Act, 1956 within one hundred and eighty days from the commencement of the Companies (Second Amendment) Act, 2002 or within sixty days of final adoption of accounts after such commencement, whichever is earlier; 1 of 1956. 11 of 2003.

and reference so made shall be dealt with in accordance with the provisions of the Companies Act, 1956; 1 of 1956.

Provided further that no fee shall be payable for making such reference under PART VIA of the Companies Act, 1956 by a company whose appeal or reference or inquiry stand abated under this clause; 1 of 1956.

Provided also that any scheme sanctioned under sub-section (4) or any scheme under implementation under sub-section (12) of section 18 of the repealed enactment shall be deemed to be a scheme sanctioned or under implementation under section 424D of the Companies Act, 1956 and shall be dealt with in accordance with the provisions contained in PART VIA of that Act; 1 of 1956.

(c) the balance of all monies (including any fee) received by, or advanced to the Appellate Authority or the Board, as the case may be, and not spent by it before the commencement of this Act shall, on the commencement of this Act, stand transferred to, and vest in, the Central Government and shall be utilised for the purposes of clauses (e) and (f);

(d) all property of whatever kind owned by, or vested in, the Appellate Authority of the Board, as the case may be, and not spent by it before the commencement of this Act shall, on the commencement of this Act, stand transferred to, and shall vest in the Central Government;

(e) all liabilities and obligations of whatever kind incurred by the Appellate Authority or the Board and subsisting immediately before the commencement of this Act shall, on and from the commencement of this Act, be deemed to be the liabilities or obligations, as the case may be, of the Central Government; and any proceeding or cause of action, pending or existing immediately before the commencement of this Act by or against the Appellate Authority or the Board in relation to such liability or obligation may, as from the commencement of this Act, be continued or enforced by or against the Central Government;

(f) all monies vested in the Central Government under clause (c) shall, after deducting the amount incurred for discharging the liabilities and obligations referred to in that clause, be refunded by the Central Government to the person to whom such amount is due.

5. *Saving.*— (1) The repeal by this Act of the repealed enactment shall not—

(a) affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

(b) affect the previous operation of the repealed enactment or anything duly done or suffered thereunder;

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the repealed enactment;

(d) affect any order made by the Board for sanction of the schemes;

(e) affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

(f) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed enactment, affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such privilege, forfeiture or punishment may be imposed as if this Act had not been passed;

(g) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in, or from, the repealed enactment;

(h) revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

(2) Save as otherwise provided in section 4 and in sub-section (1) of this section, the mention of particular matters in the said section and sub-section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeal.

6. *Power to make rules.*— (1) The Central Government may, by notification, 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 manner in which the monies standing to the credit of provident fund, superannuation, welfare or other fund of officers and employees on their transfer to the Central Government, shall be dealt with by that Government under the fourth proviso to clause (a) of section 4;

(b) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each

House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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.

Notification

10/3/2003-LA (Part)

The Indian Telegraph (Amendment) Act, 2003 (Central Act No. 8 of 2004), which has been passed by the Parliament and assented to by the President of India on 9-1-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 12-1-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

THE INDIAN TELEGRAPH (AMENDMENT) ACT, 2003

AN

ACT

further to amend the Indian Telegraph Act, 1885.

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

1. *Short title and commencement.*— (1) This Act may be called the Indian Telegraph (Amendment) Act, 2003.

(2) It shall be deemed to have come into force on the 1st day of April, 2002.

2. *Amendment of section 3.*— In section 3 of the Indian Telegraph Act, 1885 (hereinafter referred to as the principal Act), clause (1) shall be renumbered

as clause (1AA) and before clause (1AA) as so renumbered, the following clauses shall be inserted, namely:—

(1) "Fund" means the Universal Service Obligation Fund established under sub-section (1) of section 9A;

(1A) "Universal Service Obligation" means the obligation to provide access to basic telegraph services to people in the rural and remote areas at affordable and reasonable prices;

3. *Amendment of section 4.*— In section 4 of the principal Act, in sub-section (1), the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*— The payments made for the grant of a licence under this sub-section shall include such sum attributable to the Universal Service Obligation as may be determined by the Central Government after considering the recommendation made in this behalf by the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997." 24 of 1997.

4. *Amendment of section 7.*— In section 7 of the principal Act, in sub-section (2), after clause (ee), the following clauses shall be inserted, namely:—

"(eea) the manner in which the Fund may be administered;

(eeb) the criteria based on which sums may be released."

5. *Insertion of new Part IIA.*— After Part II of the principal Act, the following Part shall be inserted, namely:—

"PART IIA

Universal Service Obligation Fund

9A. *Establishment of Universal Service Obligation Fund.*— (1) On and from the commencement of the Indian Telegraph (Amendment) Act, 2003, there shall be deemed to have been established, for the purposes of this Act, a Fund to be called the Universal Service Obligation Fund.

(2) The Fund shall be under the control of the Central Government and there shall be credited thereto—

(a) any sums of money paid under section 9B;

(b) any grants and loans made by the Central Government under section 9C.

(3) The balance to the credit of the Fund shall not lapse at the end of the financial year.

9B. *Crediting of sums to Consolidated Fund of India.*— The sums of money received towards the Universal Service Obligation under section 4 shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Fund from time to time for being utilised exclusively for meeting the Universal Service Obligation.

9C. *Grants and loans by Central Government.*— The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants and loans such sums of money as that Government may consider necessary in the Fund.

9D. *Administration and utilisation of Fund.*— (1) The Central Government shall have the power to administer the Fund in such manner as may be prescribed by rules made under this Act.

(2) The Fund shall be utilised exclusively for meeting the Universal Service Obligation.

(3) The Central Government shall be responsible for the co-ordination and ensuring timely utilisation and release of sums in accordance with the criteria as may be prescribed by rules made under this Act."

6. *Repeal and saving.*— (1) The Indian Telegraph (Amendment) Ordinance, 2003, is hereby repealed. Ord. 7 of 2003.

(2) Notwithstanding the repeal of the Indian Telegraph (Amendment) Ordinance, 2003, anything done or action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act. Ord. 7 of 2003.

Notification

10/3/2003-LA (Part)

The Representation of the People (Second Amendment) Act, 2003 (Central Act No. 2 of 2004), which has been passed by the Parliament and

assented to by the President of India on 1-1-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 2-1-2004, is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

THE REPRESENTATION OF THE PEOPLE
(SECOND AMENDMENT) ACT, 2003

AN

ACT

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

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

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Representation of the People (Second Amendment) Act, 2003.

(2) It shall be deemed to have come into force on the 29th day of October, 2003.

CHAPTER II

Amendment of the Representation of the People Act, 1950

2. *Amendment of section 13AA of Act 43 of 1950.*— In section 13AA of the Representation of the People Act, 1950, in sub-section (1), the words "other than a Union territory," shall be omitted.

CHAPTER III

Amendment of the Representation of the People Act, 1951

3. *Amendment of sections 26 and 78 of Act 43 of 1951.*— In the Representation of the People Act, 1951,—

(a) in section 26, sub-section (5) shall be omitted;

(b) in section 78, sub-section (2) shall be omitted.

4. *Repeal and saving.*— (1) The Representation of the People (Amendment) Ordinance, 2003 is hereby repealed. Ord. 5 of 2003.

(2) Notwithstanding such repeal, anything done or any action taken under the Representation of the People Act, 1950 and the Representation of the People Act, 1951 as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts, as amended by this Act.

Notification

10/3/2003-LA (Part)

The Delimitation (Amendment) Act, 2003 (Central Act No. 3 of 2004), which has been passed by the Parliament and assented to by the President of India on 1-1-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 2-1-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th May, 2004.

THE DELIMITATION (AMENDMENT) ACT, 2003

AN

ACT

to amend the Delimitation Act, 2002.

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

1. *Short title and commencement.*— (1) This Act may be called the Delimitation (Amendment) Act, 2003.

(2) It shall be deemed to have come into force on the 31st day of October, 2003.

2. *Amendment of section 3.*— In section 3 of the Delimitation Act, 2002 (hereinafter referred to as the principal Act), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

"Explanation.— For the purposes of clause (c), the State Election Commissioner of concerned State,—

(i) in respect of the duties of the Commission relating to a State (other than the States of Meghalaya, Mizoram and Nagaland), means the State Election Commissioner appointed by the Governor of that State under clause (1) of article 243K; and

(ii) in respect of the duties of the Commission relating to the State of Meghalaya or the State of Mizoram or the State of Nagaland, as the case may be, means a person nominated by the Governor of that State for such purposes."

3. *Amendment of section 4.*— In section 4 of the principal Act, in sub-section (2), for the figures "1991", the figures "2001" shall be substituted.

4. *Amendment of section 8.*— In section 8 of the principal Act,—

(i) in clause (a), for the figures "1991", the figures "2001" shall be substituted;

(ii) in clause (b), for the figures "1991", the figures "2001" shall be substituted;

5. *Amendment of section 9.*— In section 9 of the principal Act, in sub-section (1), for the figures "1991", the figures "2001" shall be substituted.

6. *Repeal and saving.*— (1) The Delimitation (Amendment) Ordinance, 2003 is hereby repealed.

Ord. 6
of 2003.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

◆◆◆
Department of Protocol

Protocol & Hospitality

Notification

3/1/87/P & HD/P-F-II

The Government of Goa is hereby pleased to amend the Warrant of Precedence, as follows:—

In the Warrant of Precedence, in Article 27, after the expression Special Officer, Bombay High Court, Panaji Bench, the expression "Chairman, Goa State Pollution Control Board" shall be inserted.

By order and in the name of the Governor of Goa.

Melvyn A. Vaz, Joint Secretary (Protocol).

Panaji, 13th August, 2004.