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LAW DEPARTMENT

NOTIFICATION

The 8th June 2009

No. 6799—I-Legis.-10/2009-L.—The following Acts of Parliament which are assented to by the President on the 16th March 2009 and published by the Government of India, Ministry of Law and Justice (Legislative Department) in the *Gazette of India*, Extraordinary, Part-II, Section-I, dated the 16th March 2009 are hereby republished for general information.

By order of the Governor

B. K. NAYAK

Principal Secretary to Government

Assented to on the 16th March 2009

THE CENTRAL INDUSTRIAL SECURITY FORCE

(AMENDMENT) ACT, 2009

(CENTRAL ACT NO. 22 OF 2009)

An Act further to amend the Central Industrial Security Force Act, 1968.

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

Short title and
commence-
ment.

1. (1) This Act may be called the Central Industrial Security Force (Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 10th day of January, 2009.

Amendment
of Section 2.

2. In the Central Industrial Security Force Act, 1968 (hereinafter referred to as the principal Act), in Section 2,—

(a) after Clause (ca), the following Clause shall be inserted, namely:—

‘(cb) “joint venture” means a venture jointly undertaken by the Central Government or State Government with private industrial undertaking;’;

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

‘(ga) “private industrial undertaking” means an industry owned, controlled or managed by a person other than the Central or State Government or any industrial undertaking in public sector;’.

Amendment
of Section 3.

3. In Section 3 of the principal Act, in sub-section (1), after the words “industrial undertakings owned by that Government”, the words “, joint venture or private industrial undertaking” shall be inserted.

Amendment
of Section 4.

4. In Section 4 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government may appoint a person to be the Director-General of the Force and such other supervisory officers as considered necessary.”.

Amendment
of Section 7.

5. In Section 7 of the principal Act, in sub-section (2),—

(i) for the words “an Inspector-General, a Deputy Inspector-General, a Commandant, a Deputy Commandant or an Assistant Commandant”, the words “such other supervisory officers as considered necessary” shall be substituted;

(ii) after the words “industrial undertaking”, the words “, joint venture or private industrial undertaking” shall be inserted.

Amendment
of Section 10.

6. In Section 10 of the principal Act,—

(i) in Clause (c), after the word “safeguard”, the words “any joint venture, private industrial undertaking and” shall be inserted;

(ii) in Clause (h), after the words “any other duty”, the words “within and outside India” shall be inserted.

Amendment
of Section 14.

7. In Section 14 of the principal Act,—

(a) in the marginal heading, after the words “public sector”, the words “, joint venture or private sector” shall be inserted;

(b) in sub-section (1), after the words “public sector”, the words “, joint venture or private sector” shall be inserted;

(c) in the proviso to sub-section (2), for the words “one month’s notice”, the words “three month’s notice” shall be inserted.

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Amendment
of Section 15.

8. In Section 15 of the principal Act, in sub-section (1), after the word “within”, the words “or outside” shall be inserted.

Repeal and
saving.

9. (1) The Central Industrial Security Force (Amendment) Ordinance, Ord. 2 of 2009 is hereby 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.

Assented to on the 16th March 2009
 THE HIGH COURT AND SUPREME COURT JUDGES
 (SALARIES AND CONDITIONS OF SERVICE)
 AMENDMENT ACT, 2009
 (CENTRAL ACT NO. 23 OF 2009)

An Act further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

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

CHAPTER I

PRELIMINARY

Short title and commencement. **1. (1)** This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009.

(2) Sections 2, 3, 4, 7, 8, 9, 10 and 13 shall be deemed to have come into force on the 1st day of January, 2006 and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of September, 2008.

CHAPTER II

AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954.

Amendment of Section 13A. **2.** In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in Section 13A,— 28 of 1954.

(a) in sub-section (1), for the words “thirty thousand rupees per mensem”, the words “ninety thousand rupees per mensem” shall be substituted;

(b) in sub-section (2), for the words “twenty-six thousand rupees per mensem”, the words “eighty thousand rupees per mensem” shall be substituted.

Amendment of Section 17A. **3.** In Section 17A of the High Court Judges Act, in sub-section (1),—

(a) the words “plus fifty per cent. of his dearness pay” shall be omitted;

(b) the words “plus thirty per cent. of his dearness pay subject to a minimum of one thousand nine hundred and thirteen rupees per month” shall be omitted.

Insertion of new Section 17B.

4. After Section 17A of the High Court Judges Act, the following Section shall be inserted, namely:—

Additional quantum of pension or family pension.

“17B. Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale:—

Age of Pensioner or Family Pensioner	Additional quantum of pension or family pension
(1)	(2)
From eighty years to less than eighty-five years	Twenty per cent. of basic pension or family pension
From eighty-five years to less than ninety years	Thirty per cent. of basic pension or family pension
From ninety years to less than ninety-five years	Forty per cent. of basic pension or family pension
From ninety-five years to less than hundred years	Fifty per cent. of basic pension or family pension
From hundred years or more	Hundred per cent. of basic pension or family pension.” .

Amendment of Section 22A.

5. In Section 22A of the High Court Judges Act, in sub-section (2), the words “plus thirty per cent. of the dearness pay” shall be omitted.

Amendment of Section 22C.

6. In the High Court Judges Act, for Section 22C, the following Section shall be substituted, namely:-

Sumptuary Allowance.

“22C. The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of fifteen thousand rupees per month and twelve thousand rupees per month respectively.” .

Amendment of First Schedule.

7. In the First Schedule to the High Court Judges Act,—

(a) in Part I,—

(i) in paragraph 2,—

(A) in Clause (a), for the letters and figures “Rs. 21,945”, the letters and figures “Rs. 43,890” shall be substituted;

(B) in Clause (b), for the letters and figures “Rs. 16,725”, the letters and figures “Rs. 34,350” shall be substituted;

(C) in the proviso, for the letters and figures “Rs. 2,70,000” and “Rs. 2,34,000”, the letters and figures “Rs. 5,40,000” and “Rs. 4,80,000” shall, respectively, be substituted ;

(ii) in paragraph 8, for the letters and figures “Rs. 2,70,000”, the letters and figures “Rs. 5,40,000” shall be substituted;

(iii) in paragraph 9, for the letters and figures “Rs. 76,785”, the letters and figures “Rs. 1,57,670” shall be substituted;

(b) in Part II,—

(i) in the proviso to paragraph 2, for the letters and figures “Rs. 2,70,000” and “Rs. 2,34,000”, the letters and figures “Rs. 5,40,000” and “Rs. 4,80,000” shall, respectively, be substituted;

(ii) in paragraph 3, for the figures “16,898”, “20,280”, “23,649”, “27,033”, “30,420” and “33,799”, the figures “34,696”, “41,642”, “48,559”, “55,508”, “62,462” and “69,402” shall, respectively, be substituted;

(c) in Part III,

in paragraph 2,—

(A) in Clause (b), for the letters and figures “Rs. 7,800”, the letters and figures “Rs.16,020” shall be substituted;

(B) in the proviso, for the letters and figures “Rs. 2,70,000” and “Rs. 2,34,000”, the letters and figures “Rs. 5,40,000” and “Rs. 4,80,000” shall, respectively, be substituted.

CHAPTER III

AMENDMENT OF THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1958.

Amendment
of Section
12A.

8. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (hereinafter referred to as the Supreme Court Judges Act), in Section 12A,—

(a) in sub-section (1), for the words “thirty-three thousand rupees per mensem” , the words “one lakh rupees per mensem” shall be substituted;

(b) in sub-section (2), for the words “thirty thousand rupees per mensem”, the words “ninety thousand rupees per mensem” shall be substituted.

Amendment
of Section
16A.

9. In Section 16A of the Supreme Court Judges Act, in sub-section (1),—

(i) in Clause (a), the words “plus fifty per cent. of his dearness pay” and “plus thirty per cent. of his dearness pay” shall be omitted;

(ii) in Clause (b), the words “plus thirty per cent. of his dearness pay” shall be omitted.

Insertion of
new Section
16B.

10. After Section 16A of the Supreme Court Judges Act, the following Section shall be inserted, namely :—

Additional
quantum of
pension or
family pen-
sion.

“16B. Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale :—

Age of Pensioner or Family Pensioner (1)	Additional quantum of pension or family pension. (2)
From eighty years to less than eighty-five years	Twenty per cent. of basic pension or family pension
From eighty-five years to less than ninety years	Thirty per cent. of basic pension or family pension
From ninety years to less than ninety-five years	Forty per cent. of basic pension or family pension
From ninety five years to less than hundred years	Fifty per cent. of basic pension or family pension
From hundred years or more	Hundred per cent. of basic pension or family pension.”

Amendment
of Section
23.

11. In Section 23 of the Supreme Court Judges Act, in sub-section (IA), the words “plus thirty per cent. of the dearness pay” shall be omitted.

Amendment
of Section
23B.

12. In Section 23B of the Supreme Court Judges Act, for the words “ten thousand” and “seven thousand five hundred”, the words “twenty thousand” and “fifteen thousand” shall, respectively, be substituted.

Amendment
of
Schedule.

13. In the Schedule to the Supreme Court Judges Act,—

(a) in Part I,—

(i) in paragraph 2,—

(A) in Clause (b), for the letters and figures “Rs. 6,030”, “Rs. 1,82,820” and “Rs. 15,360”, the letters and figures “Rs. 12,180”, “Rs. 3,69,300” and “Rs. 31,030” shall, respectively, be substituted;

(B) in the proviso, for the letters and figures “Rs. 2,97,000”, the letters and figures “Rs. 6,00,000” shall be substituted;

(ii) in the proviso to paragraph 3, for the letters and figures “Rs. 2,70,000”, the letters and figures “Rs. 5,40,000” shall be substituted;

(b) in Part II, in paragraph 2, in Clause (b), for the letters and figures “Rs. 16,898”, the letters and figures “Rs. 33,795” shall be substituted;

(c) in Part III,

in paragraph 2,—

(A) in Clause (b), for the letters and figures “Rs. 7,800”, the letters and figures “Rs. 16,020” shall be substituted;

(B) in the proviso, for the letters and figures “Rs. 2,97,000” and “Rs. 2,70,000”, the letters and figures “Rs. 6,00,000” and “Rs. 5,40,000” shall, respectively, be substituted.

CHAPTER IV

TRANSITIONAL PROVISION

Arrears.

14. The difference of salary, pension and family pension payable to a Judge of High Court or to his family, as the case may be, under the High Court Judges Act or a Judge of the Supreme Court or his family, as the case may be, under the Supreme Court Judges Act as amended by this Act and the salary, pension or family pension payable to such Judge or his family, as the case may be, but for this Act shall be paid in two instalments, the first instalment of forty per cent. to be paid during the current financial year 2008-09 and the remaining sixty per cent. to be paid in the financial year 2009-10.

Repeal and saving.

15. (1) The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Ordinance, 2009 is hereby repealed.

Ordinance
1 of 2009.

(2) Notwithstanding such repeal, anything done or any action taken under the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 as amended by the said Ordinance shall be deemed to have been done or taken under the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as amended by this Act.

28 of 1954.
41 of 1958.

Assented to on the 16th March 2009

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS

(SPECIAL PROVISIONS) ACT, 2009

(CENTRAL ACT NO. 24 OF 2009)

An Act to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2009 and for matters connected therewith or incidental thereto.

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

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

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

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

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

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

AND WHEREAS, the revised policy and orderly arrangements for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompi* clusters in the National Capital Territory of Delhi is under consideration of the Government;

AND WHEREAS, policy regarding existing farm houses involving construction beyond permissible building limits, schools, dispensaries, religious institutions and cultural institutions and storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land is under consideration of the Central Government;

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

AND WHEREAS, it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a period up to the 31st day of December, 2009 to provide temporary relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

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

Short title,
extent, com-
mencement
and dura-
tion.

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

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

(3) It shall be deemed to have come into force on the 1st day of January, 2009.

(4) It shall cease to have effect on the 31st day of December, 2009, except as respects things done or omitted to be done before such cesser, and upon such cesser Section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act. 10 of 1897.

Definitions.

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

(a) “building bye-laws” means bye-laws made under Section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under Section 188, sub-section (3) of Section 189 and sub-section (1) of Section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of Section 57 of the Delhi Development Act, 1957, relating to buildings; 66 of 1957. Punjab Act 3 of 1911. 61 of 1957.

(b) “Delhi” means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in Clause (II) of Section 2 of the Delhi Municipal Corporation Act, 1957; 66 of 1957.

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

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

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

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

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

(h) “relevant law” means in case of—

(i) the Delhi Development Authority, the Delhi Development Act, 1957; 61 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and 66 of 1957.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994; 44 of 1994.

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

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, 61 of 1957. the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994. 66 of 1957. 44 of 1994.

Enforcement to be kept in abeyance.

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

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

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

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

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

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

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

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

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

shall be maintained.

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2009.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2009, withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

Provisions of this Act not to apply in certain cases.

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

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

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

Power of Central Government to give directions.

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

Validation of acts done or omitted to be done, etc., during 1st January, 2009 up to the date of commencement of this Act.

6. Notwithstanding any judgment, decree or order of any court, all things done, or, omitted, to be done, and all action taken, or, not taken, during the period beginning on or after the 1st day of January, 2009 and ending immediately before the date of commencement of this Act, shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under these provisions as if such provisions were in force at the time such things were done or omitted to be done and action taken or not taken during the aforesaid period.