

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1067 CUTTACK, SATURDAY, JULY 25, 2009/SRAVANA 3, 1931

LAW DEPARTMENT

NOTIFICATION

The 8th June 2009

No. 6802—I-Legis.-10/2009-L.—The following Acts of Parliament which are assented to by the President on the 6th 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 6th March 2009 are hereby republished for general information.

By order of the Governor

B. K. NAYAK

Principal Secretary to Government

Assented to on the 6th March 2009

THE JHARKHAND APPROPRIATION (VOTE ON ACCOUNT) ACT, 2009

(CENTRAL ACT NO. 18 OF 2009)

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Jharkhand for the services of apart of the financial year 2009-10.

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

- Short title. **1.** This Act may be called the Jharkhand Appropriation (Vote on Account) Act, 2009.
- Withdrawal of Rs. 9014,95,71,531 from and out of the Consolidated Fund of the State of Jharkhand for the financial year 2009-10. Appropriation. **2.** From and out of the Consolidated Fund of the State of Jharkhand, there may be withdrawn sums not exceeding those specified in Column 3 of the Schedule amounting in the aggregate to the sum of nine thousand fourteen crore, ninety-five lakhs, seventy-one thousand and five hundred thirty-one rupees towards defraying the several charges which will come in course of payment during the financial year, 2009-10 in respect of the services specified in Column 2 of the Schedule.
- 3.** The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Jharkhand by this Act shall be appropriated for the services and purposes expressed in the Schedule in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	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Agriculture Department	. . Revenue	128,77,17,333	128,77,17,333
		. . Capital	83,33,333	83,33,333
2	Animal Husbandry and Fisheries Department	. . Revenue	67,65,03,200	67,65,03,200
		. . Capital	16,66,66,667	16,66,66,667
3	Building Construction Department	. . Revenue	29,19,56,167	29,19,56,167
		. . Capital	33,56,66,667	33,56,66,667
4	Cabinet Secretariat and Coordination Department	. . Revenue	11,89,33,000	11,89,33,000
5	Secretariat of the Governor	. . Revenue	.. 5,81,91,000	5,81,91,000
6	Election	. . Revenue	88,07,83,000	88,07,83,000
7	Vigilance	. . Revenue	2,98,64,667	2,98,64,667
8	Civil Aviation Department	. . Revenue	38,43,47,667	38,43,47,667
9	Co-operative Department	. . Revenue	30,71,74,333	30,71,74,333
		. . Capital	2,53,33,333	2,53,33,333
10	Energy Department	. . Revenue	158,38,10,000	158,38,10,000
		. . Capital	105,33,33,333	105,33,33,333
11	Excise and Prohibition Department	. . Revenue	5,60,44,333	5,60,44,333
12	Finance Department	. . Revenue	20,41,63,333	20,41,63,333
		. . Capital	5,33,33,333	5,33,33,333
13	Interest Payment	. . Revenue	.. 2428.50,80,000	2428,50,80,000
14	Repayment of Loans	. . Capital	.. 269,83,40,667	269,83,40,667
15	Pension	. . Revenue	458,33,50,000	460,16,83,333
16	National Savings	. . Revenue	78,30,000	78,30,000
17	Finance (Commercial Tax) Department	. . Revenue	10,77,92,667	10,77,92,667
18	Food, Supply and Commerce Department	. . Revenue	104,19,51,333	104,19,51,333
19	Forest & Environment Department	. . Revenue	89,10,57,667	89,10,57,667
		. . Capital	5,00,000	5,00,000
20	Health, Medical Education and Family Welfare Department.	. . Revenue	340,84,81,268	340,84,81,268
		. . Capital	54,10,29,065	54,10,29,065
21	Higher Education Department	. . Revenue	153,68,63,667	153,68,63,667
22	Home Department	. . Revenue	602,86,70,000	602,86,70,000
		. . Capital	46,74,69,333	46,74,69,333
23	Industries Department	. . Revenue	50,69,74,000	50,69,74,000
		. . Capital	40,00,000	40,00,000
24	Information and Public Relation Department	. . Revenue	13,90,22,333	13,90,22,333
25	Institutional Finance and Programme Implementation Department	. . Revenue	1,19,72,000	1,19,72,000

1	2	3	
		Rs.	Rs.
26	Labour, Employment and Training Department	. . Revenue 229,24,52,000	.. 229,24,52,000
27	Law Department	. . Revenue 49,70,53,667	.. 49,70,53,667
28	High Court of Jharkhand	. . Revenue ..	9,09,12,000 9,09,12,000
29	Mines and Geology Department	. . Revenue 8,38,57,333	.. 8,38,57,333
		. . Capital 15,00,000	.. 15,00,000
30	Minorities Welfare Department	. . Revenue 44,33,833	.. 44,33,833
		. . Capital 3,41,33,333	.. 3,41,33,333
31	Parliamentary Affairs Department	. . Revenue 6,04,667	.. 6,04,667
32	Legislature	. . Revenue 13,61,90,333	9,00,000 13,70,90,333
33	Personnel and Administrative Reforms Department	. . Revenue 4,99,45,333	.. 4,99,45,333
34	Jharkhand Public Service Commission	. . Revenue ..	2,95,57,000 2,95,57,000
35	Planning and Development Department	. . Revenue 41,08,16,667	.. 41,08,16,667
36	Drinking Water and Sanitation Department	. . Revenue 58,36,95,667	.. 58,36,95,667
		. . Capital 141,69,66,667	.. 141,69,66,667
37	Rajbhasha Department	. . Revenue 3,05,91,333	.. 3,05,91,333
38	Registration Department	. . Revenue 4,27,27,000	.. 4,27,27,000
39	Disaster Management Department	. . Revenue 78,03,58,667	.. 78,03,58,667
40	Revenue and Land Reforms Department	. . Revenue 87,00,53,667	.. 87,00,53,667
		. . Capital 333	.. 333
41	Road Construction Department	. . Revenue 59,73,02,333	.. 59,73,02,333
		. . Capital 211,48,33,333	.. 211,48,33,333
42	Rural Development Department	. . Revenue 321,66,31,000	.. 321,66,31,000
		. . Capital 193,63,50,333	.. 193,63,50,333
43	Science & Technology Department	. . Revenue 35,63,83,833	.. 35,63,83,833
		. . Capital 20,68,33,333	.. 20,68,33,333
44	Secondary, Primary and Public Education Department	. . Revenue 1029,55,46,000	.. 1029,55,46,000
		. . Capital 7,33,33,333	.. 7,33,33,333
46	Tourism Department	. . Revenue 4,15,52,000	.. 4,15,52,000
		. . Capital 8,38,33,333	.. 8,38,33,333
47	Transport Department	. . Revenue 4,52,37,000	.. 4,52,37,000
		. . Capital 18,26,66,667	.. 18,26,66,667
48	Urban Development and Housing Department	. . Revenue 64,67,40,333	.. 64,67,40,333
		. . Capital 204,03,16,667	.. 204,03,16,667
49	Water Resources Department	. . Revenue 88,99,54,333	.. 88,99,54,333
		. . Capital 166,06,66,667	.. 166,06,66,667
50	Minor Irrigation Department	. . Revenue 20,90,24,000	.. 20,90,24,000
		. . Capital 28,06,66,667	.. 28,06,66,667
51	Welfare Department	. . Revenue 344,97,85,167	.. 344,97,85,167
		. . Capital 38,46,00,000	.. 38,46,00,000
52	Youth, Art and Culture Department	. . Revenue 20,34,03,000	.. 20,34,03,000
		. . Capital 22,62,90,667	.. 22,62,90,667
TOTAL ..		6296,82,57,531	2718,13,14,000 9014.95,71,531

Assented to on the 6th March 2009

THE JHARKHANDA APPORPRIATION ACT, 2009

(CENTRAL ACT NO. 19 OF 2009)

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

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

Short title.

1. This Act may be called the Jharkhand Appropriation Act, 2009.

Issue of Rs.

1501,03,57,991 from and out of the Consolidated Fund of the State of Jharkhand for the financial year, 2008-09.

2. From and out of the Consolidated Fund of the State of Jharkhand 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 five hundred one crore, three lakhs, fifty-seven thousand and nine hundred ninety-one 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.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Jharkhand 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	2	3		
No. of Vote	Services and Purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Agriculture Department . .Revenue	11,45,05,966	..	11,45,05,966
2	Animal Husbandry and Fisheries Department . .Revenue	13,24,32,962	..	13,24,32,962
3	Building Construction Department . .Revenue	4,29,77,230	..	4,29,77,230
4	Cabinet Secretariat and Coordination Department . .Revenue	2,04,56,022	..	2,04,56,022
5	Secretariat of the Governor . .Revenue	..	83,72,637	83,72,637
6	Election . .Revenue	68,52,639	..	68,52,639
7	Vigilance . .Revenue	1,25,99,343	..	1,25,99,343
8	Civil Aviation Department . .Revenue	63,04,29,323	..	63,04,29,323
9	Co-operative Department . .Revenue	4,17,92,356	..	4,17,92,356
10	Energy Department . .Revenue	79,07,907	..	79,07,907
11	Excise and Prohibition Department . .Revenue	2,45,99,612	..	2,45,99,612
12	Finance Department . .Revenue	4,64,75,809	..	4,64,75,809
15	Pension . .Revenue	412,00,00,000	..	412,00,00,000
16	National Savings . .Revenue	28,21,833	..	28,21,833
17	Finance (Commercial Tax) Department . .Revenue	4,47,62,223	..	4,47,62,223
18	Food, Supply and Commerce Department . .Revenue	48,71,57,101	..	48,71,57,101
19	Forest & Environment Department . .Revenue	19,70,44,254	..	19,70,44,254
20	Health, Medical Education and Family Welfare Department . .Revenue	58,35,04,215	..	58,35,04,215
21	Higher Education Department . .Revenue	13,42,546	..	13,42,546
22	Home Department . .Revenue	222,41,27,032	..	222,41,27,032
	. .Capital	8,58,57,045	..	8,58,57,045
23	Industries Department . .Revenue	3,92,03,258	..	3,92,03,258
24	Information and Public Relation Department . .Revenue	1,18,47,282	..	1,18,47,282
25	Institutional Finance and Programme Implementation Department. .Revenue	15,60,227	..	15,60,227
26	Labour, Employment and Training Department. . .Revenue	10,39,99,488	..	10,39,99,488
27	Law Department . .Revenue	20,56,54,909	..	20,56,54,909
28	High Court of Jharkhand . .Revenue	..	3,54,23,243	3,54,23,243
29	Mines and Geology Department . .Revenue	2,79,19,512	..	2,79,19,512
30	Minorities Welfare Department . .Revenue	10,02,827	..	10,02,827
31	Parliamentary Affairs Department . .Revenue	37,190	..	37,190
32	Legislature . .Revenue	4,24,92,979	7,91,688	432,84,667

1	2	3		
		Rs.	Rs.	Rs.
33	Personnel and Administrative Reforms Department . .Revenue	1,60,94,348	..	1,60,94,348
34	Jharkhand Public Service Commission . .Revenue	..	51,87,380	51,87,380
35	Planning and Development Department . .Revenue	11,35,04,394	..	11,35,04,394
36	Drinking Water and Sanitation Department . .Revenue	16,49,51,315	..	16,49,51,315
37	Rajbhasha Department . .Revenue	1,37,27,567	..	1,37,27,567
38	Registration Department . .Revenue	113,52,436	..	113,52,436
39	Disaster Management Department . .Revenue	21,67,304	..	21,67,304
40	Revenue and Land Reforms Department . .Revenue	69,89,69,028	..	69,89,69,028
41	Road Construction Department . .Revenue	13,17,86,503	..	13,17,86,503
42	Rural Development Department . .Revenue	47,98,52,242	..	47,98,52,242
	. .Capital	50,00,00,000	..	50,00,00,000
43	Science & Technology Department . .Revenue	3,76,38,945	..	3,76,38,945
44	Secondary, Primary and Public Education Department . .Revenue	279,00,20,310	..	279,00,20,310
46	Tourism Department . .Revenue	4,32,56,437	..	4,32,56,437
	. .Capital	10,00,00,000	..	10,00,00,000
47	Transport Department . .Revenue	1,07,31,613	..	1,07,31,613
48	Urban Development and Housing Department . .Revenue	86,59,946	..	86,59,946
49	Water Resources Department . .Revenue	38,29,45,328	..	38,29,45,328
50	Minor Irrigation Department . .Revenue	7,71,85,123	..	7,71,85,123
51	Welfare Department . .Revenue	10,37,67,875	..	10,37,67,875
52	Youth, Art and Culture Department . .Revenue	1,26,09,239	..	1,26,09,239
	TOTAL ..	1496,05,83,043	4,97,74,948	1501,03,57,991

Assented to on the 6th March 2009

**THE AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT
DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 2009**

(CENTRAL ACT NO. 20 OF 2009)

*An Act to amend the Agricultural and Processed Food Products Export
Development Authority Act, 1985.*

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 Agricultural and Processed Food
Products Export Development Authority (Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 13th October 2008.

Amendment
of Section 2.

2. In the Agricultural and Processed Food Products Export
Development Authority Act, 1985 (hereinafter referred to as the principal Act),
in Section 2,—

2 of 1986.

(a) in clause (g), for the words “Scheduled products”, the words
“Scheduled products or, as the case may be. Special products” shall
be substituted;

(b) in clause (i), for the words “the Schedule”, the words “the
First Schedule” shall be substituted;

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

‘(j) “Special product” means any of the agricultural or
processed food products included in the Second Schedule.’.

Substitution
of new
section for
Section 3.

3. For Section 3 of the principal Act, the following section shall be
substituted, namely:—

Power to
amend the
Schedule.

“3. The Central Government may, having regard to the objects
to this Act, and if it considers necessary or expedient so to do, by
notification in the Official Gazette, add to, or, as the case may be, omit
from, the First Schedule or the Second Schedule any agricultural or
processed food product and on such addition, or as the case may be,
omission, such product shall be, or shall cease to be, a Scheduled
product or Special product as the case may be.”.

Amend-
ment of
Section 4.

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

“(iii) other Scheduled products or Special products industries;”.

Insertion of new Section 10A. **5.** After Section 10 of the principal Act, the following section shall be inserted, namely:—

Functions in respect of Special products, etc. ‘ 10A. Without prejudice to any law for the time being in force, it shall be the duty of the Authority to undertake, by such measures as may be prescribed by the Central Government for registration and protection of the Intellectual Property rights in respect of Special products in India or outside India.

Explanation.— For the purpose of this section “Intellectual Property” means any right to intangible property, namely, trade marks, designs, patents, geographical indications or any other similar intangible property, under any law for the time being in force.’

Amendment of Section 32. **6.** In Section 32 of the principal Act, in sub-section (2), after clause (h), the following clause shall be inserted, namely:—

“(ha) the measures for registration and protection of the Intellectual Property rights under Section 10A;”

Insertion of new Section 35. **7.** After Section 34 of the principal Act, the following section shall be inserted, namely:—

Validation. “35. All things done, or, omitted to be done, and all actions or measures taken, or, not taken, during the period beginning on or after the 13th day of October, 2008 and ending immediately before the date of commencement of the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, shall, in so far as they are in conformity with the provisions of this Act as amended by the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under the provisions of this Act, as amended by the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, as if such provisions were in force at the time such things were done or omitted to be done and actions or measures taken or not taken during the said period.”

Amendment of the Schedule. **8.** The Schedule to the principal Act shall be numbered as the First Schedule and after the First Schedule as so numbered, the following Schedule shall be inserted, namely:—

“THE SECOND SCHEDULE

[See Section 2(j)]

Basmati rice.”

Assented to on the 6th March 2009

**THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT)
ACT, 2009**

(CENTRAL ACT NO. 21 OF 2009)

An Act further to amend the Prevention of Money-laundering Act, 2002.

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

Short title and commencement. **1. (1)** This Act may be called the Prevention of Money-laundering (Amendment) Act, 2009.

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

Amendment of Section 2. **2.** In Section 2 of the Prevention of Money-laundering Act, 2002 15 of 2003. (hereinafter referred to as the principal Act), in sub-section (1),—

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

‘(da) “authorised person” means an authorised person as defined in clause (c) of Section 2 of the Foreign Exchange Management Act, 1999;’; 42 of 1999.

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

‘(ja) “designated business or profession” means carrying on activities for playing games of chance for cash or kind, and includes such activities associated with casino or such other activities as the Central Government may, by notification, so designate, from time to time;’;

(iii) in clause (l), for the words “a non-banking financial company”, the words “an authorised person, a payment system operator and a non-banking financial company” shall, be substituted;

(iv) in clause (q), after the words and figures “Reserve Bank of India Act, 1934”, the words “and includes a person carrying on designated business or profession” shall be inserted; 2 of 1934.

(v) after clause (r), the following clauses shall be inserted, namely:—

‘(ra) “offence of cross border implications”, means—

(i) any conduct by a person at a place outside India which constitutes an offence at that place and which would have constituted an offence specified in Part A, Part B or Part C of the Schedule, had it been committed in India and if such person remits the proceeds of such conduct or part thereof to India; or

(ii) any offence specified in Part A, Part B or Part C of the Schedule which has been committed in India and the proceeds of crime, or part thereof have been transferred to a place outside India or any attempt has been made to transfer the proceeds of crime, or part thereof from India to a place outside India.

Explanation.—Nothing contained in this clause shall adversely affect any investigation, enquiry, trial or proceeding before any authority in respect of the offences specified in Part A or Part B of the Schedule to the Act before the commencement of the Prevention of Money-laundering (Amendment) Act, 2009.

(rb) “payment system” means a system that enables payment to be effected between a payer and a beneficiary, involving clearing, payment or settlement service or all of them.

Explanation.—For the purposes of this clause, “payment system” includes the systems enabling credit card operations, debit card operations, smart card operations, money transfer operations or similar operations;

(rc) “payment system operator” means a person who operates a payment system and such person includes his overseas principal.

Explanation—For the purposes of this clause, “overseas principal” means,—

(A) in the case of a person, being an individual, such individual residing outside India, who owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;

(B) in the case of a Hindu undivided family, Karta of such Hindu undivided family residing outside India who owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;

(C) in the case of a company, a firm, an association of persons, a body of individuals, an artificial juridical person, whether incorporated or not, such company, firm, association of persons, body of individuals, artificial juridical person incorporated or registered outside India or existing as such and which owns or controls or manages, directly or indirectly, the activities or functions of payment system in India;’.

(vi) in clause (y), for sub-clause (ii), the following sub-clauses shall be substituted, namely:—

“(ii) the offences specified under Part B of the Schedule if the total value involved in such offences is thirty lakh rupees or more; or

(iii) the offences specified under Part C of the Schedule”.

Amendment
of
Section 5.

3. In Section 5 of the principal Act, in sub-section (1),—

(a) for the words “ninety days”, the words “one hundred and fifty days” shall be substituted;

(b) for the proviso, the following provisos shall be substituted, namely:—

“Provided that no such order of attachment shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under Section 173 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person, authorised to investigate the offence mentioned in the Schedule, before a Magistrate or Court for taking cognizance of the scheduled offence, as the case may be:

2 of 1974.

Provided further that, notwithstanding anything contained in clause (b) any property of any person may be attached under this section if the Director or any other officer not below the rank of Deputy Director authorised by him for the purposes of this section has reason to believe (the reasons for such belief to be recorded in writing), on the basis of material in his possession, that if such property involved in money-laundering is not attached immediately under this Chapter, the non-attachment of the property is likely to frustrate any proceeding under this Act.”

Amendment
of
Section 6.

4. In Section 6 of the principal Act,—

(i) in sub-section (1), for the words “one or more Adjudicating Authorities”, the words “an Adjudicating Authority” shall be substituted;

(ii) in the proviso to sub-section (8), for the word “sixty-two”, the word “sixty-five” shall be substituted.

Amendment
of
Section 8.

5. In Section 8 of the principal Act, in sub-section (1), for the words and figure “offence under Section 3”, the words and figure “offence under 3 or is in possession of proceeds of crime” shall be substituted.

Amendment
of
Section 12.

6. In Section 12 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2)(a) The records referred to in clause (a) of sub-section (1) shall be maintained for a period of ten years from the date of transactions between the clients and the banking company or financial institution or intermediary, as the case may be.

(b) The records referred to in clause (c) of sub-section (1) shall be maintained for a period of ten years from the date of cessation of transactions between the clients and the banking company or financial institution or intermediary, as the case maybe.”.

Amendment
of
Section 17.

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

(i) in the opening portion, for the words “the Director”, the words “the Director or any other officer not below the rank of Deputy Director authorised by him for the purposes of this section,” shall be substituted;

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

“Provided that no search shall be conducted unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under Section 157 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person, authorised to investigate the offence mentioned in the Schedule, before a Magistrate or Court for taking cognizance of the scheduled offence, as the case may be.”.

2 of 1974.

Amendment
of
Section 18.

8. In Section 18 of the principal Act,—

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

“Provided that no search of any person shall be made unless, in relation to the scheduled offence, a report has been forwarded to a Magistrate under Section 173 of the Code of Criminal Procedure, 1973, or a complaint has been filed by a person authorised to investigate the offence mentioned in the Schedule, before a Magistrate or Court for taking cognizance of the scheduled offence, as the case may be.”;

2 of 1974.

(ii) in sub-section (9), the proviso shall be omitted.

Amendment
of
Section 28.

9. In Section 28 of the principal Act, in sub-section (2), clause (a) shall be omitted.

Amendment
of
Section 32.

10. In Section 32 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

“Provided that the Chief Justice of India shall be consulted before removal of the Chairperson or a Member who was appointed on the recommendation of the Chief Justice of India.”.

Amendment
of
Section 38.

11. In Section 38 of the principal Act, for the words “one or more of the other Members”, the words “third Member” shall be substituted.

Amendment
of
Section 60.

12. In Section 60 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

“(7) When any property in India is confiscated as a result of execution of a request from a contracting State in accordance with the provisions of this Act, the Central Government may either return such property to the requesting State or compensate that State by disposal of such property on mutually agreed terms that would take into account deduction for reasonable expenses incurred in investigation, prosecution or judicial proceedings leading to the return or disposal of confiscated property.”.

Amendment
of
Schedule.

13. In the principal Act, in the Schedule,—

(i) in Part A,—

(a) in Paragraph 1, after Section 121 A and the entry relating thereto, the following sections and the entries shall be inserted, namely:—

Section	Description of offence
“489A	Counterfeiting currency notes or bank notes.
489B	Using as genuine, forged or counterfeit currency notes or bank notes.”;

(b) in Paragraph 2, for Sections 15, 18 and 20 and the entries relating thereto, the following sections and the entries shall be substituted, namely:—

Section	Description of offence
“15	Contravention in relation to poppy straw.
16	Contravention in relation to coca plant and coca leaves.
17	Contravention in relation to prepared opium.
18	Contravention in relation to opium poppy and opium.
19	Embezzlement of opium by cultivator.
20	Contravention in relation to cannabis plant and cannabis.
21	Contravention in relation to manufactured drugs and preparations.”;

(c) after Paragraph 2, the following Paragraphs shall be inserted, namely:—

“PARAGRAPH 3

OFFENCES UNDER THE EXPLOSIVE SUBSTANCES ACT, 1908

Section	Description of offence
3	Causing explosion likely to endanger life or property.
4	Attempt to cause explosion, or for making or keeping explosives with intent to endanger life or property.
5	Making or possessing explosives under suspicious circumstances.

PARAGRAPH 4

OFFENCES UNDER THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967

Section	Description of offence
10 read with Section 3	Penalty for being member of an unlawful association, etc.
11 read with Sections 3 and 7	Penalty for dealing with funds of an unlawful association.

Section	Description of offence
13 read with Section 3	Punishment for unlawful activities.
16 read with Section 15	Punishment for terrorist act.
16A	Punishment for making demands of radioactive substances, nuclear devices, etc.
17	Punishment for raising fund for terrorist act.
18	Punishment for conspiracy, etc.
18A	Punishment for organising of terrorist camps.
18B	Punishment for recruiting of any person or persons for terrorist act.
19	Punishment for harbouring, etc.
20	Punishment for being member of terrorist gang or organisation.
21	Punishment for holding proceeds of terrorism.
38	Offence relating to membership of a terrorist organisation.
39	Offence relating to support given to a terrorist organisation.
40	Offence of raising fund for a terrorist organisation.”;

(ii) in Part B,—

(a) for Paragraph 1, the following Paragraph shall be substituted, namely:—

“PARAGRAPH 1

OFFENCES UNDER THE INDIAN PENAL CODE

Section	Description of offence
120B	Criminal conspiracy.
255	Counterfeiting Government stamp.
257	Making or selling instrument for counterfeiting Government stamp.
258	Sale of counterfeit Government stamp.
259	Having possession of counterfeit Government stamp.
260	Using as genuine a Government stamp known to be counterfeit.
302	Murder.
304	Punishment for culpable homicide not amounting to murder.
307	Attempt to murder.
308	Attempt to commit culpable homicide.
327	Voluntarily causing hurt to extort property, or to constrain to an illegal act.

Section	Description of offence
329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
364A	Kidnapping for ransom, etc.
384 to 389	Offences relating to extortion.
392 to 402	Offences relating to robbery and dacoity.
411	Dishonestly receiving stolen property.
412	Dishonestly receiving property stolen in the commission of a dacoity.
413	Habitually dealing in stolen property.
414	Assisting in concealment of stolen property.
417	Punishment for cheating.
418	Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.
419	Punishment for cheating by personation.
420	Cheating and dishonestly inducing delivery of properties.
421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.
422	Dishonestly or fraudulently preventing debt being available for creditors.
423	Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.
424	Dishonest or fraudulent removal or concealment of property.
467	Forgery of valuable security, will, etc.
471	Using as genuine a forged document or electronic record.
472 and 473	Making or possessing counterfeit seal, etc., with intent to commit forgery.
475 and 476	Counterfeiting device or mark.
481	Using a false property mark.
482	Punishment for using a false property mark.
483	Counterfeiting a property mark used by another.
484	Counterfeiting a mark used by a public servant.
485	Making or possession of any instrument for counterfeiting a property mark.
486	Selling goods marked with a counterfeit property mark.
487	Making a false mark upon any receptacle containing goods.
488	Punishment for making use of any such false mark.”;

(b) in Paragraph 3, before Section 51 read with Section 17A and the entry relating thereto, the following section and the entry shall be inserted, namely:—

Section	Description of offence
“51 read with Section 9	Hunting of wild animals.”;

(c) in Paragraph 5, after Section 10 and the entry relating thereto, the following section and the entry shall be inserted, namely:—

Section	Description of offence
“13	Criminal misconduct by a public servant.”;

(d) after Paragraph 5, the following Paragraphs shall be inserted, namely:—

“PARAGRAPH 6

OFFENCES UNDER THE EXPLOSIVES ACT, 1884

Section	Description of offence
9-B	Punishment for certain offences.
9-C	Offences by companies.

PARAGRAPH 7

OFFENCES UNDER THE ANTIQUITIES AND ARTS TREASURES ACT, 1972

Section	Description of offence
25 read with Section 3	Contravention of export trade in antiquities and art treasures.
28	Offences by companies.

PARAGRAPH 8

OFFENCES UNDER THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992

Section	Description of offence
12 A read with Section 24	Prohibition of manipulative and deceptive devices, insider trading and substantial acquisition of securities or control.

PARAGRAPH 9

OFFENCES UNDER THE CUSTOMS ACT, 1962

Section	Description of offence
135	Evasion of duty or prohibitions.

PARAGRAPH 10

OFFENCES UNDER THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

Section	Description of offence
16	Punishment for enforcement of bonded labour.
18	Punishment for extracting bonded labour under the bonded labour system.
20	Abetment to be an offence.

PARAGRAPH 11

OFFENCES UNDER THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

Section	Description of offence
14	Punishment for employment of any child to work in contravention of the provisions of Section 3.

PARAGRAPH 12

OFFENCES UNDER THE TRANSPLANTATION OF HUMAN ORGANS ACT, 1994

Section	Description of offence
18	Punishment for removal of human organ without authority.
19	Punishment for commercial dealings in human organs.
20	Punishment for contravention of any other provision of this Act.

PARAGRAPH 13

OFFENCES UNDER THE JUVNILE JUSTICE (CARE AND PROTECTION OF CHILDREN)
ACT, 2000

Section	Description of offence
23	Punishment for cruelty to juvenile or child.
24	Employment of juvenile or child for begging.
25	Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child.
26	Exploitation of juvenile or child employee.

PARAGRAPH 14

OFFENCES UNDER THE EMIGRATION ACT, 1983

Section	Description of offence
24	Offences and penalties.

PARAGRAPH 15

OFFENCES UNDER THE PASSPORTS ACT, 1967

Section	Description of offence
12	Offences and penalties.

PARAGRAPH 16

OFFENCES UNDER THE FOREIGNERS ACT, 1946

Section	Description of offence
14	Penalty for contravention of provisions of the Act, etc.
14B	Penalty for using forged passport.
14C	Penalty for abetment.

PARAGRAPH 17

OFFENCES UNDER THE COPYRIGHT ACT, 1957

Section	Description of offence
63	Offence of infringement of copyright or other rights conferred by this Act.
63A	Enhanced penalty on second and subsequent convictions.
63B	Knowing use of infringing copy of computer programme.
68A	Penalty for contravention of Section 52A.

PARAGRAPH 18

OFFENCES UNDER THE TRADE MARKS ACT, 1999

Section	Description of offence
103	Penalty for applying false trade marks, trade descriptions, etc.
104	Penalty for selling goods or providing services to which false trademark or false trade description is applied.

Section	Description of offence
105	Enhanced penalty on second or subsequent conviction.
107	Penalty for falsely representing a trade mark as registered.
120	Punishment of abetment in India of acts done out of India.

PARAGRAPH 19

OFFENCES UNDER THE INFORMATION TECHNOLOGY ACT, 2000

Section	Description of offence
72	Penalty for breach of confidentiality and privacy.
75	Act to apply for offence or contravention committed outside India.

PARAGRAPH 20

OFFENCES UNDER THE BIOLOGICAL DIVERSITY ACT, 2002

Section	Description of offence
55 read with Section 6	Penalties for contravention of Section 6, etc.

PARAGRAPH 21

OFFENCES UNDER THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

Section	Description of offence
70 read with Section 68	Penalty for applying false denomination, etc.
71 read with Section 68	Penalty for selling varieties to which false denomination is applied.
72 read with Section 68	Penalty for falsely representing a variety as registered.
73 read with Section 68	Penalty for subsequent offence.

PARAGRAPH 22

OFFENCES UNDER THE ENVIRONMENT PROTECTION ACT, 1986

Section	Description of offence
15 read with Section 7	Penalty for discharging environmental pollutants.
15 read with Section 8	Penalty for handling hazardous substance.

PARAGRAPH 23

OFFENCES UNDER THE WATER (PREVENTION AND CONTROL OF POLLUTION)
ACT, 1974

Section	Description of offence
41(2)	Penalty for pollution of stream or well.
43	Penalty for contravention of provisions of Section 24.

PARAGRAPH 24

OFFENCES UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

Section	Description of offence
37	Failure to comply with the provisions for operating industrial plant.

PARAGRAPH 25

OFFENCES UNDER THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF MARITIME
NAVIGATION AND FIXED PLATFORMS ON CONTINENTAL SHELF ACT, 2002

Section	Description of offence
3	Offences against ship, fixed platform, cargo of a ship, maritime navigational facilities, etc.”.

(iii) after Part B, the following Part shall be inserted, namely:—

“PART C

An offence which is the offence of cross border implications and is specified in,—

- (1) Part A; or
- (2) Part B without any monetary threshold; or
- (3) the offences against property under Chapter XVII of the Indian Penal Code.”.