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MINISTRY OF LAW
(Legislative Department)

New Delhi, the 23rd September, 1963/Asvina 1, 1885 (Saka)

The following Acts of Parliament received the assent of the President on the 22nd September, 1963, and are hereby published for general information —

THE SPECIAL MARRIAGE (AMENDMENT) ACT, 1963

No 32 OF 1963

[22*nd September*, 1963]

An Act to amend the Special Marriage Act, 1954.

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

1. This Act may be called the Special Marriage (Amendment) Act, 1963. Short title.

43 of 1954. 2 In section 4 of the Special Marriage Act, 1954,— Amendment of section 4.

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

"(*d*) the parties are not within the degrees of prohibited relationship:

Provided that where a custom governing at least one of the parties permits of a marriage between them, such marriage may be solemnized, notwithstanding that they are within the degrees of prohibited relationship; and";

(*ii*) the following *Explanation* shall be inserted at the end—

'*Explanation.*—In this section, "custom", in relation to a person belonging to any tribe, community, group or family,

means any rule which the State Government may, by notification in the Official Gazette, specify in this behalf as applicable to members of that tribe, community, group or family:

Provided that no such notification shall be issued in relation to the members of any tribe, community, group or family, unless the State Government is satisfied—

(*i*) that such rule has been continuously and uniformly observed for a long time among those members.

(*ii*) that such rule is certain and not unreasonable or opposed to public policy; and

(*iii*) that such rule, if applicable only to a family, has not been discontinued by the family.'.

THE INDIAN SALE OF GOODS (AMENDMENT) ACT, 1963

No. 33 OF 1963

[22*nd September*, 1963]

An Act further to amend the Indian Sale of Goods Act, 1930.

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

Short title. 1. This Act may be called the Indian Sale of Goods (Amendment) Act, 1963.

Amendment of section 1. 2. In section 1 of the Indian Sale of Goods Act, 1930 (hereinafter referred to as the principal Act), in sub-section (*1*), the word "Indian" shall be omitted. 3 of 1930.

Amendment of section 13. 3. In section 13 of the principal Act, in sub-section (*2*), the words "or where the contract is for specific goods the property in which has passed to the buyer," shall be omitted.

Amendment of section 25. 4. In section 25 of the principal Act, for sub-sections (*2*) and (*3*), the following sub-sections shall be substituted, namely:—

'(*2*) Where goods are shipped or delivered to a railway administration for carriage by railway and by the bill of lading or railway receipt, as the case may be, the goods are deliverable to the order of the seller or his agent, the seller is *prima facie* deemed to reserve the right of disposal.

(3) Where the seller of goods draws on the buyer for the price and transmits to the buyer the bill of exchange together with the bill of lading or, as the case may be, the railway receipt, to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading or the railway receipt if he does not honour the bill of exchange; and, if he wrongfully retains the bill of lading or the railway receipt, the property in the goods does not pass to him.

Explanation.—In this section, the expressions "railway" and "railway administration" shall have the meanings respectively assigned to them under the Indian Railways Act, 1890.'

9 of 1890.

5. For section 64A of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 64A.

"64A. (1) Unless a different intention appears from the terms of the contract, in the event of any tax of the nature described in sub-section (2) being imposed, increased, decreased or remitted in respect of any goods after the making of any contract for the sale or purchase of such goods without stipulation as to the payment of tax where tax was not chargeable at the time of the making of the contract, or for the sale or purchase of such goods tax-paid where tax was chargeable at that time,—

In contracts of sale, amount of increased or decreased taxes to be added or deducted.

(a) if such imposition or increase so takes effect that the tax or increased tax, as the case may be, or any part of such tax is paid or is payable, the seller may add so much to the contract price as will be equivalent to the amount paid or payable in respect of such tax or increase of tax, and he shall be entitled to be paid and to sue for and recover such addition; and

(b) if such decrease or remission so takes effect that the decreased tax only, or no tax, as the case may be, is paid or is payable, the buyer may deduct so much from the contract price as will be equivalent to the decrease of tax or remitted tax, and he shall not be liable to pay, or be sued for, or in respect of, such deduction.

(2) The provisions of sub-section (1) apply to the following taxes, namely:—

(a) any duty of customs or excise on goods;

(b) any tax on the sale or purchase of goods".

THE WAREHOUSING CORPORATIONS (AMENDMENT) ACT, 1963

No 34 OF 1963

[22*nd September*, 1963]

An Act to amend the Warehousing Corporations Act, 1962.

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

Short title.

1. This Act may be called the Warehousing Corporations (Amendment) Act, 1963.

Amendment of section 3.

2. In sub-section (*2*) of section 3 of the Warehousing Corporations Act, 1962, after the words "at New Delhi", the words "or at such other place as the Central Government may, by notification in the Official Gazette, specify" shall be inserted. 58 of 1962.

S. P. SEN-VARMA,
Special Secy. to the Govt. of India.

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