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MINISTRY OF LAW

(Legislative Department)

New Delhi, the 29th August, 1961/*Bhadra* 7, 1883 (*Saka*)

The following Acts of Parliament received the assent of the President on the 28th August, 1961, and are hereby published for general information:—

THE DELHI (URBAN AREAS) TENANTS' RELIEF ACT, 1961

No. 30 OF 1961

[28*th August,* 1961]

An Act to provide relief to the tenants of land in the urban areas of the Union territory of Delhi.

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

Short title, extent and commencement.

1. (*1*) This Act may be called the Delhi (Urban Areas) Tenants' Relief Act, 1961.

(*2*) It extends to the areas in the Union territory of Delhi which, immediately before the 1st day of November, 1956, were included in a municipality or in a notified area under the provisions of the Punjab Municipal Act, 1911, or in a cantonment under the provisions of the Cantonments Act, 1924, but shall not apply to the areas owned by the Central Government or the Delhi Development Authority constituted under the Delhi Development Act, 1957 or any local authority.

Punjab Act 3 of 1911.

2 of 1924.

61 of 1957.

(*3*) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

Definitions.

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

(*a*) "Chief Commissioner" means the Chief Commissioner of Delhi;

(*b*) "family" means—

(*i*) in relation to a person belonging to a joint Hindu family, every member of such family; and

(*ii*) in relation to any other person, the person, the wife or husband, as the case may be, and the dependent children and grand-children, of such person;

(*c*) "land-holder" means a person under whom a tenant holds land and to whom the tenant is, or but for a special contract would be, liable to pay rent for the land;

(*d*) "person under disability" means—

(*i*) a widow;

(*ii*) a minor whose father has died;

(*iii*) a woman who is unmarried or who, if married, is divorced or judicially separated from her husband or whose husband is a person falling under item (*iv*) or (*v*);

(*iv*) a member of the Armed Forces of the Union;

(*v*) a person incapable of cultivating land by reason of some physical or mental disability;

(*vi*) a person prosecuting studies in a recognised institution and not exceeding 25 years of age; or

(*vii*) a person who is under detention or undergoing imprisonment;

(*e*) "tenant" and "tenancy" include a sub-tenant and a sub-tenancy respectively;

(*f*) the words "land" and "tenant" and all other words and expressions used but not defined in this Act and defined in the Punjab Tenancy Act, 1887 or the Agra Tenancy Act, 1901 shall have the meanings respectively assigned to them,— 16 of 1887. U. P. Act II of 1901.

(*i*) in relation to areas to which the Punjab Tenancy Act, 1887 applies, in that Act; or

(*ii*) in relation to areas to which the Agra Tenancy Act, 1901 applies, in that Act.

Grounds of ejectment of tenant.

3. (*1*) After the commencement of this Act, no person shall be liable to be ejected from any land held by him as tenant except on one or more of the following grounds, namely:—

(*a*) that a decree for arrear of rent due in respect of the land remains unsatisfied after the expiry of the period allowed therefor;

(*b*) where rent is payable in kind, that he has without sufficient cause failed to cultivate the land;

(c) that he has sub-let or otherwise transferred the whole or any part of the tenancy in contravention of any law for the time being in force or of any contract;

(d) that he has used the land in a manner which renders it unfit for the purpose for which it was let.

(2) Without prejudice to the provisions of sub-section (1) but subject to the provisions of any law for the time being in force or of any contract between the parties, a tenant may be ejected from the land held by him by a land-holder,—

(a) in any case where the land-holder is a religious or charitable institution, on the ground that the institution requires the land *bona fide* for use for a non-agricultural purpose in furtherance of its objects; and

(b) in any case where the land-holder was a person under disability at the commencement of the tenancy, on the ground that he requires the land *bona fide* for cultivation by himself or for building a dwelling house, a cattle shed or business premises for use by himself or any member of his family and the proceeding for ejectment is instituted during the period when he is under disability or within two years from the date when he ceases or has ceased to be under disability:

Provided that no proceeding shall lie under this sub-section in respect of any share of land unless the share has first been partitioned by metes and bounds.

Explanation.—For the purposes of this section, the disability of a person shall cease,—

(a) in the case of a widow, if she re-marries, on the date of her re-marriage or if any person succeeds to the widow on her death, on the date of her death;

(b) in the case of a minor, on the date of his attaining majority;

(c) in the case of a woman who is unmarried or who is divorced or judicially separated from her husband, on the date of her marriage or re-marriage, as the case may be, or in the case of a woman whose husband is a person falling under clause (d) or (e), on the date on which the disability of the husband ceases;

(d) in the case of a person who is a member of the Armed Forces of the Union, on the date of his discharge from service or of his posting to the reserve;

(e) in the case of a person suffering from a physical or mental disability, on the date on which the disability ceases to exist;

(*f*) in the case of a person who is prosecuting studies in a recognised institution, on the date when he ceases to prosecute studies in that or any other recognised institution;

(*g*) in the case of a person under detention or undergoing imprisonment, on the date when he is released from detention or imprisonment.

Abatement of proceedings.

4. Save as provided in section 3, no tenant of land shall, whether in execution of a decree or order of a court or otherwise, be ejected from the land, and if there is any proceeding for ejectment of such tenant pending immediately before the commencement of this Act and the proceeding could not have been instituted had this Act been in force at the time of the institution of such proceeding, then, notwithstanding anything contained in any law, such proceeding shall, on such commencement, abate.

Restoration of land to tenant in certain cases.

5. (*1*) Where, after the commencement of this Act, a person under disability or a religious or charitable institution has taken possession of land by ejecting the tenant therefrom under sub-section (*2*) of section 3 on the ground that the land is required for a purpose specified in that sub-section and such person or institution fails to use the land for that purpose within one year from the date on which such person or institution took possession thereof, the tenant shall be entitled to be restored to possession of the land from which he was ejected, on the same terms on which he held it at the time of ejectment.

(*2*) Where, on or after the 1st July, 1958 and before the commencement of this Act, any tenant of land has been ejected from the land and the ejectment could not have taken place if this Act had been in force on the date of such ejectment, the officer specified in this behalf by the Chief Commissioner may, either on his own motion or on application made by the tenant, restore him to possession of the land from which he has been ejected, on the same terms on which he held it at the time of ejectment.

(*3*) Nothing in this section shall be construed as entitling a tenant to be restored to possession of any land if it is under cultivation by the owner who is a person under disability or has, on or before the 28th day of March, 1961, ceased to be used for agricultural purposes.

Rent.

6. The rent payable by a tenant in respect of land held by him as such shall not exceed one-fifth of the produce of the land or the money equivalent thereof, or where a lower rent is agreed upon between him and the land-holder, the agreed rent.

Act to override contracts, etc.

7. The provisions of this Act shall, save as otherwise expressly provided, have effect notwithstanding anything to the contrary contained

in any other law, custom or usage or agreement or decree or order of court.

Power to make rules.

8. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section 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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, 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.

Repeal.

16 of 1887. U P. Act II of 1901. Punjab Act XXII of 1950.

9. (1) The provisions of the Punjab Tenancy Act, 1887 and the Agra Tenancy Act, 1901 and the Punjab Tenants (Security of Tenure) Act, 1950, as applicable to the areas to which this Act extends, which are inconsistent with the provisions of this Act are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under any of the provisions so repealed, to the extent to which it is not inconsistent with the provisions of this Act, shall be deemed to have been done or taken in exercise of the powers conferred by this Act as if this Act was in force on the date on which such thing was done or such action was taken.

THE MINIMUM WAGES (AMENDMENT) ACT, 1961

No. 31 OF 1961

[28*th August*, 1961]

An Act further to amend the Minimum Wages Act, 1948

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

Short title.

1. This Act may be called the Minimum Wages (Amendment) Act, 1961.

Amendment of section 3.

11 of 1948.

2. In section 3 of the Minimum Wages Act, 1948 (hereinafter referred to as the principal Act),—

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

"(*a*) fix the minimum rates of wages payable to employees employed in an employment specified in Part I or

Part II of the Schedule and in an employment added to either Part by notification under section 27:

Provided that the appropriate Government may, in respect of employees employed in an employment specified in Part II of the Schedule, instead of fixing minimum rates of wages under this clause for the whole State, fix such rates for a part of the State or for any specified class or classes of such employment in the whole State or part thereof;";

(*ii*) in sub-section (*1A*),—

(*a*) the words, brackets and figure "whether before or after the expiry of any time limit specified in sub-section (*1*)," shall be omitted;

(*b*) for the words, "within one year from the date on which it comes to such finding", the words "as soon as may be after such finding" shall be substituted;

(*iii*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) Where in respect of an industrial dispute relating to the rates of wages payable to any of the employees employed in a scheduled employment, any proceeding is pending before a Tribunal or National Tribunal under the Industrial Disputes Act, 1947 or before any like authority under any other law for the time being in force, or an award made by any Tribunal, National Tribunal or such authority is in operation, and a notification fixing or revising the minimum rates of wages in respect of the scheduled employment is issued during the pendency of such proceeding or the operation of the award, then, notwithstanding anything contained in this Act, the minimum rates of wages so fixed or so revised shall not apply to those employees during the period in which the proceeding is pending and the award made therein is in operation or, as the case may be, where the notification is issued during the period of operation of an award, during that period; and where such proceeding or award relates to the rates of wages payable to all the employees in the scheduled employment, no minimum rates of wages shall be fixed or revised in respect of that employment during the said period.". 14 of 1947.

IndiaCode

3. After section 30 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 30A.

"30A. Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, 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.". Rules made by Central Government to be laid before Parliament.

4. For section 31 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 31.

"31. Where during the period— Validation of fixation of certain minimum rates of wages.

(*a*) commencing on the 1st day of April, 1952, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1954; or

26 of 1954.

(*b*) commencing on the 31st day of December, 1954, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1957; or

30 of 1957.

(c) commencing on the 31st day of December, 1959, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1961,

minimum rates of wages have been fixed by an appropriate Government as being payable to employees employed in any employment specified in the Schedule in the belief or purported belief that such rates were being fixed under clause (*a*) of sub-section (*1*) of section 3, as in force immediately before the commencement of the Minimum Wages (Amendment) Act, 1954, or the Minimum Wages (Amendment) Act, 1957, or the Minimum Wages (Amendment) Act, 1961, as the case may be, such rates shall be deemed to have been fixed in accordance with law and

26 of 1954.
30 of 1957.

shall not be called in question in any court on the ground merely that the relevant date specified for the purpose in that clause had expired at the time the rates were fixed:

Provided that nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of the payment by him by way of wages to any of his employees during any period specified in this section of an amount which is less than the minimum rates of wages referred to in this section or by reason of non-compliance during the period aforesaid with any order or rule issued under section 13.".

THE KHADI AND VILLAGE INDUSTRIES COMMISSION (AMENDMENT) ACT, 1961

No. 32 OF 1961

[28*th August*, 1961]

An Act further to amned the Khadi and Village Industries Commission Act, 1956.

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

Short title.

1. This Act may be called the Khadi and Village Industries Commission (Amendment) Act, 1961.

Amendment of section 2.

2. In section 2 of the Khadi and Village Industries Commission Act, 1956 (hereinafter referred to as the principal Act),— 61 of 1956.

(*i*) in clause (*e*), for the words "and includes the chairman", the words "and includes the chairman and the vice-chairman" shall be substituted;

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

'(*gg*) "vice-chairman" means the vice-chairman of the Commission;'.

Amendment of section 3.

3. In section 3 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The Central Government may, of its own motion or on the recommendation of the Commission, by notification in the Official Gazette, add to, or omit from, the Schedule any village industry or alter the description of any village industry and thereupon the Schedule shall be deemed to be amended accordingly.".

4. In section 4 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:— Amendment of section 4.

"(3) The Central Government may appoint from among the members of the Commission a vice-chairman who shall exercise such of the powers and perform such of the duties of the chairman as may be prescribed or as may be delegated to him by the chairman.".

5. In section 5 of the principal Act, for the words "a member other than the chairman", the words "a member other than the chairman or the vice-chairman" shall be substituted. Amendment of section 5.

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

"(2) The chairman or, in his absence, the vice-chairman or, in the absence of both the chairman and the vice-chairman, any member chosen by the members present from among themselves, shall preside at a meeting of the Commission.".

7. In section 13 of the principal Act, for the words "and the terms and conditions of service of the chairman", the words "and the terms and conditions of service of the chairman, the vice-chairman" shall be substituted. Amendment of section 13

8. In section 15 of the principal Act, in sub-section (2), in clause (c), after the words "village industries", the words "or handicrafts" shall be inserted and shall be deemed always to have been inserted. Amendment of section 15.

9. After section 17 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 17A.

"17A. The Commission may, for the purpose of development of khadi or the development of village industries, receive gifts, grants, donations or benefactions from the Government or any other person.". Commission to receive gifts, grants, etc.

10. In section 18 of the principal Act,— Amendment of section 18.

(i) in sub-section (1), after the words "and all receipts of the Commission", the brackets, words, figures and letter "(including all gifts, grants, donations or benefactions received under section 17A)" shall be inserted;

(ii) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) All receipts of the Commission in respect of products of handicrafts shall be credited to the village indus-

tries fund and all payments by the Commission for or in respect of such products shall be made from that fund.

(*1B*) If at any time, the amount available in either of the two funds referred to in sub-section (*1*) is in excess of the requirements of that fund and the amount available in the other fund is insufficient to meet the requirements of that fund, the Commission may, with the previous approval of the Central Government, transfer from the first mentioned fund the excess amount or such part thereof as may be necessary to the other fund.

Explanation.—For the purposes of computing the amount available in either of the two funds, the amounts received under section 17A shall not be taken into account.".

Insertion of new sections 19A and 19B.

11. After section 19 of the principal Act, the following sections shall be inserted, namely:—

Standing Finance Committees.

"19A. (*1*) There shall be constituted from among the members of the Commission in the prescribed manner, a Standing Finance Committee in respect of each of the two funds referred to in section 18.

(*2*) The Standing Finance Committee shall exercise such of the powers of the Commission under section 19 as are delegated to it by the Commission.

Recovery of monies due to the Commission as arrears of land-revenue.

19B. (*1*) Any sum payable to the Commission under any agreement, express or implied, or otherwise howsoever, may be recovered in the same manner as an arrear of land-revenue.

(*2*) If any question arises whether a sum is payable to the Commission within the meaning of sub-section (*1*), it shall be referred to a Tribunal constituted by the Central Government for the purpose which shall, after making such inquiry as it may deem fit and after giving to the person by whom the sum is alleged to be payable an opportunity of being heard, decide the question; and the decision of the Tribunal shall be final and shall not be called in question by any court or other authority.

(*3*) The Tribunal shall consist of one person who is not connected with the Commission or with the person by whom the sum is alleged to be payable.

(*4*) The expenses of the Tribunal shall be borne by the Commission.".

Amendment of section 20.

12. In section 20 of the principal Act, in sub-section (*3*), for the words "but in no case", the words, brackets, figures and letter "but,

subject to the provisions of sub-section (*1B*) of section 18, in no case" shall be substituted.

Amendment of section 26.

13. In section 26 of the principal Act,—

(*i*) in sub-section (*2*),—

(*a*) in clause (*a*), for the words "and the terms and conditions of service of the Chairman", the words "and the terms and conditions of service of the chairman, the vice-chairman" shall be substituted;

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

"(*cc*) the powers and duties to be exercised and performed by the chairman and the vice-chairman;";

(*c*) after clause (*d*), the following clauses shall be inserted, namely:—

"(*dd*) the constitution of the Standing Finance Committees under sub-section (*1*) of section 19A;

(*ddd*) the procedure to be followed by the Tribunal in deciding questions referred to it under sub-section (*2*) of section 19B;";

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

"(*3*) Every rule made under this section 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 successive sessions, and, if, before the expiry of the session in which it is so laid or the session immediately following, 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.".

Amendment of section 27.

14. In section 27 of the principal Act, in sub-section (*2*),—

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

"(*bb*) the summoning and holding of meetings, and the conduct of business of a Standing Finance Committee;";

(*ii*) in clause (*h*), the words "and the fees chargeable in respect thereof" shall be added at the end.

R. C. S. SARKAR,
Secy. to the Govt. of India.

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