रजिस्ट्री सं० डी० 221 REGISTERED NO. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 88] नई दिल्ली, शुक्रवार, दिसम्बर 24, 1971/पौष 3, 1893
No 88] NEW DELHI, FRIDAY, DECEMBER 24, 1971/PAUSA 3, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 24th December, 1971/*Pausa* 3, 1893 (*Saka*)

The following Act of Parliament received the assent of the President on the 24th December, 1971, and is hereby published for general information:—

THE DELHI ROAD TRANSPORTLAWS (AMENDMENT) ACT, 1971

No. 71 OF 1971

[*24th December*, 1971]

An Act to provide for establishment of a Road Transport Corporation for the Union territory of Delhi, and, for that purpose, further to amend the Road Transport Corporations Act, 1950, and the Delhi Municipal Corporation Act, 1957, and for matters connected therewith or incidental thereto.

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

Short title and commencement.

1. (*1*) This Act may be called the Delhi Road Transport Laws (Amendment) Act, 1971.

(2) It shall be deemed to have come into force on the 3rd day of November, 1971.

Amendment of section 1.

64 of 1950.

2. In the Road Transport Corporations Act, 1950, in section 1,—

(*i*) in sub-section (*2*), the words "except the Union territory of Delhi" shall be omitted;

(*ii*) to sub-section (*2*), the following proviso shall be added, namely:—

"Provided that on and from the commencement of the Delhi Road Transport Laws (Amendment) Act, 1971, this Act, as amended by the said Act, shall extend to, and be in force in, the Union territory of Delhi.".

Definitions.

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

(*a*) "Municipal Corporation of Delhi" means the Municipal Corporation of Delhi established under the Delhi Municipal Corporation Act, 1957, 66 of 1957.

(*b*) "new Corporation" means the new Road Transport Corporation for the Union territory of Delhi established under section 3 of the Road Transport Corporations Act, 1950. 64 of 1950.

Vesting of assets, etc., in the new Corporation.

4. On the establishment, under the Road Transport Corporations Act, 1950, of a new Corporation, 64 of 1950.—

(*a*) all properties, movable and immovable, and all interests of whatsoever nature and kind therein belonging to, or vested in, the Municipal Corporation of Delhi, for the purpose of the Delhi Transport Undertaking, immediately before such establishment, shall vest in the new Corporation;

(*b*) all debts, obligations and liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with or for, the Municipal Corporation of Delhi for the purpose of the Delhi Transport Undertaking, and subsisting immediately before such establishment, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the new Corporation;

(*c*) all licences and permits granted to the Municipal Corporation of Delhi for the purpose of the Delhi Transport Undertaking, and in force immediately before such establishment, shall be deemed to have been granted to the new Corporation and shall have effect accordingly;

(*d*) all suits, prosecutions and other legal proceedings instituted, or which might have been instituted, by, for or against, the Municipal Corporation of Delhi for the purpose of Delhi Transport Undertaking, may,—

(*i*) if such suit, prosecution or other legal proceeding was pending immediately before the establishment of the new Corporation, or

(*ii*) if the cause of action for such suit, prosecution or other legal proceeding arose before such establishment and the institution of such suit, prosecution or other legal proceeding was not barred before such establishment by any law for the time being in force,

be continued or, as the case may be, instituted, by, for or against, the new Corporation;

(*e*) all rules, regulations, appointments, notifications, bye-laws, schemes, orders, standing orders and forms relating to transport services, whether made under the Delhi Road Transport Authority Act, 1950, or under the Delhi Municipal Corporation Act, 1957, and in force immediately before such establishment, shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to be regulations made by the new Corporation under section 45 of the Road Transport Corporations Act, 1950, unless and until they are superseded by regulations made under that section; 13 of 1950. 66 of 1957. 64 of 1950.

(*f*) notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, every officer and other employee of the Municipal Corporation of Delhi appointed or deemed to be appointed for the purpose of the Delhi Transport

Undertaking shall be transferred to, and become an officer or other employee of, the new Corporation with such designation as the new Corporation may determine and shall hold such office by the same tenure, on the same remuneration and on the same terms and conditions of service and with the same right to pension, gratuity and other matters as he would have held the same if the new Corporation had not been established and shall continue to do so unless and until such employment, tenure, remuneration and terms and conditions of service are duly altered or terminated by the new Corporation:

Provided that the tenure, remuneration and other terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the approval of the Central Government:

Provided further that any service rendered, or deemed to have been rendered, in relation to road transport service, under the Municipal Corporation of Delhi, by any such officer or other employee before the establishment of the new Corporation shall be deemed to be service rendered under the new Corporation.

Payment of value of assets and liabilities.

5. (*1*) Where the sum total of the value of the properties and interests referred to in clause (a) of section 4, vested in the new Corporation (hereinafter in this section referred to as "the assets") exceeds the sum total of the debts, obligations and liabilities which are deemed to have been incurred by the new Corporation under clause (b) of that section (hereinafter in this section referred to as "the liabilities"), such excess shall be paid by the new Corporation to the Municipal Corporation of Delhi on such terms and conditions as may be determined by the Central Government in this behalf.

(*2*) Where the sum total of the liabilities exceeds the sum total of the value of the assets, such excess shall be paid by the Municipal Corporation of Delhi to the new Corporation on such terms and conditions as may be determined by the Central Government in this behalf.

(*3*) The sum total of the value of the assets and the sum total of the liabilities shall be such amounts as may be arrived at by agreement between the Municipal Corporation of Delhi and the new Corporation and where no such agreement can be reached, the amounts shall be determined by an arbitral tribunal consisting of one nominee of the Municipal Corporation of Delhi, one nominee of the new Corporation and a Chairman, to be nominated by the Chief Justice of the High Court of Delhi.

(*4*) An appeal shall lie to the High Court of Delhi against the decision of the tribunal and the order of that High Court on such appeal shall be final.

Power of the Central Government to exempt vehicles of the new Corporation from payment of certain charges.

6. The Central Government may, by order, in writing, exempt all or any of the vehicles of the new Corporation from payment of any tolls or other charges leviable under any enactment for the time being in force, for the use of the roads within the Union territory of Delhi.

Amendment of Acts 64 of 1950, 66 of 1957 and 4 of 1939.

7. On and from the commencement of this Act,—

(*a*) the Road Transport Corporations Act, 1950, shall, in its application to the Union territory of Delhi, be subject to the amendments specified in the First Schedule; 64 of 1950.

(*b*) the Delhi Municipal Corporation Act, 1957, shall, in relation to the road transport services in the Union territory of Delhi, be subject to the amendments specified in the Second Schedule and references therein to "this Act" shall be construed as references to the "Road Transport Corporations Act, 1950"; 66 of 1957. 64 of 1950.

(*c*) the Motor Vehicles Act, 1939, shall, in its application to the Union territory of Delhi, have effect subject to the provisions specified in the Third Schedule. 4 of 1939

Repeal and savings.

8. (*1*) The Delhi Road Transport Laws (Amendment) Ordinance, 1971, is hereby repealed. 31 of 1971.

(2) Notwithstanding such repeal, anything done or any action taken under the Road Transport Corporations Act, 1950, or the Delhi Municipal Corporation Act, 1957, or the Motor Vehicles Act, 1939, as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of the Road Transport Corporations Act, 1950, the Delhi Municipal Corporation Act, 1957, or the Motor Vehicles Act, 1939, as the case may be, as amended by this Act. 64 of 1950. 66 of 1957. 4 of 1939.

THE FIRST SCHEDULE

[*See* section 7(*a*)]

AMENDMENTS TO THE ROAD TRANSPORT CORPORATIONS ACT, 1950

Section 1.—Omit sub-section (3).

Section 3.—For "the whole or any part of the State", substitute "the whole or any part of the Union territory of Delhi".

Section 5.—In sub-section (3), for "both of the Central Government and of the State Government concerned in the Corporation in such proportion as may be agreed to by both the Governments and of nomination by each Government", substitute "of the State Government in the Corporation and of nomination by that Government".

Section 8.—Omit the proviso.

Section 12.—In clause (*b*), for "Chairman or Vice-Chairman", substitute "Chairman, Vice-Chairman, Chief Executive Officer, the General Manager, the Deputy General Manager or the Chief Accounts Officer of the Corporation".

Section 18.—For "State or part of the State", substitute "Union territory of Delhi or part thereof".

Section 19.—(*i*) In sub-section (*1*), in clause (*a*), for "State" substitute "Union territory of Delhi";

(*ii*) in sub-section (2)—

(*a*) in clause (c)—

(*1*) for "State concerned", substitute "Union territory of Delhi";

(2) for "that State", substitute "that Union territory";

(b) after clause (*m*), insert—

"(*n*) to determine with the previous approval of the State Government, and in case of a road transport service operated in any extended area, also with the previous approval of the Government of the State within which such extended area is situated, fares and freights for the carriage of passengers and goods in any road transport service provided by the Corporation".

After section 19, insert—

Disposal of unclaimed articles and property.

"19A. (*1*) When any articles or goods have come into the possession of a Corporation for carriage or otherwise and are not claimed by the owner or any other person appearing to the Corporation to be entitled thereto, the Corporation shall, if such owner or other person is known, cause a notice to be served upon him requiring him to remove the articles or goods within seven days of the service of such notice.

(*2*) If such owner or other person is not known or the notice cannot be served upon him or he does not comply with the requisition in the notice, the Corporation may, after the expiration of such period as may be specified by regulations made under this Act, sell the articles or goods by public auction and shall, after deducting from the sale-proceeds expenses for holding the sale or any amount which may be due to the Corporation, credit the surplus sale-proceeds, if any, to the Fund of the Corporation; and the sale-proceeds so credited may be paid on demand to any person who establishes his right thereto in a court of competent jurisdiction or within one year of such sale to the satisfaction of the Corporation.

Corporation to obtain the approval of the Central Government in certain cases.

19B. In the exercise of any of its powers under this Act, the Corporation shall not incur on any single work, service or scheme or for any other purpose a capital expenditure of more than twenty-five lakhs of rupees except with the previous approval of the Central Government.".

Section 21.—For "the Central Government in consultation with the State Government", substitute "that Government".

Section 23.—(*a*) For sub-section (*1*), substitute—

"(*1*) The State Government may provide to a Corporation established by that Government any capital that may be required by the Corporation for the purpose of carrying on its undertaking or for purposes connected therewith on such terms and conditions, not inconsistent with the provisions of this Act, as that Government may determine.";

(b) in sub-section (3), omit ", the Central Government" and "in consultation with the Central Government".

Section 26.—In sub-section (2), omit "and the Central Government".

Section 28.—In sub-sections (*1*) and (2), omit "in consultation with the Central Government".

Section 30.—Omit "and the Central Government".

Section 33.—In sub-section (*4*), for "the Legislature of the State", substitute "each House of Parliament".

Section 35.—(*a*) In sub-section (*2*), for "Central and the State Governments", substitute "State Government";

(*b*) in sub-section (*3*), for "the Legislature of the State", substitute "each House of Parliament".

Section 37.—In sub-section (*3*), for "the Legislature of the State", substitute "each House of Parliament".

Section 38.—Omit "with the previous approval of the Central Government,".

Section 39.—In sub-section (*2*), for "Central and the State Government", substitute "State Government".

Section 40.—(*i*) In clause (*b*), for "High Court exercising jurisdiction in relation to the State concerned", substitute "High Court of Delhi";

(*ii*) in clause (*c*)—

(*a*) for "lie to the High Court", substitute "lie to the High Court of Delhi";

(*b*) for "order of the High Court", substitute "order of that High Court".

Section 44.—In sub-section (*2*)—

(*i*) in clause (*a*), for "the Central and the State Government", substitute "the State Government";

(*ii*) after clause (*m*), insert—

"(*mm*) the service of notices and orders under this Act;".

Section 45.—In sub-section (*2*), after clause (*e*), insert—

"(*f*) the period after the expiration of which unclaimed articles or goods may be sold by public auction;

(*g*) the regulation of the carriage of passengers and goods in the road transport services of the Corporation.".

Section 46.—After "rules made by it under section 44", insert "or any regulations made by a Corporation under section 45".

After section 48, insert—

"CHAPTER VI

SPECIAL PROVISIONS APPLICABLE TO THE UNION TERRITORY OF DELHI

Prosecution and cognizance of offences.

49. (*1*) No court shall proceed to the trial of any offence made punishable by or under this Act except on the complaint of, or on an information received from, the General Manager of the new Corporation or a person authorised by him by general or special order in this behalf in writing.

(2) All offences against this Act or any rule or regulation made thereunder, or any bye-law continued thereunder, whether committed within or without the limits of Union territory of Delhi, shall be cognizable by a magistrate.

Appointment of Magistrates.

50. (1) The State Government may appoint one or more magistrates of the first or second class for the trial of offences against this Act or any rule or regulation made thereunder or any bye-law continued thereunder and may prescribe the time and place at which such magistrate or magistrates shall sit for the despatch of business.

(2) Such magistrates and the members of their staff shall be paid such salary, pension, leave and other allowances as may, from time to time, be fixed by the State Government.

(3) The new Corporation shall, out of its fund, pay to the State Government the amounts of the salary, pension, leave and other allowances as fixed under sub-section (2) together with all other incidental charges in connection with the establishments of the said magistrates.

(4) Such magi trates shall have jurisdiction over the whole of the Union territory of Delhi.

5 of 1898.

(5) For the purposes of the Code of Criminal Procedure, 1898, all magistrates appointed under this section shall be deemed to be magistrates appointed under section 12 of that Code.

Composition of offences.

51. (1) The General Manager of the new Corporation or any officer or other employee specially empowered by him in this behalf in writing may, either before or after the institution of the proceedings, compound any offence made punishable by, or under, this Act.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

Limitation of time for prosecution.

52. No person shall be liable to punishment for any offence against this Act or any rule or regulation made thereunder or any bye-law continued thereunder, unless complaint of such offence is made before a magistrate within six months next after,—

(a) the date of the commission of such offence, or

(b) the date on which the commission or existence of such offence was first brought to the notice of the complainant.

Power of magistrate to hear cases in absence of accused when summoned to appear.

53. If any person summoned to appear before a magistrate to answer a charge of an offence against this Act or any rule or regulation made thereunder, or any bye-law continued thereunder, fails to appear at the time and place mentioned in the summons, or on any date to which the hearing of the case is adjourned, the magistrate may hear and determine the case in his absence, if—

(a) service of the summons on such person is proved to his satisfaction, and

(b) no sufficient cause is shown for the non-appearance of such person.".

THE SECOND SCHEDULE

[*See* section 7(b)]

AMENDMENTS TO THE DELHI MUNICIPAL CORPORATION ACT, 1957

Section 2.—Omit clauses (*13*) and (*20*).

Section 9.—In sub-section (*2*), in sub-clause (*iii*) of clause (*b*), omit "or the Delhi Transport Committee".

Section 36.—In sub-section (*3*), for clause (*b*), substitute "(*b*) from the General Manager (Electricity) on any matter connected with the administration of the Delhi Electric Supply Undertaking".

Section 39.—In sub-section (*1*), omit ", the Delhi Transport Committee".

Section 42.—Omit sub-clause (*ii*) of clause (*d*).

Section 44.—Omit clause (*c*).

Section 50.—(*i*) In the heading, omit ", the Delhi Transport Committee";

(*ii*) in sub-section (*1*), omit ", the Delhi Transport Committee";

(*iii*) in sub-section (*2*), omit clause (*b*).

Section 52.—Omit ", the Delhi Transport Committee".

Section 53.—Omit ", the Delhi Transport Committee" and ", the Delhi Transport Undertaking".

Section 59.—(*i*) In the opening paragraph, omit "or the Delhi Transport Undertaking";

(*ii*) in clause (*d*), omit "or the General Manager (Transport)".

Section 60.—(*i*) In the heading, omit "and the General Manager (Transport)";

(*ii*) in sub-section (*1*), for "two suitable persons respectively as the General Manager (Electricity) and the General Manager (Transport)", substitute "a suitable person as the General Manager (Electricity)";

(*iii*) in sub-section (*2*), for "Each of the two General Managers", substitute "The General Manager (Electricity)";

(*iv*) in sub-section (*3*), for "any of the General Managers", substitute "the General Manager (Electricity)";

(*v*) in sub-section (*4*), for "Any of the General Managers", substitute "The General Manager (Electricity)".

Section 61.—For "Each of the General Managers", substitute "The General Manager (Electricity)".

Section 62.—(*i*) In sub-section (*1*), omit clause (*b*);

(*ii*) in sub-section (*2*), for "any of the General Managers", substitute "the General Manager (Electricity)";

(*iii*) in sub-section (*3*), for "any of the General Managers", substitute "the General Manager (Electricity)".

Section 63.—For "two General Managers", substitute "General Manager (Electricity)".

Section 64.—Omit sub-section (*2*).

Section 65.—In sub-section (*1*), omit ", the Delhi Transport Committee".

Section 66.—(*i*) In sub-section (*1*), for ", the General Manager (Electricity) or the General Manager (Transport)", substitute "or the General Manager (Electricity)";

(*ii*) in sub-section (*2*), for "any of the General Managers", substitute "the General Manager (Electricity)".

Section 67.—(*i*) In sub-section (*1*), omit ", the Delhi Transport Committee";

(*ii*) in sub-section (*2*), omit ", the Delhi Transport Committee".

Section 68.—Omit ", the Delhi Transport Committee".

Section 69.—Omit ", the Delhi Transport Committee".

Section 70.—(*i*) In sub-section (*1*),—

(*a*) in clause (*b*), omit ", or the Delhi Transport Undertaking";

(*b*) in clause (*c*), omit "or the Delhi Transport Undertaking";

(*ii*) in sub-section (*3*), omit "or the Delhi Transport Undertaking" and ', or as the case may be, the words and brackets "General Manager (Transport)"'.

Section 71.—In sub-clause (*i*) of clause (*b*), omit "or the Delhi Transport Committee".

Section 81.—(*i*) In sub-section (*1*), omit "and the General Manager (Transport) or any municipal officer authorised by him in this behalf";

(*ii*) in sub-section (*8*),—

(*a*) omit "and the General Manager (Transport)";

(*b*) for "respectively to the Delhi Electric Supply Undertaking and the Delhi Transport Undertaking", substitute "to the Delhi Electric Supply Undertaking".

Section 83.—In sub-section (*1*), omit ", the Delhi Transport Committee".

Section 90.—In sub-section (*7*), omit clause (*ii*).

Section 92.—In sub-section (*1*),—

(*i*) in sub-clause (*i*) of clause (*a*), omit ", the Delhi Transport Committee" and ", the Delhi Transport Undertaking";

(*ii*) in clause (*b*), omit ", the General Manager (Transport)".

Section 96.—Omit "or the General Manager (Transport)".

Section 99.—(*i*) In sub-section (*1*), in clause (*h*), omit ", the Delhi Transport Undertaking";

(*ii*) in sub-section (*2*), omit clause (*b*).

Section 100.—Omit sub-section (*3*).

Section 101.—In sub-section (*1*), in clause (*b*), omit sub-clause (*iii*).

Section 104.—(*i*) For "clauses (*c*), (*e*) or (*f*)", substitute "clause (*c*), (*e*) or (*f*)";

(*ii*) omit "or the General Manager (Transport)" and "or the Delhi Transport Committee".

Section 106.—(*i*) In sub-section (*1*), omit ", the General Manager (Transport) in the case of any work in connection with the Delhi Transport Undertaking";

(*ii*) in sub-section (*3*), omit "or the General Manager (Transport)"

Section 109.—In sub-section (*1*), omit clause (*c*).

Section 110.—(*i*) In sub-section (*1*), omit clause (*c*);

(*ii*) in sub-section (5), in clause (*a*), omit sub-clause (*ii*).

Section 112.—Omit "or the Delhi Transport Committee".

Section 115.—In sub-section (*4*), in clause (*b*), omit ", or the Delhi Transport Undertaking".

Section 204.—Omit clause (*b*).

Section 208.—(*i*) In sub-section (*3*), omit "the Delhi Transport Committee";

(*ii*) in sub-section (*4*), omit "the Delhi Transport Committee".

Omit Chapter XIV.—Sections 287 to 297 (both inclusive).

Section 431.—(*i*) In the opening paragraph, omit "or the General Manager (Transport)";

(*ii*) in clause (*b*), omit "or the General Manager (Transport)".

Section 432.—In sub-section (*1*), omit "or the General Manager (Transport)".

Section 433.—In sub-sections (*1*) and (*2*), omit "or the General Manager (Transport)".

Section 438.—Omit "or the General Manager (Transport)".

Section 440.—Omit "or the General Manager (Transport)".

Section 442.—In sub-section (*1*), omit "or the General Manager (Transport)".

Section 443.—For "the Commissioner, the General Manager (Electricity) or the General Manager (Transport)", substitute "the Commissioner or the General Manager (Electricity)".

Section 450.—Omit "and the General Manager (Transport)", "respectively" and "and the Delhi Transport Committee".

Section 462.—Omit ", the Delhi Transport Committee" and "the General Manager (Transport)".

Omit sections 467 to 473 (both inclusive).

Section 476.—In sub-section (*2*), omit clause (*b*).

Section 481.—In sub-section (*1*), omit the paragraph "D. *Bye-laws relating to transport services*" and the entries occurring thereunder.

Section 487.—In sub-section (*2*), omit "or the Delhi Transport Undertaking".

Section 499.—In sub-section (*1*), omit ", the General Manager (Transport)".

Section 500.—Omit ", the General Manager (Transport)".

Section 504.—In sub-section (*1*), in clause (*a*), omit sub-clause (*ii*).

Section 509.—In sub-section (*1*), omit "or the General Manager (Transport)".

The Second Schedule.—Omit item 12.

THE THIRD SCHEDULE

[*See* section 7 (c)]

APPLICATION OF THE MOTOR VEHICLES ACT, 1939 IN RELATION TO THE UNION TERRITORY OF DELHI

IndiaCode

The Central Government,—

(*a*) may, by notification in the Official Gazette, authorise subject to such terms and conditions, if any, as it may deem fit to impose, any person to exercise and perform, to the exclusion of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or State Transport Authority, as the case may be, and without following the procedure laid down for the purpose in the Motor Vehicles Act, 1939, all or such of the powers, functions and duties of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or the State Transport Authority under the said Act or under the rules made thereunder in relation to motor vehicles of the new Corporation and the drivers and conductors of those vehicles as may be specified in the notification;

(*b*) may, if it so thinks necessary, by order, cancel, suspend or vary the conditions of any stage carriage, contract carriage or public carrier's permit which has been granted or countersigned under Chapter IV of the Motor Vehicles Act, 1939, by any Regional Transport Authority in the Union territory of Delhi or by the State Transport Authority, Delhi, and is valid within the whole or any part of that territory, and any order so passed shall be final;

(*c*) if it so directs by order in writing, any Regional Transport Authority within the Union territory of Delhi or the State Transport Authority, Delhi, shall not grant, countersign or renew any permit under Chapter IV of the Motor Vehicles Act, 1939, other than a private carrier's permit;

(*d*) may, by order in writing, exempt the motor vehicles of the new Corporation or the employees of its Undertaking from the provisions of the Motor Vehicles Act, 1939, or of any rules made thereunder relating to the carrying of certificates of registration and fitness.

N. D. P. NAMBOODIRIPAD,

Joint Secy. to the Govt. of India.

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PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1971