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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 15th June, 1972/Jyaistha 25, 1894 (Saka)

The following Acts of Parliament received the assent of the President on the 14th June, 1972, and are hereby published for general information:—

THE CRIMINAL LAW (AMENDMENT) ACT, 1972

No. 31 OF 1972

[*14th June, 1972*]

An Act further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Unlawful Activities (Prevention) Act, 1967.

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

1. This Act may be called the Criminal Law (Amendment) Act, 1972. Short title.

2. In the Indian Penal Code,— Amendment of Act 45 of 1860.

(*a*) in sub-section (*1*) of section 153A,—

(*i*) in clause (*b*), the word "or" shall be inserted at the end;

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

"(*c*) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,";

(*b*) after section 153A, the following section shall be inserted, namely:—

Imputations, assertions prejudicial to national integration.

"153B. (*1*) Whoever, by words either spoken or written or by signs or by visible representations or otherwise,—

(*a*) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(*b*) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or

(*c*) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(*2*) Whoever commits an offence specified in sub-section (*1*), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.".

Amendment of Act 5 of 1898.

3. In the Code of Criminal Procedure, 1898,—

(*a*) in sub-section (*1*) of section 99A,—

(*i*) after the words "seditious or obscene matter", the words "or any matter which is prejudicial to national integration" shall be inserted;

(*ii*) after the words, figures and letter "or section 153A", the words, figures and letter "or section 153B" shall be inserted;

(*b*) in sub-section (*1*) of section 106, after the word, figures and letter "section 153A", the word, figures and letter ", section 153B" shall be inserted;

(*c*) in sub-clause (*b*) of clause (*i*) of section 103, after the word, figures and letter "section 153A", the words, figures and letter "or section 153B" shall be inserted;

(*d*) in section 196, after the words, figures and letter "or section 153A,", the words, figures and letter "or section 153B," shall be inserted;

(*e*) in Schedule II, after the entries relating to section 153A, the following entries shall be inserted, namely:—

1	2	3	4	5	6	7	8
'153B(1)	Imputations, assertions prejudicial to national integration.	May arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Imprisonment of either description for three years or fine or both.	Presidency Magistrate or Magistrate of the first class.
153B(2)	Imputations, assertions prejudicial to national integration in place of public worship, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for five years and fine.	Ditto."

Amendment of Act 37 of 1967.

4. In the Unlawful Activities (Prevention) Act, 1967, for clause (*g*) of section 2, the following clause shall be substituted, namely:—

'(*g*) "unlawful association" means any association—

(*i*) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or

(*ii*) which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code, or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity:

45 of 1860.

Provided that nothing contained in sub-clause (*ii*) shall apply to the State of Jammu and Kashmir.'.

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THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1972

NO. 32 OF 1972.

[14*th June*, 1972.]

An Act further to amend the Industrial Disputes Act, 1947.

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

Short title.

1. This Act may be called the Industrial Disputes (Amendment) Act, 1972.

Insertion of new section 25FFA.

2. After section 25FF of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:— 14 of 1947.

Sixty days' notice to be given of intention to close down any undertaking.

"25FFA. (*1*) An employer who intends to close down an undertaking shall serve, at least sixty days before the date on which the intended closure is to become effective, a notice, in the prescribed manner, on the appropriate Government stating clearly the reasons for the intended closure of the undertaking:

Provided that nothing in this section shall apply to—

(*a*) an undertaking in which—

(*i*) less than fifty workmen are employed, or

(*ii*) less than fifty workmen were employed on an average per working day in the preceding twelve months,

(*b*) an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work or project.

(2) Notwithstanding anything contained in sub-section (1), the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.".

Insertion of new section 30A.

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

Penalty for closure without notice.

"30A. Any employer who closes down any undertaking without complying with the provisions of section 25FFA shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.".

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THE UNIVERSITY GRANTS COMMISSION (AMENDMENT) ACT, 1972

NO. 33 OF 1972.

[14*th June*, 1972.]

An Act further to amend the University Grants Commission Act, 1956.

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

Short title and commencement.

1. (*1*) This Act may be called the University Grants Commission (Amendment) Act, 1972.

(*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 University Grants Commission Act, 1956 (hereinafter referred to as the principal Act), in clause (*d*), after the words "the Chairman", the words "and Vice-Chairman" shall be inserted. 3 of 1956.

Substitution of new section for section 5.

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

Composition of the Commission.

"5. (*1*) The Commission shall consist of—

(*i*) a Chairman,

(*ii*) a Vice-Chairman, and

(*iii*) ten other members,

to be appointed by the Central Government.

(*2*) The Chairman shall be chosen from among persons who are not officers of the Central Government or of any State Government.

(3) Of the other members referred to in clause (*iii*) of sub-section (*1*)—

(*a*) two shall be chosen from among the officers of the Central Government, to represent that Government;

(*b*) not less than four shall be chosen from among persons who are, at the time when they are so chosen, teachers of Universities; and

(*c*) the remainder shall be chosen from among persons—

(*i*) who have knowledge of, or experience in, agriculture, commerce, forestry or industry;

(*ii*) who are members of the engineering, legal, medical or any other learned profession; or

(*iii*) who are Vice-Chancellors of Universities or who, not being teachers of Universities, are, in the opinion of the Central Government, educationists of repute or have obtained high academic distinctions:

Provided that not less than one-half of the number chosen under this clause shall be from among persons who are not officers of the Central Government or of any State Government.

(4) The Vice-Chairman shall exercise such of the powers, and discharge such of the duties, of the Chairman as may be prescribed.

(5) Every appointment under this section shall take effect from the date on which it is notified by the Central Government in the Official Gazette.".

Amendment of section 6.

4. In section 6 of the principal Act,—

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

"(*1*) A person appointed as Chairman, Vice-Chairman or other member shall, unless he becomes disqualified for continuing as such under the rules that may be made under this Act,—

(*a*) in the case of Chairman, hold office for a term of five years; and

(*b*) in the case of Vice-Chairman or any other member, hold office for a term of three years:

Provided that—

(*i*) a person who has held office as Chairman or Vice-Chairman shall be eligible for further appointment as Chairman, Vice-Chairman or other member, and

(*ii*) a person who has held office as any other member shall be eligible for further appointment as Chairman, Vice-Chairman or other member:

Provided further that a person who has held office for two terms, in any capacity, whether as Chairman, Vice-

Chairman or other member, shall not be eligible for any further appointment as Chairman, Vice-Chairman or other member.";

(*ii*) for sub-sections (*3*) and (*4*), the following sub-sections shall be substituted, namely:—

"(*3*) If a casual vacancy occurs in the office of the Chairman, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, the Vice-Chairman holding office as such for the time being shall, notwithstanding anything contained in sub-section (*2*) of section 5, act as the Chairman and shall, unless any other person is appointed earlier as the Chairman, hold the office of the Chairman for the remainder of the term of office of the person in whose place he is to so act:

Provided that where no Vice-Chairman is holding office at the time when the vacancy in the office of the Chairman occurs, the Central Government shall, notwithstanding anything contained in sub-section (*2*) of section 5, appoint any other member to act as the Chairman and the person so appointed shall not hold the office of the Chairman for a period exceeding six months.

(*4*) If a casual vacancy occurs in the office of the Vice-Chairman or any other member, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled up by the Central Government by making a fresh appointment and the member so appointed shall hold office for a term of three years.

(*5*) The office of the Chairman and the Vice-Chairman shall be whole-time and salaried and subject thereto, the terms and conditions of service of the Chairman, Vice-Chairman and other members shall be such as may be prescribed.".

Amendment of section 12.

5. In section 12 of the principal Act,—

(*i*) in clause (*c*), for the words "necessary for the development of such Universities", the words "necessary or appropriate for the development of such Universities or for the maintenance, or development, or both, of any specified activities of such Universities" shall be substituted;

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

"(*cc*) allocate and disburse out of the Fund of the Commission, such grants to institutions deemed to be Universities in pursuance of a declaration made by the Central Government under section 3, as it may deem necessary, for one or more of the following purposes, namely:—

(*i*) for maintenance in special cases,

(*ii*) for development,

(*iii*) for any other general or specified purpose;".

Insertion of new section 12A.

6. After section 12 of the principal Act, the following section shall be inserted, namely:—

Prohibition regarding giving of any grant to a University not declared by the Commission fit to receive such grant.

"12A. No grant shall be given by the Central Government, the Commission, or any other organisation receiving any funds from the Central Government, to a University which is established after the commencement of the University Grants Commission (Amendment) Act, 1972, unless the Commission has, after satisfying itself as to such matters as may be prescribed, declared such University to be fit for receiving such grant.".

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Amendment o section 14.

7. In section 14 of the principal Act,—

(*i*) after the words and figures "or section 13", the words, brackets, letters and figures "or contravenes the provisions of any rule made under clause (*f*) or clause (*g*) of sub-section (*2*) of section 25, or of any regulation made under clause (*e*) or clause (*f*) or clause (*g*) of section 26," shall be inserted;

(*ii*) for the words "for its failure to comply with such recommendation", the words "for such failure or contravention," shall be substituted.

Insertion of new section 27.

8. After section 26 of the principal Act, the following section shall be inserted, namely:—

Power to delegate.

"27. (*1*) The Commission may, by regulations made under this Act, delegate to its Chairman, Vice-Chairman or any of its officers, its power of general superintendence and direction over the business transacted by, or in, the Commission, including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Commission.

(*2*) No regulation shall be made under this section except with the previous approval of the Central Government.".

Transitional provisions.

9. Every member of the Commission holding office as such immediately before the commencement of this Act, shall continue to hold such office after such commencement until the reconstitution of the Commission in accordance with the provisions of the principal Act, as amended by this Act:

Provided that the person holding, immediately before the commencement of this Act, the office of the Chairman, shall continue to hold that office by the same tenure and upon the same terms and conditions as he held it immediately before such commencement.

Repeal.

10. The University Grants Commission (Amendment) Act, 1970, is hereby repealed. 27 of 1970.

K. K. SUNDARAM,
Jt. Secy. to the Govt. of India.

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