

BARE ACTS ONLY

WITHOUT SHORTNOTES OR COMMENTS

THE ARBITRATION AND CONCILIATION ACT, 1996

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THE ARBITRATION AND CONCILIATION ACT, 1996

ACT No. 26 OF 1996

[16th August, 1996.]

An Act to consolidate and amend the law relating to domestic arbitration, international commercial arbitration and enforcement of foreign arbitral awards as also to define the law relating to conciliation and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS the United Nations Commission on International Trade Law (UNCITRAL) has adopted the UNCITRAL Model Law on International Commercial Arbitration in 1985;

AND WHEREAS the General Assembly of the United Nations has recommended that all countries give due consideration to the said Model Law, in view of the desirability of uniformity of the law of arbitral procedures and the specific needs of international commercial arbitration practice;

AND WHEREAS the UNCITRAL has adopted the UNCITRAL Conciliation Rules in 1980;

AND WHEREAS the General Assembly of the United Nations has recommended the use of the said Rules in cases where a dispute arises in the context of international commercial relations and the parties seek an amicable settlement of that dispute by recourse to conciliation;

AND WHEREAS the said Model Law and Rules make significant contribution to the establishment of a unified legal framework for the fair and efficient settlement of disputes arising in international commercial relations;

AND WHEREAS it is expedient to make law respecting arbitration and conciliation, taking into account the aforesaid Model Law and Rules;

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

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Arbitration and Conciliation Act, 1996.

(2) It extends to the whole of India:

Provided that Parts I, III and IV shall extend to the State of Jammu and Kashmir only in so far as they relate to international commercial arbitration or, as the case may be, international commercial conciliation.

Explanation.—In this sub-section, the expression “international commercial conciliation” shall have the same meaning as the expression “international commercial arbitration” in clause (f) of sub-section (1) of section 2, subject to the modification that for the word “arbitration” occurring therein, the word “conciliation” shall be substituted.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

PART I

ARBITRATION

CHAPTER I

General provisions

2. Definitions.—(1) In this Part, unless the context otherwise requires,—

(a) “arbitration” means any arbitration whether or not administered by permanent arbitral institution;

(b) “arbitration agreement” means an agreement referred to in section 7;

1. 22nd August, 1996, vide notification No. G.S.R 375(E), dated 22nd August, 1996, see Gazette of India, Extraordinary, Part II, sec. 3(i).

(c) “arbitral award” includes an interim award;

(d) “arbitral tribunal” means a sole arbitrator or a panel of arbitrators;

¹[(e) “Court” means—

(i) in the case of an arbitration other than international commercial arbitration, the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, but does not include any Civil Court of a grade inferior to such principal Civil Court, or any Court of Small Causes;

(ii) in the case of international commercial arbitration, the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, and in other cases, a High Court having jurisdiction to hear appeals from decrees of courts subordinate to that High Court;]

(f) “international commercial arbitration” means an arbitration relating to disputes arising out of legal relationships, whether contractual or not, considered as commercial under the law in force in India and where at least one of the parties is—

(i) an individual who is a national of, or habitually resident in, any country other than India; or

(ii) a body corporate which is incorporated in any country other than India; or

(iii) ²*** an association or a body of individuals whose central management and control is exercised in any country other than India; or

(iv) the Government of a foreign country;

(g) “legal representative” means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased, and, where a party acts in a representative character, the person on whom the estate devolves on the death of the party so acting;

(h) “party” means a party to an arbitration agreement.

(2) This Part shall apply where the place of arbitration is in India:

³[Provided that subject to an agreement to the contrary, the provisions of sections 9, 27 and clause (a) of sub-section (1) and sub-section (3) of section 37 shall also apply to international commercial arbitration, even if the place of arbitration is outside India, and an arbitral award made or to be made in such place is enforceable and recognised under the provisions of Part II of this Act.]

(3) This Part shall not affect any other law for the time being in force by virtue of which certain disputes may not be submitted to arbitration.

(4) This Part except sub-section (1) of section 40, sections 41 and 43 shall apply to every arbitration under any other enactment for the time being in force, as if the arbitration were pursuant to an arbitration agreement and as if that other enactment were an arbitration agreement, except in so far as the provisions of this Part are inconsistent with that other enactment or with any rules made thereunder.

(5) Subject to the provisions of sub-section (4), and save in so far as is otherwise provided by any law for the time being in force or in any agreement in force between India and any other country or countries, this Part shall apply to all arbitrations and to all proceedings relating thereto.

(6) Where this Part, except section 28, leaves the parties free to determine a certain issue, that freedom shall include the right of the parties to authorise any person including an institution, to determine that issue.

1. Subs. by Act 3 of 2016, s. 2, for clause (e) (w.e.f. 23-10-2015).

2. The words “a company or” omitted by s. 2, *ibid.* (w.e.f. 23-10-2015).

3. Ins. by s. 2, *ibid.* (w.e. f. 23-10-2015).

THE ADVOCATES ACT, 1961

ARRANGEMENT OF SECTIONS

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THE ADVOCATES ACT, 1961

ACT NO. 25 OF 1961

[19th May, 1961.]

An Act to amend and consolidate the law relating to the legal practitioners and to provide for the constitution of Bar Councils and an All-India Bar.

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Advocates Act, 1961.

¹[(2) It extends to the whole of India.]

(3) It ²[shall, in relation to the territories other than those referred to in sub-section (4), come into force] on such date³ as the Central Government may, by notification in the Official Gazette, appoint, and different dates³ may be appointed for different provisions of this Act.

⁴[(4) This Act shall, in relation to the State of Jammu and Kashmir*⁵ and the Union territory of Goa, Daman and Diu, come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different provisions of this Act.]

2. Definitions.—⁶[(1)] In this Act, unless the context otherwise requires,—

1. Subs. by Act 60 of 1973, s. 2, for sub-section (2) (w.e.f. 31-1-1974).

2. Subs. by s. 2, *ibid.*, for “shall come into force” (w.e.f. 31-1-1974).

3. The provisions of the Act have been brought into force as under:—

16th August, 1961, *vide* notification No. S.O. 1870, dated 7th September, 1961, in respect of Chapter I, II and VII, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

1st December, 1961, *vide* notification No. S.O. 2790, dated 24th November, 1961, in respect of Chapter III and s. 50(2), *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

15th December, 1961, *vide* notification No. S.O. 2919, dated 13th December, 1961, in respect of s. 50(1), *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

24th January, 1962, *vide* notification No. S.O. 297, dated 24th January 1962, in respect of ss. 51 and 52, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

29th March, 1962, *vide* notification No. S.O. 958, dated 29th March 1962, in respect of s. 46, *see* Gazette of India, Extraordinary, Part II, sec. (ii).

4th January, 1963, *vide* notification No. S.O. 50, dated 4th January 1963, in respect of s. 32 and Chapter VI [except s. 46, sub-sections (1) and (2) of s. 50, ss. 51 and 52], *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

1st September, 1963, *vide* notification No. S.O. 2509, dated 31st August, 1963, in respect of Chapter V, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

10th June, 1968, *vide* notification No. S.O. 63, dated 7th June 1968, in respect of Chapters I, II, III, section 32 of Chapter IV and Chapters V, VI, VII and VIII in the Union territory of Pondicherry, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

1st June, 1969, *vide* notification No. S.O. 1500, dated 5th April, 1969, in respect of ss. 29, 31, 33 and 34 of Chapter IV, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

1st June, 1979, *vide* notification No. G.S.R. 84(E), dated 21st February 1979, except section 30 in respect of the Union territory of Goa, Daman and Diu, *see* Gazette of India, Extraordinary, Part II, sec. 3(i).

15th June, 2011, *vide* notification No. S.O. 1349(E), dated 9th June, 2011, in respect of section 30, *see* Gazette of India, Extraordinary, Part II, sec. 3(i).

4. Ins. by Act 60 of 1973, s. 2 (w.e.f. 31-1-1974).

5. 1st August 1986, *vide* notification No. G.S.R. 946 (E), dated 15th July 1986, except section 30, in respect of the State of Jammu and Kashmir.

6. Section 2 renumbered as sub-section (1) of that section by Act 60 of 1973, s. 3 (w.e.f. 31-1-1974).

*. *Vide* notification No. S.O. 3912(E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

(a) “advocate” means an advocate entered in any roll under the provisions of this Act;
(b) “appointed day”, in relation to any provision of this Act, means the day on which that provision comes into force;

¹* * * *

(d) “Bar Council” means a Bar Council constituted under this Act;

(e) “Bar Council of India” means the Bar Council constituted under section 4 for the territories to which this Act extends;

²* * * *

(g) “High Court”, except in sub-section (I) ³[and sub-section (IA)] of section 34 and in sections 42 and 43, does not include a court of the Judicial Commissioner, and, in relation to a State Bar Council, means,—

(i) in the case of a Bar Council constituted for a State or for a State and one or more Union territories, the High Court for the State;

(ii) in the case of the Bar Council constituted for Delhi, ⁴[the High Court of Delhi];

(h) “law graduate” means a person who has obtained a bachelor's degree in law from any University established by law in India;

(i) “legal practitioner” means an advocate ⁵[or vakil] of any High Court, a pleader, mukhtar or revenue agent;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “roll” means a roll of advocates prepared and maintained under this Act;

(l) “State” does not include a Union territory;

(m) “State Bar Council” means a Bar Council constituted under section 3;

(n) “State roll” means a roll of advocates prepared and maintained by a State Bar Council under section 17.

³[(2) Any reference in this Act to a law which is not in force ⁶*** in the Union territory of Goa, Daman and Diu, shall, in relation to ⁷*** that territory, be construed as a reference to the corresponding law, if any, in force in that State or that territory, as the case may be.]

CHAPTER II

BAR COUNCILS

3. State Bar Councils.—(I) There shall be a Bar Council—

(a) for each of the States of Andhra Pradesh, Bihar, Gujarat, ⁸[Jammu and Kashmir,] ⁹[Jharkhand], ¹⁰[Madhya Pradesh and Chhattisgarh], ¹¹***, ¹²***, ¹³[Karnataka], Orissa, ¹⁴[Rajasthan, Telangana] ¹⁵[Uttar Pradesh], ¹⁶[Uttaranchal, Meghalaya, Manipur and Tripura]], to be known as the Bar Council of that State;

1. Clause (c) omitted by Act 107 of 1976, s. 2 (w.e.f. 15-10-1976).

2. Clause (f) omitted by Act 60 of 1973, s. 3 (w.e.f. 31-1-1974).

3. Ins. by s. 3, *ibid.* (w.e.f. 31-1-1974).

4. Subs. by s. 3, *ibid.*, for “the High Court of Punjab” (w.e.f. 31-1-1974).

5. Subs. by Act 107 of 1976, s. 2, for “vakil or attorney” (w.e.f. 15-10-1976).

6. The words “in the State of Jammu and Kashmir or” omitted by the Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Order, 2020, *vide* notification No. S.O. 1123(E), dated (18-3-2020) and *vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O. 3774(E), dated (23-10-2020).]

7. The words “that State or” omitted by the Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Order, 2020, *vide* notification No. S.O. 1123(E), dated (18-3-2020) and *vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O. 3774(E), dated (23-10-2020).

8. Ins. by Act 60 of 1973, s. 4 (w.e.f. 31-1-1974).

9. Ins. by Act 30 of 2000, s. 28 (w.e.f. 15-11-2000).

10. Subs. by Act 28 of 2000, s.24, for “and Madhya Pradesh” (w.e.f. 1-11-2000).

11. The word “Madras” omitted by Act 26 of 1968, s. 3 and Sch. 4.

12. The word “Maharashtra” omitted by Reg. 8 of 1963, s. 12 (w.e.f. 1-7-1965).

13. Subs. by the Mysore State (Alteration of Name) (Adaptation of Laws on Union Subjects) Order, 1974, for “Mysore” (w.e.f. 1-11-1973).

14. Subs. by Act 6 of 2014, s. 34, for “Rajasthan, Uttar Pradesh” (w.e.f. 2-6-2014).

15. Subs. by Act 29 of 2000, s. 29, for “and Uttar Pradesh” (w.e.f. 9-11-2000).

16. Subs. by Act 26 of 2012, s. 9, for “and Uttaranchal” (w.e.f. 23-3-2013).

¹[(b) for the States of Arunachal Pradesh, Assam, Mizoram and Nagaland to be known as the Bar Council of Arunachal Pradesh, Assam, Mizoram and Nagaland;]

(c) for the State of Kerala and the Union territory of ²[Lakshadweep] to be known as the Bar Council of Kerala;

³[(cc) for the ⁴[State of Tamil Nadu] and the Union territory of Pondicherry to be known as the Bar Council of Madras;]

⁵[(ccc) for the States of Maharashtra and Goa and the Union territories of Dadra and Nagar Haveli and Daman and Diu, to be known as the Bar Council of Maharashtra and Goa;]

⁶[(d) for the States of Punjab and Haryana and the Union territory of Chandigarh, to be known as the Bar Council of Punjab and Haryana;

(dd) for the State of Himachal Pradesh, to be known as the Bar Council of Himachal Pradesh;]

(e) for the State of West Bengal and the ⁷[Union territory of Andaman and Nicobar Islands], to be known as the Bar Council of West Bengal; and

(f) for the Union territory of Delhi, to be known as the Bar Council of Delhi.

(2) A State Bar Council shall consist of the following members, namely:—

(a) in the case of the State Bar Council of Delhi, the Additional Solicitor-General of India, *ex officio*; ⁸⁹[in the case of the State Bar Councils of Assam, Arunachal Pradesh, Mizoram and Nagaland, the Advocate-General of each of the States of Assam, Arunachal Pradesh, Mizoram and Nagaland] *ex officio*; in the case of the State Bar Council of Punjab and Haryana, the Advocate-General of each of the States of Punjab and Haryana, *ex officio*;] and in the case of any other State Bar Council, the Advocate-General of the State, *ex officio*;

¹⁰[(b) in the case of a State Bar Council with an electorate not exceeding five thousand, fifteen members, in the case of a State Bar Council with an electorate exceeding five thousand but not exceeding ten thousand, twenty members, and in the case of a State Bar Council with an electorate exceeding ten thousand, twenty-five members, elected in accordance with the system of proportional representation by means of the single transferable vote from amongst advocates on the electoral roll of the State Bar Council:]

¹¹[Provided that as nearly as possible one-half of such elected members shall, subject to any rules that may be made in this behalf by the Bar Council of India, be persons who have for at least ten years been advocates on a State roll, and in computing the said period of ten years in relation to any such person, there shall be included any period during which the person has been an advocate enrolled under the Indian Bar Councils Act, 1926 (38 of 1926).]

1. Subs. by Acts 26 of 2012, s. 9, for clause (b) (w.e.f. 23-3-2013).

2. Subs. by the Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Act, 1973 (34 of 1973), s. 5, for “the Laccadive, Minicoy and Amindivi Islands” (w.e.f. 1-11-1973).

3. Ins. by Act 26 of 1968, s. 3 and the Sch.

4. Subs. by the Madras State (Alteration of Name) (Adaptation of Laws on Union Subjects) Order, 1970, for “State of Madras” (w.e.f. 14-1-1969).

5. Subs. by Act 18 of 1987, s. 21, for clause (ccc) (w.e.f. 30-5-1987).

6. Subs. by Act 53 of 1970, s. 24, for clause (d) (w.e.f. 25-1-1971).

7. Subs. by Act 81 of 1971, s. 34, for “Union territories of Tripura and the Andaman and Nicobar Islands” (w.e.f. 21-1-1972).

8. Ins. by Act 60 of 1973, s. 4 (w.e.f. 31-1-1974).

9. Subs. by Act 26 of 2012, s. 9, for “in the case of the State Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura, the Advocate-General of each of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura” (w.e.f. 23-3-2013).

10. Subs. by Act 60 of 1973, s. 4, for clause (b) (w.e.f. 31-1-1974).

11. Ins. by Act 21 of 1964, s. 2 (w.e.f. 16-5-1964).

THE INFORMATION TECHNOLOGY ACT, 2000

ARRANGEMENT OF SECTIONS

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THE FIRST SCHEDULE.

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THE THIRD SCHEDULE [*Omitted.*].

THE FOURTH SCHEDULE [*Omitted.*].

THE INFORMATION TECHNOLOGY ACT, 2000

ACT No. 21 OF 2000

[9th June, 2000.]

An Act to provide legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as “electronic commerce”, which involve the use of alternatives to paper-based methods of communication and storage of information, to facilitate electronic filing of documents with the Government agencies and further to amend the Indian Penal Code, the Indian Evidence Act, 1872, the Banker’s Books Evidence Act, 1891 and the Reserve Bank of India Act, 1934 and for matters connected therewith or incidental thereto.

WHEREAS the General Assembly of the United Nations by resolution A/RES/51/162, dated the 30th January, 1997 has adopted the Model Law on Electronic Commerce adopted by the United Nations Commission on International Trade Law;

AND WHEREAS the said resolution recommends *inter alia*, that all States give favourable consideration to the said Model Law when they enact or revise their laws, in view of the need for uniformity of the law applicable to alternatives to paper-based methods of communication and storage of information;

AND WHEREAS it is considered necessary to give effect to the said resolution and to promote efficient delivery of Government services by means of reliable electronic records.

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

CHAPTER 1

PRELIMINARY

1. Short title, extent, commencement and application.—(1) This Act may be called the Information Technology Act, 2000.

(2) It shall extend to the whole of India and, save as otherwise provided in this Act, it applies also to any offence or contravention thereunder committed outside India by any person.

(3) It shall come into force on such date¹ as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

²[(4) Nothing in this Act shall apply to documents or transactions specified in the First Schedule:

Provided that the Central Government may, by notification in the Official Gazette, amend the First Schedule by way of addition or deletion of entries thereto.

(5) Every notification issued under sub-section (4) shall be laid before each House of Parliament.]

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “access” with its grammatical variations and cognate expressions means gaining entry into, instructing or communicating with the logical, arithmetical, or memory function resources of a computer, computer system or computer network;

(b) “addressee” means a person who is intended by the originator to receive the electronic record but does not include any intermediary;

(c) “adjudicating officer” means an adjudicating officer appointed under sub-section (1) of section 46;

1. 17th October, 2000, *vide* notification No. G.S.R. 788 (E), dated 17th October, 2000, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

2. Subs. by Act 10 of 2009, s. 3, for sub-section (4) (w.e.f. 27-10-2009).

(d) “affixing ¹[electronic signature]” with its grammatical variations and cognate expressions means adoption of any methodology or procedure by a person for the purpose of authenticating an electronic record by means of digital signature;

²[(da) “Appellate Tribunal” means the Appellate Tribunal referred to in sub-section (I) of section 48;]

(e) “appropriate Government” means as respects any matter,—

(i) enumerated in List II of the Seventh Schedule to the Constitution;

(ii) relating to any State law enacted under List III of the Seventh Schedule to the Constitution,

the State Government and in any other case, the Central Government;

(f) “asymmetric crypto system” means a system of a secure key pair consisting of a private key for creating a digital signature and a public key to verify the digital signature;

(g) “Certifying Authority” means a person who has been granted a licence to issue a ¹[electronic signature] Certificate under section 24;

(h) “certification practice statement” means a statement issued by a Certifying Authority to specify the practices that the Certifying Authority employs in issuing ¹[electronic signature] Certificates;

³[(ha) “communication device” means cell phones, personal digital assistance or combination of both or any other device used to communicate, send or transmit any text, video, audio or image;]

(i) “computer” means any electronic, magnetic, optical or other high-speed data processing device or system which performs logical, arithmetic, and memory functions by manipulations of electronic, magnetic or optical impulses, and includes all input, output, processing, storage, computer software or communication facilities which are connected or related to the computer in a computer system or computer network;

⁴[(j) “computer network” means the inter-connection of one or more computers or computer systems or communication device through—

(i) the use of satellite, microwave, terrestrial line, wire, wireless or other communication media; and

(ii) terminals or a complex consisting of two or more interconnected computers or communication device whether or not the inter-connection is continuously maintained;]

(k) “computer resource” means computer, computer system, computer network, data, computer data base or software;

(l) “computer system” means a device or collection of devices, including input and output support devices and excluding calculators which are not programmable and capable of being used in conjunction with external files, which contain computer programmes, electronic instructions, input data and output data, that performs logic, arithmetic, data storage and retrieval, communication control and other functions;

(m) “Controller” means the Controller of Certifying Authorities appointed under sub-section (I) of section 17;

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²[(na) “cyber cafe” means any facility from where access to the internet is offered by any person in the ordinary course of business to the members of the public;

1. Subs. by Act 10 of 2009, s. 2, for “digital signature” (w.e.f. 27-10-2009).

2. Ins. by Act 7 of 2017, s. 169 (w.e.f. 26-5-2017).

3. Ins. by Act 10 of 2009, s. 4, *ibid.* (w.e.f. 27-10-2009).

4. Subs. by s. 4, *ibid.*, for clause (j) (w.e.f. 27-10-2009).

5. Clause (n) omitted by Act 7 of 2017, s.169 (w.e.f. 26-5-2017).

(nb) “cyber security” means protecting information, equipment, devices, computer, computer resource, communication device and information stored therein from unauthorised access, use, disclosure, disruption, modification or destruction;]

(o) “data” means a representation of information, knowledge, facts, concepts or instructions which are being prepared or have been prepared in a formalised manner, and is intended to be processed, is being processed or has been processed in a computer system or computer network, and may be in any form (including computer printouts magnetic or optical storage media, punched cards, punched tapes) or stored internally in the memory of the computer;

(p) “digital signature” means authentication of any electronic record by a subscriber by means of an electronic method or procedure in accordance with the provisions of section 3;

(q) “Digital Signature Certificate” means a Digital Signature Certificate issued under sub-section (4) of section 35;

(r) “electronic form” with reference to information, means any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or similar device;

(s) “Electronic Gazette” means the Official Gazette published in the electronic form;

(t) “electronic record” means data, record or data generated, image or sound stored, received or sent in an electronic form or micro film or computer generated micro fiche;

¹[(ta) “electronic signature” means authentication of any electronic record by a subscriber by means of the electronic technique specified in the Second Schedule and includes digital signature;

(tb) “Electronic Signature Certificate” means an Electronic Signature Certificate issued under section 35 and includes Digital Signature Certificate;]

(u) “function”, in relation to a computer, includes logic, control, arithmetical process, deletion, storage and retrieval and communication or telecommunication from or within a computer;

¹[(ua) Indian Computer Emergency Response Team” means an agency established under sub-section (1) of Section 70B;]

(v) “information” includes ²[data, message, text,] images, sound, voice, codes, computer programmes, software and data bases or micro film or computer generated micro fiche;

³[(w) “intermediary”, with respect to any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes;]

(x) “key pair”, in an asymmetric crypto system, means a private key and its mathematically related public key, which are so related that the public key can verify a digital signature created by the private key;

(y) “law” includes any Act of Parliament or of a State Legislature, Ordinances promulgated by the President or a Governor, as the case may be, Regulations made by the President under article 240, Bills enacted as President's Act under sub-clause (a) of clause (1) of article 357 of the Constitution and includes rules, regulations, bye-laws and orders issued or made thereunder;

(z) “licence” means a licence granted to a Certifying Authority under section 24;

(za) “originator” means a person who sends, generates, stores or transmits any electronic message or causes any electronic message to be sent, generated, stored or transmitted to any other person but does not include an intermediary;

(zb) “prescribed” means prescribed by rules made under this Act;

(zc) “private key” means the key of a key pair used to create a digital signature;

1. Ins. by Act 10 of 2009, s. 4 (w.e.f. 27-10-2009).

2. Subs. by s. 4, *ibid.*, for “data, text” (w.e.f. 27-10-2009).

3. Subs. by s. 4, *ibid.*, for clause (w) (w.e.f. 27-10-2009).

(zd) “public key” means the key of a key pair used to verify a digital signature and listed in the Digital Signature Certificate;

(ze) “secure system” means computer hardware, software, and procedure that—

- (a) are reasonably secure from unauthorised access and misuse;
- (b) provide a reasonable level of reliability and correct operation;
- (c) are reasonably suited to performing the intended functions; and
- (d) adhere to generally accepted security procedures;

(zf) “security procedure” means the security procedure prescribed under section 16 by the Central Government;

(zg) “subscriber” means a person in whose name the ¹[electronic signature] Certificate is issued;

(zh) “verify”, in relation to a digital signature, electronic record or public key, with its grammatical variations and cognate expressions, means to determine whether—

(a) the initial electronic record was affixed with the digital signature by the use of private key corresponding to the public key of the subscriber;

(b) the initial electronic record is retained intact or has been altered since such electronic record was so affixed with the digital signature.

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II

²[DIGITAL SIGNATURE AND ELECTRONIC SIGNATURE]

3. Authentication of electronic records.—(1) Subject to the provisions of this section any subscriber may authenticate an electronic record by affixing his digital signature.

(2) The authentication of the electronic record shall be effected by the use of asymmetric crypto system and hash function which envelop and transform the initial electronic record into another electronic record.

Explanation.—For the purposes of this sub-section, “hash function” means an algorithm mapping or translation of one sequence of bits into another, generally smaller, set known as “hash result” such that an electronic record yields the same hash result every time the algorithm is executed with the same electronic record as its input making it computationally infeasible—

(a) to derive or reconstruct the original electronic record from the hash result produced by the algorithm;

(b) that two electronic records can produce the same hash result using the algorithm.

(3) Any person by the use of a public key of the subscriber can verify the electronic record.

(4) The private key and the public key are unique to the subscriber and constitute a functioning key pair.

³[**3A. Electronic signature.**—(1) Notwithstanding anything contained in section 3, but subject to the provisions of sub-section (2), a subscriber may authenticate any electronic record by such electronic signature or electronic authentication technique which—

(a) is considered reliable; and

(b) may be specified in the Second Schedule.

(2) For the purposes of this section any electronic signature or electronic authentication technique shall be considered reliable if—

1. Subs. by Act 10 of 2009, s. 2, for “digital signature” (w.e.f. 27-10-2009).

2. Subs. by s. 5, *ibid.*, for the heading “DIGITAL SIGNATURE” (w.e.f. 27-10-2009).

3. Ins. by s. 6, *ibid.* (w.e.f. 27-10-2009).

THE INDUSTRIAL DISPUTES ACT, 1947

ARRANGEMENT OF SECTIONS

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1. Short title, extent and commencement.
2. Definitions.
- 2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.

CHAPTER II AUTHORITIES UNDER THIS ACT

3. Works Committee.
4. Conciliation officers.
5. Board of Conciliation.
6. Courts of Inquiry.
7. Labour Courts.
- 7A. Tribunals.
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- 7C. Disqualifications for the presiding officers of Labour Courts, Tribunals and National Tribunals.
- 7D. Qualifications, terms and conditions of service of Presiding Officer.
8. Filling of vacancies.
9. Finality of orders constituting Boards, etc.

CHAPTER IIA NOTICE OF CHANGE

- 9A. Notice of change.
- 9B. Power of Government to exempt.

- ### CHAPTER IIB REFERENCE OF CERTAIN INDIVIDUAL DISPUTES TO GRIEVANCE SETTLEMENT AUTHORITIES
- 9C. Setting up of Grievance Settlement Authorities and reference of certain individual disputes to such authorities.

- ### CHAPTER III REFERENCE OF DISPUTES TO BOARDS, COURTS OR TRIBUNALS
10. Reference of disputes to Boards, Courts or Tribunals.
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- 11. Procedure and powers of conciliation officers, Boards, Courts and Tribunals.
- 11A. Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen.
- 12. Duties of conciliation officers.
- 13. Duties of Board.
- 14. Duties of Courts.
- 15. Duties of Labour Courts, Tribunals and National Tribunals.
- 16. Form of report or award.
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- 17A. Commencement of the award.
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- 18. Persons on whom settlements and awards are binding.
- 19. Period of operation of settlements and awards.
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- 21. Certain matters to be kept confidential.

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- 22. Prohibition of strikes and lock-outs.
- 23. General prohibition of strikes and lock-outs.
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- 25A. Application of sections 25C to 25E.
- 25B. Definition of continuous service.
- 25C. Right of workmen laid-off for compensation.
- 25D. Duty of an employer to maintain muster rolls of workmen.
- 25E. Workmen not entitled to compensation in certain cases.
- 25F. Conditions precedent to retrenchment of workmen.
- 25FF. Compensation to workmen in case of transfer of undertakings.
- 25FFA. Sixty days' notice to be given of intention to close down any undertaking.
- 25FFF. Compensation to workmen in case of closing down of undertakings.
- 25G. Procedure for retrenchment.
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SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN
ESTABLISHMENTS

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- 25K. Application of Chapter VB.
- 25L. Definitions.
- 25M. Prohibition of lay-off.
- 25N. Conditions precedent to retrenchment of workmen.
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- 25P. Special provision as to restarting of undertakings closed down before commencement of the Industrial Disputes (Amendment) Act, 1976.
- 25Q. Penalty for lay-off and retrenchment without previous permission.
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- 25S. Certain provisions of Chapter VA to apply to an industrial establishment to which this Chapter applies.

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UNFAIR LABOUR PRACTICES

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- 27. Penalty for instigation, etc.
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- 33. Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings.
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- 33B. Power to transfer certain proceedings.
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- 34. Cognizance of offences.
- 35. Protection of persons.
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- 36A. Power to remove difficulties.
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40. Power to amend Schedules.

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THE SECOND SCHEDULE.—MATTERS WITHIN THE JURISDICTION OF LABOUR COURTS.

THE THIRD SCHEDULE.—MATTERS WITHIN THE JURISDICTION OF INDUSTRIAL TRIBUNALS.

THE FOURTH SCHEDULE.—CONDITIONS OF SERVICE FOR CHANGE OF WHICH NOTICE IS TO BE GIVEN.

THE FIFTH SCHEDULE.—UNFAIR LABOUR PRACTICES.

THE INDUSTRIAL DISPUTES ACT, 1947

ACT NO. 14 OF 1947¹

[11th March, 1947.]

An Act to make provision for the investigation and settlement of industrial disputes, and for certain other purposes.

WHEREAS it is expedient to make provision for the investigation and settlement of industrial disputes, and for certain other purposes hereinafter appearing;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Industrial Disputes Act, 1947.

²[(2) It extends to the whole of India:

³* * * * *

(3) It shall come into force on the first day of April, 1947.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “appropriate Government” means—

(i) in relation to any industrial dispute concerning ⁴*** any industry carried on by or under the authority of the Central Government, ⁵*** or by a railway company ⁶[or concerning any such controlled industry as may be specified in this behalf by the Central Government] ⁷*** or in relation to an industrial dispute concerning ⁸[⁹[¹⁰[¹¹[a Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), or ¹²[the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 1956)], or the Employees’ State Insurance Corporation established under section 3 of the Employees’ State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5A and section 5B, respectively, of the Employees’ Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), ¹³***, or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or ¹⁴[the Oil and Natural Gas Corporation Limited registered under the Companies Act, 1956 (1 of 1956)], or the

1. This Act has been extended to Goa, Daman and Diu by Reg. 12 of 1962, s. 3 and the schedule (w.e.f. 19-12-1962); to Pondicherry by Reg. 7 of 1963 (w.e.f. 1-10-1963); and Laccadive, Minicoy and Amindivi Islands by Reg. 8 of 1965, s. 3 and the Schedule.

2. Subs. by Act 36 of 1956, s. 2, for the sub-section (2) (w.e.f. 29-8-1956).

3. Omitted by Act 51 of 1970, s. 2 and the Schedule (w.e.f. 1-9-1971).

4. Certain words omitted by Act 36 of 1964, s. 2 (w.e.f. 19-12-1964).

5. The words “by the Federal Railway Authority” omitted by the A.O. 1948.

6. Ins. by Act 65 of 1951, s. 32.

7. The words “operating a Federal Railway” omitted by the A.O. 1950.

8. Ins. by Act 47 of 1961, s. 51 and the Second Schedule, Part III (w.e.f. 1-1-1962).

9. Subs. by Act 36 of 1964, s. 2, for “the Deposit Insurance Corporation established” (w.e.f. 19-12-1964).

10. Subs. by Act 45 of 1971, s. 2 (w.e.f. 15-12-1971).

11. Subs. by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).

12. Subs. by Act 24 of 1996, s. 2, for “the Industrial Finance Corporation of India established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948)” (w.e.f. 11-10-1995).

13. The words and figures “or the “Indian Airlines” and “Air India” Corporations established under section 3 of the Air Corporations Act, 1953 (27 of 1953)” by s. 2, *ibid.* (w.e.f. 11-10-1995).

14. Subs. by Act 24 of 1996, s. 2, for “the Oil and Natural Gas Commission established under section 3 of the Oil and Natural Gas Commission Act, 1959 (43 of 1959)” (w.e.f. 11-10-1995).

Deposit Insurance and Credit Guarantee Corporation established under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under section 3 or a Board of Management established for two or more contiguous States under section 16 of the Food Corporations Act, 1964 (37 of 1964), or ¹[the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994 (55 of 1994)], or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India ²[the National Housing Bank established under section 3 of the National Housing Bank Act, 1987 (53 of 1987)], or ³⁴[an air transport service, or a banking or an insurance company], a mine, an oil-field] ⁵[, a Cantonment Board,] or a ⁶[major port, any company in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government, or any corporation, not being a corporation referred to in this clause, established by or under any law made by Parliament, or the Central public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the Central Government, the Central Government, and]

⁷[(ii) in relation to any other industrial dispute, including the State public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the State Government, the State Government: Provided that in case of a dispute between a contractor and the contract labour employed through the contractor in any industrial establishment where such dispute first arose, the appropriate Government shall be the Central Government or the State Government, as the case may be, which has control over such industrial establishment;]

⁶[(aa) “arbitrator” includes an umpire;]

⁸ ⁹[(aaa) “average pay” means the average of the wages payable to a workman—

(i) in the case of monthly paid workman, in the three complete calendar months,

(ii) in the case of weekly paid workman, in the four complete weeks,

(iii) in the case of daily paid workman, in the twelve full working days,

preceding the date on which the average pay becomes payable if the workman had worked for three complete calendar months or four complete weeks or twelve full working days, as the case may be, and where such calculation cannot be made, the average pay shall be calculated as the average of the wages payable to a workman during the period he actually worked;]

¹⁰[(b) “award” means an interim or a final determination of any industrial dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal and includes an arbitration award made under section 10A;]

¹¹[(bb) “banking company” means a banking company as defined in section 5 of the Banking Companies Act, 1949 (10 of 1949), having branches or other establishments in more than one State, and includes ¹²[the Export-Import Bank of India,] ¹³[the Industrial Reconstruction Bank of India,]

1. Subs. by Act 24 of 1996, s. 2, for “the International Airports Authority of India constituted under section 3 of the International Airports Authority of India Act, 1971 (48 of 1971)” (w.e.f. 11-10-1995).

2. Ins. by Act 53 of 1987, s. 56 and the Second Schedule (w.e.f. 9-7-1988).

3. Subs. by Act 54 of 1949, s. 3, for “a mine oil-field”.

4. Subs. by Act 24 of 1996, s. 2, for “a banking or an insurance company” (w.e.f. 11-10-1996).

5. Ins. by Act 36 of 1964, s. 2 (w.e.f. 19-12-1964).

6. Subs. by Act 24 of 2010, s. 2, for “major port, the Central Government, and” (w.e.f. 15-9-2010).

7. Subs. by s. 2, *ibid.*, for sub-clause (ii) (w.e.f. 15-9-2010).

8. Ins. by Act 43 of 1953, s. 2 (w.e.f. 24-10-1953).

9. Clause (aa) re-lettered as clause (aaa) by Act 36 of 1964, s. 2 (w.e.f. 19-12-1964).

10. Subs. by Act 36 of 1956, s. 3, for clause (b) (w.e.f. 10-3-1957).

11. Subs. by Act 38 of 1959, s. 64 and the third Schedule, Part II, for clause (bb).

12. Ins. by Act 28 of 1981, s. 40 and the Second Schedule (w.e.f. 4-1-1982).

13. Ins. by Act 62 of 1984, s. 71 and the Third Schedule (w.e.f. 20-3-1985).

¹[²***,] ³[the Small Industries Development Bank of India established under section 3 of the Small Industries Development Bank of India Act, 1989 (39 of 1989),] the Reserve Bank of India, the State Bank of India ⁴[, a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) ⁵[, a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980), and any subsidiary bank]] as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);]

(c) “Board” means a Board of Conciliation constituted under this Act;

⁶[(cc) “closure” means the permanent closing down of a place of employment or part thereof;]

(d) “conciliation officer” means a conciliation officer appointed under this Act;

(e) “conciliation proceeding” means any proceeding held by a conciliation officer or Board under this Act;

⁷[(ee) “controlled industry” means any industry the control of which by the Union has been declared by any Central Act to be expedient in the public interest;]

8* * * * *

(f) “Court” means a Court of Inquiry constituted under this Act;

(g) “employer” means,—

(i) in relation to an industry carried on by or under the authority of any department of ⁹[the Central Government or a State Government], the authority prescribed in this behalf, or where no authority is prescribed, the head of the department;

(ii) in relation to an industry carried on by or on behalf of a local authority, the chief executive officer of that authority;

¹⁰[(gg) “executive”, in relation to a trade union, means the body, by whatever name called, to which the management of the affairs of the trade union is entrusted;]

11* * * * *

(i) a person shall be deemed to be “independent” for the purpose of his appointment as the chairman or other member of a Board, Court or Tribunal, if he is unconnected with the industrial dispute referred to such Board, Court or Tribunal or with any industry directly affected by such dispute:

¹²[Provided that no person shall cease to be independent by reason only of the fact that he is a shareholder of an incorporated company which is connected with, or likely to be affected by, such industrial dispute; but in such a case, he shall disclose to the appropriate Government the nature and extent of the shares held by him in such company;]

1. Ins. by Act 18 of 1964, s. 38 and the Second Schedule, Part II (w.e.f. 1-7-1964).

2. The words “the Industrial Development Bank of India” omitted by Act 53 of 2003, s. 12 and the Schedule (w.e.f. 2-7-2004).

3. Ins. by Act 39 of 1989, s. 53 and the Second Schedule (date to be notified).

4. Subs. by Act 5 of 1970, s. 20, for “and any subsidiary bank” (w.e.f. 19-7-1969).

5. Subs. by Act 40 of 1980, s. 20 (w.e.f. 15-4-1980).

6. Ins. by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).

7. Ins. by Act 65 of 1951, s. 32.

8. Omitted by Act 36 of 1964, s. 2 (w.e.f. 19-12-1964).

9. Subs. by the A.O. 1948, for “a Government in British India”.

10. Ins. by Act 45 of 1971, s. 2 (w.e.f. 15-12-1971).

11. Clause (h) omitted by the A.O. 1950.

12. Ins. by Act 18 of 1952, s. 2.

¹[(j) “industry” means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen;

(k) “industrial dispute” means any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;

²[(ka) “industrial establishment or undertaking” means an establishment or undertaking in which any industry is carried on:

Provided that where several activities are carried on in an establishment or undertaking and only one or some of such activities is or are an industry or industries, then,—

(a) if any unit of such establishment or undertaking carrying on any activity, being an industry, is severable from the other unit or units of such establishment or undertaking, such unit shall be deemed to be a separate industrial establishment or undertaking;

(b) if the predominant activity or each of the predominant activities carried on in such establishment or undertaking or any unit thereof is an industry and the other activity or each of the other activities carried on in such establishment or undertaking or unit thereof is not severable from and is, for the purpose of carrying on, or aiding the carrying on of, such predominant activity or activities, the entire establishment or undertaking or, as the case may be, unit thereof shall be deemed to be an industrial establishment or undertaking;]

³[(kk) “insurance company” means an insurance company as defined in section 2 of the Insurance Act, 1938 (4 of 1938), having branches or other establishments in more than one State;]

1. Clause (j) shall stand substituted as follows when clause (c) of section 2 of the Industrial Disputes (Amendment) Act, 1982 (46 of 1982) will come into force:—

(j) “industry” means any systematic activity carried on by co-operation between an employer and his workmen (whether such workmen are employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not,—

(i) any capital has been invested for the purpose of carrying on such activity; or

(ii) such activity is carried on with a motive to make any gain or profit, and includes—

(a) any activity of the Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);

(b) any activity relating to the promotion of sales or business or both carried on by an establishment, but does not include—

(1) any agricultural operation except where such agricultural operation is carried on in an integrated manner with any other activity (being any such activity as is referred to in the foregoing provisions of this clause) and such other activity is the predominant one.

Explanation:—For the purposes of this sub-clause, “agricultural operation” does not include any activity carried on in a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (69 of 1951); or

(2) hospitals or dispensaries; or

(3) educational, scientific, research or training institutions; or

(4) institutions owned or managed by organisations wholly or substantially engaged in any charitable, social or philanthropic service; or

(5) khadi or village industries; or

(6) any activity of the Government relating to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic energy and space; or

(7) any domestic service; or

(8) any activity, being a profession practised by an individual or body of individuals, if the number of persons employed by the individual or body of individuals in relation to such profession is less than ten; or

(9) any activity, being an activity carried on by a co-operative society or a club or any other like body of individuals, if the number of persons employed by the co-operative society, club or other like body of individuals in relation to such activity is less than ten;

2. Ins. by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).

3. Ins. by Act 54 of 1949, s. 3.

¹[(*kka*) “khadi” has the meaning assigned to it in clause (*d*) of section 2 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956);]

²[³(*kbb*)] “Labour Court” means a Labour Court constituted under section 7;]

⁴(*kkk*) “lay-off” (with its grammatical variations and cognate expressions) means the failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulation of stocks or the break-down of machinery ⁵[or natural calamity or for any other connected reason] to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched.

Explanation.—Every workman whose name is borne on the muster rolls of the industrial establishment and who presents himself for work at the establishment at the time appointed for the purpose during normal working hours on any day and is not given employment by the employer within two hours of his so presenting himself shall be deemed to have been laid-off for that day within the meaning of this clause:

Provided that if the workman, instead of being given employment at the commencement of any shift for any day is asked to present himself for the purpose during the second half of the shift for the day and is given employment then, he shall be deemed to have been laid-off only for one-half of that day:

Provided further that if he is not given any such employment even after so presenting himself, he shall not be deemed to have been laid-off for the second half of the shift for the day and shall be entitled to full basic wages and dearness allowance for that part of the day;]

(*l*) “lock-out” means the ⁶[temporary closing of a place of employment], or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him;

⁷[(*la*) “major port” means a major port as defined in clause (8) of section 3 of the Indian Ports Act, 1908 (15 of 1908);

(*lb*) “mine” means a mine as defined in clause (*j*) of sub-section (*I*) of section 2 of the Mines Act, 1952 (35 of 1952);]

²[(*ll*) “National Tribunal” means a National Industrial Tribunal constituted under section 7B;]

⁸[(*lll*) “office bearer”, in relation to a trade union, includes any member of the executive thereof, but does not include an auditor;]

(*m*) “prescribed” means prescribed by rules made under this Act;

(*n*) “public utility service” means—

(*i*) any railway service ⁷[or any transport service for the carriage of passengers or goods by air];

⁸[(*ia*) any service in, or in connection with the working of, any major port ⁹[or dock or any industrial establishment or unit engaged in essential defence services];]

(*ii*) any section of an industrial establishment, on the working of which the safety of the establishment or the workmen employed therein depends;

(*iii*) any postal, telegraph or telephone service;

(*iv*) any industry which supplies power, light or water to the public;

(*v*) any system of public conservancy or sanitation;

1. Ins. by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).

2. Ins. by Act 36 of 1956, s. 3 (w.e.f. 10-3-1957).

3. Clause (*kka*) re-lettered as clause (*kbb*) by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).

4. Ins. by Act 43 of 1953, s. 2 (w.e.f. 24-10-1953).

5. Subs. by Act 46 of 1982, s. 2, for “or for any other reason” (w.e.f. 21-8-1984).

6. Subs. by s. 2, *ibid.*, for certain words (w.e.f. 21-8-1984).

7. Ins. by Act 36 of 1964, s. 2 (w.e.f. 19-12-1964).

8. Ins. by Act 45 of 1971, s. 2 (w.e.f. 15-12-1971).

9. Subs. by Act 25 of 2021, s. 17, for “or dock” (w.e.f. 30-6-2021).

(vi) any industry specified in the ¹[First Schedule] which the appropriate Government may, if satisfied that public emergency or public interest so requires, by notification in the Official Gazette, declare to be a public utility service for the purposes of this Act, for such period as may be specified in the notification:

Provided that the period so specified shall not, in the first instance, exceed six months but may, by a like notification, be extended from time to time, by any period not exceeding six months, at any one time if in the opinion of the appropriate Government public emergency or public interest requires such extension;

(o) “railway company” means a railway company as defined in section 3 of the Indian Railways Act, 1890 (9 of 1890);

²[(oo) “retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

(a) voluntary retirement of the workman; or

(b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

³[(bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or]

(c) termination of the service of a workman on the ground of continued ill-health;]

⁴[(p) “settlement” means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between the employer and workmen arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to ⁵[an officer authorised in this behalf by] the appropriate Government and the conciliation officer;]

(q) “strike” means a cessation of work by a body of persons employed in any industry acting in combination or a concerned refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment;

⁶[(qq) “trade union” means a trade union registered under the Trade Unions Act, 1926 (16 of 1926);]

⁷[(r) “Tribunal” means an Industrial Tribunal constituted under section 7A and includes an Industrial Tribunal constituted before the 10th day of March, 1957, under this Act;]

⁸[(ra) “unfair labour practice” means any of the practices specified in the Fifth Schedule;

(rb) “village industries” has the meaning assigned to it in clause (h) of section 2 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956);]

⁹[(rr) “wages” means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment or of work done in such employment, and includes—

1. Subs. by Act 36 of 1964, s. 2 for “Schedule” (w.e.f. 19-12-1964).

2. Ins. by Act 43 of 1953, s. 2 (w.e.f. 24-10-1953).

3. Ins. by Act 49 of 1984, s. 2 (w.e.f. 18-8-1984).

4. Subs. by Act 36 of 1956, s. 3, for clause (p) (w.e.f. 7-10-1956).

5. Ins. by Act 35 of 1965, s. 2 (w.e.f. 1-12-1965).

6. Ins. by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).

7. Subs. by Act 18 of 1957, s. 2, for clause (r) (w.e.f. 10-3-1957).

8. Ins. by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).

9. Ins. by Act 43 of 1953, s. 2 (w.e.f. 24-10-1953).

(i) such allowances (including dearness allowance) as the workman is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;

(iii) any travelling concession;

¹[(iv) any commission payable on the promotion of sales or business or both;]

but does not include—

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;

(c) any gratuity payable on the termination of his service;]

²[(s) “workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding ³[ten thousand rupees] per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]

STATE AMENDMENT

Kerala

Amendment of section 2.—In section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), in clause (s), for the words “clerical or supervisory work” the words “clerical, supervisory work or any work for the promotion of sales” shall be substituted.

[Vide Kerala Act 12 of 2017, s. 2]

Assam

Amendment of section 2.—In the principal Act, in section 2, in clause (s), in between the words “or supervisory work” and “for hire or reward”, the words “or any work for the promotion of sales”, shall be inserted.

[Vide Assam Act 22 of 2007, s. 2]

Orissa

Amendment of section 2.—In clause(s) of section 2 of the Industrial Disputes Act 1947 (14 of 1947), for the words and comma “operational, clerical or supervisory work”, the words and commas “sales promotion, operational, clerical or supervisory work or any work for promotion of sales” shall be substituted.

[Vide Orissa Act 5 of 2014, s. 2]

⁴[**2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.**—⁵[(I)] Where any employer discharges, dismisses, retrenches, or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an

1. Ins. by Act 46 of 1982, s. 2 (w.e.f. 21-8-1984).

2. Subs. by s. 2, *ibid.*, for clause (s) (w.e.f. 21-8-1984).

3. Subs. by Act 24 of 2010, s. 2, for “one thousand six hundred rupees” (w.e.f. 15-9-2010).

4. Ins. by Act 35 of 1965, s. 3 (w.e.f. 1-12-1965).

5. Section 2A numbered as sub-section (I) thereof by Act 24 of 2010, s. 3 (w.e.f. 15-9-2010).

THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956

ARRANGEMENT OF SECTIONS

CHAPTER I PRELIMINARY

SECTIONS

1. Short title and extent.
2. Application of Act.
3. Definitions.
4. Overriding effect of Act.

CHAPTER II ADOPTION

5. Adoptions to be regulated by this Chapter.
6. Requisites of a valid adoption.
7. Capacity of a male Hindu to take in adoption.
8. Capacity of a female Hindu to take in adoption.
9. Persons capable of giving in adoption.
10. Persons who may be adopted.
11. Other conditions for a valid adoption.
12. Effects of adoption.
13. Right of adoptive parents to dispose of their properties.
14. Determination of adoptive mother in certain cases.
15. Valid adoption not to be cancelled.
16. Presumption as to registered documents relating to adoptions.
17. Prohibition of certain payments.

CHAPTER III MAINTENANCE

18. Maintenance of wife.
19. Maintenance of widowed daughter-in-law.
20. Maintenance of children and aged parents.
21. Dependants defined.
22. Maintenance of dependants.
23. Amount of maintenance.
24. Claimant to maintenance should be a Hindu.
25. Amount of maintenance may be altered on change of circumstances.
26. Debts to have priority.
27. Maintenance when to be a charge.
28. Effect of transfer of property on right to maintenance.
29. *[Repealed.]*.
30. Savings.

THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956

ACT No. 78 OF 1956¹

[21st December, 1956.]

An Act to amend and codify the law relating to adoptions and maintenance among Hindus.

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

CHAPTER I

PRELIMINARY

1. Short title and extent.—(1) This Act may be called the Hindu Adoptions and Maintenance Act, 1956.

(2) It extends to the whole of India ^{2***}.

2. Application of Act.—(1) This Act applies—

(a) to any person, who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or AryaSamaj,

(b) to any person who is a Buddhist, Jaina or Sikh by religion, and

(c) to any other person who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

Explanation.—The following persons are Hindus, Buddhists, Jainas or Sikhs by religion, as the case may be:—

(a) any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;

(b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged; ^{3* * *}

⁴[(bb) any child, legitimate or illegitimate, who has been abandoned both by his father and mother or whose parentage is not known and who in either case is brought up as a Hindu, Buddhist, Jaina or Sikh; and]

(c) any person who is a convert or re-convert to the Hindu, Buddhist, Jaina or Sikh religion.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

1. This Act has been extended to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and First Schedule.

This Act has been amended in U.P. Act 57 of 1976.

This Act shall, from a date to be notified by the administrator, come into force in Pondicherry, subject to the following modification:

In section 2, after sub-section (2), insert:—

“(2A) Notwithstanding anything contained in sub-section (1) nothing contained in this Act shall apply to the renoncants of the Union territory of Pondicherry.”

2. The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

3. The word “and” omitted by Act 45 of 1962, s. 2 (w.e.f. 19-11-1962).

4. Ins. by s. 2, *ibid.* (w.e.f. 19-11-1962).

(3) The expression “Hindu” in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.

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

(a) the expressions “custom” and “usage” signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family:

Provided that the rule is certain and not unreasonable or opposed to public policy: and

Provided further that, in the case of a rule applicable only to a family, it has not been discontinued by the family;

(b) “maintenance” includes—

(i) in all cases, provision for food, clothing, residence, education and medical attendance and treatment;

(ii) in the case of an unmarried daughter, also the reasonable expenses of and incident to her marriage;

(c) “minor” means a person who has not completed his or her age of eighteen years.

4. Overriding effect of Act.—Save as otherwise expressly provided in this Act,—

(a) any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act;

(b) any other law in force immediately before the commencement of this Act shall cease to apply to Hindus in so far as it is inconsistent with any of the provisions contained in this Act.

CHAPTER II

ADOPTION

5. Adoptions to be regulated by this Chapter.—(1) No adoption shall be made after the commencement of this Act by or to a Hindu except in accordance with the provisions contained in this Chapter, and any adoption made in contravention of the said provisions shall be void.

(2) An adoption which is void shall neither create any rights in the adoptive family in favour of any person which he or she could not have acquired except by reason of the adoption, nor destroy the rights of any person in the family of his or her birth.

6. Requisites of a valid adoption.—No adoption shall be valid unless—

(i) the person adopting has the capacity, and also the right, to take in adoption;

(ii) the person giving in adoption has the capacity to do so;

(iii) the person adopted is capable of being taken in adoption; and

(iv) the adoption is made in compliance with the other conditions mentioned in this Chapter.

7. Capacity of a male Hindu to take in adoption.—Any male Hindu who is of sound mind and is not a minor has the capacity to take on or a daughter in adoption:

Provided that, if he has a wife living, he shall not adopt except with the consent of his wife unless the wife has completely and finally renounced the word or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.

THE HINDU SUCCESSION ACT, 1956

ARRANGEMENT OF SECTIONS

CHAPTER I PRELIMINARY

SECTIONS

1. Short title and extent.
2. Application of Act.
3. Definitions and interpretation.
4. Overriding effect of Act.

CHAPTER II INTESTATE SUCCESSION

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5. Act not to apply to certain properties.
6. Devolution of interest in coparcenary property.
7. Devolution of interest in the property of a *tarwad*, *tavazhi*, *kutumba*, *kavaruorillom*.
8. General rules of succession in the case of males.
9. Order of succession among heirs in the Schedule.
10. Distribution of property among heirs in class I of the Schedule.
11. Distribution of property among heirs in class II of the Schedule.
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13. Computation of degrees.
14. Property of a female Hindu to be her absolute property.
15. General rules of succession in the case of female Hindus.
16. Order of succession and manner of distribution among heirs of a female Hindu.
17. Special provisions respecting persons governed by *marumakkattayam* and *aliyasantana* laws.

General provisions relating to succession

18. Full blood preferred to half blood.
19. Mode of succession of two or more heirs.
20. Right of child in womb.
21. Presumption in cases of simultaneous deaths.
22. Preferential right to acquire property in certain cases.
23. [Omitted].
24. [Omitted].
25. Murderer disqualified.
26. Convert's descendants disqualified.
27. Succession when heir disqualified.
28. Disease, defect, etc., not to disqualify.

Escheat

29. Failure of heirs.

CHAPTER III
TESTAMENTARY SUCCESSION

SECTIONS

30. Testamentary succession.

CHAPTER IV
REPEALS

31. [*Repealed.*].

THE SCHEDULE.

THE HINDU SUCCESSION ACT, 1956

ACT NO. 30 OF 1956¹

[17th June, 1956.]

An Act to amend and codify the law relating to intestate succession among Hindus.

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

CHAPTER I

PRELIMINARY

1. Short title and extent.—(1) This Act may be called the Hindu Succession Act, 1956.

(2) It extends to the whole of India ^{2***}.

2. Application of Act.—(1) This Act applies—

(a) to any person, who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj,

(b) to any person who is a Buddhist, Jaina or Sikh by religion, and

(c) to any other person who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

Explanation.—The following persons are Hindus, Buddhists, Jainas or Sikhs by religion, as the case may be:—

(a) any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;

(b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged;

(c) any person who is a convert or reconvert to the Hindu, Buddhist, Jaina or Sikh religion.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

(3) The expression “Hindu” in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.

3. Definitions and interpretation.—(1) In this Act, unless the context otherwise requires,—

(a) “agnate”—one person is said to be an “agnate” of another if the two are related by blood or adoption wholly through males;

(b) “aliyasantana law” means the system of law applicable to persons who, if this Act had not been passed, would have been governed by the Madras Aliyasantana Act, 1949, (Madras Act 9 of 1949) or by the customary aliyasantana law with respect to the matters for which provision is made in this Act;

1. The Act has been extended to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and First Schedule and to Pondicherry by Reg. 7 of 1963, s. 3 and First Schedule.

2. The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

(c) “cognate”—one person is said to be a “cognate” of another if the two are related by blood or adoption but not wholly through males;

(d) the expressions “custom” and “usage” signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family:

Provided that the rule is certain and not unreasonable or opposed to public policy: and

Provided further that in the case of a rule applicable only to a family it has not been discontinued by the family;

(e) full blood “half blood” and “uterine blood”—

(i) two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife, and by half blood when they are descended from a common ancestor but by different wives;

(ii) two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands;

Explanation.—In this clause “ancestor” includes the father and “ancestress” the mother;

(f) “heir” means any person, male or female, who is entitled to succeed to the property of an intestate under this Act;

(g) “intestate”—a person is deemed to die intestate in respect of property of which he or she has not made a testamentary disposition capable of taking effect;

(h) “marumakkattayam law” means the system of law applicable to persons—

(a) who, if this Act had not been passed, would have been governed by the Madras Marumakkattayam Act, 1932 (Madras Act 22 of 1933); the Travancore Nayar Act (2 of 1100K); the Travancore Ezhava Act (3 of 1100K); the Travancore Nanjinad Vellala Act (6 of 1101K); the Travancore Kshatriya Act (7 of 1108K); the Travancore Krishnanvaka Marumakathayee (Act 7 of 1115K); the Cochin Marumakathayam Act (33 of 1113K); or the Cochin Nayar Act (29 of 1113K); with respect to the matters for which provision is made in this Act; or

(b) who belong to any community, the members of which are largely domiciled in the State of Travancore Cochin or Madras ¹[as it existed immediately before the 1st November, 1956], and who, if this Act had not been passed, would have been governed with respect to the matters for which provision is made in this Act by any system of inheritance in which descent is traced through the female line;

but does not include the *aliyasantana* law;

(i) “nambudri law” means the system of law applicable to persons who, if this Act had not been passed, would have been governed by the Madras Nambudri Act, 1932 (Madras Act 21 of 1933); the Cochin Nambudri Act (17 of 111K); or the Travancore Malayala Brahmin Act (3 of 1106K); with respect to the matters for which provision is made in this Act;

(j) “related” means related by legitimate kinship:

Provided that illegitimate children shall be deemed to be related to their mother and to one another, and their legitimate descendants shall be deemed to be related to them and to one another; and any word expressing relationship or denoting a relative shall be construed accordingly.

(2) In this Act, unless the context otherwise requires, words importing the masculine gender shall not be taken to include females.

1. Ins. by the Adaptation of Laws (No. 3) Order, 1956.

THE INDIAN CONTRACT ACT, 1872

ARRANGEMENT OF SECTIONS

SECTIONS

PREAMBLE

PRELIMINARY

1. Short title.
Extent.
Commencement.
Saving.
2. Interpretation-clause.

CHAPTER I OF THE COMMUNICATION, ACCEPTANCE AND REVOCATION OF PROPOSALS

3. Communication, acceptance and revocation of proposals.
4. Communication when complete.
5. Revocation of proposals and acceptances.
6. Revocation how made.
7. Acceptance must be absolute.
8. Acceptance by performing conditions, or receiving consideration.
9. Promises, express and implied.

CHAPTER II OF CONTRACTS, VOIDABLE CONTRACTS AND VOID AGREEMENTS

10. What agreements are contracts.
11. Who are competent to contract.
12. What is a sound mind for the purposes of contracting.
13. "Consent" defined.
14. "Free consent" defined.
15. "Coercion" defined.
16. "Undue influence" defined.
17. "Fraud" defined.
18. "Misrepresentation" defined.
19. Voidability of agreements without free consent.
- 19A. Power to set aside contract induced by undue influence.
20. Agreement void where both parties are under mistake as to matter of fact.
21. Effect of mistakes as to law.
22. Contract caused by mistake of one party as to matter of fact.

SECTIONS

23. What considerations and objects are lawful, and what not.

Void agreements

24. Agreement void, if considerations and objects unlawful in part.
25. Agreement without consideration, void, unless it is in writing and registered, or is a promise to compensate for something done, or is a promise to pay a debt barred by limitation law.
26. Agreement in restraint of marriage, void.
27. Agreement in restraint of trade, void.
Saving of agreement not to carry on business of which good-will is sold.
28. Agreements in restraint of legal proceeding void.
Saving of contract to refer to arbitration dispute that may arise.
Saving of contract to refer questions that have already arisen.
Saving of a guarantee agreement of a bank or a financial institution.
29. Agreements void for uncertainty.
30. Agreements by way of wager, void.
Exception in favour of certain prizes for horse-racing.
Section 294A of the Indian Penal Code not affected.

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31. "Contingent contract" defined.
32. Enforcement of contracts contingent on an event happening.
33. Enforcement of contracts contingent on an event not happening.
34. When event on which contract is contingent to be deemed impossible, if it is the future conduct of a living person.
35. When contracts become void which are contingent on happening of specified event within fixed time.
When contracts may be enforced, which are contingent on specified event not happening within fixed time.
36. Agreement contingent on impossible events void.

CHAPTER IV OF THE PERFORMANCE OF CONTRACTS

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37. Obligation of parties to contracts.
38. Effect of refusal to accept offer of performance.
39. Effect of refusal of party to perform promise wholly.

By whom contracts must be performed

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41. Effect of accepting performance from third person.

SECTIONS

- 42. Devolution of joint liabilities.
- 43. Any one of joint promisors may be compelled to perform.
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 - Sharing of loss by default in contribution.
- 44. Effect of release of one joint promisor.
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- 46. Time for performance of promise, when no application is to be made and no time is specified.
- 47. Time and place for performance of promise, where time is specified and no application to be made.
- 48. Application for performance on certain day to be at proper time and place.
- 49. Place for performance of promise, where no application to be made and no place fixed for performance.
- 50. Performance in manner or at time prescribed or sanctioned by promise.

Performance of reciprocal promises

- 51. Promisor not bound to perform, unless reciprocal promisee ready and willing to perform.
- 52. Order of performance of reciprocal promises.
- 53. Liability of party preventing event on which the contract is to take effect.
- 54. Effect of default as to that promise which should be first performed, in contract consisting of reciprocal promises.
- 55. Effect of failure to perform at fixed time, in contract in which time is essential.
 - Effect of such failure when time is not essential.
 - Effect of acceptance of performance at time other than that agreed upon.
- 56. Agreement to do impossible act.
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- 57. Reciprocal promise to do things legal, and also other things illegal.
- 58. Alternative promise, one branch being illegal.

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- 59. Application of payment where debt to be discharged is indicated.
- 60. Application of payment where debt to be discharged is not indicated.
- 61. Application of payment where neither party appropriates.

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- 62. Effect of novation, rescission, and alteration of contract.
- 63. Promise may dispense with or remit performance of promise.
- 64. Consequences of rescission of voidable contract.
- 65. Obligation of person who has received advantage under void agreement, or contract that becomes void.
- 66. Mode of communicating or revoking rescission of voidable contract.
- 67. Effect of neglect of promisee to afford promisor reasonable facilities for performance.

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- 69. Reimbursement of person paying money due by another, in payment of which he is interested.
- 70. Obligation of person enjoying benefit of non-gratuitous act.
- 71. Responsibility of finder of goods.
- 72. Liability of person to whom money is paid, or thing delivered, by mistake or under coercion.

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- 74. Compensation for breach of contract where penalty stipulated for.
- 75. Party rightfully rescinding contract, entitled to compensation.

[CHAPTER VII SALE OF GOODS.] [*Repealed.*].

- 76. [*Repealed.*].
- 77. [*Repealed.*].
- 78. [*Repealed.*].
- 79. [*Repealed.*].
- 80. [*Repealed.*].
- 81. [*Repealed.*].
- 82. [*Repealed.*].
- 83. [*Repealed.*].
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- 85. [*Repealed.*].
- 86. [*Repealed.*].
- 87. [*Repealed.*].
- 88. [*Repealed.*].
- 89. [*Repealed.*].

[DELIVERY.] [*Repealed.*].

- 90. [*Repealed.*].
- 91. [*Repealed.*].
- 92. [*Repealed.*].
- 93. [*Repealed.*].
- 94. [*Repealed.*].

[SELLER'S LIEN.] [*Repealed.*].

- 95. [*Repealed.*].
- 96. [*Repealed.*].
- 97. [*Repealed.*].
- 98. [*Repealed.*].

[STOPPAGE IN TRANSIT.] [*Repealed.*].

- 99. [*Repealed.*].
- 100. [*Repealed.*].
- 101. [*Repealed.*].

SECTIONS

- 102. [*Repealed.*].
- 103. [*Repealed.*].
- 104. [*Repealed.*].
- 105. [*Repealed.*].
- 106. [*Repealed.*].

[*RESALE.*] [*Repealed.*].

- 107. [*Repealed.*].

[*TITLE.*] [*Repealed.*].

- 108. [*Repealed.*].

[*WARRANTY.*] *Repealed.*].

- 109. [*Repealed.*].
- 110. [*Repealed.*].
- 111. [*Repealed.*].
- 112. [*Repealed.*].
- 113. [*Repealed.*].
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- 117. [*Repealed.*].
- 118. [*Repealed.*].

[*MISCELLANEOUS.*] [*Repealed.*].

- 119. [*Repealed.*].
- 120. [*Repealed.*].
- 121. [*Repealed.*].
- 122. [*Repealed.*].
- 123. [*Repealed.*].

CHAPTER VIII OF INDEMNITY AND GUARANTEE

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- 125. Rights of indemnity-holder when sued.
- 126. “Contract of guarantee”, “surety”, “principal debtor” and “creditor”.
- 127. Consideration for guarantee.
- 128. Surety’s liability.
- 129. “Continuing guarantee”.
- 130. Revocation of continuing guarantee.
- 131. Revocation of continuing guarantee by surety’s death.
- 132. Liability of two persons, primarily liable, not affected by arrangement between them that one shall be surety on other’s default.
- 133. Discharge of surety by variance in terms of contract.
- 134. Discharge of surety by release or discharge of principal debtor.
- 135. Discharge of surety when creditor compounds with, gives time to, or agrees not to sue, principal debtor.
- 136. Surety not discharged when agreement made with third person to give time to principal debtor.
- 137. Creditor’s forbearance to sue does not discharge surety.

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- 138. Release of one co-surety does not discharge others.
- 139. Discharge of surety of creditor's act or omission impairing surety's eventual remedy.
- 140. Rights of surety on payment or performance.
- 141. Surety's right to benefit of creditor's securities.
- 142. Guarantee obtained by misrepresentation invalid.
- 143. Guarantee obtained by concealment invalid.
- 144. Guarantee on contract that creditor shall not act on it until co-surety joins.
- 145. Implied promise to indemnify surety.
- 146. Co-sureties liable to contribute equally.
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- 150. Bailor's duty to disclose faults in goods bailed.
- 151. Care to be taken by bailee.
- 152. Bailee when not liable for loss, etc., of thing bailed.
- 153. Termination of bailment by bailee's act inconsistent with conditions.
- 154. Liability of bailee making unauthorized use of goods bailed.
- 155. Effect of mixture, with bailor's consent, of his goods with bailee's.
- 156. Effect of mixture, without bailor's consent, when the good can be separated.
- 157. Effect of mixture, without bailor's consent, when the goods cannot be separated.
- 158. Repayment, by bailor, of necessary expenses.
- 159. Restoration of goods lent gratuitously.
- 160. Return of goods bailed, on expiration of time or accomplishment of purpose.
- 161. Bailee's responsibility when goods are not duly returned.
- 162. Termination of gratuitous bailment by death.
- 163. Bailor entitled to increase or profit from goods bailed.
- 164. Bailor's responsibility to bailee.
- 165. Bailment by several joint owners.
- 166. Bailee not responsible on re-delivery to bailor without title.
- 167. Right of third person claiming goods bailed.
- 168. Right of finder of goods.
 - May sue for specific reward offered.
- 169. When finder of thing commonly on sale may sell it.
- 170. Bailee's particular lien.
- 171. General lien of bankers, factors, wharfingers, attorneys and policy-brokers.

Bailments of pledges

- 172. "Pledge", "Pawnor" and "Pawnee" defined.
- 173. Pawnee's right of retainer.

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- 174. Pawnee not to retain for debt or promise other than that for which goods pledged.
Presumption in case of subsequent advances.
- 175. Pawnee's right as to extraordinary expenses incurred.
- 176. Pawnee's right where pawnor makes default.
- 177. Defaulting pawnor's right to redeem.
- 178. Pledge by mercantile agent.
- 178A. Pledge by person in possession under voidable contract.
- 179. Pledge where pawnor has only a limited interest.

Suits by bailees or bailors against wrong-doers

- 180. Suit by bailor or bailee against wrong-doer.
- 181. Apportionment of relief or compensation obtained by such suits.

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Appointment and authority of agents

- 182. "Agent" and "principal" defined.
- 183. Who may employ agent.
- 184. Who may be an agent.
- 185. Consideration not necessary.
- 186. Agent's authority may be expressed or implied.
- 187. Definitions of express and implied authority.
- 188. Extent of agent's authority.
- 189. Agent's authority in an emergency.

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- 190. When agent cannot delegate.
- 191. "Sub-agent" defined.
- 192. Representation of principal by sub-agent properly appointed.
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Sub-agent's responsibility.
- 193. Agent's responsibility for sub-agent appointed without authority.
- 194. Relation between principal and person duly appointed by agent to act in business of agency.
- 195. Agent's duty in naming such person.

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- 196. Right of person as to acts done for him without his authority.
Effect of ratification.
- 197. Ratification may be expressed or implied.
- 198. Knowledge requisite for valid ratification.
- 199. Effect of ratifying unauthorized act forming part of a transaction.
- 200. Ratification of unauthorized act cannot injure third person.

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- 201. Termination of agency.
- 202. Termination of agency, where agent has an interest in subject-matter.
- 203. When principal may revoke agent's authority.
- 204. Revocation where authority has been partly exercised.
- 205. Compensation for revocation by principal, or renunciation by agent.
- 206. Notice of revocation or renunciation.
- 207. Revocation and renunciation may be expressed or implied.
- 208. When termination of agent's authority takes effect as to agent, and as to third persons.
- 209. Agent's duty on termination of agency by principal's death or insanity.
- 210. Termination of sub-agent's authority.

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- 211. Agent's duty in conducting principal's business.
- 212. Skill and diligence required from agent.
- 213. Agent's accounts.
- 214. Agent's duty to communicate with principal.
- 215. Right of principal when agent deals, on his own account, in business of agency without principal's consent.
- 216. Principal's right to benefit gained by agent dealing on his own account in business of agency.
- 217. Agent's right of retainer out of sums received on principal's account.
- 218. Agent's duty to pay sums received for principal.
- 219. When agent's remuneration becomes due.
- 220. Agent not entitled to remuneration for business misconducted.
- 221. Agent's lien on principal's property.

Principal's duty to agent

- 222. Agent to be indemnified against consequences of lawful acts.
- 223. Agent to be indemnified against consequences of acts done in good faith.
- 224. Non-liability of employer of agent to do a criminal act.
- 225. Compensation to agent for injury caused by principal's neglect.

Effect of agency on contracts with third persons

- 226. Enforcement and consequences of agent's contracts.
- 227. Principal how far bound, when agent exceeds authority.
- 228. Principal not bound when excess of agent's authority is not separable.
- 229. Consequences of notice given to agent.
- 230. Agent cannot personally enforce, nor be bound by, contracts on behalf of principal.
Presumption of contract to contrary.
- 231. Rights of parties to a contract made by agent not disclosed.
- 232. Performance of contract with agent supposed to be principal.
- 233. Right of person dealing with agent personally liable.

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- 234. Consequence of inducing agent or principal to act on belief that principal or agent will be held exclusively liable.
- 235. Liability of pretended agent.
- 236. Person falsely contracting as agent, not entitled to performance.
- 237. Liability of principal inducing belief that agent's unauthorized acts were authorized.
- 238. Effect, on agreement, of misrepresentation or fraud by agent.

CHAPTER XI OF PARTNERSHIP

- 239. [*Repealed.*].
- 240. [*Repealed.*].
- 241. [*Repealed.*].
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- 263. [*Repealed.*].
- 264. [*Repealed.*].
- 265. [*Repealed.*].
- 266. [*Repealed.*].
- SCHEDULE*—[*Repealed.*].

THE INDIAN CONTRACT ACT, 1872

ACT NO. 9 OF 1872¹

[25th April, 1872.]

Preamble—WHEREAS it is expedient to define and amend certain parts of the law relating to contracts;

It is hereby enacted as follows:—

PRELIMINARY

1. Short title.—This Act may be called the Indian Contract Act, 1872.

Extent, Commencement.—It extends to the whole of India ²[except the State of Jammu and Kashmir]; and it shall come into force on the first day of September, 1872.

Saving—³*** Nothing herein contained shall affect the provisions of any Statute, Act or Regulation not hereby expressly repealed, nor any usage or custom of trade, nor any incident of any contract, not inconsistent with the provisions of this Act.

2. Interpretation-clause.—In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

(a) When one person signifies to another his willingness to do or to abstain from doing anything, with a view to obtaining the assent of that other to such act or abstinence, he is said to make a proposal;

1. For the Statement of Objects and Reasons for the Bill which was based on a report of Her Majesty's Commissioners appointed to prepare a body of substantive law for India, dated 6th July, 1866, *see* Gazette of India, 1867 Extraordinary, p. 34; for the Report of the Select Committee, *see ibid.*, Extraordinary, dated 28th March, 1872; for discussions in Council, *see ibid.*, 1867, Supplement, p. 1064; *ibid.*, 1871, p. 313, and *ibid.*, 1872, p. 527. It has been amended in C.P. by C.P. Act 1 of 1915 and in C.P. and Berar by C.P. and Berar Act 15 of 1938.

The Chapters and sections of the Transfer of Property Act, 1882 (4 of 1882), which relate to contracts are, in places in which that Act is in force, to be taken as part of this Act—see Act 4 of 1882, a. 4.

This Act has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941) to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I to Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Sch., to Laccadive, Minicoy and Amindivi Islands by Reg. 8 of 1965, s. 3 and Sch., to Pondicherry by Act 26 of 1968, s. 3 and Sch. and has been declared to be in force in—

the Sonthal Parganas—see Sonthal Parganas Settlement Regulation, 1872 (3 of 1872), s. 3, as amended by the Sonthal Parganas Justice and Laws Regulation, 1899 (3 of 1899), s. 3.

Panth Piploda—see the Panth Piploda Law Regulation, 1929 (1 of 1929), s. 2.

It has been declared, by notification under s. 3(a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in—

the Tarai of the Province of Agra—see Gazette of India, 1876, Pt. I, p. 505;

the Districts of Hazaribagh, Lohardaga and Manbhum, and Pargana Dhalbhum and the Kolhan in the District of Singhbhum—*see* Gazette of India, 1881, pt. I, p. 504.—The District of Lohardaga included at this time the present District of Palamau which was separated in 1894. The District of Lohardaga is now called the Ranchi District—*see* Calcutta Gazette, 1899, pt. I, p. 44.

2. Subs. by Act 3 of 1951, s. 3 and Sch., for “except Part B States.”

3. The words “The enactments mentioned in the Schedule hereto are repealed to the extent specified in the third column thereof, but” rep. by Act 10 of 1914, s. 3 and Sch. II.

(b) When the person to whom the proposal is made signifies his assent thereto, the proposal is said to be accepted. A proposal, when accepted, becomes a promise;

(c) The person making the proposal is called the “promisor”, and the person accepting the proposal is called the “promisee”;

(d) When, at the desire of the promisor, the promisee or any other person has done or abstained from doing, or does or abstains from doing, or promises to do or to abstain from doing, something, such act or abstinence or promise is called a consideration for the promise;

(e) Every promise and every set of promises, forming the consideration for each other, is an agreement;

(f) Promises which form the consideration or part of the consideration for each other are called reciprocal promises;

(g) An agreement not enforceable by law is said to be void;

(h) An agreement enforceable by law is a contract;

(i) An agreement which is enforceable by law at the option of one or more of the parties thereto, but not at the option of the other or others, is a voidable contract;

(j) A contract which ceases to be enforceable by law becomes void when it ceases to be enforceable.

CHAPTER I

OF THE COMMUNICATION, ACCEPTANCE AND REVOCATION OF PROPOSALS

3. Communication, acceptance and revocation of proposals.—The communication of proposals the acceptance of proposals, and the revocation of proposals and acceptances, respectively, are deemed to be made by any act or omission of the party proposing, accepting or revoking by which he intends to communicate such proposal, acceptance or revocation, or which has the effect of communicating it.

4. Communication when complete.—The communication of a proposal is complete when it comes to the knowledge of the person to whom it is made.

The communication of an acceptance is complete,—

as against the proposer, when it is put in a course of transmission to him, so as to be out of the power of the acceptor;

as against the acceptor, when it comes to the knowledge of the proposer.

The communication of a revocation is complete,—

as against the person who makes it, when it is put into a course of transmission to the person to whom it is made, so as to be out of the power of the person who makes it;

as against the person to whom it is made, when it comes to his knowledge.

Illustrations

(a) A proposes, by letter, to sell a house to B at a certain price.

The communication of the proposal is complete when B receives the letter.

(b) B accepts A’s proposal by a letter sent by post.

The communication of the acceptance is complete,

as against A when the letter is post;

as against B, when the letter is received by A.

(c) A revokes his proposal by telegram.

The revocation is complete as against A when the telegram is despatched. It is complete as against B when B receives it.

B revokes his acceptance by telegram. B’s revocation is complete as against B when the telegram is despatched, and as against A when it reaches him.

THE INCOME-TAX ACT, 1961

ARRANGEMENT OF SECTIONS

CHAPTER I PRELIMINARY

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. “Previous year” defined.

CHAPTER II BASIS OF CHARGE

4. Charge of income-tax.
5. Scope of total income.
- 5A. Apportionment of income between spouses governed by Portuguese Civil Code.
6. Residence in India.
7. Income deemed to be received.
8. Dividend income.
9. Income deemed to accrue or arise in India.
- 9A. Certain activities not to constitute business connection in India.

CHAPTER III

INCOMES WHICH DO NOT FORM PART OF TOTAL INCOME

10. Incomes not included in total income.
- 10A. Special provision in respect of newly established undertakings in free trade zone, etc.
- 10AA. Special provisions in respect of newly established Units in Special Economic Zones.
- 10B. Special provisions in respect of newly established hundred per cent. export-oriented undertakings.
- 10BA. Special provisions in respect of export of certain articles or things.
- 10BB. Meaning of computer programmes in certain cases.
- 10C. Special provision in respect of certain industrial undertakings in North-Eastern Region.
11. Income from property held for charitable or religious purposes.
12. Income of trusts or institutions from contributions.
- 12A. Conditions for applicability of sections 11 and 12.
- 12AA. Procedure for registration.
13. Section 11 not to apply in certain cases.
- 13A. Special provision relating to incomes of political parties.
- 13B. Special provisions relating to voluntary contributions received by electoral trust.

* Subject to verification and confirmation by the Department.

CHAPTER IV

COMPUTATION OF TOTAL INCOME

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THE INCOME-TAX ACT, 1961

ACT NO. 43 OF 1961

[13th September, 1961.]

An Act to consolidate and amend the law relating to income-tax and super-tax.

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Income-tax Act, 1961.

(2) It extends to the whole of India.

(3) Save as otherwise provided in this Act, it shall come into force on the 1st day of April, 1962.

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

¹[(1) “advance tax” means the advance tax payable in accordance with the provisions of Chapter XVII-C;]

²[(1A)] “agricultural income” means—

³[(a) any rent or revenue derived from land which is situated in India and is used for agricultural purposes;]

(b) any income derived from such land by—

(i) agriculture; or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market; or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, in respect of which no process has been performed other than a process of the nature described in paragraph (ii) of this sub-clause ;

(c) any income derived from any building owned and occupied by the receiver of the rent or revenue of any such land, or occupied by the cultivator or the receiver of rent-in-kind, of any land with respect to which, or the produce of which, any process mentioned in paragraphs (ii) and (iii) of sub-clause (b) is carried on:

⁴[Provided that—

(i) the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue or the cultivator, or the receiver of rent-in-kind, by reason of his connection with the land, requires as a dwelling house, or as a store-house, or other out-building, and

(ii) the land is either assessed to land revenue in India or is subject to a local rate assessed and collected by officers of the Government as such or where the land is not so assessed to land revenue or subject to a local rate, it is not situated—

* Subject to verification and confirmation by the Department.

1. Ins. by Act 4 of 1988, s. 3 (w.e.f. 1-4-1989).

2. Clause (1) renumbered as clause (1A), *ibid.*, s. 3 (w.e.f. 1-4-1989).

3. Subs. by Act 42 of 1970, s. 2, for sub-clause (a) (w.e.f. 1-4-1962).

4. Subs. by s. 2, *ibid.*, for the proviso (w.e.f. 1-4-1962).

THE LIMITATION ACT, 1963

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THE SCHEDULE.

THE LIMITATION ACT, 1963

ACT NO. 36 OF 1963

[5th October, 1963.]

An Act to consolidate and amend the law for the limitation of suits and other proceedings and for purposes connected therewith.

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

PART I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Limitation Act, 1963.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

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

(a) “applicant” includes—

(i) a petitioner;

(ii) any person from or through whom an applicant derives his right to apply;

(iii) any person whose estate is represented by the applicant as executor, administrator or other representative;

(b) “application” includes a petition;

(c) “bill of exchange” includes a hundi and a cheque;

(d) “bond” includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be;

(e) “defendant” includes—

(i) any person from or through whom a defendant derives his liability to be sued;

(ii) any person whose estate is represented by the defendant as executor, administrator or other representative;

(f) “easement” includes a right not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing in, or attached to, or subsisting upon, the land of another;

(g) “foreign country” means any country other than India;

(h) “good faith”—nothing shall be deemed to be done in good faith which is not done with due care and attention;

(i) “plaintiff” includes—

(i) any person from or through whom a plaintiff derives his right to sue;

(ii) any person whose estate is represented by the plaintiff as executor, administrator or other representative;

(j) “period of limitation” means the period of limitation prescribed for any suit, appeal or application by the Schedule, and “prescribed period” means the period of limitation computed in accordance with the provisions of this Act;

1. 1st January, 1964, *vide* notification No. S.O. 3118, dated 29th October, 1963, *see* Gazette of India, Part II, sec. 3 (ii). Amended in West Bengal by W.B. Act 18 of 1977.

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THE INDIAN EVIDENCE ACT, 1872

ACT NO. 1 OF 1872¹

[15th March, 1872.]

Preamble.—WHEREAS it is expedient to consolidate, define and amend the law of Evidence; It is hereby enacted as follows:—

PART I RELEVANCY OF FACTS CHAPTER I.—PRELIMINARY

1. Short title.—This Act may be called the Indian Evidence Act, 1872.

Extent.—It extends to the whole of India ²[^{3***}] and applies to all judicial proceedings in or before any Court, including Courts-martial, ⁴[other than Courts-martial convened under the Army Act (44 & 45 Vict., c. 58)] ⁵[the Naval Discipline Act [29 & 30 Vict., 109]; or ^{6***} the Indian Navy (Discipline) Act, 1934 (34 of 1934),] ⁷[or the Air Force Act (7 Geo. 5, c. 51)] but not to affidavits⁸ presented to any Court or officer, nor to proceedings before an arbitrator;

Commencement of Act.—And it shall come into force on the first day of September, 1872.

2. [Repeal of enactments].—*Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Schedule.*

3. Interpretation-clause.—In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

“Court.”—“Court” includes all Judges⁹ and Magistrates¹⁰, and all persons, except arbitrators, legally authorised to take evidence.

“Fact.”—“Fact” means and includes—(1) anything, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition of which any person is conscious.

Illustrations

(a) That there are certain objects arranged in a certain order in a certain place, is a fact.

(b) That a man heard or saw something, is a fact.

(c) That a man said certain words, is a fact.

(d) That a man holds a certain opinion, has a certain intention, acts in good faith or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(e) That a man has a certain reputation, is a fact.

1. The Act has been extended to Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Schedule (w.e.f. 1-6-1964), extended to and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Schedule I (w.e.f. 1-7-1965) and to the whole of the Union territory of Lakshadweep by Reg. 8 of 1965 (w.e.f. 1-10-1967). The Act came into force in Pondicherry on 1-10-1963 *vide* Reg. 7 of 1963, s. 3 and Schedule I. The Act has been amended in West Bengal by West Bengal Act 20 of 1960 and in Tamil Nadu by Tamil Nadu Act 67 of 1979.

2. Subs. by Act 3 of 1951, s. 3 and the Schedule, for “except Part B States” (w.e.f. 1-4-1951).

3. The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

4. Ins. by Act 18 of 1919, s. 2 and the First Schedule (w.e.f. 17-9-1919).

5. Ins. by Act 35 of 1934, s. 2 and the Schedule (w.e.f. 8-9-1934).

6. The words “that Act as modified by” Omitted by the A.O. 1950.

7. Ins. by Act 10 of 1927, s. 2 and the First Schedule (w.e.f. 4-4-1927).

8. As to practice relating to affidavits, See the Code of Civil Procedure, 1908 (Act 5 of 1908), s. 30 (c) and the First Schedule, Order XIX. See also the Code of Criminal Procedure, 1973 (Act 2 of 1974), ss. 295 and 297.

9. Cf. the Code of Civil Procedure, 1908 (5 of 1908), s. 2, the Indian Penal Code (45 of 1860), s. 19; and for a definition of “District Judge”, the General Clauses Act, 1897 (10 of 1897), s. 3(17).

10. Cf. the General Clauses Act, 1897 (10 of 1897), s. 3(32) and the Code of Criminal Procedure, 1973 (2 of 1974).

“Relevant.”—One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

“Facts in issue.”—The expression “facts in issue” means and includes—

any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being in force relating to Civil Procedure,¹ any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue is a fact in issue.

Illustrations

A is accused of the murder of B.

At his trial the following facts may be in issue:—

that A caused B’s death;

that A intended to cause B’s death;

that A had received grave and sudden provocation from B;

that A, at the time of doing the act which caused B’s death, was, by reason of unsoundness of mind, incapable of knowing its nature.

“Document.”—“Document”² means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

Illustrations

A writing³ is a document;

³Words printed lithographed or photographed are documents;

A map or plan is a document;

An inscription on a metal plate or stone is a document;

A caricature is a document.

“Evidence.”—“Evidence” means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence;

(2) ⁴[all documents including electronic records produced for the inspection of the Court] ;

such documents are called documentary evidence.

“Proved.”—A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

“Disproved.”—A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

1. See now the Code of Civil Procedure, 1908 (5 of 1908); as to the settlement of issues, see Schedule I, order XIV (w.e.f. 1-1-1909).

2. Cf. the Indian Penal Code (Act 45 of 1860), s. 29 (w.e.f. 1-5-1861) and the General Clauses Act, 1897 (10 of 1897), s. 3 (18) (w.e.f. 11-3-1897).

3. Cf. definition of “writing” in the General Clauses Act, 1897 (10 of 1897), s. 3(65) (w.e.f. 11-3-1897).

4. Subs. by Act 21 of 2000, s. 92 and the Second Schedule, for the words “all documents produced for the inspection of the Court” (w.e.f. 17-10-2000).



THE CONSTITUTION OF INDIA

[As on 26th November, 2021]

PREFACE

This is the fifth pocket size edition of the Constitution of India in the diglot form. In this edition, the text of the Constitution of India has been brought up-to-date by incorporating therein all the amendments up to the Constitution (One Hundred and Fifth Amendment) Act, 2021. The foot notes below the text indicate the Constitution Amendment Acts by which such amendments have been made.

The Constitution (One Hundredth Amendments) Act, 2015 containing details of acquired and transferred territories between the Governments of India and Bangladesh has been provided in APPENDIX I.

The Constitution (Application to Jammu and Kashmir) Order, 2019 and the declaration under article 370(3) of the Constitution have been provided respectively in Appendix II and Appendix III for reference.

New Delhi;

Dr. Reeta Vasishta,

Secretary to the Government of India.

THE CONSTITUTION OF INDIA

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181. The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.
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184. Power of the Deputy Chairman or other person to perform the duties of the office of, or to act as, Chairman.
185. The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration.
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- 191. Disqualifications for membership.
- 192. Decision on questions as to disqualifications of members.
- 193. Penalty for sitting and voting before making oath or affirmation under article 188 or when not qualified or when disqualified.

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- 194. Powers, privileges, etc., of the Houses of Legislatures and of the members and committees thereof.
- 195. Salaries and allowances of members.

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- 196. Provisions as to introduction and passing of Bills.
- 197. Restriction on powers of Legislative Council as to Bills other than Money Bills.
- 198. Special procedure in respect of Money Bills.
- 199. Definition of “Money Bills”.
- 200. Assent to Bills.
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- 202. Annual financial statement.
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- 225. Jurisdiction of existing High Courts.
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- 375. Courts, authorities and officers to continue to function subject to the provisions of the Constitution.
- 376. Provisions as to Judges of High Courts.
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- 378. Provisions as to Public Service Commissions.
- 378A. Special provision as to duration of Andhra Pradesh Legislative Assembly.
- [379. Provisions as to provisional Parliament and the Speaker and Deputy Speaker thereof.—*Omitted.*]
- [380. Provision as to President.—*Omitted.*]
- [381. Council of Ministers of the President.—*Omitted.*]
- [382. Provisions as to provisional Legislatures for States in Part A of the First Schedule. -- *Omitted.*]
- [383. Provision as to Governors of Provinces. -- *Omitted.*]
- [384. Council of Ministers of the Governors.—*Omitted.*]
- [385. Provision as to provisional Legislatures in States in Part B of the First Schedule.—*Omitted.*]
- [386. Council of Ministers for States in Part B of the First Schedule. - - *Omitted.*]
- [387. Special provision as to determination of population for the purposes of certain elections.—*Omitted.*]
- [388. Provisions as to the filling of casual vacancies in the provisional Parliament and provisional Legislatures of the States.—*Omitted.*]
- [389. Provision as to Bills pending in the Dominion Legislatures and

in the Legislatures of Provinces and Indian States.—*Omitted.*]

- [390. Money received or raised or expenditure incurred between the commencement of the Constitution and the 31st day of March, 1950. —*Omitted.*]
- [391. Power of the President to amend the First and Fourth Schedules in certain contingencies.—*Omitted.*]
392. Power of the President to remove difficulties.

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393. Short title.
394. Commencement.
- 394A. Authoritative text in the Hindi language.
395. Repeals.

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FIRST SCHEDULE

- I. —The States.
- II. —The Union territories.

SECOND SCHEDULE

PART A—Provisions as to the President and the Governors of States.

PART B— [Omitted.]

PART C—Provisions as to the Speaker and the Deputy Speaker of the House of the People and the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the Legislative Assembly and the Chairman and the Deputy Chairman of the Legislative Council of a State.

PART D— Provisions as to the Judges of the Supreme Court and of the High Courts.

PART E— Provisions as to the Comptroller and Auditor-General of India.

THIRD SCHEDULE— Forms of Oaths or Affirmations.

FOURTH SCHEDULE—Allocation of seats in the Council of States.

FIFTH SCHEDULE—

Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes

PART A—General.

PART B—Administration and Control of Scheduled Areas and Scheduled Tribes.

PART C— Scheduled Areas.

PART D—Amendment of the Schedule.

SIXTH SCHEDULE—

Provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram.

SEVENTH SCHEDULE—

List I — Union List.

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List III— Concurrent List.

EIGHTH SCHEDULE— Languages.

NINTH SCHEDULE—Validation of certain Acts and Regulations.

TENTH SCHEDULE— Provisions as to disqualification on ground of defection.

ELEVENTH SCHEDULE— Powers, authority and responsibilities of Panchayats.

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APPENDICES

APPENDIX I—The Constitution (One Hundredth Amendment) Act, 2015.

APPENDIX II—The Constitution (Application to Jammu and Kashmir) Order, 2019.

APPENDIX III— Declaration under article 370(3) of the Constitution.

LIST OF ABBREVIATIONS USED

Art., arts.	.....	<i>for</i> Article, articles.
Cl., cls.	.....	" Clause, clauses.
C.O.	.....	" Constitution Order.
Ins.	.....	" Inserted.
P., pp.	.....	" Page, pages.
Pt.	.....	" Part.
Rep.	.....	" Repealed.
Ss., ss.	.....	" Section, sections.
Sch.	.....	" Schedule.
Subs.	.....	" Substituted.
w.e.f.	.....	" with effect from.
w.r.e.f.	.....	" with retrospective effect from.

THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a ¹ [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the ²[unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, s.2, for "SOVEREIGN DEMOCRATIC REPUBLIC" (w.e.f. 3-1-1977).

2. Subs. by s. 2, *ibid.*, for "Unity of the Nation" (w.e.f. 3-1-1977).

PART I

THE UNION AND ITS TERRITORY

1. Name and territory of the Union.—(1) India, that is Bharat, shall be a Union of States.

¹[(2) The States and the territories thereof shall be as specified in the First Schedule.]

(3) The territory of India shall comprise—

(a) the territories of the States;

²[(b) the Union territories specified in the First Schedule; and]

(c) such other territories as may be acquired.

2. Admission or establishment of new States.—Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

³ [2A. *[Sikkim to be associated with the Union.]*.—Omitted by the Constitution (Thirty-sixth Amendment) Act, 1975, s. 5 (w.e.f. 26-4-1975).]

3. Formation of new States and alteration of areas, boundaries or names of existing States.—Parliament may by law—

(a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;

(b) increase the area of any State;

(c) diminish the area of any State;

(d) alter the boundaries of any State;

(e) alter the name of any State;

1 . Subs. by the Constitution (Seventh Amendment) Act, 1956, s. 2, for cl. (2) (w.e.f. 1-11-1956).

2. Subs. by s. 2 *ibid*, for sub-clause (b) (w.e.f. 1-11-1956).

3. Ins. by the Constitution (Thirty-fifth Amendment) Act, 1974, s. 2 (w.e.f. 1-3-1975).

THE CODE OF CRIMINAL PROCEDURE, 1973

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Construction of references.
4. Trial of offences under the Indian Penal Code and other laws.
5. Saving.

CHAPTER II

CONSTITUTION OF CRIMINAL COURTS AND OFFICES

6. Classes of Criminal Courts.
7. Territorial divisions.
8. Metropolitan areas.
9. Court of Session.
10. Subordination of Assistant Sessions Judges.
11. Courts of Judicial Magistrates.
12. Chief Judicial Magistrate and Additional Chief Judicial Magistrate, etc.
13. Special Judicial Magistrates.
14. Local jurisdiction of Judicial Magistrates.
15. Subordination of Judicial Magistrates.
16. Courts of Metropolitan Magistrates.
17. Chief Metropolitan Magistrate and Additional Chief Metropolitan Magistrate.
18. Special Metropolitan Magistrates.
19. Subordination of Metropolitan Magistrates.
20. Executive Magistrates.
21. Special Executive Magistrates.
22. Local Jurisdiction of Executive Magistrates.
23. Subordination of Executive Magistrates.
24. Public Prosecutors.
25. Assistant Public Prosecutors.
- 25A. Directorate of Prosecution.

CHAPTER III

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26. Courts by which offences are triable.
27. Jurisdiction in the case of juveniles.

SECTIONS

- 28. Sentences which High Courts and Sessions Judges may pass.
- 29. Sentences which Magistrates may pass.
- 30. Sentence of imprisonment in default of fine.
- 31. Sentence in cases of conviction of several offences at one trial.
- 32. Mode of conferring powers.
- 33. Powers of officers appointed.
- 34. Withdrawal of powers.
- 35. Powers of Judges and Magistrates exercisable by their successors-in-office.

CHAPTER IV

A.—POWERS OF SUPERIOR OFFICERS OF POLICE

- 36. Powers of superior officers of police.

B.—AID TO THE MAGISTRATES AND THE POLICE

- 37. Public when to assist Magistrates and police.
- 38. Aid to person, other than police officer, executing warrant.
- 39. Public to give information of certain offences.
- 40. Duty of officers employed, in connection with the affairs of a village to make certain report.

CHAPTER V

ARREST OF PERSONS

- 41. When police may arrest without warrant.
- 41A. Notice of appearance before police officer.
- 41B. Procedure of arrest and duties of officer making arrest.
- 41C. Control room at districts.
- 41D. Right of arrested person to meet an advocate of his choice during interrogation.
- 42. Arrest on refusal to give name and residence.
- 43. Arrest by private person and procedure on such arrest.
- 44. Arrest by Magistrate.
- 45. Protection of members of the Armed Forces from arrest.
- 46. Arrest how made.
- 47. Search of place entered by person sought to be arrested.
- 48. Pursuit of offenders into other jurisdictions.
- 49. No unnecessary restraint.
- 50. Person arrested to be informed of grounds of arrest and of right to bail.
- 50A. Obligation of person making arrest to inform about the arrest, etc., to a nominated person.
- 51. Search of arrested person.

SECTIONS

- 52. Power to seize offensive weapons.
- 53. Examination of accused by medical practitioner at the request of police officer.
- 53A. Examination of person accused of rape by medical practitioner.
- 54. Examination of arrested person by medical officer.
- 54A. Identification of person arrested.
- 55. Procedure when police officer deposes subordinate to arrest without warrant.
- 55A. Health and safety of arrested person.
- 56. Person arrested to be taken before Magistrate or officer in charge of police station.
- 57. Person arrested not to be detained more than twenty-four hours.
- 58. Police to report apprehensions.
- 59. Discharge of person apprehended.
- 60. Power, on escape, to pursue and retake.
- 60A. Arrest to be made strictly according to the Code.

CHAPTER VI

PROCESSES TO COMPEL APPEARANCE

A.—Summons

- 61. Form of summons.
- 62. Summons how served.
- 63. Service of summons on corporate bodies and societies.
- 64. Service when persons summoned cannot be found.
- 65. Procedure when service cannot be effected as before provided.
- 66. Service on Government servant.
- 67. Service of summons outside local limits.
- 68. Proof of service in such cases and when serving officer not present.
- 69. Service of summons on witness by post.

B.—Warrant of arrest

- 70. Form of warrant of arrest and duration.
- 71. Power to direct security to be taken.
- 72. Warrants to whom directed.
- 73. Warrant may be directed to any person.
- 74. Warrant directed to police officer.
- 75. Notification of substance of warrant.
- 76. Person arrested to be brought before Court without delay.
- 77. Where warrant may be executed.
- 78. Warrant forwarded for execution outside jurisdiction.
- 79. Warrant directed to police officer for execution outside jurisdiction.
- 80. Procedure on arrest of person against whom warrant issued.

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81. Procedure by Magistrate before whom such person arrested is brought.

C.—Proclamation and attachment

82. Proclamation for person absconding.

83. Attachment of property of person absconding.

84. Claims and objections to attachment.

85. Release, sale and restoration of attached property.

86. Appeal from order rejecting application for restoration of attached property.

D.—Other rules regarding processes

87. Issue of warrant in lieu of, or in addition to, summons.

88. Power to take bond for appearance.

89. Arrest on breach of bond for appearance.

90. Provisions of this Chapter generally applicable to summonses and warrants of arrest.

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PROCESSES TO COMPEL THE PRODUCTION OF THINGS

A.—Summons to produce

91. Summons to produce document or other thing.

92. Procedure as to letters and telegrams.

B.—Search-warrants

93. When search-warrant may be issued.

94. Search of place suspected to contain stolen property, forged documents, etc.

95. Power to declare certain publications forfeited and to issue search-warrants for the same.

96. Application to High Court to set aside declaration of forfeiture.

97. Search for persons wrongfully confined.

98. Power to compel restoration of abducted females.

C.—General provisions relating to searches

99. Direction, etc., of search-warrants.

100. Persons in charge of closed place to allow search.

101. Disposal of things found in search beyond jurisdiction.

D.—Miscellaneous

102. Power of police officer to seize certain property.

103. Magistrate may direct search in his presence.

104. Power to impound document, etc., produced.

105. Reciprocal arrangements regarding processes.

CHAPTER VIIA

RECIPROCAL ARRANGEMENTS FOR ASSISTANCE IN CERTAIN MATTERS AND PROCEDURE FOR ATTACHMENT AND FORFEITURE OF PROPERTY

105A. Definitions.

105B. Assistance in securing transfer of persons.

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- 105C. Assistance in relation to orders of attachment or forfeiture of property.
- 105D. Identifying unlawfully acquired property.
- 105E. Seizure or attachment of property.
- 105F. Management of properties seized or forfeited under this Chapter.
- 105G. Notice of forfeiture of property.
- 105H. Forfeiture of property in certain cases.
- 105-I. Fine in lieu of forfeiture.
- 105J. Certain transfers to be null and void.
- 105K. Procedure in respect of letter of request.
- 105L. Application of this Chapter.

CHAPTER VIII

SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR

- 106. Security for keeping the peace on conviction.
- 107. Security for keeping the peace in other cases.
- 108. Security for good behaviour from persons disseminating seditious matters.
- 109. Security for good behaviour from suspected persons.
- 110. Security for good behaviour from habitual offenders.
- 111. Order to be made.
- 112. Procedure in respect of person present in Court.
- 113. Summons or warrant in case of person not so present.
- 114. Copy of order to accompany summons or warrant.
- 115. Power to dispense with personal attendance.
- 116. Inquiry as to truth of information.
- 117. Order to give security.
- 118. Discharge of person informed against.
- 119. Commencement of period for which security is required.
- 120. Contents of bond.
- 121. Power to reject sureties.
- 122. Imprisonment in default of security.
- 123. Power to release persons imprisoned for failing to give security.
- 124. Security for unexpired period of bond.

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- 125. Order for maintenance of wives, children and parents.
- 126. Procedure.
- 127. Alteration in allowance.
- 128. Enforcement of order of maintenance.

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- 129. Dispersal of assembly by use of civil force.
- 130. Use of armed forces to disperse assembly.
- 131. Power of certain armed force officers to disperse assembly.
- 132. Protection against prosecution for acts done under preceding sections.

B.–Public nuisances

- 133. Conditional order for removal of nuisance.
- 134. Service or notification of order.
- 135. Person to whom order is addressed to obey or show cause.
- 136. Consequences of his failing to do so.
- 137. Procedure where existence of public right is denied.
- 138. Procedure where he appears to show cause.
- 139. Power of Magistrate to direct local investigation and examination of an expert.
- 140. Power of Magistrate to furnish written instructions, etc.
- 141. Procedure on order being made absolute and consequences of disobedience.
- 142. Injunction pending inquiry.
- 143. Magistrate may prohibit repetition or continuance of public nuisance.

C.–Urgent cases of nuisance or apprehended danger

- 144. Power to issue order in urgent cases of nuisance or apprehended danger.
- 144A. Power to prohibit carrying arms in procession or mass drill or mass training with arms.

D.–Disputes as to immovable property

- 145. Procedure where dispute concerning land or water is likely to cause breach of peace.
- 146. Power to attach subject of dispute and to appoint receiver.
- 147. Dispute concerning right of use of land or water.
- 148. Local inquiry.

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- 149. Police to prevent cognizable offences.
- 150. Information of design to commit cognizable offences.
- 151. Arrest to prevent the commission of cognizable offences.
- 152. Prevention of injury to public property.
- 153. Inspection of weights and measures.

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- 154. Information in cognizable cases.
- 155. Information as to non-cognizable cases and investigation of such cases.

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- 156. Police officer's power to investigate cognizable case.
- 157. Procedure for investigation.
- 158. Report how submitted.
- 159. Power to hold investigation or preliminary inquiry.
- 160. Police officer's power to require attendance of witnesses.
- 161. Examination of witnesses by police.
- 162. Statements to police not to be signed: Use of statements in evidence.
- 163. No inducement to be offered.
- 164. Recording of confessions and statements.
- 164A. Medical examination of the victim of rape.
- 165. Search by police officer.
- 166. When officer in charge of police station may require another to issue search-warrant.
- 166A. Letter of request to competent authority for investigation in a country or place outside India.
- 166B. Letter of request from a country or place outside India to a Court or an authority for investigation in India.
- 167. Procedure when investigation cannot be completed in twenty-four hours.
- 168. Report of investigation by subordinate police officer.
- 169. Release of accused when evidence deficient.
- 170. Cases to be sent to Magistrate, when evidence is sufficient.
- 171. Complainant and witnesses not to be required to accompany police officer and not to be subjected to restraint.
- 172. Diary of proceedings in investigation.
- 173. Report of police officer on completion of investigation.
- 174. Police to enquire and report on suicide, etc.
- 175. Power to summon persons.
- 176. Inquiry by Magistrate into cause of death.

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- 177. Ordinary place of inquiry and trial.
- 178. Place of inquiry or trial.
- 179. Offence triable where act is done or consequence ensues.
- 180. Place of trial where act is an offence by reason of relation to other offence.
- 181. Place of trial in case of certain offences.
- 182. Offences committed by letters, etc.
- 183. Offence committed on journey or voyage.
- 184. Place of trial for offences triable together.
- 185. Power to order cases to be tried in different sessions divisions.
- 186. High Court to decide, in case of doubt, district where inquiry or trial shall take place.
- 187. Power to issue summons or warrant for offence committed beyond local jurisdiction.

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- 188. Offence committed outside India.
- 189. Receipt of evidence relating to offences committed outside India.

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- 190. Cognizance of offences by Magistrates.
- 191. Transfer on application of the accused.
- 192. Making over of cases to Magistrates.
- 193. Cognizance of offences by Courts of Session.
- 194. Additional and Assistant Sessions Judges to try cases made over to them.
- 195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.
- 195A. Procedure for witnesses in case of threatening, etc.
- 196. Prosecution for offences against the State and for criminal conspiracy to commit such offence.
- 197. Prosecution of Judges and public servants.
- 198. Prosecution for offences against marriage.
- 198A. Prosecution of offences under section 498A of the Indian Penal Code.
- 198B. Cognizance of offence.
- 199. Prosecution for defamation.

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- 200. Examination of complainant.
- 201. Procedure by Magistrate not competent to take cognizance of the case.
- 202. Postponement of issue of process.
- 203. Dismissal of complaint.

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- 204. Issue of process.
- 205. Magistrate may dispense with personal attendance of accused.
- 206. Special summons in cases of petty offence.
- 207. Supply to the accused of copy of police report and other documents.
- 208. Supply of copies of statements and documents to accused in other cases triable by Court of Session.
- 209. Commitment of case to Court of Session when offence is triable exclusively by it.
- 210. Procedure to be followed when there is a complaint case and police investigation in respect of the same offence.

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THE CHARGE

A.—Form of charges

- 211. Contents of charge.
- 212. Particulars as to time, place and person.

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- 213. When manner of committing offence must be stated.
- 214. Words in charge taken in sense of law under which offence is punishable.
- 215. Effect of errors.
- 216. Court may alter charge.
- 217. Recall of witnesses when charge altered.

B.—Joinder of charges

- 218. Separate charges for distinct offences.
- 219. Three offences of same kind within year may be charged together.
- 220. Trial for more than one offence.
- 221. Where it is doubtful what offence has been committed.
- 222. When offence proved included in offence charged.
- 223. What persons may be charged jointly.
- 224. Withdrawal of remaining charges on conviction on one of several charges.

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- 225. Trial to be conducted by Public Prosecutor.
- 226. Opening case for prosecution.
- 227. Discharge.
- 228. Framing of charge.
- 229. Conviction on plea of guilty.
- 230. Date for prosecution evidence.
- 231. Evidence for prosecution.
- 232. Acquittal.
- 233. Entering upon defence.
- 234. Arguments.
- 235. Judgment of acquittal or conviction.
- 236. Previous conviction.
- 237. Procedure in cases instituted under section 199(2).

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- 238. Compliance with section 207.
- 239. When accused shall be discharged.
- 240. Framing of charge.
- 241. Conviction on plea of guilty.
- 242. Evidence for prosecution.
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B.—Cases instituted otherwise than on police report

- 244. Evidence for prosecution.
- 245. When accused shall be discharged.
- 246. Procedure where accused is not discharged.
- 247. Evidence for defence.

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- 248. Acquittal or conviction.
- 249. Absence of complainant.
- 250. Compensation for accusation without reasonable cause.

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- 251. Substance of accusation to be stated.
- 252. Conviction on plea of guilty.
- 253. Conviction on plea of guilty in absence of accused in petty cases.
- 254. Procedure when not convicted.
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- 257. Withdrawal of complaint.
- 258. Power to stop proceedings in certain cases.
- 259. Power of Court to convert summons-cases into warrant-cases.

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- 260. Power to try summarily.
- 261. Summary trial by Magistrate of the second class.
- 262. Procedure for summary trials.
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- 265A. Application of the Chapter.
- 265B. Application for plea bargaining.
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- 265D. Report of the mutually satisfactory disposition to be submitted before the Court.
- 265E. Disposal of the case.
- 265F. Judgment of the Court.
- 265G. Finality of the judgment.
- 265H. Power of the Court in plea bargaining.

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- 265-I. Period of detention undergone by the accused to be set-off against the sentence of imprisonment.
- 265J. Savings.
- 265K. Statements of accused not to be used.
- 265L. Non-application of the Chapter.

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- 266. Definitions.
- 267. Power to require attendance of prisoners.
- 268. Power of State Government to exclude certain persons from operation of section 267.
- 269. Officer in charge of prison to abstain from carrying out order in certain contingencies.
- 270. Prisoner to be brought to Court in custody.
- 271. Power to issue commission for examination of witness in prison.

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A.—Mode of taking and recording evidence

- 272. Language of Courts.
- 273. Evidence to be taken in presence of accused.
- 274. Record in summons-cases and inquiries.
- 275. Record in warrant-cases.
- 276. Record in trial before Court of Session.
- 277. Language of record of evidence.
- 278. Procedure in regard to such evidence when completed.
- 279. Interpretation of evidence to accused or his pleader.
- 280. Remarks respecting demeanour of witness.
- 281. Record of examination of accused.
- 282. Interpreter to be bound to interpret truthfully.
- 283. Record in High Court.

B.—Commissions for the examination of witnesses

- 284. When attendance of witness may be dispensed with and commission issued.
- 285. Commission to whom to be issued.
- 286. Execution of commissions.
- 287. Parties may examine witnesses.
- 288. Return of commission.
- 289. Adjournment of proceeding.
- 290. Execution of foreign commissions.
- 291. Deposition of medical witness.
- 291A. Identification report of Magistrate.

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- 292. Evidence of officers of the Mint.
- 293. Reports of certain Government scientific experts.
- 294. No formal proof of certain documents.
- 295. Affidavit in proof of conduct of public servants.
- 296. Evidence of formal character on affidavit.
- 297. Authorities before whom affidavits may be sworn.
- 298. Previous conviction or acquittal how proved.
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- 301. Appearance by Public Prosecutors.
- 302. Permission to conduct prosecution.
- 303. Right of person against whom proceedings are instituted to be defended.
- 304. Legal aid to accused at State expense in certain cases.
- 305. Procedure when corporation or registered society is an accused.
- 306. Tender of pardon to accomplice.
- 307. Power to direct tender of pardon.
- 308. Trial of person not complying with conditions of pardon.
- 309. Power to postpone or adjourn proceedings.
- 310. Local inspection.
- 311. Power to summon material witness, or examine person present.
- 311A. Power of Magistrate to order person to give specimen signatures or handwriting.
- 312. Expenses of complainants and witnesses.
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- 314. Oral arguments and memorandum of arguments.
- 315. Accused person to be competent witness.
- 316. No influence to be used to induce disclosure.
- 317. Provision for inquiries and trial being held in the absence of accused in certain cases.
- 318. Procedure where accused does not understand proceedings.
- 319. Power to proceed against other persons appearing to be guilty of offence.
- 320. Compounding of offences.
- 321. Withdrawal from prosecution.
- 322. Procedure in cases which Magistrate cannot dispose of.
- 323. Procedure when, after commencement of inquiry or trial, Magistrate finds case should be committed.
- 324. Trial of persons previously convicted of offences against coinage, stamp-law or property.
- 325. Procedure when Magistrate cannot pass sentence sufficiently severe.

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- 326. Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.
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- 329. Procedure in case of person of unsound mind tried before Court.
- 330. Release of person of unsound mind pending investigation or trial.
- 331. Resumption of inquiry or trial.
- 332. Procedure on accused appearing before Magistrate or Court.
- 333. When accused appears to have been of sound mind.
- 334. Judgment of acquittal on ground of unsoundness of mind.
- 335. Person acquitted on such ground to be detained in safe custody.
- 336. Power of State Government to empower officer-in-charge to discharge.
- 337. Procedure where lunatic prisoner is reported capable of making his defence.
- 338. Procedure where lunatic detained is declared fit to be released.
- 339. Delivery of lunatic to care of relative or friend.

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- 341. Appeal.
- 342. Power to order costs.
- 343. Procedure of Magistrate taking cognizance.
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- 346. Procedure where Court considers that case should not be dealt with under section 345.
- 347. When Registrar or Sub-Registrar to be deemed a Civil Court.
- 348. Discharge of offender on submission of apology.
- 349. Imprisonment or committal of person refusing to answer or produce document.
- 350. Summary procedure for punishment for non-attendance by a witness in obedience to summons.
- 351. Appeals from convictions under sections 344, 345, 349 and 350.
- 352. Certain Judges and Magistrates not to try certain offences when committed before themselves.

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APPENDIX I.—[Extracts from the Code of Criminal Procedure (Amendment) Act, 2005 (25 of 2005).]

THE CODE OF CRIMINAL PROCEDURE, 1973
ACT NO. 2 OF 1974

[25th January, 1974.]

An Act to consolidate and amend the law relating to Criminal Procedure.

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

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Code of Criminal Procedure, 1973.

(2) It extends to the whole of India ^{1***}:

Provided that the provisions of this Code, other than those relating to Chapters VIII, X and XI thereof, shall not apply—

- (a) to the State of Nagaland,
- (b) to the tribal areas,

but the concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications, as may be specified in the notification.

Explanation.—In this section, “tribal areas” means the territories which immediately before the 21st day of January, 1972, were included in the tribal areas of Assam, as referred to in paragraph 20 of the Sixth Schedule to the Constitution, other than those within the local limits of the municipality of Shillong.

(3) It shall come into force on the 1st day of April, 1974.

STATE AMENDMENT

Haryana

In the Code of Criminal Procedure (Haryana Amendment) Act, 2014,—In section 1, after figures “2014”, the words “as extended to the Union territory of Chandigarh” shall be inserted;

[Vide Notification No. GSR929(E) dated 16th December, 2019.]

2. Definitions.—In this Code, unless the context otherwise requires,—

(a) “bailable offence” means an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force; and “non-bailable offence” means any other offence;

(b) “charge” includes any head of charge when the charge contains more heads than one;

(c) “cognizable offence” means an offence for which, and “cognizable case” means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant;

(d) “complaint” means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an

1. The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

offence, but does not include a police report.

Explanation.—A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report is made shall be deemed to be the complainant;

(e) “High Court” means,—

(i) in relation to any State, the High Court for that State;

(ii) in relation to a Union territory to which the jurisdiction of the High Court for a State has been extended by law, that High Court;

(iii) in relation to any other Union territory, the highest Court of criminal appeal for that territory other than the Supreme Court of India;

(f) “India” means the territories to which this Code extends;

(g) “inquiry” means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court;

(h) “investigation” includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf;

(i) “judicial proceeding” includes any proceeding in the course of which evidence is or may be legally taken on oath;

(j) “local jurisdiction”, in relation to a Court or Magistrate, means the local area within which the Court or Magistrate may exercise all or any of its or his powers under this Code ¹[and such local area may comprise the whole of the State, or any part of the State, as the State Government may, by notification, specify];

(k) “metropolitan area” means the area declared, or deemed to be declared, under section 8, to be a metropolitan area;

(l) “non-cognizable offence” means an offence for which, and “non-cognizable case” means a case in which, a police officer has no authority to arrest without warrant;

(m) “notification” means a notification published in the Official Gazette;

(n) “offence” means any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871 (1 of 1871);

(o) “officer in charge of a police station” includes, when the officer in charge of the police station is absent from the station-house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the State Government so directs, any other police officer so present;

(p) “place” includes a house, building, tent, vehicle and vessel;

(q) “pleader”, when used with reference to any proceeding in any Court, means a person authorised by or under any law for the time being in force, to practise in such Court, and includes any other person appointed with the permission of the Court to act in such proceeding;

(r) “police report” means a report forwarded by a police officer to a Magistrate under sub-section (2) of section 173;

(s) “police station” means any post or place declared generally or specially by the State Government, to be a police station, and includes any local area specified by the State Government in this behalf;

1. Ins. by Act 45 of 1978, s. 2 (w.e.f. 18-12-1978).

- (t) “prescribed” means prescribed by rules made under this Code;
- (u) “Public Prosecutor” means any person appointed under section 24, and includes any person acting under the directions of a Public Prosecutor;
- (v) “sub-division” means a sub-division of a district;
- (w) “summons-case” means a case relating to an offence, and not being a warrant-case;
- ¹[(wa) “victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir;]
- (x) “warrant-case” means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years;
- (y) words and expressions used herein and not defined but defined in the Indian Penal Code (45 of 1860) have the meanings respectively assigned to them in that Code.

STATE AMENDMENT

Haryana

In section 2, for the words “State of Haryana”, the words “Union territory of Chandigarh” shall be substituted.

[Vide Notification No. GSR929(E) dated 16th December, 2019.]

3. Construction of references.—(1) In this Code,—

(a) any reference, without any qualifying words, to a Magistrate, shall be construed, unless the context otherwise requires,—

(i) in relation to an area outside a metropolitan area, as a reference to a Judicial Magistrate;

(ii) in relation to a metropolitan area, as a reference to a Metropolitan Magistrate;

(b) any reference to a Magistrate of the second class shall, in relation to an area outside a metropolitan area, be construed as a reference to a Judicial Magistrate of the second class, and, in relation to a metropolitan area, as a reference to a Metropolitan Magistrate;

(c) any reference to a Magistrate of the first class shall,—

(i) in relation to a metropolitan area, be construed as a reference to a Metropolitan Magistrate exercising jurisdiction in that area;

(ii) in relation to any other area, be construed as a reference to a Judicial Magistrate of the first class exercising jurisdiction in that area;

(d) any reference to the Chief Judicial Magistrate shall, in relation to a metropolitan area, be construed as a reference to the Chief Metropolitan Magistrate exercising jurisdiction in that area.

(2) In this Code, unless the context otherwise requires, any reference to the Court of a Judicial Magistrate shall, in relation to a metropolitan area, be construed as a reference to the Court of the Metropolitan Magistrate for that area.

(3) Unless the context otherwise requires, any reference in any enactment passed before the commencement of this Code,—

(a) to a Magistrate of the first class, shall be construed as a reference to a Judicial Magistrate of the first class;

1. Ins. by Act 5 of 2009, s. 2 (w.e.f. 31-12-2009).

THE INDIAN PENAL CODE

ARRANGEMENT OF SECTIONS

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- 145. Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
- 146. Rioting.
- 147. Punishment for rioting.
- 148. Rioting, armed with deadly weapon.
- 149. Every member of unlawful assembly guilty of offence committed in prosecution of common object.
- 150. Hiring, or conniving at hiring, of persons to join unlawful assembly.
- 151. Knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse.
- 152. Assaulting or obstructing public servant when suppressing riot, etc.
- 153. Wantonly giving provocation, with intent to cause riot—
if rioting be committed; if not committed.
- 153A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence.
language, etc., and doing acts prejudicial to maintenance of harmony.
Offence committed in place of worship, etc.
- 153AA. Punishment for knowingly carrying arms in any procession or organizing, or holding or taking part in
any mass drill or mass training with arms.
- 153B. Imputation, assertions prejudicial to national-integration.
- 154. Owner or occupier of land on which an unlawful assembly is held.
- 155. Liability of person for whose benefit riot is committed.
- 156. Liability of agent of owner or occupier for whose benefit riot is committed.
- 157. Harbouring persons hired for an unlawful assembly.

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- 158. Being hired to take part in an unlawful assembly or riot; or to go armed.
- 159. Affray.
- 160. Punishment for committing affray.

CHAPTER IX OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

- 161. *[Repealed.]*.
- 162. *[Repealed.]*.
- 163. *[Repealed.]*.
- 164. *[Repealed.]*.
- 165. *[Repealed.]*.
- 165A. *[Repealed.]*.
- 166. Public servant disobeying law, with intent to cause injury to any person.
- 166A. Public servant disobeying direction under law.
- 166B. Punishment for non-treatment of victim.
- 167. Public servant framing an incorrect document with intent to cause injury.
- 168. Public servant unlawfully engaging in trade.
- 169. Public servant unlawfully buying or bidding for property.
- 170. Personating a public servant.
- 171. Wearing garb or carrying token used by public servant with fraudulent intent.

CHAPTER IXA OF OFFENCES RELATING TO ELECTIONS

- 171A. "Candidate", "Electoral right" defined.
- 171B. Bribery.
- 171C. Undue influence at elections.
- 171D. Personation at elections.
- 171E. Punishment for bribery.
- 171F. Punishment for undue influence or personation at an election.
- 171G. False statement in connection with an election.
- 171H. Illegal payments in connection with an election.
- 171-I. Failure to keep election accounts.

CHAPTER X OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

- 172. Absconding to avoid service of summons of other proceeding.
- 173. Preventing service of summons or other proceeding, or preventing publication thereof.
- 174. Non-attendance in obedience to an order from public servant.
- 174A. Non-appearance in response to a proclamation under section 82 of Act 2 of 1974.
- 175. Omission to produce document to public servant by person legally bound to produce it.
- 176. Omission to give notice or information to public servant by person legally bound to give it.
- 177. Furnishing false information.
- 178. Refusing oath or affirmation when duly required by public servant to make it.
- 179. Refusing to answer public servant authorised to question.
- 180. Refusing to sign statement.
- 181. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation.
- 182. False information, with intent to cause public servant to use his lawful power to the injury of another person.
- 183. Resistance to the taking of property by the lawful authority of a public servant.
- 184. Obstructing sale of property offered for sale by authority of public servant.
- 185. Illegal purchase or bid for property offered for sale by authority of public servant.
- 186. Obstructing public servant in discharge of public functions.
- 187. Omission to assist public servant when bound by law to give assistance.
- 188. Disobedience to order duly promulgated by public servant.
- 189. Threat of injury to public servant.
- 190. Threat of injury to induce person to refrain from applying for protection to public servant.

CHAPTER XI OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

- 191. Giving false evidence.

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192. Fabricating false evidence.
193. Punishment for false evidence.
194. Giving or fabricating false evidence with intent to procure conviction of capital offence.
if innocent person be thereby convicted and executed.
195. Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.
- 195A. Threatening any person to give false evidence.
196. Using evidence known to be false.
197. Issuing or signing false certificate.
198. Using as true a certificate known to be false.
199. False statement made in declaration which is by law receivable as evidence.
200. Using as true such declaration knowing it to be false.
201. Causing disappearance of evidence of offence, or giving false information, to screen offender—
if a capital offence;
if punishable with imprisonment for life;
if punishable with less than ten Years' imprisonment.
202. Intentional omission to give information of offence by person bound to inform.
203. Giving false information respecting an offence committed.
204. Destruction of document to prevent its production as evidence.
205. False personation for purpose of act or proceeding in suit or prosecution.
206. Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution.
207. Fraudulent claim to property to prevent its seizure as forfeited or in execution.
208. Fraudulently suffering decree for sum not due.
209. Dishonestly making false claim in Court.
210. Fraudulently obtaining decree for sum not due.
211. False charge of offence made with intent to injure.
212. Harboursing offender.—
if a capital offence;
if punishable with imprisonment for life, or with imprisonment.
213. Taking gift, etc., to screen an offender from punishment.—
if a capital offence;
if punishable with imprisonment for life, or with imprisonment.
214. Offering gift or restoration of property in consideration of screening offender -
if a capital offence;
if punishable with imprisonment for life, or with imprisonment.
215. Taking gift to help to recover stolen property, etc.
216. Harboursing offender who has escaped from custody of whose apprehension has been ordered -
if a capital offence;
if punishable with imprisonment for life, or with imprisonment.
- 216A. Penalty for harbouring robbers or dacoits.
- 216B. [*Repealed.*]
217. Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
218. Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.
219. Public servant in judicial proceeding corruptly making report, etc., contrary to law.
220. Commitment for trial or confinement by person having authority who knows that he is acting contrary to law.
221. Intentional omission to apprehend on the part of public servant bound to apprehend.
222. Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed.
223. Escape from confinement or custody negligently suffered by public servant.
224. Resistance or obstruction by a person to his lawful apprehension.
225. Resistance or obstruction to lawful apprehension of another person.
- 225A. Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise, provided for.
- 225B. Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for.
226. [*Repealed.*]
227. Violation of condition of remission of punishment.
228. Intentional insult or interruption to public servant sitting in judicial proceeding.
- 228A. Disclosure of identity of the victim of certain offences, etc.
229. Personation of a juror or assessor.
- 229A. Failure by person released on bail or bond to appear in Court.

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SECTIONS

- 230. "Coin" defined.
Indian coin.
- 231. Counterfeiting coin.
- 232. Counterfeiting Indian coin.
- 233. Making or selling instrument for counterfeiting coin.
- 234. Making or selling instrument for counterfeiting Indian coin.
- 235. Possession of instrument or material for the purpose of using the same for counterfeiting coin:
if Indian coin.
- 236. Abetting in India the counterfeiting out of India of coin.
- 237. Import or export of counterfeit coin.
- 238. Import or export of counterfeits of the Indian coin.
- 239. Delivery of coin, possessed with knowledge that it is counterfeit.
- 240. Delivery of Indian coin, possessed with knowledge that it is counterfeit.
- 241. Delivery of coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.
- 242. Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.
- 243. Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.
- 244. Person employed in mint causing coin to be of different weight or composition from that fixed by law.
- 245. Unlawfully taking coining instrument from mint.
- 246. Fraudulently or dishonestly diminishing weight or altering composition of coin.
- 247. Fraudulently or dishonestly diminishing weight or altering composition of Indian coin.
- 248. Altering appearance of coin with intent that it shall pass as coin of different description.
- 249. Altering appearance of Indian coin with intent that it shall pass as coin of different description.
- 250. Delivery of coin, possessed with knowledge that it is altered.
- 251. Delivery of Indian coin, possessed with knowledge that it is altered.
- 252. Possession of coin by person who knew it to be altered when he became possessed thereof.
- 253. Possession of Indian coin by person who knew it to be altered when he became possessed thereof.
- 254. Delivery of coin as genuine which, when first possessed, the deliverer did not know to be altered.
- 255. Counterfeiting Government stamp.
- 256. Having possession of instrument or material for 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.
- 261. Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it,
with intent to cause loss to Government.
- 262. Using Government stamp known to have been before used.
- 263. Erasure of mark denoting that stamp has been used.
- 263A. Prohibition of fictitious stamps.

CHAPTER XIII OF OFFENCES RELATING TO WEIGHTS AND MEASURES

- 264. Fraudulent use of false instrument for weighing.
- 265. Fraudulent use of false weight or measure.
- 266. Being In possession of false weight or measure.
- 267. Making or selling false weight or measure.

CHAPTER XIV OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS

- 268. Public nuisance.
- 269. Negligent act likely to spread infection of disease dangerous to life.
- 270. Malignant act likely to spread infection of disease dangerous to life.
- 271. Disobedience to quarantine rule.
- 272. Adulteration of food or drink intended for sale.
- 273. Sale of noxious food or drink.
- 274. Adulteration of drugs.

SECTIONS

- 275. Sale of adulterated drugs.
- 276. Sale of drug as a different drug or preparation.
- 277. Fouling water of public spring or reservoir.
- 278. Making atmosphere noxious to health.
- 279. Rash driving or riding on a public way.
- 280. Rash navigation of vessel.
- 281. Exhibition of false light, mark or buoy.
- 282. Conveying person by water for hire in unsafe or overloaded vessel.
- 283. Danger or obstruction in public way or line of navigation.
- 284. Negligent conduct with respect to poisonous substance.
- 285. Negligent conduct with respect to fire or combustible matter.
- 286. Negligent conduct with respect to explosive substance.
- 287. Negligent conduct with respect to machinery.
- 288. Negligent conduct with respect to pulling down or repairing buildings.
- 289. Negligent conduct with respect to animal.
- 290. Punishment for public nuisance in cases not otherwise provided for.
- 291. Continuance of nuisance after injunction to discontinue.
- 292. Sale, etc., of obscene books, etc.
- 293. Sale, etc., of obscene objects to young person.
- 294. Obscene acts and songs.
- 294A. Keeping lottery office.

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- 295. Injuring or defiling place of worship, with intent to insult the religion of any class.
- 295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.
- 296. Disturbing religious assembly.
- 297. Trespassing on burial places, etc.
- 298. Uttering words, etc., with deliberate intent to wound the religious feelings.

CHAPTER XVI OF OFFENCES AFFECTING THE HUMAN BODY

Of offences affecting life

- 299. Culpable homicide.
- 300. Murder.
 - When culpable homicide is not murder.
- 301. Culpable homicide by causing death of person other than person whose death was intended.
- 302. Punishment for murder.
- 303. Punishment for murder by life-convict.
- 304. Punishment for culpable homicide not amounting to murder.
- 304A. Causing death by negligence.
- 304B. Dowry death.
- 305. Abetment of suicide of child or insane person.
- 306. Abetment of suicide.
- 307. Attempt to murder.
 - Attempts by life-convicts.
- 308. Attempt to commit culpable homicide.
- 309. Attempt to commit suicide.
- 310. Thug.
- 311. Punishment.

Of the causing of Miscarriage, of Injuries to unborn Children, of the Exposure of Infants, and of the concealment of Births

- 312. Causing miscarriage.
- 313. Causing miscarriage without woman's consent.
- 314. Death caused by act done with intent to cause miscarriage.
 - if act done without woman's consent.
- 315. Act done with intent to prevent child being born alive or to cause it to die after birth.
- 316. Causing death of quick unborn child by act amounting to culpable homicide.

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- 317. Exposure and abandonment of child under twelve years, by parent or person having care of it.
- 318. Concealment of birth by secret disposal of dead body.

Of Hurt

- 319. Hurt.
- 320. Grievous hurt.
- 321. Voluntarily causing hurt.
- 322. Voluntarily causing grievous hurt.
- 323. Punishment for voluntarily causing hurt.
- 324. Voluntarily causing hurt by dangerous weapons or means.
- 325. Punishment for voluntarily causing grievous hurt.
- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 326A. Voluntarily causing grievous hurt by use of acid, etc.
- 326B. Voluntarily throwing or attempting to throw acid.
- 327. Voluntarily causing hurt to extort property, or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc., with intent to commit an offence.
- 329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 330. Voluntarily causing hurt to extort confession, or to compel restoration of property.
- 331. Voluntarily causing grievous hurt to extort confession, or to compel restoration of property.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.
- 334. Voluntarily causing hurt on provocation.
- 335. Voluntarily causing grievous hurt on provocation.
- 336. Act endangering life or personal safety of others.
- 337. Causing hurt by act endangering life or personal safety of others.
- 338. Causing grievous hurt by act endangering life or personal safety of others.

Of wrongful restraint and wrongful confinement

- 339. Wrongful restraint.
- 340. Wrongful confinement.
- 341. Punishment for wrongful restraint.
- 342. Punishment for wrongful confinement.
- 343. Wrongful confinement for three or more days.
- 344. Wrongful confinement for ten or more days.
- 345. Wrongful confinement of person for whose liberation writ has been issued.
- 346. Wrongful confinement in secret.
- 347. Wrongful confinement to extort property, or constrain to illegal act.
- 348. Wrongful confinement to extort confession, or compel restoration of property.

Of Criminal Force and Assault

- 349. Force.
- 350. Criminal force.
- 351. Assault.
- 352. Punishment for assault or criminal force otherwise than on grave provocation.
- 353. Assault or criminal force to deter public servant from discharge of his duty.
- 354. Assault or criminal force to woman with intent to outrage her modesty.
- 354A. Sexual harassment and punishment for sexual harassment.
- 354B. Assault or use of criminal force to woman with intent to disrobe.
- 354C. Voyeurism.
- 354D. Stalking.
- 355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation.
- 356. Assault or criminal force in attempt to commit theft of property carried by a person.
- 357. Assault or criminal force in attempt wrongfully to confine a person.
- 358. Assault or criminal force on grave provocation.

Of Kidnapping, Abduction, Slavery and Forced Labour

- 359. Kidnapping.
- 360. Kidnapping from India.
- 361. Kidnapping from lawful guardianship.
- 362. Abduction.
- 363. Punishment for kidnapping.
- 363A. Kidnapping or maiming a minor for purposes of begging.
- 364. Kidnapping or abducting in order to murder.

SECTIONS

- 364A. Kidnapping for ransom, etc.
- 365. Kidnapping or abducting with intent secretly and wrongfully to confine person.
- 366. Kidnapping, abducting or inducing woman to compel her marriage, etc.
- 366A. Procuration of minor girl.
- 366B. Importation of girl from foreign country.
- 367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.
- 368. Wrongfully concealing or keeping in confinement, kidnapped or abducted person.
- 369. Kidnapping or abducting child under ten years with intent to steal from its person.
- 370. Trafficking of person.
- 370A. Exploitation of a trafficked person.
- 371. Habitual dealing in slaves.
- 372. Selling minor for purposes of prostitution, etc.
- 373. Buying minor for purposes of prostitution, etc.
- 374. Unlawful compulsory labour.

Sexual offences

- 375. Rape.
- 376. Punishment for rape.
- 376A. Punishment for causing death or resulting in persistent vegetative state of victim.
- 376B. Sexual intercourse by husband upon his wife during separation.
- 376C. Sexual intercourse by a person in authority.
- 376D. Gang rape.
- 376DA. Punishment for gang rape on woman under sixteen years of age.
- 376DB. Punishment for gang rape on woman under twelve years of age.
- 376E. Punishment for repeat offenders.

Of Unnatural offences

- 377. Unnatural offences.

CHAPTER XVII OF OFFENCES AGAINST PROPERTY

Of Theft

- 378. Theft.
- 379. Punishment for theft.
- 380. Theft in dwelling house, etc.
- 381. Theft by clerk or servant of property in possession of master.
- 382. Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.

Of Extortion

- 383. Extortion.
- 384. Punishment for extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death on grievous hurt.
- 387. Putting person in fear of death or of grievous hurt, in order to commit extortion.
- 388. Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc.
- 389. Putting person in fear of accusation of offence, in order to commit extortion.

Of Robbery and Dacoity

- 390. Robbery.
 - When theft is robbery.
 - When extortion is robbery.
- 391. Dacoity.
- 392. Punishment for robbery.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery.
- 395. Punishment for dacoity.
- 396. Dacoity with murder.
- 397. Robbery, or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 400. Punishment for belonging to gang of dacoits.
- 401. Punishment for belonging to gang of thieves.
- 402. Assembling for purpose of committing dacoity.

Of Criminal Misappropriation of Property

SECTIONS

- 403. Dishonest misappropriation of property.
- 404. Dishonest misappropriation of property possessed by deceased person at the time of his death.

Of Criminal Breach of Trust

- 405. Criminal breach of trust.
- 406. Punishment for criminal breach of trust.
- 407. Criminal breach of trust by carrier, etc.
- 408. Criminal breach of trust by clerk or servant.
- 409. Criminal breach of trust by public, servant. or by banker, merchant or agent.

Of the Receiving of Stolen Property

- 410. Stolen property.
- 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.

Of Cheating

- 415. Cheating.
- 416. Cheating by personation.
- 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 property.

Of Fraudulent Deeds and Dispositions of Property

- 421. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditor.
- 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.

Of Mischief

- 425. Mischief.
- 426. Punishment for mischief.
- 427. Mischief causing damage to the amount of fifty rupees.
- 428. Mischief by killing or maiming animal of the value of ten rupees.
- 429. Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees.
- 430. Mischief by injury to works of irrigation or by wrongfully diverting water.
- 431. Mischief by injury to public road, bridge, river or channel.
- 432. Mischief by causing inundation or obstruction to public drainage attended with damage.
- 433. Mischief by destroying, moving or rendering less useful a light-house or sea-mark.
- 434. Mischief by destroying or moving, etc., a land-mark fixed by public authority.
- 435. Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten rupees.
- 436. Mischief by fire or explosive substance with intent to destroy house, etc.
- 437. Mischief with intent to destroy or make unsafe a decked vessel or one of twenty tons burden.
- 438. Punishment for the mischief described in section 437 committed by fire or explosive substance.
- 439. Punishment for intentionally running vessel aground, or ashore with intent to commit theft, etc.
- 440. Mischief committed after preparation made for causing death or hurt.

Of Criminal Trespass

- 441. Criminal trespass.
- 442. House-trespass.
- 443. Lurking house-trespass.
- 444. Lurking house-trespass by night.
- 445. House-breaking.
- 446. House-breaking by night.
- 447. Punishment for criminal trespass.
- 448. Punishment for house-trespass.
- 449. House-trespass in order to commit offence punishable with death.
- 450. House-trespass in order to commit offence punishable with imprisonment for life.
- 451. House-trespass in order to commit offence punishable with imprisonment.

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- 452. House-trespass after preparation for hurt, assault or wrongful restraint.
- 453. Punishment for lurking house-trespass or house-breaking.
- 454. Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.
- 455. Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint.
- 456. Punishment for lurking house-trespass or house-breaking by night.
- 457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault, or wrongful restraint.
- 459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
- 460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.
- 461. Dishonestly breaking open receptacle containing property.
- 462. Punishment for same offence when committed by person entrusted with custody.

CHAPTER XVIII

OF OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKS

- 463. Forgery.
- 464. Making a false document.
- 465. Punishment for forgery.
- 466. Forgery of record of Court or of public register, etc.
- 467. Forgery of valuable security, will, etc.
- 468. Forgery for purpose of cheating.
- 469. Forgery for purpose of harming reputation.
- 470. Forged document.
- 471. Using as genuine a forged document or electronic record.
- 472. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 467.
- 473. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise.
- 474. Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it as genuine.
- 475. Counterfeiting device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material.
- 476. Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material.
- 477. Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security.
- 477A. Falsification of accounts.

Of Property and Other Marks

- 478. *[Repealed.]*
- 479. Property mark.
- 480. *[Repealed.]*
- 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.
- 489. Tampering with property mark with intent to cause injury.

Of Currency-Notes and Bank-Notes

- 489A. Counterfeiting currency-notes or bank-notes.
- 489B. Using as genuine, forged or counterfeit currency-notes or bank-notes.
- 489C. Possession of forged or counterfeit currency notes or bank-notes.
- 489D. Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes.
- 489E. Making or using documents resembling currency-notes or bank-notes.

CHAPTER XIX

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE

- 490. *[Repealed.]*
- 491. Breach of contract to attend on and supply wants of helpless person.
- 492. *[Repealed.]*

CHAPTER XX OF OFFENCES RELATING TO MARRIAGE

SECTIONS

- 493. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.
- 494. Marrying again during life-time of husband or wife.
- 495. Same offence with concealment of former marriage from person with whom subsequent marriage is contracted.
- 496. Marriage ceremony fraudulently gone through without lawful marriage.
- 497. Adultery.
- 498. Enticing or taking away or detaining with criminal intent a married woman.

CHAPTER XXA OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND

- 498A. Husband or relative of husband of a woman subjecting her to cruelty.

CHAPTER XXI OF DEFAMATION

- 499. Defamation.
 - Imputation of truth which public good requires to be made or published.
 - Public conduct of public servants.
 - Conduct of any person touching any public question.
 - Publication of reports of proceedings of Courts.
 - Merits of case decided in Court or conduct of witnesses and others concerned.
 - Merits of public performance.
 - Censure passed in good faith by person having lawful authority over another.
 - Accusation preferred in good faith to authorised person.
 - Imputation made in good faith by person for protection of his or other's interests.
 - Caution intended for good of person to whom conveyed or for public good.
- 500. Punishment for defamation.
- 501. Printing or engraving matter known to be defamatory.
- 502. Sale of printed or engraved substance containing defamatory matter.

CHAPTER XXII OR CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

- 503. Criminal intimidation.
- 504. Intentional insult with intent to provoke breach of the peace.
- 505. Statements conducing to public mischief.
 - Statements creating or promoting enmity, hatred or ill-will between classes.
 - Offence under sub-section (2) committed in place of worship, etc.
- 506. Punishment for criminal intimidation.
 - If threat be to cause death or grievous hurt, etc.
- 507. Criminal intimidation by an anonymous communication.
- 508. Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure.
- 509. Word, gesture or act intended to insult the modesty of a woman.
- 510. Misconduct in public by a drunken person.

CHAPTER XXIII OF ATTEMPTS TO COMMIT OFFENCES

- 511. Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment.

THE INDIAN PENAL CODE

ACT NO. 45 OF 1860¹

[6th October, 1860.]

CHAPTER I

INTRODUCTION

Preamble.—WHEREAS it is expedient to provide a general Penal Code for ²[India]; It is enacted as follows:—

1. Title and extent of operation of the Code.—This Act shall be called the Indian Penal Code, and shall ³[extend to the whole of India ⁴[except the State of Jammu and Kashmir]].

2. Punishment of offences committed within India.—Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within ⁵[India] ⁶****.

3. Punishment of offences committed beyond, but which by law may be tried within, India.—Any person liable, by any ⁷[Indian law], to be tried for an offence committed beyond ⁸[India] shall be dealt with according to the provisions of this Code for any act committed beyond ⁸[India] in the same manner as if such act had been committed within ⁵[India].

⁹**[4. Extension of Code to extra-territorial offences.**—The provisions of this Code apply also to any offence committed by—

¹⁰[(1) any citizen of India in any place without and beyond India;

(2) any person on any ship or aircraft registered in India wherever it may be.]

¹¹[(3) any person in any place without and beyond India committing offence targeting a computer resource located in India.]

¹²[*Explanation.*—In this section—

(a) the word “offence” includes every act committed outside India which, if committed in India, would be punishable under this Code;

1. The Indian Penal Code has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941) and has been declared in force in—

Sonthal Parganas, by the Sonthal Parganas Settlement Regulation 1872 (3 of 1872) s. 2;
Panth Piploda, by the Panth Piploda Laws Regulation, 1929 (1 of 1929), s. 2 and the Sch.;
Khondmals District, by the Khondmals Laws Regulation, 1936 (4 of 1936), s. 3 and the Sch; and
Angul District, by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and the Sch.

It has been declared under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely: the United Provinces Tarai Districts, *see* Gazette of India, 1876, Pt. I, p. 505; the Districts of Hazaribagh, Lohardaga [now called the Ranchi District, *see* Calcutta Gazette, 1899, Pt. I, p. 44] and Manbhum and Pargana Dhalbhum and the Kolhan in the District of Singhbhum—*see* Gazette of India, 1881, Pt. I, p. 504.

It has been extended under s. 5 of the same Act to the Lushai Hills—*see* Gazette of India, 1898, Pt. II, p. 345.

The Act has been extended to Goa, Daman and Diu by Reg. 12 of 1962, s. 3 and Sch; to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I.; to Pondicherry by Reg. 7 of 1963, s. 3 and Sch. I and to Lakshadweep by Reg. 8 of 1965, s. 3 and Sch.

2. The words “British India” have successively been subs. by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, s. 3 and the Sch., to read as above.

3. The Original words have successively been amended by Act 12 of 1891, s. 2 and Sch. I, the A.O. 1937, the A.O. 1948 and the A.O. 1950 to read as above.

4. Subs. by Act 3 of 1951, s. 3 and the Sch., for “except Part B States”.

5. The original words “the said territories” have successively been amended by the A.O. 1937, the A.O. 1948, the A.O. 1950 and Act 3 of 1951, s. 3 and the Sch., to read as above.

6. The words and figures “on or after the said first day of May, 1861” rep. by Act 12 of 1891, s. 2 and the First Sch.

7. Subs. by the A.O. 1937, for “law passed by the Governor General of India in Council”.

8. The Original words “the limits of the said territories” have successively been amended by the A.O. 1937, the A.O. 1948, the A.O. 1950 and Act 3 of 1951, s. 3 and the Sch., to read as above.

9. Subs. by Act 4 of 1898, s. 2, for section 4.

10. Subs. by the A.O. 1950, for cls. (1) to (4).

11. Ins. by Act 10 of 2009, s. 51 (w.e.f. 27-10-2009).

12. Subs. by s. 51, *ibid.*, for the *Explanation* (w.e.f. 27-10-2009).

(b) the expression “computer resource” shall have the meaning assigned to it in clause (k) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000);]

¹[*Illustration*]

²***A, ³[who is ⁴[a citizen of India]], commits a murder in Uganda. He can be tried and convicted of murder in any place in ⁵[India] in which he may be found.

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⁷[**5. Certain laws not to be affected by this Act.**—Nothing in this Act shall affect the provisions of any Act for punishing mutiny and desertion of officers, soldiers, sailors or airmen in the service of the Government of India or the provisions of any special or local law.]

CHAPTER II

GENERAL EXPLANATIONS

6. Definitions in the Code to be understood subject to exceptions.—Throughout this Code every definition of an offence, every penal provision, and every *illustration* of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled “General Exceptions”, though those exceptions are not repeated in such definition, penal provision, or *illustration*.

Illustrations

(a) The sections, in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a police-officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that “nothing is an offence which is done by a person who is bound by law to do it”.

7. Sense of expression once explained.—Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

8. Gender.—The pronoun “he” and its derivatives are used of any person, whether male or female.

9. Number.—Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

10. “Man”. “Woman”.—The word “man” denotes a male human being of any age; the word “woman” denotes a female human being of any age.

11. “Person”.—The word “person” includes any Company or Association or body of persons, whether incorporated or not.

12. “Public”.—The word “public” includes any class of the public or any community.

13. [*Definition of “Queen”.*] *Omitted by the A. O. 1950.*

⁸[**14. “Servant of Government”.**—The words “servant of Government” denote any officer or servant servant continued, appointed or employed in India by or under the authority of Government.]

15. [*Definition of “British India”.*] *Rep. by the A. O. 1937.*

16. [*Definition of “Government of India”.*] *Rep., ibid.*

1. Subs. by Act 36 of 1957, s. 3 and Schedule II, for “*Illustrations*”

2. The brackets and letter “(a)” omitted by s. 3 and the Second Sch., *ibid.*

3. Subs. by the A.O. 1948, for “a coolie, who is a Native Indian subject”

4. Subs. by the A.O. 1950, for “a British subject of Indian domicile”.

5. The words “British India” have been successively amended by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, s. 3 and the Sch., to read as above.

6. *Illustrations* (b), (c) and (d) omitted by the A.O. 1950.

7. Subs., *ibid.*, for section 5.

8. Subs., *ibid.*, for section 14.

Gaining wrongfully/Losing wrongfully.—A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

24. “Dishonestly”.—Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing “dishonestly”.

25. “Fraudulently”.—A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise.

26. “Reason to believe”.—A person is said to have “reason to believe” a thing, if he has sufficient cause to believe that thing but not otherwise.

27. “Property in possession of wife, clerk or servant”.—When property is in the possession of a person's wife, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Code.

Explanation.—A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this section.

28. “Counterfeit”.—A person is said to “counterfeit” who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

¹[*Explanation 1.*—It is not essential to counterfeiting that the imitation should be exact.

Explanation 2.—When a person causes one thing to resemble another thing, and the resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised.]

29. “Document”.—The word “document” denotes any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.

Explanation 1.—It is immaterial by what means or upon what substance the letters, figures or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not.

Illustrations

A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.

A cheque upon a banker is a document.

A power-of-attorney is a document.

A map or plan which is intended to be used or which may be used as evidence, is a document.

A writing containing directions or instructions is a document.

Explanation 2.—Whatever is expressed by means of letters, figures or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

Illustration

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words “pay to the holder” or words to that effect had been written over the signature.

²[**29A. “Electronic record”.**—The words “electronic record” shall have the meaning assigned to them in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000).]

30. “Valuable security”.—The words “valuable security” denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished or

1. Subs. by Act 1 of 1889, s. 9, for the *Explanation*.

2. Ins. by Act 21 of 2000, s. 91 and the First Sch. (w.e.f. 17-10-2000).

released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the unlawful holder of it, the endorsement is a “valuable security”.

31. “A will”.—The words “a will” denote any testamentary document.

32. Words referring to acts include illegal omissions.—In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

33. “Act”. “Omission”.—The word “act” denotes as well as series of acts as a single act: the word “omission” denotes as well a series of omissions as a single omission.

¹**[34. Acts done by several persons in furtherance of common intention.**—When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.]

35. When such an act is criminal by reason of its being done with a criminal knowledge or intention.—Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

36. Effect caused partly by act and partly by omission.—Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Illustration

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

37. Co-operation by doing one of several acts constituting an offence.—When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

Illustrations

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement with intent to murder Z. Z dies from the effects the several doses of poison so administered to him. Here A and B intentionally cooperate in the commission of murder and as each of them does an act by which the death is caused, they are both guilty of the offence though their acts are separate.

(b) A and B are joint jailors, and as such have the charge of Z, a prisoner, alternatively for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder, but, as A did not co-operate with B. A is guilty only of an attempt to commit murder.

38. Persons concerned in criminal act may be guilty of different offences.—Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

Illustration

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B, having ill-will towards Z and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

1. Subs. by Act 27 of 1870, s. 1, for section 34.

39. “Voluntarily”.—A person is said to cause an effect “voluntarily” when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

Illustration

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery and thus causes the death of a person. Here, A may not have intended to cause death; and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily.

¹**[40. “Offence”.**—Except in the ²[Chapters] and sections mentioned in clauses 2 and 3 of this section, the word “offence” denotes a thing made punishable by this Code.

In Chapter IV, ³[Chapter VA] and in the following sections, namely, sections ⁴[64, 65, 66, ⁵[67], 71], 109, 110, 112, 114, 115, 116, 117,⁶[118, 119 and 120] 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word “offence” denotes a thing punishable under this Code, or under any special or local law as hereinafter defined.

And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word “offence” has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.]

41. “Special law”.—A “special law” is a law applicable to a particular subject.

42. “Local law”.—A “local law” is a law applicable only to a particular part of ⁷[⁸***⁹[India]].

43. “Illegal”. “Legally bound to do”.—The word “illegal” is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be “legally bound to do” whatever it is illegal in him to omit.

44. “Injury”.—The word “injury” denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

45. “Life”.—The word “life” denotes the life of a human being, unless the contrary appears from the context.

46. “Death”.—The word “death” denotes the death of a human being unless the contrary appears from the context.

47. “Animal”.—The word “animal” denotes any living creature, other than a human being.

48. “Vessel”.—The word “vessel” denotes anything made for the conveyance by water of human beings or of property.

49. “Year”. “Month”.—Wherever the word “year” or the word “month” is used, it is to be understood that the year or the month is to be reckoned according to the British calendar.

50. “Section”.—The word “section” denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

51. “Oath”.—The word “oath” includes a solemn affirmation substituted by law for an oath, and any declaration required or authorised by law to be made before a public servant or to be used for the purpose of proof, whether in a Court of Justice or not.

52. “Good faith”.—Nothing is said to be done or believed in “good faith” which is done or believed without due care and attention.

1. Subs. by Act 27 of 1870, s. 2, for section 40.

2. Subs. by Act 8 of 1930, s. 2 and the First Sch., for “Chapter”.

3. Ins. by Act 8 of 1913, s. 2.

4. Ins. by Act 8 of 1882, s. 1.

5. Ins. by Act 10 of 1886, s. 21 (I).

6. Ins. by Act 10 of 2009, s. 51 (w.e.f. 27-10-2009).

7. Subs. by the A.O. 1948, for “British India”.

8. The words “the territories comprised in” omitted by Act 48 of 1952, s. 3 and the Second Sch.

9. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the States” which had been subs. by the A.O. 1950, for “the Provinces”.

THE CODE OF CIVIL PROCEDURE, 1908

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Frame of Suit

1. Frame of suit.
2. Suit to include the whole claim.
 - Relinquishment of part of claim.
 - Omission to sue for one of several reliefs.
3. Joinder of causes of action.
4. Only certain claims to be joined for recovery of immovable property.
5. Claims by or against executor, administrator or heir.
6. Power of Court to order separate trials.
7. Objections as to misjoinder.

ORDER III

Recognized Agents and Pleadings

1. Appearances, etc., may be in person, by recognised agent or by pleader.
2. Recognised agents.
3. Service of process on recognised agent.
4. Appointment of pleader.
5. Service of process on pleader.
6. Agent to accept service.
 - Appointment to be in writing and to be filed in Court.

ORDER IV

Institution of suits

RULES

1. Suit to be commenced by plaintiff.
2. Register of suits.

ORDER V

Issue and Service of Summons

Issue of summons

1. Summons.
2. Copy of plaint annexed to summons.
3. Court may order defendant or plaintiff to appear in person.
4. No party to be ordered to appear in person unless resident within certain limits.
5. Summons to be either to settle issues or for final disposal.
6. Fixing day for appearance of defendant.
7. Summons to order defendant to produce documents relied on by him.
8. On issue of summons for final disposal, defendant to be directed to produce his witnesses.

Service of Summons

9. Delivery of summons by Court.
- 9A. Summons given to the plaintiff for service.
10. Mode of service.
11. Service on several defendants.
12. Service to be on defendant in person when practicable, or on his agent.
13. Service on agent by whom defendant carries on business.
14. Service on agent in charge in suits for immovable property.
15. Where service may be on an adult member of defendant's family.
16. Person served to sign acknowledgement.
17. Procedure when defendant refuses to accept service, or cannot be found.
18. Endorsement of time and manner of service.
19. Examination of serving officer.
- 19A. [Omitted].
20. Substituted service.
 - Effect of substituted service.
 - Where service substituted, time for appearance to be fixed.
- 20A. [Repealed].
21. Service of summons where defendant resides within jurisdiction of another Court.
22. Service within presidency-towns of summons issued by Courts outside.
23. Duty of Court to which summons is sent.

RULES

24. Service on defendant in prison.
25. Service where defendant resides out of India and has no agent.
26. Service in foreign territory through Political Agent or Court.
- 26A. Summonses to be sent to officers to foreign countries.
27. Service on civil public officer or on servant of railway company or local authority.
28. Service on soldiers, sailors or airmen.
29. Duty of person to whom summons is delivered or sent for service.
30. Substitution of letter for summons.

ORDER VI

Pleadings Generally

1. Pleading.
2. Pleading to state material facts and not evidence.
3. Forms of pleading.
4. Particulars to be given where necessary.
5. [*Omitted.*].
6. Condition precedent.
7. Departure.
8. Denial of contract.
9. Effect of document to be stated.
10. Malice, knowledge, etc.
11. Notice.
12. Implied contract, or relation.
13. Presumptions of law.
14. Pleading to be signed.
- 14A. Address for service of notice.
15. Verification of pleadings.
16. Striking out pleadings.
17. Amendment of pleadings.
18. Failure to amend after order.

ORDER VII

Plaint

1. Particulars to be contained in plaint.
2. In money suits.
3. Where the subject-matter of the suit is immovable property.
4. When plaintiff sues as representative.
5. Defendant's interest and liability to be shown.
6. Grounds of exemption from limitation law.
7. Relief to be specifically stated.

RULES

8. Relief founded on separate grounds.
9. Procedure on admitting plaint.
10. Return of plaint.
Procedure on returning plaint.
- 10A. Power of Court to fix a date of appearance in the Court where plaint is to be filed after its return.
- 10B. Power of appellate Court to transfer suit to the proper Court.
11. Rejection of plaint.
12. Procedure on rejecting plaint.
13. Where rejection of plaint does not preclude presentation of fresh plaint.

Documents relied on in Plaint

14. Production of document on which plaintiff sues or relies.
15. [*Omitted.*].
16. Suits on lost negotiable instruments.
17. Production of shop-book.
Original entry to be marked and returned.
18. [*Omitted.*].

ORDER VIII

Written statement, set-off and counter-claim

1. Written statement.
- 1A. Duty of defendant to produce documents upon which relief is claimed or relied upon by him.
2. New facts must be specially pleaded.
3. Denial to be specific.
4. Evasive denial.
5. Specific denial.
6. Particulars of set-off to be given in written statement.
Effect of set-off.
- 6A. Counter-claim by defendant.
- 6B. Counter-claim to be stated.
- 6C. Exclusion of counter-claim.
- 6D. Effect of discontinuance of suit.
- 6E. Default of plaintiff to reply to counter-claim.
- 6F. Relief to defendant where counter-claim succeeds.
- 6G. Rules relating to written statement to apply.
7. Defence or set-off founded upon separate grounds.
8. New ground of defence.
- 8A. [*Omitted.*].
9. Subsequent pleadings.
10. Procedure when party fails to present written statement called for by Court.

ORDER IX

Appearance of Parties and Consequence of non-Appearance

1. Parties to appear on day fixed in summons for defendant to appear and answer.

RULES

2. Dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs.
3. Where neither party appears suit to be dismissed.
4. Plaintiff may bring fresh suit or Court may restore suit to file.
5. Dismissal of suit where plaintiff after summons returned unserved, fails for seven days to apply for fresh summons.
6. Procedure when only plaintiff appears.
 - When summons duly served.
 - When summons not duly served.
 - When summons served but not in due time.
7. Procedure where defendant appears on day of adjourned hearing and assigns good cause for previous non-appearance.
8. Procedure where defendant only appears.
9. Decree against plaintiff by default bars fresh suit.
10. Procedure in case of non-attendance of one or more of several plaintiffs.
11. Procedure in case of non-attendance of one or more of several defendants.
12. Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.

Setting aside Decree ex parte

13. Setting aside decree *ex parte* against defendant.
14. No decree to be set aside without notice to opposite party.

ORDER X

Examination of Parties by the Court

1. Ascertainment whether allegations in pleadings are admitted or denied.
 - 1A. Direction of the court to opt for any one mode of alternative dispute resolution.
 - 1B. Appearance before the conciliatory forum or authority.
 - 1C. Appearance before the court consequent to the failure of efforts of conciliation.
2. Oral examination of party, or companion of party.
3. Substance of examination to be written.
4. Consequence of refusal or inability of pleader to answer.

ORDER XI

Discovery and Inspection

1. Discovery by interrogatories.
2. Particular interrogatories to be submitted.
3. Costs of interrogatories.
4. Form of interrogatories.
5. Corporations.
6. Objections to interrogatories by answer.
7. Setting aside and striking out interrogatories.
8. Affidavit in answer, filing.
9. Form of affidavit in answer.
10. No exception to be taken.
11. Order to answer or answer further.

RULES

12. Application for discovery of documents.
13. Affidavit of documents.
14. Production of documents.
15. Inspection of documents referred to in pleadings or affidavits.
16. Notice to produce.
17. Time for inspection when notice given.
18. Order for inspection.
19. Verified copies.
20. Premature discovery.
21. Non-compliance with order for discovery.
22. Using answers to interrogatories at trial.
23. Order to apply to minors.

ORDER XII

Admissions

1. Notice of admission of case.
2. Notice to admit documents.
- 2A. Document to be deemed to be admitted if not denied after service of notice to admit documents.
3. Form of notice.
- 3A. Power of Court to record admission.
4. Notice to admit acts.
5. Form of admissions.
6. Judgment on admissions.
7. Affidavit of signature.
8. Notice to produce documents.
9. Costs.

ORDER XIII

Production, Impounding and Return of Documents

1. Original documents to be produced at or before the settlement of issues.
2. [*Omitted.*].
3. Rejection of irrelevant or inadmissible documents.
4. Endorsements on documents admitted in evidence.
5. Endorsements on copies of admitted entries in books, accounts and records.
6. Endorsements on documents rejected an inadmissible in evidence.
7. Recording of admitted and return of rejected documents.
8. Court may order any document to be impounded.
9. Return of admitted documents.
10. Court may sent for papers from its own records or from other Courts.
11. Provisions as to documents applied to material objects.

ORDER XIV

settlement of issues and determination of suit on issues of law or on Issues agreed upon

1. Framing of issues.
2. Court to pronounce judgment on all issues.

RULES

3. Materials from which issues may be framed.
4. Court may examine witnesses or documents before framing issues.
5. Power to amend and strike out, issues.
6. Questions of fact or law may by agreement be stated in form of issues.
7. Court, if satisfied that agreement was executed in good faith, may pronounce judgment.

ORDER XV

Disposal of the Suit at the First Hearing

1. Parties not at issue.
2. One of several defendants not at issue.
3. Parties at issue.
4. Failure to produce evidence.

ORDER XVI

Summoning and Attendance of Witnesses

1. List of witnesses and summons to witnesses.
- 1A. Production of witnesses without summons.
2. Expenses of witness to be paid into Court on applying for summons.
 - Experts.
 - Scale of expenses.
 - Expenses to be directly paid to witnesses.
3. Tender of expenses to witness.
4. Procedure where insufficient sum paid in.
 - Expenses of witnesses detained more than one day.
5. Time, place and purpose of attendance to be specified in summons.
6. Summons to produce document.
7. Power to require persons present in Court to give evidence or produce document.
- 7A. Summons given to the party for service.
8. Summons how served.
9. Time for serving summons.
10. Procedure where witness fails to comply with summons.
11. If witness appears, attachment may be withdrawn.
12. Procedure if witness fails to appear.
13. Mode of attachment.
14. Court may of its own accord summon as witnesses strangers to suit.
15. Duty of persons summoned to give evidence or produce document.
16. When they may depart.
17. Application of rules 10 to 13.
18. Procedure where witness apprehended cannot give evidence or produce document.
19. No witness to be ordered to attend in person unless resident within certain limits.
20. Consequence of refusal of party to give evidence when called on by Court.
21. Rules as to witnesses to apply to parties summoned.

ORDER XVI-A

Attendance of Witnesses Confined or Detained in Prisons

RULES

1. Definitions.
2. Power to require attendance of prisoners to give evidence.
3. Expenses to be paid into Court.
4. Power of State Government to exclude certain persons from the operation of rule 2.
5. Officer in charge of prison to abstain from carrying out order in certain cases.
6. Prisoner to be brought to Court in custody.
7. Power to issue commission for examination of witness in prison.

ORDER XVII

Adjournment

1. Court may grant time and adjourn hearing.
Costs of adjournment.
2. Procedure if parties fail to appear on day fixed.
3. Court may proceed notwithstanding either party fails to produce evidence, etc.

ORDER XVIII

Hearing of the Suit and Examination of Witnesses

1. Right to begin.
2. Statement and production of evidence.
3. Evidence where several issues.
- 3A. Party to appear before other witnesses.
4. Recording of evidence.
5. How evidence shall be taken in appealable cases.
6. When deposition to be interpreted.
7. Evidence under section 138.
8. Memorandum when evidence not taken down by Judge.
9. When evidence may be taken in English.
10. Any particular question and answer may be taken down.
11. Questions objected to and allowed by Court.
12. Remarks on demeanour of witnesses.
13. Memorandum of evidence in unappealable cases.
14. [*Omitted.*].
15. Power to deal with evidence taken before another Judge.
16. Power to examine witness immediately.
17. Court may recall and examine witness.
- 17A. [*Omitted.*].
18. Power of Court to inspect.
19. Power to get statements recorded on commission.

ORDER XIX

Affidavits

1. Power to order any point to be proved by affidavit.

RULES

2. Power to order attendance of deponent for cross-examination.
3. Matters to which affidavits shall be confined.

ORDER XX *Judgment and Decree*

1. Judgment when pronounced.
2. Power to pronounce judgment written by Judge's predecessor.
3. Judgment to be signed.
4. Judgments of Small Cause Courts.
Judgments of other Courts.
5. Court to state its decision on each issue.
- 5A. Court to inform parties as to where an appeal lies in cases where parties are not represented by pleaders.
6. Contents of decree.
- 6A. Preparation of Decree.
- 6B. Copies of judgments when to be made available.
7. Date of decree.
8. Procedure where Judge has vacated office before signing decree.
9. Decree for recovery of immovable property.
10. Decree for delivery of movable property.
11. Decree may direct payment by instalments.
Order, after decree, for payment by instalments.
12. Decree for possession and *mesne* profits.
- 12A. Decree for specific performance of contract for the sale or lease of immovable property.
13. Decree in administration-suit.
14. Decree in pre-emption-suit.
15. Decree in suit for dissolution of partnership.
16. Decree in suit for account between principal and agent.
17. Special directions as to accounts.
18. Decree in suit for partition of property or separate possession of a share therein.
19. Decree when set-off or counter-claim is allowed.
Appeal from decree relating to set-off or counter-claim.
20. Certified copies of judgment and decree to be furnished.

ORDER XXA *Costs*

1. Provisions relating to certain items.
2. Costs to be awarded in accordance with the rules made by High Court.

ORDER XXI *Execution of Decrees and Orders* *Payment under decree*

1. Modes of paying money under decree.
2. Payment out of Court to decree-holder.

Courts executing decrees

RULES

3. Lands situate in more than one jurisdiction.
4. Transfer to Court of Small Causes.
5. Mode of transfer.
6. Procedure where Court desires that its own decree shall be executed by another Court.
7. Court receiving copies of decree, etc., to file same without proof.
8. Execution of decree or order by Court to which it is sent.
9. Execution by High court of decree transferred by other Court.

Application for execution

10. Application for execution.
11. Oral application.
Written application.
- 11A. Application for arrest to state grounds.
12. Application for attachment of movable property not in judgment-debtor's possession.
13. Application for attachment of immovable property to contain certain particulars.
14. Power to require certified extract from Collector's register in certain cases.
15. Application for execution by joint decree-holders.
16. Application for execution by transferee of decree.
17. Procedure on receiving application for execution of decree.
18. Execution in case of cross-decrees.
19. Execution in case of cross-claims under same decree.
20. Cross-decrees and cross-claims in mortgage suits.
21. Simultaneous execution.
22. Notice to show cause against execution in certain cases.
- 22A. Sale not to be set aside on the death of the judgment-debtor before the sale but after the service of the proclamation of sale.
23. Procedure after issue of notice.

Process for execution

24. Process for execution.
25. Endorsement on process.

Stay of execution

26. When Court may stay execution.
Power to require security from, or impose conditions upon, judgment-debtor.
27. Liability of judgment-debtor discharged.
28. Order of Court which passed decree or of Appellate Court to be binding upon Court applied to.
29. Stay of execution pending suit between decree-holder and judgment-debtors.

Mode of execution

30. Decree for payment of money.
31. Decree for specific movable property.

RULES

32. Decree for specific performance for restitution of conjugal rights, or for an injunction.
33. Discretion of Court in executing decrees for restitution of conjugal rights.
34. Decree for execution of document, or endorsement of negotiable instrument.
35. Decree for immovable property.
36. Decree for delivery of immovable property when in occupancy of tenant.
37. Discretionary power to permit judgment-debtor to show cause against detention in prison.
38. Warrant for arrest to direct judgment-debtor to be brought up.
39. Subsistence-allowance.
40. Proceedings on appearance of judgment-debtor in obedience to notice or after arrest.

Attachment of property

41. Examination of judgment-debtor as to his property.
42. Attachment in case of decree for rent or *mesne profits* or other matter, amount of which to be subsequently determined.
43. Attachment of movable property, other than agricultural produce, in possession of judgment-debtor.
- 43A. Custody of movable property.
44. Attachment of agricultural produce.
45. Provisions as to agricultural produce under attachment.
46. Attachment of debt, share and other property not in possession of judgment-debtor.
- 46A. Notice to garnishee.
- 46B. Order against garnishee.
- 46C. Trial of disputed questions.
- 46D. Procedure where debt belongs to third person.
- 46E. Order as regards third person.
- 46F. Payment by garnishee to be valid discharge.
- 46G. Costs.
- 46H. Appeals.
- 46I. Application to negotiable instruments.
47. Attachment of share in movables.
48. Attachment of salary or allowances of servant of the Government or railway company or local authority.
- 48A. Attachment of salary or allowances of private employees.
49. Attachment of partnership property.
50. Execution of decree against firm.
51. Attachment of negotiable instruments.
52. Attachment of property in custody of Court or public officer.
53. Attachment of decrees.
54. Attachment of immovable property.
55. Removal of attachment after satisfaction of decree.
56. Order for payment of coin or currency notes to party entitled under decree.
57. Determination of attachment.

Adjudication of claims and objections

58. Adjudication of claims to, or objections to attachment, of property.

RULES

- 59. Stay of sale.
- 60. [*Omitted.*].
- 61. [*Omitted.*].
- 62. [*Omitted.*].
- 63. [*Omitted.*].

Sale generally

- 64. Power to order property attached to be sold and proceeds to be paid to person entitled.
- 65. Sales by whom conducted and how made.
- 66. Proclamation of sales by public auction.
- 67. Mode of making proclamation.
- 68. Time of sale.
- 69. Adjournment or stoppage of sale.
- 70. [*Omitted.*].
- 71. Defaulting purchaser answerable for loss on re-sale.
- 72. Decree-holder not to bid for or buy property without permission.
Where decree-holder purchases, amount of decree may be taken as payment.
- 72A. Mortgagee not to bid at sale without the leave of the Court.
- 73. Restriction on bidding or purchase by officers.

Sale of movable property

- 74. Sale of agricultural produce.
- 75. Special provisions relating to growing crops.
- 76. Negotiable instruments and shares in corporations.
- 77. Sale by public auction.
- 78. Irregularity not to vitiate sale, but any person injured may sue.
- 79. Delivery of movable property, debts and shares.
- 80. Transfer of negotiable instruments and shares.
- 81. Vesting order in case of other property.

Sale of immovable property.

- 82. What Courts may order sales.
- 83. Postponement of sale to enable judgment-debtor to raise amount of decree.
- 84. Deposit by purchaser and re-sale on default.
- 85. Time for payment in full of purchase-money.
- 86. Procedure in default of payment.
- 87. Notification on re-sale.
- 88. Bid of co-sharer to have preference.
- 89. Application to set aside sale on deposit.
- 90. Application to set aside sale on ground of irregularity or fraud.
- 91. Application by purchaser to set aside sale on ground of judgment-debtor having no saleable interest.
- 92. Sale when to become absolute or be set aside.
- 93. Return of purchaser-money in certain cases.
- 94. Certificate to purchaser.
- 95. Delivery of property in occupancy of judgment-debtor.
- 96. Delivery of property in occupancy of tenant.

Resistance to delivery of possession to decree-holder or purchaser

- 97. Resistance or obstruction to possession of immovable property.
- 98. Orders after adjudication.
- 99. Dispossession by decree-holder or purchaser.

RULES

100. Order to be passed upon application complaining of dispossession.
101. Question to be determined.
102. Rules not applicable to transferee pendente lite.
103. Orders to be treated as decrees.
104. Orders under rule 101 or rule 103 to be subject to the result of pending suit.
105. Hearing of application.
106. Setting aside orders passed *ex parte*, etc.

ORDER XXII

Death, Marriage and Insolvency of Parties

1. No abatement by party's death if right to sue survives.
2. Procedure where one of several plaintiffs or defendants dies and right to sue survives.
3. Procedure in case of death of one of several plaintiffs or of sole plaintiff.
4. Procedure in case of death of one of several defendants or of sole defendant.
- 4A. Procedure where there is no legal representative.
5. Determination of question as to legal representative.
6. No abatement by reason of death after hearing.
7. Suit not abated by marriage of female party.
8. When plaintiffs insolvency bars suit.
Procedure where assignee fails to continue suit, or give security.
9. Effect of abatement or dismissal.
10. Procedure in case of assignment before final order in suit.
- 10A. Duty of pleader to communicate to Court death of a party.
11. Application of Order to appeals.
12. Application of Order to proceedings.

ORDER XXIII

Withdrawal and Adjustment of Suits

1. Withdrawal of suit or abandonment of part of claim.
- 1A. When transposition of defendants as plaintiffs may be permitted.
2. Limitation law not affected by first suit.
3. Compromise of suit.
- 3A. Bar to suit.
- 3B. No agreement or compromise to be entered in a representative suit without leave of Court.
4. Proceedings in execution of decrees not affected.

ORDER XXIV

Payment into Court

1. Deposit by defendant of amount in satisfaction of claim.
2. Notice of deposit.
3. Interest on deposit not allowed to plaintiff after notice.
4. Procedure where plaintiff accepts deposit as satisfaction in part.
Procedure where he accepts it as satisfaction in full.

ORDER XXV
Security for Costs

RULES

1. When security for costs may be required from plaintiff.
2. Effect of failure to furnish security.

ORDER XXVI
Commissions

Commissions to examine witnesses

1. Cases in which Court may issue commission to examine witness.
2. Order for commission.
3. Where witness resides within Court's jurisdiction.
4. Persons for whose examination commission may issue.
- 4A. Commission for examination of any person resident within the local limits of the jurisdiction of the Court.
5. Commission or request to examine witness not within India.
6. Court to examine witness pursuant to commission.
7. Return of commission with depositions of witnesses.
8. When depositions may be read in evidence.

Commissions for local investigations

9. Commissions to make local investigations.
10. Procedure of Commissioner.
Report and depositions to be evidence in suit.
Commissioner may be examined in person.

*Commissions for scientific investigation, performance of ministerial act
and sale of movable property*

- 10A. Commission for scientific investigation.
- 10B. Commission for performance of a ministerial act.
- 10C. Commission for the sale of movable property.

Commissions to examine accounts

11. Commission to examine or adjust accounts.
12. Court to give Commissioner necessary instructions.
Proceedings and report to be evidence.
Court may direct further inquiry.

Commissions to make partitions.

13. Commission to make partition of immovable property.
14. Procedure of Commissioner.

General Provisions

15. Expenses of commission to be paid into Court.
16. Powers of Commissioners.
- 16A. Questions objected to before the Commissioner.
17. Attendance and examination of witnesses before Commissioner.
18. Parties to appear before Commissioner.
- 18A. Application of order to execution proceedings.
- 18B. Court to fix a time for return of Commission.

Commissions issued of the instance of Foreign Tribunals

RULES

19. Cases in which High Court may issue commission to examine witness.
20. Application for issue of commission.
21. To whom commission may be issued.
22. Issue, execution and return of commissions, and transmission of evidence to foreign Court.

ORDER XXVII

Suits by or against the Government or Public Officers in their Official Capacity

1. Suits by or against Government.
2. Persons authorised to act for Government.
3. Plaints in suits by or against Government.
4. Agent for Government to receive process.
5. Fixing of day for appearance on behalf of Government.
- 5A. Government to be joined as a party in a suit against a public officer.
- 5B. Duty of Court in suits against the Government or a public officer to assist in arriving at a settlement.
 6. Attendance of person able to answer questions relating to suit against Government.
 7. Extension of time to enable public officer to make reference to Government.
 8. Procedure in suits against public officer.
- 8A. No security to be required from Government or a public officer in certain cases.
- 8B. Definitions of “Government” and “Government pleader”.

ORDER XXVII-A

Suits Involving a Substantial Question of Law as to the Interpretation of the Constitution or as to the Validity of any Statutory Instrument

1. Notice to the Attorney General or the Advocate-General.
- 1A. Procedure in suits involving validity of any statutory instrument.
 2. Court may add Government as party.
- 2A. Power of Court to add Government or other authority as a defendant in a suit relating to the validity of any statutory instrument.
3. Costs.
4. Application of Order to appeals.

ORDER XXVIII

Suits by or Against Military or Naval men or Airmen

1. Officers, soldiers, sailors or airmen who cannot obtain leave may authorise any person to sue or defend for them.
2. Person so authorised may act personally or appoint pleader.
3. Service on person so authorised, or on his pleader, to be good service.

RULES

ORDER XXIX

Suits by or Against corporations

1. Subscription and verification of pleading.
2. Service on corporation.
3. Power to require personal attendance of officer of corporation.

ORDER XXX

Suits by or against Firms and Persons carrying on business in names other than their own

1. Suing of partners in name of firm.
2. Disclosure of partners' names.
3. Service.
4. Rights of suit on death of partner.
5. Notice in what capacity served.
6. Appearance of partners.
7. No appearance except by partners.
8. Appearance under protest.
9. Suits between co-partners.
10. Suit against person carrying on business in name other than his own.

ORDER XXXI

Suits by or Against Trustees, Executors and Administrators

1. Representation of beneficiaries in suits concerning property vested in trustees, etc.
2. Joinder of trustees, executors and administrators.
3. Husband of married executrix not to join.

ORDER XXXII

Suits by or Against Minors and Persons of Unsound Mind

1. Minor to sue by next friend.
2. Where suit is instituted without next friend, plaint to be taken off the file.
- 2A. Security to be furnished by next friend when so ordered.
3. Guardian for the suit to be appointed by Court for minor defendant.
- 3A. Decree against minor not to be set aside unless prejudice has been caused to his interest.
4. Who may act as next friend or be appointed guardian for the suit.
5. Representation of minor by next friend or guardian for the suit.
6. Receipt by next friend or guardian for the suit of property under decree for minor.
7. Agreement or compromise by next friend or guardian for the suit.
8. Retirement of next friend.
9. Removal of next friend.
10. Stay of proceedings on removal, etc., of next friend.
11. Retirement, removal or death of guardian for the suit.
12. Course to be followed by minor plaintiff or applicant on attaining majority.
13. Where minor co-plaintiff attaining majority desires to repudiate suit.
14. Unreasonable or improper suit.
15. Rules 1 to 14 (except rule 2A) to apply to persons of unsound mind.

RULES

16. Savings.

ORDER XXXIIA

Suits Relating to Matters Concerning the Family

1. Application of the Order.
2. Proceedings to be held *in camera*.
3. Duty of Court to make efforts for settlement.
4. Assistance of welfare expert.
5. Duty to enquire into facts.
6. “Family”—Meaning of.

ORDER XXXIII

Suits by Indigent Persons

1. Suits may be instituted by indigent persons.
- 1A. Inquiry into the means of an indigent person.
 2. Contents of application.
 3. Presentation of application.
 4. Examination of applicant.

If presented by agent, Court may order applicant to be examined by commission.
 5. Rejection of application.
 6. Notice of day for receiving evidence of applicant’s indigency.
 7. Procedure at hearing.
 8. Procedure if application admitted.
 9. Withdrawal of permission to sue as an indigent person.
- 9A. Court to assign a pleader to an unrepresented indigent person.
10. Costs where indigent person succeeds.
11. Procedure where indigent person fails.
- 11A. Procedure where indigent person’s suit abates.
12. State Government may apply for payment of court-fees.
13. State Government to be deemed a party.
14. Recovery of amount of court-fees.
15. Refusal to allow applicant to sue as an indigent person to bar subsequent application of like nature.
- 15A. Grant of time for payment of court-fee.
16. Costs.
17. Defence by an indigent person.
18. Power of Government to provide for free legal services to indigent persons.

ORDER XXXIV

Suits Relating to Mortgages of Immovable Property

1. Parties to suits for foreclosure, sale and redemption.
2. Preliminary decree in foreclosure-suit.
3. Final decree in foreclosure-suit.
4. Preliminary decree in suit for sale.

Power to decree sale in foreclosure-suit.
5. Final decree in suit for sale.
6. Recovery of balance due on mortgage in suit for sale.

RULES

7. Preliminary decree in redemption suit.
8. Final decree in redemption suit.
- 8A. Recovery of balance due on mortgage in suit for redemption.
9. Decree where nothing is found due or where mortgagee has been overpaid.
10. Costs of mortgagee subsequent to decree.
- 10A. Power of Court to direct mortgagee to pay *mesne* profits.
11. Payment of interest.
12. Sale of property subject to prior mortgage.
13. Application of proceeds.
14. Suit for sale necessary for bringing mortgaged property to sale.
15. Mortgages by the deposit of title-deeds and charges.

ORDER XXXV

Interpleader

1. Complaint in interpleader-suit.
2. Payment of thing claimed into Court.
3. Procedure where defendant is suing plaintiff.
4. Procedure at first hearing.
5. Agents and tenants may not institute interpleader-suits.
6. Charge for plaintiff's costs.

ORDER XXXVI

Special Case

1. Power to state case for Court's opinion.
2. Where value of subject-matter must be stated.
3. Agreement to be filed and registered as suit.
4. Parties to be subject to Court's jurisdiction.
5. Hearing and disposal of case.
6. No appeal from a decree passed under rule 5.

ORDER XXXVII

Summary Procedure

1. Courts and classes of suits to which the Order is to apply.
2. Institution of summary suits.
3. Procedure for the appearance of defendant.
4. Power to set aside decree.
5. Power to order bill, etc., to be deposited with officer of Court.
6. Recovery of cost of noting non-acceptance of dishonoured bill or note.
7. Procedure in suits.

ORDER XXXVIII

Arrest and Attachment before Judgment

Arrest before Judgment

1. Where defendant may be called upon to furnish security for appearance.
2. Security.

RULES

3. Procedure on application by surety to be discharged.
4. Procedure where defendant fails to furnish security or find fresh security.

Attachment before Judgment

5. Where defendant may be called upon to furnish security for production of property.
6. Attachment where cause not shown or security not furnished.
7. Mode of making attachment.
8. Adjudication of claim to property attached before judgment.
9. Removal of attachment when security furnished or suit dismissed.
10. Attachment before judgment not to affect rights of strangers, nor bar decree-holder from applying for sale.
11. Property attached before judgment not to be re-attached in execution of decree.
- 11A. Provisions applicable to attachment.
12. Agricultural produce not attachable before judgment.
13. Small Cause Court not to attach immovable property.

ORDER XXXIX

Temporary Injunctions and Interlocutory Orders

Temporary injunctions

1. Cases in which temporary injunction may be granted.
2. Injunction to restrain repetition or continuance of breach.
- 2A. Consequence of disobedience or breach of injunction.
3. Before granting injunction, Court to direct notice to opposite party.
- 3A. Court to dispose of application for injunction within thirty days.
4. Order for injunction may be discharged, varied or set aside.
5. Injunction to corporation binding on its officers.

Interlocutory orders

6. Power to order interim sale.
7. Detention, preservation, inspection, etc., of subject-matter of suit.
8. Application for such orders to be after notice.
9. When party may be put in immediate possession of land the subject-matter of suit.
10. Deposit of money, etc., in Court.

ORDER XL

Appointment of Receivers

1. Appointment of receivers.
2. Remuneration.
3. Duties.
4. Enforcement of receiver's duties.
5. When Collector may be appointed receiver.

ORDER XLI

Appeals from Original Decrees

1. Form of appeal.
What to accompany memorandum.
Contents of memorandum.

RULES

2. Grounds which may be taken in appeal.
3. Rejection or amendment of memorandum.
- 3A. Application for condonation of delay.
4. One of several plaintiffs or defendants may obtain reversal of whole decree where it proceeds on ground common to all.

Stay of proceedings and of execution

5. Stay by Appellate Court.
Stay by Court which passed the decree.
6. Security in case of order for execution of decree appealed from.
7. *[Repealed.]*.
8. Exercise of powers in appeal from order made in execution of decree.

Procedure on admission of appeal

9. Registry of memorandum of appeal.
10. Appellate Court may require appellant to furnish security for costs.
Where appellant resides out of India.
11. Power to dismiss appeal without sending notice to Lower Court.
- 11A. Time within which hearing under rule 11 should be concluded.
12. Day for hearing appeal.
13. *[Omitted.]*.
14. Publication and service of notice of day for hearing appeal.
Appellate Court may itself cause notice to be served.
15. *[Omitted.]*.

Procedure on hearing

16. Right to begin.
17. Dismissal of appeal for appellant's default.
Hearing appeal *ex parte*.
18. *[Omitted.]*.
19. Re-admission of appeal dismissed for default.
20. Power to adjourn hearing and direct persons appearing interested to be made respondents.
21. Re-hearing on application of respondent against whom *ex parte* decree made.
22. Upon hearing respondent may object to decree as if he had preferred a separate appeal.
Form of objection and provisions applicable thereto.
23. Remand of case by Appellate Court.
- 23A. Remand in other cases.
24. Where evidence on record sufficient, Appellate Court may determine case finally.
25. Where Appellate Court may frame issues and refer them for trial to Court whose decree appealed from.
26. Findings and evidence to be put on record.
Objections to findings.
Determination of appeal.

RULES

- 26A. Order of remand to mention date of next hearing
- 27. Production of additional evidence in Appellate Court.
- 28. Mode of taking additional evidence.
- 29. Points to be defined and recorded.

Judgment in appeal

- 30. Judgment when and where pronounced.
- 31. Contents, date and signature of judgment.
- 32. What judgment may direct.
- 33. Power of Court of appeal.
- 34. Dissent to be recorded.

Decree in appeal

- 35. Date and contents of decree.
 - Judge dissenting from judgment need not sign decree.
- 36. Copies of judgment and decree to be furnished to parties.
- 37. Certified copy of decree to be sent to Court whose decree appealed from.

ORDER XLII

Appeals from Appellate Decrees

- 1. Procedure.
- 2. Power of Court to direct that the appeal be heard on the question formulated by it.
- 3. Application of rule 14 of Order XLL.

ORDER XLIII

Appeals from Orders

- 1. Appeals from orders.
 - 1A. Right to challenge non-appealable orders in appeal against decrees.
- 2. Procedure.

ORDER XLIV

Appeals by Indigent Persons

- 1. Who may appeal as an indigent person.
- 2. Grant of time for payment of Court-fee.
- 3. Inquiry as to whether applicant is an indigent person.

ORDER XLV

Appeals to the Supreme Court

- 1. "Decree" defined.
- 2. Application to Court whose decree complained of.
- 3. Certificate as to value or fitness.
- 4. [*Repealed.*].
- 5. [*Repealed.*].
- 6. Effect of refusal of certificate.
- 7. Security and deposit required on grant of certificate.
- 8. Admission of appeal and procedure thereon.

RULES

9. Revocation of acceptance of security.
- 9A. Power to dispense with notices in case of deceased parties.
10. Power to order further security or payment.
11. Effect of failure to comply with order.
12. Refund of balance deposit.
13. Powers of Court pending appeal.
14. Increase of security found inadequate.
15. Procedure to enforce orders of the Supreme Court.
16. Appeal from order relating to execution.
17. [*Repealed.*].

ORDER XLVI

Reference

1. Reference of question to High Court.
2. Court may pass decree contingent upon decision of High Court.
3. Judgment of High Court to be transmitted, and case disposed of accordingly.
4. Costs of reference to High Court.
- 4A. Reference to High Court under proviso to section 113.
5. Power to alter, etc., decree of Court making reference.
6. Power to refer to High Court questions as to jurisdiction in small causes.
7. Power to District Court to submit for revision proceeding had under mistake as to jurisdiction in small causes.

ORDER XLVII

Review

1. Application for review of judgment.
2. [*Repealed.*].
3. Form of applications for review.
4. Application where rejected.
Application where granted.
5. Application for review in Court consisting of two or more Judges.
6. Application where rejected.
7. Order of rejection not appealable.
Objections to order granting application.
8. Registry of application granted, and order for re-hearings.
9. Bar of certain applications.

ORDER XLVIII

Miscellaneous

1. Process to be served at expense of party issuing.
Costs of service.
2. Orders and notices how served.
3. Use of forms in appendices.

ORDER XLIX

Chartered High Courts

1. Who may serve processes of High Court.

RULES

2. Saving in respect of Chartered High Courts.
3. Application of rules.

ORDER L

Provincial Small Cause Courts

1. Provincial Small Cause Courts.

ORDER LI

Presidency Small Cause Courts

1. Presidency Small Cause Courts.

APPENDIX — A. PLEADINGS.

APPENDIX — B. PROCESS.

APPENDIX—C. DISCOVERY, INSPECTION AND ADMISSION.

APPENDIX — F. DECREES.

APPENDIX — G. EXECUTION.

APPENDIX — H. SUPPLEMENTAL PROCEEDINGS.

APPENDIX— I. MISCELLANEOUS.

THE SECOND SCHEDULE. — [*Repealed*].

THE THIRD SCHEDULE. — [*Repealed*].

THE FOURTH SCHEDULE. — [*Repealed*].

THE FIFTH SCHEDULE. — [*Repealed*].

ANNEXURE I