

THE SEAWARD ARTILLERY PRACTICE (AMENDMENT) ACT, 1973

No. 3 OF 1973

[13th March, 1973]

An Act further to amend the Seaward Artillery Practice Act, 1949.

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

1. (1) This Act may be called the Seaward Artillery Practice (Amendment) Act, 1973.

Short title and commencement.

(2) It shall come into force on such ⁴date as the Central Government may, by notification in the Official Gazette, appoint.

8 of 1949.

2. For section 3 of the Seaward Artillery Practice Act, 1949 (hereinafter referred to as the principal Act), the following sections shall be substituted, namely:—

Substitution of new sections for section 3.

“3. (1) The Central Government may, by notification in the Official Gazette, authorise the carrying out of seaward artillery practice over such area and during such period or periods as may be specified in the notification.

Power of Central Government to authorise seaward artillery practice.

Provided that there shall be an interval of at least fourteen days between the date of publication of such notification in the Official Gazette and the date of carrying out of seaward artillery practice.

(2) The Central Government shall, as soon as may be, after the publication of a notification under sub-section (1), cause the substance thereof to be published—

(a) in some newspaper circulating in, and in the language commonly understood in, the area specified in the notification; and

(b) in such other manner as may be prescribed.

(3) If any question arises whether the substance of a notification under sub-section (1) was published as required by sub-section (2), a certificate by the Collector of the district in which the notified area is situate that the substance of the notification was so published, shall be conclusive.

3A. The Central Government may, by notification in the Official Gazette, direct that the power to issue notifications under section 3 shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by such State Government as may be specified therein.”

Power to delegate.

4 21-1-1978 : Vide S.R.O. 24, dt. 9-1-1978, Gaz. of India Pt. II, Sec. 4, dt. 21-1-1978, p. 75.

Substitu-
tion of
new sec-
tion for
section 9.

Power to
make
rules.

3. For section 9 of the principal Act, the following section shall be substituted, namely:—

“9. (1) The Central Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act and different rules may be made for different States or for different areas thereof.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which the substance of a notification under section 3 may be published;

(b) regulating the use under this Act of the notified area for seaward artillery practice in such manner as to secure the public against danger, and to enable the practice to be carried out with the minimum inconvenience to the inhabitants of the area affected;

(c) the minimum rates at which compensation shall be payable under sub-section (3) of section 6, and generally regarding the making of claims for compensation, the procedure to be followed by the authorities granting the compensation, the expeditious settlement of claims and the filing of appeals from original awards of compensation;

(d) the principles to be followed in assessing the amount of compensation to be awarded under this Act;

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”