

Rep. by No. 38 of 1973, S. 2 + Sch. I

THE INDUSTRIES (DEVELOPMENT AND REGULATION)
AMENDMENT ACT, 1973

No. 67 OF 1973.

[28th December, 1973]

An Act further to amend the Industries (Development and Regulation) Act, 1951.

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 Industries (Development and Regulation) Amendment Act, 1973.

Short title and commencement.

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

65 of 1951.

2. In section 10 of the Industries (Development and Regulation) Act, 1951 (hereinafter referred to as the principal Act),—

Amendment of section 10.

(i) in sub-section (3), for the words "containing such particulars as may be prescribed", the following shall be substituted, namely:—

"containing the productive capacity of the industrial undertaking and such other particulars as may be prescribed";

(ii) after sub-section (3), the following sub-sections shall be inserted, namely:—

"(4) The owner of every industrial undertaking to whom a certificate of registration has been issued under this section before the commencement of the Industries (Development and Regulation) Amendment Act, 1973, shall, if the undertaking falls within such class of undertakings as the Central Government may, by notification in the Official Gazette, specify in this behalf, produce, within such period as may be specified in such notification, the certificate of registration for entering therein the productive capacity of the industrial undertaking and other prescribed particulars.

(5) In specifying the productive capacity in any certificate of registration issued under sub-section (3), the Central Government shall take into consideration the productive or installed capacity of the industrial undertaking as specified in the application for registration made under sub-section (1), the level of

1.7-21974: Vide Notif. No. S.O. 91(E) IDRA/1(2)/74, dt. 6-2-1974.

production immediately before the date on which the application for registration was made under sub-section (1), the level of the highest annual production during the three years immediately preceding the introduction in Parliament of the Industries (Development and Regulation) Amendment Bill, 1973, the extent to which production during the said period was utilised for export and such other factors as the Central Government may consider relevant including the extent of under-utilisation of capacity, if any, during the relevant period due to any cause."

Amendment of section 24.

3. In sub-section (1) of section 24 of the principal Act, in clause (i), after the word, brackets and figure "sub-section (1)", where they occur for the first time, the words, brackets and figure "or sub-section (4)" shall be inserted.

Amendment of the First Schedule.

4. In the First Schedule to the principal Act, under the heading "38. MISCELLANEOUS INDUSTRIES:", the item "Cigarettes." shall be numbered as item (1), and after the item as so numbered, the following item shall be inserted, namely:—

"(2) Linoleum, whether felt based or jute based."