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**RAJYA SABHA SECRETARIAT**

**FORM 5**

**ELECTION TO THE OFFICE OF PRESIDENT OF INDIA  
LIST OF CONTESTING CANDIDATES**

Sl. No.	Name of Candidate	Address of Candidate
1.	Shri Fakhruddin Ali Ahmed	1. Willingdon Crescent, New Delhi-110001.
2.	Shri Tridib Chaudhuri	30. Janpath, New Delhi - 1.

New Delhi  
August 2, 1974.

**B. N. BANERJEE.**  
Secretary-General, Rajya Sabha  
and Returning Officer for the  
Presidential Election.

# LOK SABHA SECRETARIAT

## FORM I

[See rule 3 of the Presidential and Vice-Presidential Elections Rules, 1974]

Public Notice

Election to the Office of Vice-President of India

WHEREAS a notification under sub-section (1) of section 4 of the Presidential and Vice-Presidential Elections Act, 1952, for the holding of an election to fill the office of Vice-President of India has been issued by the Election Commission. I, S.L. Shakdher, the Returning Officer for such election, hereby give notice at -

- (i) Nomination papers may be delivered by a candidate or any one of his proposers or seconders to the undersigned at his office in Room No. 18, Ground Floor, Parliament House, New Delhi, or if he is unavoidably absent, to the Assistant Returning Officer Shri P. K. Pattnaik, Joint Secretary, Lok Sabha Secretariat, at the said office between 11 a.m. and 3 p.m. on any day (other than a public holiday) not later than the 9th August, 1974.
- (ii) Each nomination paper shall be accompanied by a certified copy of the entry relating to the candidate in the electoral roll for the Parliamentary Constituency in which the candidate is registered as an elector.
- (iii) Every candidate shall deposit or cause to be deposited a sum of Rupees two thousand five hundred only. This amount may be deposited in cash with the Returning Officer at the time of presentation of the nomination paper or deposited earlier in the Reserve Bank of India or in a Government Treasury and in the latter case a receipt showing that the said deposit of the sum has been so made is required to be produced with the nomination paper.
- (iv) Forms of nomination papers may be obtained from the above said office at the times aforesaid.
- (v) The nomination papers, other than those rejected under sub-section (1) of section 5B of the Act, will be taken up for scrutiny at the said office in Room No. 18 Ground Floor, Parliament House, New Delhi on Saturday, 10th August, 1974 at 11 a.m.

- (vi) the notice of withdrawal of candidatures may be delivered by a candidate, or any one of his proposers or seconders who has been authorised in this behalf in writing by the candidate, to the undersigned at the place specified in paragraph (i) above before three o'clock in Monday the 12th August, 1974:
- (vii) in the event of the election being contested, the poll will be taken on Tuesday, the 27th August, 1974 between the hours of 10 a.m. and 5 p.m. at the place of polling fixed under the rules.

NEW DELHI

Dated, the 28th July, 1974

S. L. SHAKIDHER

Secretary-General, Lok Shaba and  
Returning Officer for the  
Vice-Presidential Election.

GOVERNMENT OF MIZORAM  
LAW AND JUDICIAL DEPARTMENT

Dated Aizawl, the 24th July, '74.

No. LJD. 22/73 Vol II/49 : The following Ordinance Promulgated by the President and published in the Gazette of India, Extraordinary, pt II, Section I as Ordinance No. 2 of 1974 is hereby republished for general information.

Sd/- K.N. Srivastava  
Under Secretary to the Govt. of Mizoram.

THE ESSENTIAL COMMODITIES (AMENDMENT) ORDINANCE, 1974  
No. 2 OF 1974

Promulgated by the President in the Twenty-fifth Year of the Republic of India.  
An Ordinance further to amend the Essential Commodities Act, 1955.

of candidatures  
or seconders  
to

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :-

1. (1) This Ordinance may be called the Essential Commodities (Amendment) Ordinance, 1974. Short title and commencement

(2) It shall come into force at once.

2. During the period of operation of this Ordinance, the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 12 (both inclusive) and the Criminal Law Amendment Act, 1952 shall have effect subject to the amendments specified in section 13. Act 10 of 1955 and Act 46 of 1952 to be temporarily amended.

3. In section 2 of the principal Act, in clause (a), after sub-clause (iv), the following sub-clause and Explanation shall be inserted, namely :- Amendment of s

(iva) drugs.

Act 23 of 1940 Explanation - In this sub-clause, "drug" has the meaning assigned to it in clause (b) of section 3 of the Drugs and Cosmetics Act, 1940.

4. In section 3 of the principal Act, in clause (ii) of sub-section (3B) for the words "Where no such price is fixed," the words "Where no such price is fixed, an amount calculated having regard to" shall be substituted. Amendment of section 3.

5. In section 6A of the principal Act, in the opening paragraph, for the words "may order confiscation of the essential commodity so seized:" the following shall be substituted, namely :- Amendment of section 6A.

" may order confiscation of -

(a) the essential commodity so seized;

(b) any package, covering or receptacle

commodity is found; and

(c) any animal, vehicle, vessel or other conveyance used in carrying such essential commodity".

5

Amendment 6. Section 6B of the principal Act shall be re-numbered as of section 6B sub-section (1) thereof and -

(a) in sub-section (1) as so renumbered, for the words "essential commodity", wherever they occur, the words "essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :-

"(2) Without prejudice to the provisions of sub-section (1) no order confiscating any animal vehicle, vessel or other conveyance shall be made under section 6A if the owner of the animal, vehicle, vessel or other conveyance proves to the satisfaction of the Collector that it was used in carrying the essential commodity without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the animal, vehicle, vessel or other necessary precautions against such use".

Amentmend 7. In section 7 of the principal Act, for sub-sections (1) and of section 7 (2) the following sub-sections shall be substituted, namely :-

"(1) If any person Contravenes any order made under Section 3,-

(a) he shall be punishable, -

(i) in the case of and orde  
or clause (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine, and

(ii) in the case of any other order, with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine :

Provided that the court may, for any adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than three months;

(b) any property in respect of which the order has been contravened shall be forfeited to the Government;

(c) any package, covering or receptacle in which the property is found and any animal, vehicle, vessel or other conveyance used in carrying the property shall, if the court so orders, be forfeited to the Government.

(2) If any person to whom a direction is given under clause (b) of sub-section (4) of section 3 fails to comply with the direction, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine :

Provided that the court may for any adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than three months.

(2A) If any person convicted of an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) is again convicted of an offence under the same provision, he shall be punishable with imprisonment for the second and for every subsequent offence for a term which shall not be less than six months but which may extend to seven years and shall also be liable to fine .

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than

(2B) For the purposes of sub-sections (1) (2) and (2A), the fact that an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) has caused no substantial harm to the general public or to any individual shall be an adequate and special reason for awarding a sentence of imprisonment for a term of less than three months or six months, as the case may be."

8. In section 10A of the principal Act -

Amend-  
ment of  
section  
10A.

5 of 1898  
2 of 1974.

(a) for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted ;

(b) the words "and bailable" shall be omitted.

9. After section 10A of the principal Act the following sections shall be inserted, namely :-

Insertion  
of new se-  
ctions 10  
B and 10C

10B (1) Where any company is convicted under this Act, it shall be competent for the court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspapers or in such other manner as the court may direct

Power of  
court to  
publish na-  
me, place  
of business  
etc of com-  
panies con-  
victed un-  
der the  
Act.

(2) No publication under sub-section (1) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred or such an appeal, having been preferred, has been disposed of.

(3) The expenses of any publication under sub-section (1) shall be recoverable from the company as if it were a fine imposed by the court.

Explanation - For the purposes of this section, "company" has the meaning assigned to it in clause (a) of the Explanation to section 10.

Presump-  
tion of  
culpable  
mental  
state.

10C (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation - In this section, "culpable Mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

(2) For the purposes of this section, a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Substitution  
of new sec-  
tion for sec-  
tion 12.

10. For section 12 of the principal Act, the following section shall be substituted, namely :-

"12. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the first class specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of contravening any order made under section 3".

Special  
provision  
regarding

Amend-  
ment of  
section  
12A.

11. In section 12A of the principal Act -

(a) in sub-section (1), for the words "any essential commodity", the words brackets, letter and figure "any essential commodity (n commodity referred to in clause (a) of sub-section (2))" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely :-

"(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 all offences relating to

2 of 1974

(a) the contravention of an order made under section 3 with respect to -

- (i) cotton or woollen textiles ; or
- (ii) foodstuffs, including edible oilseeds and oils ; or
- (iii) drugs ; and

(b) Where any notification issued under sub-section (1) in relation to a special order is in force, the contravention of such special order,



shall be tried in a summary way and by a Judicial Magistrate of the first class specially empowered in this behalf by the State Government or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial :

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding

Provided further that when at the Commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily the Magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined proceed to hear or re-hear the case in the manner provided by the said Code, ;

(c) in sub-section (3), -

(i) for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted ;

(ii) for the words "or of fine not exceeding two thousand rupees, or both, "the words" and of fine not exceeding rupees" shall be substituted ;

(iii) for the word and figures "section 517", the word and figures "section 452" shall be substituted ;

(iv) the words "of imprisonment or fine shall be omitted ;

(d) for sub-section (4), the following sub-section shall be substituted, namely :-

"(4) All cases relating to the contravention of an order referred to in clauses (a) of sub-section (2), not being a special order, and pending before a Magistrate immediately before the commencement of

the Essential Commodities (Amendment) Ordinance, 1974, and, where any notification is issued under sub-section (1) in relations to a special order, all cases relating to the contravention of such special order and pending before a Magistrate immediately before the date of the issue of such notification, shall, if no witnesses have been examined before such commencement or the said date, as the case may be, be tried in a summary way under this section, and if any such case is pending before a Magistrate who is not competent to try the same in a summary way under this section, it shall be forwarded to a Magistrate so competent."

12. After section 12A of the principal Act, the following section shall be inserted, namely :-

Insertion  
of new  
section 12B

"12B. No civil court shall grant an injunction or make any order for any other relief against the Central Government or a public officer in respect of any act done or purporting to be done by such Government, or such officer in his official capacity, under this Act or any order made thereunder, until after notice of the application for such injunction or other relief has been given to such Government or officer."

Grant of  
injunction,  
etc by  
civil  
courts.

13. In section 8A of the Criminal Law Amendment Act, 1952, -

Amend-  
ment of  
Act 46  
of 1952.

(a) in sub-section (1) -

(i) for the words, figures and letter "referred to in section 12A of the Essential Commodities Act, 1955", the words, brackets, figures and letters "referred to in sub-section (1) of section 12A of the Essential Commodities Act, 1955 or of an order referred to in clause (a) of sub-section (2) of that section" shall be substituted ;

(ii) after the proviso the following proviso shall be inserted, namely :-

"Provided further that when at the commencement of, or in the course of a summary trial under this section, it appears to the special Judge that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is for any other reason undesirable to try the case summarily, the special Judge shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in accordance with the procedure prescribed by Magistrates"

(b) for sub-section (3), the following sub-section shall be substituted, namely :-

"(3) All cases relating to the contravention of and order referred to in clause (a) of sub-section (2) of section 12A of the Essential Commodities Act, 1955 (not being a special order referred to in sub-section triable summarily under this section and pending 10 of 1955 pending before a Magistrate immediately before the commencement of the Essential Commodities (Amendment) Ordinance, 1974, and where any notification issued under sub-section (1) of the said section 12A in relation to a special order, all cases triable summarily under this section in relation to such special order and pending before a Magistrate immediately before the date of the issue of such notification, shall, if no witnesses have been examined before such commencement or the said date, as the case may be, be tried by the special Judge in a summary way under this section".

**Savings.** 14. (1) The amendments made by section 11 of this Ordinance to section 12A of the principal Act shall not apply to and in relation to any contravention of a special order referred to in the said section 12A which was committed before the commencement of this Ordinance and accordingly the provisions of that section as they stood immediately before such commencement shall continue to apply to and in relation to such contravention if as this Ordinance had not been promulgated.

(2) The amendments made by section 13 of this Ordinance to section 8A of the Criminal Law Amendment Act, 1952 shall not apply to and in relation to any contravention of a special order referred to in section 12A of the principal Act which was committed before the commencement of this Ordinance and accordingly the provisions of the said section 8A as they stood immediately before such commencement to apply to and relation to such contravention as if this Ordinance had not been promulgated.

46  
of  
1952

V.V. GIRI,  
President.

S.K. MAITRA,  
Joint Secy. to the Govt. of India.

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GOVERNMENT OF MIZORAM  
HEALTH & FAMILY PLANNING DEPARTMENT.

d. M.F.P.

Dated Aizawl, the 10th August '74.

OFFICE MEMORANDUM

Subject : Constitution of N.M.E.P. Working Committee for Mizoram

In view of the recrudescence of Malaria in certain areas, resistance of vectors to insecticides, development of resistance of parasites etc. The Malaria Eradication Programme in Mizoram has assumed greater importance than any where else. As engaged, the Programme needs intensification and other technical measures as prophylactics against the menace.

Considering the importance of the Programme, it has been decided by the Government of Mizoram to constitute a working Committee, N.M.E.P., in order to lay down policies and giving decision on various points that may crop up from time to time pertaining to N.M.E.P.

1. Secretary to the Govt. of M

-- Chairman.

Health & Family Planning Department

2. Director of Health Services, Mizoram

-- Member.

3. Unit Officer, N.M.E.P.

-- Member Secretary.

4. Deputy Secretary, Finance Deptt

-- Member

5. Commander, Home Guards, Mizoram

-- Member

To,

The Chairman  
and the members of the  
Working Committee,  
Mizoram.

F. Pahnuna  
Secretary to the Govt. of Mizoram,  
Health Family Planning Department.