

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 20th March, 1974

S.O. 183(E). - In pursuance of clause (1) of article 239 of the Constitution and in supersession of all previous orders on the subject, the President hereby directs that the Administrators of all Union territories other than Arunachal Pradesh and Mizoram (whether known as Administrator, Chief Commissioner or Lieutenant Governor) shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions under the Code of Criminal Procedure 1973 (2 of 1974), as mentioned in the Schedule hereto annexed, subject to the condition that the Central Government may itself exercise all or any of those powers and discharge all or any of those functions, should it deem necessary to do so.

2. This notification shall have effect from 1st April, 1974.

SCHEDULE

Powers/functions

1. All powers and functions of the State Government except those conferred by section 8 and 477.

2. (a) the powers and functions of the Central Government under sub-section (1) of section 197 and sub-section (4) of section 199, in respect of persons employed in connection with the affairs of the Concerned Union territory.

(b) the power of the central Government under item (a) of the proviso to section 321 to permit the Public Prosecutor to withdraw from a prosecution, where the offence is against a law relating to a matter enumerated in List II or List III in the Seventh Schedule to the Constitution; and

3. The powers and functions of the appropriate Government under section 432 except in respect of -

(a) cases, where the sentence is the sentence of death and has not been commuted;

(b) cases where the sentence is for an offence against any law relating to any of the matters enumerated in List I in the Seventh Schedule to the Constitution and ,

(c) cases where the order referred to in sub-section (6) of section 432 is passed under any law relating to any of the matters enumerated in List I in the Seventh Schedule to the Constitution.

∟ No.U-11011/2/74-UTL(i) ∟

Published in the Gazette of India, Extraordinary
Part III, Section 3, Sub-section (ii), dated 20.3.1974

S.O. 185(E). - In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that, subject to his control and until further orders, the powers and functions of the State Government under clause (s) of section 2, sections 20, 21 and 22, sub-section (2) of section 108, clause (b) of sub-section (1) of section 132, sections 133, 134, 143 and 144 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, in relation to the Union territory of Arunachal Pradesh or Union territory of Mizoram, be exercised and discharged also by the Administrator of that Union territory.

This notification shall come into force on the 1st day of April, 1974.

∟ No.U-11011/2/74-UTL-(iii) ∟

Sd/-

(K.R. PRABHU)

ADDITIONAL SECRETARY