

vlk/kj.k**Hkkx II—[k.M 3—mi&[k.M (ii)****PA ART II—Section 3—Sub-section (ii)****izkf/dkj ls izdkf'kr****la- 906]**
No. 906]**ubZ fn nYyh]eaxyokj]vizSy 23] 2013@oS'kk[k 3] 1935**
NEW DELH HI, TUESDAY, APRIL 23, 2013/VAISAKHA 3, 1935

Okkf.kT; vkSj m|ksx ea+=ky;

 $\frac{1}{4}$ vkS|ksfxd uhfr vkSj lao/kZu foHkkx $\frac{1}{2}$

vf/klwpuk

ubZ fnYyh] 23 vizSy] 2013

dk. vk- 1029 $\frac{1}{4}$ v $\frac{1}{2}$ -& isVsaV vf/kfu;e] 1970 $\frac{1}{4}$ 1970 dk 39 $\frac{1}{2}$ dh /kkjk 159 }kjk iz inRr
“kfDr;ksa dkiz;ksx djrs gq, dfri; izk:i i fu;e] ,sls O;fDr;ksa ls] ftuds muls izHkkfor gksus dh laHkkouk gS] ml
rkjh[k ls] ftldks vf/klwpuk o okys jkti= dh izfr;ka tulk/kkj.k dks miyC/k djkbZ xbZ Fk Fkh]
iUnzg fnu dhvof/k dh lekflr ls iwoZ vk{ksi i vkSj lq>ko vkeaf=r djus ds fy, Hkkjr ds jkti=] v vlk/kkj.k] Hkkx&II
[k.M 3] mi&[k.M $\frac{1}{4}$ ii $\frac{1}{2}$ esa Hkkjr ljdkj] m|ksx ea=ky; $\frac{1}{4}$ vkS|ksfxd uhfr vkSj lao/kZu foHkkx x $\frac{1}{2}$
dh vf/klwpukla[;kad dk- vk- 189 $\frac{1}{4}$ v $\frac{1}{2}$] rkjh h[k 17 tuo]h] 2013 }kjk izdkf'kr fd, x, FksAvkSj mDr vf/klwpuk okys jkti i= dh izfr;ka rkjh[k 17 tuo]h] 2013 dks tulk/kkj.k dks k miyC/k
djkh nh

xbZ FkhA

vkSj mDr izk:i fu;eksa ds laca/ /k esa bl foHkkx dks tulk/kkj.k ls dksbZ vk{ksi ;k lq>ko izk klr
ugha gqv k gSAvr: vc] dsUnzh; ljdkj] isVsaV vf/kfu;e] 1970 $\frac{1}{4}$ 1970 dk 39 $\frac{1}{2}$ dh /kkjk 159 }kjk iznRr ““kfDr;ksa
dk iz;ksxdjrs gq,] isVsaV fu;e] 2003 dk k vkSj la”kks/ku djus ds fy, fuEufyf[kr fu;e cukrh gS] v vFkkZr~
&1 $\frac{1}{4}$ 1 $\frac{1}{2}$ bu fu;eksa dk laf{ f{kIr uke isVsaV $\frac{1}{4}$ la”kks/ku $\frac{1}{2}$ fu;e] 2013 gSA
 $\frac{1}{4}$ 2 $\frac{1}{2}$;s ml rkjh[k dks izo`Rr gksaxs tks dsUnzh; ljdkj jkti= esa vf/klwpuk }kjk fu fu;r
djsA2-isVsaV fu;e] 2003 $\frac{1}{4}$ ftls blesa bls Ik”pkr~ mDr fu;e dgk x;k gS $\frac{1}{2}$ ds fu;e 4 esami&fu;e $\frac{1}{4}$ 2 $\frac{1}{2}$ esa f fuEufyf[kr mi&fu;e var: LFkkfir fd;k tk,xk] vF FkkZr~ &P $\frac{1}{4}$ 3 $\frac{1}{2}$ mi&fu;e $\frac{1}{4}$ 2 $\frac{1}{2}$ esa varfoZ”V fdllh ckr ds gksrs gq, Hkh] fu;a=d isVsaV ds d fy,
bl izdkjQkby vkosnu ;FkkfL fLFkfr isVsaV dk;kZy; ds iz/kku dk;kZy; ;k “kk[kk dk;kZy; ; dks
varfjr dj

ldsxA

1645 GI/2013

(1)

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

 $\frac{1}{4}$ 4 $\frac{1}{2}$ mi&fu;e $\frac{1}{4}$ 1 $\frac{1}{2}$ esa varfoZ”V fdllh ckr ds gksrs gq, Hkh vf/kfu;e dh /kkjk 16 esa

fufnZ”V vkSj vkosnu

dsoy igys mfYyf[kr leqfpr dk;kZy; esa Qkby fd;k tk

ldsxA

 $\frac{1}{4}$ 5 $\frac{1}{2}$ isVasV $\frac{1}{4}$ la”kks/ku $\frac{1}{2}$ fu;e] 2013 ds izkjaHk ds iwoZ igys mfYyf[kr vkosnu ds leqfpr

dk;kZy; ls fHkUu vf/kfu;e dh /kkjk 16 esa fufnZ"V fdlh dk;kZy; esa Qkby lHkh vkSj
 vkosnuksa dks igys mfYyf[kr vkosnu ds leqfpr dk;kZy; dks gLrkarfjr fd;k tk,xkA
 3- mDr fu;eksa ds fu;e 9 ds LFkku ij fuEufyf[kr fu;e j[kk tk,xk] vFkkZr~ &
 Þ9 nLrkost vkSj izfr;k;a vkfn dk Qkby fd;k tkuk&
 ¼1½ isVsaV dk;kZy; esa Qkby fd, x, "kiFk&i= vkSj js[kkfp=ksa ds flok; lHkh nLrkost
 vkSj vU; nLrkostksa dh izfr;k;a&
 ¼4½ U;wure Ms<+ LFkku&varjky j[krs gq, xgjs vfeV L;kgH esa de&ls&de 0-28
 lsaVhehVj mPp Li"V rFkk iBuh; v{kjksa esa dkxt ds dsoy ,d
 gh rjQ fgUnh ;k vaxzsth Hkk"kk esa ¼tc rd fu;a=d }kjk vU;Fkk
 funs" k ;k vuqKkr u gks½ Vafdr vFkok eqfnzr gksxh(
 ¼4½ [k½ ,sls fdlh dkxt ij gksxh tks uE;] lqn`<] fpdus] vpedhys rFkk fVdkÅ] ,4 vkdkj ds
 yxHkx 29-7 lsaVhehVj vkSj 21 lsaVhehVj yEckbZ&pkSM+kbZ ds] ftuds "kh"kZ
 vkSj oke&gLr dh vksj U;wure 4 lsaVhehVj rFkk uhps vkSj nkfguh
 vksj 3 lsaVhehVj dk gkf" k;k NksM+rs gq, gks(
 ¼4½ dkxt ds uhps dsUnz esa vjsfcd la[;kvksa dh fujarj Øe esa la[;kafdr gksaxhA
 ¼4½ k½ o.kZu ds izR;sd i`B rFkk noksa ds izR;sd i`B ds izR;sd ikapoha iafDr ij
 ck,Wa gkf" k, ds nk;sa v)Z esa la[;k fy[kh gksxhA
 ¼4½ dksbZ gLrk{kj tks iBuh; ugha gS ;k tks vaxzsth ;k fgUnh ds vfrfjDr fdlh fyfi esa
 fyf[kr gks] mlds lkFk ml uke dk vuqfyfidj.k ;k rks fgUnh ;k vaxzsth ds cM+s
 v{kjksa esa layXu fd;k tk,xkA
 ¼4½ ;fn isVsaV vkosnu U;wfDy;ksVkbM~l dh Øe lwph vFkok vehuks&vEy vuqØe izdV
 djrk gks] rks og U;wfDy;ksVkbM~l dh Øe lwph vFkok vehuks&vEy vuqØe vkosnu
 ds lkFk dEI;wVj iBuh; bysDV~kWfud iz:i esa Qkby fd;k tk,xk vkSj
 U;wfDy;ksVkbM~l dh Øe lwph vFkok vehuks&vEy vuqØe dh dksbZ eqfnzr izfr nsuk
 vko";d ugha gksxkA
 ¼4½ lHkh nLrkostksa dh vfrfjDr izfr;k; leqfpr dk;kZy; esa Qkby fd, tk,axs tks fu;a=d }kjk
 visf{kr gksA
 ¼4½ vkosnd rFkk vU; O;fDr;ksa ds uke vkSj irs] mudh jk"V~h;rk vkSj ,slh vU;
 fof"kf"V;kWa] ;fn gksa] tks mudh igpku gsrq vko";d gks] ds lkFk iw.kZ :i esa nh tk,xhA
 4- mDr fu;eksa ds fu;e 17 esa] [kaM ¼4½ ds i`pkr~ fuEufyf[kr [kaM var%LFkkfir fd, tk,axs]
 vFkkZr~ %&
 ¼4½ Þijh{k.k izkf/kdkjhÞ ls fu;e 19p ds mi&fu;e ¼1½ esa fufnZ"V Hkkjrh; vUrj
 jk"V~h; izkfjHkd ijh{k.k izkf/kdj.k vfHkizsr gS(
 ¼4½ [k½ ÞvUrjjk"V~h; vf/kdkjhÞ ls fo"o ckSf)d lEink laxBu dk vUrjjk"V~h;[kkst
 izkf/kdkjh vfHkizsr gS(
 ¼4½ dx½ Þ[kkst vf/kdkjhÞ ls fu;e 19d ds mi&fu;e ¼1½ esa fufnZ"V Hkkjrh;
 vUrjjk"V~h; [kkst izkf/kdkjh vfHkizsr gS
 5- mDr fu;eksa ds fu;e 18 ds LFkku ij fuEufyf[kr fu;e j[kk tk,xk] vFkkZr~ %&
 Þ18 vUrjjk"V~h; vkosnuksa ds lEcU/k esa leqfpr dk;kZy;&
 ¼4½ vUrjjk"V~h; vkosnuksa ds iz;kstuksa ds fy, ;FkkfLFkfr izkIrdkZ dk;kZy;] vfHkfgr
 dk;kZy; vkSj p;fur dk;kZy;] fu;e 4 esa fufnZ"V leqfpr dk;kZy; gksxkA
 ¼4½ mi&fu;e ¼1½ esa varfoZ"V fdlh ckr ds gksrs gq, Hkh] isVsaV dk;kZy;] fnYyh
 "kk[kk vUrjjk"V~h; C;wjks rFkk fdlh vU; vUrjjk"V~h; [kkst izkf/kdkjh rFkk vUrjjk"V~h;
 izkfjHkd ijh{k.k izkf/kdkjh ds lkFk dk;Z djus gsrq leqfpr dk;kZy; gksxk A
 ¼4½ vUrjjk"V~h; vkosnu] bl v;k; ds micU/kksa ds vuqlkj] bl laf/k vkSj bl laf/k ds v/khu
 LFkkfir fofu;eksa ds vuqlkj mi&fu;e ¼1½ esa fufnZ"V leqfpr dk;kZy; esa Qkby fd;k tk,xk vkSj
 leqfpr dk;kZy; }kjk ml ij dk;Zokgh dh tk,xhA
 ¼4½ mi&fu;e ¼1½ esa mfYyf[kr leqfpr dk;kZy; dksbZ vUrjjk"V~h; vkosnu izkIr gksus ij]

$\frac{1}{4}d\frac{1}{2}$ ml vkosnu dh ,d izfr j[k ysxk ftls $\text{Bx}^{\text{'g}}$ izfrB dgk tk,xk(
 $\frac{1}{4}[k\frac{1}{2}$,d izfr ftls $\text{PvfHkys}[k$ izfrB dgk tk,xk] vUrjjk'V^{ah}; C;wjks dks Hkstsxk(vkSj
 $\frac{1}{4}x\frac{1}{2}$,d izfr ftls $\text{B}[kkst$ izfrB dgk tk,xk laf/k ds vuqPNsn 16 esa fufnZ"V
vUrjjk'V^{ah}; [kkst izkf/kdkjh dks izsf"kr djsxk vkSj lkFk gh
,sls vkosnu ds iw.kZ C;kSjs isVsaV dk;kZy; fnYyh dks
HkstsxkA

6- mDr fu;eksa ds fu;e 19 ds LFkku ij fuEufyf[kr mi fu;e j[kk tk,xk] vFkkZr~ %&
 $\text{B}19$ izkIrdRRkkZ dk:kZv: ds :i esa leafr dk:kZv: ds lkFk Okbv fd. x. vUriik"V^{ah}:
vkosnu&
 $\frac{1}{4}1\frac{1}{2}$ dksbZ vUrjjk'V^{ah}; vkosnu ;k rks vaxzsth ;k fgUnh esa rhu izfr;ksa esa leqfpr dk;kZy;
ds lkFk Qkby fd;k tk,xkA
'Hkkx 11µ[k.M 3(u)" Hkkjr dk jkti=k % vIk/kj.k 3

$\frac{1}{4}2\frac{1}{2}$ vUrjjk'V^{ah}; vkosnu dh cker lans; Qhl] laf/k ds v/khu fofu;eksa esa fofufnZ"V Qhl ds
vfrfjDr igyh vuqlwph ;k ikapoha vuqlwph esa ;Fkk fofufnZ"V Qhl gksxhA
 $\frac{1}{4}3\frac{1}{2}$ tgk; dksbZ vUrjjk'V^{ah}; vkosnu rhu izfr;ksa esa Qkby ugha fd, x, gSa ogkW; leqfpr
dk;kZy; izFke vuqlwph esa fofufnZ"V Qhl ds lank; ij visf{kr vfrfjDr izfr;kj rS;kj djsxkA
 $\frac{1}{4}4\frac{1}{2}$ vkosnd ls vuqjks/k izkIr gksus ij vkSj izFke vuqlwph esa fofufnZ"V Qhl dk Hkqxrku
djus ds ckn leqfpr dk;kZy; iwfoZdrk nLrkost dh ,d lR;kfir izfr rS;kj djsxk vkSj mls "kh?kzrk ls
vUrjjk'V^{ah}; C;wjks dks izsf"kr djrs gq, vkosnd vkSj isVsaV dk;kZy; dh fnYyh "kk[kk dks
bldh lwpuk nsxkAP
19-

d- Hkkjrh; vUrjjk'V^{ah}; [kkst izkf/kdkjh & $\frac{1}{4}1\frac{1}{2}$ Hkkjrh; isVsaV dk;kZy; vkSj
vUrjjk'V^{ah}; C;wjks ds chp gq, le>kSrs ds vuqlj.k esa laf/k ds rgr isVsaV dk;kZy; fnYyh
"kk[kk Hkkjrh; vUrjjk'V^{ah}; [kkst izkf/kdkjh ds d'R;ksa dk fu"iknu djsxkA

$\frac{1}{4}2\frac{1}{2}$ [kkst izkf/kdkjh dks lans; Qhl] laf/k ds rgr fufeZr fofu;eksa esa fofufnZ"V Qhl ds
vfrfjDr Ikakpoha vuqlwph esa ;Fkk fufnZ"V Qhl gksxhA

$\frac{1}{4}3\frac{1}{2}$ mifu;e $\frac{1}{4}1\frac{1}{2}$ esa fufnZ"V [kkst izkf/kdkjh] vUrjjk'V^{ah}; vkosnuksa ds lEcU/k esa
vUrjjk'V^{ah}; [kkst fjiksVZ rS;kj djsxk vFkok fu;e 19 [k ds mifu;e $\frac{1}{4}3\frac{1}{2}$ ds vuqlkj ?kksf"kr
djsxk] ;FkkLFkfr tgk; Hkkjr dks l{ke [kkst izkf/kdkjh ds :lk esa bafxr fd;k x;k gSA

19- [k- vUrjjk'V^{ah}; [kkst fjiksVZ&

$\frac{1}{4}1\frac{1}{2}$ [kkst izkf/kdkjh [kkst izfr izkIr gksus ij] mlds igpku fpg~u 'ISA/IN' ds lkFk [kkst izfr
dh vUrjjk'V^{ah}; vkosnu la;k rFkk mldh Øe la;k vkSj izkfIr dh rkjh[k nsrs gq, vUrjjk'V^{ah};
C;wjks vkSj ml vkosnd dks [kkst izfr dh izkfIr ds lEcU/k esa vf/klwfpr djsxkA

$\frac{1}{4}2\frac{1}{2}$ fu;e 24[k ds mi fu;e $\frac{1}{4}2\frac{1}{2}$ dh en $\frac{1}{4}i\frac{1}{2}$ ds ijarqd esa varfoZ"V fdllh ckr ds gksrs gq, Hkh]
[kkst izkf/kdkjh] [kkst izfr izkIr gksus ij] ml vkns"k esa ftlesa [kkst izfr izkIr dh xbZ Fkh]
vUrjjk'V^{ah}; vkosnu fdllh ij {kd ;k vf/kfu;e dh /kkjk 73 dh mi&/kkjk $\frac{1}{4}2\frac{1}{2}$ ds rgr fu;qDr fdllh
vU; vf/kdkjh dks bl laf/k vkSj blds varxZr LFkfkfir fofu;eksa esa fufgr mica/kksa ds vuqlj.k
esa ,sls lanHkZ dh rkjh[k ls lkekU;r% ,d eghus dh vof/k ds Hkhrj] tks nks eghus ls vf/kd
ugha gksxh] vUrjjk'V^{ah}; [kkst fjiksVZ cukus ds fy, fufnZ"V djsxkA

$\frac{1}{4}3\frac{1}{2}$ [kkst izkf/kdkjh dk ;fn ;g fopkj gS fd &

$\frac{1}{4}d\frac{1}{2}$ vUrjjk'V^{ah}; vkosnu ml fo"ka;&oLrq ls lac) gS ftl ij [kkst izkf/kdkjh ds fy, [kkst
djuk visf{kr ugha gS rFkk og rnuqlkj [kkst u djus dk fofu"p; djrk gS(;k

$\frac{1}{4}[k\frac{1}{2}$ o.kZu] nkos vkSj vkjs[k fofu;eksa ds v/khu fofgr vis{kkvksa ds vuqiky esa
ml lhek rd vlQy gS fd ,d vFkZiw.kZ [kkst lapfyr ugha dh tk lds]

rks mDr izkf/kdkjh vkosnd rFkk vUrjjk'V^{ah}; C;wjks dks ;g ?kks"kk djsxk rFkk
vf/klwfpr djsxk fd dksbZ vUrjjk'V^{ah}; [kkst fjiksVZ rS;kj ugha dh tk,xhA

$\frac{1}{4}4\frac{1}{2}$,sls lanHkZ esa tgka mi&fu;e $\frac{1}{4}3\frac{1}{2}$ ds [kaM $\frac{1}{4}d\frac{1}{2}$ rFkk $\frac{1}{4}[k\frac{1}{2}$ esa fufnZ"V dksbZ
fLFkfr dsoy fdllh nkos ds lEcU/k esa fojeku ikbZ xbZ] rks [kkst izkf/kdkjh ,sls nkos dh cker

vUrjjk'V^{ah}; [kkst fjiksVZ esa bl rF; dk mYys[k djsxk] vkSj vU; nkos ds fy,] og vUrjjk'V^{ah}; [kkst fjiksVZ rS;kj djsxkA

$\frac{1}{45}\frac{1}{2}$ [kkst izkf/kdkjh dk] ;fn ;g fopkj gS fd vUrjjk'V^{ah}; vkosnu laf/k ds rgr fofu;eksa ds fu;e 13 esa fofufnZ"V mica/kksa ds vuqlj.k esa vkfo"dkj dh ,dyrk dh vis{kkvksa dk vuqiky ugha djrh gS rks og mu dkj.kksa dks fofufnZ"V djrs gq, ftlds dkj.k ml vUrjjk'V^{ah}; vkosnu dks vkfOk'dkj dh ,dyrk dh vis{kkvksa dk vuqiky ugha djus okyk ekuk x;k gS ,d lwpuk Hkstsxk vkSj vkosnd dks vkeaf=r djsxk% $\frac{1}{4d}\frac{1}{2}$,sls vkfo"dkj dh rkjh[k ls ,d ekl dh vof/k ds Hkhrj lans; dh tkus okyh Qhl dh jde minf"kZr djrs gq, ikapoha vuqlwph esa fofufnZ"V Qhl dk Hkqxrku djuk(vkSj $\frac{1}{4}[k\frac{1}{2}$,sls vkfo"dkj dh rkjh[k ls ,d ekl dh vof/k ds fy, lans; Qhl dh jkf"k minf"kZr djrs gq, ikapoha vuqlwph esa fofufnZ"V izfrokn Qhl] tgk; ykxw gks] dk Hkqxrku djukA

$\frac{1}{46}\frac{1}{2}$ [kkst izkf/kdkjh vUrjjk'V^{ah}; vkosnu ds mu Hkkxksa ij vUrjjk'V^{ah}; [kkst fjiksVZ LFkkfir djsxk tks nkos $\frac{1}{4eq}$; vkfo"dkj $\frac{1}{2}$ esa loZizFke mfYyf[kr vkfo"dkj ls lacaf/kr gks ftlds cker mDr Qhl dk Hkqxrku fd;k x;k Fkk] ds v;/khu mi&fu;e $\frac{1}{45}\frac{1}{2}$ esa fofufnZ"V le;kof/k ds Hkhrj vfrfjDr Qhl dk Hkqxrku dj fn;k x;k gksA

$\frac{1}{47}\frac{1}{2}$ dksbZ vkosnd fojks/k ds rgr vfrfjDr Qhl dk Hkqxrku djsxk vFkkZr~ bl izHkko dk ,d rkfdZd dFku layXu djrs gq, fd vUrjjk'V^{ah}; vkosnu vkfo"dkj dh ,dyrk dh vis{kkvksa dks iwjk djrk gS ;k ;g fd visf{kr vfrfjDr Qhl dh jkf"k vR;f?kd gSA

$\frac{1}{48}\frac{1}{2}$ mi&fu;e $\frac{1}{47}\frac{1}{2}$ esa fufnZ"V izfrokn dk ijh{k.k fu;a=d }kjk xfBr ,d iqufoZyksdu lfefr }kjk fd;k tk,xkA

$\frac{1}{49}\frac{1}{2}$ mi&fu;e $\frac{1}{48}\frac{1}{2}$ ds v/khu xfBr iqufoZyksdu lfefr ml lhek dk ijh{k.k djsxh tgk; rd og izfrokn ;qfDrlaxr gS vkSj rnuqlkj vkosnd dks vfrfjDr Qhl dh iw.kZ ;k vkaf"kd izfriwfrZ dk vkns"n nsxkA $\frac{1}{410}\frac{1}{2}$ tgk; vkosnd us mi&fu;e $\frac{1}{45}\frac{1}{2}$ ds mica/k $\frac{1}{4}[k\frac{1}{2}$ ds vuqlkj izfrokn Qhl dks lanUk ugha fd;k gS] ;g eku fy;k tk,xk fd fojks/k ugha fd;k x;k gS vkSj [kkst izkf/kdkjh ,slh ?kks'k.kk djsxkA

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[PART II—SEC. 3(ii)]

- $\frac{1}{411}\frac{1}{2}$ tgk; mi&fu;e $\frac{1}{48}\frac{1}{2}$ esa fufnZ"V iqufoZyksdu lfefr ;g ikrh gS fd izfrokn iw.kZr;k ;qfDrlaxr Fkk rks vkosnd dks izfrokn Qhl okil dj nh tk,xhA
- $\frac{1}{412}\frac{1}{2}$ tgk; vUrjjk'V^{ah}; vkosnu esa ,d ;k vf/kd U;wfDy;ksVkbM ;k vehuks vEy vuqØe vuqlwph dk izdVhdj.k vUrfoZ"V gS vkSj og vuqØe dEI;wVj iBuh; iz:i esa izLrqr ugha fd;k x;k gS] ;gk; [kkst izkf/kdkjh ml vkosnd dks ,d lwpuk Hkstsxk fd og ml lwpuk dh rkjh[k ls ,d ekl dh vof/k ds Hkhrj vuqØe vuqlwph dks dEI;wVj iBuh; iz:i esa izLrqr djs vkSj ikapoha vuqlwph esa fofgr foyEc QfuZflax Qhl dk Hkqxrku djs vkSj ;fn vkosnd ml lwpuk dk vuqiky djus esa vIQy jgrk gS rks [kkst izkf/kdkjh ml lhek rd vUrjjk'V^{ah}; [kkst lapkfyr djsxk tgk; rd fd vuqØe vuqlwph fd, fcuk vFkZiw.kZ [kkst lapkfyr fd;k tk ldsA
- 19- x- vUrjjk'V^{ah}; [kkst fjiksVZ LFkkfir djus dh le; lhek & [kkst izkf/kdkjh fu;e 19 [k ds mi&fu;e 3 esa fufnZ"V vUrjjk'V^{ah}; [kkst fjiksVZ rFkk] ;FkkfLFkfr] fyf[kr jk; ;k ?kks'k.kk mDr [kkst izkf/kdkjh }kjk [kkst izfr izkIr gksus dh rkjh[k ls rhu eghus ;k izkf;drk dh rkjh[k ls ukS eghus dh vof/k ds Hkhrj] tks Hkh le; lhek ckn esa lekIr gksrh gks] LFkkfir djsxkA
- 19- ?k- vUrjjk'V^{ah}; [kkst fjiksVZ vkSj fyt[kr jk; vktm dk ikjs'k.k & vUrjjk'V^{ah}; [kkst izkf/kdkjh vUrjjk'V^{ah}; [kkst fjiksVZ ;k bl laf/k ds vuqPNsn 17 $\frac{1}{2}\frac{1}{2}$ $\frac{1}{4d}\frac{1}{2}$ esa fufnZ"V mn~?kks'k.kk dh ,d izfr vkSj bl laf/k ds v/khu fufeZr fofu;eksa ds fu;e 43 chvkbZ,l- 1 ds v/khu LFkkfir fyf[kr jk; dh ,d izfr vUrjjk'V^{ah}; C;wjks dks vkSj ,d izfr vkosnd dks mlh fnu ikjsf"kr djsxkA
- 19- M+ xks;uh; O;ogkj&vUrjjk'V^{ah}; vkosnu ls lac) lHkh fo'k;ksa dks bl laf/k vkSj bls fofu;eksa ds vuqlkj xks;uh; j[kk tk,xkA
- 19- p- Hkkjrh; vUrjjk'V^{ah}; izkjaHkd ijh{k.k izkt/kdkjh &

$\frac{1}{4} \frac{1}{2}$ isVsaV dk;kZy; ,o vUrjjk'V^ah; izkf/kdkjh Hkkjrh; isVsaV dk;kZy; ,oa vUrjjk'V^ah; C;wjks ds chp gq, le>kSrs ds vuqlkj bl laf/k ds rgr vUrjjk'V^ah; izkf/kdkjh ds d'R;ksa dk fu'iknu djsxkA

$\frac{1}{2} \frac{1}{2}$ mi&fu;e $\frac{1}{4} \frac{1}{2}$ esa fufnZ'V ij {k.k izkf/kdkjh fuEufyf[kr LFkkfir djsxk&

$\frac{1}{4} \frac{1}{2}$ vUrjjk'V^ah; izkf/kdkjh ds :i esa Hkkjr dk p;u djus okys IHkh vUrjjk'V^ah; vkosnuksa ds lanHkZ esa vUrjjk'V^ah; izkf/kdkjh ds {k.k fjiksVZ(

$\frac{1}{4} [k \frac{1}{2} vU; ns''kksa ds jk'V^a h dksa vFkok fuokfl;ksa \}$ kjk Hkkjrh; isVsaV dk;kZy; rFkk vUrjjk'V^ah; C;wjks ds chp gq, le>kSrs ds vuqlkj Qkby dh xbZ ek;xksa ds lEcU/k esa] vUrjjk'V^ah; C;wjks } kjk vf/klwfr fd, tkus ds ckn(

$\frac{1}{4} x \frac{1}{2} vU; ns''kksa ds ,sls jk'V^a h dksa ;k fuokfl;ksa tks bl laf/k dk Hkkx ugha gS ;k bl laf/k ds v;k;$ 2 } kjk vkc) ugha gS] } kjk dh xbZ ek;xksa ds lEcU/k esa vUrjjk'V^ah; izkf/kdkjh ij {k.k} ;fn IHkk us bl izdkj vuqeksfnr fd;k gSA

19- N- ek;x djus dh vof/k&

$\frac{1}{4} \frac{1}{2}$ vUrjjk'V^ah; izkf/kdkjh ij {k.k dh ek;x] laf/k ds v/khu ;k ml laf/k ds v/khu cuk, x, fofu;eksa esa fofufnZ'V vof/k ds Hkhrj dh tk,xhA

$\frac{1}{4} \frac{1}{2}$ mi&fu;e $\frac{1}{4} \frac{1}{2}$ esa fofufnZ'V vof/k dh lekflr ds i'pkr~ dh xbZ ek;x dh n''kk esa] ;g le>k tk,xk fd ek;x ugha dh xbZ gS vkSj dksbZ vUrjjk'V^ah; izkf/kdkjh ij {k.k izfrosnu rS;kj ugha fd;k tk,xkA

19- t- ij {k.kdrkZ izkf/kdkjh dks lans; Qhl & ij {k.k izkf/kdkjh dks lans; Qhl] laf/k ds v/khu fufeZr fofu;eksa esa fufnZ'V Qhl ds vfrfjDr ikapoh vuqlwph esa ;Fkk fufnZ'V Qhl gksxhA

19- >- ek;x djus dh jhfr&bu fu;eksa] bl laf/k vkSj blds v/khu fofu;eksa esa fufgr mica/kksa ds vuqlkj ek;x dh tk ldsxhA

19- ¥- vUrjjk'V^ah; izkf/kdkjh ij {kk gsrq ek;xksa ij dk;Zokgh&

$\frac{1}{4} \frac{1}{2}$ ij {k.k izkf/kdkjh} vUrjjk'V^ah; izkf/kdkjh ij {kk gsrq ek;x izkIr gksus ij] ;fn ij {k.k izkf/kdkjh vUrjjk'V^ah; izkf/kdkjh ij {kk lapkfyR djus esa l {ke gSa] igpku fpUg ^vkbZihbZ,@vkbZ ,u* iznku djsxk vkSj vkosnu vkSj vUrjjk'V^ah; C;wjks dks vf/klwfr djsxkA

$\frac{1}{4} \frac{1}{2}$ tgg; ij {k.k izkf/kdkjh vUrjjk'V^ah; vkosnu dk vUrjjk'V^ah; izkf/kdkjh ij {kk lapkfyR djus esa l {ke ugha gS rks ogk; izkf/kdkjh rqjUr og ek;x vUrjjk'V^ah; C;wjks dks ikjsf'kr dj nsxkA

19- V- vUrjjk'V^ah; izkf/kdkjh ij {k.k izfrosnu & $\frac{1}{4} \frac{1}{2}$ fu;e 24 [k ds mi fu;e $\frac{1}{4} \frac{1}{2}$ dh en $\frac{1}{4} \frac{1}{2}$ ds ijarqd esa varfoZ'V fdlh ckr ds gksrs gq, Hkh] ij {k.k izkf/kdkjh bl laf/k vkSj blds v/khu fofu;eksa esa varfoZ'V mica/kksa ds vuqlkj vUrjjk'V^ah; vkosnu dks] Hkkjrh; vUrjjk'V^ah; izkf/kdkjh ij {k.k izkf/kdkjh ds le {k izkIr ek;x ds Øekuqlkj lkekU;r% rhu eghus fdarq ,sls lanHkZ dh rkjh[k ls pkj eghus ls de dh vof/k ds Hkhrj ,d vUrjjk'V^ah; izkf/kdkjh ij {k.k izfrosnu rS;kj djus ds fy, fdlh ij {kd ;k vf/kfu;e dh /kkjk 73 dh mi&/kkjk $\frac{1}{4} \frac{1}{2}$ ds rgr fu;qDr fdlh vU; vf/kdkjh ds ikl HkstsxkA

$\frac{1}{4} \frac{1}{2}$ ml vkfo'dkj ds lEcU/k esa nkos] ftu ij dksbZ vUrjjk'V^ah; [kkst fjiksVZ rS;kj ugha dh xbZ gS og vUrjjk'V^ah; izkf/kdkjh ij {k.k dk fo'k; ugha gksxkA

$\frac{1}{4} \frac{1}{2}$ ij {k.k izkf/kdkjh ;fn ;g fopkj djrk gS fd &

'Hkkx lHk.M 3(u)'

Hkkjr dk jkti=k % vik/kj.k

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$\frac{1}{4} \frac{1}{2}$ og vUrjjk'V^ah; vkosnu ml fo'k; oLrq ls lacaf/kr gS ftl ij vUrjjk'V^ah; izkf/kdkjh dks dksbZ vUrjjk'V^ah; izkf/kdkjh ij {k.k lapkfyR djus dh vko''drk ugha gS] vkSj ml fo'ks'k ekeys esa] ,slk ij {k.k lapkfyR ugha djus dk fofu''p; djrk gS] ;k

$\frac{1}{4} [k \frac{1}{2}$ fooj.k] nkos ;k vkjs[k brus vLi'V gaS vFkok noksa ds leFkZu esa iznÜk fooj.k bruk vi;kZIr gS fd uohurk] vkfo'dkfyd pj.k $\frac{1}{4}$ vfHkuo $\frac{1}{2}$] ;k vkS]ksfxd vuqiz;ksx ds iz''u ij dksbZ vFkZiw.kZ jk; l'ftr ugha dh tk ldrh] rks ij {k.k izkf/kdkjh bu iz''uksa esa ugha my>sxk vkSj

viuh jk; ,oa mlds dkj.kksa dh lwpuk vkosnd dks nsxkA

$\frac{1}{4}\frac{1}{2}$,sls fdlh ekeys esa tgg; mi&fu;e $\frac{1}{4}\frac{1}{2}$ ds [kaM $\frac{1}{4}\frac{1}{2}$;k mica/k $\frac{1}{4}$ [k $\frac{1}{2}$ esa fufnZ'V dksbZ fLFkfr dsoy dfri; nkos ds lEcU/k esa foleku ik;h tkrh gS rks ijh{k.k izkf/kdkjh ,sls nkos dh cker vUrjjk'V^{ah}; izkjafHkd ijh{k.k fjiksVZ esa bl rF; dks bafxr djsxk vkSj vU; nkoksa ds fy, vUrjjk'V^{ah}; izkjafHkd ijh{k.k fjiksVZ rS;kj djsxkA

$\frac{1}{4}\frac{1}{2}$ tgg; ijh{k.k izkf/kdkjh ;g ikrk gS fd laf/k ds v/khu fofu;eksa ds fu;e 13 esa varfoZ'V mica/kksa ds vuqlkj vUrjjk'V^{ah}; vkosnu vkfo'dkj dh ,dyrk dh vis{kk dks iwjk ugha djrk vkSj viuh jk; ds vuqlkj vkosnd dks nkoksa dk izfrc/k vFkok vfrfjDr Qhl dk Hkqxrku djus ds fy, vkeaf=r djuk pkgrk gS] og vkosnd dks ,d uksfVl tkjh djsxk %

$\frac{1}{4}\frac{1}{2}$ de ls de ,d laHkkfor fuoZ/ku fofufnZ'V djsxk tks ml ijh{k.k izkf/kdkjh dh jk; esa iz;ksT; vis{kk ds vuqlj.k esa gks(

$\frac{1}{4}$ [k $\frac{1}{2}$ ml dkj.k dks fufnZ'V djsxk ftlds fy, ml vUrjjk'V^{ah}; vkosnu dks vkfo'dkj dh ,dyrk dh vis{kk dk vuqlj.k ugha djrk gqv k ik;k x;k gS(

$\frac{1}{4}$ x $\frac{1}{2}$ vkosnd dks vkea=.k dh rkjh[k ls ,d ekl ds Hkhrj vkea=.k dk vuqlj.k djus ds fy, cpyk,xk(

$\frac{1}{4}$?k $\frac{1}{2}$ visf{kr vfrfjDr Qhl dh jde dks minf'kZr djsxk ;fn vkosnd ,slk fodYi djs(vkSj $\frac{1}{4}$ M- $\frac{1}{2}$ vkosnd dks vkosnu dh rkjh[k ls ,d eghus ds Hkhrj izfrokn Qhl dk Hkqxrku djus ds fy, vkeaf=r djsxk vkSj ikapoha vuqlwph esa ;FkkfufnZ'V Hkqxrku dh tkus okyh jde dk mYys[k djsxkA

$\frac{1}{4}\frac{1}{2}$ dksbZ vkosnd vfrfjDr Qhl dk Hkqxrku izfrokn ds rgr djsxk vFkkZr~ bl izHkko dk ,d rkfdZd dFku layXu djrs gq, fd vUrjjk'V^{ah}; vkosnu vkfo'dkj dh ,dyrk dh vis{kkvksa dks iwjk djrk gS ;k fd visf{kr vfrfjDr Qhl dh jde vR;f/kd gSA

$\frac{1}{4}\frac{1}{2}$ mi&fu;e $\frac{1}{4}\frac{1}{2}$ esa fufnZ'V izfrokn dk ijh{k.k fu;a=d }kjk xfBr ,d iqufoZyksdu lfefr }kjk fd;k tk,xkA

$\frac{1}{4}\frac{1}{2}$ mi&fu;e $\frac{1}{4}\frac{1}{2}$ ds rgr xfBr iqufoZyksdu lfefr ml lhek dk ijh{k.k djsxh tgg; rd og izfrokn ;qfDrlaxr gS vkSj rnuqlkj vkosnd dks vfrfjDr Qhl dh iw.kZ ;k vkaf'kd izfriwfrZ dk vkns" k nsxkA $\frac{1}{4}\frac{1}{2}$ tgg; mi&fu;e $\frac{1}{4}\frac{1}{2}$ esa fufnZ'V iqufoZyksdu lfefr ;g ikrh gS fd izfrokn iw.kZr;k ;qfDrlaxr Fkk rks vkosnd dks izfrokn Qhl okil dj fn;k tk,xkA

19- B- vUrjjk'V^{ah}; izkjafHkd ijh{k.k izfrosnu LFkkfir djus dh le; lhek vkSj mldk ikjs'k.k & vUrjjk'V^{ah}; izkjafHkd ijh{k.k izfrosnu LFkkfir djus dh le;kof/k gksxh %

- i. iwfoZdrk rkjh[k ls vBkbZl ekl(;k
- ii. vUrjjk'V^{ah}; izkjafHkd ijh{k.k izkjaHk djus ds fy, laf/k ds v/khu fofu;eksa ds fu;e
- iii. 69-1 ds v/khu fofufnZ'V vof/k ls N% ekl(;k
bl laf/k ds v/khu fofu;eksa ds fu;e 55-2 ds v/khu iih{k.k izkf/kdkih dks mivC/k dik.
dh izkfIr dh rkjh[k ls N% ekl] tks Hkh ckn esa lekIr gksrk gSA

19- M- vUrjjk'V^{ah}; izkjafHkd ijh{k.k izfrosnu dk ikjs'k.k& ijh{k.k izkf/kdkjh vUrjjk'V^{ah}; izkjafHkd izfrosnu dh ,d izfr vkSj mlds vuqyXud] ;fn dksbZ gks] vUrjjk'V^{ah}; C;wjks dks vkSj ,d izfr vkosnd dks mlh fnu ikjsf'kr djsxkA**

19- <- okilh dh fLFkfr vkSj lhek &vkosnd }kjk lan'Uk Qhl bl laf/k esa fofufnZ'V "krksZa ;k laf/k ds v/khu fofu;eksa esa fofgr fLFkfr;ksa vkSj Hkkjrh; isVsaV dk;kZy; rFkk vUrjjk'V^{ah}; C;wjks ds chp gq, le>kSrs ds vuqlkj vkSj ml lhek rd okil] fujLr ;k de dj fn;k tk,xkA**

7- mDr fu;eksa ds fu;e 27 esa] ^vkSj lkj** "kCn ds LFkku ij ^lkj vkSj dksbZ vU;

8- nLrkost** "kCn j[ksa tk,axs(

mDr fu;eksa ds fu;e 138 ds] mi&fu;e $\frac{1}{4}\frac{1}{2}$ esa] ^fu;e 24 [k** "kCn] vad rFkk v{kj ds ^bu fu;eksa ds v;k; 3] fu;e 24&[k** "kCn] vad vkSj v{kj j[ksa tk,axsA

9- mDr fu;eksa dh prqFkZ vuqlwph vkSj mlls lacaf/kr izfof'V;ksa ds i'pkr~ fuEufyf[kr

vkSj izfof V;k; var%LFkkfir dh tk,xh] vFkkZr~% &

^^Ikkapoha vuqlwph

[fu;e 19 ¼2½] 19 d ¼1½¼[k½] 19 [k¼5½] 19[k¼12½] 19t] 19V¼5½

ns[ksa]

Øe la[;k	fdl ij lans; gS ¼isVsaV fu;e] 2003 ds lqlaxr mica/k] ;fn dksbZ gks½	laf/k ds v/khu fofu;eksa lqlaxr fu;e	izd'r O;fDr ds fy,	izd'r O;fDr ls fHkUu ;k rks vdsys ;k izd'r O;fDr ¼5½
¼1½	¼2½	¼3½	¼4½	¼5½
			¼4½; esa½	¼4½; esa½
1.	[kkst Qhl	fu;e 16-1 ¼4½	2500	10000
2.	fu;e 19 [k¼5½ ds v/khu vfrfjDr Qhl	fu;e 40-2	2500	10000
3.	fu;e 19 [k¼5½ rFkk 19 ¼5½ ds v/khu izfofDr Qhl	fu;e 40-2 ¼M-½ vkSi 68-3 ¼M+½	1000	4000
4.	4. izkjafHkd ijh{k.k Qhl	fu;e 58-1	3000	12000
5.	fu;e 19 ¼5½ ds v/khu vfrfjDr Qhl	fu;e 68-3	3000	12000
6.	izkjafHkd ijh{k.k Qhl ;fn Hkkjrh; vUrjkk'Vªh; [kkst izkf/kdkjh }kjk vUrjkk'Vªh;		2500	10000
7.	[kkst fjiksVZ rS;kj dh tkrh gS fu;e 19 ¼5½ ds v/khu ;fn Hkkjrh; vUrjkk'Vªh; [kkst izkf/kdkjh }kjk vUrjkk'Vªh;		2500	10000
8.	vUrjkk'Vªh; C;wjks dks lanUk dh tkus okyh dkiZokbZ Qhl	fu;e 57	laf/k ds v/khu cuk, x, fofu;eksa esa lavXu Qhl dh vuqlwph esa ;Fkk	
9.	9. foyEc izLrqfr Qhl	fu;e 13 VhbZvkj-1 ¼x rFkk 13 VhbZvkj-2] 12-3 ¼M-½] 12-4	1000	4000
10.	10. foyEc Hkqxrku Qhl	fu;e 58 chvkBZ,1-2] 16 chvkBZ,1-2	laf/k ds v/khu cuk, x, fofu;eksa ds vuqlkj	
11.	iwoZorhZ [kkst vkSj iwoZorhZ vkosnu ds	12 chvkBZ,1-1 ¼x½	1000	4000**

[,Q- la-

14@1@2008&vkbZihvkj&III]

Mh- oh- izlkn] la;qDr lfpo fVli.k % ewy fu;e Hkkjr ds jkti=] vlk/kkj.k esa vf/klwpuk la[;kad dk- vk- 493 ¼v½ rkjh[k 2 ebZ] 2003 }kjk izdkf'kr fd, x, vkSj fuEufyf[kr i"pkr~orhZ vf/klwpuk la[;kadkas }kjk la"kkf/kr fd, x,A

- dk- vk- 1418 ¼v½] rkjh[k 28 fnlEcj] 2004(
- dk- vk- 657 ¼v½] rkjh[k 5 ebZ] 2006(vkSj
- dk- vk- 2296 ¼v½] rkjh[k 25 flrEcj] 2012-

'Hkkx IIµ[k.M 3(u)'

Hkkjr dk jkti=k % vlk/kj.k

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MINISTRY OF COMMERCE AND INDUSTRY

(Department of Industrial Policy and Promotion)

NOTIFICATION

New Delhi, the 23rd April, 2013.

S.O.1029 (E).—WHEREAS, certain draft rules were published in exercise of the powers conferred by section 159 of the Patents Act, 1970 (39 of 1970), vide notification of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion), bearing number S.O. 189 (E) in Part II, Section 3, sub-section (ii) of the Gazette of India, Extraordinary, dated the 17th January, 2013, for inviting objections and suggestions from persons likely to be affected thereby before the expiry of a period of fifteen days from the date on which copies of the Gazette containing the notification were made available to the public;

AND WHEREAS, the copies of the Gazette containing the said notification were made available to the public on the 17th January, 2013;

AND WHEREAS, no objection or suggestion has been received from the public on the said draft rules, by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by section 159 of the Patents Act, 1970 (39 of 1970), the Central Government hereby makes the following rules further to amend the Patents Rules, 2003, namely:- 1. (1) These rules may be called the Patents (Amendment) Rules, 2013.

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

2. In the Patents Rules, 2003 (hereinafter referred to as the said rules), in rule 4, in sub-rule (2), the following sub-rules shall be inserted, namely: -

“(3) Notwithstanding anything contained in sub-rule (2), the Controller may transfer an application for patent so filed, to head office or, as the case may be, branch office of the Patent Office.

(4) Notwithstanding anything contained in sub-rule (1), further application referred to in section 16 of the Act, shall be filed at the appropriate office of the first mentioned application only.

(5) All further applications referred to section 16 of the Act filed in an office other than the appropriate office of the first mentioned application, before the commencement of the Patents (Amendment) Rules, 2013, shall be transferred to the appropriate office of the first mentioned application.”

3. For rule 9 of the said rules, the following rule shall be substituted, namely:-

“9. Filing of documents and copies, etc.- (1) All documents and copies of the documents, except affidavits and drawings, filed with patent office, shall -

(a) be typewritten or printed in Hindi or English (unless otherwise directed or allowed by the Controller) in large and legible characters not less than 0.28 centimetre high with deep indelible ink with lines widely spaced not less than one and half spaced only upon one side of the paper;

(b) be on such paper which is flexible, strong, white, smooth, non-shiny, and durable of size A4 of approximately 29.7 centimetre by 21 centimetre with a margin of at least 4 centimetre on the top and left hand part and 3 centimetre on the bottom and right hand part thereof;

(c) be numbered in consecutive Arabic numerals in the centre of the bottom of the sheet; and

(d) contain the numbering to every fifth line of each page of the description and each page of the claims at right half of the left margin.

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

(2) Any signature which is not legible or which is written in a script other than English or Hindi shall be accompanied by a transcription of the name either in Hindi or English in capital letters.

(3) In case, the application for patent discloses sequence listing of nucleotides or amino acid sequences, the sequence listing of nucleotides or amino acid sequences shall be filed in computer readable text format along with the application, and no print form of the sequence listing of nucleotides or amino acid sequences is required to be given.

(4) Additional copies of all documents shall be filed at the appropriate office as may be required by the Controller.

(5) Names and addresses of applicant and other persons shall be given in full together with their nationality and such other particulars, if any, as are necessary for their identification.”

4. In rule 17 of the said rules, after clause (a), the following clauses shall be inserted, namely:-

‘(aa) “Examining Authority” means the Indian International Preliminary Examining Authority referred to in sub-rule (1) of rule 19F;

(ab) “International Bureau” means the International Bureau of World Intellectual Property Organisation;

(ac) “Searching Authority” means the Indian International Searching Authority referred to in sub-rule (1) of rule 19A;’ 5.

For rule 18 of the said rules, the following rule shall be substituted, namely: —“18. Appropriate office in relation to international applications. —(1) The receiving office, the designated office and the elected office, as the case may be, for the purposes of international applications shall be the appropriate office referred to in rule 4.

(2) Notwithstanding anything contained in sub-rule (1), the Patent Office, Delhi branch shall be the appropriate office for dealing with the International Bureau and any other International Searching Authority and International Preliminary Examining Authority.

(3) An international application shall be filed at and processed by the appropriate office, referred to in sub-rule (1), in accordance with the provisions of this Chapter, the Treaty and the regulations under the Treaty.

- (4) The appropriate office referred to in sub-rule (1), shall, on receipt of an international application,
- keep one copy of the application to be called the "home copy" in its office;
 - transmit one copy to be called the "record copy" to the International Bureau; and
 - transmit one copy to be called "search copy" to the competent International Searching Authority referred to in Article 16 of the Treaty,

And simultaneously furnish complete details of such application to the Patent Office, Delhi branch." 6. For rule 19 of the said rules, the following rules shall be substituted, namely: —

"19.

International applications filed with appropriate office as receiving office. — (1) An international application shall be filed with the appropriate office in triplicate either in English or Hindi language.

(2) The fees payable in respect of an international application shall, in addition to the fees specified in the regulations under the Treaty, be the fees as specified in the First Schedule and the Fifth Schedule.

(3) Where an international application has not been filed in triplicate, the appropriate office shall, upon payment of fees specified in the First Schedule, prepare the required additional copies.

(4) On receipt of a request from the applicant and on payment of the fees specified in the First Schedule, the appropriate office shall prepare a certified copy of the priority document and promptly transmit the same to the International Bureau and intimate the applicant and the Patent Office, Delhi branch."

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19A. Indian International Searching Authority.—(1) The Patent Office, Delhi branch shall perform the functions of the Indian International Searching Authority under the treaty in accordance with an agreement between the Indian Patent Office and the International Bureau.

(2) The fees payable to the Searching Authority shall, in addition to the fees specified in the regulations made under the Treaty, be the fees as specified in the Fifth Schedule.

(3) The Searching Authority referred to in sub-rule (1), shall establish international search report in respect of international applications, or, as the case may be, declare in accordance with sub-rule (3) of rule 19B, in cases where India has been indicated as a competent International Searching Authority.

19 B. International search report.— (1) The Searching Authority shall, on receipt of the search copy, notify the International Bureau and the applicant about the receipt of search copy with identification mark 'ISA/IN' along with the international application number and its serial number and the date of receipt of the search copy.

(2) Notwithstanding anything contained in the proviso to item (i) of sub-rule (2) of rule 24B, the Searching Authority shall, upon receipt of the search copy, refer the international application, in the order in which the search copy was received, to an examiner or any other officer appointed under sub-section (2) of Section 73 of the Act for preparing an international search report, in accordance with the provisions contained in the Treaty and the regulations under the Treaty, ordinarily within a period of one month but not exceeding two months from the date of such reference.

(3) The Searching Authority, if it considers that-

- the international application relates to a subject matter which the Searching Authority is not required to search and accordingly decides not to search; or
- the description, claims or drawings fail to comply with the requirements prescribed under the regulations under the Treaty to such an extent that a meaningful search could not be carried out,

the Authority shall so declare and notify the applicant and the International Bureau that no international search report shall be established.

(4) In a case where any situation referred to in clause (a) or clause (b) of sub-rule (3) is found to exist in connection with certain claims only, the Searching Authority shall indicate this fact in the International Search Report in respect of such claims, and for other claims, it shall establish the International Search Report.

(5) The Searching Authority, if it considers that the international application does not comply with the requirement of unity of invention, in accordance with the provisions contained in Rule 13 of the regulations under the Treaty, shall send a notice specifying the reasons for which the international application is not considered as complying with the requirement of unity of invention and inviting the applicant-

- to pay the additional fees specified in the Fifth Schedule, indicating the amount of fees to be paid, within a period of one month from the date of such invitation; and

(b) to pay, where applicable, the protest fee specified in the Fifth Schedule, indicating the amount of fee to be paid, within a period of one month from the date of such invitation.

(6) The Searching Authority shall establish the International Search Report on those parts of the international application which relate to the invention first mentioned in the claims ("main invention") and subject to payment of additional fee within the period specified in sub-rule (5), on those parts of the international application which relate to inventions in respect of which such additional fees were paid.

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(7) Any applicant may pay the additional fees under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive.

(8) The examination of the protest referred to in sub-rule (7) shall be carried out by a Review Committee constituted by the Controller.

(9) The Review Committee constituted under sub-rule (8) shall examine the extent to which the protest is justified and shall accordingly order for the total or partial reimbursement of the additional fee to the applicant.

(10) Where the applicant has not paid the fees for the protest in accordance with clause (b) of sub-rule (5), the protest shall be considered not to have been made and the Searching Authority shall so declare.

(11) The protest fee shall be refunded to the applicant where the Review Committee referred to in sub-rule (8) finds that the protest was entirely justified.

(12) Where the international application contains the disclosure of one or more nucleotide or amino acid sequences and the sequences are not furnished in computer-readable text format, the Searching Authority shall send a notice to the applicant to submit the sequence listing in computer-readable text format and pay the late furnishing fee specified in the Fifth Schedule, within a period of one month from the date of such notice and if the applicant fails to comply with the notice, the Searching Authority shall search the international application to the extent that a meaningful search can be carried out without the sequence listing.

19 C. Time limit for establishing international search report. – The Searching Authority shall establish the International Search Report and written opinion or, as the case may be, the declaration referred to in sub-rule (3) of rule 19B within a period of three months from the date of receipt of the search copy by the Searching Authority, or within a period of nine months from the date of priority, whichever expires later.

19D. Transmittal of the International Search Report and written opinion,–

The Searching Authority shall transmit one copy of the International Search Report or of the declaration referred to in Article 17(2)(a) of the Treaty, and one copy of the written opinion established under Rule 43bis.1 of the regulations under the Treaty, to the International Bureau and one copy to the applicant, on the same day.

19E. Confidential treatment.–All matters pertaining to international applications shall be kept confidential in accordance with the treaty and the regulations under the Treaty.

19F. Indian International Preliminary Examining Authority. – (1) The Patent Office, Delhi branch shall perform the functions of the International Preliminary Examining Authority under the Treaty in accordance with an agreement between the Indian Patent Office and the International Bureau.

(2) The Examining Authority referred to in sub-rule (1), shall establish—

(a) the International Preliminary Examination Report in respect of all international applications electing India as an International Preliminary Examining Authority;

(b) the International Preliminary Examination Report in respect of the demands filed by the nationals or residents of other countries in accordance with an agreement between Indian Patent Office and the International Bureau, upon being notified by the International Bureau;

(c) the International Preliminary Examination in respect of demands made by the nationals or residents of other countries not party to the Treaty or not bound by Chapter II of the Treaty, if the Assembly has so approves.

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19G. Period for making a demand. – (1) The demand for international preliminary examination shall be made within the period specified in the Treaty or regulations under the Treaty.

(2) In case the demand is made after the expiry of the period specified in sub-rule (1), it shall be considered to have not been made and no International Preliminary Examination Report shall be prepared.

19H. Fees payable to Examining Authority. –The fees payable to the Examining Authority shall, in addition to the fees specified in the regulations under the Treaty, be the fees specified in the Fifth Schedule.

19I. Manner of making a demand.—A demand shall be made in accordance with the provisions contained in these rules, the Treaty and the regulations under the Treaty.

19J. Processing of demands for international preliminary examination.— (1) The Examining Authority, on receipt of the demand for international preliminary examination, if the Examining Authority is competent to conduct an international preliminary examination, shall assign the identification mark 'IPEA/IN' and shall notify the Applicant and the International Bureau.

(2) In case where the Examining Authority is not competent to conduct the international preliminary examination of the international application, it shall transmit the demand promptly to the International Bureau.

19K. International Preliminary Examination Report. — (1) Notwithstanding anything contained in the proviso to item (i) of sub-rule (2) of rule 24B, the Examining Authority shall refer the international application, in accordance with the provisions contained in the Treaty and the regulations under the Treaty, in the order in which the demand was received in the Examining Authority to an examiner or any other officer appointed under sub-section (2) of section 73 of the Act for preparing an International Preliminary Examination Report ordinarily within a period of three months but not exceeding four months from the date of such reference. (2) Claims relating to inventions in respect of which no International Search Report has been established shall not be the subject of international preliminary examination.

(3) The Examining Authority, if considers that —

(a) the international application relates to a subject matter on which the Examining Authority is not required to carry out an international preliminary examination, and, decides not to carry out such examination; or (b) that the description, the claims, or the drawings, are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on the questions of novelty, inventive step (non-obviousness), or industrial applicability, the Examining Authority shall not go into these questions and shall inform the applicant of this opinion and the reasons therefor.

(4) In a case where any situation referred to in clause (a) or clause (b) of sub-rule (3) is found to exist in connection with certain claims only, the Examining Authority shall indicate this fact in the International Preliminary Examination Report in respect of such claims, and for other claims, it shall establish the International Preliminary Examination Report. (5) Where the Examining Authority finds that the international application does not comply with the requirement of unity of invention, in accordance with the provisions contained in Rule 13 of the regulations under the Treaty and chooses to invite the applicant, at his option, to restrict the claims or to pay additional fees, it shall issue a notice to the applicant: (a) specifying at least one possibility of restriction which, in the opinion of the Examining Authority, would be in compliance with the applicable requirement; 12 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(ii)]

(b) specifying the reasons for which the international application is not considered as complying with the requirement of unity of invention;

(c) inviting the applicant to comply with the invitation within one month from the date of such notice; (d) indicating the amount of the required additional fees to be paid in case the applicant so chooses; and (e) inviting the applicant to pay, the protest fee within one month from the date of such notice, and indicate the amount to be paid, as specified in the Fifth Schedule.

(6) Any applicant may pay the additional fees under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive.

(7) The examination of the protest referred to in sub-rule (5) shall be carried out by a Review Committee constituted by the Controller.

(8) The Review Committee constituted under sub-rule (7) shall examine the extent to which the protest is justified and shall accordingly order for the total or partial reimbursement to the applicant of the additional fee.

(9) The protest fee shall be refunded to the applicant where the Review Committee referred to in sub-rule (6) finds that the protest was entirely justified.

19 L. Period for establishing international preliminary examination report and its transmission. — The period for establishing the International Preliminary Examination Report shall be:

(i) twenty eight months from the priority date; or

(ii) six months from the period specified under Rule 69.1 of the regulations under the Treaty for the start of the international preliminary examination; or

(iii)

six months from the date of receipt by the Examining Authority of the translation furnished under Rule 55.2 of the regulations under the Treaty, whichever expires last.

19M. Transmittal of the International Preliminary Examination Report.-The Examining Authority shall transmit one copy of the International Preliminary Examination Report and its annexures, if any, to the International Bureau, and one copy to the applicant, on the same day.

19N. Conditions for and extent of refund. – The fee paid by the applicant may be refunded, waived or reduced to the extent and in accordance with the conditions specified in the Treaty or the regulations under the Treaty and the agreement entered between the Indian Patent Office and the International Bureau.”

7. In rule 27 of the said rules, for the words “and the abstract”, the words “the abstract and any other document” shall be substituted.

8. In rule 138 of the said rules, in sub-rule (1), for the word, figures and letter “rules 24B”, the words, figures and letters “Chapter III of these rules, rule 24B,” shall be substituted.

9. After the FOURTH SCHEDULE to the said rules and the entries relating thereto, the following SCHEDULE and entries shall be inserted, namely:-

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“THE FIFTH SCHEDULE

[See rules 19(2), 19A(1)(b), 19B(5), 19B(12), 19H, 19K(5)]

Sl. No.	On what payable (Relevant provision of Patents Rules, 2003, if any)	Relevant Rule of regulations under the Treaty	For Natural Person	Other than natural person either alone or jointly with natural person
(1)	(2)	(3)	(4)	(5)
			(In Rupees)	(In Rupees)
1.	Search fee	Rule 16.1(a)	2500	10000
2.	Additional fee under rule 19B (5)	Rule 40.2	2500	10000
3.	Protest fee under rules 19B (5) and 19J(5)	Rules 40.2(e) and 68.3(e)	1000	4000
4.	Preliminary examination fee	Rule 58.1	3000	12000
5.	Additional fee under rule 19J(5)	Rule 68.3	3000	12000
6.	Preliminary examination fee, if the International Search Report was prepared by the Indian International Searching Authority		2500	10000
7.	Additional fee under rule 19J(5), if the International Search Report was prepared by the Indian International Searching Authority		2500	10000
8.	Handling fee to be paid to be IB	Rule 57	As specified in the schedule of fee annexed to the regulations made under the Treaty	

9.	Late furnishing fee	Rule 13ter.1(c),1 3ter.2, 12.3(e), 12.4(e)	1000	4000
10.	Late payment fee	Rule 58bis.2, 16bis.2	In accordance with the regulations made under the Treaty	
11.	Copy of Results of Earlier Search and of Earlier Application	12bis.1(c)	1000	4000”

[F. No. 14/1/2008-IPR-III]

D. V. PRASAD, Jt. Secy.

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Note. – The principal rules were published in the Gazette of India, Extraordinary, vide notification number S.O. 493 (E), dated the 2nd May, 2003 and subsequently amended vide notification numbers –

- (i) S.O. 1418(E), dated the 28th December, 2004;
- (ii) S.O. 657 (E), dated the 5th May, 2006; and
- (iii) S.O. 2296 (E), dated the 25th September, 2012.

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