

EXTRAORDINARY

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separate compilation.

**PART I—B**

**Jammu and Kashmir Government—Notifications.**

MINISTRY OF LAW AND JUSTICE  
(LEGISLATIVE DEPARTMENT)

New Delhi, the 15th June, 2015/Jyaistha 25, 1937 (Saka).

THE NEGOTIABLE INSTRUMENTS (AMENDMENT)

ORDINANCE, 2015

(No. 6 of 2015).

Promulgated by the President in the Sixty-sixth Year of the  
Republic of India.

An Ordinance further to amend the Negotiable Instrument  
Act, 1881.

Whereas, the Negotiable Instruments (Amendment) Bill, 2015 has been passed by the House of the People and is pending in the Council of States ;

And 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 (i) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) this Ordinance may be called the Negotiable Instruments (Amendment) Ordinance, 2015.

(2) It shall come into force at once.

2. *Amendment of section 6.*—In the Negotiable Instruments Act, 1881 (26 of 1881), (hereinafter referred to as the principal Act), in section 6,—

(i) in Explanation I, for clause (a), the following clause shall be substituted, namely :—

‘(a) “a cheque in the electronic form” means a cheque drawn in electronic form by using any computer resource and signed in a secure system with digital signature (with or without biometrics signature) and asymmetric crypto system or with electronic signature, as the case may be’ ;

(ii) after Explanation II, the following Explanation shall be inserted namely :—

‘Explanation III.—For the purposes of this section, the expressions “asymmetric form” and “electronic signature” shall have the same meanings respectively assigned to them in the Information Technology Act, 2000 (21 of 2000).

3. *Amendment of section 142.*—In the principal Act, section 142 shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely :—

“(2) the offence under section 138 shall be inquired into and tried only by a court within whose local jurisdiction,—

(a) if the cheque is delivered for collection through an account, the branch of the bank where the payee or

holder in due course, as the case may be, maintains the account, is situated.

Explanation:—For the purposes of clause (a), where a cheque is delivered for collection at any branch of the bank of the payee or holder in due course, then, the cheque shall be deemed to have been delivered to the branch of the bank in which the payee or holder in due course, as the case may be, maintains the account.”.

4. *Validation for transfer of pending cases.*—in the principal Act, after section 142, the following section shall be inserted, namely :—

“142A.(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1973), or any judgement, degree, order or directions of any court, all cases arising out of section 138 which were pending in any court, whether filed before it, or transferred to it, before the commencement of the Negotiable Instruments (Amendment) Ordinance, 2015 shall be transferred to the court having jurisdiction under sub-section (2) of section 142 as if that sub-section had been in force at all material times.

(2) Notwithstanding anything contained in sub-section (2) of section 142 or sub-section (1), where the payee or the holder in due course, as the Jammu and Kashmir, is pleased to make the following amendments to the Jammu and Kashmir Higher Judicial Service rules, 2009, namely :—

In rule 8,—

1. in clause (i)—

(a) in sub-clause (a), for the figure “90” the figure “80” shall be substituted ; and

(b) in sub-clause (b), for the figure “20” the figure “40” shall be substituted ;

2. for clause (iii), following clauses shall be substituted, namely :—



