

A
COLLECTION
OF
THE ACTS
OF
THE CENTRAL LEGISLATURE
AND
ORDINANCES OF THE
GOVERNOR GENERAL

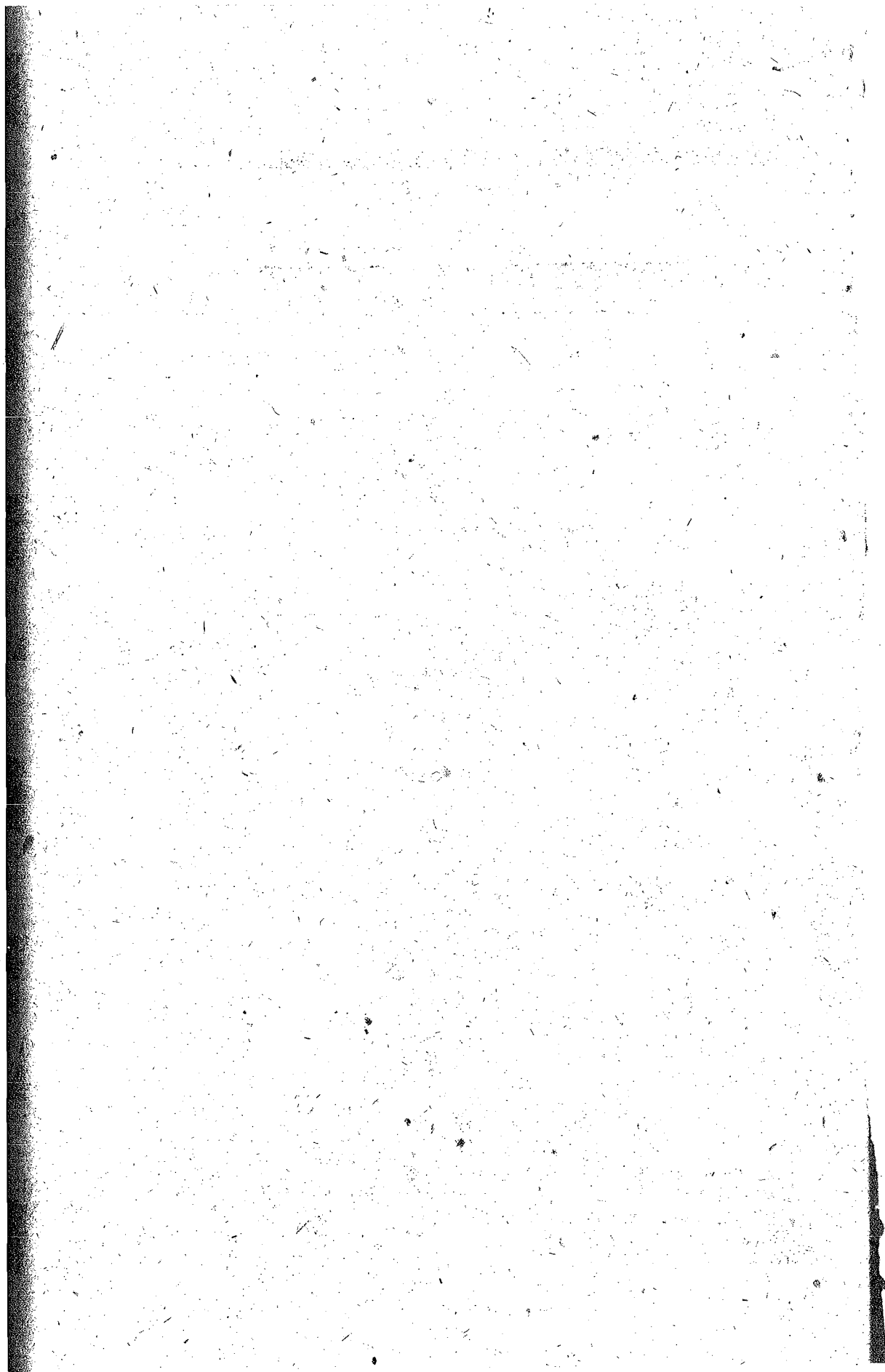
FOR THE YEAR

1942



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1943

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Short titles of Acts passed by the Central Legislature in the year 1942.

- I. The Workmen's Compensation (Amendment) Act, 1942.
- II. The Indian Merchant Shipping (Amendment) Act, 1942.
- III. The Indus Vessels (Amendment) Act, 1942.
- IV. The Indian Medical Council (Amendment) Act, 1942.
- V. The Indian Boilers (Amendment) Act, 1942.
- VI. The Multi-unit Co-operative Societies Act, 1942.
- VII. The Coffee Market Expansion Act, 1942.
- VIII. The Indian Penal Code (Amendment) Act, 1942.
- IX. The Cotton Ginning and Pressing Factories (Amendment) Act, 1942.
- X. The Indian Patents and Designs (Extension of Time) Act, 1942.
- XI. The Protective Duties Continuation Act, 1942.
- XII. The Indian Finance Act, 1942.
- XIII. The Agricultural Produce (Grading and Marking) Amendment Act, 1942.
- XIV. The Indian Tolls (Army) Amendment Act, 1942.
- XV. The Cantonments (Amendment) Act, 1942.
- XVI. The Indian Limitation (Amendment) Act, 1942.
- XVII. The Indian Companies (Amendment) Act, 1942.
- XVIII. The Weekly Holidays Act, 1942.
- XIX. The Industrial Statistics Act, 1942.
- XX. The Motor Vehicles (Amendment) Act, 1942.
- XXI. The Indian Companies (Second Amendment) Act, 1942.
- XXII. The Indian Rubber Control (Temporary Amendment) Act, 1942.
- XXIII. The Code of Civil Procedure (Amendment) Act, 1942.
- XXIV. The Code of Civil Procedure (Second Amendment) Act, 1942.
- XXV. The Repealing and Amending Act, 1942.
- XXVI. The Federal Court (Supplemental Powers) Act, 1942.

Short titles of Ordinances made by the Governor General during the year 1942.

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- II. The Special Criminal Courts Ordinance, 1942.
- III. The Penalties (Enhancement) Ordinance, 1942.
- IV. The Indian Coinage (Amendment) Ordinance, 1942.
- V. The Motor Vehicles (Drivers) Ordinance, 1942.
- VI. The National Service (Technical Personnel) Amendment Ordinance, 1942.
- VII. The Penalties (Enhancement) Amendment Ordinance, 1942.
- VIII. The Cotton Fund Ordinance, 1942.
- IX. The Reserve Bank of India (Temporary Amendment) Ordinance, 1942.
- X. The Civil Pioneer Force Ordinance, 1942.
- XI. The Police (Resignation of Office) Ordinance, 1942.
- XII. The War Risks (Factories) Insurance Ordinance, 1942.
- XIII. The Women's Auxiliary Corps Ordinance, 1942.
- XIV. The War Risks (Goods) Insurance (Amendment) Ordinance, 1942.
- XV. The Prisoners (Amendment) Ordinance, 1942.
- XVI. The Registration of Foreigners Act (Extending) Ordinance, 1942.
- XVII. The United Provinces Special Armed Constabulary Act (Extension) Ordinance, 1942.
- XVIII. The Indian Army (Amendment) Ordinance, 1942.
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- XXI. The Railway Air Raid Precautions Services Ordinance, 1942.

- XXII. The Deputy Commander-in-Chief (Powers) Ordinance, 1942.
- XXIII. The Defence of India (Amendment) Ordinance, 1942.
- XXIV. The Special Criminal Courts (Amendment) Ordinance, 1942.
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- XXVI. The Essential Services (Maintenance) Amendment Ordinance, 1942.
- XXVII. The Auxiliary Force (Amendment) Ordinance, 1942.
- XXVIII. The Burma Notes Ordinance, 1942.
- XXIX. The Penalties (Enhancement) Second Amendment Ordinance, 1942.
- XXX. The Hellenic Naval Court Ordinance, 1942.
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- XXXV. The Crown Representative's Commission of Enquiry (Summonses) Ordinance, 1942.
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- LXVIII. The Commissioner of Ajmer-Merwara (Construction of References) Ordinance, 1942.

ACT No. I OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
2nd March, 1942.)

An Act further to amend the Workmen's
Compensation Act, 1923.

WHEREAS it is expedient further to amend the
Workmen's Compensation Act, 1923, for the
purpose hereinafter appearing ;

VIII of 1923,

It is hereby enacted as follows :—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1942.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on
the 3rd day of September, 1939.

2. In section 15 of the Workmen's Compensation Act, 1923, for clause (5) the following clauses shall be substituted, namely :—

Amendment of
section 15,
Act VIII of
1923.

“(5) No compensation shall be payable under this Act in respect of any injury in respect of which provision is made for payment of a gratuity, allowance or pension under the War Pensions and Detention Allowances (Mercantile Marine, etc.) Scheme, 1939, or the War Pensions and Detention Allowances (Indian Seamen, etc.) Scheme, 1941, made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, or under the War Pensions and Detention Allowances (Indian Seamen) Scheme, 1942, made by the Central Government.

2 & 3 Geo 6,
c. 83.

(6) Failure to give a notice or make a claim or commence proceedings within the time required by this Act shall not be a bar to the maintenance of proceedings under this Act in respect of any personal injury, if—

(a) an application has been made for payment in respect of that injury under any of the schemes referred to in the preceding clause, and

(b) the

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Workmen's Compensation [ACT I OF 1942.]
(*Amendment.*)

- (b) the Provincial Government certifies that the said application was made in the reasonable belief that the injury was one in respect of which the scheme under which the application was made makes provision for payments, and that the application was rejected or that payments made in pursuance of the application were discontinued on the ground that the injury was not such an injury, and
- (c) the proceedings under this Act are commenced within one month from the date on which the said certificate of the Provincial Government was furnished to the person commencing the proceedings."

Repeal.

3. The Workmen's Compensation Second Amendment) Act, 1939, is hereby repealed.

XLII of 1939.

ACT No. II OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
2nd March, 1942.)

An Act further to amend the Indian Merchant Shipping Act, 1923.

XXI of 1923. **W**HEREAS it is expedient further to amend the
Indian Merchant Shipping Act, 1923, for the
purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Indian Merchant Short title.
Shipping (Amendment) Act, 1942.

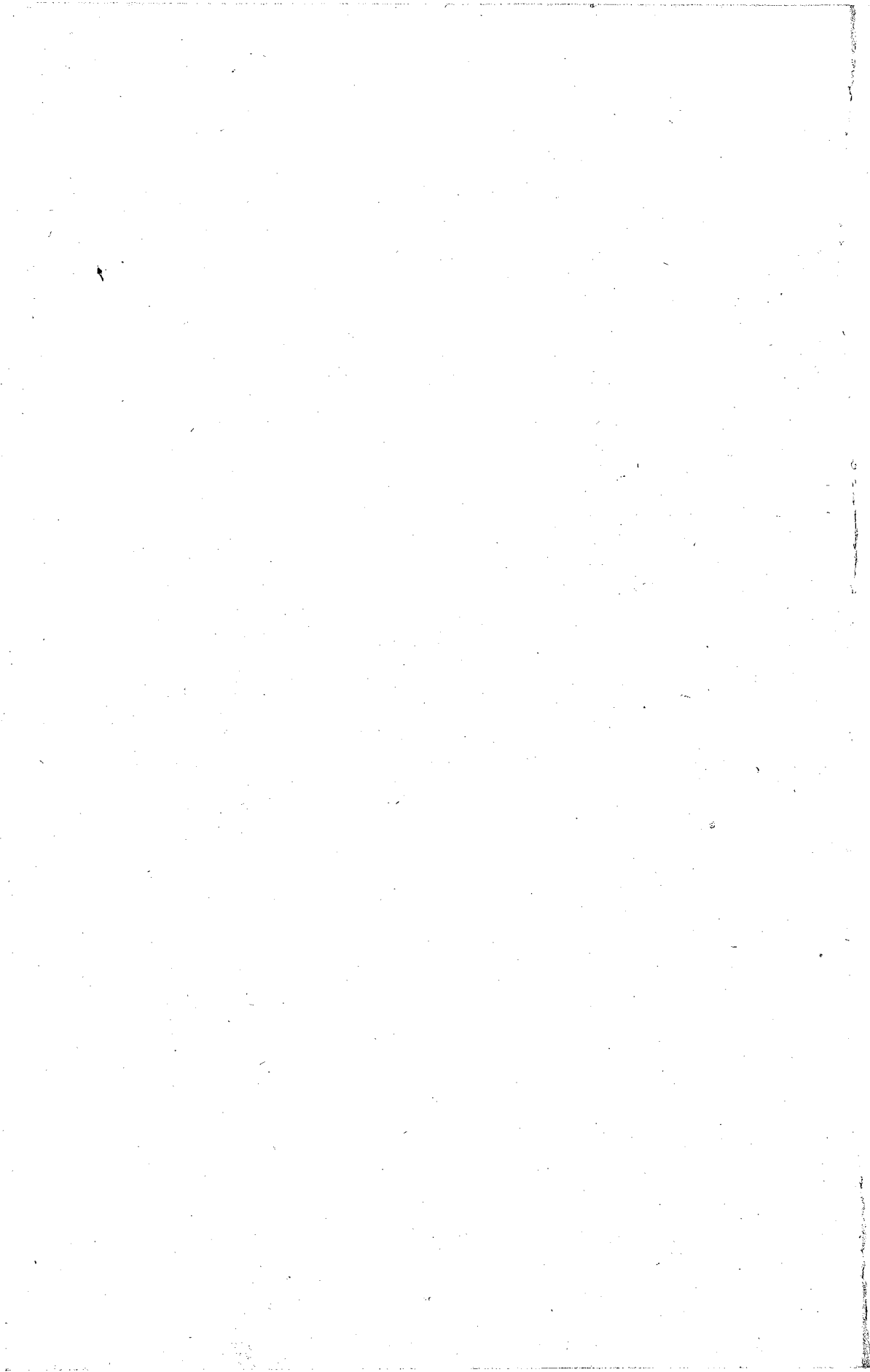
XXI of 1923. 2. To section 58A of the Indian Merchant Shipping Amendment of
section 58 A,
Act XXI of
1923.
Act, 1923, the following sub-section shall be added,
namely :—

“(3) A lascar shall not be entitled under clause (b)
of sub-section (1) to receive compensation for
the loss of his effects in any case in which pro-
vision is made for the payment of compensa-
tion for war damage to such effects under the
Compensation to Seamen (War Damage to
Effects) Scheme, 1939, made under section 6
of the Pensions (Navy, Army, Air Force and
Mercantile Marine) Act, 1939, or that Scheme
as subsequently amended, or under the Com-
pensation to Indian Seamen (War Damage to
Effects) Scheme, 1942, made by the Central
Government.”

2 & 3 Geo. 6;
c. 83.

Price anna 1 or 1½d.

GIPD—81—1308LD—28.4.42—3,500



ACT No. III OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
2nd March, 1942.)

An Act further to amend the Indus Vessels Act, 1863.

WHEREAS it is expedient further to amend the
Indus Vessels Act, 1863, by repealing certain
sections thereof;

It is hereby enacted as follows :—

1. This Act may be called the Indus Vessels (Amend- Short title.
ment) Act, 1942.

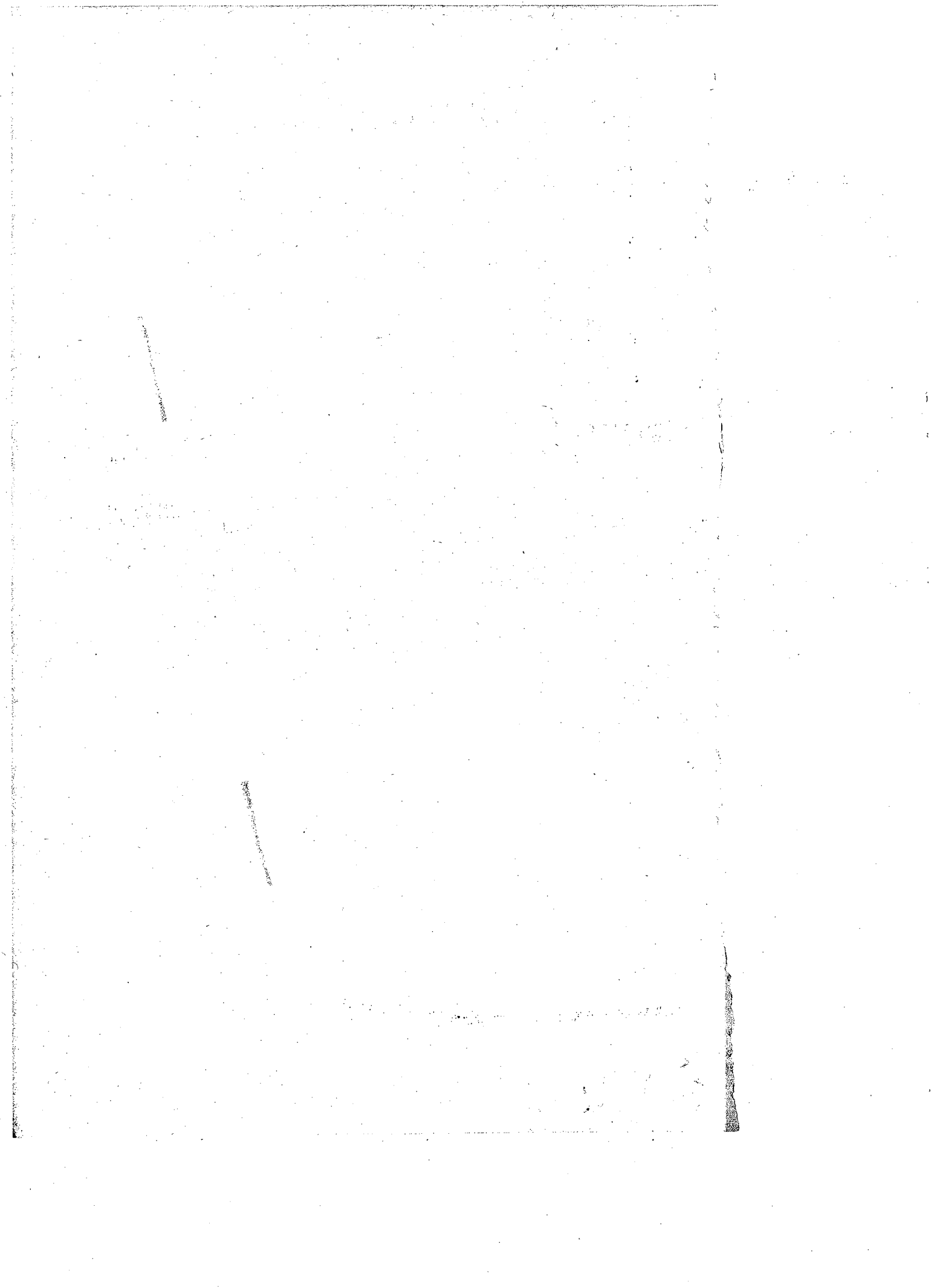
2. In the long title of the Indus Vessels Act, 1863 Amendment of
(hereinafter referred to as the said Act), the words " and long title,
levy of pilotage-fees " shall be omitted. Bom. Act I of
1863.

3. In the preamble to the said Act, the words " and Amendment of
for the establishment of competent pilots, and for the preamble, Bom.
levying of fees in respect of the same " shall be Act I of 1863.
omitted.

4. Sections 7, 8, 9, 10, 11, 12 and 14 of the said Act Repeal.
are hereby repealed.

Price anna 1 or 1½d.

GIPD—S1—1304LD—25.4.42—3,000.



ACT No. IV OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
2nd March, 1942.)

An Act further to amend the Indian Medical Council Act, 1933.

XXVII of
1933.

WHEREAS it is expedient further to amend the Indian Medical Council Act, 1933, to enable visitors to be appointed to attend at examinations held by medical institutions in British India for the purpose of granting recognized medical qualifications;

It is hereby enacted as follows :—

1. This Act may be called the Indian Medical Council Short title.
(Amendment) Act, 1942.

XXVII of
1933.

2. After section 16 of the Indian Medical Council Act, 1933 (hereinafter referred to as the said Act), the following section shall be inserted, namely :—

Insertion of
new section
16A in Act
XXVII of
1933.

“ 16A. (1) The Council may appoint such number of visitors as it may deem requisite to attend at any or all of the examinations held by medical institutions in British India for the purpose of granting recognized medical qualifications.

Visitors at
examinations.

(2) Any person, whether he is a member of the Council or not, may be appointed as a visitor under this section; but a person who is appointed as an inspector under section 16 for any examination shall not be appointed as a visitor for the same examination.

(3) Visitors appointed under this section shall not interfere with the conduct of any examination, but they shall report to the President of the Council on the sufficiency of every examination which they attend and on any other matters in regard to which the Council may require them to report.

(4) The report of a visitor shall be treated as confidential unless in any particular case the President of the Council otherwise directs.”

3. In sub-section (1) of section 17 of the said Act, after the words “ upon report by the Executive Committee ” the words “ or by a visitor appointed under section 16A ” shall be inserted.

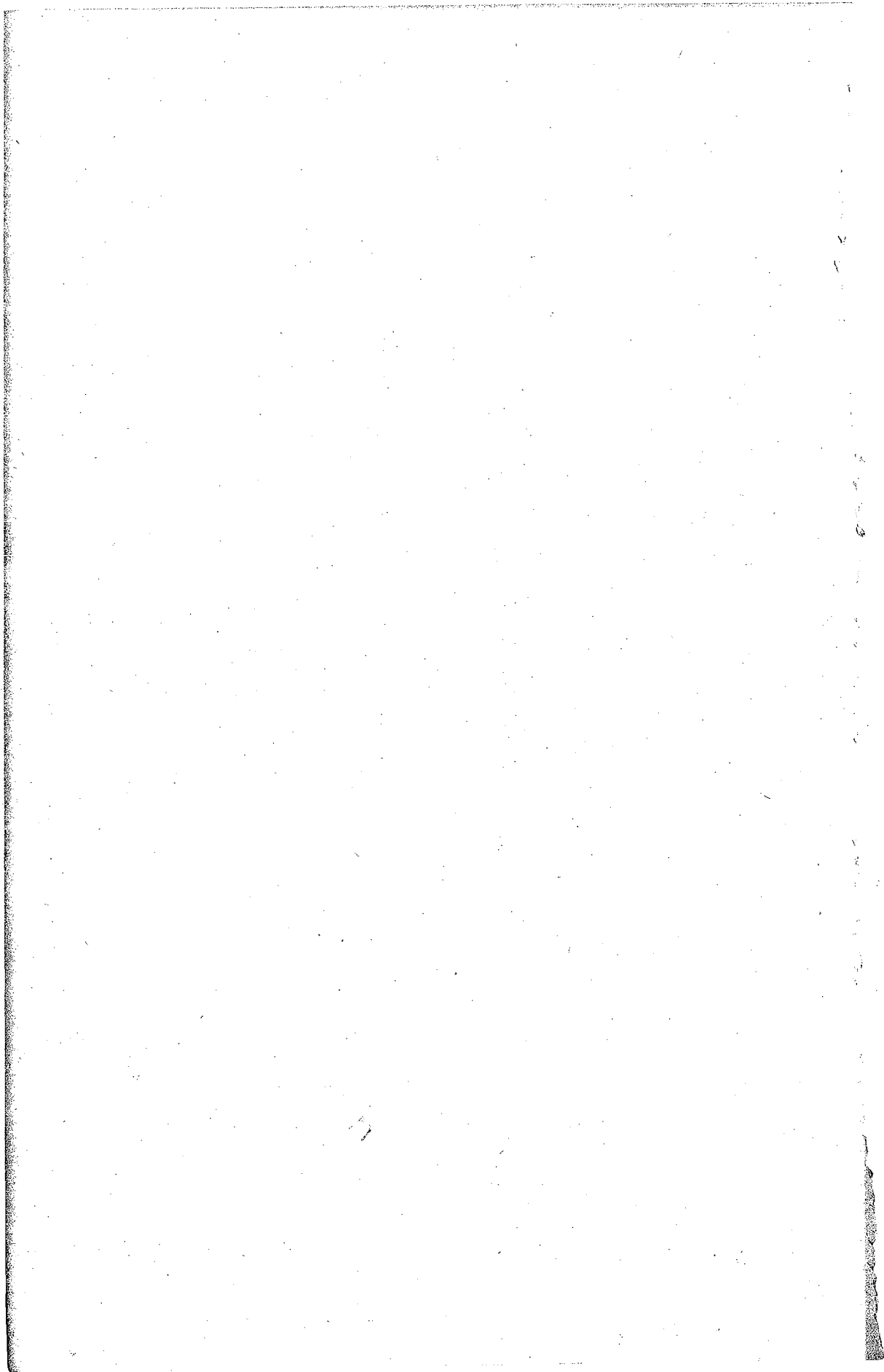
Amendment of
section 17,
Act XXVII of
1933.

4. In clause (g) of sub-section (1) of section 18 of the said Act, for the word “ inspectors ” the words “ inspectors and visitors ” shall be substituted.

Amendment of
section 18,
Act XXVII of
1933.

Price anna 1 or 1½d.

GIPD—S1—1305LD—25-4-42—3,000.



ACT No. V OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
2nd March, 1942.)

An Act further to amend the Indian Boilers Act.
1923.

V of 1923

WHEREAS it is expedient further to amend the
Indian Boilers Act, 1923, for the purpose herein-
after appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Indian Boilers (Amend- short title.
ment) Act, 1942.

V of 1923.

2. In sub-section (1) of section 3 of the Indian Boilers Act, 1923,—
Amendment
of section 3
Act V of 1923.

(a) to clause (b) the word " or " shall be added ;

(b) after clause (b) the following clause shall be
added, namely :—

" (c) appertaining to a sterilizer or disinfector
of a type such as is commonly used in
hospitals, if the boiler does not exceed twenty
gallons in capacity."

Price anna 1 or 1½d.

GIPD—S1—1306LD—23.4.42—5,000.

SECRETARY OF THE ARMY

ACT No. VI OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
2nd March, 1942.)

An Act to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province.

WHEREAS it is expedient to provide for the incorporation, regulation and winding up of co-operative societies with objects not confined to one province ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Multi-unit Co-operative Societies Act, 1942. Short title, extent and application.

(2) It extends to the whole of British India.

(3) It applies to all co-operative societies with objects not confined to one province incorporated before the commencement of this Act under the Co-operative Societies Act, 1912, or under any Act relating to co-operative societies in force in any province, and to all co-operative societies with objects not confined to one province to be incorporated after the commencement of this Act.

II of 1912.

2. (1) A co-operative society to which this Act applies which has been registered in any province under the law relating to co-operative societies in force in that province shall be deemed in any other province to which its objects extend to be duly registered in that other province under the law there in force relating to co-operative societies, but shall, save as provided in sub-sections (2) and (3), be subject for all the purposes of registration, control and dissolution to the law relating to co-operative societies in force for the time being in the province in which it is actually registered. Co-operative societies to which this Act applies registered before commencement of this Act.

(2) Where any such co-operative society has established before the commencement of this Act or establishes after the commencement of this Act a branch or place of business in a province other than that in which it is actually registered, it shall, within six months from the commencement of this Act or the date of establishment of the branch or place of business, as the case may be, furnish to the Registrar of Co-operative Societies of the province in which such branch or place of business is situated a copy of its registered by-laws, and shall at any time it is required to do so by the said Registrar submit any returns and supply any information which the said Registrar might require to be submitted or supplied to him by a co-operative society actually registered in that province.

(3) The

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Price anna 1 or 1½d.

Multi-unit Co-operative Societies. [ACT VI

(3) The Registrar of Co-operative Societies of the province in which a branch or place of business such as is referred to in sub-section (2) is situated may exercise in respect of that branch or place of business any powers of audit and of inspection which he might exercise in respect of a co-operative society actually registered in the province.

Co-operative societies to which this Act applies registered after commencement of this Act.

3. (1) A society which might, if its objects were confined to one province, be registered as a co-operative society in any province under the law relating to co-operative societies in force in that province, shall, notwithstanding that its objects are not confined to the province in which its principal place of business is to be situated, be deemed for the purposes of registration as a co-operative society to be situated wholly in that province, and may be registered by the Registrar of Co-operative Societies of that province in accordance with the law relating to co-operative societies for the time being in force in that province, and if so registered shall be deemed in any other province to which its objects extend to be duly registered in that other province under the law there in force relating to co-operative societies but shall, save as provided in sub-sections (2) and (3), be subject for all the purposes of registration, control and dissolution to the law relating to co-operative societies in force for the time being in the province in which it is actually registered.

(2) Where any such co-operative society establishes a branch or place of business in a province other than that in which it is actually registered, it shall within six months from the date of establishment of the branch or place of business furnish to the Registrar of Co-operative Societies of the province in which such branch or place of business is situated a copy of its registered by-laws, and shall at any time it is required to do so by the said Registrar submit any returns and supply any information which the said Registrar might require to be submitted or supplied to him by a co-operative society actually registered in that province.

(3) The Registrar of Co-operative Societies of the province in which a branch or place of business such as is referred to in sub-section (2) is situated may exercise in respect of that branch or place of business any powers of audit and of inspection which he might exercise in respect of a co-operative society actually registered in that province.

Appointment and powers of Central Registrar of Co-operative Societies.

4. (1) The Central Government may, if it thinks fit, appoint a Central Registrar of Co-operative Societies.

(2) The Central Registrar of Co-operative Societies, if appointed, shall exercise in respect of any co-operative society to which this Act applies, to the exclusion of

Provincial

OF 1942.] *Multi-unit Co-operative Societies.*

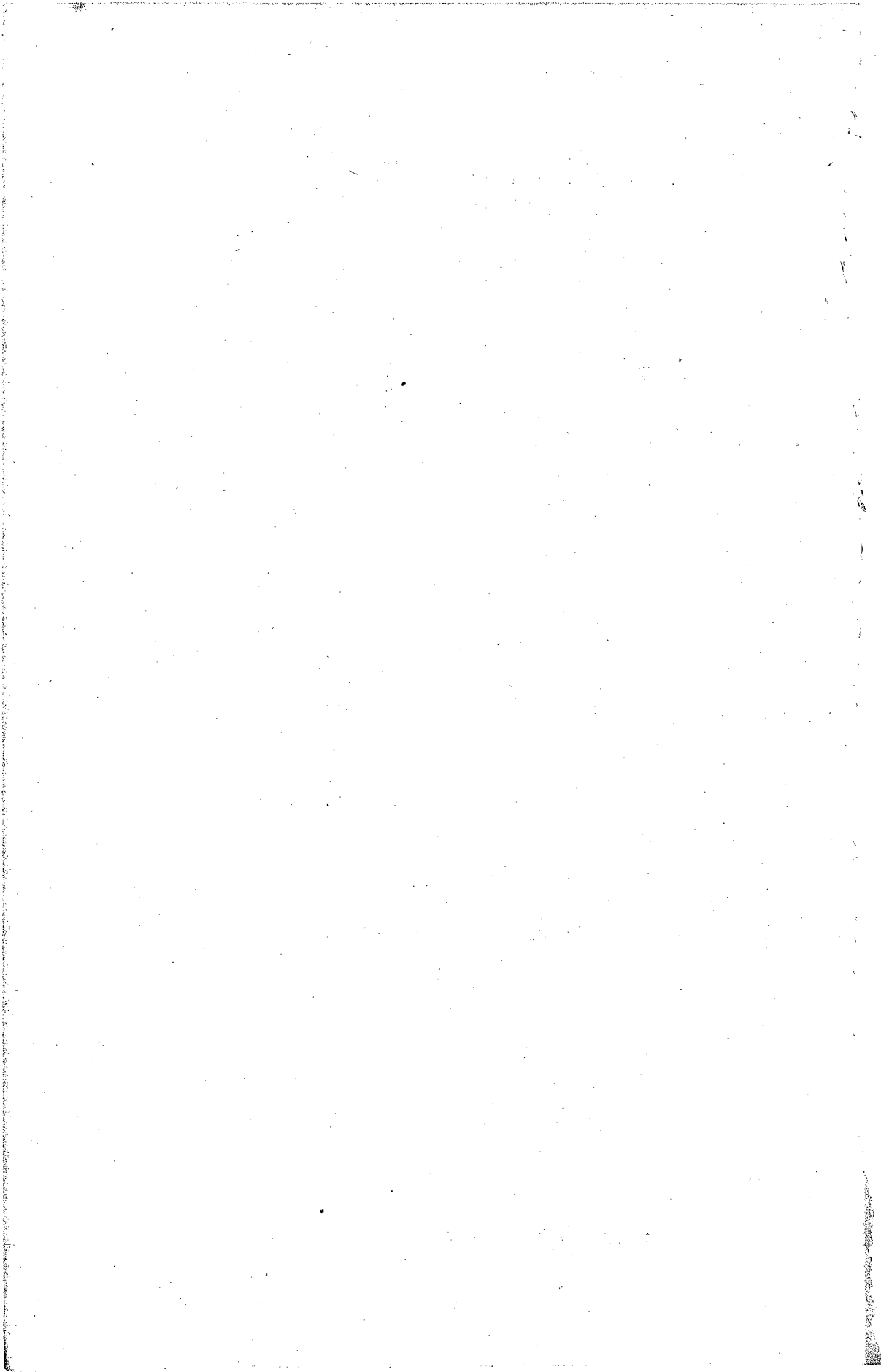
Provincial Registrars, the powers and functions exercisable by the Registrar of Co-operative Societies of the province in which such society is actually registered.

5. If any co-operative society fails to furnish the information which it is required to furnish by or under sub-section (2) of section 2 or sub-section (2) of section 3, or to submit any return required to be submitted under either of those sub-sections, the society, and any officer or member of the society responsible for the failure, shall each be liable to fine which may extend to fifty rupees, and the registration of the society may, at the discretion of the Registrar of Co-operative Societies of the province in which the society is actually registered, be cancelled.

Penalty for failure to furnish information required under this Act.

6. The Central Government may, by notification in the official Gazette, make rules for carrying into effect the provisions of this Act.

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THE COFFEE MARKET EXPANSION ACT, 1942.

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ACT No. VII OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

{Received the assent of the Governor General on the
2nd March, 1942.}

An Act to continue the provision made under Ordinance No XIII of 1940 for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means.

XIII of 1940.

WHEREAS it is expedient to continue the provision made under the Coffee Market Expansion Ordinance, 1940, for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Coffee Market Expansion Act, 1942. Short title, extent and duration.

(2) It extends to the whole of British India.

(3) It shall cease to be in force at the end of the twelve months commencing on the 1st day of July subsequent to the termination of the present hostilities.

2. It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the development of the coffee industry. Declaration as to expediency of Central Government's control.

3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "the Board" means the Indian Coffee Market Expansion Board constituted under section 4 ;

(b) "coffee" means the commodity derived from the fruit of the rubiaceae plant known by that name, and includes raw coffee, cured coffee, uncured coffee, roasted coffee and prepared coffee ;

(c) "Collector" means a Customs-collector as defined in clause (c) of section 3 of the Sea Customs Act, 1878, or a Collector of Land Customs as defined in clause (c) of section 2 of the Land Customs Act, 1924, as the case may be ;

VIII of 1878.

XIX of 1924.

(d) "curing" "

Coffee Market Expansion. [ACT VII

- (d) "curing" means the application to raw coffee of mechanical processes other than pulping for the purpose of preparing it for marketing ;
- (e) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing, and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act ;
- (f) "estate" means an area administered as one unit which contains land planted with coffee plants ;
- (g) "Indian Coffee Cess Committee" means the Indian Coffee Cess Committee constituted under the Indian Coffee Cess Act, 1935 ; XIV of 1935.
- (h) "internal sale quota" means that portion, stated in terms of bulk or weight, of the whole of the coffee produced by the estate in the year, which a registered estate is permitted under this Act to sell in the Indian market ;
- (i) "owner" includes any agent of an owner ;
- (j) "prescribed" means prescribed by rules made under this Act ;
- (k) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 14, and includes also any estate in respect of which an owner is required to be registered under the provisions of that sub-section ;
- (l) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 14 ;
- (m) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 25 ;
- (n) "year" means the period of twelve months beginning with the 1st day of July and ending with the 30th day of June following.

Constitution
of the Board.

4. (1) The Board constituted by the name of the Indian Coffee Market Expansion Board under section 4 of the Indian Coffee Market Expansion Ordinance, 1940, shall be the Indian Coffee Market Expansion Board XIII of 1940. for the purposes of this Act.

(2) No act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board.

5. The

5. The Board shall be a body corporate by the name of the Indian Coffee Market Expansion Board, having perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

Incorporation of the Board.

6. So long as this Act remains in force all property, movable or immovable, of or belonging to the Indian Coffee Cess Committee shall vest in the Board and all debts and liabilities of the said Committee shall be transferred to the Board, and the officers and servants of the said Committee shall be officers and servants on the staff of the Board and the said Committee shall be suspended.

Vesting of property in the Board.

7. (1) The chairman of the Board shall be elected by the Board from among the members of the Board :

Chairman, committees, staff and agents.

Provided that the person who is, at the commencement of this Act, the chairman of the Indian Coffee Market Expansion Board constituted under the Coffee Market Expansion Ordinance, 1940, shall be the first chairman of the Board.

XIII of 1940.

(2) The Board may appoint such committees for such purposes and may employ such staff as it thinks necessary for the efficient discharge of its functions under this Act.

(3) The Board may authorise agents to discharge on its behalf its functions in relation to the marketing, storing and curing of coffee.

8. (1) The Central Government shall appoint an officer, to be called the Controller of Coffee, to exercise such powers and perform such duties under the direction of the Board as may be prescribed by the Central Government.

Controller and Deputy Controller of Coffee.

(2) The Central Government may appoint an officer, to be called the Deputy Controller of Coffee, to exercise such powers and perform such duties of the Controller of Coffee as may be delegated to him by the Controller of Coffee with the previous sanction of the Central Government or as may be prescribed by the Central Government.

(3) The Controller of Coffee and the Deputy Controller of Coffee may be either salaried or unsalaried : if salaried, they shall be paid by the Board such salaries as may be fixed by the Central Government.

(4) The Board shall pay to the Controller of Coffee and the Deputy Controller of Coffee such allowances as may be fixed by the Central Government.

9. The

Power of Board to make bye-laws.

9. The Board may, with the previous sanction of the Central Government, make bye-laws consistent with this Act and the rules made thereunder to provide for all or any of the following matters, namely :—

- (a) the procedure to be followed at meetings of the Board and at committees ;
- (b) the powers exercisable and the duties to be discharged by the chairman of the Board and the members of the staff of the Board ;
- (c) the travelling or other allowances which may be drawn by members of the Board ;
- (d) the appointment, promotion and dismissal of members of the staff of the Board, the creation and abolition of such appointments, and the terms of service of members of the staff of the Board ;
- (e) any other matter in respect of which bye-laws may be made under this Act or the rules made thereunder.

Dissolution of the Board.

10. When the Board is dissolved by reason of this Act having ceased to be in force, the unexpended balance of all money received by the Board under the Coffee Market Expansion Ordinance, 1940, or under this Act except money in the pool fund shall be disposed of in such manner as the Central Government may direct. The Central Government shall disburse the money in the pool fund in the same manner as the Board would have done had it continued to exist. XIII of 1946.

Duties of Customs and of Excise.

Duty of customs.

11. A duty of customs shall be levied on all coffee produced in India and exported from British India at the rate of one rupee per hundredweight or at such lower rate as the Central Government may, on the recommendation of the Board, by notification in the official Gazette provide.

Duty of excise.

12. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Central Government on the recommendation of the Board by notification in the official Gazette on all coffee, except coffee sold and delivered before the estate became subject to the provisions of sub-section (1) of section 14, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

13. (1) The

13. (1) The proceeds of the duty of customs levied under section 11 and of the duty of excise levied under section 12 shall be paid to the Board for credit to the general fund of the Board.

Payment of
proceeds of
duties to the
Board and
manner of
realisation by
the Board.

(2) On the last day of each month, or as soon thereafter as may be convenient, the Collector shall pay to the Board the proceeds of the duty of customs recovered during that month after deduction of the expenses, if any, for collection and recovery.

(3) The Central Board of Revenue may make rules providing, on such conditions as may be specified in the rules, for—

(a) the refund of the duty of customs where coffee is exported by land and subsequently imported into India, and

(b) the export by land, without payment of the duty of customs, of coffee which is subsequently to be imported into India.

(4) The duty of excise on coffee shall be payable by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land-revenue.

(5) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(6) No action of the Board under this section shall be called in question by any Court.

Registration.

14. (1) Every person owning land planted with coffee plants aggregating not less than ten acres, whether such land is comprised in one estate or in more than one estate and whether it is situated wholly or only partly in British India, shall, unless it is already registered as required by this sub-section, before the expiration of one month from the date on which he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Provincial Government to be registered as an owner and in respect of each estate owned by him.

Registration of
owners of
coffee estates.

(2) The

Coffee Market Expansion. [ACT VII

(2) The Central Government may, by notification in the official Gazette, declare that the provisions of sub-section (1) shall apply to persons owning land planted with coffee plants aggregating less than ten acres.

(3) A registration once made shall continue in force until it is cancelled by the registering officer.

(4) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee, subject to revision by the Central Government.

Power of Provincial Government to make rules.

15. (1) The Provincial Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 14.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Control of Sale, Export and Re-import of Coffee.

Maximum prices for sale of coffee wholesale.

16. (1) The Central Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

17. No registered owner shall, before the estate became subject to the provisions of sub-section (1) of section 14, sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded :

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 14 and if after the estate became so subject no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the estate became subject to the provisions of sub-section (1) of section 14.

18. No

18. No registered owner shall sell coffee unless Sale of coffee,
how made. either—

- (a) it has been cured at or is delivered to the buyer through a curing establishment licensed under section 23, or
- (b) it is sold under and in accordance with the provisions of a licence procured from the Board under section 24.

19. No owner of an estate not registered under this Act shall sell from or store on his estate or cause or permit to be sold from or stored on his estate any coffee not grown on the estate. Storage or
sale of coffee
on or from
unregistered
estate.

20. No coffee shall be exported from British India otherwise than by the Board or under an authorisation granted by the Board in the prescribed manner and in the prescribed cases, and the provisions of the Sea Customs Act, 1878, shall have effect as if the provision made by this section had been made by notification issued under section 19 of that Act : Export of
coffee.

VIII of 1878.

Provided that nothing herein contained shall apply to coffee dispatched out of British India by post, or carried in a passenger's luggage for his personal use :

Provided further that the Central Government may exempt from the operation of this section, either absolutely or subject to conditions, the export of coffee from British India to an Indian State or to any foreign settlement bounded by India.

21. (1) No coffee which has been exported from India shall be re-imported into British India except under and in accordance with a permit granted by the Board. Re-import of
coffee exported
from India.

(2) The Board may in any fit case grant such a permit and no charge shall be made therefor.

22. (1) The Board shall, as soon as may be, allot to each registered estate an internal sale quota for the year. Internal sale
quota.

(2) The internal sale quota shall be a fixed percentage, common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Board may at any time vary the internal sale quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

23. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed. Returns to be
made by regis-
tered owners.

(2) If

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Board may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Board may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for
sale of uncured
coffee.

24. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Board a licence for the sale from that estate of uncured coffee.

Surplus coffee
and surplus
pool.

25. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded; and the coffee delivered shall be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall, with the concurrence of the Controller of Coffee, prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

(6) When coffee has been delivered or is treated as having been delivered for inclusion in the surplus pool, the registered owner whose coffee has been so

delivered

delivered or is treated as having been so delivered shall retain no rights in respect of such coffee except his right to receive the payments referred to in section 34.

26. (1) The Board shall take all practical measures to market the coffee included in the surplus pool, and all sales thereof shall be conducted by or through the Board.

Sales of coffee by the Board.

(2) The Board may purchase for inclusion in the surplus pool coffee not delivered for inclusion in it.

Curing of Coffee.

27. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Coffee to be cured in licensed curing establishments.

28. Every establishment for curing coffee shall obtain from the Board a licence to operate as such.

Licensing of curing establishments.

29. (1) A registered owner when sending coffee to a curing establishment shall report to the Board, separately for each estate from which coffee is sent, the amount of coffee sent ; and the curing establishment shall, in accordance with such instructions as may be issued by the Board and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Board the amount of coffee in each such part.

Information to be supplied to the Board in connection with curing.

(2) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Board the information specified in sub-section (1).

(3) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Board the quantity of coffee so obtained and the estate or estates from which it came.

(4) Every curing establishment shall maintain accounts in such forms as may be required by the Board and such accounts shall be open to inspection at any time by the Board or by an officer authorised in this behalf by the Board.

Finance.

30. The Board shall maintain two separate funds, a general fund and a pool fund.

Separate funds to be maintained by the Board.

31. (1) To

General fund.

31. (1) To the general fund shall be credited all proceeds of the duty of customs and the duty of excise levied under section 11 and section 12, respectively, and all receipts including receipts for licences issued by the Board, other than those to be credited under section 32 to the pool fund.

(2) The general fund shall be applied to meet the expenses of the Board, the cost of such measures as it may consider advisable to undertake for promoting the sale and increasing the consumption in India and elsewhere of coffee produced in India, or for promoting agricultural and technological research in the interest of the coffee industry in India.

Pool fund.

32. (1) To the pool fund shall be credited all sums realised by sales by the Board of coffee from the surplus pool.

(2) Subject to the provisions of sub-section (4) of section 13, the pool fund shall be applied only to—

- (a) the making to registered owners of estates of payments proportionate to the value of the coffee delivered by them for inclusion in the surplus pool ;
- (b) the costs of storing, curing and marketing coffee deposited in and of administering the surplus pool ;
- (c) the purchase of coffee not delivered for inclusion in the surplus pool.

Power to borrow.

33. The Board may, subject to any prescribed conditions, borrow on the security of the general fund or the pool fund for any purposes for which it is authorised to expend money from such fund, or on the security of the coffee delivered or treated as delivered for inclusion in the surplus pool for any purposes for which it is authorised to expend money from the pool fund.

Payments to registered owners.

34. (1) The Board shall at such times as it thinks fit make to registered owners who have delivered coffee for inclusion in the surplus pool such payments out of the pool fund as it may think proper.

(2) The sum of all payments made under sub-section (1) to any one registered owner shall bear to the sum of the payments made to all registered owners the same proportion as the value of the coffee delivered by him out of the year's crop to the surplus pool bears to the value of all coffee delivered to the surplus pool out of that year's crop.

Penalties and Procedure.

Failure to register.

35. Any owner of a coffee estate who fails to apply for registration in accordance with section 14 shall be punishable

punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

36. (1) Any registered owner who contravenes the provisions of sub-section (2) of section 16, or section 17 or section 18, any licensed curer who contravenes the provisions of sub-section (2) of section 16, and any person who contravenes the provisions of section 19 shall be punishable with fine which may extend to one thousand rupees.

Contra-
ventions of sec-
tions 16, 17,
18, and 19.

(2) When a registered owner is convicted under this section, the Board may thereafter deduct from any payment to be made under section 34 to such registered owner a sum equal to the value as estimated by the Board of any coffee unlawfully sold by him.

37. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

Unlicensed
curing estab-
lishment.

38. Any person who makes in any return to be furnished under section 23 or in any report to be made under section 29 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

False returns.

39. Whoever obstructs any member or officer of the Board or any person authorised by the Board or by the Central Government in the discharge of any duty imposed on or entrusted to him under this Act, or who having control over or custody of any records fails to produce such records when required to do so or refuses information lawfully asked for by a member or officer of the Board or by a person authorised by the Board or by the Central Government to inspect such records or ask for such information shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

40. (1) No Court other than the Court of a Magistrate of the first class shall take cognizance of any offence punishable under this Act.

Cognizance of
offences.

(2) No Court shall take cognizance of an offence punishable under section 35 except on complaint made by an officer authorised in this behalf by the Provincial Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Central Government by an officer authorised in this behalf by the Board.

General.

41. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which

Power of
Board to
determine

has,

amount of coffee sold by an estate.

has, up to the time when it first becomes subject to the provisions of sub-section (1) of section 14, been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purposes of section 12 and section 17.

Control by the Central Government.

42. (1) All acts of the Board shall be subject to the control of the Central Government which may cancel, suspend or modify as it thinks fit any action taken by the Board.

(2) The records of the Board shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Central Government.

Appeals to the Central Government.

43. (1) Any person aggrieved by an order of the Board refusing a licence to or cancelling the licence of a curing establishment may, within sixty days of the making of the order, appeal to the Central Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees which shall be credited to Central Revenues.

Inspection of records.

44. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Central Government or the Board, may enter any estate or any curing establishment and may require the production for his inspection of any records kept therein, or ask for any information relating to the production, storage or sale of coffee by the estate.

Accounts of the Board.

45. (1) The Board shall keep accounts in such manner as may be prescribed of all money received and expended by it.

(2) The accounts shall be kept separately for the general fund and the pool fund.

(3) The Board shall cause the accounts to be audited annually by auditors appointed by the Central Government, and the auditors shall have power to disallow any item of expenditure which has, in their opinion, been incurred otherwise than in accordance with this Act.

(4) The Central Government may on the application of the Board allow any item of expenditure disallowed by the auditors under sub-section (3).

Inspection of records of the Board and obtaining of copies.

46. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

Contracts.

47. All contracts for the sale of coffee in so far as they are at variance with the provisions of this Act shall be void :

Provided

Provided that nothing contained in this section shall apply to contracts to which under section 47 of the **XIII of 1940.** Coffee Market Expansion Ordinance, 1940, that Ordinance did not apply.

48. (1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act. **Power of the Central Government to make rules.**

(2) Without prejudice to the generality of the foregoing power rules may be made providing for all or any of the following matters, namely :—

- (a) the term of office of members of the Board, the circumstances in which and the authority by which members may be removed, and the filling of casual vacancies in the Board ;
- (b) the conduct of business by the Board and the number of members which shall form a quorum at a meeting ;
- (c) the maintenance by the Board of records of business transacted by the Board, and the submission of copies thereof to the Central Government ;
- (d) the preparation by the Board of estimates of annual receipts and expenditure ;
- (e) the manner in which the internal sale quota of coffee estates shall be determined ;
- (f) the manner in which the Board shall exercise its powers of buying and selling coffee in the Indian market ;
- (g) the appointment by the Board of agents ;
- (h) the conditions to be fulfilled by a curing establishment before a licence to operate as such can be issued ;
- (i) the form of and the particulars to be contained in any returns or reports to be made to the Board under this Act ;
- (j) the form of, manner of application for, fees payable for, procedure in granting and conditions governing the licences and permits to be issued by the Board ;
- (k) any other matter except the matters referred to in section 15 which is to be or may be prescribed under this Act.

XIV of 1935. 49. (1) So long as this Act remains in force the Indian Coffee Cess Act, 1935, shall be deemed to be repealed, without prejudice however to the continuing validity of any action taken by the Indian Coffee Cess Committee which is not inconsistent with the provisions of this Act. **Act XIV of 1935 to be deemed to be repealed.**

(2) All

Coffee Market Expansion. [ACT VII OF 1942.]

(2) All rules made by the Central Board of Revenue under section 9 of the Indian Coffee Cess Act, 1935, XIV of 1935, shall, until replaced by rules made under sub-section (3) of section 13 of this Act, continue to have effect in respect of the duty of customs imposed by section 11 of this Act as they had effect in respect of the coffee cess imposed by that Act.

Repeals and savings.

50. (1) The Coffee Market Expansion Ordinance, 1940, the Coffee Market Expansion (Amendment) XIII of 1940, Ordinance, 1941, the Coffee Market Expansion (Second I of 1941, Amendment) Ordinance, 1941, and the Coffee Market VIII of 1941, Expansion (Third Amendment) Ordinance, 1941, are XIII of 1941, hereby repealed.

(2) Without prejudice to the provisions of section 24 of the General Clauses Act, 1897,— X of 1897,

- (a) any trial or proceeding under the Coffee Market Expansion Ordinance, 1940, pending at the time of the repeal of that Ordinance may be continued and completed as if such trial or proceeding were a trial or proceeding under this Act; XIII of 1940.
- (b) all registrations made, all licences issued and all other things done under the said Ordinance shall be deemed to have been made, issued or done under this Act.

ACT No. VIII OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 14th
March, 1942.)

An Act further to amend the Indian Penal Code.

XLV of 1860. WHEREAS it is expedient further to amend the Indian Penal Code for the purpose hereinafter appearing ;

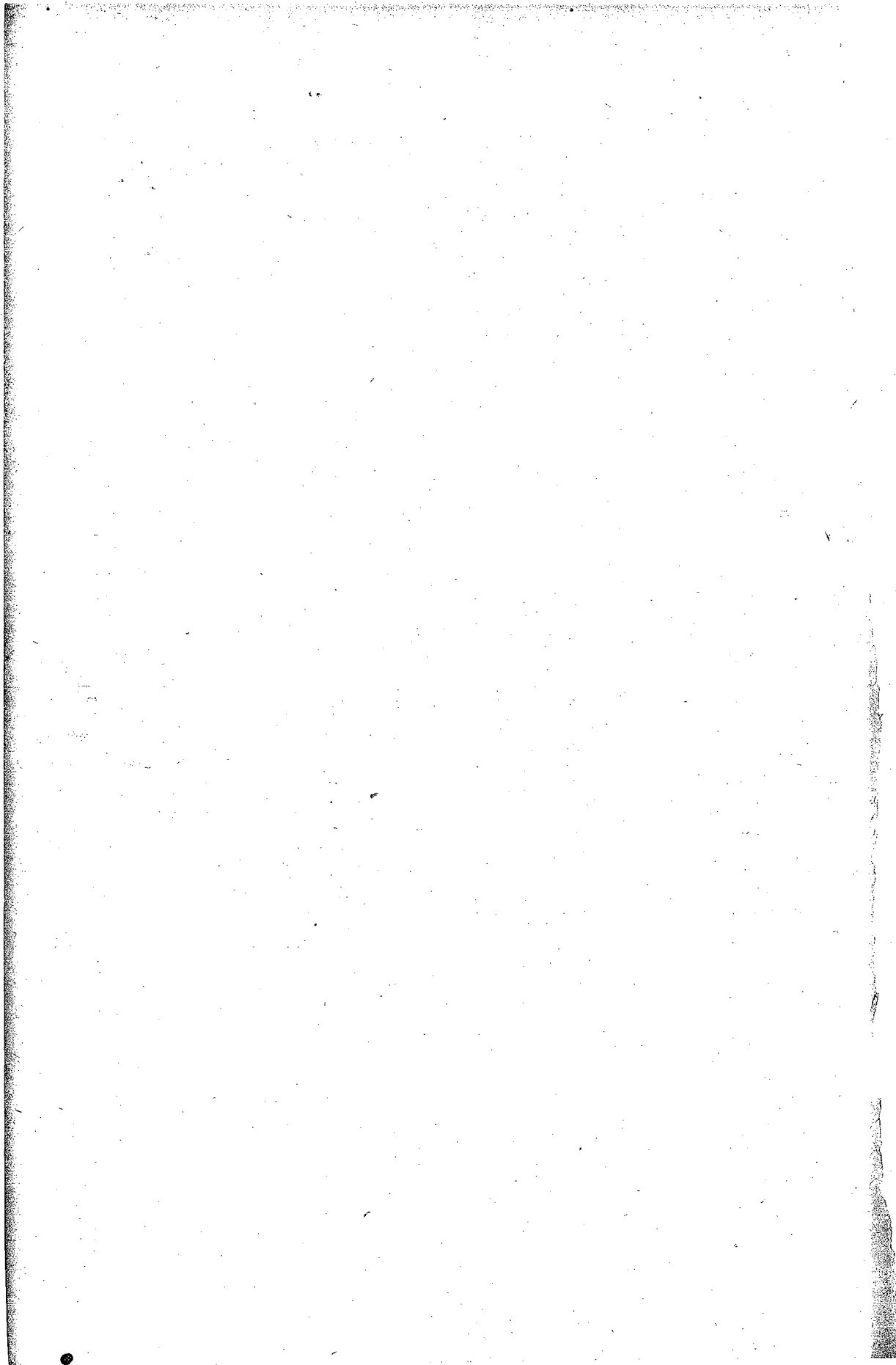
It is hereby enacted as follows :—

1. This Act may be called the Indian Penal Code (Amendment) Act, 1942. Short title.

XLV of 1860. 2. In Chapter II of the Indian Penal Code, after section 52 the following section shall be inserted, namely :— Insertion of new section 52A in Act XLV of 1860.

‘ 52A. Except in section 157, and in section 130 in the case in which the harbour is given by the wife or husband of the person harboured, the word “harbour” includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this section or not, to evade apprehension.’ “Harbour”.

XLV of 1860. 3. Section 216 B of the Indian Penal Code shall be omitted. Omission of section 216 B, Act XLV of 1860.



ACT No. IX OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 14th March, 1942.)

An Act further to amend the Cotton Ginning and Pressing Factories Act, 1925.

WHEREAS it is expedient further to amend the Cotton Ginning and Pressing Factories Act,

XII of 1925; 1925, for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Cotton Ginning and Pressing Factories (Amendment) Act, 1942. Short title.

XII of 1925. 2. After section 5 of the Cotton Ginning and Pressing Factories Act, 1925 (hereinafter referred to as the said Act), the following section shall be inserted, Insertion of new section 5A in Act XII of 1925. namely :—

“ 5A. (1) This section shall be in force in Chief Commissioners' Provinces only ; but the Provincial Government of any other Province may, by notification in the official Gazette, bring this section into force in the Province. Returns from cotton ginning factories.

(2) The owner of every cotton ginning factory shall submit to the prescribed authority, within such time and in such form as may be prescribed, weekly returns showing the quantity of cotton ginned in the factory during the preceding week and from the commencement of the season to the end of that week.

(3) The Provincial Government shall compile from the weekly returns so submitted, and shall publish in such manner as it thinks fit, a statement showing the total quantity of cotton ginned in the Province during the week and from the commencement of the season to the end of the week, to which the returns relate :

Provided that the quantity of cotton ginned in any individual factory shall not be published.

(4) If
1

Price anna 1 or 1½d.

Cotton Ginning and Pressing [ACT IX OF 1942.]
Factories (Amendment).

(4) If default is made in submitting any return as required by sub-section (2), the owner of the factory shall be punished with fine which may extend to fifty rupees.

(5) The provisions of sub-section (4) of section 5 apply to cotton ginning factories and the returns referred to in sub-section (2) of this section as they apply to cotton pressing factories and the returns referred to in sub-section (1) of section 5, and "season" in this section means the season as notified for the purposes of section 5."

Amendment of
section 7, Act
XII of 1925.

3. In sub-section (1) of section 7 of the said Act, after the figure "5" the figure and letter ", 5A" shall be inserted.

Amendment of
section 13, Act
XII of 1925.

4. In clause (b) of section 13 of the said Act, for the word and figure "section 5" the words, figures and letter "sections 5 and 5A" shall be substituted.

ACT No. X OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 14th March, 1942.)

An Act to provide for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder.

WHEREAS it is expedient to provide for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder ;

II of 1911.

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Patents and Designs (Extension of Time) Act, 1942. Short title, extent and duration.

(2) It extends to the whole of British India.

(3) It shall be in force until the termination of the present hostilities and for one year thereafter.

II of 1911.

2. (1) The Controller of Patents and Designs appointed under the Indian Patents and Designs Act, 1911, may, subject to such conditions, if any, as he thinks fit to impose, extend the time limited by or under that Act for doing any act, where he is satisfied— Power to extend time limits having regard to war circumstances.

(a) that the doing of the act within the time so limited was prevented by a person's being on active service or by any other circumstances arising from the existence of the present hostilities which, in the opinion of the Controller, justify an extension of the time so limited, or

(b) that, by reason of circumstances arising from the existence of the present hostilities, the doing of the act within the time so limited would have been or would be injurious to the rights or interests of the person by or on whose behalf the act is or was to be done or to the public interest.

(2) An extension under this section of the time for doing any act—

(a) may be for any period that the Controller thinks fit, notwithstanding that under the

Indian

1

Price anna 1 or 1½d.

Indian Patents and Designs [ACT NO. X OF 1942.]
(*Extension of Time*).

Indian Patents and Designs Act, 1911, ^{II} of 1911.
power is conferred to extend the time for
doing that act for a specified period only;
and

- (b) may be granted, notwithstanding that that
time expired before any application or
request for extension was made, or that, by
reason of that act not having been done
within that time, the relevant application,
patent, registration or proceeding has ceased
or expired, or become void or invalid, or
been treated as abandoned, or been refused.

ACT No. XI OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 14th March, 1942.)

An Act to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect.

WHEREAS it is expedient to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect ;

XXXII of 1934.

It is hereby enacted as follows :—

1. This Act may be called the Protective Duties Short title, Continuation Act, 1942.

XXXII of 1934.

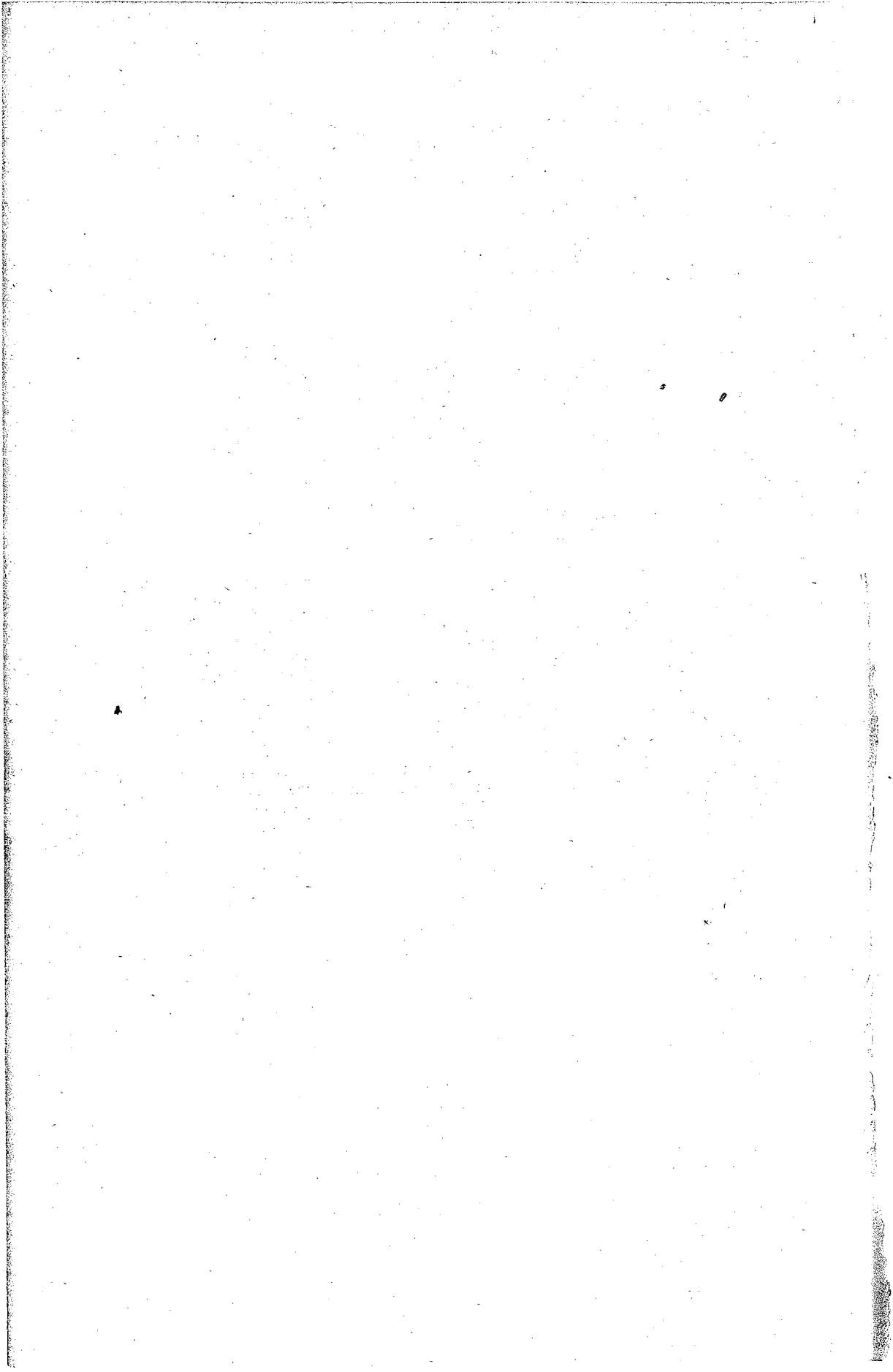
2. In the First Schedule to the Indian Tariff Act, Amendment of the First Schedule, Act XXXII of 1934. 1934, in Items Nos. 10 (1), 11 (1), 17, 43, 44; 44 (1), 46, 46 (1), 47, 47 (1), 47 (6), 48, 48 (1), 48 (3), 48 (4), 48 (5), 48 (7), 48 (9), 48 (10), 49 (5), 51 (2), 51 (3), 61 (5), 63 (2), 63 (3), 63 (6), 63 (9), 63 (10), 63 (12), 63 (15), 63 (17), 63 (19), 63 (20), 63 (21), 63 (25), 63 (27) and 74, for the entry or entries in the seventh column " March 31st, 1942 " the entry or entries " March 31st, 1944 " shall be substituted.

XIII of 1932.

3. In section 3 of the Sugar Industry (Protection) Amendment of section 3, Act XIII of 1932. Act, 1932, for the figure " 1942 " the figure " 1944 " shall be substituted.

Price anna 1 or 1½d.

GIPD—S1—1391LD—9-5-42—4,000.



ACT No. XII OF 1942

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
26th March, 1942.)

An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the rate of the excise duty on motor spirit leviable under the Motor Spirit (Duties) Act, 1917, to vary the rate of the excise duty on kerosene leviable under section 5 of the Indian Finance Act, 1922, to vary the rate of the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, to levy customs duties in addition to the duties of customs leviable under the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax and to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the rate of the excise duty on motor spirit leviable under the Motor Spirit (Duties) Act, 1917, to vary the rate of the excise duty on kerosene leviable under section 5 of the Indian Finance Act, 1922, to vary the rate of the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, to levy customs duties in addition to the duties of customs leviable under the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax and to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged ;

II of 1917.
XII of 1922.

XVIII of 1930.

XXXII of
1934.

VI of 1898.

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Finance Act, 1942. Short title and extent.

(2) It extends to the whole of British India.

XI of 1882. 2. The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Central Government to impose by rule made under that section a duty Fixation of salt duty.

on salt
1

Price anna 1 or 1½d.

on salt manufactured in, or imported into, any part of British India, be construed as if, for the year beginning on the 1st day of April, 1942, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section.

Excise duty on motor spirit.

*3. In sub-section (1) of section 3 of the Motor Spirit (Duties) Act, 1917, for the words "twelve annas" ^{II of 1917.} the words "fifteen annas" shall be substituted.

Excise duty on kerosene.

*4. In the proviso to section 5 of the Indian Finance Act, 1922, for the words "of two annas and three pies" ^{XII of 1922.} the words "at which customs duty is for the time being leviable under the Indian Tariff Act, 1934, read with ^{XXXII of 1934.} any other enactment for the time being in force" shall be substituted.

Excise duty on silver.

*5. In sub-section (1) of section 3 of the Silver (Excise Duty) Act, 1930, for the words "three annas" ^{the XVIII of 1930.} the words "three annas and seven and one-fifth pies" shall be substituted.

Additional customs duties.

*6. Where any goods chargeable with a duty of customs under the First Schedule to the Indian Tariff Act, 1934, or under the said Schedule read with any notification of the Central Government for the time being ^{XXXII of 1934.} in force, are assessed to duty, there shall up to the 31st day of March, 1943, be levied and collected as an addition to and in the same manner as the total amount so chargeable, a sum equal to one-fifth of such amount :

Provided that such addition of duty shall not be levied and collected on—

- (a) salt comprised in Item No. 25 (1) of the said Schedule ;
- (b) motor spirit comprised in Item No. 27 (6) of the said Schedule ;
- (c) raw cotton comprised in Item No. 46 (3) of the said Schedule, so long as the additional duty of customs imposed by the Cotton Fund Ordinance, 1942, continues to be leviable ;
- (d) machinery comprised in Items Nos. 72, 72 (1), 72 (2) and 72 (3) of the said Schedule ;
- (e) the following, when the Customs-collector is satisfied that they are the produce or manufacture of Burma, namely :—
 - (i) potatoes and onions comprised in Item No. 7 of the said Schedule,
 - (ii) coffee

Ord. VIII of 1942.

* This section came into effect on 1st March, 1942, by virtue of a declaration inserted in the Bill under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

- (ii) coffee comprised in Item No. 9 of the said Schedule,
- (iii) spices comprised in Item No. 9 (3) of the said Schedule,
- (iv) betelnuts comprised in Item No. 9 (5) of the said Schedule,
- (v) cutch and gambier comprised in Item No. 13 (2) of the said Schedule,
- (vi) sugar excluding confectionery comprised in Item No. 17 of the said Schedule,
- (vii) cigars comprised in Item No. 24 (1) of the said Schedule,
- (viii) matches comprised in Item No. 34 (4) (a) of the said Schedule.

VI of 1898.

7. For the year beginning on the 1st day of April, 1942, the Schedule contained in Schedule I to this Act shall be inserted in the Indian Post Office Act, 1898, as the First Schedule to that Act. Inland postage rates.

8. (1) Subject to the provisions of sub-sections (2) and (3),— Income-tax and super-tax.

(a) income-tax for the year beginning on the 1st day of April, 1942, shall be charged at the rates specified in Part I of Schedule II increased in the cases to which sub-paragraph (b) of paragraph A and paragraph B of that Part apply by a surcharge for the purposes of the Central Government at the rate specified therein in respect of each such rate of income-tax, and

XI of 1922.

(b) rates of super-tax for the year beginning on the 1st day of April, 1942, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922, be those specified in Part II of Schedule II increased in the cases to which paragraphs A, B and C of that Part apply by a surcharge for the purposes of the Central Government at the rate specified therein in respect of each such rate of super-tax.

(2) In making any assessment for the year ending on the 31st day of March, 1943,—

(a) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" or under the head "Interest on Securities" or any income from dividends in respect of which he is deemed under section 49B of the Indian Income-tax Act, 1922, to have paid income-tax

XI of 1922,

imposed

imposed in British India, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Indian Finance Act, 1941, on his total income the same proportion as the amount of such inclusions bears to his total income; II of 1941.

- (b) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Indian Income-tax Act, 1922, the super-tax payable by the assessee on that portion of his total income which consists of such inclusions shall be an amount bearing to the total amount of super-tax payable according to the rates applicable under the operation of the Indian Finance Act, 1941, on his total income the same proportion as the amount of such inclusions bears to his total income. XI of 1922.
VII of 1941.

(3) In cases to which section 17 of the Indian Income-tax Act, 1922, applies, the tax chargeable shall be determined as provided in that section but with reference to the rates imposed by sub-section (1) of this section, and in accordance with the provisions of sub-section (2) of this section where applicable. XI of 1922.

(4) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Indian Income-tax Act, 1922. XI of 1922.

(5) Notwithstanding anything contained in sub-section (1) or sub-section (2) no tax shall be payable in cases to which sub-paragraph (a) of paragraph A of Part I of Schedule II applies where the assessee deposits with the Central Government in such manner and in accordance with such conditions as the Central Government may by rule prescribe for the purposes of this sub-section an amount representing not less than one rupee for every complete unit of twenty-five rupees by which his total income exceeds seven hundred and fifty rupees:

Provided that where the total income includes any income chargeable under the head "Salaries" or under the head "Interest on Securities" or any income from dividends in respect of which he is deemed

XI of 1922.

deemed under section 49B of the Indian Income-tax Act, 1922, to have paid income-tax imposed in British India, the amount to be deposited by the assessee in order to obtain the exemption conferred by this sub-section shall be an amount bearing to the minimum required to be deposited under the foregoing provisions of this sub-section the same proportion as the amount of his total income diminished by the amount of such inclusions bears to the amount of his total income.

V of 1920.

(6) A deposit made in accordance with the provisions of sub-section (5) shall not in any way be capable of being charged and shall not be liable to attachment under any decree or order of any Civil, Revenue or Criminal Court in respect of any debt or liability incurred by the depositor and neither the Official Assignee nor any receiver appointed under the Provincial Insolvency Act, 1920, shall be entitled to or have any claim on any such deposit.

XI of 1922.

(7) Where the total income of an assessee referred to in sub-paragraph (b) of paragraph A of Part I of Schedule II does not exceed six thousand rupees, an amount representing one rupee for every complete unit of two hundred rupees of his total income as reduced by the deductions, if any, allowed under the second proviso to sub-section (1) of section 7, section 15 and sub-section (1) of section 58F of the Indian Income-tax Act, 1922, shall be funded for the assessee's benefit and shall be paid to him on such date, not more than twelve months after the termination of the present hostilities, as the Central Government may fix :

Provided that nothing in this sub-section shall apply to any part of total income to which clause (a) of sub-section (2) applies.

Explanation.—In computing the amount to be funded under this sub-section if there is an incomplete unit amounting to one hundred rupees or more it shall be reckoned as a complete unit of two hundred rupees.

XV of 1940.

9. (1) In sub-clause (a) of clause (6) of section 2 of the Excess Profits Tax Act, 1940, for the words and figures "31st day of March, 1942" the words and figures "31st day of March, 1943" shall be substituted.

XV of 1940.

(2) The excess profits tax imposed by section 4 of the Excess Profits Tax Act, 1940, shall, in respect of any chargeable accounting period beginning after the 31st day of March, 1942, be an amount equal to sixty-six and two-thirds per cent. of the amount by which the profits of the business during that chargeable accounting period exceed the standard profits.

10. (1) If before the 1st day of July, 1942, or within thirty days of the date on which any excess

profits

profits tax, charged under the provisions of the Excess Profits Tax Act, 1940, at the rate of sixty-six and two-thirds per cent. becomes payable, whichever of these dates is later, a further sum not exceeding one-fifth of the amount of the said excess profits tax is deposited with the Central Government, the Central Government shall repay, at such date and subject to such conditions as it may hereafter determine, so much of the said excess profits tax as shall be equal to one-tenth of the amount thereof or to one-half of such further sum deposited, whichever is the less : xv of 1940.

Provided that, if the said excess profits tax is thereafter reduced, whether by relief given in respect of a deficiency of profits, or by relief given in respect of double excess profits taxation or otherwise, and whether by refund or otherwise, the portion of the tax to be repaid under this section shall be correspondingly reduced :

Provided further that if the said excess profits tax is so reduced, the maximum sum that may be deposited with the Central Government under this section shall also be correspondingly reduced :

Provided further that the provisions of this section shall apply in respect of excess profits tax to which the section applies which became payable before the commencement of this Act if the further sum referred to herein is deposited before the 1st day of July, 1942 :

Provided further that in relation to excess profits tax payable under the Excess Profits Tax Act, 1940, in respect of any profits which are also liable to assessment to excess profits tax under the law in force in the United Kingdom it shall be unnecessary to deposit the further sum referred to in this section, and the amount repayable by the Central Government under this section shall, subject to the first proviso, be one-tenth of the amount of the excess profits tax payable at the rate of sixty-six and two-thirds per cent. under the Excess Profits Tax Act, 1940. xv of 1940.

(2) Any sum deposited with the Central Government under sub-section (1) shall carry simple interest at the rate of two per cent. per annum and shall be repaid within twelve months of the date of termination of the present hostilities.

(3) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this section and for prescribing the manner and conditions referred to in sub-section (5) of section 8.

SCHEDULE I

Indian Finance.

SCHEDULE I.

Schedule to be inserted in the Indian Post Office Act, 1898.

(See section 7.)

“ THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

(See section 7.)

Letters.

For a weight not exceeding one tola	One and a half annas.
For every tola, or fraction thereof, exceeding one tola	Half an anna.

Postcards.

Single	Nine pies.
Reply	One and a half annas.

Book, Pattern and Sample Packets.

For the first five tolas or fraction thereof	Nine pies
For every additional two and a half tolas, or fraction thereof, in excess of five tolas	Three pies.

Registered Newspapers.

For a weight not exceeding ten tolas	Quarter of an anna.
For a weight exceeding ten tolas and not exceeding twenty tolas	Half an anna.
For every twenty tolas, or fraction thereof, exceeding twenty tolas	Half an anna.
In the case of more than one copy of the same issue of a registered newspaper being carried in the same packet—	
For a weight not exceeding ten tolas	Half an anna.
For every additional five tolas, or fraction thereof, in excess of ten tolas	Quarter of an anna.
Provided that such packet shall not be delivered at any addressee's residence but shall be given to a recognized agent at the post office.	

Parcels.

For a weight not exceeding forty tolas	Four annas.
For every forty tolas, or fraction thereof, exceeding forty tolas	Four annas.”

SCHEDULE II

SCHEDULE II.

(See section 8.)

PART I.

Rates of Income-tax.

A.—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons not being a case to which paragraph B of this Part applies :—

(a) Where the total income does not exceed Rs. 2,000—

	Rate.
1. On the first Rs. 750 of total income	<i>Nil.</i>
2. On the next Rs. 1,250 of total income	Six pies in the rupee.

Provided that no tax shall be payable on a total income which does not exceed Rs. 1,500.

(b) Where the total income exceeds Rs. 2,000—

	Rate.	Surcharge.
1. On the first Rs. 1,500 of total income	<i>Nil</i>	<i>Nil.</i>
2. On the next Rs. 3,500 of total income	Nine pies in the rupee.	Six pies in the rupee.
3. On the next Rs. 5,000 of total income :	One anna and three pies in the rupee.	Nine pies in the rupee.
4. On the next Rs. 5,000 of total income	Two annas in the rupee.	One anna and two pies in the rupee.
5. On the balance of total income	Two annas and six pies in the rupee.	One anna and three pies in the rupee.

B.—In the case of every company and local authority, and in every case in which under the provisions of the Indian Income-tax Act, 1922, income-tax is to be charged at the maximum rate—

	Rate.	Surcharge.
On the whole of total income	Two annas and six pies in the rupee.	One anna and three pies in the rupee.

PART II.

Rates of Super-tax.

A.—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which paragraphs B and C of this Part apply—

	Rate.	Surcharge.
1. On the first Rs. 25,000 of total income	<i>Nil</i>	<i>Nil.</i>
2. On the next Rs. 10,000 of total income	One anna in the rupee.	Six pies in the rupee.
3. On the next Rs. 20,000 of total income	Two annas in the rupee.	One anna in the rupee.
4. On the next Rs. 70,000 of total income	Three annas in the rupee.	One anna and six pies in the rupee.
5. On the next Rs. 75,000 of total income	Four annas in the rupee.	Two annas in the rupee.
6. On the next Rs. 1,50,000 of total income	Five annas in the rupee.	Two annas and six pies in the rupee.
7. On the next Rs. 1,50,000 of total income	Six annas in the rupee.	Three annas in the rupee.
8. On the balance of total income	Seven annas in the rupee.	Three annas and six pies in the rupee.

B. In

SCHEDULE II—*contd.*PART II—*contd.*Rates of Super-tax—*contd.*

B.—In the case of every local authority—

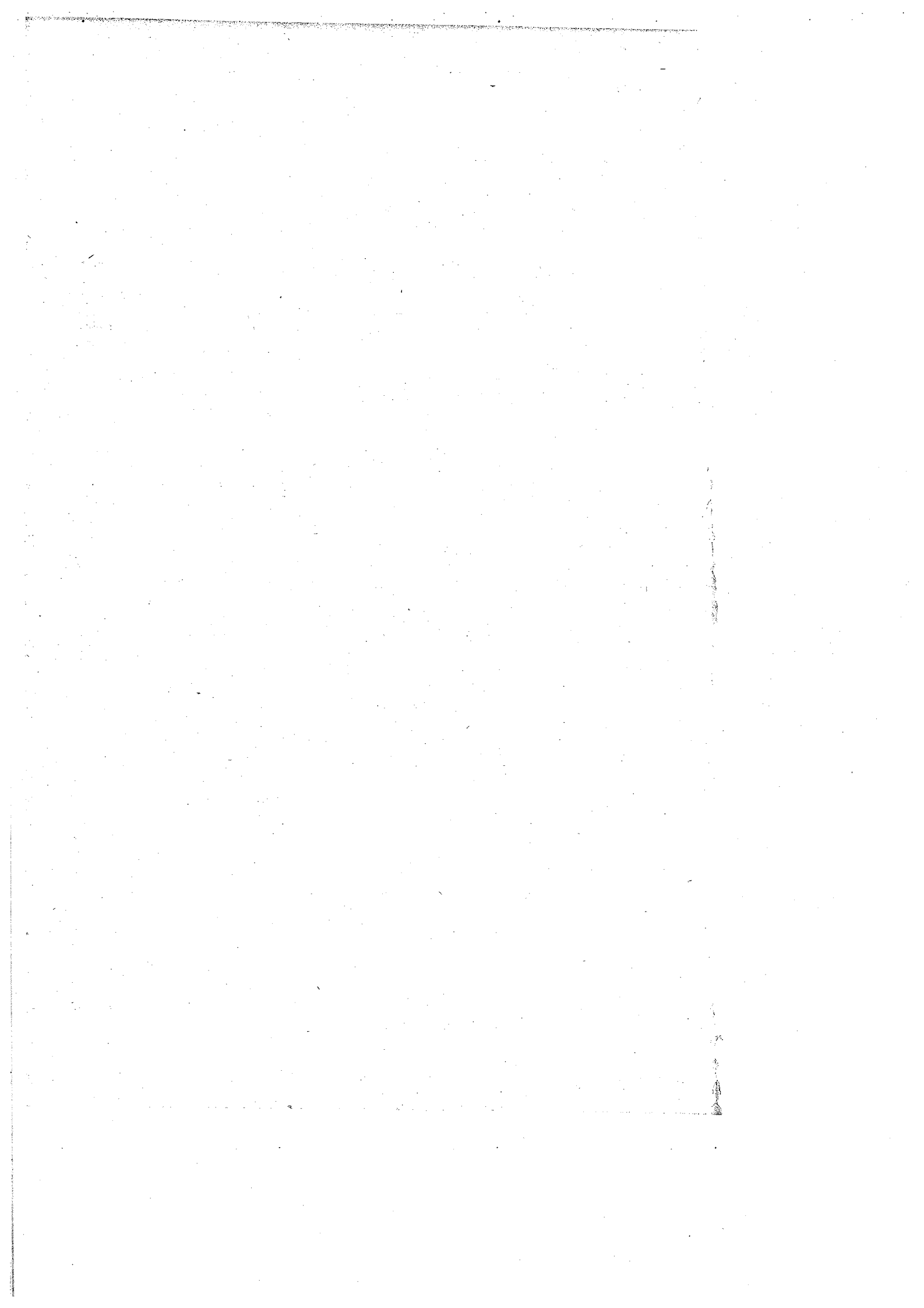
	Rate.	Surcharge.
On the whole of total income	One anna in the rupee.	Six pies in the rupee.

C.—In the case of an association of persons being a co-operative society, other than the Sanikatta Saltowners' Society in the Bombay Presidency, for the time being registered under the Co-operative Societies Act, 1912, or under an Act of the Provincial Legislature governing the registration of Co-operative Societies—

	Rate.	Surcharge.
1. On the first Rs. 25,000 of total income	<i>Nil</i>	<i>Nil</i> .
2. On the balance of total income	One anna in the rupee.	Six p in the rupee.

D.—In the case of every company—

	Rate.
On the whole of total income	One anna and six pies in the rupee.



ACT No. XIII OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
30th March, 1942.)

An Act to amend the Agricultural Produce (Grading
and Marking) Act, 1937.

WHEREAS it is expedient to amend the Agri-
cultural Produce (Grading and Marking) Act,
1937, for the purposes hereinafter appearing;

I of 1937.

It is hereby enacted as follows :—

1. (1) This Act may be called the Agricultural Produce (Grading and Marking) Amendment Act, 1942. Short title and commencement.

(2) It shall be deemed to have come into force on the 24th day of February, 1937.

I of 1937.

2. In the long title and in the preamble of the Agricultural Produce (Grading and Marking) Act, 1937 (hereinafter referred to as the said Act), after the word "agricultural" the words "and other" shall be inserted. Amendment of long title and preamble, Act I of 1937.

3. In section 6 of the said Act, after the words "not included in the Schedule" the words "or to an article other than an article of agricultural produce" shall be inserted. Amendment of section 6, Act I of 1937.

Price anna 1 or 1½d.

GIPD—1—9LD—18-5-42—4,500

ACT No. XIV OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
30th March, 1942.)

An Act further to amend the Indian Tolls (Army) Act, 1901.

II of 1901.

WHEREAS it is expedient further to amend the Indian Tolls (Army) Act, 1901, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Indian Tolls (Army) Short title.
Amendment Act, 1942.

II of 1901

2. In sub-section (1) of section 1 of the Indian Tolls Amendment of section 1, Act II of 1901.
(Army) Act, 1901 (hereinafter referred to as the said Act), for the brackets and word “(Army)” the brackets and words “(Army and Air Force)” shall be substituted.

3. For section 2 of the said Act the following section Substitution of new section for section 2, Act II of 1901.
shall be substituted, namely:—

2. In this Act, unless there is anything repugnant Definitions.
in the subject or context,—

(a) the expression “authorised followers” means persons other than officers, soldiers or airmen, who are employed by, or are in the service of, the Forces or Corps concerned, or are in the service of any officer, soldier or airman of such Forces or Corps;

(b) “carriage” means a vehicle for carriage or haulage other than one specially constructed for use on rails;

(c) “ferry” includes every bridge and other thing which is a ferry within the meaning of any enactment authorising the levy of tolls on ferries, but does not include any ferry or other thing which is included in the definition of “railway” in section 3 of the Indian Railways Act, 1890;

IX of 1890;

(d) the expression “His Majesty’s Regular Forces” has the meaning assigned to it by section 190, clause (8), of the Army Act, and includes His Majesty’s Regular Air Force as defined by section 190, clause (8), of the Air Force Act,

the

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Price anna 1 or 1½d.

Indian Tolls (Army) Amendment. [ACT XIV

the Indian Air Force, and also the Indian Reserve Forces when subject to military or air force law, as the case may be ;

(e) "horse" includes a mule and any beast of whatever description which is used for burden or draught or for carrying persons ;

(f) the expression "Irregular Corps" means any force [other than the Auxiliary Force (India) or the Indian Territorial Force] raised and maintained in India under the authority of the Central Government or of the Crown Representative, or any other force which may be notified in this behalf by order published in the official Gazette ;

(g) the expression "Indian Reserve Forces" means the forces constituted by the Indian Reserve Forces Act, 1888, and includes officers belonging to the Army in India Reserve of Officers or to the Indian Regular Reserve of Officers and members of the Royal Air Force Volunteer Reserve and the Indian Air Force Volunteer Reserve when subject to military or air force law, as the case may be ; V of 1888.

(h) "landing-place" includes a pier, wharf, quay, jetty and a stage, whether fixed or floating ;

(i) "public authority" means the Central Government or the Federal Railway Authority or a Provincial Government or a local authority ; and ; so far as regards tolls levied by a railway company under section 4 of the Indian Guaranteed Railways Act, 1879, or section 51 of the Indian Railways Act, 1890, includes such a railway company ; and 42 and 43
Vict., c. 41,
IX of 1890.

(j) "tolls" includes duties, dues, rates, rents, fees and charges, but does not include customs duties levied under the Indian Tariff Act, 1934, octroi duties or town duties on the import of goods, or fares paid for the conveyance of passengers on a tramway. XXXII of
1934.

Amendment of
section 3, Act
II of 1901.

4. In section 3 of the said Act,—

(a) for clauses (a), (b), (c), (d), (e), (f), (g) and (h) the following clauses shall be substituted, namely :—

"(a) all officers, soldiers and airmen of—

(i) His Majesty's Regular Forces,

(ii) any Irregular Corps, or

(iii) Indian State Forces, when on duty or on the march,

(b) all

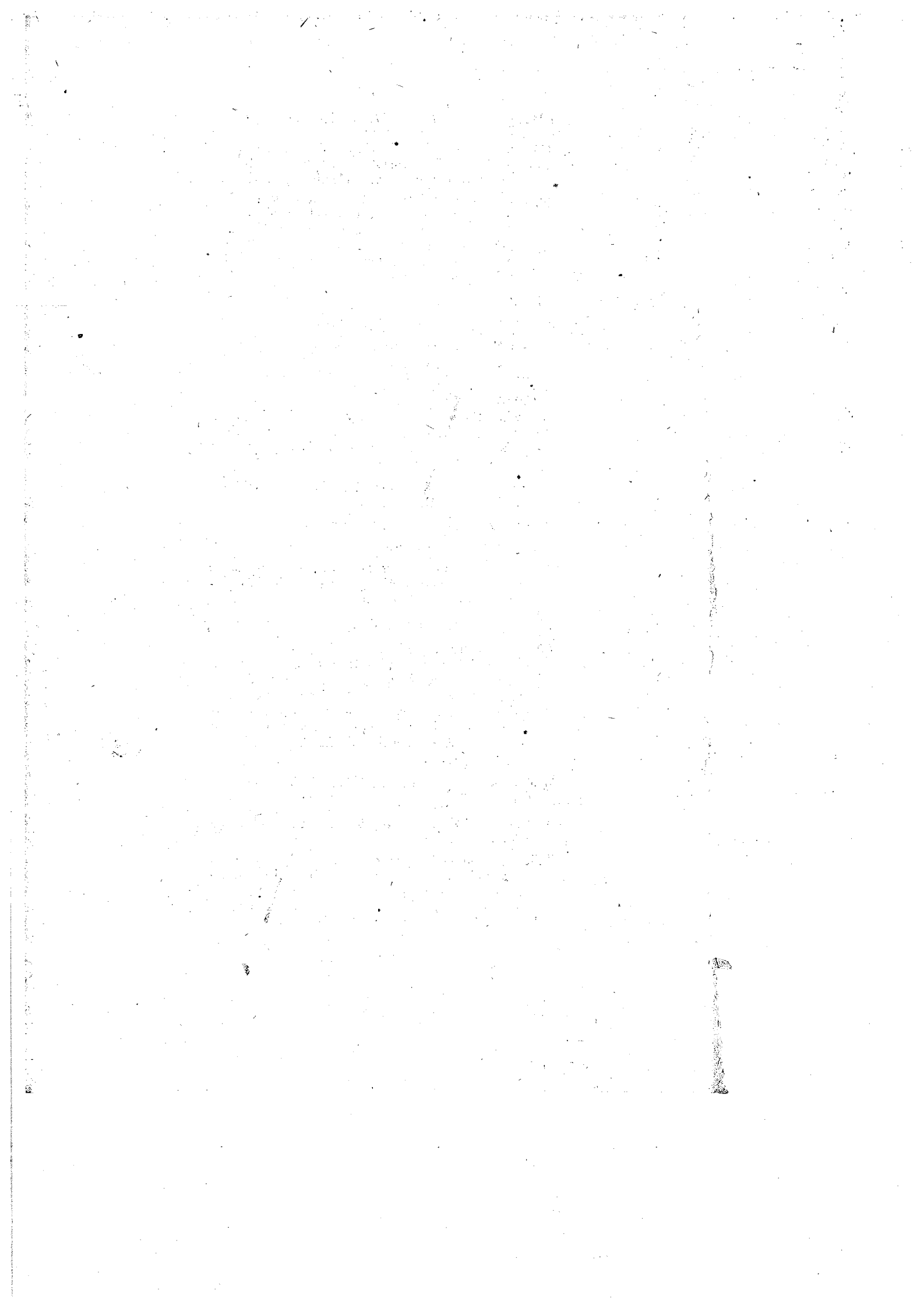
OF 1942.] *Indian Tolls (Army) Amendment.*

- (b) all members of the Auxiliary Force (India) or of the Indian Territorial Force when on duty or when proceeding to or returning from duty,
- (c) all officers, soldiers and airmen of the Indian Reserve Forces when proceeding from their place of residence on being called out for service, training, or muster or when proceeding back to their place of residence after such service, training or muster,
- (d) all authorised followers of—
 - (i) His Majesty's Regular Forces,
 - (ii) the Auxiliary Force (India) or the Indian Territorial Force,
 - (iii) any Irregular Corps, or
 - (iv) Indian State Forces, when they accompany any body of such Forces or Corps on the march, or when they are otherwise moving under the orders of military or air force authority,
- (e) all members of the families of officers, soldiers, airmen or authorised followers of—
 - (i) His Majesty's Regular Forces, or
 - (ii) any Irregular Corps, when accompanying any body of troops, or any officer, soldier, airman or authorised follower thereof on duty or on the march,
- (f) all prisoners under military or air force escort,
- (g) the carriages, horses, and baggage, and the persons (if any) employed in driving the carriages or in carrying the baggage, of any persons exempted under any of the foregoing clauses, when such carriages, horses, baggage, or persons accompany the persons so exempted under the circumstances mentioned in those clauses respectively," ;

(b) clauses (i), (j), (k) and (l) shall be relettered as clauses (h), (i), (j) and (k), respectively ;

(c) after the proviso to the said section the following shall be added, namely :—

Explanation.—The persons or property exempted under clauses (d), (e), (g) and (j) shall be deemed to accompany the Forces, troops, persons or property concerned when the move of the former is the direct result of, or is connected with, the move of the latter, irrespective of the interval of space and time between the two moves."



ACT No. XV OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
30th March, 1942.)

An Act further to amend the Cantonments Act, 1924.

II of 1924.

WHEREAS it is expedient further to amend the Cantonments Act, 1924, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Cantonments (Amendment) Act, 1942. Short title.

II of 1924.

2. In section 17 of the Cantonments Act, 1924 (hereinafter referred to as the said Act),— Amendment of section 17, Act II of 1924.

(a) to sub-section (1) the following proviso shall be added, namely :—

“ Provided that where there are more outgoing members qualified and willing to serve than there are vacancies to be filled under this sub-section, the outgoing members so deemed to have been re-elected shall, failing agreement amongst such members, be determined by lot under the supervision of the President of the Board and in such manner as he may decide.” ;

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

“(2) Vacancies arising in any of the following cases shall be filled by nomination by the Central Government after consultation with the Officer Commanding-in-Chief, the Command, namely :—

(a) where at a casual election no member is elected ;

(b) where at an ordinary election no member or an insufficient number of members is elected, or an elected member is unwilling to serve on the Board and the outgoing member is not qualified or is not willing to serve or is dead or cannot be found within a reasonable time ;

(c) where

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Price Anna 1 or 1½d.

(c) where at an election held when a Board is constituted for the first time no member or an insufficient number of members is elected or an elected member is unwilling to serve on the Board.”;

(c) sub-section (3) shall be renumbered as sub-section (4) and after sub-section (2) the following sub-section shall be inserted, namely :—

“ (3) For the purposes of sub-section (2) of section 16, a member nominated in pursuance of sub-section (2) of this section shall, where there has been a division of the cantonment into wards or of the inhabitants thereof into classes, be deemed to have been elected by such ward or class, as the case may be, as the Central Government may at the time of making the nomination or at any time thereafter declare.”

Amendment of section 20, Act II of 1924. 3. To sub-section (3) of section 20 of the said Act the following words shall be added, namely :—

“ in accordance with such procedure as the Central Government may by rule prescribe ”.

Amendment of section 27, Act II of 1924. 4. In sub-section (1) of section 27 of the said Act, after clause (c) the following *Explanation* shall be inserted, namely :—

“ *Explanation.*—When any place is declared a cantonment for the first time or when any local area is first included in a cantonment, residence in the area comprising the cantonment on the aforesaid date shall be deemed to be residence in the cantonment for the purposes of this sub-section.”

Amendment of section 28, Act II of 1924. 5. In section 28 of the said Act, after sub-section (1) the following sub-section shall be inserted, namely :—

“ (1A) No person shall be qualified for nomination as a member of a Board if he is subject to any of the disqualifications specified in sub-section (2) of section 27.”

Amendment of section 34, Act II of 1924. 6. In section 34 of the said Act,—

(a) in clause (a) of sub-section (1), after the word “ becomes ” the words “ or is found to have been at the time of his election or nomination ” shall be inserted ;

(b) in sub-section (3), after the word “ under ” the words, brackets and figures “ sub-section (1) or sub-section (2) of ” shall be inserted.

7. To

OF 1942.] *Cantonments (Amendment).*

7. To section 76 of the said Act the following proviso shall be added, namely :—

Amendment of section 76, Act II of 1924.

“ Provided that in any cantonment which the Central Government, by notification in the official Gazette, has declared to be a hill cantonment and in respect of which the Central Government by the same or a like notification has declared a portion of the year to be the season for the cantonment, when any building or land is leased for occupation through the season only, but the rent charged is the full annual rent, no remission or refund shall be admissible under this section in respect of any time outside the season during which the building or land remains vacant, but in respect of any time, not being less than sixty consecutive days during which within the season such building or land has remained vacant and unproductive of rent, the Board shall remit or refund such portion of any tax assessed on the annual value thereof as bears to the whole of the tax so assessed the same proportion as the number of days during which the building or land has remained vacant and unproductive of rent bears to the total length of the season.”

8. In sub-section (2) of section 99 of the said Act, after the words “ any tax on property ” the words “ other than a tax imposed to cover the cost of specific services rendered by the Board ” shall be inserted.

Amendment of section 99, Act II of 1924.

9. (1) Section 117 of the said Act shall be renumbered as sub-section (1) of that section, and in the said section so renumbered,—

Amendment of section 117, Act II of 1924.

- (a) in clause (j), after the word “ works ; ” the word “ or ” shall be added ;
- (b) in clause (k), the word “ or ” occurring at the end of the clause shall be omitted ;
- (c) clause (l) shall be omitted.

(2) To the said section as so renumbered the following sub-section shall be added, namely :—

“ (2) A Board may, either within or outside the cantonment, make provision for the doing of anything on which expenditure is declared by the Central Government, or by the Board with the sanction of the Central Government, to be an appropriate charge on the cantonment fund.”

10. To section 233 of the said Act the following sub-section shall be added, namely :—

Amendment of section 233, Act II of 1924.

“ (3) The provisions of section 222 shall be applicable in respect of the supply of water by agreement to the Board by the Officer for use for

Cantonments (Amendment). [ACT XV OF 1942.]

any purpose other than a domestic purpose in like manner as they are applicable to such supply to the owner, lessee or occupier of any building or land in the cantonment."

Amendment of section 234A, Act II of 1924.

11. In sub-section (1) of section 234A of the said Act, after the words "the Board may" the words "and so long as the Board is unable to provide a water-supply of its own, it shall" shall be inserted.

Amendment of section 282, Act II of 1924.

12. In clause (25) of section 282 of the said Act,—

- (a) the word "or" occurring at the end of sub-clause (c) shall be omitted;
- (b) in sub-clause (d), after the word "conveyances;" the word "or" shall be added;
- (c) after sub-clause (d) the following sub-clause shall be added, namely :—
" (e) for persons practising as nurses, midwives or *dais* ;".

ACT No. XVI OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
30th March, 1942.)

An Act further to amend the Indian Limitation Act,
1908.

IX of 1908. **W**HEREAS it is expedient further to amend the
Indian Limitation Act, 1908, for the purpose
hereinafter appearing;

It is hereby enacted as follows :—

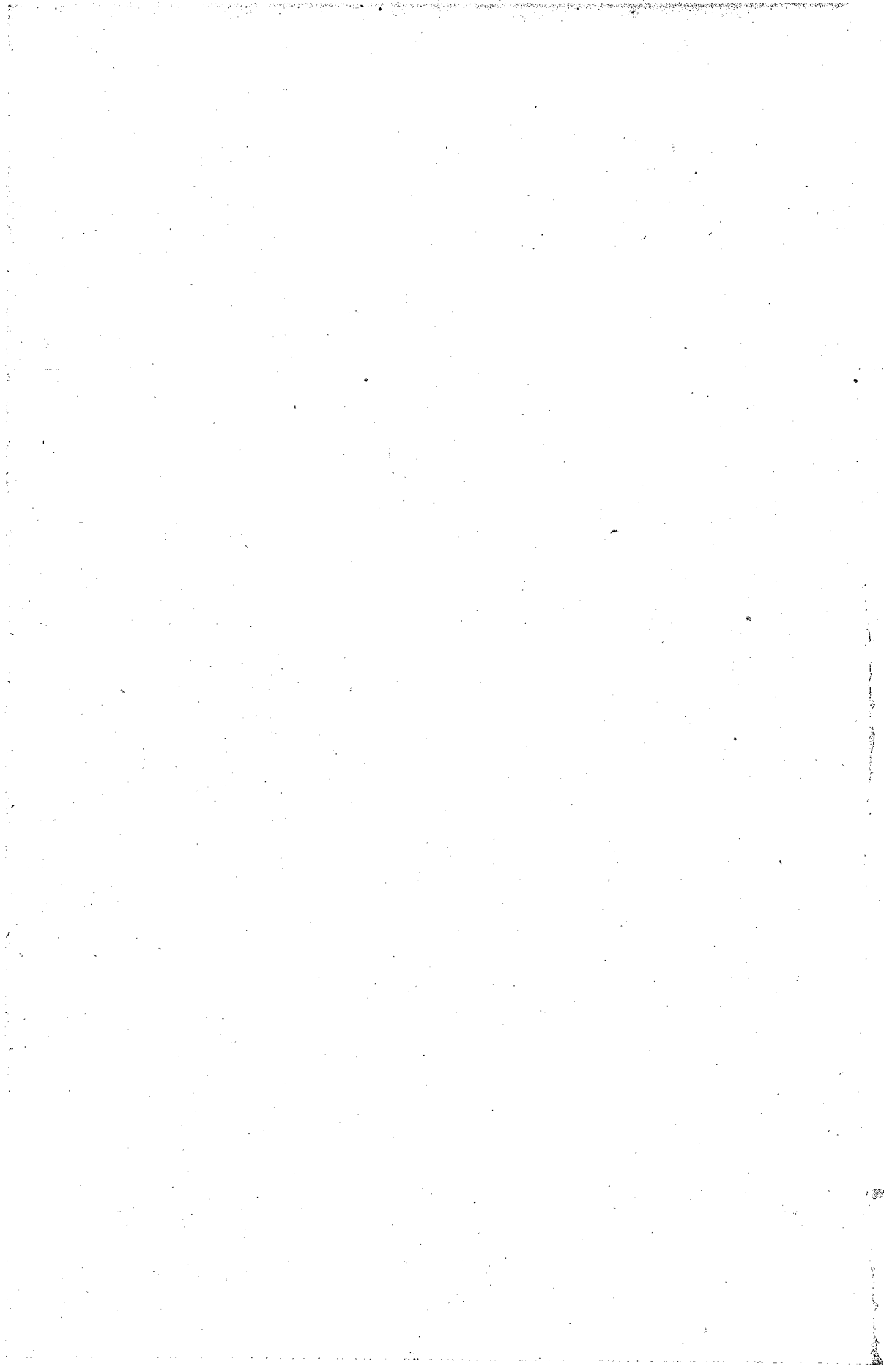
1. This Act may be called the Indian Limitation Short title.
(Amendment) Act, 1942.

IX of 1908. 2. In section 20 of the Indian Limitation Act, 1908, ^{Amendment of}
for the substantive part of sub-section (1) the following ^{section 20, Act} IX of 1908.
shall be substituted, namely :—

“(1) Where payment on account of a debt or of ^{Effect of pay-}
interest on a legacy is made before the expira- ^{ment on}
tion of the prescribed period by the person ^{account of}
liable to pay the debt or legacy, or by his duly ^{debt or of in-}
authorised agent, a fresh period of limitation ^{terest on}
shall be computed from the time when the ^{legacy.}
payment was made.”

Price anna 1 or 1½d.

GIPD—1—12LD—16-5-42—4,500.



ACT No. XVII of 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
30th March, 1942.)

An Act further to amend the Indian Companies
Act, 1913.

VII of 1913.

WHEREAS it is expedient further to amend the Indian
Companies Act, 1913, for the purposes hereinafter
appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Indian Companies Short title.
(Amendment) Act, 1942.

VII of 1913.

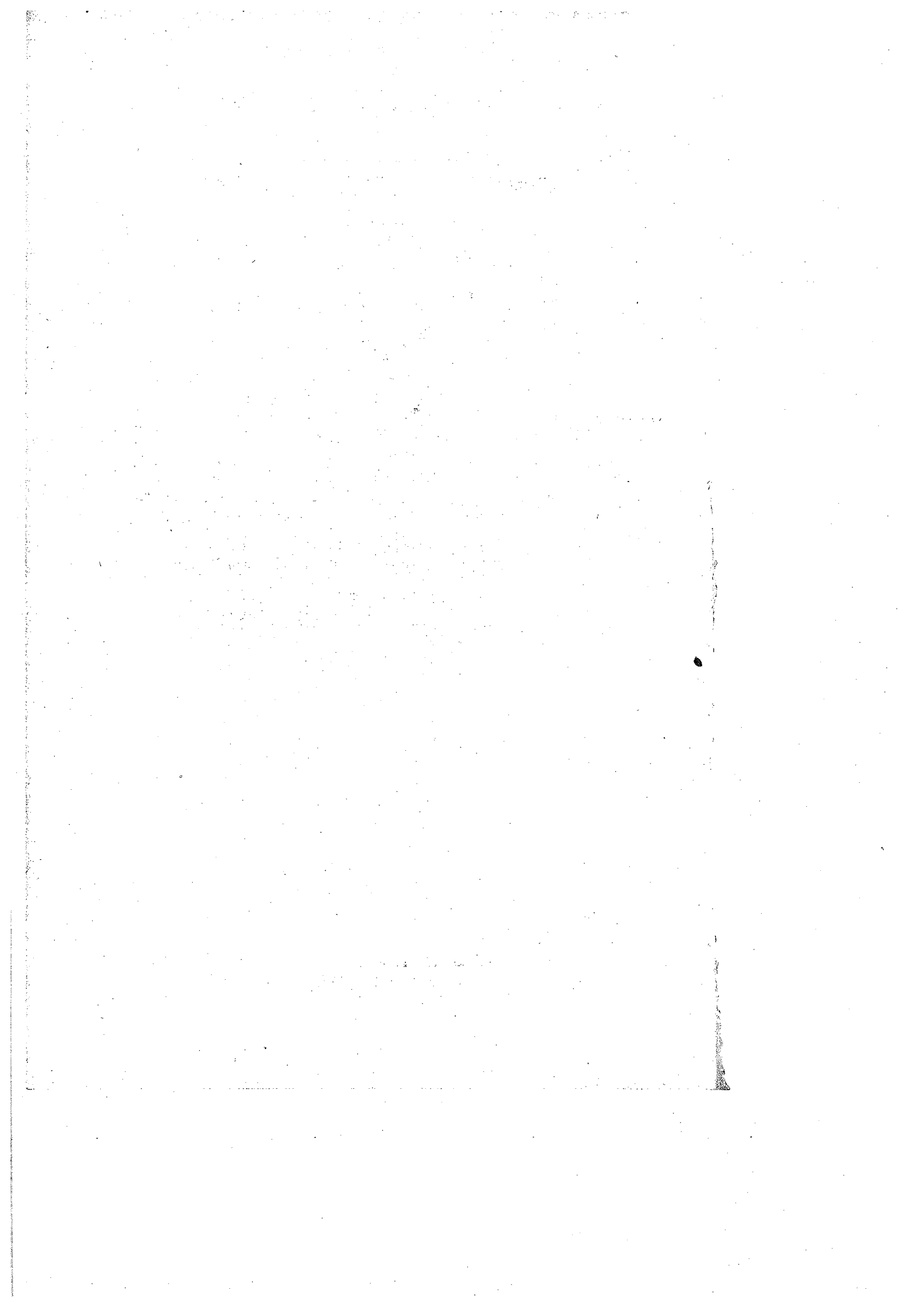
2. Section 54 of the Indian Companies Act, 1913 (here- Omission of
section 54, Act
VII of 1913.
inafter referred to as the said Act), shall be omitted.

3. In section 153 of the said Act, for sub-section (6) Amendment of
section 153,
Act VII of
1913.
the following sub-section shall be substituted, namely :—

'(6) In this section the expression "company" means
any company liable to be wound up under this
Act and the expression "arrangement" includes
a re-organization of the share capital of the
company by the consolidation of shares of different
classes or by the division of shares into shares
of different classes or by both those methods,
and for the purposes of this section unsecured
creditors who may have filed suits or obtained
decrees shall be deemed to be of the same class
as other unsecured creditors.'

GYPD--31--13LD--16.5.42--8,000.

Price anna 1 or 1½d.



ACT No. XVIII OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
3rd April, 1942.)

An Act to provide for the grant of weekly holidays to persons employed in shops, restaurants and theatres.

WHEREAS it is expedient to provide for the grant of weekly holidays to persons employed in shops, restaurants and theatres ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Weekly Holidays Act, 1942. Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force in a Province or in a specified area within a Province only if the Provincial Government by notification in the official Gazette so directs.

2. In this Act, unless there is anything repugnant in the subject or context,— Definition.

(a) " establishment " means a shop, restaurant or theatre ;

(b) " day " means a period of twenty-four hours beginning at midnight ;

(c) " restaurant " means any premises in which is carried on principally or wholly the business of supplying meals or refreshments to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre ;

(d) " shop " includes any premises where any retail trade or business is carried on, including the business of a barber or hair dresser, and retail sales by auction, but excluding the sale of programmes, catalogues and other similar sales at theatres ;

(e) " theatre " 1

Price anna 1 or 1½d.

Weekly Holidays.

[ACT XVIII

(e) "theatre" includes any premises intended principally or wholly for the presentation of moving pictures, dramatic performances or stage entertainments ;

(f) "week" means a period of seven days beginning at midnight on Saturday.

Closing of shops.

3. (1) Every shop shall remain entirely closed on one day of the week, which day shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop.

(2) The day so specified shall not be altered by the shop-keeper more often than once in three months.

Weekly holidays in shops, restaurants and theatres.

4. Every person employed otherwise than in a confidential capacity or in a position of management in any shop, restaurant or theatre shall be allowed in each week a holiday of one whole day :

Provided that nothing in this section shall apply to any person whose total period of employment in the week including any days spent on authorised leave is less than six days or entitle to an additional holiday a person employed in a shop who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of section 3.

Additional half-day closing or holiday.

5. (1) The Provincial Government may, by notification in the official Gazette, require in respect of shops or any specified class of shops that they shall be closed at such hour in the afternoon of one week-day in every week in addition to the day provided for by section 3 as may be fixed by the Provincial Government, and, in respect of theatres and restaurants or any specified class of either or both, that every person employed therein otherwise than in a confidential capacity or in a position of management shall be allowed in each week an additional holiday of one half-day commencing at such hour in the afternoon as may be fixed by the Provincial Government.

(2) The Provincial Government may, for the purposes of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

(3) The weekly day on which a shop is closed in pursuance of a requirement under sub-section (1) shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop and shall not be altered by the shop-keeper more often than once in three months.

No deduction or abatement to be made from wages.

6. No deduction or abatement of the wages of any person employed in an establishment to which this Act applies shall be made on account of any day or part of a day

day on which the establishment has remained closed or a holiday has been allowed in accordance with sections 3, 4 and 5, and if such person is employed on the basis that he would not ordinarily receive wages for such day or part of a day he shall none the less be paid for such day or part of a day the wages he would have drawn had the establishment not remained closed or the holiday not been allowed on that day or part of a day.

7. (1) The Provincial Government may, by notification in the official Gazette, appoint persons to be inspectors for the purposes of this Act within such local limits as it may assign to each such person. Inspectors.

(2) Every inspector appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860

8. (1) Subject to any rules made in this behalf by the Provincial Government, an inspector may, within the local limits for which he is appointed, — Powers of Inspectors.

(a) enter and remain in any establishment to which this Act applies with such assistants, if any, being servants of the Crown, as he thinks fit ;

(b) make such examination of any such establishment and of any record, register or notice maintained therein in pursuance of rules made under clause (c) of sub-section (2) of section 10, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of this Act ;

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act.

(2) Any person having the custody of any record, register or notice maintained in pursuance of rules made under clause (c) of sub-section (2) of section 10 shall be bound to produce it when so required by the inspector, but no person shall be compellable to answer any question if the answer may tend directly or indirectly to criminate himself.

9. In the event of any contravention of the provisions of section 3, of section 4, of a requirement imposed by notification under sub-section (1) of section 5, of section 6, or of the rules made under clause (c) of sub-section (2) of section 10, the proprietor or other person responsible for the management of the establishment in which such contravention takes place shall be punishable with fine which may extend, in the case of the first offence, to twenty-five rupees, and, in the case of a second or subsequent offence, to two hundred and fifty rupees. Penalties.

10. (1) The

Weekly Holidays. [ACT XVIII OF 1942.]

Rules.

10. (1) The Provincial Government may, subject to the condition of previous publication by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) define the persons who shall be deemed to be employed in a confidential capacity or in a position of management for the purpose of sections 4 and 5 ;
- (b) regulate the exercise of their powers and the discharge of their duties by inspectors ;
- (c) require registers and records to be maintained and notices to be displayed in establishments to which this Act applies and prescribe the form and contents thereof.

Power of exemption and suspension.

11. The Central Government in respect of establishments under its control, and the Provincial Government in respect of all other establishments within the Province may, subject to such conditions, if any, as it thinks fit to impose, exempt any establishment to which this Act applies from all or any specified provisions of this Act, and may, on any special occasion in connection with a fair or festival or a succession of public holidays, suspend for a specified period the operation of this Act.

ACT No. XIX OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
3rd April, 1942.)

An Act to facilitate the collection of statistics of certain kinds relating to industries.

WHEREAS it is expedient to facilitate the collection of statistics of certain kinds relating to industries ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Industrial Statistics Act, 1942. Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force in a Province on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf for such Province.

2. In this Act "prescribed" means prescribed in rules made under this Act or in any form prescribed by those rules. Definition.

3. (1) The Provincial Government may, by notification in the official Gazette, direct that statistics shall be collected relating to any of the following matters, namely :— Collection of statistics.

- (a) any matter relating to factories,
- (b) any of the following matters so far as they relate to welfare of labour and conditions of labour, namely :—
 - (i) prices of commodities,
 - (ii) attendance,
 - (iii) living conditions, including housing, water supply and sanitation,
 - (iv) indebtedness,
 - (v) rents of dwelling-houses,
 - (vi) wages and other earnings,
 - (vii) provident and other funds provided for labour,
 - (viii) benefits and amenities provided for labour,
 - (ix) hours of work,
 - (x) employment and unemployment,
 - (xi) industrial and labour disputes,

and

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Price anna 1 or 1½d.

and thereupon the provisions of this Act shall apply to the collection of those statistics.

(2) In clause (a) of sub-section (1), "factory" means a factory as defined in clause (j) of section 2 of the Factories Act, 1934, or any premises deemed to be a factory in pursuance of a declaration made under sub-section (1) of section 5 of that Act. **XXV of 1934.**

Appointment of statistics authority.

4. The Provincial Government may appoint an officer to be the statistics authority for the purposes of the collection of any statistics under this Act.

Power of statistics authority to call for returns and information.

5. (1) The statistics authority may serve or cause to be served on any person a notice requiring him to furnish, at such intervals and in such form and with such particulars as may be prescribed, such information or returns relating to any matter in respect of which statistics are to be collected and to such authority or person and in such manner and at such times as may be prescribed.

(2) The notice referred to in sub-section (1) may be served by post.

Right of access to record or document.

6. The statistics authority or any person authorized by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or document in the possession of any person required to furnish any information or return under this Act, and may enter at any reasonable time any premises wherein he believes such record or document to be, and may ask any question necessary for obtaining any information required to be furnished under this Act.

Restriction on the publication of returns and information.

7. (1) No individual return, and no part of an individual return, made, and no information with respect to any particular undertaking given, for the purposes of this Act, shall, without the previous consent in writing of the owner for the time being of the undertaking in relation to which the return or information was made or given, or his authorized agent, be published in such manner as would enable any particulars to be identified as referring to a particular undertaking.

(2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code, no person not engaged in connection with the collection of statistics under this Act shall be permitted to see any individual return or information referred to in sub-section (1). **XLV of 1860.**

Penalties.

8. If any person required to furnish any information or any return—

- (a) wilfully refuses or without lawful excuse neglects to furnish such information or return as required under this Act, or
- (b) wilfully furnishes or causes to be furnished any information or return which he knows to be false, or

(c) refuses

- (c) refuses to answer or wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under this Act,

or if any person impedes the right of access to relevant records and documents or the right of entry conferred by section 6, he shall for each such offence be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence to a further fine which may extend to two hundred rupees for each day after the first during which the offence continues ; and in respect of false information, returns or answers the offence shall be deemed to continue until true information or a true return or answer has been given or made.

9. If any person engaged in connection with the collection of statistics under this Act wilfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both imprisonment and fine.

Penalty for improper disclosure of information or returns.

XLV of 1860.

10. No prosecution under section 8 shall be instituted except by or with the sanction of the statistics authority and no prosecution under section 9 shall be instituted except by or with the sanction of the Provincial Government.

Cognizance of offences.

11. The Central Government may give directions to a Provincial Government as to the carrying into execution of this Act in the Province.

Power of the Central Government to give directions.

12. (1) The Provincial Government may, subject to the condition of previous publication by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power of Provincial Governments to make rules.

(2) Without prejudice to the generality of the foregoing powers, rules may be made under this section regulating the exercise of the right of access to documents and the right of entry conferred by section 6.

100-10-10-10-10

ACT No. XX OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
3rd April, 1942.)

An Act further to amend the Motor Vehicles Act,
1939.

IV of 1939. **W**HEREAS it is expedient further to amend the
Motor Vehicles Act, 1939, for the purposes herein-
after appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Motor Vehicles Short title.
(Amendment) Act, 1942.

IV of 1939. 2. In section 3 of the Motor Vehicles Act, 1939 Amendment
(hereinafter referred to as the said Act), sub-section (3) of section
shall be omitted. 3, Act IV
of 1939.

3. In section 4 of the said Act sub-section (3) shall Amendment
be omitted. of section
4, Act IV
of 1939.

4. In section 7 of the said Act,—

(a) in sub-section (6),—

(i) the brackets and letter “(a)” at the beginning
of clause (a), the word “or” at the end of
that clause and the whole of clause (b) shall
be omitted ;

(ii) in the second proviso, the words and figure
“Part I of” shall be omitted ;

(b) in the proviso to sub-section (8), the whole of
clause (a) and the brackets and letter “(b)”
at the beginning of clause (b) shall be omitted.

5. In section 14 of the said Act,—

(a) in sub-section (1), after the words “which are Amendment
the property” the words “or for the time of section
being under the exclusive control” shall be 14, Act IV
inserted ; of 1939.

(b) in sub-section (3), after the words “which is the
property” the words “or for the time being
under the exclusive control” shall be inserted.

6. In

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Price anna 1 or 1½d.

Motor Vehicles (Amendment). [ACT XX

Amendment
of section
21, Act IV
of 1939.

6. In sub-section (2) of section 21 of the said Act,—

(a) for clause (b) the following clause shall be substituted, namely :—

“(b) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees :

Provided that no fee so fixed shall exceed two rupees ; ” ;

(b) for clause (f) the following clause shall be substituted, namely :—

“(f) the exemption of prescribed persons, or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter ; ”.

Amendment
of section
23, Act IV
of 1939.

7. In section 23 of the said Act, the brackets and figure “ (1) ” at the beginning of sub-section (1) and the whole of sub-sections (2) and (3) shall be omitted.

Amendment
of section 28
Act IV of
1939.

8. In section 28 of the said Act,—

(a) in sub-section (1), the words “ or deemed to be registered under this Act ” and the proviso to the sub-section shall be omitted ;

(b) in sub-section (2), after the word and figures “ April, 1926,” the words “ or of any Convention modifying the same,” shall be inserted.

Amendment
of section
36, Act IV
of 1939.

9. In sub-section (1) of section 36 of the said Act, the words “ After the commencement of this Act, ” and the proviso to the sub-section shall be omitted.

Amendment
of section
38, Act IV
of 1939.

10. In section 38 of the said Act sub-section (4) shall be omitted.

Amendment
of section
39, Act IV
of 1939.

11. In section 39 of the said Act,—

(a) in sub-section (1), after the words “ which is the property ” the words “ or for the time being under the exclusive control ” shall be inserted, and after the words “ remains the property ” the words “ or under the exclusive control ” shall be inserted ;

(b) in sub-section (4), after the words “ ceases to be the property ” the words “ or under the exclusive control ” shall be inserted.

Amendment
of section
41, Act IV
of 1939.

12. In sub-section (2) of section 41 of the said Act,—

(a) to clause (a) the words “ , the fees to be paid in respect of such appeals and the refund of such fees ” shall be added ;

(b) after

(b) after clause (f) the following clause shall be inserted, namely :—

“(ff) the exemption of prescribed persons or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter ;”;

(c) in clause (l), after the word “road-rollers” the words “, graders and other vehicles designed and used solely for the construction, repair and cleansing of roads” shall be inserted.

13. To section 44 of the said Act the following sub-section shall be added, namely :—

Amendment
of section
44, Act IV
of 1939.

“(5) The Provincial Transport Authority and any Regional Transport Authority, if authorized in this behalf by rules made under section 68, may delegate such of its powers and functions to such authority or person and subject to such restrictions, limitations and conditions as may be prescribed by the said rules.”

14. In section 62 of the said Act, the brackets and figure “(1)” at the beginning of sub-section (1) and the whole of sub-section (2) shall be omitted.

Amendment
of section
62, Act IV
of 1939.

15. In sub-section (3) of section 65 of the said Act, after the words “The Provincial Government” the following shall be inserted, namely :—

Amendment
of section
65, Act IV
of 1939.

“or, if authorized in this behalf by the Provincial Government by rules made under section 68, the Provincial or a Regional Transport Authority”.

16. In sub-section (2) of section 68 of the said Act,—

Amendment
of section
68, Act IV
of 1939.

(a) to clause (b) the words “, the fees to be paid in respect of such appeals and the refund of such fees” shall be added ;

(b) after clause (g) the following clause shall be inserted, namely :—

“(gg) the exemption of prescribed persons or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter ;”;

(c) for clause (w) the following clause shall be substituted, namely :—

“(w) the licensing of and the regulation of the conduct of agents or canvassers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit custom for such vehicles ;”.

17. In

Motor Vehicles (Amendment). [ACT XX

Amendment
of section
75, Act IV
of 1939.

17. In sub-section (4) of section 75 of the said Act, after the word "Police" the following brackets and words shall be inserted, namely :—

"(or, in the Presidency-towns, the Chief Presidency Magistrate or the Commissioner of Police)".

Amendment
of section
78, Act IV
of 1939.

18. (1) Section 78 of the said Act shall be renumbered as sub-section (1) of that section and in the sub-section as so renumbered, for the words and letter "a traffic sign included in Part A of the Ninth Schedule" the words "a mandatory traffic sign" shall be substituted.

(2) To the said section as so renumbered the following sub-section shall be added, namely :—

'(2) In this section "mandatory traffic sign" means a traffic sign included in Part A of the Ninth Schedule, or any traffic sign of similar form (that is to say, consisting of or including a circular disc displaying a device, word or figure and having a red ground or border) erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 75.'

Amendment
of section
92, Act IV
of 1939.

19. In sub-section (3) of section 92 of the said Act, after the word and figures "April, 1926," the words "or any Convention modifying the same" shall be inserted.

Insertion of
new section
129A in Act
IV of 1939.

20. After section 129 of the said Act the following section shall be inserted, namely :—

"129A. Any police officer authorized in this behalf or other person authorized in this behalf by the Provincial Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of sub-section (1) of section 22 or without the permit required by sub-section (1) of section 42 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle."

Insertion of
new section
133A in Act
IV of 1939.

21. After section 133 of the said Act the following section shall be inserted, namely :—

"133A. (1) The Provincial Government may, for the purpose of carrying into effect the provisions of this Act, establish a Motor Vehicles Department and appoint as officers thereof such persons as it thinks fit.

Appoint-
ment of
motor
vehicles
officer.

(2) Every

of 1942.] *Motor Vehicles (Amendment).*

(2) Every such officer shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(3) The Provincial Government may make rules to regulate the discharge by officers of the Motor Vehicles Department of their functions and in particular and without prejudice to the generality of the foregoing power to prescribe the uniform to be worn by them, the authorities to which they shall be subordinate, the duties to be performed by them, the powers (including the powers exercisable by police officers under this Act) to be exercised by them, and the conditions governing the exercise of such powers."

22. In section 134 of the said Act sub-sections (2), (4) and (5) shall be omitted. Amendment of section 134, Act IV of 1939.

23. In the Fourth Schedule to the said Act,— Amendment of Fourth Schedule, Act IV of 1939.

(a) in the heading and in Parts A and B, after the words "the property", wherever they occur, the words "or for the time being under the exclusive control" shall be inserted;

(b) in Part B, to the entry in the second column the words "or any person authorized by him in this behalf" shall be added;

(c) in Part C, for the words beginning with "A broad arrow above two figures" and ending with "not more than four figures" the following shall be substituted, namely:—

"A broad arrow followed by not more than six figures, or a broad arrow followed by a single letter and not more than five figures".

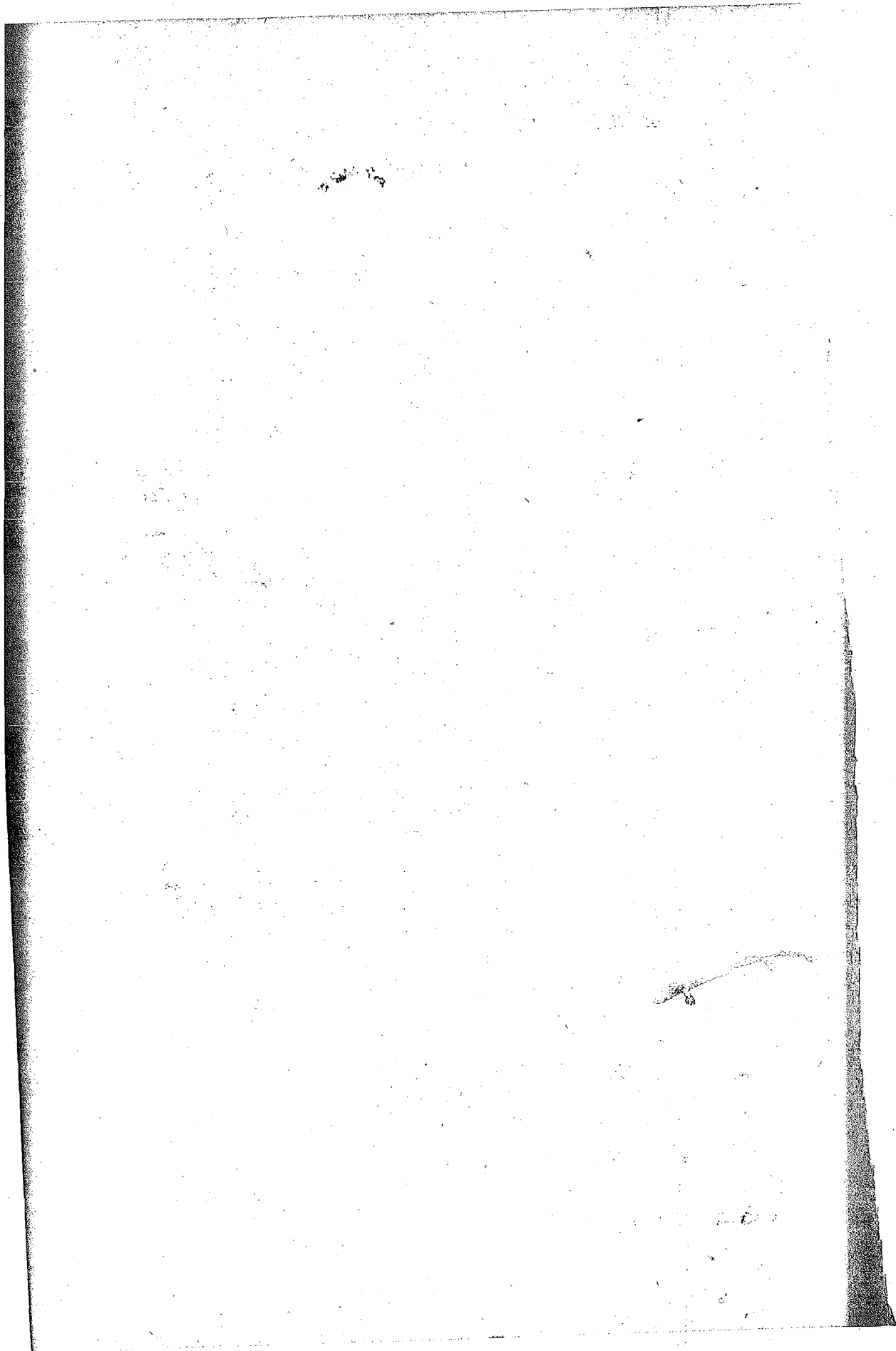
24. In the Eighth Schedule to the said Act, in entry No. 2, clauses (a) and (b) shall be re-lettered as clauses (b) and (d), respectively, and the following shall be inserted as clauses (a) and (c), namely:— Amendment of Eighth Schedule, Act IV of 1939.

"(a) if all the wheels are fitted with pneumatic tyres and the vehicle is a delivery van and is not drawing a trailer..... No limit.

(c) if all the wheels are fitted with pneumatic tyres and the registered laden weight of the vehicle does not exceed 17,000 pounds *avoirdupois* and the vehicle is not drawing a trailer.....

20 "

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ACT No. XXI OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st
October, 1942.)

An Act further to amend the Indian Companies Act,
1913.

VII of 1913.

WHEREAS it is expedient further to amend the Indian Companies Act, 1913, for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Companies (Second Amendment) Act, 1942. Short title and commencement.

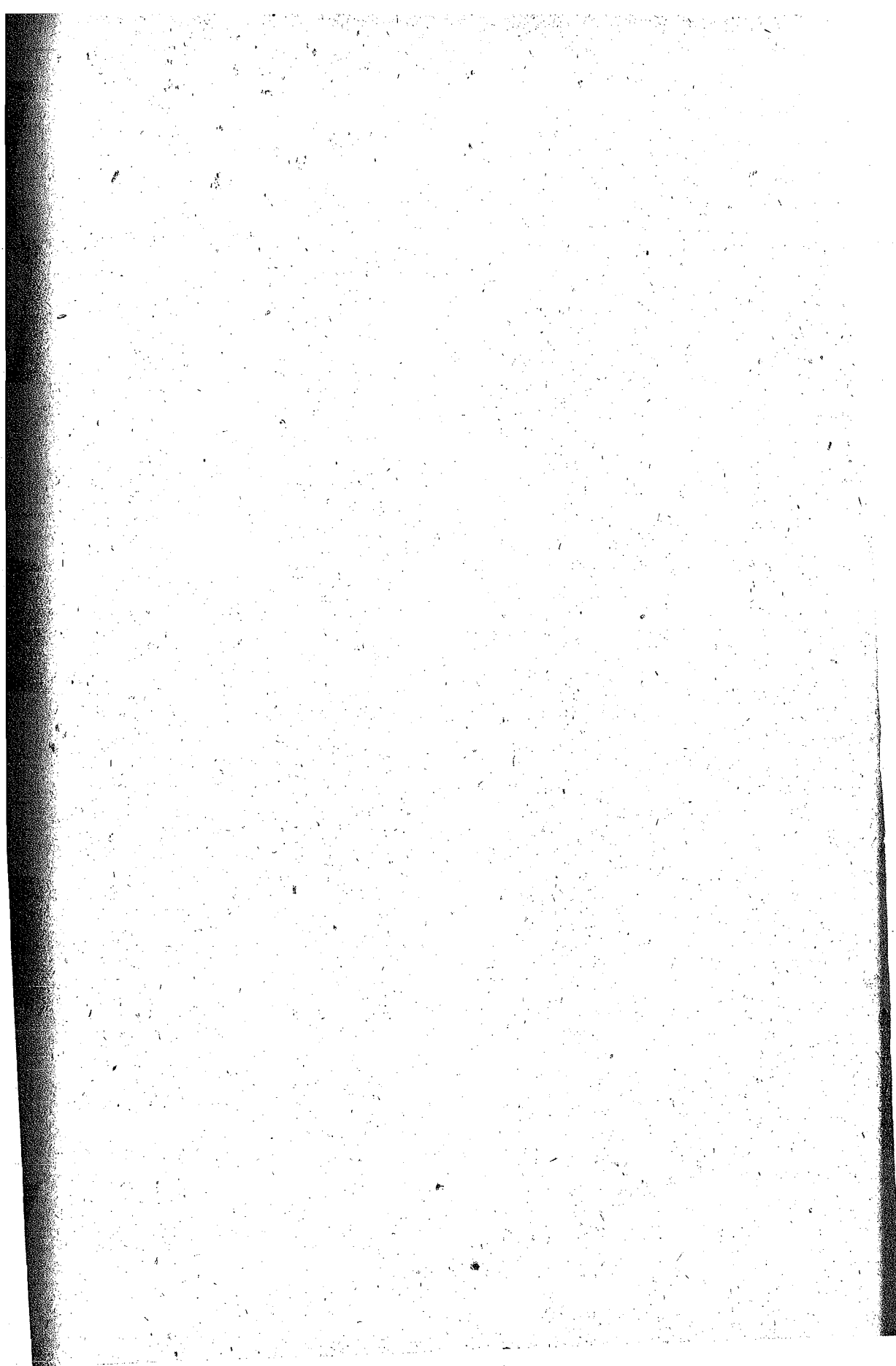
(2) It shall come into force on such date (not earlier than one year from the date of its publication in the official Gazette after having received the assent of the Governor General) as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. To section 277F of the Indian Companies Act, 1913, the following proviso shall be added, namely:— Amendment of section 277 F, Act VII of 1913.

‘Provided that any company which uses as part of the name under which it carries on business the word “bank”, “banker” or “banking” shall be deemed to be a banking company notwithstanding that the accepting of deposits of money on current account or otherwise, subject to withdrawal by cheque, draft or order, is not, or is not shown to be, the principal business of the company.’

Price anna 1 or 1½d.

GIPD—SI—1287 LD—28-12-42—3,000.



ACT No. XXII of 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st October, 1942.)

An Act temporarily to amend the Indian Rubber Control Act, 1934.

XXVIII of
1934.

WHEREAS it is expedient temporarily to amend the Indian Rubber Control Act, 1934, for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Indian Rubber Control Short title. (Temporary Amendment) Act, 1942.

2. During the continuance of the present hostilities and for a period of six months thereafter, sub-section (1) of section 45 of the Indian Rubber Control Act, 1934, shall have effect as if—

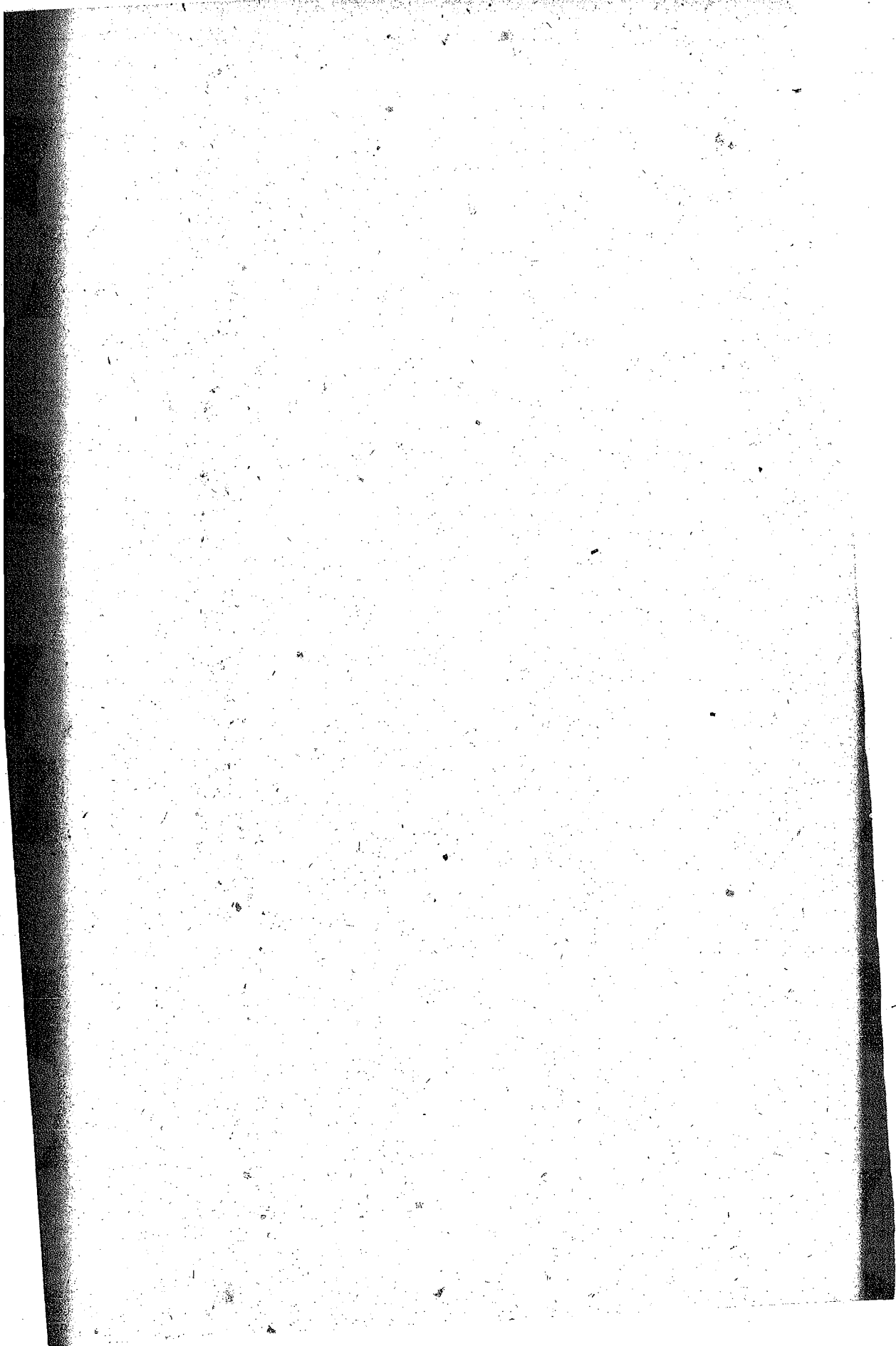
XXVIII of
1934.

(a) after the words "operation of all" the words "or any of" had been inserted, and

(b) the words "except those relating to the planting and export of rubber plants" had been omitted.

Price anna 1 or 1½d.

GIPD—Si—1288 LD—28-12-42—3,000.



ACT No. XXIII OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st October, 1942.)

An Act further to amend the Code of Civil Procedure, 1908.

V of 1908. **W**HEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1942. Short title.

V of 1908. 2. In the First Schedule to the Code of Civil Procedure, 1908, after Order XXVII, the following Order shall be inserted, namely :— Amendment of First Schedule, Act V of 1908.

“ ORDER XXVIIA.

26 Geo. 5, c. 2. *Suits involving a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder.*

26 Geo. 5, c. 2. 1. In any suit in which it appears to the Court that a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder is involved, the Court shall not proceed to determine that question until after notice has been given to the Advocate-General of India if the question of law concerns the Central Government and to the Advocate-General of the Province if the question of law concerns a Provincial Government. Notice to the Advocate-General.

26 Geo. 5, c. 2. 2. The Court may at any stage of the proceedings order that the Central Government or a Provincial Government shall be added as a defendant in any suit involving a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder if the Advocate-General of India or the Advocate-General of the Province as the case may be, whether upon receipt of notice under rule 1, or otherwise, applies for such addition and Court may add Government as party.

the Court

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Price anna 1 or 1½d.

Code of Civil Procedure. [ACT XXIII OF 1942.]
(Amendment).

the Court is satisfied that such addition is necessary or desirable for the satisfactory determination of the question of law involved.

3. Where under rule 2 Government is added as a defendant in a suit, the Advocate-General or the Government shall not be entitled to or liable for costs in the Court which ordered the addition unless the Court having regard to all the circumstances of the case for any special reason otherwise orders.

Application of
Order to
appeals.

4. In the application of this Order to appeals the word 'defendant' shall be held to include a respondent and the word 'suit' an appeal."

ACT No. XXIV OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st October, 1942.)

An Act further to amend the Code of Civil Procedure, 1908.

V of 1908. **W**HEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. This Act may be called the Code of Civil Procedure Short title. (Second Amendment) Act, 1942.

V of 1908. 2. In Order XXXIII in the First Schedule to the Code of Civil Procedure, 1908,—
Amendment of Order XXXIII, Act V of 1908.

(a) after rule 11 the following rule shall be inserted, namely :—

“ 11A. Where the suit abates by reason of the death of the plaintiff or of any person added as a co-plaintiff the Court shall order that the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper shall be recoverable by the Provincial Government from the estate of the deceased plaintiff.” ;
Procedure where pauper suit abates.

(b) in rule 12, for the words and figure “ or rule 11 ” the words, figures and letter “ rule 11 or rule 11A ” shall be substituted ;

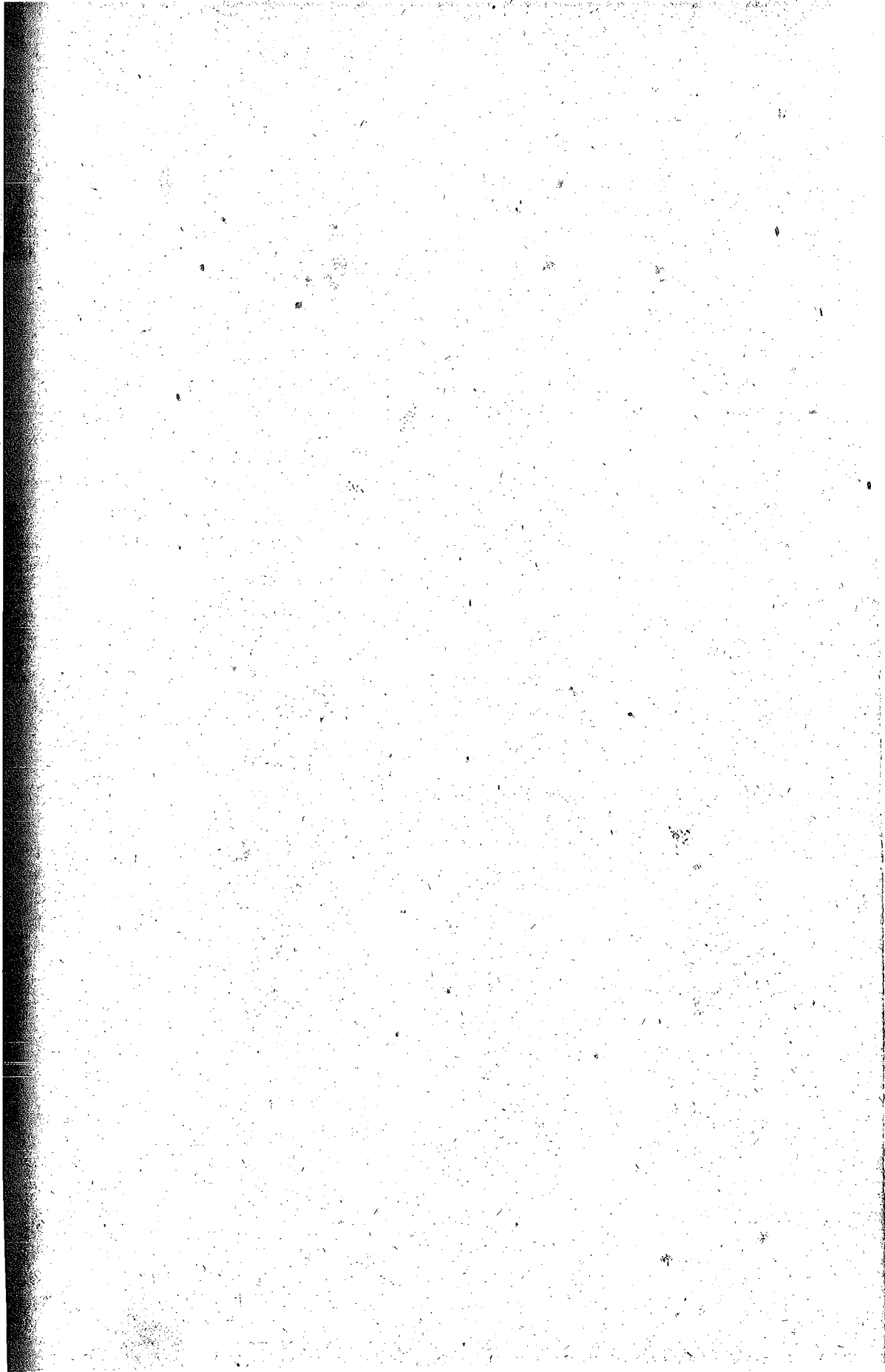
(c) in rule 13, after the word and figure “ rule 11 ” the word, figure and letter “ rule 11A ” shall be inserted ;

(d) for rule 14 the following rule shall be substituted, namely :—

“ 14. Where an order is made under rule 10, rule 11 or rule 11A the Court shall forthwith cause a copy of the decree or order to be forwarded to the Collector, who may, without prejudice to any other mode of recovery, recover the amount of court-fees specified therein from the person or property liable for the payment as if it were an arrear of land revenue.”
Recovery of amount of court-fees.

Price anna 1 or 1½d.

GIPD—SI—1290 LD—28-11-42—3,000.



ACT No. XXV OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st
October, 1942.)

An Act to repeal certain enactments and to amend
certain other enactments.

WHEREAS it is expedient that the enactments specified in the First Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

AND WHEREAS it is expedient that certain amendments should be made in the enactments specified in the Second Schedule;

It is hereby enacted as follows :—

1. This Act may be called the Repealing and Amending Act, 1942. Short title.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to; Savings.

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading,

practice

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Price anna 1 or 1½d.

practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

REPEALS.

(See section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
<i>Acts of the Central Legislature.</i>			
1882	XII	The Indian Salt Act, 1882	Clause (c) in section 7.
1926	XVI	The Indian Trade Unions Act, 1926	Clauses (c) and (d) in section 14.
1937	II	The Indian Naval Armament (Amendment) Act, 1937.	The whole.
1937	III	The Land Customs (Amendment) Act, 1937.	Do.
1937	IV	The Indian Income-tax (Amendment) Act, 1937.	Do.
1937	V	The Indian Lac Cess (Amendment) Act, 1937.	Do.
1937	VII	The Workmen's Compensation (Amendment) Act, 1937.	Do.
1937	VIII	The Code of Civil Procedure (Amendment) Act, 1937.	Do.
1937	IX	The Code of Civil Procedure (Second Amendment) Act, 1937.	Do.
1937	X	The Indian Electricity (Amendment) Act, 1937.	Do.
1937	XI	The Indian Boilers (Amendment) Act, 1937.	Do.
1937	XII	The Contempt of Courts (Amendment) Act, 1937.	Do.
1937	XIII	The Indian Tea Cess (Amendment) Act, 1937.	Do.
1937	XIV	The Indian Limitation (Amendment) Act, 1937.	Do.
1937	XV	The Indian Army (Amendment) Act, 1937.	Do.
1937	XVI	The Code of Civil Procedure (Third Amendment) Act, 1937.	Do.
1937	XVII	The Indian Red Cross Society (Amendment) Act, 1937.	Do.
1937	XX	The Repealing and Amending Act, 1937.	Do.
1937	XXI	The Indian Tariff (Amendment) Act, 1937.	Do.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1937	XXII .	The Payment of Wages (Amendment) Act, 1937.	The whole.
1937	XXVII .	The Indian Tariff (Second Amendment) Act, 1937.	Do.
1937	XXVIII .	The Indian Securities (Amendment) Act, 1937.	Do.
1937	XXIX .	The Indian Mines (Amendment) Act, 1937.	Do.
1938	I .	The Repealing Act, 1938 .	Do
1938	II .	The Indian Companies (Amendment) Act, 1938.	Do.
1938	III .	The Dangerous Drugs (Amendment) Act, 1938.	Do.
1938	VI .	The Destructive Insects and Pests (Amendment) Act, 1938.	Do.
1938	VII .	The Child Marriage Restraint (Amendment) Act, 1938.	Do.
1938	IX .	The Workmen's Compensation (Amendment) Act, 1938.	Do.
1938	X .	The Cutchi Memons Act, 1938 .	Section 4.
1938	XII .	The Durgah Khawaja Saheb (Amendment) Act, 1938.	The whole.
1938	XIV .	The Sugar Industry Protection (Temporary Extension) Act, 1938.	Do.
1938	XV .	The Indian Coffee Cess (Amendment) Act, 1938.	Do.
1938	XVI .	The Indian Tariff (Amendment) Act, 1938.	Do.
1938	XVII .	The Trade Disputes (Amendment) Act, 1938.	Do.
1938	XVIII .	The Delhi Joint Water Board (Amendment) Act, 1938.	Do.
1938	XIX .	The Child Marriage Restraint (Second Amendment) Act, 1938.	Do.
1938	XXI .	The Indian Emigration (Amendment) Act, 1938.	Do.
1938	XXII .	The Indian Aircraft (Amendment) Act, 1938.	Do.
1938	XXIII .	The Indian Tea Cess (Amendment) Act, 1938.	Do.
1938	XXV .	The Prevention of Cruelty to Animals (Amendment) Act, 1938.	Do.
1938	XXVI .	The Employment of Children Act, 1938	Section 8.
1939	I .	The Indian Tariff (Amendment) Act, 1939.	The whole.
1939	II .	The Ajmer-Merwara Municipalities Regulation (Amendment) Act, 1939.	Do.
1939	III .	The Destructive Insects and Pests (Amendment) Act, 1939.	Do.
1939	V .	The Indian Cotton Cess (Amendment) Act, 1939.	Do.
1939	VI .	The Indian Merchant Shipping (Amendment) Act, 1939.	Do.
1939	VII .	The Indian Income-tax (Amendment) Act, 1939.	Do.
1939	VIII .	The Dissolution of Muslim Marriages Act, 1939.	Section 6.
1939	X .	The Indian Merchant Shipping (Second Amendment) Act, 1939.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1939	XI	The Insurance (Amendment) Act, 1939	The whole.
1939	XII	The Indian Patents and Designs (Amendment) Act, 1939.	Do.
1939	XIII	The Workmen's Compensation (Amendment) Act, 1939.	The proviso to sub-section (2) of section 1 and section 2.
1939	XIV	The Cotton Ginning and Pressing Factories (Amendment) Act, 1939.	The whole.
1939	XV	The Employment of Children (Amendment) Act, 1939.	Do.
1939	XVII	The Indian Succession (Amendment) Act, 1939.	Do.
1939	XVIII	The Indian Tariff (Second Amendment) Act, 1939.	Do.
1939	XX	The Sugar Industry (Protection) Act, 1939.	Do.
1939	XXI	The Chittagong Port (Amendment) Act, 1939.	Do.
1939	XXII	The Criminal Law Amendment Act, 1939.	Do.
1939	XXV	The Indian Salt (Amendment) Act, 1939.	Do.
1939	XXVI	The Code of Civil Procedure (Amendment) Act, 1939.	Do.
1939	XXVII	The Indian Tea Cess (Amendment) Act, 1939.	Do.
1939	XXIX	The Indian Tariff (Fourth Amendment) Act, 1939.	Section 2.
1939	XXXI	The Indian Carriage by Air (Amendment) Act, 1939.	The whole.
1939	XXXII	The Indian Rubber Control (Amendment) Act, 1939.	Do.
1939	XXXIII	The Indian Railways (Amendment) Act, 1939.	Do.
1939	XXXIV	The Repealing and Amending Act, 1939.	Do.
1939	XXXVII	The Indian Aircraft (Amendment) Act, 1939.	Do.
1939	XXXVIII	The Panth Piploda Courts (Amendment) Act, 1939.	Do.
1939	XXXIX	The Indian Oaths (Amendment) Act, 1939.	Do.
1939	XL	The Motor Vehicles (Amendment) Act, 1939.	Do.
1939	XLI	The Insurance (Second Amendment) Act, 1939.	Do.
		<i>Acts of the Governor General.</i>	
1937		The Indian Finance Act, 1937 ..	In the long title and preamble, the words and figures commencing "to fix the duty on salt" and ending "Indian Post Office Act, 1898, and". Sections 2, 3, 4, 5 and 6 and the Schedule.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1938	..	The Indian Finance Act, 1938	In the long title and preamble, the words and figures commencing "to fix the duty on salt" and ending "Indian Post Office Act, 1898, and". Sections 2 and 3 and the Schedule.
1939	..	The Indian Finance Act, 1939	In the long title and preamble, the words and figures commencing "to fix the duty on salt" and ending "Indian Post Office Act, 1898, and". Sections 2, 3, 4 and 5 and Schedule I.
1939	..	The Indian Tariff (Third Amendment) Act, 1939.	The whole.
1939	..	The Indian Naval Reserve Forces (Discipline) Act, 1939.	Section 8.
		<i>Regulations made by the Governor General in Council.</i>	
1937	I	The Sonthal Parganas Justice (Amendment) Regulation, 1937.	The whole.
1937	II	The Sonthal Parganas Rent (Amendment) Regulation, 1937.	Do.
1937	III	The Sonthal Parganas Settlement (Amendment) Regulation, 1937.	Do.
1937	VI	The Orissa Laws (Amendment) Regulation, 1937.	Do.
1937	IX	The Khondmals Laws (Amendment) Regulation, 1937.	Do.
1937	X	The Angul Laws (Amendment) Regulation, 1937.	Do.
		<i>Regulations made by the Governor General.</i>	
1939	I	The Andaman and Nicobar Islands Fisheries (Amendment) Regulation, 1939.	The whole.
1939	III	The British Baluchistan Laws (First Amendment) Regulation, 1939.	Do.
1939	IV	The British Baluchistan Frontier Crossing Regulation, 1939.	Sub-section (1) of section 8.
1939	V	The British Baluchistan Laws (Second Amendment) Regulation, 1939.	The whole.
1939	VI	The British Baluchistan Criminal and Civil Justice and Laws Extension Regulation, 1939.	Sections 2, 3 and 4
1939	VII	The British Baluchistan Courts Regulation, 1939.	Section 40.

THE SECOND SCHEDULE.

AMENDMENTS.

(See section 3.)

Year.	No.	Short title.	Amendments.
1	2	3	4
		<i>Acts of the Central Legislature.</i>	
1908	V.	The Code of Civil Procedure, 1908.	<p>In the First Schedule, in rule 48 of Order XXI,—</p> <p>(a) in sub-rule (1), for the words “ the Central Government or the Provincial Government may by notification in their official Gazette ” the words “ the appropriate Government may by notification in the official Gazette ” shall be substituted ;</p> <p>(b) in sub-rule (2), for the words “ the Central Government or the Provincial Government, as the case may be ” the words “ the appropriate Government ” shall be substituted ;</p> <p>(c) in sub-rule (3), for the words “ the Central Government or the Provincial Government ”, in both places where the words occur, the words “ the appropriate Government ” shall be substituted ;</p> <p>(d) after sub-rule (3) the following Explanation shall be added, namely :—</p> <p><i>Explanation.</i>—In this rule “ appropriate Government ” means—</p> <p>(i) as respects any public officer in the service of the Central Government, or any servant of a Federal Railway or of a cantonment authority or of the port authority of a major port, the Central Government ;</p> <p>(ii) as respects any public officer employed in connection with the exercise of the functions of the Crown in its relations with Indian States, the Crown Representative ; and</p> <p>(iii) as respects any other public officer or a servant of any other railway or local authority, the Provincial Government.</p>
1922	XI	The Indian Income-tax Act, 1922.	At the end of clause (gg) in section 54 (3) the word “ or ” shall be inserted.

Year.	No.	Short title.	Amendments.
1	2	3	4
1925	XIX	The Provident Funds Act, 1925	In clause (d) of section 2, for the words "its employees" the words "persons in the service of the Crown" shall be substituted.
1934	XXXIV.	The Indian Navy (Discipline) Act, 1934.	In section 53 of the Naval Discipline Act as set out in the First Schedule to the Indian Navy (Discipline) Act, 1934,— (i) in clause (1), for the words "shall not be exercisable by the Provincial Government" the words "shall be exercisable by the Central Government and not by the Provincial Government" shall be substituted; (ii) in clause (9), the words "and hard labour, or either of them" shall be omitted.
1938	IV	The Insurance Act, 1938	In the heading preceding, the marginal note to, and sub-section (4) of, section 33, for the word "inspection" the word "investigation" shall be substituted. In sub-section (3) of section 82, for the words, brackets and figure "sub-section (1) of this sub-section" the words, brackets and figure "sub-section (1) of this section" shall be substituted.
1940	X	The Arbitration Act, 1940	In section 46, after the figure "12" the figure "36" shall be inserted.
1941	XII	The Delhi Restriction of Uses of Land Act, 1941.	In the proviso to sub-section (2) of section 8, for the brackets and figure "(4)" the brackets and figure "(7)" shall be substituted.
1942	XIX	The Industrial Statistics Act, 1942.	In section 8, for the words "to a further fine" the words "with a further fine" shall be substituted.
1890	III	<i>Act of the Lieutenant-Governor of Bengal in Council.</i> The Calcutta Port Act, 1890	In section 5, for clauses (v) and (vi) the following clauses shall be substituted, respectively, namely:— “(v) The General Manager, Bengal and Assam Railway, <i>ex-officio</i> ”; “(vi) The Principal Officer, Mercantile Marine Department, Calcutta District, <i>ex-officio</i> , and”.

Year.	No.	Short title.	Amendments.
1	2	3	4
1914	V	<i>Act of the Governor of Bengal in Council.</i> The Chittagong Port Act, 1914.	For the words " Assam-Bengal Railway " and " Assam-Bengal Railway Company ", wherever they occur, the words " Bengal and Assam Railway " shall be substituted.
1891	VII	<i>Regulation made by the Governor General in Council.</i> The Assam Forest Regulation, 1891.	In sub-section (3) of section 37, the words " in the province " shall be omitted.

ACT No. XXVI OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st
October, 1942.)

An Act to confer supplemental powers on the Federal Court.

WHEREAS it is expedient to confer certain supplemental powers on the Federal Court;

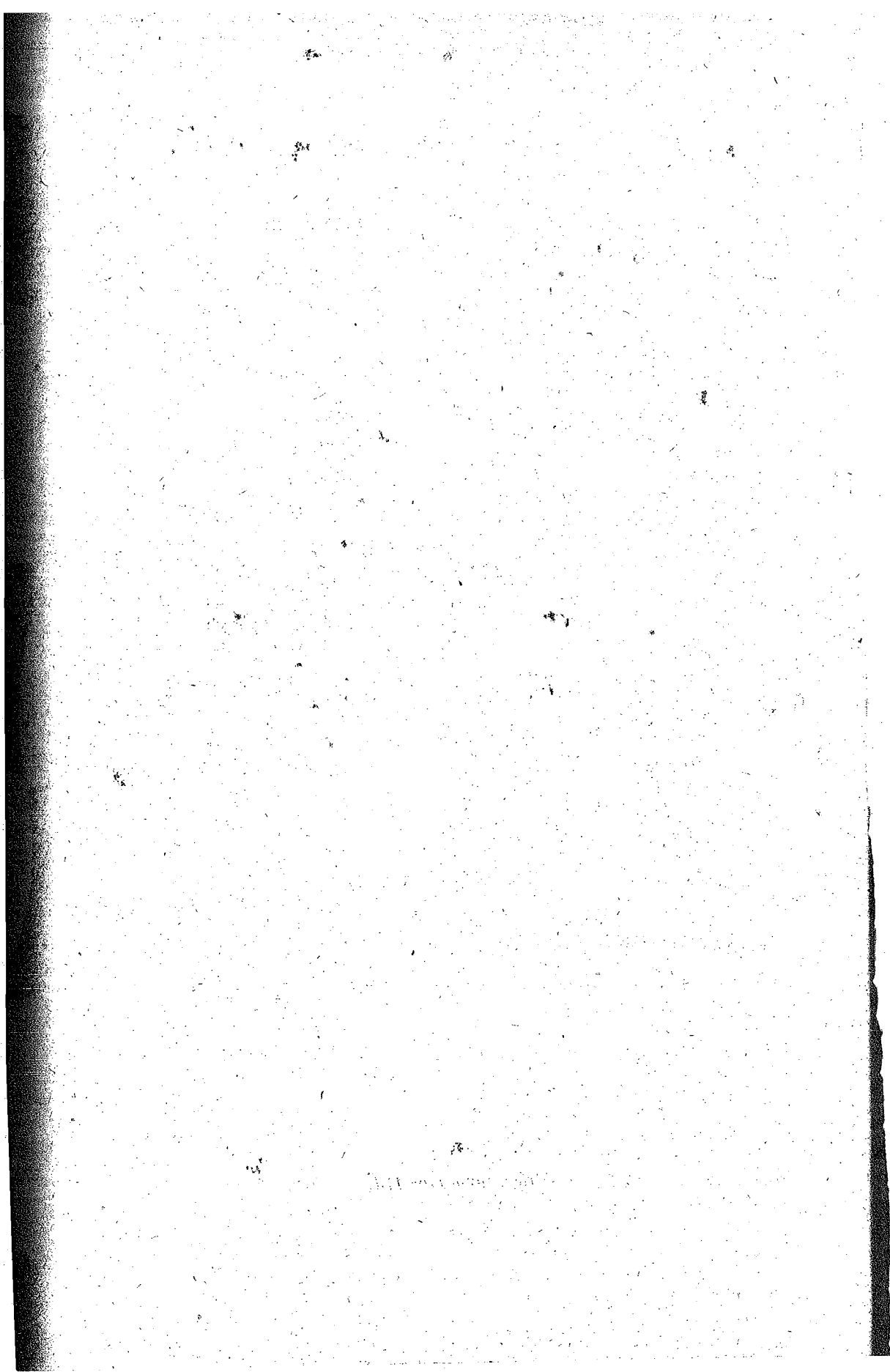
It is hereby enacted as follows:—

1. This Act may be called the Federal Court short title,
(Supplemental Powers) Act, 1942.

2. The Federal Court shall have power to delegate Power to
delegate duties.
to the Registrar of the Court or any other official of
the Court, by name or generally by designation, any
judicial, quasi-judicial and non-judicial duties and
the Registrar or such official in the discharge of any such
delegated duties shall have power to administer oaths.

Price anna 1 or 1½d.

GIPD—S1—1292 LD—28.12.42—2,500.



Repealed by Ord 1 of 1946

ORDINANCE No I OF 1942.

[1st January, 1942.]

An Ordinance to amend the War Injuries Ordinance, 1941.

(Published in the Gazette of India Extraordinary of the 1st January, 1942.)

WHEREAS an emergency has arisen which makes it necessary to amend the War Injuries Ordinance, 1941, for the purposes hereinafter appearing ;

VII of 1941.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

23 Geo. 5, c. 2.

1. (1) This Ordinance may be called the War Injuries (Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

VII of 1941.

2. To clause (c) of sub-section (2) of section 3 of the War Injuries Ordinance, 1941 (hereinafter referred to as the said Ordinance), the words "and payments for medical and surgical treatment" shall be added. Amendment of section 3, Ordinance VII of 1941.

3. After section 5 of the said Ordinance the following section shall be inserted, namely :— Insertion of new section 5A in Ordinance VII of 1941.

"5A. (1) The person managing any dispensary or hospital shall, if so required by the Central or a Provincial Government by general or special order,— Medical attention in dispensaries and hospitals.

(a) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(b) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply when so required with the provisions of this section he shall be punishable with fine which may extend to one thousand rupees."

LINLITHGOW,

Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—L 736 LD—31.3.42—3,000.

OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM

TO: THE ATTORNEY GENERAL

FROM: [Illegible]

SUBJECT: [Illegible]

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Repealed by ord. 19 of 1943

ORDINANCE No. II OF 1942.

[31st December, 1941.]

An Ordinance to provide for the setting up of special criminal Courts.

(Published in the Gazette of India Extraordinary of the 2nd January, 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for the setting up of special criminal Courts;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

26 Geo. 5, c. 2.

1. (1) This Ordinance may be called the Special Criminal Courts Ordinance, 1942.

Short title, extent and operation.

(2) It extends to the whole of British India.

(3) It shall come into force in any Province only if the Provincial Government, being satisfied of the existence of an emergency arising from a hostile attack on India or on a country neighbouring on India or from the imminence of such an attack, by notification in the official Gazette, declares it to be in force in the Province, and shall cease to be in force when such notification is rescinded:

Provided that any trial or proceeding which was pending at the time of such rescission may be continued and completed as if the provisions of this Ordinance were still in force.

2. In this Ordinance, unless there is anything repugnant in the subject or context, "Provincial Government" means, in relation to a Chief Commissioner's Province, the Chief Commissioner.

Definition.

3. Courts of criminal jurisdiction may be constituted under this Ordinance of the following classes, namely:—

Special Courts.

- (i) Special Judges;
- (ii) Special Magistrates;
- (iii) Summary Courts.

4. The

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Price anna 1 or 1½d.

Special Criminal Courts. [ORD. 11

Special Judges. 4. The Provincial Government may appoint to be a Special Judge for such area as it may think fit any person who has acted for a period of not less than two years in the exercise of the powers of a Sessions Judge or an Assistant Sessions Judge under the Code of Criminal Procedure, 1898 (hereinafter in this Ordinance referred to as the Code).

Jurisdiction of Special Judges. 5. A Special Judge shall try such offences or classes of offences, or such cases or classes of cases as the Provincial Government, or a servant of the Crown empowered by the Provincial Government in this behalf, may, by general or special order in writing, direct.

Procedure of Special Judges. 6. (1) A Special Judge may take cognizance of offences without the accused being committed to his Court for trial, and, in trying accused persons, shall follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates:

Provided that a Special Judge shall ordinarily record a memorandum only of the substance of the evidence of each witness examined, may refuse to summon any witness if satisfied after examination of the accused that the evidence of such witness will not be material, and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in his opinion, necessary in the interests of justice.

(2) In matters not coming within the scope of subsection (1), the provisions of the Code, so far as they are not inconsistent with this Ordinance, shall apply to the proceedings of a Special Judge; and for the purposes of the said provisions the Court of the Special Judge shall be deemed to be a Court of Session.

Sentences by Special Judges. 7. A Special Judge may pass any sentence authorised by law.

Review of convictions. 8. If in any proceedings before a Special Judge—
(a) a person convicted is sentenced to death, or to transportation for life, or to imprisonment for a term of seven years or more, or
(b) though no person is so sentenced, the Special Judge certifies that in his opinion the case has involved questions of special difficulty, whether of law or fact, or is one which for any other reason ought properly to be reviewed,

the proceedings

the proceedings shall be submitted for review by a person nominated in this behalf by the Provincial Government, which person shall be chosen from the Judges of the High Court having jurisdiction over the area for which the Special Judge is appointed, and the decision of that person shall be final.

9. Any Presidency Magistrate or Magistrate of the first class who has exercised powers as such for a period of not less than two years may be invested by the Provincial Government with the powers of a Special Magistrate under this Ordinance.

Special Magistrates.

10. A Special Magistrate shall try such offences or classes of offences, or such cases or classes of cases other than offences or cases involving offences punishable under the Indian Penal Code with death, as the Provincial Government, or a servant of the Crown empowered by the Provincial Government in this behalf, may, by general or special order in writing, direct.

Jurisdiction of Special Magistrates.

XLV of 1860.

11. (1) In the trial of any case, a Special Magistrate shall follow the procedure laid down in sub-section (1) of section 6 for the trial of cases by a Special Judge.

Procedure of Special Magistrates.

(2) In matters not coming within the scope of sub-section (1), the provisions of the Code, so far as they are not inconsistent with this Ordinance, shall apply to the proceedings of a Special Magistrate; and for the purposes of the said provisions the Special Magistrate shall be deemed to be a Magistrate of the first class.

12. (1) A Special Magistrate may pass any sentence authorised by law, except a sentence of death or of transportation or imprisonment exceeding seven years.

Sentences by Special Magistrates

(2) If a Special Magistrate is of opinion that an offence under trial by him requires a punishment in excess of that which he is empowered to inflict, he shall stay proceedings and send the case for trial to the Special Judge having jurisdiction in the area, and the Special Judge shall thereupon have jurisdiction to try the case as if it had been made over to him by order in writing made under section 5.

13. (1) Where a Special Magistrate passes a sentence of transportation or imprisonment for a term exceeding two years, an appeal shall lie to the Special Judge having jurisdiction in the area or, if there is no Special Judge for the area, to the High Court in a Presidency-town

Appeals.

Presidency-town and elsewhere to the Court of Session.

(2) An appeal under sub-section (1) shall be presented within seven days from the date of the sentence.

(3) In disposing of an appeal under this section, a Special Judge shall follow the same procedure and have the same powers as an appellate Court follows and has under the Code.

Distribution of cases.

14. If any question arises whether, under any order made under section 5 or section 10, an offence is triable by a Special Judge or a Special Magistrate, the question shall be referred for decision to the authority which made the order and the decision of that authority shall be final.

Summary Courts.

15. The Provincial Government may, by general or special order in writing, empower any Magistrate appointed under the provisions of the Code to exercise the powers of a Summary Court in any area specified in the order.

Jurisdiction of Summary Courts.

16. (1) A Summary Court shall have power to try such offences or classes of offences, or such cases or classes of cases as the District Magistrate, or in a Presidency-town the Chief Presidency Magistrate, or a servant of the Crown authorised in this behalf by the District Magistrate or Chief Presidency Magistrate, may by general or special order direct:

Provided that no person shall be tried by a Summary Court for an offence which is punishable with imprisonment for a term exceeding two years, unless it is an offence specified in sub-section (1) of section 260 of the Code.

(2) The District Magistrate or Chief Presidency Magistrate may by general or special order give directions as to the distribution among the Summary Courts within his jurisdiction of cases triable by them under sub-section (1).

Procedure of Summary Courts.

17. In the trial of any case a Summary Court shall, as far as possible, follow the procedure laid down in the Code for the trial of warrant cases, and shall have all the powers conferred by the Code on a Magistrate:

Provided that the Court shall not be required to record more than a memorandum of the evidence or to frame a formal charge:

Provided

Provided further that, in the trial of any offence punishable with imprisonment for a term not exceeding one year, the Court may follow the procedure for the summary trial of cases in which an appeal lies laid down in Chapter XXII of the Code.

18. Summary Courts may pass any sentence which may be passed by a Magistrate of the first class.

Sentences by
Summary
Courts.

19. (1) If a Summary Court, in a case tried according to the procedure for the trial of warrant cases, passes a sentence of imprisonment for a term exceeding three months or of fine exceeding two hundred rupees or in a case tried by summary procedure passes a sentence of imprisonment for a term exceeding one month or of fine exceeding fifty rupees, an appeal shall lie in a Presidency-town to the Chief Presidency Magistrate and elsewhere to the Special Magistrate or other Magistrate of the first class appointed by the District Magistrate of the district in which the Summary Court is situated to hear appeals from that Court.

Appeals.

(2) An appeal under sub-section (1) shall be presented within seven days from the date of the sentence.

(3) In disposing of an appeal under this section, the appellate Court shall follow the same procedure and have the same powers as an appellate Court follows and has under the Code.

20. (1) If a Summary Court is of opinion that the offence disclosed is one which it is not empowered to try, it shall send the case for trial to the Special Judge or Special Magistrate empowered to try the case under this Ordinance or, if no such Court has been so empowered, to an ordinary criminal Court having jurisdiction.

Procedure
when
Summary
Court
considers
case triable by
another Court.

(2) If a Summary Court is of opinion that an offence which it is empowered to try should be tried by a Court of superior jurisdiction, or that it requires a punishment in excess of that which the Summary Court is empowered to inflict, it shall stay proceedings and report the case to the District Magistrate or in a Presidency-town to the Chief Presidency Magistrate who may—

(a) direct that the case shall be tried by a Summary Court, or

(b) send

Special Criminal Courts. [ORD. II

(b) send it to a Court constituted under this Ordinance having jurisdiction, or to an ordinary criminal Court having jurisdiction, or

(c) report it for the orders of the Provincial Government.

Powers of Special Courts to deal with refractory accused.

21. (1) Where an accused, in a trial before a Court constituted under this Ordinance, has, by his voluntary act, rendered himself incapable of appearing before the Court, or resists his production before it, or behaves before it in a persistently disorderly manner, the Court may, at any stage of the trial, by order in writing made after such inquiry as it may think fit, dispense with the attendance of such accused for such period as it may think fit, and proceed with the trial in his absence.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or being present in person if he has become capable of appearing, or appears in Court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code, no finding, sentence or order passed in a trial before a Court constituted under this Ordinance shall be held to be illegal by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

Powers of Special Courts to exclude the public.

22. A Court constituted under this Ordinance may, if it thinks fit, order at any stage of a trial that the public generally or any particular persons shall not have access to or be or remain in the room or building used by the Court.

Special rule of evidence.

23. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before a Court constituted under this Ordinance, if such person is dead or cannot be found or is incapable of giving evidence. **I of 1872.**

24. (1) Notwithstanding

24. (1) Notwithstanding anything contained in section 386 of the Code, where any offender has been sentenced by a Court constituted under this Ordinance to pay a fine, the Court may recover the fine by the issue of a warrant for the levy of the amount by attachment and sale of any property, movable or immovable, of the offender: Special rule of procedure.

(2) Notwithstanding anything contained in section 545 of the Code, a Court constituted under this Ordinance may, when imposing a fine on any person convicted by the Court, order the whole or any part of the fine recovered to be applied—

- (a) in the payment to any person affected by the offence of compensation for any loss, injury or annoyance caused by the offence, or
- (b) in the payment of a reward to any person who has given information leading to the detection of the offence or to the conviction of the accused.

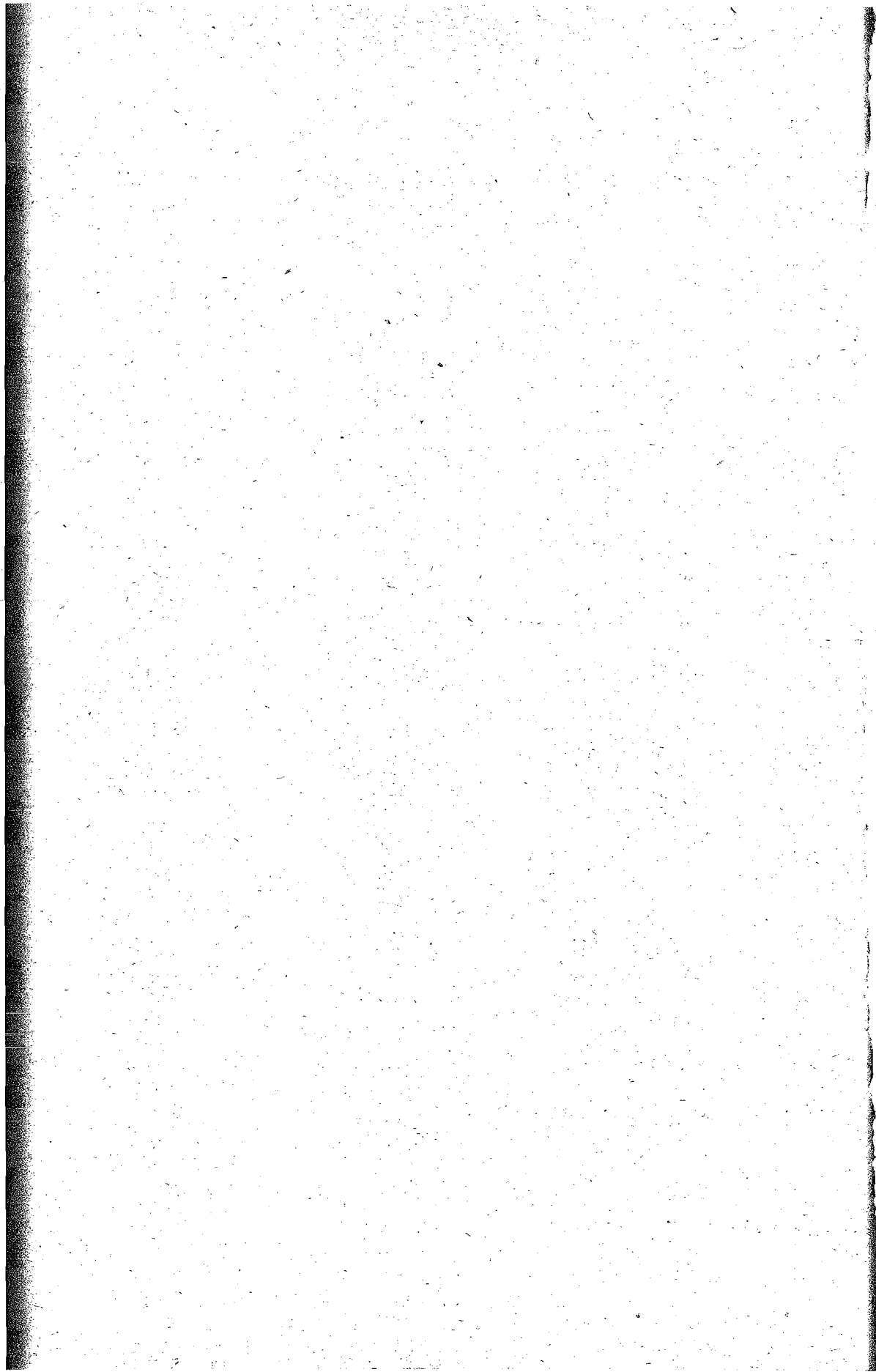
25. A Court constituted under this Ordinance shall not be required to grant an adjournment for the purpose of securing the attendance of a legal practitioner, if in the opinion of the Court such adjournment would cause unreasonable delay in the disposal of the case. Legal practitioners.

26. Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided in this Ordinance, be no appeal from any order or sentence of a Court constituted under this Ordinance and, save as aforesaid, no Court shall have authority to revise such order or sentence, or to transfer any case from any such Court, or to make any order under section 491 of the Code or have any jurisdiction of any kind in respect of any proceedings of any such Court. Exclusion of interference of other Courts.

27. The provisions of the Code and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Ordinance, shall apply to all matters connected with, arising from or consequent upon a trial by special criminal Courts constituted under this Ordinance. Application of ordinary law.

LINLITHGOW,
Viceroy and Governor General.

7



Rep. L Act 36 of 1957.

ORDINANCE No. III of 1942.

[31st December, 1941.]

An Ordinance to enhance in certain circumstances the penalties provided by law for the punishment of certain offences.

(Published in the Gazette of India Extraordinary of the 2nd January, 1942.)

WHEREAS an emergency has arisen which makes it necessary to enhance in certain circumstances the penalties provided by law for the punishment of certain offences;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:--

1. (1) This Ordinance may be called the Penalties (Enhancement) Ordinance, 1942.

Short title, extent and operation.

(2) It extends to the whole of British India.

(3) It shall come into force at once; but sections 3 to 7 inclusive shall have effect only in pursuance of and in accordance with a notification issued under section 2 and only so long as such notification remains unrescinded.

2. The Provincial Government may, from time to time by notification in the official Gazette, declare that sections 3 to 7 inclusive, or any of them, or such provisions of section 4 or section 7 as relate to a particular offence or particular offences therein specified shall have effect throughout the Province, or in any specified area in the Province.

Power of Provincial Government to put the provisions of this Ordinance into effect.

3. Whoever commits theft in any premises which have been damaged by war operations, or vacated by reason of attack by the enemy or in consequence of any authorised directions given for the purpose of meeting or hindering any actual or apprehended attack by the enemy or of protecting persons and property from the dangers involved in any such attack, or commits theft of any article which has been left exposed

Punishment for theft.

Price anna 1 or 1½d.

Penalties (Enhancement). [ORD. III OF 1912.]

exposed or unprotected as a consequence of war operations shall be punished with death, or with rigorous imprisonment for a term which may extend to ten years, or with whipping.

Explanation.—In this section “theft” means theft as defined in section 378 of the Indian Penal Code, XL of 1860. and “authorised directions” means any order or directions made or given in the exercise of any power conferred by or under the Defence of India Act, 1939, XXXV of 1939. or made or given by any officer of His Majesty’s Forces acting in the course of his duties.

Punishment for offences under sections 326, 435 and 436, Indian Penal Code

4. Whoever commits an offence punishable under section 326 or section 435 or section 436 of the Indian Penal Code may, in lieu of any punishment to which he is liable under the said Code, be punished with death, or with whipping. XLV of 1860.

Punishment for contraventions of rule 35, Defence of India Rules

5. Whoever contravenes any of the provisions of rule 35 of the Defence of India Rules may, in lieu of any punishment to which he is liable under the said rule, be punished with death, or with whipping.

Punishment for offences under section 375, Indian Penal Code.

6. Whoever commits an offence punishable under section 375 of the Indian Penal Code may, in lieu of any punishment to which he is liable under the said Code or under the Whipping Act, 1909, be punished with death. XLV of 1860. IV of 1900.

Punishment for offences under sections 146, 148 and 186, Indian Penal Code.

7. Whoever commits any offence punishable under section 146 or section 148 or section 186 of the Indian Penal Code may, in lieu of any punishment to which he is liable under the said Code, be punished with whipping. XLV of 1860.

Saving.

8. Notwithstanding anything elsewhere contained in any Act, Regulation or Ordinance, an offence made punishable with death by this Ordinance shall not, by reason of having been made so punishable, cease to be triable by any Court which might have tried the offence had it not been made so punishable.

LINLITHGOW,

Viceroy and Governor General.

Repealed by Ord. 1 of 1946

ORDINANCE No. IV of 1942.

[23rd January, 1942.]

An Ordinance further to amend the Indian Coinage Act, 1906.

(Published in the Gazette of India Extraordinary of the 24th January, 1942.)

III of 1906. **W**HEREAS an emergency has arisen which makes it necessary further to amend the Indian Coinage Act, 1906, for the purpose hereinafter appearing ;

26 Geo. 5, c. 2. Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Indian Coinage (Amendment) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

III of 1906. 2. In the Indian Coinage Act, 1906 (hereinafter referred to as the said Act), for the heading preceding section 6, section 6, section 7, the heading preceding section 8, section 8 and section 9, the following heading and sections shall be substituted, namely :—

Substitution of new heading and sections 6 and 7 for the heading preceding section 6, section 6, section 7, heading preceding section 8, section 8 and section 9, Act III of 1906.

“Coinage other than Silver Coinage.”

6. Coins other than silver coins may be coined at the Mint for issue under the authority of the Central Government, of such denominations not higher than an eight-anna piece, and of such metals or of mixed metals of such composition as the Central Government may, by notification in the official Gazette, determine.

Coins other than silver coins.

7. The standard weight of the coins of any denomination coined under the provisions of section 6, and the remedy allowed in the making of such coins shall be such as may be prescribed in this behalf by the Central Government.”

Standard weight and remedy.

3. In

Price anna 1 or 1½d.

Indian Coinage (Amendment). [ORD. IV OF 1942.]

Amendment of section 10, Act III of 1906.

3. In clause (a) of sub-section (1) of section 10 of the said Act, for the words and figures " sections 4, 6 and 8 " the words and figures " sections 4 and 6 " shall be substituted.

Substitution of new section 13 for sections 13 and 14, Act III of 1906.

4. For sections 13 and 14 of the said Act the following section shall be substituted, namely :—

Coins other than silver coins when a legal tender.

" 13. (1) The coins issued under the authority of section 6 shall be a legal tender in payment or on account for any sum not exceeding one rupee.

(2) All nickel coins and all bronze coins which may have been issued under this Act prior to the commencement of the Indian Coinage (Amendment) Ordinance, 1942, shall continue as before to be a legal tender in payment or on account for any sum not exceeding one rupee." IV of 1942.

Amendment of section 15A, Act III of 1906.

5. In section 15A of the said Act, the word and figure " section 14 " shall be omitted.

Amendment of section 20, Act III of 1906.

6. In section 20 of the said Act, for the words " or nickel " the words " or other " shall be substituted.

Amendment of section 21, Act III of 1906.

7. In clause (a) of sub-section (2) of section 21 of the said Act, for the words and figures " by sections 5, 7 and 9 " the words and figure " by section 5 " shall be substituted.

LINLITHGOW,

Viceroy and Governor General.

Repealed by Act 40 of 1949

ORDINANCE No. V OF 1942.

[24th January, 1942.]

An Ordinance to provide for the requisitioning on behalf of Government of the services of persons capable of driving motor vehicles.

(Published in the Gazette of India Extraordinary of the 27th January, 1942.)

WHEREAS an emergency has arisen which makes it necessary to take powers to require persons capable of driving motor vehicles to place themselves and their services at the disposal of Government ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Motor Vehicles (Drivers) Ordinance, 1942.

Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in the subject or context—

Definitions.

(a) "licensing authority" means a licensing authority appointed for the purposes of the Motor Vehicles Act, 1939 ;

(b) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads ;

(c) "Provincial Government" means, in relation to a Chief Commissioner's Province, the Chief Commissioner ;

(d) "transport vehicle" has the meaning assigned to that expression in the Motor Vehicles Act, 1939.

3. (1) The Provincial Government may cause any licensing authority to prepare for the Province or for any area in the Province a register in which shall be

Register of motor vehicle drivers.

entered

1

Price anna 1 or 1½d.

26 Geo. 5,
c. 2.

IV of 1939.

IV of 1939.

entered the names of such persons within the Province or area, as the case may be, who are capable of driving a motor vehicle as the licensing authority may think fit to enter, together with such details of their qualifications as drivers as may be prescribed by rules made under section 8.

(2) The register shall show under separate headings those persons who are capable of driving a transport vehicle, and those persons who are not so capable.

(3) The licensing authority shall, on entering the name of any person in the register, send to that person a notice in writing informing him that his name has been entered in the register for the Province or area, as the case may be, stating whether he has been registered as capable of driving a transport vehicle or not, and informing him of the provisions of section 4 and section 5 of this Ordinance.

(4) The licensing authority may, for the purpose of preparing the register under sub-section (1), by notice in writing, call upon any person to furnish in accordance with the requirements of the notice any information relating to his qualifications as a driver of motor vehicles which may be required by such notice.

Power to requisition services.

4. (1) Any officer empowered in this behalf by the Provincial Government may, by order in writing delivered to any person whose name is enrolled in the register referred to in section 3, require him to present himself at such time and at such place and to such authority within the Province as may be specified in the order and to perform within the Province such services and for such time as may be so specified or as may be required of him by the authority to whom he has presented himself in pursuance of such order.

(2) An order under sub-section (1) may require a person to drive a motor vehicle notwithstanding that he is not licensed under the Motor Vehicles Act, 1939, IV of 1939, to drive a motor vehicle or a motor vehicle of the class to which the vehicle to be driven belongs, and nothing in section 3 of the Motor Vehicles Act, 1939, shall apply IV of 1939, to such person in respect of any motor vehicle driven by him in obedience to any such order.

Registered persons to notify changes of address, and obtain permission to leave area of registration.

5. Any person to whom the notice under sub-section (3) of section 3 is sent shall thereafter, on any change occurring in his address, at once report such change to the licensing authority, and shall not depart out of the Province or area, as the case may be, in which he is registered without first informing the licensing authority and receiving permission from that authority to depart.

6. (1) Whoever

6. (1) Whoever fails to comply with the requirements of any notice issued under sub-section (4) of section 3 or in purported compliance with any such notice knowingly or recklessly makes any untrue statement, or without reasonable excuse fails to report as required by section 5 any change occurring in his address shall be punishable with fine which may extend to one hundred rupees.

(2) Whoever without reasonable excuse fails to comply with an order in writing made under sub-section (1) of section 4 or to perform in the manner required any service which he is required to perform in pursuance of such order or, in contravention of section 5, departs out of the area in which he is registered shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) Whoever being the employer of a person required by an order under sub-section (1) of section 4 to present himself for service does anything calculated to prevent such person from or to obstruct such person in complying with the order shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

7. No prosecution for an offence punishable under this Ordinance and no prosecution for an offence punishable under the Motor Vehicles Act, 1939, committed by a person who is for the time being acting in obedience to an order under sub-section (1) of section 4 of this Ordinance, shall be instituted without the previous sanction in writing of the Provincial Government or of an authority authorised in this behalf by the Provincial Government.

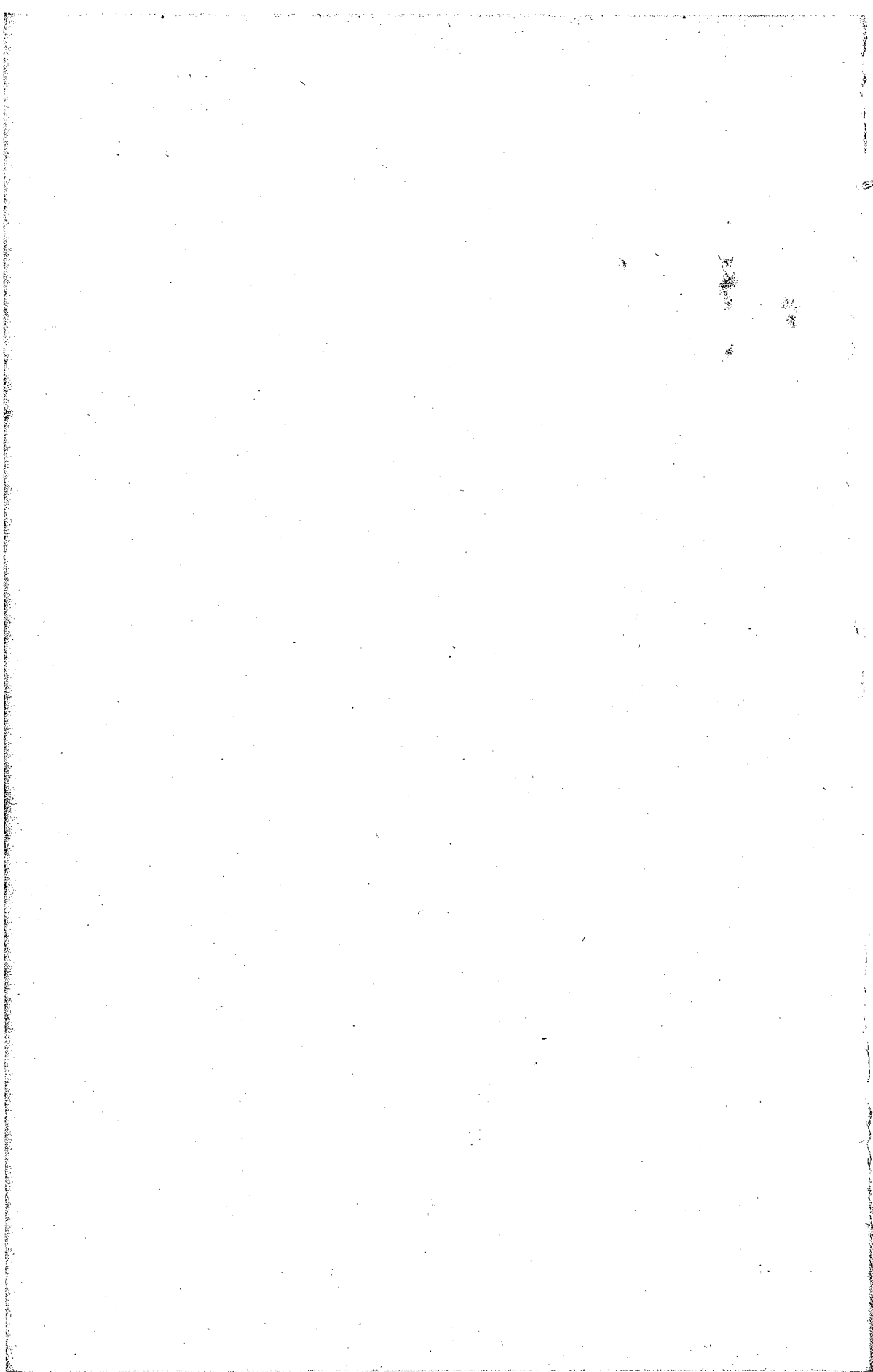
IV of 1939.

8. (1) The Provincial Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, rules may be made providing for all or any of the following matters, namely:—

- (a) the form of the register referred to in section 3, the principles to be followed in selecting names for entry therein, and the details to be recorded therein;
- (b) the form of any order in writing or notice in writing to be issued under this Ordinance;
- (c) the payment of persons whose services are requisitioned under this Ordinance for the services rendered.

LINLITHGOW,
Viceroy and Governor General.



Repealed by Ord. 1 of 1946

ORDINANCE No. VI OF 1942.

[29th January, 1942.]

An Ordinance further to amend the National Service (Technical Personnel) Ordinance, 1940.

(Published in the Gazette of India Extraordinary of the 29th January, 1942.)

WHEREAS an emergency has arisen which makes it necessary further to amend the National Service (Technical Personnel) Ordinance, 1940 (II of 1940), for the purposes hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the National Service (Technical Personnel) Amendment Ordinance, 1942.

(2) It shall come into force at once.

2. *Amendment of section 1, Ordinance II of 1940.*—In sub-section (2) of section 1 of the National Service (Technical Personnel) Ordinance, 1940 (II of 1940) (hereinafter referred to as the said Ordinance), the word "Indian" shall be omitted.

3. *Amendment of section 2, Ordinance II of 1940.*—In section 2 of the said Ordinance,—

(a) for clause (a) the following clause shall be substituted, namely:—

(a) "technical personnel" includes all persons normally employed, or declared by a Tribunal to be normally employed, in any of the capacities specified in the Schedule, and any such person or class of persons undergoing training in any such capacity, as may be declared by the Central Government by notification in the official Gazette to be technical personnel for the purposes of this Ordinance; but does not include any person who is not liable under section 3 to undertake employment in the national service;";

(b) to clause (b) the following shall be added, namely:—

"and includes any place deemed to be a factory in pursuance of a declaration made under sub-section (1) of section 5 of that Act";

(c) for clause (d) the following clause shall be substituted, namely:—

(d) "industrial undertaking" means—

(i) any concern engaged in—

(a) the manufacture or production of any article or commodity,

(b) the supply or distribution of light, power or water,

(c) the supply or maintenance of any form of mechanised transport;

(ii) any concern engaged in installing equipment or erecting premises for the purposes of or preparing and producing designs for or testing the products of any concern of the nature specified in sub-clause (i);

(iii) any training establishment;

(iv) any other undertaking which the Central Government may, by general or special declaration notified in the official Gazette, declare to be an industrial undertaking;";

(d) for clause (e) the following clause shall be substituted, namely:—

(e) "employment in the national service" means employment undertaken in pursuance of an order passed under clause (b) or clause (c) of sub-section (1) of section 7 or under clause (b) of sub-section (1) or sub-section (2) of section 10;";

(e) in clause (f), after the words "by notification" the words "or order in writing" shall be inserted;

(f) in clause (i), after the word "trades" the words "or occupations" shall be inserted.

Price annas 2 or 3d.

4. Amendment of section 3, Ordinance II of 1940.—In section 3 of the said Ordinance, after the words "being Indian British subjects" the words "or Asiatic immigrants from any Asiatic territory outside India notified in this behalf by the Central Government in the official Gazette" shall be inserted.

5. Amendment of section 4, Ordinance II of 1940.—In section 4 of the said Ordinance,—

(a) in sub-section (1), after the words "by notification in the official Gazette" the words "or by order in writing" shall be inserted;

(b) in sub-section (2), for the words "Every notified factory shall be eligible to apply" the words "Every notified factory, training establishment or department under the Crown shall be eligible to apply in the prescribed form" shall be substituted;

(c) after sub-section (2) the following sub-section shall be added, namely:—

"(3) The Central Government may, as a condition of declaring or of continuing to recognise any factory as a notified factory, by general or special order, require that the factory shall make such provision as may be specified in the order in regard to the terms of service and conditions of work of its employees or for affording technical instruction and training."

6. Amendment of section 5, Ordinance II of 1940.—In section 5 of the said Ordinance,—

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

"(3) Any two members of the Tribunal shall constitute a quorum";

(b) to sub-section (6) the following shall be added, namely:—

"and a Court for the purposes of clause (aa) of the proviso to section 200 of that Code";

(c) after sub-section (7) the following sub-section shall be added, namely:—

"(8) A Tribunal may, subject to the prescribed conditions and limitations, delegate to its chairman any of its functions."

7. Amendment of section 6, Ordinance II of 1940.—In sub-section (2) of section 6 of the said Ordinance,—

(a) in clause (b), after the words "one of its members" the words "or an Inspector appointed by it" shall be inserted;

(b) in clause (c), after the word "authorise" the words "an Inspector appointed by it or" shall be inserted.

8. Substitution of new section for section 7, Ordinance II of 1940.—For section 7 of the said Ordinance the following section shall be substituted, namely:—

"7. Release, disposal and training of technical personnel by order of Tribunal.—(1) Subject to any rules made in this behalf under section 19, a Tribunal may, by order in the prescribed form,—

(a) require the owner or manager of any industrial undertaking other than a notified factory or a training establishment to release such technical personnel as it may specify for employment in the national service,

(b) direct technical personnel, who are either unemployed or are not already employed in a notified factory, training establishment or technical post under the Crown, to undertake employment in the national service in any notified factory or training establishment within the limits of its jurisdiction, or in any factory or technical post under the Crown in any part of British India,

(c) transfer technical personnel in respect of whom an order has been passed under clause (b) from one form or place of employment in the national service to another,

(d) direct technical personnel, whether employed or unemployed, to present themselves at such place and time as may be specified in the order for interview or inquiry and, if so required, for submission to a test of their technical skill,

(e) require the owner or manager of any industrial undertaking (other than an undertaking under the Crown) to provide training for such numbers of persons as technical personnel on such terms and conditions as may be specified in the order,

and such order shall be complied with within such period or on such date as may be specified in the order.

(2) No person included in the definition of technical personnel, who has been directed under sub-section (1) to undertake employment in the national service, shall be discharged from or leave his employment in such service unless the employer or the person concerned, as the case may be, has previously obtained the permission in writing of the Tribunal."

9. Amendment of section 8, Ordinance II of 1940.—In section 8 of the said Ordinance,—

(a) after the words "in a notified factory" the words " , training establishment or technical post under the Crown" shall be inserted;

(b) for the words, brackets, figure and letter "under clause (b) of section 7" the words, brackets, figures and letters "under clause (b) or clause (c) of sub-section (1) of section 7" shall be substituted.

10. Amendment of section 9, Ordinance II of 1940.—In section 9 of the said Ordinance, for the words, brackets, figure and letter "or clause (b) of section 7" the words, brackets, figures and letters "clause (b), clause (c) or clause (e) of sub-section (1) of section 7" shall be substituted.

11. Amendment of section 10, Ordinance II of 1940.—In section 10 of the said Ordinance,—

(a) in sub-section (1),—

(i) after the words "and may," the words "whether or not a Tribunal has been so required to report" shall be inserted;

(ii) for clause (a) the following clause shall be substituted, namely:—

"(a) require any industrial undertaking by which technical personnel is employed to release such personnel as may be specified in the order for employment in the national service";

(iii) in clause (b), for the words "any such personnel" the words "any technical personnel" shall be substituted;

(iv) after clause (b) the following clause shall be inserted, namely:—

"(bb) direct that any technical personnel engaged in an industrial undertaking under conditions not amounting to employment in the national service shall, for the purposes of sub-section (3), be deemed to have been taken into employment in the national service";

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

"(2) The Central Government may, by order in writing, transfer technical personnel from one form or place of employment in the national service to another, and the employer and the personnel concerned shall comply with such order.";

(c) in sub-section (3), the words "in each case after consultation with the Tribunal concerned, if any" shall be omitted;

(d) in sub-section (4), for the words "notified factory, training establishment or technical post under the Crown" the words "form or place of employment" shall be substituted;

(e) sub-section (5) shall be omitted and sub-section (6) shall be renumbered as sub-section (5);

(f) in sub-section (5) as so renumbered.—

(i) after the word "directed" the words, brackets and figures "under sub-section (1) or sub-section (2)" shall be inserted;

(ii) the words "in a training establishment or technical post under the Crown" and the words "in such establishment or post" shall be omitted, and for the words "the head of the establishment or department" the words "the employer" shall be substituted.

12. Insertion of new section 10A in Ordinance II of 1940.—After section 10 of the said Ordinance the following section shall be inserted, namely:—

"10A. Release of technical personnel for employment overseas or in His Majesty's Forces.—(1) Where a person included in the definition of technical personnel is willing to undertake employment in any of the capacities specified in the Schedule in His Majesty's Forces or outside India, and the Central Government is satisfied that such person would if released be taken into such employment and, in the case of employment outside India, that the employment to be undertaken is of national importance, the Central Government may by order in writing require the owner or manager of any industrial undertaking by which such person is for the time being employed to release him for such employment.

(2) Subject to any rules made in this behalf under section 19, a Tribunal may exercise the powers conferred on the Central Government by sub-section (1) in respect of technical personnel employed in any industrial undertaking other than an undertaking under the Crown.

(3) For the purposes of section 11, a person who has been released on a requirement under this section shall be deemed to have been released for employment in the national service."

13. Amendment of section 13, Ordinance II of 1940.—In section 13 of the said Ordinance,—

(a) in sub-section (1),—

(i) for the words "When a Tribunal has been constituted for any area, it" the words and figure "Subject to any rules made in this behalf under section 19, a Tribunal" shall be substituted;

(ii) the words "in the area" and "to its employees" shall be omitted;

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

"(2) After any such notice has been posted no person included within the definition of technical personnel who is either employed in or is undergoing training in that undertaking shall leave his employment or training unless he has previously obtained the permission in writing of the Tribunal, and if any person leaves his employment or training without such permission, he may, without prejudice to his liability under section 14, be ordered by the Tribunal to return to his employment or training.";

(c) after sub-section (2) the following sub-section shall be inserted, namely:—

"(2A) Where the Tribunal refuses permission to leave employment, the Tribunal may, of its own motion or on application by the person refused permission, lay down subject to the prescribed conditions the terms of service on which the employer shall continue to retain him in employment, and the employer shall not thereafter, notwithstanding anything contained in sub-section (3), discharge, dismiss, suspend or release such person without the previous permission of the Tribunal.";

(d) in sub-section (3), for the words "or release", where they occur for the first time, the words "suspend, release or remove from one factory to another"

of 1942.] *National Service (Technical Personnel) Amendment.*

shall be substituted, and for the words "or release", where they occur for the second time, the words "suspension, release or removal" shall be substituted.

14. *Amendment of section 19, Ordinance II of 1940.*—In sub-section (2) of section 19 of the said Ordinance,—

(a) in clause (c), for the words, brackets, letter and figure "clause (c) of section 7" the words, brackets, letter and figure "clause (d) of section 7" shall be substituted;

(b) in clause (d), after the word "conditions" the words "and limitations" shall be inserted, and after the figure "8" the words, brackets, figures and letters "sub-section (2) of section 10A and sub-section (2A) of section 13" shall be added;

(c) in clause (f), for the words, brackets and figures "sub-sections (3) and (4)" the words, brackets and figures "sub-sections (1), (3) and (4)" shall be substituted.

(d) in clause (g), before the word "notices" the word "applications," shall be inserted.

15. *Substitution of new Schedule for the Schedule to Ordinance II of 1940.*—For the Schedule to the said Ordinance the following Schedule shall be substituted, namely:—

"THE SCHEDULE

[See section 2 (a)]

TECHNICAL PERSONNEL

Managerial or Operational Staff

- | | |
|---|--------------------------|
| 1. Aircraft Pilots. | 5. Electrical Engineers. |
| 2. Assistant Works Managers. | 6. Mechanical Engineers. |
| 3. Chemists (industrial, metallurgical, analytical and technical research). | 7. Production Engineers. |
| 4. Civil Engineers. | 8. Works Managers. |

Supervisory Staff

- | | |
|---------------------------------|---------------------------------------|
| 1. Assistant Foremen. | 9. Master Tailors and Master Cutters. |
| 2. Chargehands. | 10. Overseers. |
| 3. Chargemen. | 11. Storekeepers, Storeholders. |
| 4. Chemical Process Foremen. | 12. Supervising Mistries. |
| 5. Ground Engineers (Aircraft). | 13. Supervisors. |
| 6. Inspectors (of all grades). | 14. Viewers. |
| 7. Inspectors of material. | 15. Works Chemists. |
| 8. Leading Hands. | 16. Workshop Foremen. |

Skilled and Semi-skilled Trades and Occupations

- | | |
|---|--|
| 1. Aircraft Mechanics. | 14. Bronzers and Lacquerers. |
| 2. Armature Winders. | 15. Carpenters, Joiners. |
| 3. Armourers. | 16. Caulkers. |
| 4. Beater Mistries (Paper Mill). | 17. Chemical Assistants (Analysts). |
| 5. Beltmen. | 18. Chemical Process Workers. |
| 6. Blacksmiths, Angle Smiths, Spring Makers, Heavy Forge Smiths, Drop Stampers. | 19. Coach Finishers. |
| 7. Boiler Cleaners. | 20. Component Setters, Machine and Tool Setters. |
| 8. Boiler Makers, Platers. | 21. Coopers. |
| 9. Boot and Shoe Makers. | 22. Coppermiths. |
| 10. Braziers. | 23. Core Makers. |
| 11. Bricklayers. | 24. Crane Drivers. |
| 12. Brick Moulders. | 25. Cupola Men. |
| 13. Brick and Tile Makers. | 26. Curriers. |
| | 27. Cutlers. |

28. Die Sinkers.
29. Draughtsmen (mechanical, structural, jig and tool).
30. Electricians.
31. Electroplaters.
32. Engine Drivers (Steam and Internal Combustion).
33. Engravers.
34. Erectors.
35. Estimators.
36. Examiners (Tool and Wood).
37. Filers, Vicemen.
38. Fillers (Brushware).
39. Fitters.
40. Furnacemen, Firemen, Stokers.
41. Galvanizers.
42. Gauge and Tool Fitters.
43. Hammermen, Holders up, Strikers.
44. Ingot Parters.
45. Instrument Mechanics.
46. Lead Burners.
47. Lithographers.
48. Lithoprinters.
49. Machine Mistries (Paper Mill).
50. Machinists, Drillers, Shapers, Millers, Planers, Polishers, Grinders.
51. Markers Out.
52. Masons.
53. Millwrights.
54. Motor Mechanics.
55. Motormen.
56. Moulders.
57. Painters.
58. Pattern Makers.
59. Petrol Mechanics.
60. Photo-Litho Operators.
61. Process Photographers.
62. Plumbers.
63. Precision Grinders, Gauge and Tool Grinders.
64. Press Workers.
65. Progressmen, Routers or Chasers.
66. Rate Fixers.
67. Riveters.
68. Riggers and Slingers.
69. Ropeworkers.
70. Saddlers.
71. Sawyers.
72. Sloters.
73. Storemen.
74. Surveyors.
75. Tanners.
76. Tin Smiths.
77. Tool Hardeners.
78. Tool Makers.
79. Tracers, Ferro-printers.
80. Trimmers.
81. Tube Workers.
82. Turners.
83. Upholsterers.
84. Vulcanists.
85. Weighmen.
86. Welders, acetylene and electric.
87. Wheelers.
88. Wireless Operators.
89. Wiremen.
90. Wood Machinists.

LINLITHGOW,

Viceroy and Governor General.

Repealed by ord. 1 of 1946

ORDINANCE No. VII OF 1942.

[29th January, 1942.]

An Ordinance to amend the Penalties (Enhancement) Ordinance, 1942.

(Published in the Gazette of India Extraordinary of the 29th January, 1942.)

III of 1942. **W**HEREAS an emergency has arisen which makes it necessary to correct certain errors occurring in the Penalties (Enhancement) Ordinance, 1942;

26 Geo. 5, c. 24. **N**OW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

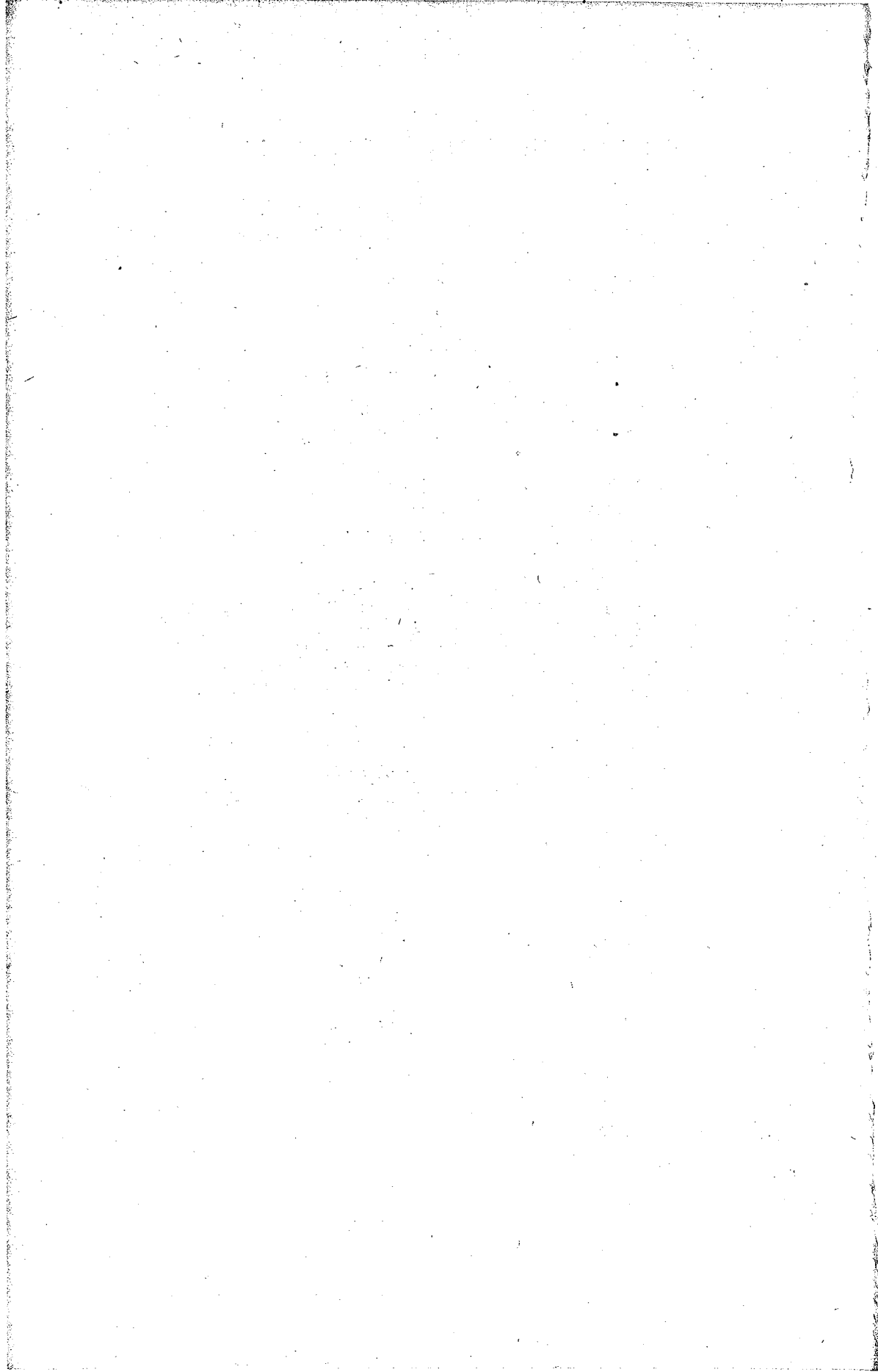
1. (1) This Ordinance may be called the Penalties (Enhancement) Amendment Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

III of 1942. 2. In the Penalties (Enhancement) Ordinance, 1942, Amendment of sections 6 and 7, Ordinance III of 1942. in section 6 and in the marginal note thereto, for the figures "375" the figures "376" shall be substituted and, in section 7 and in the marginal note thereto, for the figures "146" the figures "147" shall be substituted.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.



Repealed by Act 7 of 1946

ORDINANCE No. VIII OF 1942.

[29th January, 1942.]

An Ordinance to enable a fund to be established for financing measures for the benefit of the growers of cotton.

(Published in the Gazette of India Extraordinary of the 29th January, 1942.)

WHEREAS an emergency has arisen which makes it necessary to enable a fund to be established for financing measures for the benefit of the growers of certain types of cotton which were exported in large quantities to the Far East before the outbreak of the present war with Japan ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Cotton Fund Ordinance, 1942. Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

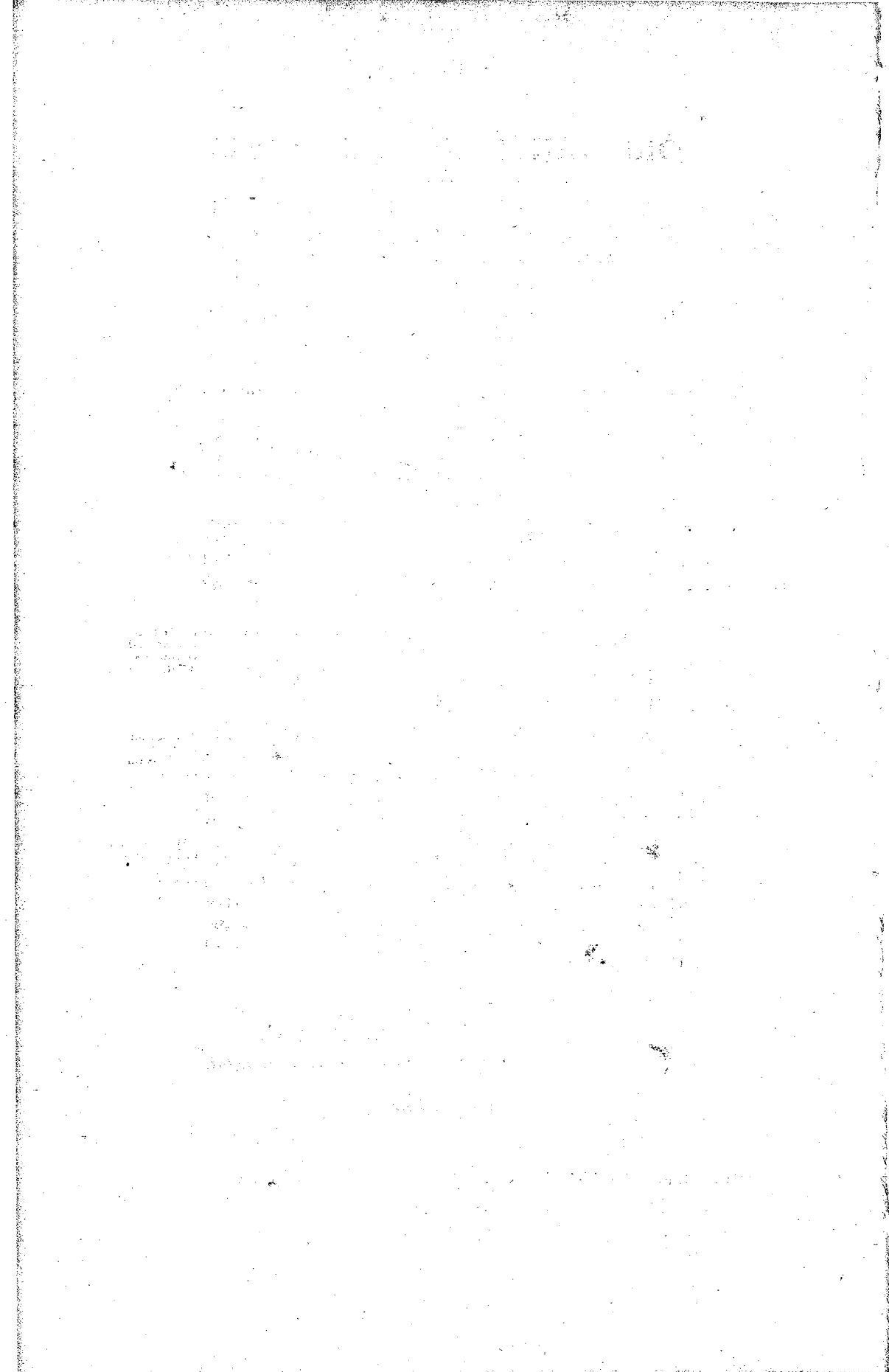
2. There shall be levied and collected in addition to any duty of customs imposed by or under any enactment for the time being in force an additional duty of customs on raw cotton imported into any port in British India at the rate of one anna per pound. Additional duty of customs on cotton.

3. The proceeds of the additional import duty imposed on raw cotton by this Ordinance shall be credited to a separate fund to be established by the Central Government, and the said fund shall be utilised by the Central Government to finance such measures for the benefit of the growers of cotton in India as the Central Government thinks advisable. Establishment of fund and purposes thereof.

LINLITHGOW,

Viceroy and Governor General.

Price anna 1 or 1½d.



Repealed by Act 11 of 1947

ORDINANCE No. IX OF 1942.

[9th February, 1942.]

An Ordinance temporarily to amend the Reserve Bank of India Act, 1934.

(Published in the Gazette of India Extraordinary of the 9th February, 1942.)

II of 1934. **W**HEREAS an emergency has arisen which makes it necessary temporarily to amend the Reserve Bank of India Act, 1934, for the purposes hereinafter appearing;

II of 1934.

23 Geo. 5, c. 2.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Reserve Bank of India (Temporary Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

II of 1934.

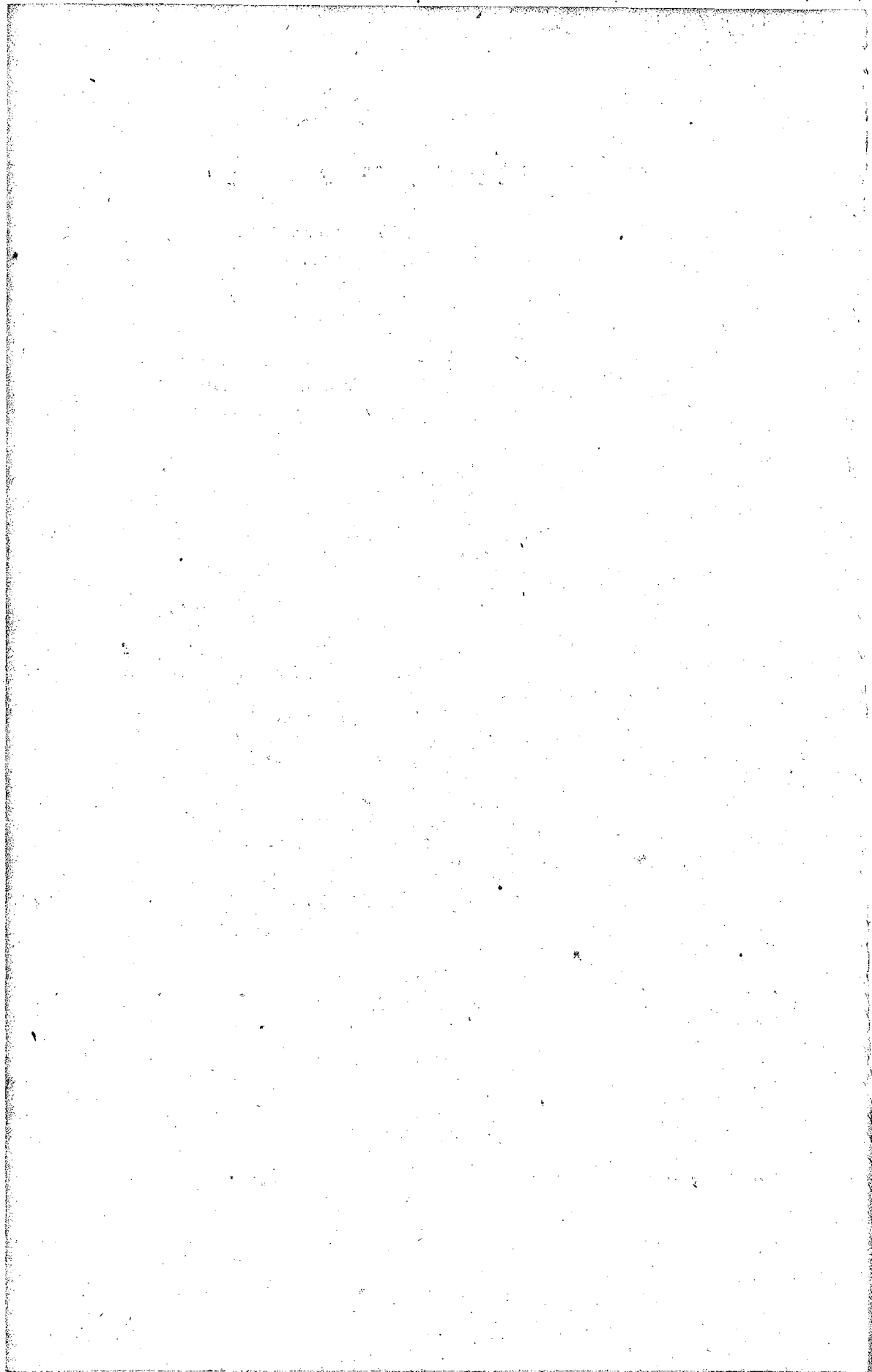
2. So long as this Ordinance remains in force the Reserve Bank of India Act, 1934, shall have effect subject to the following provisions, viz.:— Temporary amendment of Act II of 1934.

(a) in section 42, in sub-section (1) the words "and Burma" and in sub-section (2) clauses (b), (d), (e), (f), (h) and (j) shall be deemed to be omitted; and

(b) in section 43, the words "and from Burma scheduled banks under the corresponding provisions of the law of Burma" shall be deemed to be omitted.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.



Repealed by Act 2 of 1948

ORDINANCE No. X of 1942

An Ordinance to constitute a Civil Pioneer Force for service in British India, and to provide for the organization, control and discipline thereof.

(Published in the Gazette of India Extraordinary, dated the 7th March, 1942.)

WHEREAS, an emergency has arisen which makes it necessary to constitute a Civil Pioneer Force for service in British India and to provide for the organization, control and discipline thereof;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Civil Pioneer Force Ordinance, 1942.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "prescribed" means prescribed by rules made under this Ordinance;

(b) "service in a war area" means service in an area in which for the time being enemy action is taking place, or in an area declared by the Central Government to be a war area for the purposes of this Ordinance;

(c) "superior officer" means, in relation to any enrolled person not himself an officer, any officer mentioned in sub-section (2) of section 5 and, in relation to an enrolled person who is himself an officer, an officer of a class mentioned in sub-section (1) of section 5 before the class to which he himself belongs, or an officer of the same class as but of a grade higher than himself.

3. (1) There

Short title,
extent
and
commence-
ment.

Definitions.

1

Price anna 1 or 1½d.

Constitution
of the
Civil
Pioneer
Force.

3. (1) There shall be raised and maintained in the manner hereinafter provided a force to be designated the Civil Pioneer Force to perform in British India the duties hereinafter specified.

(2) The Central Government may constitute for any Province one or more Provincial units of the Civil Pioneer Force, and may disband or reconstitute any unit so constituted.

Duties of
Civil
Pioneer
Force.

4. (1) It shall be the duty of the Civil Pioneer Force and of the persons enrolled therein, as and when required by the Central or a Provincial Government or by an authority authorised in this behalf by the Central or a Provincial Government, for the purpose of securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community,—

- (a) to carry out the construction or demolition of buildings, the clearing of debris, the salvage of property and the rescue of human beings;
- (b) to carry out constructional work on roads, buildings, docks and aerodromes;
- (c) to load or unload transport vehicles and vessels;
- (d) to perform work in factories, workshops and shipyards;
- (e) to render such other services as, in the opinion of the Central or a Provincial Government, are necessary or expedient for the purpose aforesaid:

Provided that the Central Government may, subject to such conditions as may be prescribed, levy a charge for any work carried out by the Civil Pioneer Force for or on behalf of a Provincial Government, local authority or industrial or commercial undertaking.

(2) A unit of the Civil Pioneer Force shall be liable to service in any part of the Province for which it has been constituted under section 3, and shall be liable, if the Central Government so orders, to service outside that Province in any part of British India.

Officers
of Civil
Pioneer
Force.

5. (1) There shall be the following classes of officers in the Civil Pioneer Force, namely:—

- (i) commissioned officers—
 - (a) Commandants,
 - (b) Captains,
 - (c) Lieutenants,
 - (d) Second Lieutenants
- (ii) administrative officers;
- (iii) non-commissioned

(iii) non-commissioned officers—

(a) Havildars,

(b) Naiks,

and such grades in either class of non-commissioned officers as the Central Government may direct.

(2) Commissioned and administrative officers shall be deemed to be enrolled in the Civil Pioneer Force for so long as they remain officers in that Force.

(3) The Provincial Government may authorise any commissioned officer to exercise the powers vested by this Ordinance in a commandant.

6. (1) Commissioned officers shall be chosen by the Central Government or by the Provincial Government subject to approval by the Central Government and the Central Government shall issue to each such officer a commission of appointment.

Appointment of officers.

(2) Administrative officers shall be appointed by the Provincial Government by notification in the official Gazette.

(3) Non-commissioned officers shall be appointed from persons enrolled in the unit by the commandant of the unit or by such other authority and in such manner as may be prescribed.

7. (1) Any British subject or any subject of an Indian State may, if he has attained the age of eighteen and is not a member of His Majesty's Naval, Military or Air Forces, offer himself for enrolment in the Civil Pioneer Force, and, if he satisfies the prescribed conditions, may be enrolled therein in the prescribed manner for such period as may be prescribed, and shall thereupon become subject to the provisions of this Ordinance.

Enrolment and appointment to units.

(2) Subject to the prescribed conditions, an applicant for enrolment may apply to be enrolled for service in a particular unit.

(3) Any person enrolled shall without unnecessary delay be appointed in the prescribed manner to a unit constituted under section 3 for the Province in which he for the time being resides, or if he applies for enrolment in a particular unit to that unit, or if he is a subject of an Indian State to the unit or a unit to which subjects of that State are by the orders of the Central Government to be appointed.

8. Any person appointed to a unit under section 7 may be transferred whether on disbandment of the unit or otherwise to another unit in such manner as may be prescribed:

Transfers.

Provided

Provided that a person who has applied for enrolment in a particular unit and has been appointed to that unit shall not be transferred to another unit without his own consent.

Liability to
service.

9. Every person enrolled shall be bound to serve in the unit of the Civil Pioneer Force to which he has been appointed or transferred or is for the time being attached until he is discharged from the Civil Pioneer Force.

Discharge
and
dismissal.

10. (1) Every person enrolled shall be entitled to receive his discharge from the Civil Pioneer Force on the expiration of the period for which he was enrolled or on his attaining the age of fifty; but any such person may before he becomes so entitled be discharged by such authority and subject to such conditions as may be prescribed.

(2) The prescribed authority may, subject to such conditions as may be prescribed, dismiss any enrolled person from the Civil Pioneer Force.

Major
offences

11. Any person enrolled who—

- (a) begins, excites, causes or conspires with any other person to cause, or joins in any mutiny, or
- (b) being present at any mutiny, does not use his utmost endeavour to suppress it, or
- (c) knowing or having reason to believe in the existence of any mutiny or of any intention to mutiny, does not without delay give information thereof to his commandant or other superior officer, or
- (d) uses criminal force to, or commits an assault on, his superior officer, whether on or off duty, knowing or having reason to believe him to be such, or
- (e) while on service in a war area,—
 - (i) disobeys the lawful command of his superior officer, or
 - (ii) deserts or attempts to desert the service or his party, or his post or his duty, or
 - (iii) leaves his post or party or his duty to go in search of plunder, or
 - (iv) intentionally causes or spreads a false alarm,

shall be punishable with imprisonment for a term which may extend to fourteen years, or with fine which may extend to five hundred rupees, or with both such imprisonment and fine.

12. Any

12. Any person enrolled who—

Minor offences.

- (a) is in a state of intoxication when on or detailed for duty, or
- (b) leaves his post or duty without being regularly relieved or without permission, or, being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority, or
- (c) is grossly insubordinate or insolent to his superior officer in the execution of his office, or
- (d) refuses or wilfully neglects to perform or assist in any work or duty ordered to be done either in quarters or elsewhere, or
- (e) while in charge of a party, permits behaviour prejudicial to good order and discipline, or
- (f) uses criminal force to, or commits an assault on, or otherwise ill uses, any member of the Civil Pioneer Force subordinate to him in rank or position, or
- (g) plunders, destroys or damages property of any kind, or
- (h) designedly or through neglect injures or loses, or fraudulently or without due authority disposes of, his clothes, tools or equipment or any such articles entrusted to him or belonging to any other enrolled person, or
- (i) malingers, feigns or produces disease or infirmity in himself, or intentionally, delays his cure or aggravates his disease or infirmity, or
- (j) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that other person, or
- (k) while not on service in a war area,—
 - (i) disobeys the lawful command of his superior officer, or
 - (ii) deserts or attempts to desert the service or his party or his post or his duty, or
- (l) is guilty of any act or omission not otherwise punishable which is prejudicial to good order and discipline,

shall, unless the offence is dealt with under section 14, 15 or 16, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two hundred rupees, or with both.

13. Any enrolled person who attempts to commit or abets the commission of an offence made punishable by this Ordinance shall be punishable with the punishment provided for such offence.

Attempts to commit offences and abetments of offences.

14. When

Non-judicial disposal of minor offences of enrolled persons other than officers.

14. When an enrolled person other than a commissioned, administrative or non-commissioned officer is charged with an offence punishable under section 12, the officer commanding the detachment in which such person is serving, if so authorised in writing by the commandant, or the commandant himself, may direct that the charge shall be dealt with without formal trial, and thereupon the officer commanding the detachment may award to such person any one or more of the following punishments, namely:—

- (a) confinement in such place as may be considered suitable for a period not exceeding seven days;
- (b) punishment drill, extra work, fatigue or other duty, not exceeding thirty days in duration, with or without confinement to quarters;
- (c) forfeiture of pay and allowances for a period not exceeding one month.

Non-judicial disposal of minor offences of non-commissioned officers.

15. When a non-commissioned officer is charged with an offence punishable under section 12, the officer commanding the detachment in which the non-commissioned officer is serving, if so authorised in writing by the commandant, or the commandant himself, may, without formal trial, award to such non-commissioned officer any one or more of the following punishments, namely:—

- (a) reduction to a lower grade or a lower class or to the ranks;
- (b) forfeiture of pay and allowances for a period not exceeding one month;
- (c) punishment drill, extra work or other duty not exceeding thirty days in duration;
- (d) reprimand or severe reprimand.

Non-judicial disposal of minor offences of commissioned and administrative officers.

16. When a commissioned or an administrative officer is charged with an offence punishable under section 12, the commandant may, without formal trial, reprimand or severely reprimand such officer or may refer the matter to the Provincial Government for orders.

Trial of minor offences.

17. (1) An offence punishable under section 12 may, if the charge is not disposed of under section 14, 15 or 16, be tried by a summary Court constituted as provided in sub-section (2).

(2) A summary Court shall consist of a Magistrate of the first class appointed by the District Magistrate or in a Presidency-town by the Chief Presidency Magistrate, sitting with the commandant or a commissioned officer of the Civil Pioneer Force nominated

by

of 1942.]

Civil Pioneer Force.

by him and a third person to be selected by the Provincial Government in the prescribed manner. The Magistrate so appointed shall be president of the Court and, in the event of any difference of opinion, the opinion of the majority shall prevail.

(3) A summary Court may take cognizance of an offence upon a report in writing made by a commissioned officer of the Civil Pioneer Force, and such officer shall in making such complaint be deemed to be a public servant acting in the discharge of his official duties.

(4) A summary Court shall in the trial of an offence follow as far as possible the procedure for the trial of summary cases in which an appeal lies laid down in Chapter XXII of the Code of Criminal Procedure, 1898.

(5) A summary Court may pass any sentence authorised by section 12 for the offence.

(6) An appeal from a sentence passed by a summary Court may be made at any time within thirty days of the sentence to the prescribed authority and such authority shall in disposing of such appeal follow the same procedure and have the same powers as an appellate Court follows and has under the Code of Civil Procedure, 1908.

(7) The provisions of the Code of Criminal Procedure, 1898, and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Ordinance, shall apply to all matters connected with, arising from or consequent upon a trial by a summary Court.

18. The following deductions may, subject to the prescribed conditions, be made by the commandant from the pay and allowances of any enrolled person, namely:—

Power of
commandant
to make
deductions
from pay.

- (a) all pay and allowances for every day on which the enrolled person is absent either on desertion or without leave or because of imprisonment awarded by a Court;
- (b) all pay and allowances for every day on which the enrolled person is in custody on a charge for an offence of which he is afterwards convicted by a Court, or on a charge of absence without leave for which he is afterwards awarded punishment under section 14, 15 or 16;

(c) all

- (c) all pay and allowances for every day on which the enrolled person is in hospital on account of sickness certified by the medical officer attending him to have been caused by an offence punishable under this Ordinance committed by him;
- (d) any sum required to defray any expenditure incurred as a consequence of misconduct by him or to make good any loss of, or damage or destruction done by him to, any clothes, tools or equipment or to any buildings or property:

Provided that the total deductions from the pay and allowances of any enrolled person shall not exceed in any one month one-half of his pay and allowances for that month.

Power of Provincial Government to award punishments.

19. The following punishments may, subject to the prescribed conditions, be awarded to a commissioned or an administrative officer by the Provincial Government, namely:—

- (a) reprimand or severe reprimand;
- (b) deductions from pay to defray expenditure or recoup loss incurred as a consequence of misconduct by him;
- (c) forfeiture of service;

and the Provincial Government may, subject to the prescribed conditions, reduce a commissioned officer from one class of commissioned rank to a lower class.

Custody during investigation.

20. Any enrolled person charged with an offence punishable under this Ordinance may be taken into and kept in custody in the prescribed manner by the unit to which he belongs pending investigation of the offence.

Arrest of deserters.

21. (1) Whenever any enrolled person deserts his unit, the commandant or the officer commanding the detachment to which he belongs may give written information of the desertion to the officer in charge of the nearest police station, and such police officer shall thereupon take steps for the apprehension of the deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a Magistrate, and shall deliver the deserter when apprehended to the custody of his unit.

(2) Any police officer may arrest without warrant any person reasonably believed by him to be an enrolled person who has deserted his unit, and shall

on

on making an arrest bring or send the arrested person without delay to the unit to which he belongs.

22. Any enrolled person charged with an offence punishable under this Ordinance may be tried and punished for such offence in any place in British India.

Place of trial.

23. In any proceedings before a Court the fact that a person is a person enrolled under this Ordinance may be proved by the production of a certificate purporting to be signed by the commandant of the unit in which he is enrolled that he is so enrolled.

Proof of enrolment.

24. The Central Government may exercise any power vested by this Ordinance in the Provincial Government.

Power of Central Government to exercise Powers of Provincial Government.

25. (1) The Central Government may make regulations providing for all details connected with the organization of the Civil Pioneer Force and the units thereof.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, regulations may be made providing for the duties, training, clothing, equipment and the conditions of service of persons enrolled, and for the payment of compensation to or in respect of persons enrolled for injuries received or fatalities incurred by them.

26. (1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

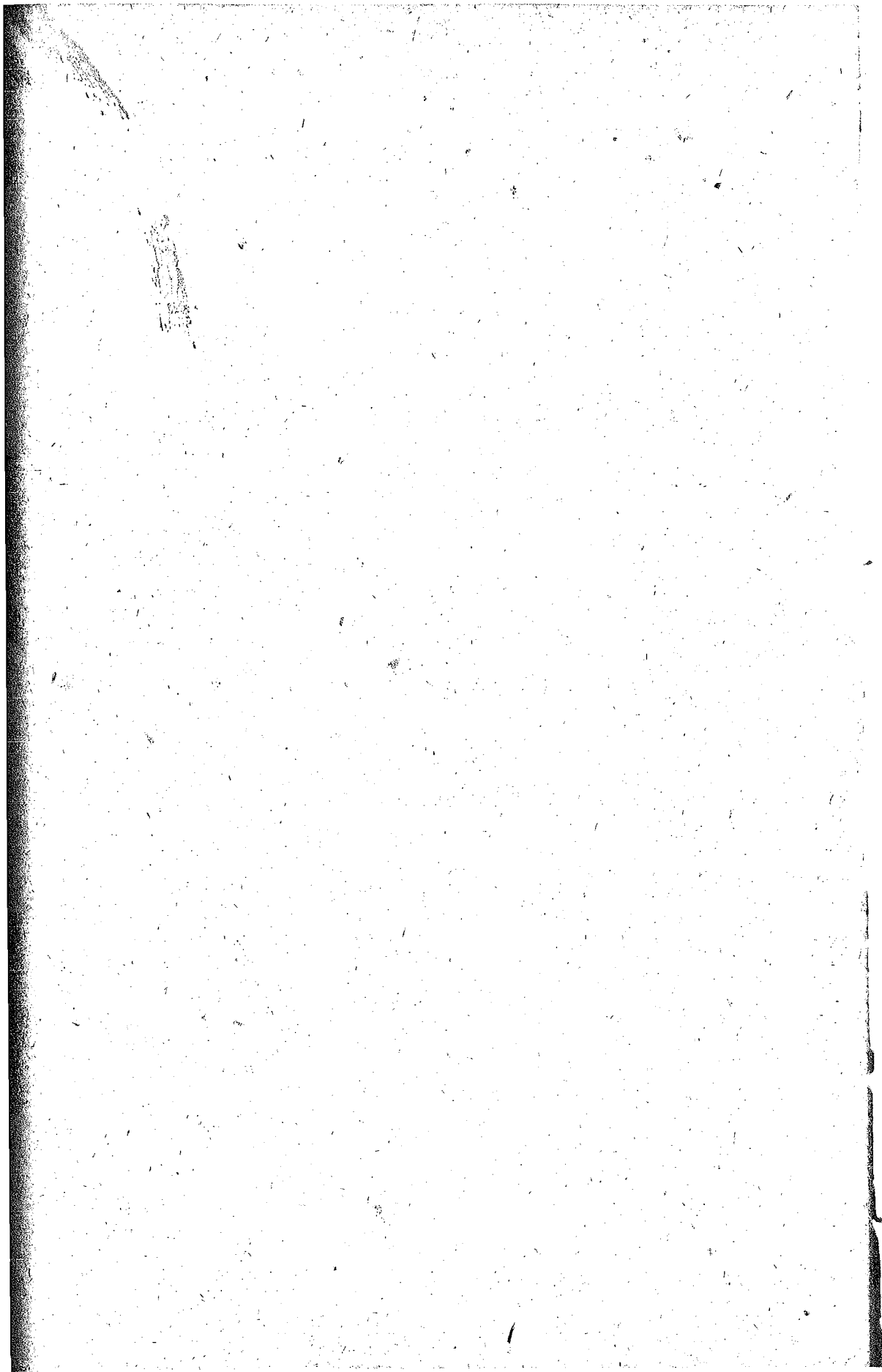
Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made under this section—

- (a) providing for any matter for which regulations under section 25 may be made or any matter ancillary to such matter;
- (b) providing for any matter which is to be or may be prescribed under this Ordinance;
- (c) providing for the medical examination of persons offering themselves for enrolment under section 7.

LINLITHGOW,

Viceroy and Governor General.



ORDINANCE No. XI OF 1942

An Ordinance temporarily to suspend the right at present enjoyed by certain members of Police forces in British India to resign office on giving notice of their intention to resign.

(Published in the Gazette of India Extraordinary, dated the 7th April, 1942.)

WHEREAS an emergency has arisen which makes it necessary temporarily to suspend the right at present enjoyed by certain members of Police forces in British India to resign office on giving notice of their intention to resign;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Police (Resignation of Office) Ordinance, 1942. Short title, extent and commencement.
- (2) It extends to the whole of British India.
- (3) It shall come into force at once.

2. So long as this Ordinance remains in force the amendments specified in the third column of the Schedule shall be deemed to be made in the enactments specified in the second column thereof. Temporary amendment of certain Acts relating to police.

THE SCHEDULE

1

Price anna 1 or 1½d.

THE SCHEDULE.

(See section 2.)

Number and year of Act.	Name of Act.	Amendments deemed to be made.
Act XXIV of 1859	The Madras District Police Act, 1859.	1. In section 19, the words "or unless he shall have given to his superior officer two months' notice in writing of his intention to do so" shall be omitted. 2. In section 44, the words "or without having given two months' notice as provided by this enactment" shall be omitted.
Act V of 1861	The Police Act, 1861.	1. In section 9, the words "unless he shall have given to his superior officer notice in writing, for a period of not less than two months, of his intention to resign" shall be omitted. 2. In section 29, the words "or without having given previous notice for the period of two months" shall be omitted.
Ben. Act II of 1866	The Calcutta Suburban Police Act, 1866.	In section 7, the words "or unless he shall have given to the Commissioner six months' notice of his intention if a member of the mounted branch of the said force, and two months' notice if a member of any other branch" and the words "or notice" shall be omitted.
Ben. Act IV of 1866	The Calcutta Police Act, 1866.	In section 14, the words "or unless he shall have given to the Commissioner six months' notice of his intention, if a member of the mounted branch of the said force, and two months' notice if a member of any other branch" and the words "or notice" shall be omitted.
Mad. Act III of 1888.	The Madras City Police Act, 1888.	In section 13, the words "or until after the expiry of two months from the date of his giving to the Commissioner a notice in writing of his intention to do so" shall be omitted.
Bom. Act IV of 1890.	The Bombay District Police Act, 1890.	1. In sub-section (1) of section 34, after the words "withdraw himself from the duties thereof" the word "until" and clauses (a) and (b) shall be omitted. 2. In sub-section (2) of section 34, for the words "as aforesaid" the words "as such police-officer, to the Crown or to any police fund" shall be substituted.
Bom. Act IV of 1902.	The City of Bombay Police Act, 1902.	1. In sub-section (1) of section 14, the words beginning with "and except in the case of a special Police officer" and ending with the end of the sub-section shall be omitted. 2. In the proviso to sub-section (2) of section 14, for the words "any such debt as aforesaid due from such Police officer" the words "any debt due by him as a Police officer to the Crown or to any Police fund" shall be substituted.

LINLITHGOW,

Viceroy and Governor General.

ORDINANCE No. XII OF 1942

An Ordinance to provide for the insurance of certain property in British India against war risks.

(Published in the Gazette of India Extraordinary, dated the 8th April, 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for the insurance of certain property in British India against war risks ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the War Risks Short title, extent and commencement. (Factories) Insurance Ordinance, 1942.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2: In this Ordinance, unless there is anything Definitions. repugnant in the subject or context,—

(a) “ buildings ” includes foundations, plinths, floors, staircases, tanks, engine and boiler beds, chimneys and flues ;

(b) “ factory ” means a factory as defined in clause (j) of section 2 of the Factories Act, 1934, and includes any premises including the precincts thereof which, having at any time after the 31st day of December, 1938, been a factory as defined in clause (j) of section 2 of the said Act, have not been exempted under section 14 from the provisions of section 5 of this Ordinance ;

(c) “ factory buildings ” includes all buildings comprised in the factory, and such other buildings (including residential buildings for staff and workmen, hospitals and welfare centres) within a radius of two miles from the main factory building as are in the same ownership or occupation as the factory and are used for the purposes of the factory ;

(d) “ the Fund ”

Price anna 1 or 1½d.

War Risks (Factories) Insurance. [ORD. XII

- (d) "the Fund" means the War Risks (Factories) Insurance Fund constituted under section 7;
- (e) "insurable value" of property means the value of the property as ascertained for the purposes of insurance under this Ordinance;
- (f) "occupier" of a factory has the meaning assigned to the word in clause (l) of section 2 of the Factories Act, 1934; XXV of 1934.
- (g) "owner" of a factory includes, when parts of the property insurable under this Ordinance in relation to the factory are owned by different persons, each such person in respect of the part owned by him;
- (h) "prescribed" means prescribed by rules made under this Ordinance;
- (i) "property insurable under this Ordinance" means, in relation to any factory, the factory buildings, all plant and machinery in the factory, and such other plant and machinery as may be prescribed;
- (j) "the Scheme" means the War Risks (Factories) Insurance Scheme referred to in sub-section (1) of section 3;
- (k) "war risks" means such risks arising from—
 - (i) action taken by an enemy or action taken in combating an enemy or in repelling an imagined attack by an enemy,
 - (ii) measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of damage occurring (whether accidentally or not) as the direct result of any such action as aforesaid,
 - (iii) precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by an enemy, being measures involving risk to property,
 - (iv) precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action, being measures involving risk to property,
 - (v) precautionary or preparatory measures taken under proper authority with a view to denying facilities to an enemy, being measures involving damage to or diminution of the value of property,

as may be prescribed.

3. (1) The

3: (1) The Central Government may, by notification in the official Gazette, put into operation a scheme to be called the War Risks (Factories) Insurance Scheme, whereby the Central Government undertakes in relation to factories the liabilities of insuring against war risks, to the extent provided by and subject to the provisions of this Ordinance, property insurable under this Ordinance which appertains to a factory.

War Risks
(Factories)
Insurance
Scheme.

(2) The Scheme may be such as to provide for the undertaking by the Central Government of its liabilities under the Scheme as from a date anterior to the inauguration of the Scheme, or to the commencement of this Ordinance.

(3) The Scheme may extend to the undertaking by the Central Government in relation to any person in British India of the liability of insuring such person against war risks in respect of any property insurable under this Ordinance which is not owned by him but in which he has an interest, up to the extent of such interest.

(4) The Scheme shall be such as to secure—

- (a) that the liability of the Central Government as insurers shall not extend to more than eighty per cent. of the insurable value of the property insurable,
- (b) that in respect of each claim the insured shall bear the first one thousand rupees or twenty per cent. of the claim, whichever is greater,
- (c) that any liability of the Central Government as insurers under the Scheme is determined by a policy of insurance issued in the prescribed form and in respect of a prescribed period by a person acting on behalf of the Central Government,
- (d) that any premium under a policy so issued is payable at such rate as may for the time being be prescribed.

(5) The Scheme may provide—

- (a) for undertaking in relation to works in course of construction which when completed will become factories, the same liabilities as are undertaken by the Scheme in relation to factories ;
- (b) that the payments due under a policy of insurance issued under the Scheme may, at the option of the Central Government, take either of the following forms, namely :—
 - (i) payment, within the limits of the liability assumed by the Central Government and

War Risks (Factories) Insurance. [ORD. XII

in such manner and by such instalments as the Central Government may think fit, of the cost necessary to restore the property as far as practicable to the condition in which it existed before the occurrence of the damage, or

- (ii) compensation, within the aforesaid limits, for the loss in value, ascertained on the basis of values and prices ruling at the time at which the policy of insurance was taken out, or at which the loss occurred, whichever is less, suffered by the property as a result of the damage, after due allowance has been made for depreciation during the current period of insurance cover ;
- (c) for the postponement in accordance with prescribed principles of payments due under a policy of insurance issued under the Scheme in respect of any damage sustained by property insured thereunder ;
- (d) for making it an express or implied condition of any policy of insurance issued under the Scheme—
 - (i) that the owner or occupier of a factory shall comply with all regulations or instructions made or issued under the authority of Government for safeguarding the property against damage from war risks, or
 - (ii) that, where the Central Government exercises its option to pay the cost necessary to restore the property to its original condition, the owner of the factory shall, if so required by the Central Government, reconstruct the factory or remove the factory to and reconstruct it in another locality.
- (6) Different rates of premium may be prescribed under sub-section (4) for the purpose of differentiating from other factories and other property insurable under this Ordinance—
 - (a) factories established after the inauguration of the Scheme,
 - (b) property insurable under this Ordinance which consists of additions made after the inauguration of the Scheme to the property insurable under this Ordinance appertaining to a factory,
 - (c) property insurable under this Ordinance which consists of restorations or reconstructions of property insurable under this Ordinance which has after the inauguration of the Scheme suffered damage or destruction arising from a war risk.

4. The

4. The Central Government may employ or authorize the employment of any person or firm to act as its agents for any of the purposes of this Ordinance, and may pay to persons or firms so employed such remuneration as the Central Government thinks fit:

Employment
of agents by
the Central
Government.

Provided that no person or firm shall be so employed unless that person or firm is either—

- (a) a member of an association prescribed in this behalf, or
- (b) a person who in British India has a standing contract with underwriters who are members of the Society of Lloyd's whereby such person is authorized within the terms of such contract to issue protection notes, cover notes or other documents granting insurance against war risks.

5. (1) Every owner of a factory, except a factory belonging to the Crown or a factory exempted under section 14 from the provisions of this Ordinance, shall by such date as may be specified in this behalf by the Central Government, by notification in the official Gazette, take out a policy of insurance against war risks issued in accordance with the Scheme, whereby he is insured in respect of all property insurable under this Ordinance which appertains to the factory for a sum not less than the insurable value of such property:

Compulsory
insurance.

Provided that, where the owner of the factory is not himself the occupier of the factory, the occupier of the factory shall, unless the owner has already taken out a policy of insurance as required by this sub-section, himself take out the policy, and in such a case the occupier shall be deemed to act as the agent of the owner and shall be entitled to receive from the owner all sums paid as premiums on the policy.

(2) The obligation imposed by sub-section (1) includes, when the owner of the factory is required by the Central Government to reconstruct a factory which has suffered damage, an obligation to take out an additional policy of insurance as required by the sub-section in respect of the reconstructed factory.

(3) When a factory in respect of which a policy of insurance against war risks has been taken out as required by this section is transferred from one owner to another or there is a change of occupier of the factory, the policy may be transferred to the new owner or occupier, and such new owner or occupier shall succeed to all rights and liabilities under and in relation to the policy as if the policy had been in the first instance taken out by him.

(4) Whoever

War Risks (Factories) Insurance. [ORD. XII

(4) Whoever contravenes the provisions of sub-section (1) or the proviso thereto, or, having taken out a policy of insurance as required by that sub-section, fails to pay any instalment of premium thereon which is subsequently due, shall be punishable with fine which may extend to two thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention or failure continues.

Restriction on carrying on certain insurance business.

6. (1) After the date on which the Scheme is put into operation, no person shall, except as a person authorized by the Central Government as their agent to issue policies in pursuance of the Scheme, carry on the business of insuring factories in British India against war risks in respect of property insurable under this Ordinance.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention continues.

War Risks (Factories) Insurance Fund.

7. (1) The Central Government shall establish a fund for the purposes of this Ordinance to be called the War Risks (Factories) Insurance Fund into which shall be paid all sums received by the Central Government by way of insurance premiums under the Scheme or by way of payments made on composition of offences under section 12, and out of which shall be paid all sums required for the discharge by the Central Government of any of its liabilities under the Scheme, or for payments by the Central Government under section 9, or for the payment by the Central Government of the remuneration and expenses of agents employed for the purposes of the Scheme.

(2) If at any time when a payment is to be made out of the Fund the sum standing to the credit of the Fund is less than the sum required for the making of that payment, an amount equal to the deficiency shall be paid into the Fund as an advance out of general revenues.

(3) If at any time the amount standing to the credit of the Fund exceeds the sum which, in the opinion of the Central Government, is likely to be required for the making of payments out of the Fund, the excess shall be paid into general revenues.

(4) The Central Government shall prepare in such form and manner as may be prescribed and shall publish either annually, or at such shorter intervals as may be prescribed, an account of all sums received into and paid out of the Fund.

Power of Central Government to obtain information.

8. (1) Any person authorized in this behalf by the Central Government may, for the purpose of ascertaining whether or not the owner or occupier of a factory has taken out a policy of insurance as required by this

Ordinance

Ordinance in respect of all property insurable under this Ordinance which appertains to the factory, or for the purpose of investigating the insurable value of such property, or for the purpose of estimating the damage suffered by such property,—

- (a) require the owner or occupier of a factory to submit to him such accounts, books or other documents or to furnish to him such information as he may reasonably think necessary, or
- (b) at any reasonable time enter any premises or upon any property appertaining to a factory, inspect such premises or property, and require any person found therein or thereon, whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary.

(2) Whoever wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with any request made thereunder shall, in respect of each occasion on which any such obstruction or failure takes place, be punishable with fine which may extend to one thousand rupees.

(3) Whoever, in purporting to comply with his obligations under this section, knowingly or recklessly makes a statement false in a material particular, shall be punishable with fine which may extend to one thousand rupees.

9. Where the Central Government requires the owner of a factory to remove the factory and to reconstruct it in another locality, the Central Government shall make to such owner out of the Fund such payments, in addition to any sum payable under the policy of insurance, as it considers sufficient to defray the cost of the removal and, if necessary, the replacement of any part of the property in respect of which no compensation is payable.

Payments towards cost of removal and reconstruction of factory.

10. Any instalment of premium due on a policy of insurance issued under the Scheme may be recovered as an arrear of land-revenue.

Recovery of arrears of premium instalments.

11. No prosecution for any offence punishable under this Ordinance shall be instituted against any person except by or with the consent of the Central Government or an authority authorized in this behalf by the Central Government.

Limitation of prosecutions.

12. Any offence punishable under sub-section (4) of section 5 may, either before or after the institution of the prosecution, be compounded by the Central Government, or by any authority authorized in this behalf by the Central Government, on payment for credit to the Fund of such sum as the Central Government or such authority, as the case may be, thinks fit.

Composition of offences.

13. No

7

War Risks (Factories) Insurance. [ORD. XII

Bar of legal
Proceedings.

13. No suit, prosecutions or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

Power to
exempt
factories.

14. The Central Government may, by notification in the official Gazette, exempt any factory or any description of factories or any premises including the precincts thereof which have at any time after the 31st day of December, 1938, been a factory as defined in clause (j) of section 2 of the Factories Act, 1934, from the provisions of section 5 and may by order declare that any factory or any description of factories so exempted may, if the owner so wishes, be insured under the Scheme. XXV of 1934.

Power to make
rules.

15. (1) The Central Government may, by notification in the official Gazette, make rules to carry into effect the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the method of ascertaining the value of property for the purposes of insurance under this Ordinance ;
- (b) prescribe the plant and machinery other than plant and machinery in the factory which shall be properly insurable under this Act ;
- (c) prescribe the risks which shall be deemed to be war risks for the purposes of clause (k) of section 2 ;
- (d) prescribe the forms of the policies of insurance referred to in clause (c) of sub-section (4) of section 3 and the period in respect of which such policies shall be issued ;
- (e) prescribe the associations referred to in clause (a) of the proviso to section 4 ;
- (f) prescribe the form of and the manner of preparing the account referred to in sub-section (4) of section 7.

Power of
Central
Government
to extend
Ordinance
and Scheme
to certain
insurance
projects.

16. (1) The Central Government may, by notification in the official Gazette, declare that the provisions of this Ordinance and of the Scheme made thereunder shall apply to the insuring against war risks of—

- (a) the machinery above ground appertaining to mines, as defined in the Indian Mines Act, 1923,
- (b) the distribution systems of gas supply undertakings, or
- (c) the whole or a specified part of the distribution and transmission systems, sub-stations, switch houses and transformer houses of electric supply undertakings generally, or of specified electric supply undertakings,

IV of 1923.

of 1942.] *War Risks (Factories) Insurance.*

as they apply to property insurable under this Ordinance which appertains to a factory.

(2) In interpreting this Ordinance as applied by a notification under clause (a) of sub-section (1) to mines, references to the owner of a factory shall be read as references to the owner or agent of a mine as defined in the Indian Mines Act, 1923, and references to the occupier of a factory shall be read as references to the manager of a mine for the purposes of the Indian Mines Act, 1923.

IV of 1923.

IV of 1923.

LINLITHGOW,
Viceroy and Governor General.

Repealed by Act 2 of 1948

ORDINANCE No. XIII of 1942.

An Ordinance to constitute a women's auxiliary corps for service in India as part of His Majesty's Military Forces.

(Published in the Gazette of India Extraordinary, dated the 9th April, 1942.)

WHEREAS an emergency has arisen which makes it necessary to constitute a women's auxiliary corps for service in India as part of His Majesty's Military Forces, and to provide for the organization and discipline thereof;

28 Geo. 5, c. 2. NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Women's Auxiliary Corps Ordinance, 1942. Short title, extent and application.

(2) It extends to the whole of British India and applies to British subjects in any part of India, and to members of the Women's Auxiliary Corps, India, wherever they may be.

2. In this Ordinance, unless there is anything repugnant in the subject or context,— Definitions.

- (a) "the Corps" means the Women's Auxiliary Corps, India, constituted under section 3;
- (b) "enrolled" means enrolled under this Ordinance;
- (c) "prescribed" means prescribed by rules made under this Ordinance;
- (d) "regulations" means regulations made under section 11.

3. There shall be raised and maintained in the manner hereinafter provided an auxiliary force for service in India to be designated the Women's Auxiliary Corps, India. Constitution of Women's Auxiliary Corps.

4. Any British subject or any subject of an Indian State, if a woman and above the age of eighteen, shall be eligible to be enrolled in the Corps, and, if she satisfies the prescribed conditions, may be enrolled therein in such manner and for such period as may be laid down by regulations, and thereupon shall become subject to the provisions of this Ordinance. Enrolment.

5. (1) There

Price anna 1 or 1½d.

Women's Auxiliary Corps. [ORD. XIII OF 1942.]

Personnel of
the Corps and
appointment
of officers.

5. (1) There shall be the following classes of personnel in the Corps, namely:—

- (a) officers, and
- (b) enrolled persons.

(2) Officers shall be appointed by the Central Government, by notification in the official Gazette.

(3) Enrolled persons may be promoted to warrant and non-commissioned rank in accordance with the regulations.

Liability to
serve.

6. Every enrolled person shall be bound to serve until she is discharged from the Corps, and shall be subject to all rules and regulations that may be made under this Ordinance relating to the Corps.

Dismissal from
Corps.

7. The Commander-in-Chief of His Majesty's Forces in India or any authority empowered by him in this behalf may dismiss any enrolled person from the Corps.

Liability to
undergo
training and
perform duties.

8. Every enrolled person shall be bound to undergo such training and in such manner and shall be bound to perform such duties in connection with His Majesty's Military Forces in India as may be laid down by regulations.

Application of
Army Act.

9. The Army Act shall, to such extent and subject to such adaptations and modifications as may be prescribed, apply to officers of, and other persons enrolled in, the Corps as they apply to officers of the regular forces and men of the regular forces, respectively.

Power to make
rules.

10. (1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made under this section—

- (a) for the medical examination of persons offering themselves for enrolment under section 4;
- (b) prescribing the conditions governing the grant of, and the rates of pay for, and providing for the grant of allowances to, enrolled persons;
- (c) providing for any other matter which under this Ordinance is to be or may be prescribed.

Power to make
Regulations.

11. The Commander-in-Chief of His Majesty's Forces in India may make regulations consistent with this Ordinance and the rules made thereunder providing for all matters to be laid down by regulations, and generally for all details connected with the organization and personnel of the Corps, and for the enrolment, discharge, duties, training, clothing, equipment, allowances and leave of persons enrolled.

LINLITHGOW,

Viceroy and Governor General.

Repealed by ord 107/1946

ORDINANCE NO. XIV OF 1942.

An Ordinance further to amend the War Risks
(Goods) Insurance Ordinance, 1940.

(Published in the Gazette of India Extraordinary, dated
the 11th April, 1942.)

WHEREAS an emergency has arisen which makes
it necessary further to amend the War Risks
(Goods) Insurance Ordinance, 1940, for the purposes
hereinafter appearing ;

IX of 1940.

Now, THEREFORE, in exercise of the powers con-
ferred by section 72 of the Government of India Act,
as set out in the Ninth Schedule to the Government
of India Act, 1935, the Governor General is pleased to
make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

1. (1) This Ordinance may be called the War
Risks (Goods) Insurance (Amendment) Ordinance,
1942.

Short title and
commence-
ment.

(2) It shall come into force at once.

2. In section 2 of the War Risks (Goods) Insurance
Ordinance, 1940 (hereinafter referred to as the said
Ordinance), after sub-clause (iv) of clause (c) the fol-
lowing sub-clause shall be inserted, namely :—

Amendment
of section 2,
Ordinance IX
of 1940;

IX of 1940.

“(v) precautionary or preparatory measures taken
under proper authority with a view to denying
facilities to an enemy, being measures involv-
ing a substantial degree of damage to or
diminution of the value of property”.

3. In section 3 of the said Ordinance,—

Amendment of
section 3,
Ordinance IX
of 1940.

(a) in sub-section (1),—

(i) in clause (a), after the words “all goods
situated in British India” the words “or
in that part of the territory of the State
of Cochin which lies within the port limits
of the Port of Cochin and the municipal
limits of the Municipal Committees of
Ernakulam and Muttancheri” shall be
inserted ;

(ii) in clause (b), after the words “being goods
situated in British India” the words “or
in that part of the territory of the State of
Cochin which lies within the port limits of

the
1

Price anna 1 or 1½d.

War Risks (Goods) Insurance [ORD. XIV OF 1942.]
(Amendment).

the Port of Cochin and the municipal limits of the Municipal Committees of Ernakulam and Muttancheri" shall be added;

- (b) in sub-section (2), after the words "situated in British India" the words, brackets and figure "or in that part of the territory of the State of Cochin referred to in sub-section (1)" shall be inserted.

Amendment of section 5, Ordinance IX of 1940.

4. In sub-clauses (i) and (ii) of clause (b) of sub-section (1A) of section 5 of the said Ordinance, after the words "situated in British India" the words, brackets and figures "or in that part of the territory of the State of Cochin referred to in sub-section (1) of section 3" shall be inserted.

Insertion of new section 5A in Ordinance IX of 1940.

5. After section 5 of the said Ordinance the following section shall be inserted, namely:—

Effect of change of rate of premium.

"5A. Where the rate of premium prescribed for the purposes of clause (b) of sub-section (2) of section 5 in respect of the period fixed for the purposes of clause (a) of that sub-section is altered, the rate as so altered shall be the rate applicable to all policies under which premiums are payable in respect of that period, notwithstanding that policies may have been issued on payment of premium at the rate in force before the alteration; and any policy issued on payment of premium at the rate in force before the alteration shall, when the rate has been increased by the alteration, cease to be valid on such date as may be fixed in this behalf by the Central Government unless before such date any deficiency in the amount paid as premium is made good by the policyholder."

Amendment of section 14, Ordinance IX of 1940.

6. In clause (b) of sub-section (2) of section 14 of the said Ordinance, for the words "maximum amount" the words "minimum amount" shall be substituted.

LINLITHGOW,
Viceroy and Governor General.

Repealed by Act 2 of 1948

ORDINANCE No. XV OF 1942.

An Ordinance temporarily to amend the Prisoners Act,
1900.

(Published in the Gazette of India Extraordinary,
dated the 21st April, 1942.)

III of 1900. **W**HEREAS an emergency has arisen which makes it necessary temporarily to amend the Prisoners Act, 1900, for the purpose hereinafter appearing;

26 Geo. 5, c. 2. Now, **THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Prisoners (Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

III of 1900. 2. For so long as this Ordinance remains in force sub-section (1) of section 29 of the Prisoners Act, 1900, shall have effect as if at the end of the sub-section the following words were added, namely:— Amendment of section 29 (1), Act III of 1900.

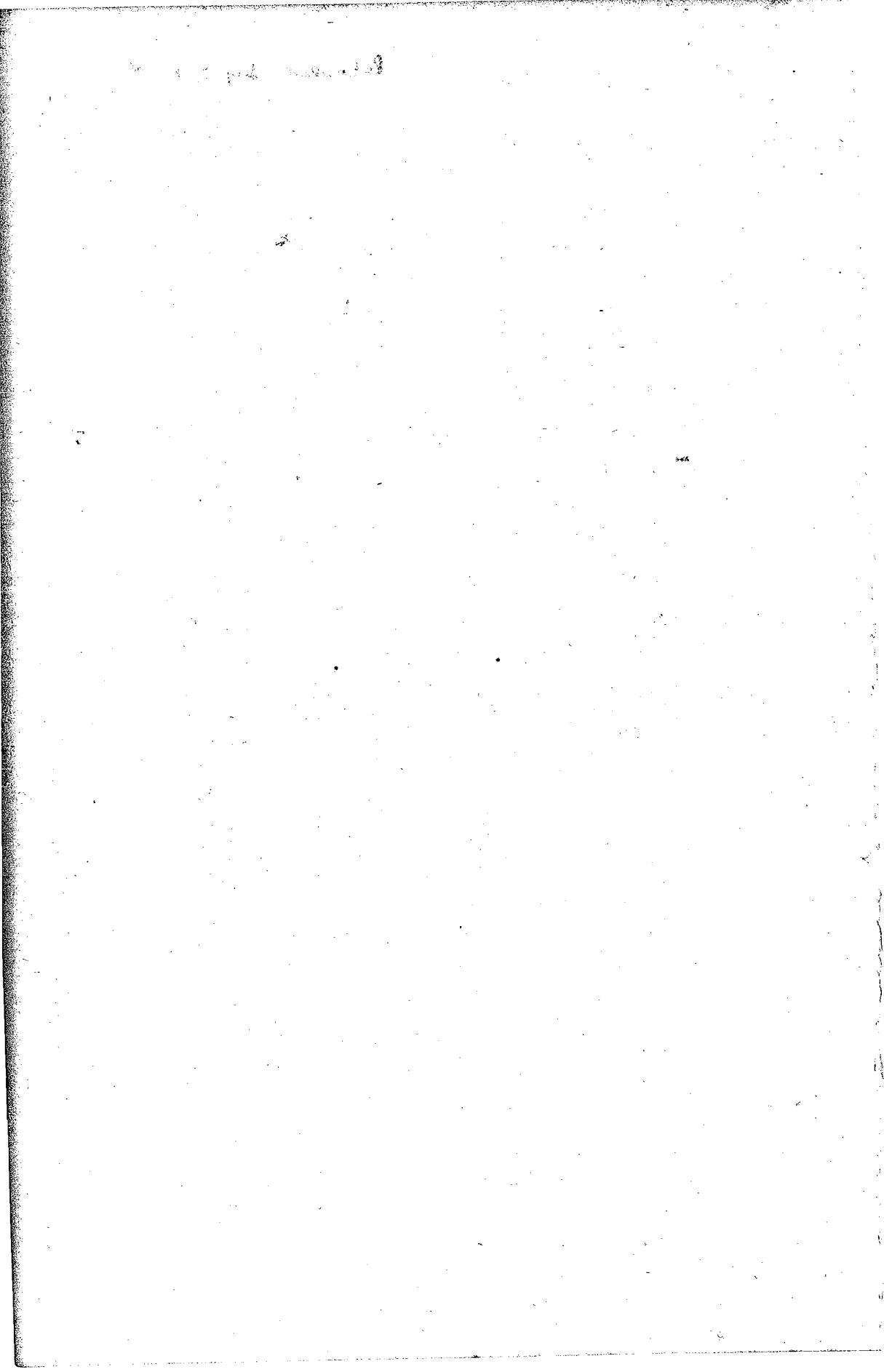
“ or, with the consent of the Crown Representative, to any prison maintained by him or under his authority in any part of India ”.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—S1--116LD--28.5.42--1,600

1944



Repealed by Ord 1746

ORDINANCE No. XVI OF 1942.

An Ordinance to apply the Registration of Foreigners Act, 1939, to certain persons to whom that Act does not at present apply.

(Published in the Gazette of India Extraordinary, dated the 21st April, 1942.)

WHEREAS an emergency has arisen which makes it necessary to apply the Registration of Foreigners Act, 1939, to certain persons to whom that Act does not at present apply;

XVI of 1939.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

26 Geo. 5, c. 2.

1. (1) This Ordinance may be called the Registration of Foreigners Act (Extending) Ordinance, 1942.

Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. The provisions of the Registration of Foreigners Act, 1939, and of the rules and orders made thereunder shall apply to and in relation to any person who was at birth a subject of any State in Europe excluding His Majesty's dominions in Europe, or a Japanese, Chinese or Thai subject, as they apply to and in relation to foreigners as defined for the purposes of that Act.

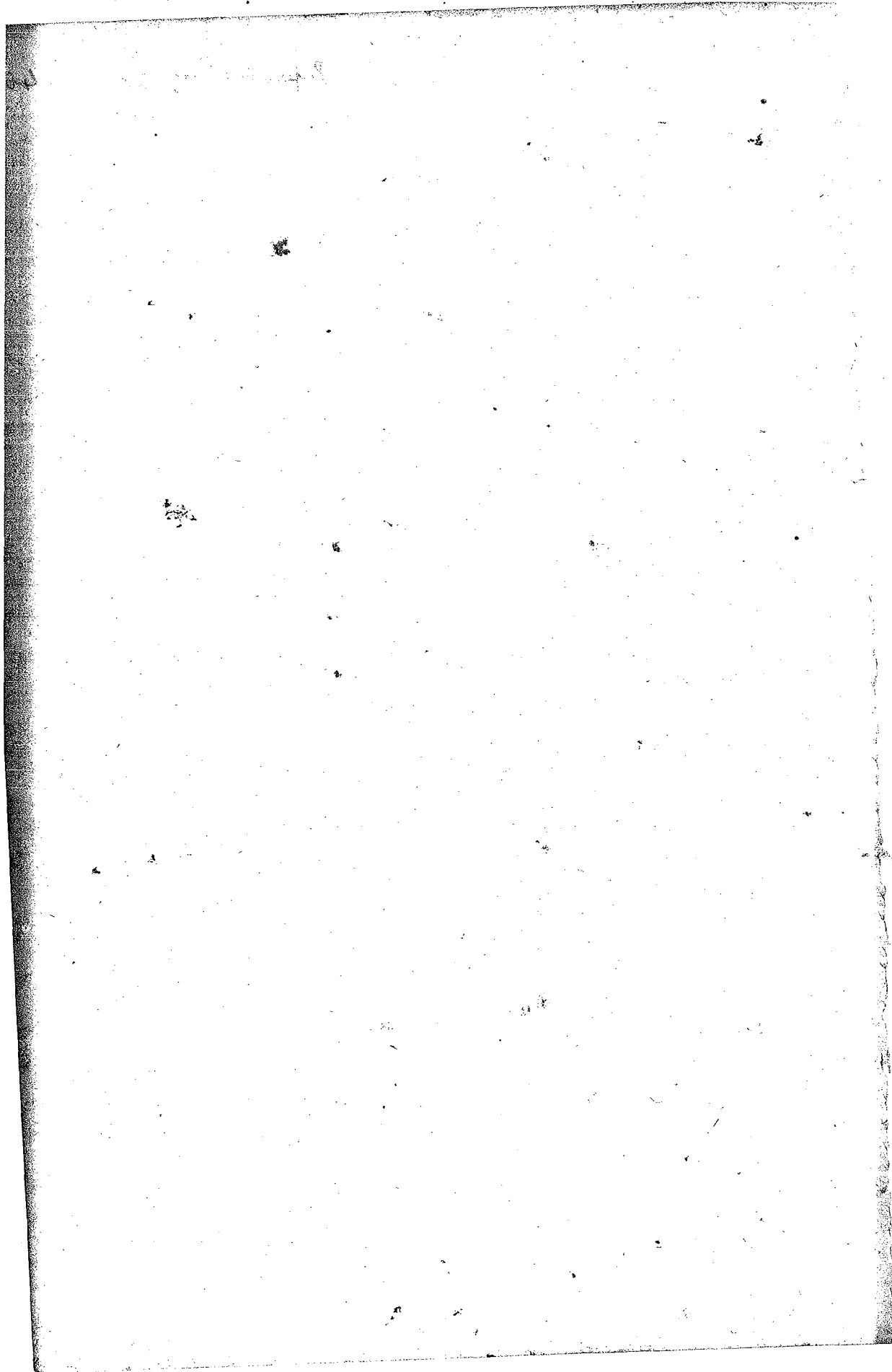
XVI of 1939.

Application of Act XVI of 1939 to certain persons.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½.

GIPD—S1—117 LD —28.5.42—1,900



Rep. by ord 30 of 1942

ORDINANCE No. XVII OF 1942.

An Ordinance to apply the provisions of the United Provinces Special Armed Constabulary Act, 1942, to members of the United Provinces Special Armed Constabulary constituted under that Act when serving outside the United Provinces.

(Published in the Gazette of India Extraordinary, dated the 21st April, 1942.)

WHEREAS an emergency has arisen which makes it necessary to apply the provisions of the United Provinces Special Armed Constabulary Act, 1942, to members of the United Provinces Special Armed Constabulary constituted under that Act when serving outside the United Provinces ;

U. P. Act V of 1942.

26 Geo. 5, c. 2.

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the United Provinces Special Armed Constabulary Act (Extension) Ordinance, 1942.

Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

U. P. Act V of 1942.

2. The provisions of the United Provinces Special Armed Constabulary Act, 1942, shall apply to and in relation to members of the United Provinces Special Armed Constabulary constituted under that Act when serving in any Province other than the United Provinces as they apply to and in relation to members of the said Constabulary within the United Provinces.

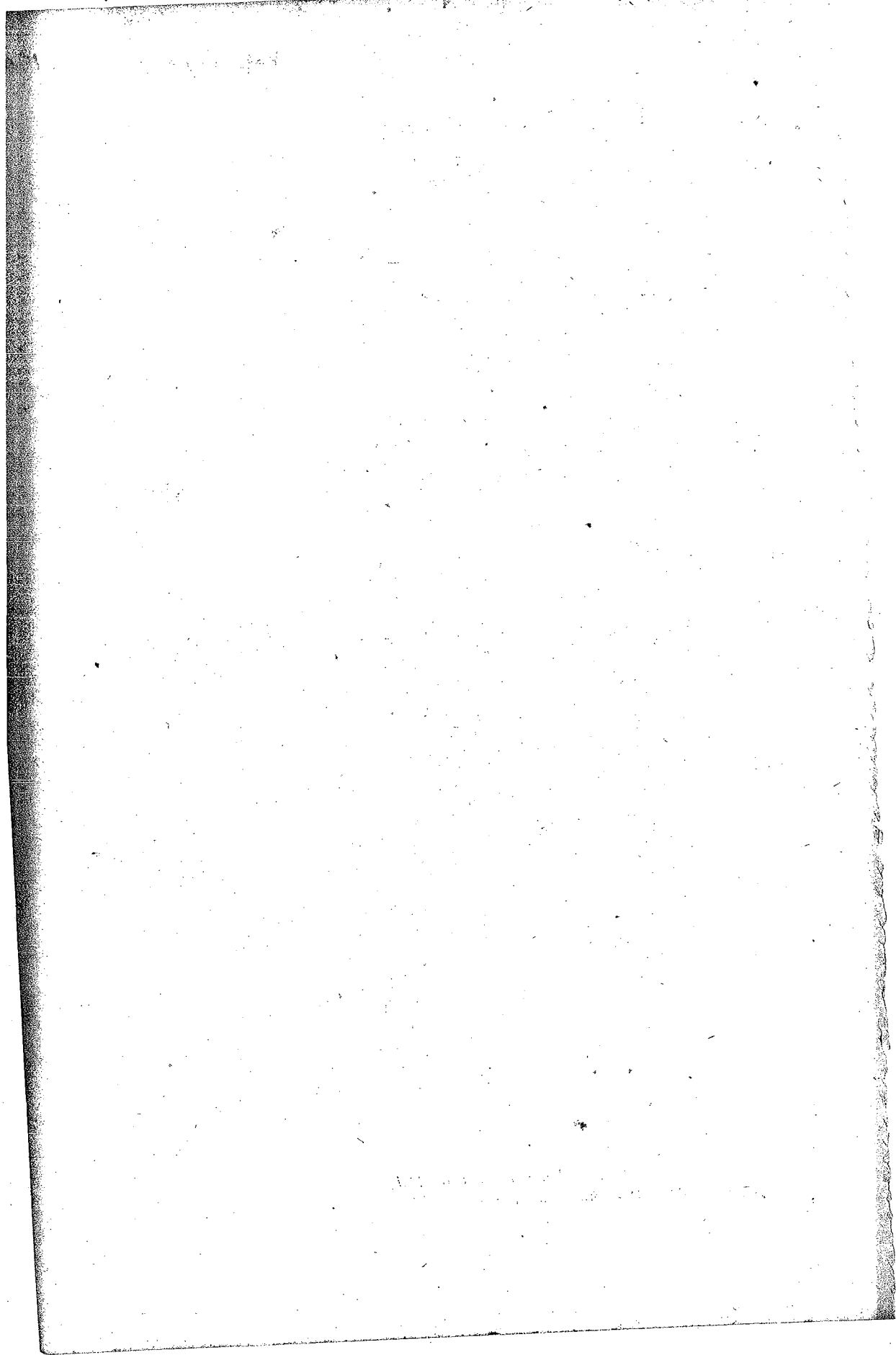
Application of U. P. Act V of 1942 to members of the United Provinces Special Armed Constabulary serving outside the United Provinces.

LINLITHGOW,

Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD--S1--118 LD --28-5-42--1,600.



Repealed by Ord 1 of 1946

ORDINANCE No. XVIII OF 1942.

An Ordinance further to amend the Indian Army Act, 1911.

(Published in the Gazette of India Extraordinary, dated the 5th May, 1942.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Army Act, 1911, for the purpose hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Indian Army (Amendment) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

2. In section 78 of the Indian Army Act, 1911, after the word "district" the words "or summary general" shall be inserted.

Amendment of section 78, Act VIII of 1911.

LINLITHGOW,
Viceroy and Governor General.

* Price Anna 1 or 1½.

GIPD—SI—219 LD—12-6-42—2,000.

1870

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

CHICAGO, ILL.

Repealed by Ord 1 of 1946

ORDINANCE No. XIX of 1942

An Ordinance further to amend the War Risks (Goods) Insurance Ordinance, 1940.

(Published in the Gazette of India Extraordinary, dated the 13th May, 1942.)

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Goods) Insurance Ordinance, 1940, for the purposes hereinafter appearing ;

IX of 1940.

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

1. (1) This Ordinance may be called the War Risks (Goods) Insurance (Second Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In section 5 of the War Risks (Goods) Insurance Ordinance, 1940,— Amendment of section 5, Ord. IX of 1940.

IX of 1940

(a) to sub-section (1A) the following clause shall be added, namely :—

“(c) to the undertaking by the Central Government in relation to a person carrying on any business in British India of the liability of insuring such person against war risks in respect of any goods situated in British India or in that part of the territory of the State of Cochin referred to in sub-section (1) of section 3, which, having been sold in British India for export from British India, are in his possession for the purpose of being shipped out of India, and are goods which were prior to such sale insurable under this Ordinance in relation to the person by whom they were then owned.”;

(b) after
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Price Anna 1 or 1½d.

War Risks (Goods) Insurance [ORD. XIX OF 1942.]
(*Second Amendment*).

(b) after sub-section (IA) the following sub-section shall be inserted, namely:—

“(1B) The War Risks (Goods) Insurance Scheme may also extend to the undertaking by the Central Government in relation to a Provincial Government of the liability of insuring the Provincial Government in such special cases as it thinks fit against war risks in respect of goods for the time being owned by the Provincial Government which are goods that would be goods insurable under this Ordinance if the Provincial Government were a person carrying on business in British India as a seller of goods of that description.”

LINLITHGOW,

Viceroy and Governor General.

ORDINANCE No. XX OF 1942

An Ordinance to provide for the imposition of collective fines.

(Published in the Gazette of India Extraordinary, dated the 13th May, 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for the imposition of collective fines in connection with offences prejudicially affecting the defence of ³British India ~~or the efficient prosecution of war~~;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

- 26 Geo. 5, c. 2.
- (1) This Ordinance may be called the Collective Fines Ordinance, 1942. Short title, extent and commencement. *Call the Provinces of India 3*
 - (2) It extends to ~~the whole of British India~~. *(the whole of India except Part B States) 4*
 - (3) It shall come into force at once.

2. In this Ordinance,—

Interpretation.

(a) "District Magistrate" means in a Presidency-town, and within the limits of the tract defined by notification under section 1 of the Calcutta Suburban Police Act, 1866, as the limits to which the operation of that Act is confined, the Commissioner of Police;

Ben. Act II of 1866.

4 State 3

(b) "Provincial Government" means in relation to a ~~Chief Commissioner's Province~~ the Chief Commissioner. *[Part C State] 4*

3. (1) If it appears to the Provincial Government that the inhabitants of any area are concerned in or abetting the commission of offences prejudicially affecting the defence of ³British India ~~or the efficient prosecution of war~~, or are harbouring persons concerned in the commission of such offences, or are failing to render all the assistance in their power to discover or apprehend the offender or offenders, or are suppressing material evidence of the commission of such offences, the Provincial Government may, by notification in the official Gazette, impose a collective fine on the inhabitants of that area. Imposition of collective fines on inhabitants of area. *[State] 4*

(2) The

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Price Anna 1 or 1½d.

1. Subs. by old. 43 of 1942.
2. Am. by S. 2 of old. 49 of 1942.
3. Subs. by A.O. 1948.
4. Subs. by A.O. 1950.

(2) The Provincial Government ^(State) may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

~~(4) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.~~

Explanation.—For the purposes of this section the expression "inhabitants of an area" includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

LINLITHGOW,

Viceroy and Governor General.

1. Ins. & omitted by S. 2 of Ord. 49 of 1942.
2. Subs. by S. 2 of Ord. 63 of 1942.
3. Added by S. 2 of Ord. 5 of 1943.
4. Subs. by A.O. 1950.

Repealed by Ord 1 of 1946

ORDINANCE No. XXI OF 1942

An Ordinance to provide for the constitution of Air Raid Precautions Services for railways.

(Published in the Gazette of India Extraordinary, dated the 16th May, 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for the constitution of Air Raid Precaution Services for railways to carry out measures for the protection of persons and property against hostile attack whether from the air or otherwise;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Railway Air Raid Precautions Services Ordinance, 1942.

Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "railway", "railway administration" and "railway servant" have the meanings assigned to those expressions in the Indian Railways Act, 1890;

(b) "railway area" means any area owned, leased, rented or otherwise occupied for the purposes of or in connection with a railway.

3. (1) Any railway administration may constitute for any railway area under its control a body to be called a Railway Air Raid Precautions Service, and may appoint a person, hereinafter called the Controller, to command such body in the area for which it has been constituted.

Constitution of Railway Air Raid Precautions Services.

(2) A railway administration may include within the area for which a Railway Air Raid Precautions Service is so constituted such other areas, not being

railway

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Price anna 1 or 1½d.

Railway Air Raid Precautions Services. [ORD. XXI

railway areas, as may be agreed upon in this behalf between the Provincial Government and the railway administration.

Appointment
as members
of and
release
from Air
Raid
Precautions
Service.

4. (1) The railway administration, or an authority authorised in this behalf by the railway administration, may appoint as members of a Railway Air Raid Precautions Service—

(a) so many of the railway servants employed by the railway administration as it or such authority, as the case may be, considers necessary for the efficient working of the Service, and

(b) persons not being railway servants, who offer themselves voluntarily for such appointment.

(2) Every person appointed as a member of a Railway Air Raid Precautions Service shall be given a certificate of membership in such form as may be prescribed.

(3) A railway servant or other person appointed as a member of a Railway Air Raid Precautions Service may be released therefrom at any time by the authority by which he was appointed.

Liability
of
members
to serve
until
released.

5. Every person appointed as a member of a Railway Air Raid Precautions Service shall be bound to serve in such Service and to perform the duties laid down in or prescribed under this Ordinance for members of such Service until his release therefrom as provided in sub-section (3) of section 4, and shall while so serving be subject to the provisions of any rules made under section 12.

Appointment
to offices of
command.

6. The Controller of a Railway Air Raid Precautions Service may appoint any member of the Service to any office of command in the Service.

Functions of
members of
Railway
Air Raid
precautions
services.

7. (1) The members of a Railway Air Raid Precautions Service shall perform such functions in relation to the carrying out of measures for the protection of persons and property against hostile attack as may be assigned to them by or under this Ordinance or any other law for the time being in force.

(2) The Controller, or any person authorised in this behalf by the Controller or by the railway administration, may at any time call out a member of a

Railway

of 1942.] *Railway Air Raid Precautions Services.*

Railway Air Raid Precautions Service to undergo training or to discharge any duty laid down in or prescribed under this Ordinance for members of the Service:

Provided that the total period of time during which a member of a Railway Air Raid Precautions Service who is a railway servant may be so required to undergo training and discharge duties under this Ordinance shall not exceed forty-eight hours in any one month in addition to his normal hours of railway duty.

XXV of 1934. (3) Nothing contained in the Factories Act, 1934, or in the Railway Servants' Hours of Employment Regulations limiting the hours of work of railway servants shall operate to affect the liability imposed on railway servants by sub-section (2).

8. The Railway Disciplinary Rules shall apply to a member of a Railway Air Raid Precautions Service who is a railway servant while he is undergoing training or discharging duties under this Ordinance whether when called out under sub-section (2) of section 7 or otherwise, in the same manner as they apply to him in respect of his ordinary duties as a railway servant.

Application of the Railway Disciplinary Rules.

9. If any member of a Railway Air Raid Precautions Service when called out under sub-section (2) of section 7 without sufficient excuse neglects or refuses to obey such order or to discharge any duty laid down in or prescribed under this Ordinance for members of the Service, or at any time neglects or refuses to obey any lawful order or direction given to him for the performance of his duties under this Ordinance, or commits a breach of any rule of discipline made under section 12, he shall, unless he is dealt with under the Railway Disciplinary Rules, be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

Penalty for breach of duty.

10. No prosecution for any offence punishable under section 9 shall be instituted against any person except with the previous sanction of the railway administration by which the Railway Air Raid Precautions Service of which such person is a member was constituted.

Sanction of prosecutions.

11. No suit, prosecution or other legal proceeding shall lie against the Controller or any member of a Railway Air Raid Precautions Service for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

Bar of legal proceedings.

12. The Central

*Railway Air Raid Precautions [ORD. XXI OF 1942.]
Services.*

Rule-
making
power.

12. The Central Government may make rules consistent with this Ordinance,—

- (a) prescribing the duties of members of Railway Air Raid Precautions Services and regulating the manner in which they may be called out for training or the discharge of their duties;
- (b) regulating the organisation, appointment, conditions of service, discipline, accoutrements and clothing of members of any or all Railway Air Raid Precautions Services;
- (c) prescribing the form of certificates of membership of any or all Railway Air Raid Precautions Services;
- (d) generally for giving effect to the provisions of this Ordinance.

HINLITHGOW,

Viceroy and Governor General.

Repealed by Act 2 of 1948

ORDINANCE No. XXII OF 1942.

An Ordinance to provide for the exercise by an officer appointed by the Central Government of certain powers and functions vested in the Commander-in-Chief of His Majesty's Forces in India.

(Published in the Gazette of India Extraordinary, dated the 22nd May, 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for the exercise by an officer appointed by the Central Government of certain powers and functions vested in the Commander-in-Chief of His Majesty's Forces in India ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Deputy Commander-in-Chief (Powers) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

2. Any officer appointed to be Deputy Commander-in-Chief of His Majesty's Forces in India may exercise any of the powers and functions vested in the Commander-in-Chief of His Majesty's Forces in India by or under the Army Act or by or under any Indian law for the time being in force.

Powers of Deputy Commander-in-Chief.

44 & 45 Vict.,
c. 58.

LINLITHGOW,

Viceroy and Governor General.

Price Anna 1 or 1½d.

GIPD—S1—301 LD—26-6-42—1,690.

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Repealed by Ord 105/1946

ORDINANCE No. XXIII OF 1942.

An Ordinance further to amend the Defence of India Act, 1939.

(Published in the Gazette of India Extraordinary, dated the 22nd May, 1942.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939, for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Defence of India (Amendment) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

2. In clause (xiv) of sub-section (2) of section 2 of the Defence of India Act, 1939 (hereinafter referred to as the said Act), the words "used or likely to be used by the Central Government" shall be omitted.

Amendment of section 2, Act XXXV of 1939.

3. In section 6 of the said Act,—

Amendment of section 6, Act XXXV of 1939.

(a) after clause (2) the following clause shall be inserted, namely:—

"(2A) Section 12 of the Indian Official Secrets Act, 1923, shall have effect as if after clause (a) the following clause had been inserted, namely:—

'(aa) an offence under section 5 shall be a cognizable and non-bailable offence'; "

(b) in clause (5) for the words beginning with "the Indian Navy (Discipline) Act, 1934" and ending with the word "namely" the following shall be substituted, namely:—

"the Indian Navy (Discipline) Act, 1934, shall have effect as if in the Naval Discipline Act as set forth in the First Schedule to that Act—

(a) in section 58, in regulations (1) and (16) for the word 'five' the word

'three'

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Price Anna 1 or 1½d.

XXXV of 1939.

26 Geo. 5, c. 2.

XXXV of 1939.

XIX of 1923.

XXXIV of 1934.

XXXIV of 1934.

'three', in regulation (7) for the words 'the president is a captain' the words 'the president is a commander', and in regulation (15) for the word 'four' the word 'two' had been substituted;

(b) for section 90 the following section had been substituted, namely :—”;

(c) after clause (5) the following clause shall be added, namely —

“(6) the Motor Vehicles Act, 1939, shall have IV of 1939. effect subject to the following modifications, namely :—

(a) Notwithstanding anything contained in section 62 of that Act a permit under that section may be granted, and shall be granted in any case in which the Provincial Government so directs, to be effective for a period exceeding four months ;

(b) Notwithstanding anything contained in Chapter IV of that Act, but without prejudice to the provisions of section 60, the transport authority which granted a permit may at any time cancel the permit or may suspend it for such period as it thinks fit, if in the opinion of the transport authority it is no longer in the public interest that the service should continue and the vehicle or vehicles covered by the permit can be more usefully employed elsewhere ; and the transport authority shall cancel or suspend a permit issued by it if so required by the Provincial Government ;

(c) If in any particular case the Provincial Government thinks fit so to order, the authority empowered to grant a permit under Chapter IV of that Act shall not, in deciding to grant or refuse a permit, be bound to take into consideration representations made by any person, authority or association other than the applicant, or to follow the procedure laid down in section

57, and

Defence of India (Amendment).

57, and may accept an application for a stage carriage permit or a public carrier's permit though made less than six weeks before the date on which it is desired that the permit shall have effect ;

- (d) The Provincial Government may exempt from all or any of the provisions of Chapter IV of that Act all or any transport vehicles used or required for use in connection with work considered by the Provincial Government to be work connected with the defence of British India or the prosecution of war. ”

4. For section 18 of the said Act the following section shall be substituted, namely :—

Substitution of new section 18 for existing section 18 in Act XXXV of 1939.

“ 18. When any members of the military or police forces of an Indian State or any members of a police force constituted under the authority of the Crown Representative are, with the authority of the Central or a Provincial Government, employed in British India on military or police duties, then—

Powers and functions and legal protection of Indian State military and police forces and of Crown Representative's police force when employed on military or police duties in British India.

- (a) sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, shall apply to officers, non-commissioned officers and men of an Indian State military force when so employed as if they were officers, non-commissioned officers and soldiers respectively of His Majesty's Army ;

- (b) any provision of law for the time being in force which invests a police officer in British India with any status, power or function shall operate to invest a police officer of equivalent rank in an Indian State police force or in a police force constituted under the authority of the Crown Representative when so employed with the like status, power or function ; and for the purposes of the Code of Criminal Procedure, 1898, an officer in any such force not below the rank equivalent to that of a sub-inspector of police in British India shall be deemed to be an officer in charge of a police station ;

(c) any

Defence of India (Amendment). [ORD. XXIII OF 1942.]

- (c) any provision of law for the time being in force which gives protection, whether specifically or otherwise, to members of His Majesty's military forces or of the police forces in British India from or in respect of any prosecution or other legal proceedings or from or in respect of any other liability shall apply also to members of an Indian State military force and to members of an Indian State police force or a police force constituted under the authority of the Crown Representative when so employed."

LINLITHGOW,

Viceroy and Governor General.

Repealed by Ord 1 of 1946

ORDINANCE No. XXIV OF 1942.

An Ordinance to amend the Special Criminal Courts Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated the 22nd May, 1942.)

II of 1942. **W**HEREAS an emergency has arisen which makes it necessary to amend the Special Criminal Courts Ordinance, 1942, for the purpose hereinafter appearing ;

26 Geo. 5, c. 2. **N**OW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Special Criminal Courts (Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

II of 1942. 2. After section 24 of the Special Criminal Courts Ordinance, 1942, the following section shall be inserted, Insertion of new section 24A in Ord. II of 1942. namely :—

“ 24A. Notwithstanding anything contained in the Code no person accused in a trial before a Court constituted under this Ordinance of a non-bailable offence shall be released on bail or on his own bond unless— Special provision regarding bail.

(a) the prosecution has been given an opportunity to oppose the application for such release, and

(b) the Court is satisfied that there are reasonable grounds for believing that he is not guilty of the offence,

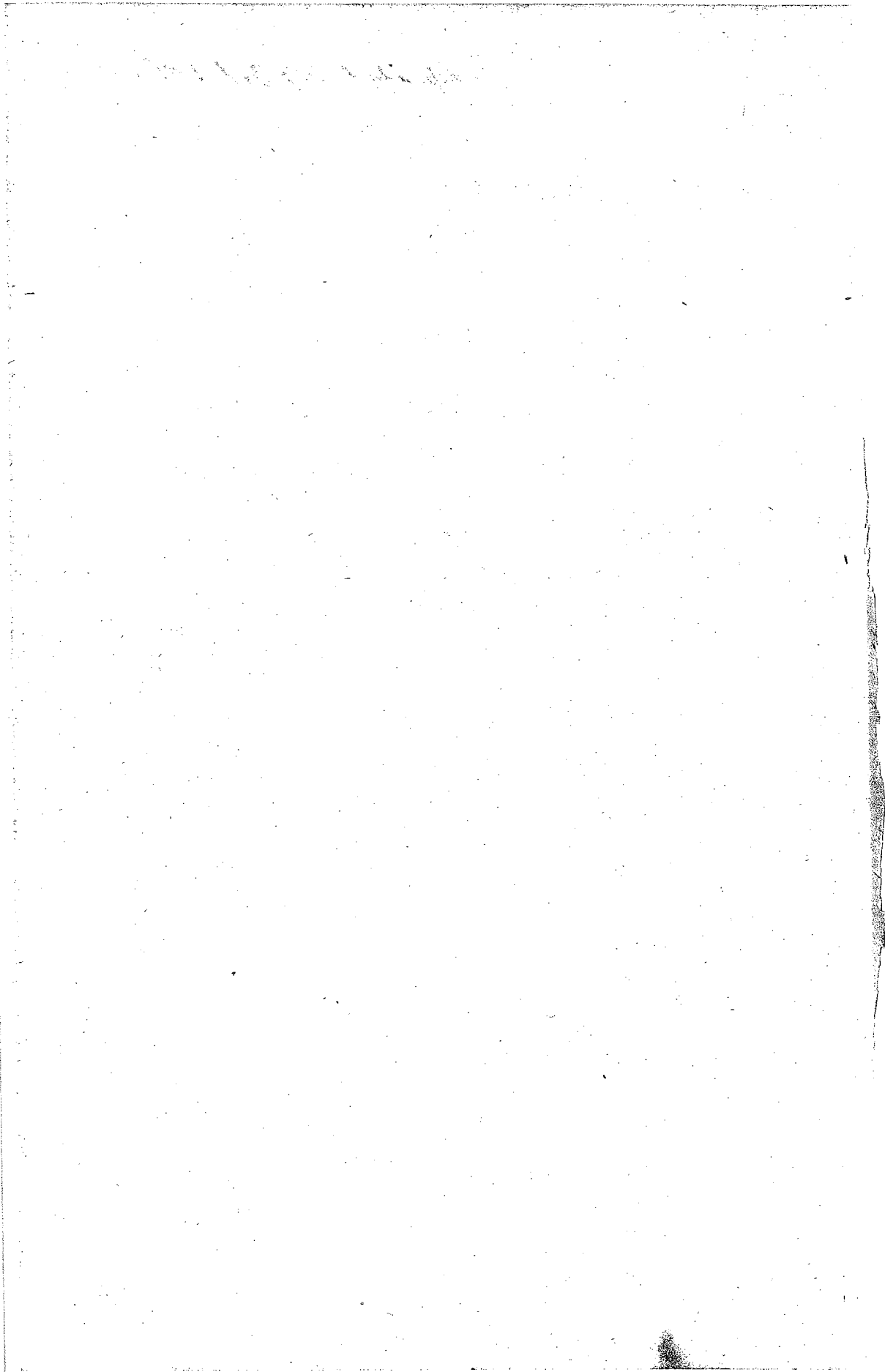
and no person who has been sentenced by a Court constituted under this Ordinance to a term of imprisonment for any offence whether bailable or non-bailable shall be released on bail pending any appeal by him.”

LINLITHGOW,

Viceroy and Governor General.

Price Anna 1 or 1½d.

GIPD—S1—303 LD—25-6-42—2,600.



Repealed by ord 1 of 1946

ORDINANCE No. XXV OF 1942.

An Ordinance further to amend the Coal Mines Safety (Stowing) Act, 1939.

(Published in the Gazette of India Extraordinary, dated the 22nd May, 1942.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Coal Mines Safety (Stowing) Act, 1939, for the purpose hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Coal Mines Safety (Stowing) Amendment Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In clause (i) of sub-section (2) of section 3 of the Coal Mines Safety (Stowing) Act, 1939, the words " in the service of the Crown " shall be omitted. Amendment of section 3, Act XIX of 1939.

LINLITHGOW,

Viceroy and Governor General.

Price Anna 1 or 1½.

GIPD—S1—304 LD—26-6-42—2,000

1944

Repealed by Ord 1 of 1946

ORDINANCE No. XXVI OF 1942.

An Ordinance to amend the Essential Services (Maintenance) Ordinance, 1941.

(Published in the Gazette of India Extraordinary, dated the 28th May, 1942.)

WHEREAS an emergency has arisen which makes it necessary to amend the Essential Services (Maintenance) Ordinance, 1941, for the purposes hereinafter appearing;

XI of 1941.

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 26 Geo. 5, c. 2 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Essential Services (Maintenance) Amendment Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 4 of the Essential Services (Maintenance) Ordinance, 1941 (hereinafter referred to as the said Ordinance), before the words "In respect of any employment or class of employment" the following words shall be inserted, namely:—

XI of 1941.

Amendment of section 4, Ord. XI of 1941.

"In respect of any employment under the Crown, the Government under which the person or persons concerned are employed or an officer authorized in this behalf by that Government, and"

3. To section 5 of the said Ordinance the following shall be added, namely:—

Amendment of section 5, Ord. XI of 1941.

"*Explanation 1.*—The fact that a person apprehends that by continuing in his employment he will be exposed to increased physical danger is not a reasonable excuse within the meaning of clause (b).

Explanation 2.—A person abandons his employment within the meaning of clause (b) who, notwithstanding that it is an express or implied

term

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Price Anna 1 or 1½d.

Essential Services (Maintenance) [ORD. XXVI OF 1942.]
Amendment.

term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer."

Amendment of
section 6,
Ord. XI
of 1941.

4. In sub-section (I) of section 6 of the said Ordinance the words " with the previous sanction of the Central Government " shall be omitted.

Amendment
of section 7,
Ord. XI
of 1941.

5. To section 7 of the said Ordinance the following sub-section shall be added, namely :—

" (4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence v of 1898, under this Ordinance shall be cognizable."

LINLITHGOW,
Viceroy and Governor General.

Repealed by Ord 1 of 1946

ORDINANCE No. XXVII OF 1942.

An Ordinance further to amend the Auxiliary Force Act, 1920.

(Published in the Gazette of India Extraordinary, dated the 30th May, 1942.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Auxiliary Force Act, 1920, for the purposes hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Auxiliary Force (Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In section 7 of the Auxiliary Force Act, 1920 (hereinafter referred to as the said Act),— Amendment of section 7, Act XLIX of 1920.

(a) the words "the first day of April next following" shall be omitted ;

(b) for the word "eighteen", in both places where it occurs, the word "seventeen" shall be substituted ;

(c) the following sentence shall be added, namely :—

"A person enrolled before the commencement of the Auxiliary Force (Amendment) Ordinance, 1942, shall be liable to perform military service as provided in this section notwithstanding that at the time of his enrolment his liability thereto was to begin only upon the first day of April next following the date on which he attained the age of eighteen years."

3. In section 18 of the said Act,—

(a) to clause (c) the word "or" shall be added ; Amendment of section 18, Act XLIX of 1920.

(b) after

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Price Anna 1 or 1½d.

- (b) after clause (c) the following clause shall be added, namely :—

“(d) when required by an order of the senior military officer present to perform for short periods not exceeding three days in duration at any one time military service which in the opinion of such officer is essential.”

Amendment of section 19, Act XLIX of 1920.

4. In section 19 of the said Act, after the words, brackets and letter “(b)” the words, brackets and letter “(d)” shall be inserted.

Insertion of new section 20A in Act XLIX of 1920. Reinstatement in employment.

5. After section 20 of the said Act the following section shall be inserted, namely :—

“20A. (1) If, as a consequence of his being required to perform military service under this Act, either when called out under clause (a) or embodied under clause (b) of section 18, or when attached to any regular forces under clause (c) of that section otherwise than for a course of instruction, the employment of any person is terminated, it shall be the duty of the employer by whom such person was employed at the time he was so required to perform military service to reinstate him in his employment on the termination of such military service under conditions not less favourable to him than those which would have applied to him had his employment not been interrupted by his performance of military service.

- (2) If an employer refuses to reinstate any such person as required by sub-section (1) or denies his liability to reinstate such person, or if for any reason the reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the tribunal constituted under section 9 of the National Service (European British Subjects) Act, 1940, for the hearing of matters referred to it under the proviso to section 8 of that Act, and that tribunal shall after consideration pass an order either exempting the employer from the provisions of this section or requiring him to re-employ such person on such terms as it thinks suitable, or requiring him to pay to such

person

person a sum in compensation for failure to re-employ him not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer; and if any employer fails to obey the order of the tribunal, he shall be punishable with a fine which may extend to one thousand rupees, and the Court by which an employer is convicted under this section may order him (if he has not already been so required by the tribunal) to pay the person whom he has failed to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so required by the tribunal to be paid or so ordered by the Court to be paid shall be recoverable as if it were a fine imposed by such Court:

Provided that in any proceedings under this section it shall be a defence for an employer to prove that the person formerly employed by him did not apply to the employer for reinstatement within a period of two months from the termination of the military service he was required to perform under this Act.

- (3) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who before such person is actually required to perform military service under this Act terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section; and when a person's employment is terminated at any time after he has been required in any of the manners specified in sub-section (1) to perform military service under this Act, it shall be presumed until the contrary is proved that the termination of his employment took place as a consequence of his having been so required to perform military service."

6. In clause (b) of sub-section (1) of section 21 of the said Act, after the words "called out" the words "or required to perform military service" shall be inserted.

Amendment of
section 21, Act
XLIX of 1920.

7. In section

Auxiliary Force (Amendment). [ORD. XXVII OF 1942.]

Amendment of section 22, Act XLIX of 1920. 7. In section 22 of the said Act, after the words "calling him out" the words "or requiring him to perform military service" shall be inserted.

Amendment of section 30, Act XLIX of 1920. 8. In clause (d) of sub-section (2) of section 30 of the said Act, for the words "being called out or embodied" the words "such service" shall be substituted.

LINLITHGOW,
Viceroy and Governor General.

Repealed by ord 1 of 1946

**ORDINANCE No. XXVIII OF
1942.**

**An Ordinance to regulate payments in British India
by the Reserve Bank of India of the value of
Burma bank notes.**

*(Published in the Gazette of India Extraordinary,
dated the 6th June, 1942.)*

WHEREAS an emergency has arisen which renders it necessary to make certain provisions regulating payments in British India by the Reserve Bank of India of the value of Burma bank notes issued by the bank and other matters pertaining thereto ;

Now, **THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

1. (1) This Ordinance may be called the Burma Notes Ordinance, 1942.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

II of 1934.

2. In this Ordinance "Burma note" has the same meaning as in the Reserve Bank of India Act, 1934.

Definition.

3. Notwithstanding anything contained in any enactment or rule of law to the contrary the Reserve Bank of India shall not after such date as may be notified in this behalf by the Central Government in the official Gazette pay the value of any Burma note except to persons to whom or in circumstances in which it may be authorized by the Central Government by general or special order to make such payments.

Prohibition of
payments for
Burma notes.

4. As from the date of the notification referred to in section 3 and until the Central Government by notification in the official Gazette otherwise directs references to bank notes in section 34 of the Reserve Bank of India Act, 1934, shall not include references to Burma notes.

Temporary
amendment of
section 34, Act
II of 1934.

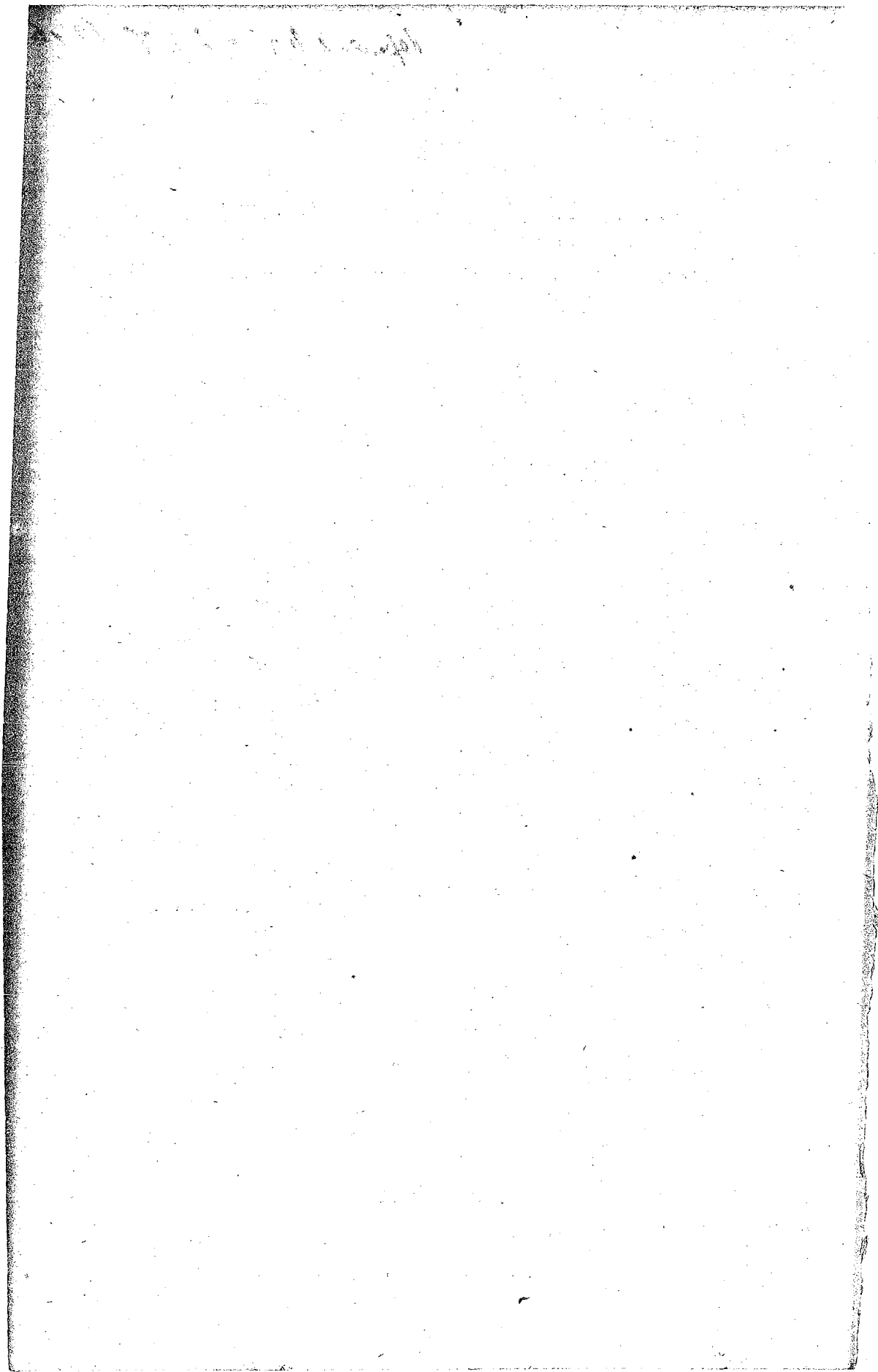
II of 1934.

LINLITHGOW,

Viceroy and Governor General.

Price Anna 1 or 1½d.

GIPD—SI—419 LD—10-7-42—2,600.



Repealed by Ord 17/1946

ORDINANCE No. XXIX OF 1942.

An Ordinance further to amend the Penalties
(Enhancement) Ordinance, 1942.

(Published in the Gazette of India Extraordinary,
dated the 10th June, 1942.)

III of 1942.

WHEREAS an emergency has arisen which makes it necessary further to amend the Penalties (Enhancement) Ordinance, 1942, for the purposes hereinafter appearing;

26 Geo. 5, c. 2.

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Penalties (Enhancement) Second Amendment Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In section 3 of the Penalties (Enhancement) Ordinance, 1942 (hereinafter referred to as the said Ordinance), after the words "or with whipping" the words "or with whipping in addition to such rigorous imprisonment" shall be added. Amendment of section 3, Ord. III of 1942.

3. In section 4 of the said Ordinance,— Amendment of section 4, Ord. III of 1942.
(a) after the word and figures "section 326" the words and figures "or section 386 or section 387 or section 392 or section 393 or section 399" shall be inserted;

(b) after the words "or with whipping" the words "or with whipping in addition to any punishment to which he is liable under the said Code" shall be added.

4. In section 5 of the said Ordinance, after the words "or with whipping" the words "or with whipping in addition to any punishment to which he is liable under the said rule" shall be added. Amendment of section 5, Ord. III of 1942.

5. In section 6 of the said Ordinance,— Amendment of section 6, Ord. III of 1942.
(a) after the word and figures "section 376" the words and figures "or section 380 or section 381 or section 382 or section 383 or section 384 or section 385 or section 386 or section 387 or section 388 or section 389 or section 390 or section 391 or section 392 or section 393 or section 394 or section 395 or section 396 or section 397 or section 398 or section 399 or section 400" shall be added.

Prior Annex 1 or 1½.

Penalties (Enhancement) [ORD. XXIX OF 1942.]
Second Amendment.

section 382 or section 394 or section 395 ”
shall be inserted ;

(b) after the words “ with death ” the following
words shall be added, namely :—

“ or in the case of an offence punishable
under section 380 or section 382 with
whipping in addition to any punishment
to which he is liable under the said Code ”.

Amendment of
section 7, Ord.
III of 1942.

6. In section 7 of the said Ordinance, after the words
“ in lieu of ” the words “ or in addition to ” shall be
inserted.

LINLITHGOW,

Viceroy and Governor General.

Repealed by Ord 1 of 1946

**ORDINANCE No. XXX OF
1942.**

An Ordinance to enable certain offences committed on board the Royal Hellenic Navy ship *Georgios Averoff* to be tried and punished in British India by a Naval Court constituted under Hellenic law, and to make provision for matters relevant thereto.

(Published in the Gazette of India Extraordinary, dated the 10th June, 1942.)

WHEREAS an emergency has arisen which makes it necessary to enable certain offences committed on board the Royal Hellenic Navy ship *Georgios Averoff* to be tried and punished in British India by a Naval Court constituted under Hellenic law, and to make provision for matters relevant thereto :

26 Geo. 5, c. 2. NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Hellenic Naval Court Ordinance, 1942. Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. (1) A Naval Court constituted in accordance with Hellenic law (hereinafter referred to as the Naval Court) may, in respect of persons, not being British subjects, concerned in the commission of offences on board the Royal Hellenic Navy ship *Georgios Averoff*, exercise in British India, whether on board the said ship or at any place in Bombay allotted for the purpose by the Provincial Government, all such powers as are conferred upon such Court by Hellenic law. Constitution of Naval Court.

(2) The Central Government shall, by notification in the official Gazette, publish notice of the establishment of the Naval Court and of its constitution and membership; and thereupon such Court shall be conclusively presumed to have been lawfully constituted in accordance with Hellenic law and to have the jurisdiction conferred by this Ordinance.

(3) The

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Price Anna 1 or 1½d.

(3) The Naval Court, and all persons taking part in any judicial proceedings before it, shall enjoy the like immunities and privileges as a British Indian Court and persons taking part in judicial proceedings before it, and the officers of the Naval Court shall have all the powers, immunities and privileges of police officers of British India within the precincts of the Court, and, in relation to persons in custody under the authority of the Court or delivered in custody to the Court by virtue of a warrant issued under this Ordinance, outside those precincts also.

Compelling
attendance of
accused and
witnesses.

3. On application made under the authority of the said Naval Court to a magistrate in British India to secure the attendance before it of a person to be charged with an offence or required as a witness, the magistrate may take any such steps, whether by the issue of summons or a warrant for arrest or otherwise, directed to secure the attendance or production of such person before the Naval Court and his attendance or production at any adjourned hearing until he is released from such attendance by the Naval Court, as such magistrate could take for the attendance or production before himself of such person; and if any person fails without reasonable excuse to comply with any requirement of a summons issued under this section he shall be liable to the like processes and punishable in the like manner as if he had failed to comply with a summons to appear before the magistrate himself.

Execution of
sentences.

4. (1) A certificate issued by the Naval Court in any form approved by the Central Government, certifying that any person has been sentenced by that Court to detention or ordered to be detained pending the determination of any proceedings against him before the Court, shall be conclusive proof that he is lawfully detained and shall be sufficient warrant for the detention of that person in any jail in British India sanctioned in this behalf by the Central Government, and for the conveyance of that person to that jail, and, in the case of a person not already in custody, for the apprehension of that person for the purpose of being so conveyed.

(2) The Central Government may direct in respect of any person so sentenced to detention that the imprisonment to which he is subjected shall be either simple or rigorous.

(3) A fine imposed upon a person by the Naval Court, and any sum ordered to be paid by way of costs of any proceedings against him or by way of penalty for breach of any undertaking given to the Court shall, without prejudice to any remedy under Hellenic law, be recoverable, on application made under the authority of the Court to any magistrate in British India, as if it were a fine imposed by that magistrate.

5. (1) The

of 1942.]

Hellenic Naval Court.

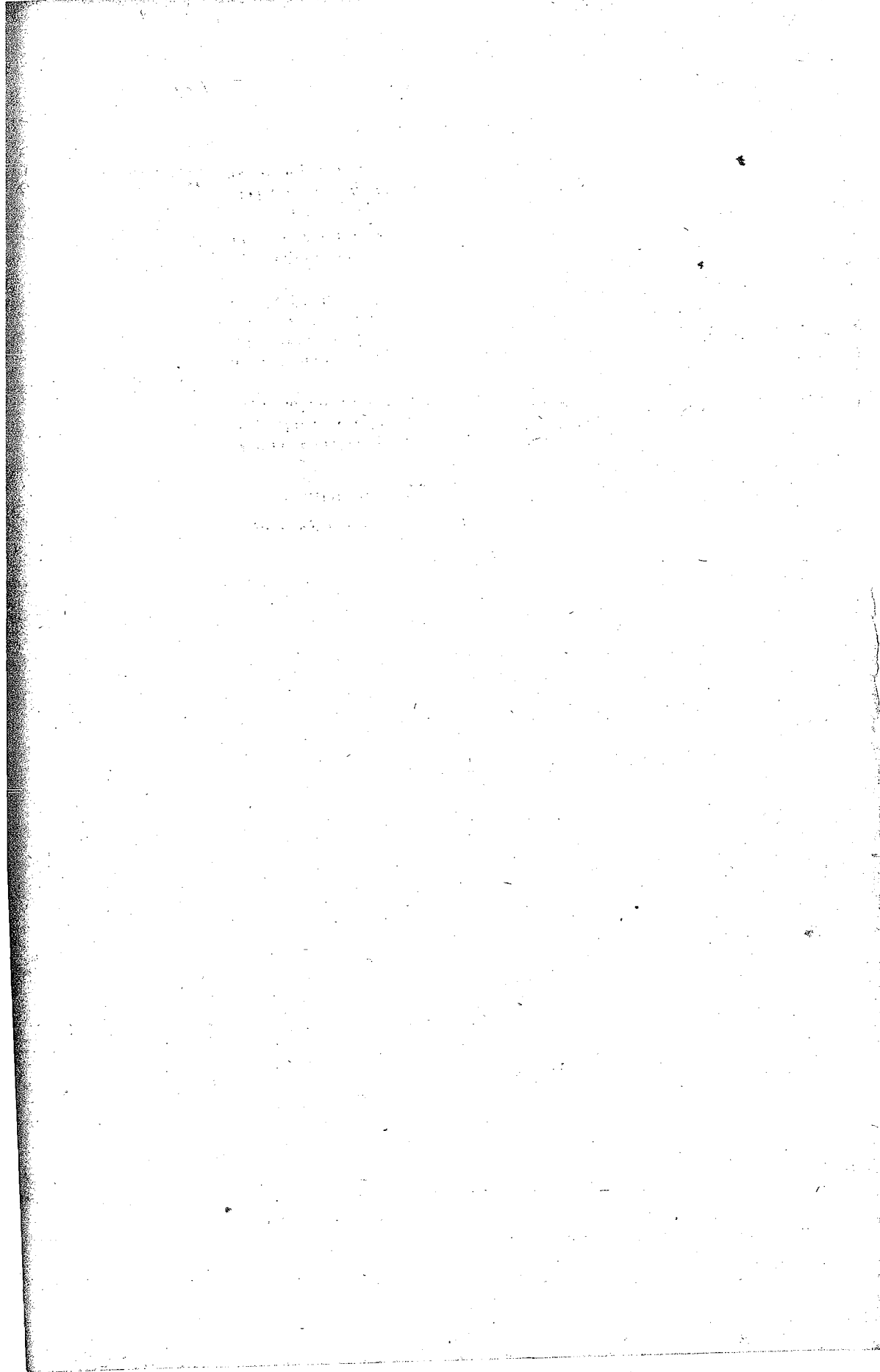
5. (1) The Central Government may by rule make ^{Power to make} any provision necessary in its opinion for the purpose ^{rule} of giving effect to the provisions of this Ordinance.

(2) Without prejudice to the generality of the power conferred by sub-section (1) rules under this section may make provision—

- (a) as to the reception from the Naval Court of persons to be detained under this Ordinance, their conveyance to a jail, and their custody and treatment therein and release therefrom ;
- (b) as to the affording of assistance by magistrates in British India towards procuring the attendance or production of persons before the Naval Court.

LINLITHGOW,

Viceroy and Governor General.



Repealed by Ord 1 of 1946

**ORDINANCE No. XXXI OF
1942.**

An Ordinance to facilitate the application of the Indian Army Act, 1911, to forces raised and maintained in India under the authority of the Central Government.

(Published in the Gazette of India Extraordinary, dated the 20th June, 1942.)

WHEREAS an emergency has arisen which makes it necessary for the purpose of facilitating the application of the Indian Army Act, 1911, to forces raised and maintained in India under the authority of the Central Government, to make certain amendments in the Indian Army Act, 1911, and the Active Service Ordinance, 1941 ;

VIII of 1911.

VIII of 1911.
X of 1941.

26 Geo. 5, c. 2.

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Indian Army Act (Application) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

VIII of 1911.

2. In section 5 of the Indian Army Act, 1911,—

Amendment of section 5, Act VIII of 1911.

(a) after sub-section (1) the following sub-section shall be inserted, namely :—

“(1A) On such notification being made, any provisions of this Act so applied shall have effect in respect of persons belonging to any such force as they have effect in respect of persons subject to this Act holding in His Majesty's Indian Forces the same rank as the aforesaid persons hold for the time being in the force to which this Act is so applied, and shall have effect in respect of persons who are employed by, or are in the service of, or are followers of, or accompany any portion of any such force as they

have

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Indian Army Act (Application). [ORD. XXXI OF 1942.]

have effect in respect of persons subject to this Act under section 2, sub-section (I), clause (c).”

(b) to sub-section (2) the following words shall be added, namely:—

“and may suspend the operation of any other enactment for the time being applicable to that force”.

Amendment of section 2, Ord. X of 1941.

3. In section 2 of the Active Service Ordinance, 1941, after the words “His Majesty’s Forces” the following shall be inserted, namely:—

“or any force to which clause (13) of section 7 of the Indian Army Act, 1911, for the time being applies by virtue of a notification under sub-section (I) of section 5 of that Act”.

LINLITHGOW,

Viceroy and Governor General.

Repealed by Ord 1 of 1946

**ORDINANCE No. XXXII OF
1942.**

**An Ordinance to amend the War Risks (Factories)
Insurance Ordinance, 1942.**

*(Published in the Gazette of India Extraordinary, dated
the 1st July, 1942.)*

WHEREAS an emergency has arisen which makes
it necessary to amend the War Risks (Factories)
Insurance Ordinance, 1942, for the purposes hereinafter
appearing ;

Ord. XII of
1942.

26 Geo. 5, c. 2.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the War Risks (Factories) Insurance (Amendment) Ordinance, 1942.

Short title and
commence-
ment.

(2) It shall come into force at once.

2. In the long title and preamble of the War Risks (Factories) Insurance Ordinance, 1942 (hereinafter referred to as the said Ordinance), the words " in British India " shall be omitted.

Ord. XII of
1942

Amendment of
long title and
preamble,
Ord. XII of
1942. ✓

3. In section 2 of the said Ordinance, after clause (i) the following clause shall be inserted, namely :—

Amendment of
section 2, Ord.
XII of 1942.

(ii) " quarter " means a period of three months commencing on the first day of March, June, September or December ;

4. In section 3 of the said Ordinance,—

Amendment of
section 3,
Ord. XII of
1942.

(a) in sub-section (3), the words " in British India " shall be omitted ;

(b) in sub-clause (ii) of clause (b) of sub-section (5), the word " current " shall be omitted ;

(c) in
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War Risks (Factories) Insurance [ORD. XXXII
(Amendment).

- (c) in clause (a) of sub-section (6), for the words "factories established" the words "premises becoming factories" shall be substituted.

Amendment of
section 5, Ord.
XII of 1942.

5. In sub-section (1) of section 5 of the said Ordinance, after the words "by notification in the official Gazette" the following shall be inserted, namely:—

"or, in respect of premises becoming a factory after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises become a factory, or as the case may be, in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) Ordinance, 1942, whichever is later,".

Amendment of
section 7, Ord.
XII of 1942.

6. In sub-section (1) of section 7 of the said Ordinance, after the word and figure "section 12" the following shall be inserted, namely:—

"or under any provision of law corresponding thereto in force in an Indian State, or in the French Establishments in India, or in the territories (hereinafter referred to as Administered Areas) set out in the Schedule,".

Amendment of
section 15,
Ord. XII of
1942.

7. In clause (b) of sub-section (2) of section 15 of the said Ordinance, for the word "Act" the word "Ordinance" shall be substituted.

Amendment of
section 16,
Ord. XII of
1942.

8. In sub-section (1) of section 16 of the said Ordinance,—

- (a) in clause (b) the word "or" shall be omitted;
(b) after clause (c) the following clause shall be inserted, namely:—

"(d) the whole or a specified part of the sluice houses, valve houses, water-pipe lines, penstocks and any other plant and machinery pertaining to the intake of hydraulic power of hydroelectric supply undertakings generally, or of specified hydro-electric supply undertakings,".

9. After

9. After section 16 of the said Ordinance the following section shall be added, namely :—

Addition of new section 17 to Ord. XII of 1942.

“17. (1) If the Central Government is satisfied that by the law of an Indian State or of the French Establishments in India or of the Administered Areas provision has been made substantially corresponding to the provision made by this Ordinance requiring the owners or occupiers of factories in that State or those Establishments or the Administered Areas, as the case may be, to take out policies of insurance against war risks, the Central Government may, by notification in the official Gazette, declare that this section shall apply to the territory of that State or of those Establishments or comprising the Administered Areas.

Application of the Scheme to property in certain territories outside British India.

- (2) On the application of this section to any territory, the Scheme made under this Ordinance shall extend to the undertaking by the Central Government in respect of persons and property in such territory of the same liabilities, in the same manner, to the same extent and subject to the same conditions, as if the persons and property concerned were in British India.
- (3) On the application of this section to any territory, the provisions of section 6 shall be deemed to prohibit any person, except as a person authorised by the Central Government as their agent to issue policies in pursuance of the Scheme, from carrying on after the date of the notification by which this section is applied the business of insuring factories in that territory against war risks in respect of property insurable under this Ordinance.
- (4) The references to factories in this section shall be construed as references to premises which, if they were situated in British India, would be factories as defined in this Ordinance.”

War Risks (Factories) Insurance [ORD. XXXII OF 1942.
(Amendment).

Addition of
Schedule to
Ord. XII of
1942.

10. To the said Ordinance the following Schedule shall be added, namely:—

“THE SCHEDULE.

(See section 7.)

1. The Cantonment of Baroda.
2. The Administered Areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The Administered Areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. The Gwalior Residency Area.
5. The District of Abu.
6. The Administered Areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos. 189-I.B. and 190-I.B., dated the 8th September 1937.
10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.
12. The Thana Circles in the Rewa Kantha Agency in the Gujarat States Agency and the Dangs.
13. The British Reserve in Manipur.”

LINLITHGOW,
Viceroy and Governor General.

Repealed by Act 2 of 1948

**ORDINANCE No. XXXIII OF
1942.**

An Ordinance to regulate in a certain respect the conditions of service of persons serving His Majesty in a civil capacity in India.

(Published in the Gazette of India Extraordinary, dated the 9th July, 1942.)

WHEREAS an emergency has arisen which makes it necessary to regulate in the respect hereinafter appearing the conditions of service of persons serving His Majesty in a civil capacity in India ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Civil Services (Conditions of Service) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. (1) Notwithstanding anything to the contrary in any rules regulating the conditions of service of persons serving His Majesty in a civil capacity in India, the appropriate Government may by order require any such person to serve in any place in India either itself or the Crown Representative or any other Government in British India, and every such person to whom any such order is directed shall comply therewith. Liability to serve in any place in India.

(2) In this section "the appropriate Government" means in relation to persons for the time being serving in connection with the affairs of the Central Government, that Government, and in relation to persons for the time being serving in connection with the affairs of a Province, the Government of that Province.

LINLITHGOW,
Viceroy and Governor General.

Price Anna 1 or 1½d.

GIPD—81—569 LD—4.8.42—1,600.

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Handwritten text in the upper middle section, appearing to be a list or set of instructions, also largely illegible.

The main body of the document contains several paragraphs of handwritten text. The text is extremely faint and difficult to decipher, but it appears to be organized into distinct sections or paragraphs. Some words and phrases are barely visible, suggesting a formal or technical document.

Repealed by Ord 1 of 1946

ORDINANCE No. XXXIV OF 1942.

An Ordinance to make provision for further Naval Courts constituted under Hellenic law in respect of the offences referred to in the Hellenic Naval Court Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated the 21st July, 1942.)

WHEREAS an emergency has arisen in that it has been found necessary to make provision for further Naval Courts constituted under Hellenic law in respect of the offences referred to in the Hellenic Naval Court Ordinance, 1942 ;

XXX of 1942.

26 Geo. V, c. 2.

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Hellenic Naval Court (Extension) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

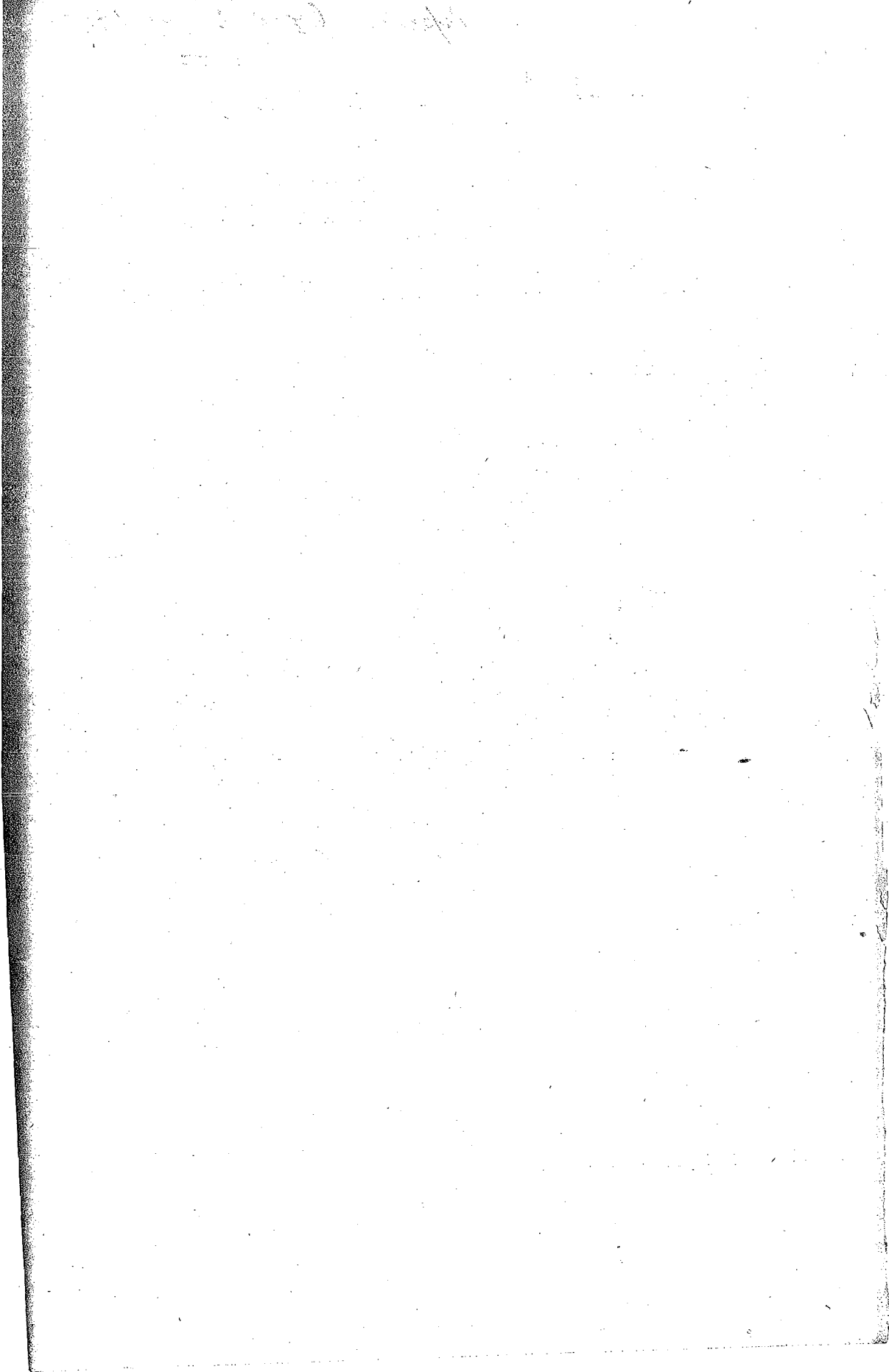
2. All the provisions of the Hellenic Naval Court Ordinance, 1942, shall apply to, and in relation to, any further Naval Courts constituted in accordance with Hellenic law and consisting of one or more members which it may be necessary to establish for the purposes for which the Naval Court referred to in that Ordinance was established, as they apply to, and in relation to, that Court.

Application of Ordinance XXX of 1942 to other Naval Courts established in respect of the offences referred to therein.

LINLITHGOW,
Viceroy and Governor General.

Price Anna 1 or 1½d.

GIPD—S1—749 LD—8.8.42—1,600.



Repealed by Ord 17/1946

ORDINANCE No. XXXV OF 1942.

An Ordinance to provide for the service in British India of summonses and other processes issued by a Commission of Enquiry appointed by the Crown Representative.

(Published in the Gazette of India Extraordinary, dated the 24th July, 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for the service in British India of summonses which may be issued by a Commission of Enquiry appointed by the Crown Representative;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

20 Geo. 5, c. 2.

1. (1) This Ordinance may be called the Crown Representative's Commission of Enquiry (Summonses) Ordinance, 1942.

Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

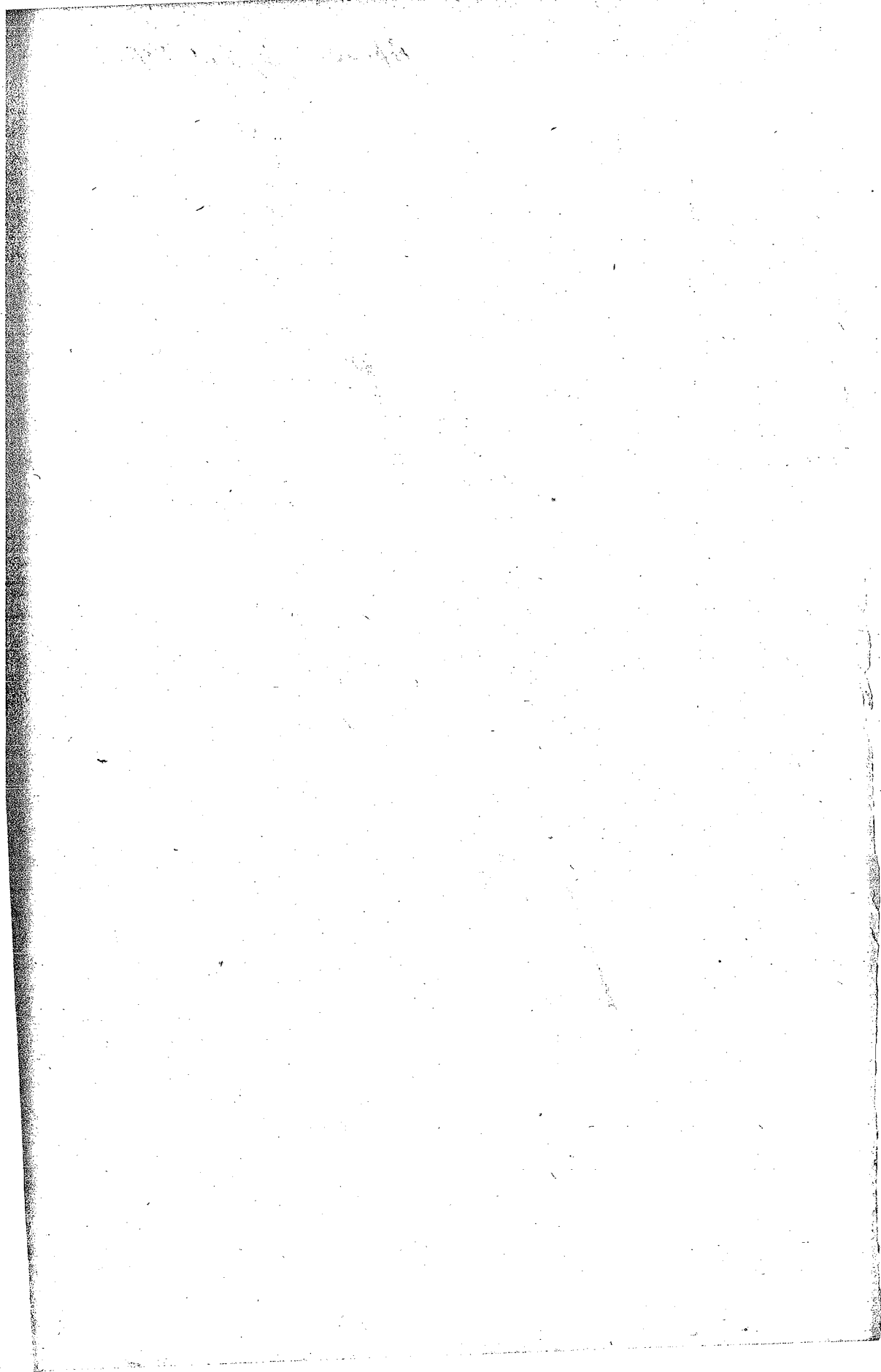
2. The Commission of Enquiry appointed under the Resolution of the Political Department, No. F. 18 (2)-P/42, dated the 4th June 1942, shall, for the purposes of section 29 of the Code of Civil Procedure, 1908, be deemed to be a Civil Court established by the authority of the Crown Representative.

A Commission of Enquiry to be a Civil Court for the purposes of section 29 of Act V of 1908.

LINLITHGOW,
Viceroy and Governor General.

Price Anna 1 or 1½d.

GIPD—31—761 LD—8.9.42—1,600.



Repealed by Ord 1 of 1946

ORDINANCE No. XXXVI OF 1942.

An Ordinance further to amend the War Risks (Goods) Insurance Ordinance, 1940.

(Published in the Gazette of India Extraordinary, dated the 28th July, 1942.)

IX of 1940.

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Goods) Insurance Ordinance, 1940, for the purposes hereinafter appearing ;

26 Geo. 5, c. 2.

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the War Risks (Goods) Insurance (Third Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 3 of the War Risks (Goods) Insurance Ordinance, 1940 (hereinafter referred to as the said Ordinance), in clauses (a) and (b), after the word "Muttanchari" the following words shall be inserted, namely :—

" or, when consigned from one place in British India to another place in British India and in transit, situated in India "

3. In sub-section (1) of section 9 of the said Ordinance, after the word, figure and letter " section 12A " the following shall be inserted, namely :— Amendment of section 9, Ord. IX of 1940.

" or under any provision of law corresponding thereto in force in an Indian State, or in the French Establishments in India, or in the territories (hereinafter referred to as Administered Areas) set out in the Schedule,"

4. After

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Price Anna 1 or 1½d.

War Risks (Goods) Insurance [ORD. XXXVI
(Third Amendment).

Addition of
new section
15 in Ord. IX
of 1940.
Application of
scheme to
goods in
certain
territories
outside British
India.

4. After section 14 of the said Ordinance the following section shall be added, namely :—

“ 15. (1) If the Central Government is satisfied that by the law of an Indian State or of the French Establishments in India or of the Administered Areas provision has been made substantially corresponding to the provision made by this Ordinance requiring persons carrying on business as sellers of goods in such State, Establishments or Areas, as the case may be, to take out policies of insurance against war risks, the Central Government may, by notification in the official Gazette, declare that this section shall apply to the territory of that State, or of those Establishments or comprising the Administered Areas.

(2) On the application of this section to any such territory—

(a) this Ordinance shall have effect as if in section 3 and in sub-sections (1) and (1A) of section 5 the references to British India included a reference to all territories to which this section is applied, and as if sub-section (1) of section 8 prohibited any person, except as a person authorised by the Central Government as their agent to issue policies in pursuance of the War Risks (Goods) Insurance Scheme, from carrying on after the date of the notification by which this section is applied to any such territory the business of insuring persons in such territory against war risks for which insurance cover is provided under the War Risks (Goods) Insurance Scheme : and

(b) in any policy of insurance issued under the War Risks (Goods) Insurance Scheme references, whether express or implied, to British India shall be deemed to include a reference to all territories to which this section is applied.

Addition of
Schedule to
Ord. IX of
1940.

5. To the said Ordinance the following Schedule shall be added, namely :—

“ THE SCHEDULE.

[See section 9 (1).]

1. The Cantonment of Baroda.
2. The Administered Areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.

OF 1942.]

*War Risks (Goods) Insurance
(Third Amendment).*

3. The Administered Areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.

4. The Gwalior Residency Area.

5. The District of Abu.

6. The Administered Areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.

7. The Civil and Military Station of Bangalore.

8. The Kolhapur Residency Area and the Wadi Jaghir.

9. The railway lands in the Western India States Agency specified in the notifications of the Political Department Nos. 189-I. B. and 190-I. B., dated the 8th September 1937.

10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.

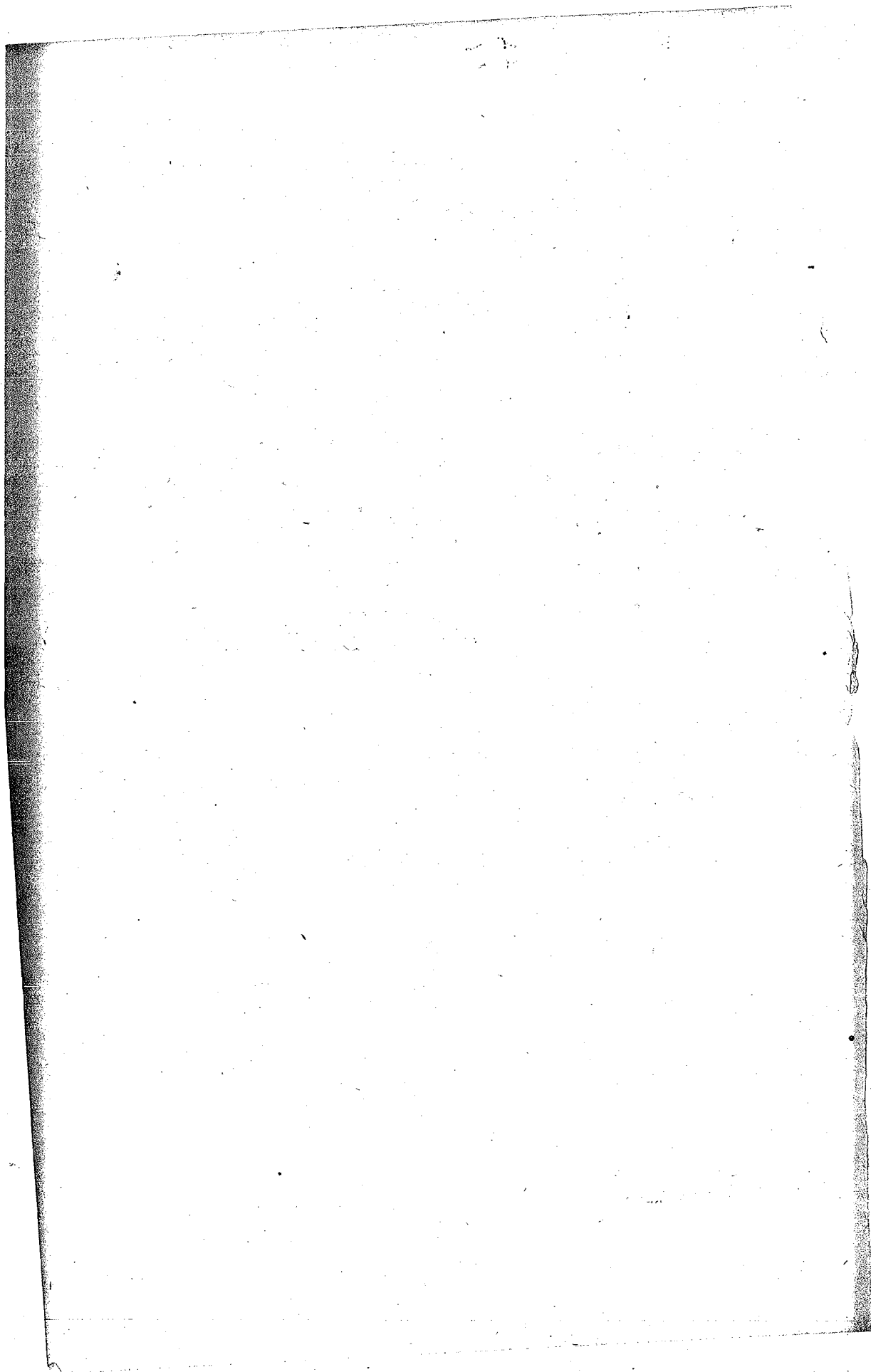
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.

12. The Thana Circles in the Rewa Kantha Agency in the Gujarat States Agency and the Dangs.

13. The British Reserve in Manipur."

LINLITHGOW,

Viceroy and Governor General.



Repealed by Ordinance of 1946.

ORDINANCE No. XXXVII OF 1942.

An Ordinance to amend the Women's Auxiliary Corps
Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated
the 28th July, 1942.)

XIII of 1942. **W**HEREAS an emergency has arisen which makes
it necessary to amend the Women's Auxiliary
Corps Ordinance, 1942, for the purposes hereinafter
appearing ;

28 Geo. 5, c. 2. Now, THEREFORE, in exercise of the powers conferred
by section 72 of the Government of India Act,
as set out in the Ninth Schedule to the Government of
India Act, 1935, the Governor General is pleased to make
and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Women's Auxiliary Corps (Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In the long title and preamble of the Women's Auxiliary Corps Ordinance, 1942 (hereinafter referred to as the said Ordinance), for the words "part of His Majesty's Military Forces" the words "a part of the Armed Forces of the Crown" shall be substituted. Amendment of long title and preamble, Ord. XIII of 1942.

3. In sub-section (2) of section 1 of the said Ordinance, the words "extends to the whole of British India and" shall be omitted. Amendment of section 1, Ord. XIII of 1942.

4. In section 3 of the said Ordinance, for the words "for service in India to be designated the Women's Auxiliary Corps, India" the brackets and words " (which shall be designated the Women's Auxiliary Corps, India) for service in India as a part of the Armed Forces of the Crown " shall be substituted. Amendment of section 3, Ord. XIII of 1942.

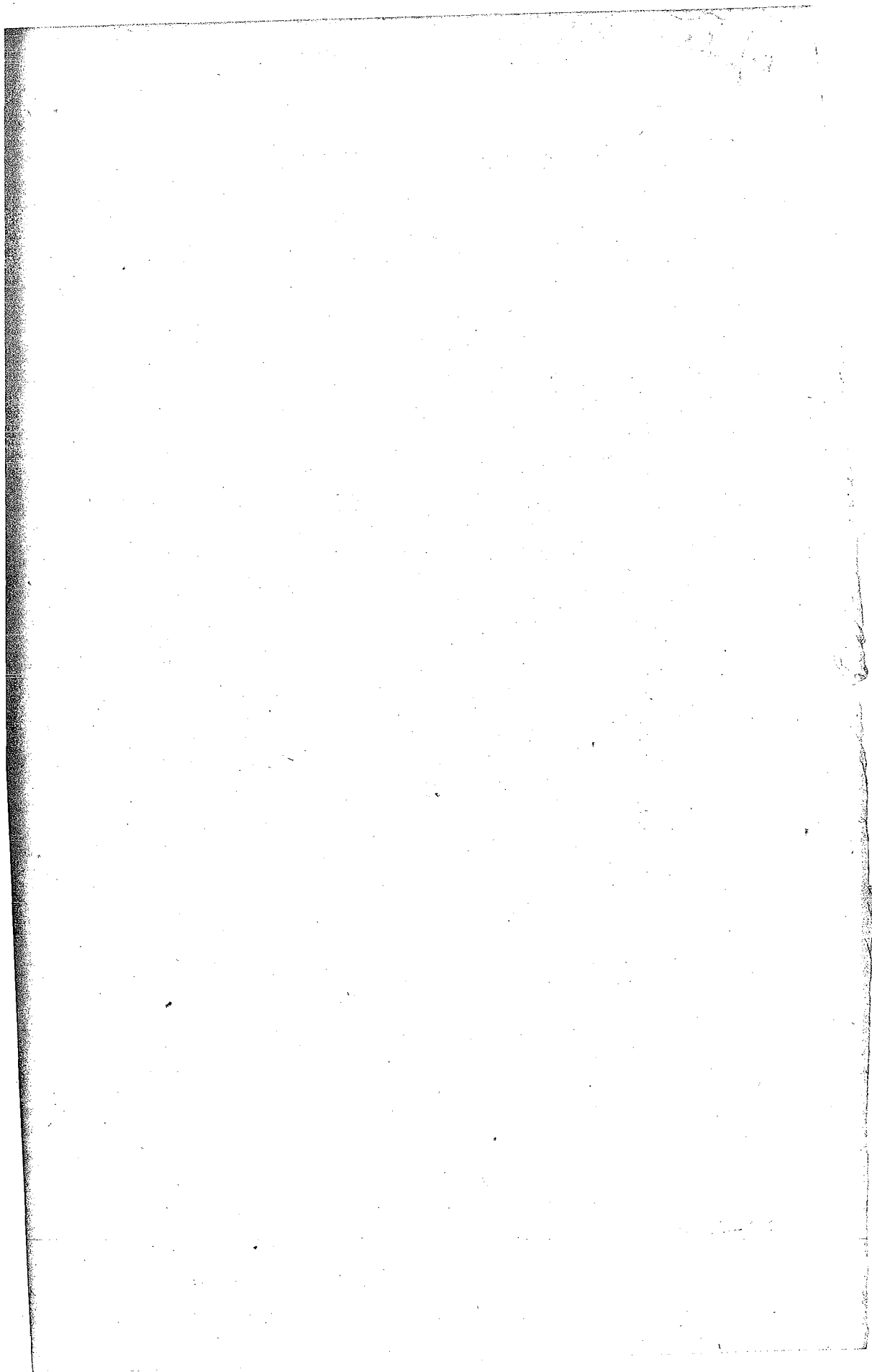
5. In sub-section (2) of section 10 of the said Ordinance, clause (b) shall be omitted. Amendment of section 10, Ord. XIII of 1942.

6. In section 11 of the said Ordinance, after the word "equipment," the word "pay," shall be inserted. Amendment of section 11, Ord. XIII of 1942.

LINLITHGOW,
Viceroy and Governor General.

Price Anna 1 or 1½d.

GIPD—S1—766 LD—8-9-42—1,600.



Rep. by Ord. I of 1946.

**ORDINANCE No. XXXVIII OF
1942.**

**An Ordinance further to amend the Essential Services
(Maintenance) Ordinance, 1941.**

*(Published in the Gazette of India Extraordinary, dated
the 28th July, 1942.)*

WHEREAS an emergency has arisen which makes it necessary further to amend the Essential Services (Maintenance) Ordinance, 1941, for the purpose hereinafter appearing ;

XI of 1941.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

2c Geo. 5, c. 2.

1. (1) This Ordinance may be called the Essential Services (Maintenance) Second Amendment Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. For section 9 of the Essential Services (Maintenance) Ordinance, 1941, the following section shall be substituted, namely :— Substitution of new section for section 9 in Ord. XI of 1941.

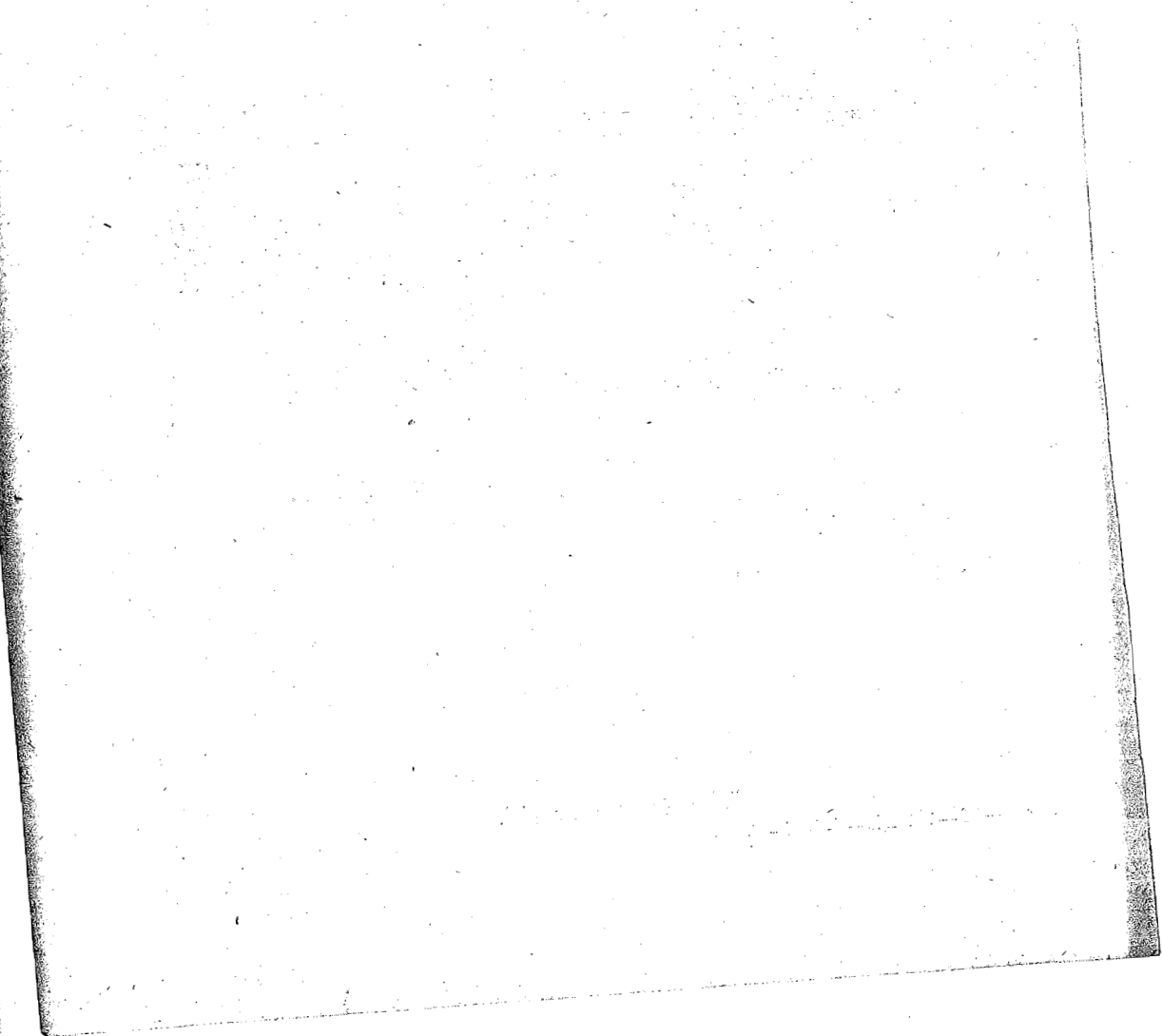
“9. Nothing contained in this Ordinance or in any declaration or order made thereunder shall have effect in derogation of any provision of law for the time being in force imposing upon a person engaged in an employment or class of employment to which this Ordinance applies any liability to be called up for national service or to undertake employment in the national service.” Saving of effect of laws imposing liability to national service.

LINLITHGOW,
Viceroy and Governor General.

Price Anna 1 or 1½d.

GIPD—S1—767 LD—8-9-42—2,000.

10-1-73



Rep. by Ord. I of 1946.

ORDINANCE No. XXXIX OF 1942.

An Ordinance further to amend the War Injuries Ordinance, 1941.

(Published in the Gazette of India Extraordinary, dated the 8th August, 1942.)

Ord. VII of 1941. of
26 Geo. 5, c. 2.
WHEREAS an emergency has arisen which makes it necessary further to amend the War Injuries Ordinance, 1941, for the purpose hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the War Injuries (Second Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. To sub-section (2) of section 1 of the War Injuries Ordinance, 1941, the following words shall be added, namely :— Amendment of section 1, Ord. VII of 1941.

“and applies also to British subjects and servants of the Crown in any part of India”.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—S1—862 LD—12.9.42—3,000.

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Ord. I of 1946

ORDINANCE No. XL OF 1942.

An Ordinance further to amend the War Risks (Factories) Insurance Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated the 8th August, 1942.)

Ord. XII of 1942.

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Factories) Insurance Ordinance, 1942, for the purposes hereinafter appearing ;

26 Geo. 5, c. 2.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the War Risks (Factories) Insurance (Second Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 16 of the War Risks (Factories) Insurance Ordinance, 1942,— Amendment of section 16, Ord. XII of 1942.

(a) for the words "by notification in the official Gazette," the words "by order," shall be substituted ;

(b) for clause (b) the following clause shall be substituted, namely :—

"(b) the whole or a specified part of the distribution systems of gas supply undertakings generally, or of specified gas supply undertakings,".

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—S1—863 LD—11.9.42—4,500.

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ORDINANCE No. XLI OF 1942.

An Ordinance to confer certain special powers upon certain officers of the armed forces.

(Published in the Gazette of India Extraordinary, dated the 15th August, 1942.)

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers upon certain officers of the armed forces ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2

1. (1) This Ordinance may be called the Armed Forces (Special Powers) Ordinance, 1942.

(2) It extends to ~~the whole of British India.~~

(3) It shall come into force at once.

Short title, extent and commencement.

2. (1) Any officer not below the rank of Captain in ~~His Majesty's Military Forces and any officer holding equivalent rank either in His Majesty's Naval or Air Forces or in the forces of a foreign power allied with His Majesty or in the forces of a foreign authority recognised by His Majesty as competent to maintain armed forces for service in association with His Majesty's forces or in the military forces of an Indian State serving in association with any such forces as aforesaid~~ may, if in his opinion it is necessary for the proper performance of his duty so to do, by general or special order in writing, require any personnel under his command to use such force as may be necessary, even to the causing of death, against any person who—

- (a) fails to halt when challenged by a sentry, or
- (b) does, attempts to do, or appears to be about to do or attempt to do, any such act as would endanger or damage any property of any description whatsoever which it is the duty of such officer to protect ;

and it shall be lawful for such personnel, when so ordered, to use such force against such person.

(2) The

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Price anna 1 or 1½d.

- 1. Subs. by A.O. 1948.
- 2. Subs. & omitted by A.O. 1950.
- 3. omitted by Act 3 of 1951.

the Indians?

2 XX /
2

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Power to certain officers of armed forces to order use of force in certain circumstances.

Call the provinces of India?
the whole of India except part B States?
2

Armed Forces (Special Powers). [ORD. XLI OF 1942.]

(2) The use of force against any person in obedience to an order under sub-section (1) shall include the power to arrest and take into custody such person, and the use of such force as may be necessary, even to the causing of death, in order to effect such arrest.

~~Arrested persons to be made over to police.~~ 3. Any person arrested and taken into custody under this Ordinance shall be made over to the officer in charge of the nearest police station as soon as practicable, together with a report of the circumstances occasioning the arrest.

Protection to persons acting under this Ordinance.

4. No prosecution, suit or other legal proceedings for any order purporting to be made under this Ordinance or for any act purporting to be done in obedience to any such order shall be instituted in any court except with the previous sanction of the Central Government, and notwithstanding anything contained in any other law for the time being in force, no person purporting in good faith to make such an order or to do any act in obedience thereto shall, whatever consequences ensue, be liable therefor.

LINLITHGOW,
Viceroy and Governor General.

1. Subs. by S. 2 of Ord. 36 of 1945.

Rep. ~~2~~ / Ord. I of 1946.
ORDINANCE No. XLII of 1942.

An Ordinance further to amend the Special Criminal Courts Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated the 19th August, 1942.)

11 of 1942.
WHEREAS an emergency has arisen which makes it necessary further to amend the Special Criminal Courts Ordinance, 1942, for the purposes hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, c. 2, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Special Criminal Courts (Second Amendment) Ordinance, 1942. Short title and commencement.
(2) It shall come into force at once.

2. In sub-section (3) of section 1 of the Special Criminal Courts Ordinance, 1942 (hereinafter referred to as the said Ordinance), after the words " arising from " the words " any disorder within the Province or from " shall be inserted. Amendment of section 1, Ord. II of 1942.

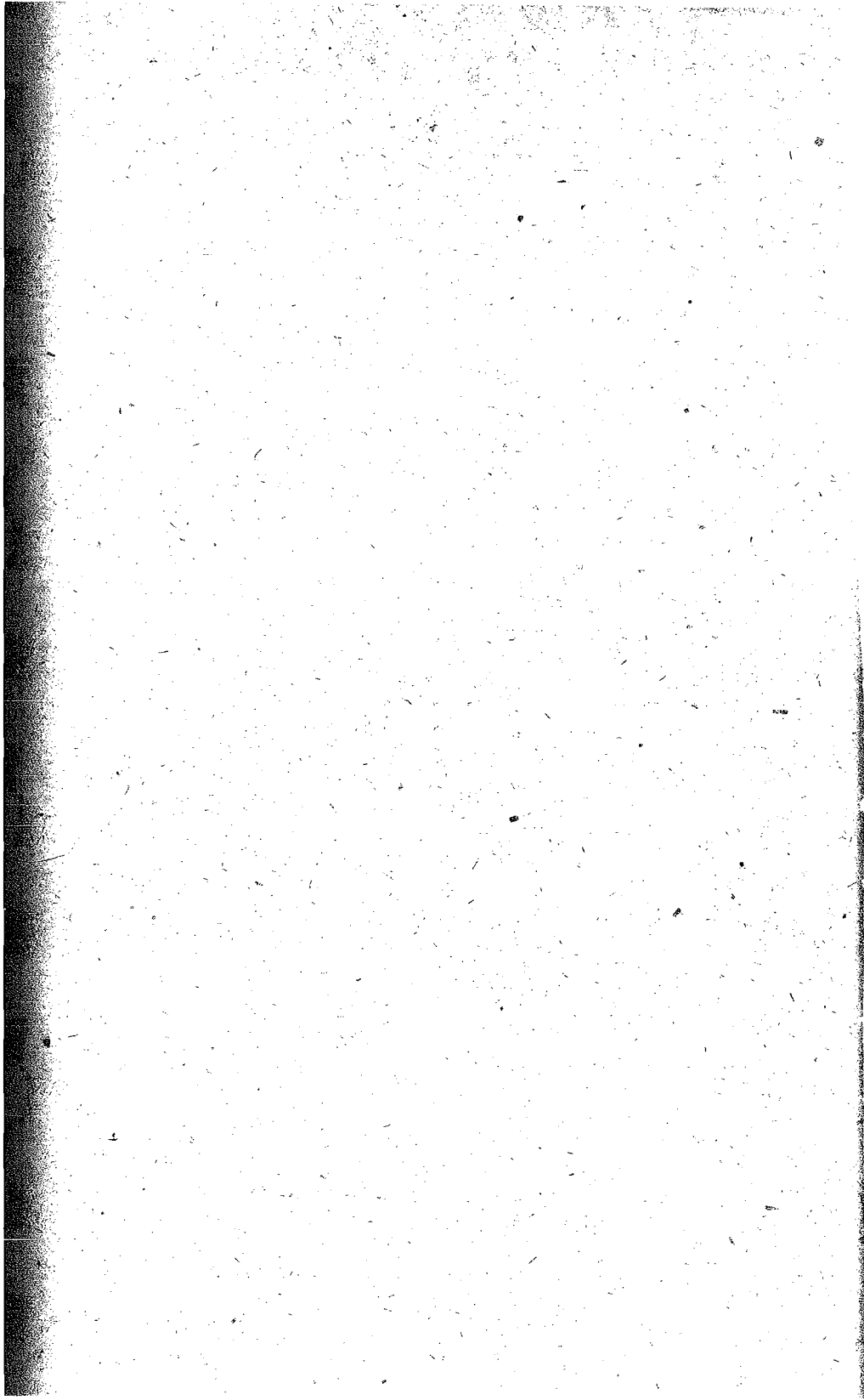
3. In clause (b) of section 24A of the said Ordinance, for the words " the Court " the words " where the prosecution opposes the application, the Court " shall be substituted. Amendment of section 24A, Ord. II of 1942.

LINLITHGOW,

Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—S1—942 LD—19.10.42—1,800.



Repealed by ordinance D of 1946.

ORDINANCE No. XLIII OF 1942.

An Ordinance to amend the Collective Fines Ordinance, 1942.

Published in the Gazette of India Extraordinary, dated the 19th August, 1942.

XX of 1942. WHEREAS an emergency has arisen which makes it necessary to amend the Collective Fines Ordinance, 1942, for the purpose hereinafter appearing ;

28 Geo. 5, c. 2. Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Collective Fines (Amendment) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

2. In the preamble, and in sub-section (1) of section 3, of the Collective Fines Ordinance, 1942, for the words "or the efficient prosecution of war" the words "the public safety, the maintenance of public order, the efficient prosecution of war, or the maintenance of supplies or services necessary to the life of the community" shall be substituted.

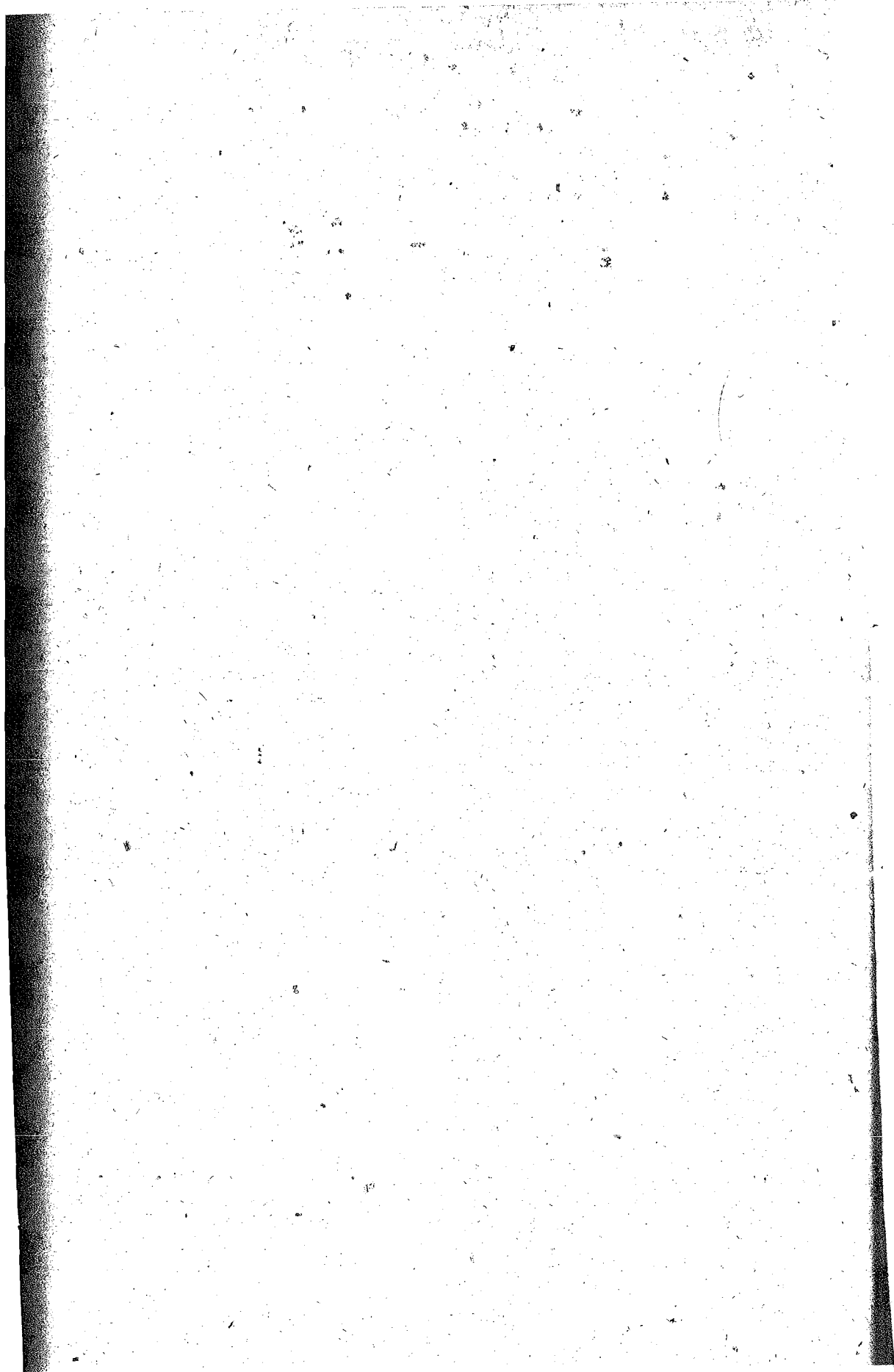
Amendment of preamble and section Ord. XX of 1942.

LINLITHGOW,

Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—S1—942 LD—7-10-42—1,600.



ORDINANCE No. XLIV OF 1942.

An Ordinance to provide for certain matters relating to the Rangoon share register of the Reserve Bank of India.

(Published in the Gazette of India Extraordinary, dated the 21st August, 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for certain matters relating to the Rangoon share register of the Reserve Bank of India;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Reserve Bank of India (Rangoon Register) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in the subject or context, "the Act" means the Reserve Bank of India Act, 1934, and other expressions have respectively the same meanings as in the Act.

Interpretation.

3. Notwithstanding anything contained in the Act or the regulations made thereunder, the Central Board may—

Emergency powers for dealing with matters relating to the Rangoon share register.

(a) maintain the Rangoon share register at, and transfer the office of the Bank established at Rangoon under section 6 of the Act and the Rangoon Official Seal to, any place in India or Burma;

(b) suspend all or any of the functions and duties of the Burma (Rangoon) Area Local Board or of its Committee, and direct that the said functions and duties so suspended shall be exercised or performed by such officer or officers of the Bank as it may authorise in this behalf;

(c) authorise any officer of the Bank to attest affixations of the Rangoon Official Seal;

(d) make,

Price anna 1 or 1½d.

Reserve Bank of India [ORD. XLIV OF 1942.]
(Rangoon Register).

(d) make, with the sanction of the Central Government, such other provision in respect of matters relating to the Rangoon share register as may in its opinion be necessary in the present emergency.

Temporary amendment of section 9 of Act II of 1934, in its application to the Burma (Rangoon) Area Local Board.

4. During the continuance of this Ordinance, subsection (4) of section 9 of the Act shall, in its application to the Burma (Rangoon) Area Local Board, have effect as if for the words "At any time within three months of the day on which the Directors representing the shareholders on any register are due to retire under the provisions of this Act," the words "As soon as practicable after such date as the Central Government may fix in this behalf by notification in the Gazette of India," had been substituted.

Validation of emergent action taken in respect of Rangoon share register.

5. All orders made and all acts done by the Central Board or any officer of the Bank in respect of any matter relating to the Rangoon share register, including the exercise or performance of the functions and duties of the Burma (Rangoon) Area Local Board and of its Committee, on or after the 1st day of February, 1942, and before the commencement of this Ordinance, are hereby declared to be as legal and valid as they would have been if this Ordinance had been in force throughout that period and they had been made or done in exercise of powers conferred by, or conferrable under, this Ordinance.

LINLITHGOW,

Viceroy and Governor General.

Rep. by Ord. I of 1942

ORDINANCE No. XLV of 1942.

An Ordinance to empower the Central Government to suspend the operation of Chapter VIA of the Indian Railways Act, 1890.

(Published in the Gazette of India Extraordinary, dated the 21st August, 1942.)

WHEREAS an emergency has arisen which makes it necessary to empower the Central Government to suspend the operation of Chapter VIA of the Indian Railways Act, 1890, in certain cases ;

IX of 1890.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

20 Geo. 5, c. 2.

1. (1) This Ordinance may be called the Railways (Hours of Employment) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

2. The Central Government may, by notification in the official Gazette, direct that the provisions of Chapter VIA of the Indian Railways Act, 1890, and of the rules made under that Chapter shall, for such period as may be specified in the notification, cease to apply to railway servants of any railway or section of a railway specified in the notification, or shall cease to apply to such railway servants or classes of railway servants of any specified railway or section of a railway as may be specified in the notification.

IX of 1890.

Power of Central Government to issue notification suspending operation of Chapter VIA, Act IX of 1890.

3. While any notification issued under section 2 is in force, any railway servant, to whom but for such notification Chapter VIA of the Indian Railways Act, 1890, would have applied, is employed for more hours in any week than the number of hours permitted under that Chapter, he shall be paid for overtime at not less than one and a half times his ordinary rate of pay.

IX of 1890.

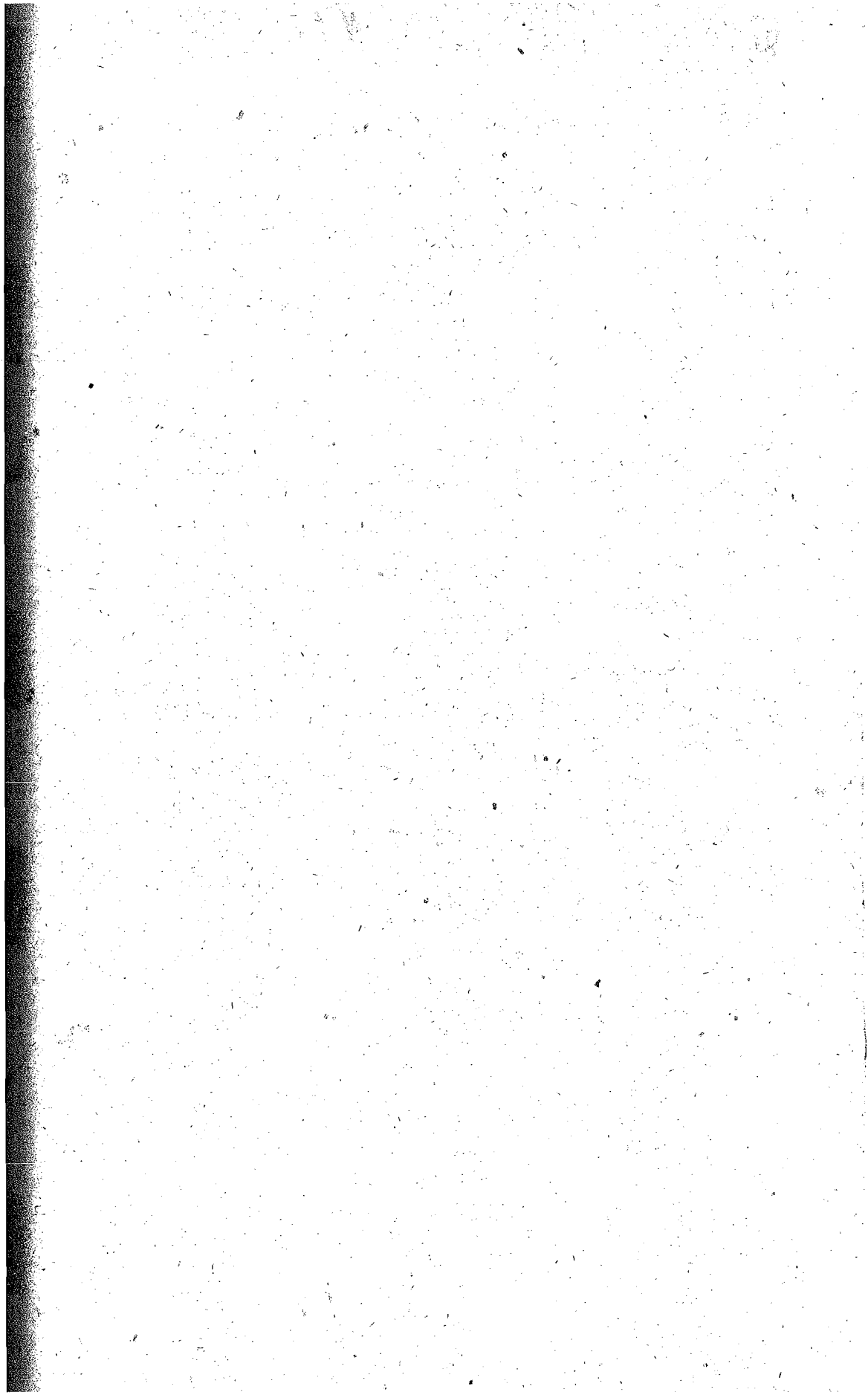
Rate of overtime pay.

LINLITHGOW,

Viceroy and Governor General.

Price anna 1 or 1½.

GIPD-S1-955 LD-7-10-42-1,600.



Rep. by Ord. I of 1946

ORDINANCE No. XLVI OF 1942.

An Ordinance further to amend the Penalties (Enhancement) Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated the 26th August, 1942.)

III of 1942
WHEREAS an emergency has arisen which makes it necessary further to amend the Penalties (Enhancement) Ordinance, 1942, for the purposes hereinafter appearing;

26 Geo. 5, c. 2
Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Penalties (Enhancement) Third Amendment Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In section 5 of the Penalties (Enhancement) Ordinance, 1942,— Amendment of section 5, Ord. III of 1942.

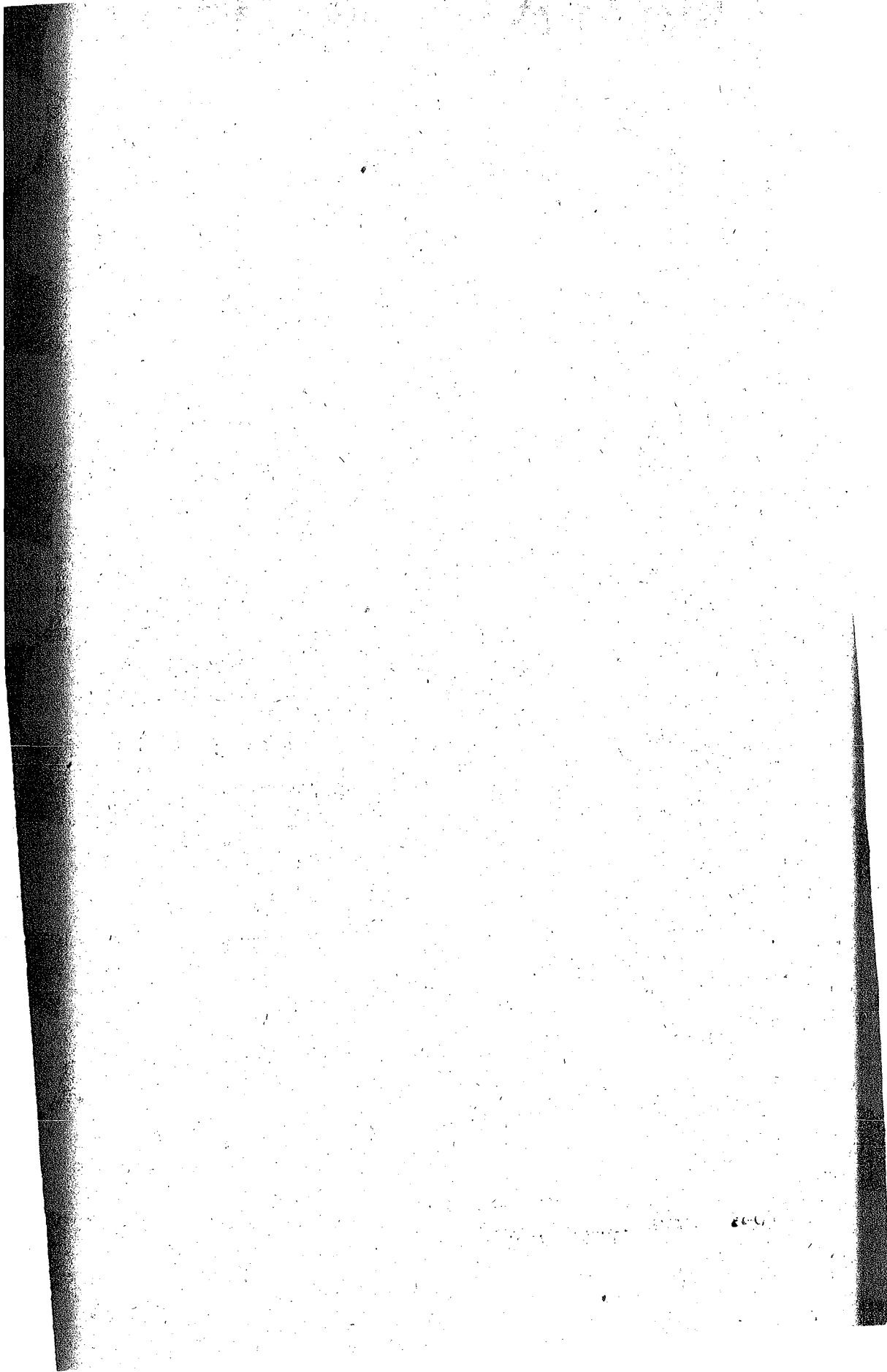
(a) after the word "provisions" the words "for the time being in force" shall be inserted;

(b) after the words "Defence of India Rules" the words and figures "or is deemed under rule 121 of the said Rules to have contravened any such provision" shall be inserted;

(c) for the words "the said rule", in both places where they occur, the words "the said Rules" shall be substituted.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.



Rep. by Ord. I of 1946

ORDINANCE No. XLVII OF 1942.

An Ordinance further to amend the Indian Tea Control Act, 1938.

(Published in the Gazette of India Extraordinary, dated the 1st September, 1942.)

VIII of 1938. **W**HEREAS an emergency has arisen which makes it necessary further to amend the Indian Tea Control Act, 1938, for the purposes hereinafter appearing ;

20 Geo. 5, c. 2. Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Indian Tea Control (Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

VIII of 1938. 1938,— 2. (1) In section 17 of the Indian Tea Control Act, Amendment of section 17, Act VIII of 1938.

(a) after sub-section (2) the following sub-section shall be inserted, namely :—

“(2A) A person to whom a special export licence has been issued in lieu of an export licence covering the export of tea in the financial year ending on the 31st day of March, 1942, may transfer the licence with all rights conferred thereby to a person or persons nominated by him, but a licence once so transferred shall not be further transferable.” ;

(b) to sub-section (3) the following proviso shall be added, namely :—

“ Provided that a special export licence issued in lieu of an export licence covering the export of tea in the financial year ending on the 31st day of March, 1942, shall not cease to be valid on the 31st day of May of the year in which it was issued, but shall continue to be valid up to the 31st day of March, 1943.”

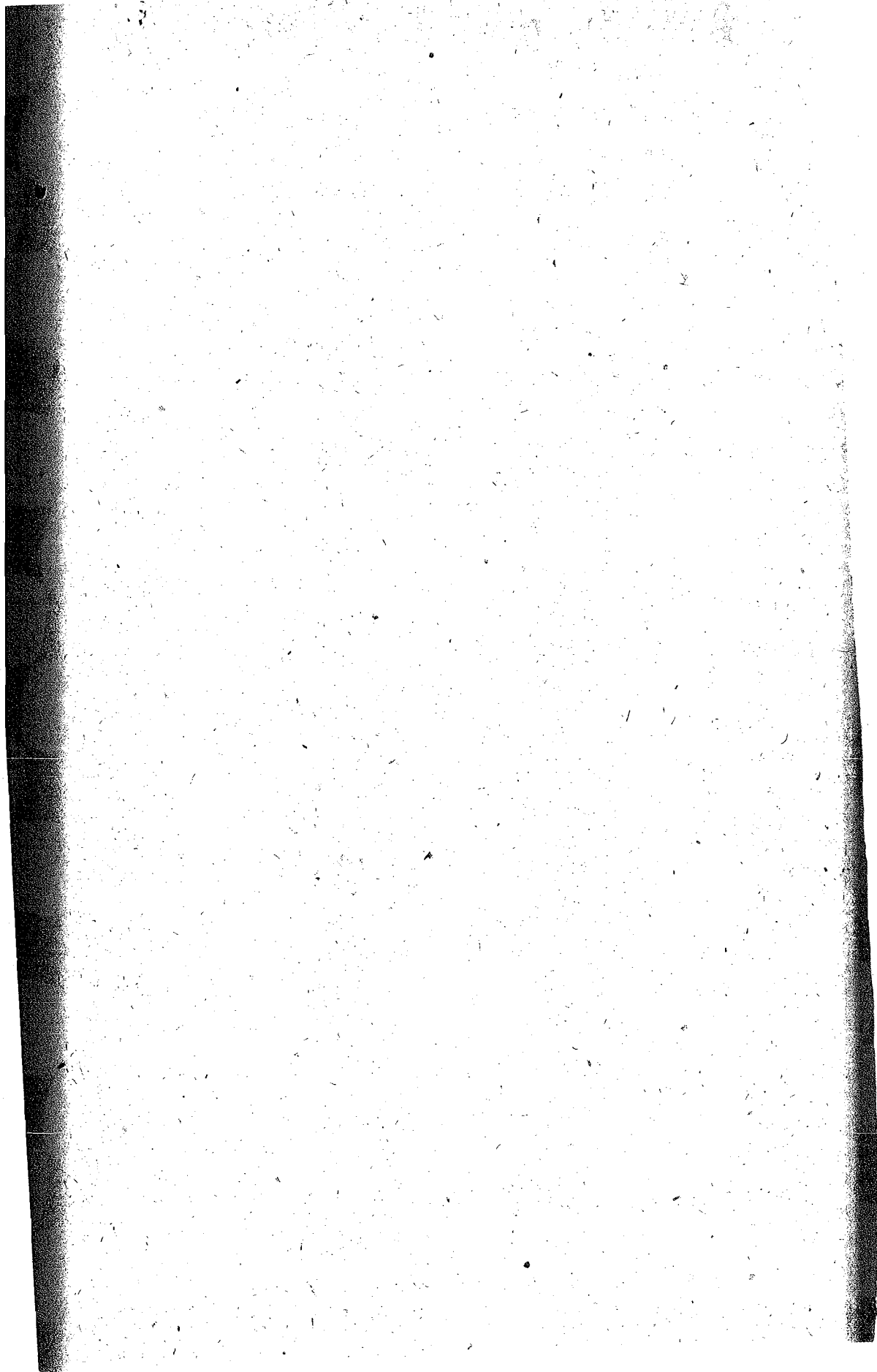
(2) The amendments made by sub-section (1) shall be deemed to have taken effect on the 1st day of April, 1942.

LINLITHGOW,

Viceroy and Governor General.

Price anna 1 or 1½.

GIPD—S1—1022 LD—20:10.42—2,600.



Rep. by Ord. I of 1946

ORDINANCE No. XLVIII OF 1942.

An Ordinance further to amend the Defence of India Act, 1939.

(Published in the Gazette of India Extraordinary, dated the 5th September, 1942.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939, for the purpose hereinafter appearing ;

XXXV of 1939.

28 Geo. 5, c. 2.

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Defence of India (Second Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

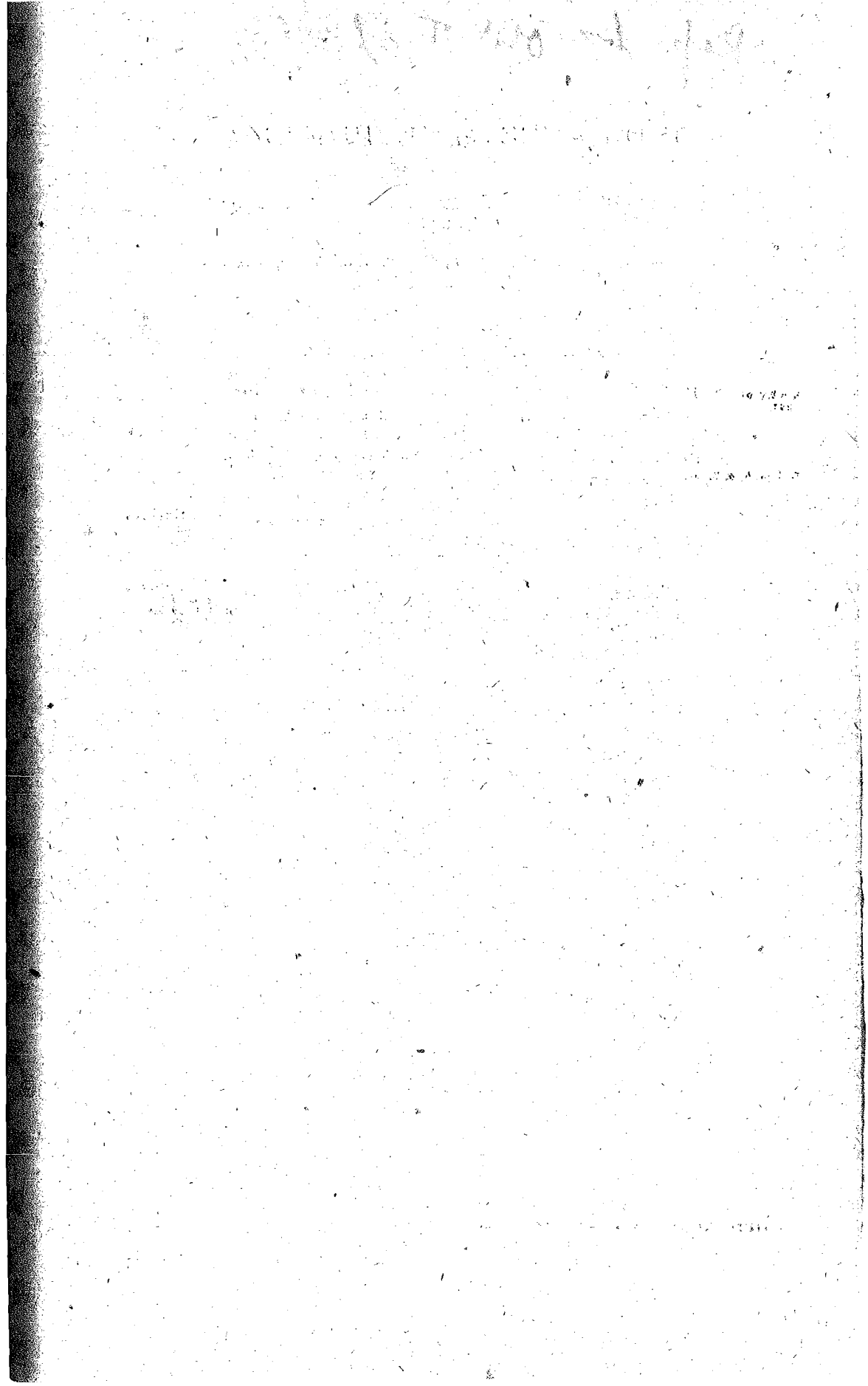
2. In clause (xx) of sub-section (2) of section 2 of the Defence of India Act, 1939, for the words " any trade or industry " the words " agriculture, trade or industry " shall be substituted. Amendment of section 2 of Act XXXV of 1939.

LINLITHGOW,

Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—81—1069 LD—23-10-42—3,000.



Rep. by Ord. I of 1946.

ORDINANCE No. XLIX OF 1942.

An Ordinance further to amend the Collective Fines Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated the 12th September, 1942.)

XX of 1942. **WHEREAS** an emergency has arisen which makes it necessary further to amend the Collective Fines Ordinance, 1942, for the purposes hereinafter appearing;

20 Geo. 5, c. 2. **NOW, THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Collective Fines (Second Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In section 3 of the Collective Fines Ordinance, 1942,— Amendment of section 3, Ord. XX of 1942.

(a) after sub-section (1) the following sub-section shall be inserted, namely:—

“(1A) An officer empowered in this behalf by the Provincial Government by general or special order may exercise the power conferred by sub-section (1) on the Provincial Government:

Provided that an imposition of a collective fine by any such officer may be made by publication of the order imposing the fine either in the official Gazette or in any such other manner as such officer considers best calculated to bring the order to the notice of the inhabitants of the area concerned.”;

(b) in sub-section (2), after the words “the Provincial Government” the words “or any officer empowered in this behalf by the Provincial Government by general or special order” shall be inserted;

(c) after

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Price anna 1 or 1½d.

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

“(3A) In any such apportionment the District Magistrate may assign a portion of such fine to a Hindu undivided family to be payable by it.”;

(d) in sub-section (4), after the word “ person ” the brackets and words “ (including a Hindu undivided family) ” shall be inserted and the words “ from him ” shall be omitted.

LINLITHGOW,
Viceroy and Governor General.

Rep. by Ord. I of 1946.

ORDINANCE No. L OF 1942.

An Ordinance further to amend the Indian Navy (Discipline) Act, 1934.

(Published in the Gazette of India Extraordinary, dated the 3rd October, 1942.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Navy (Discipline) Act, 1934, for the purpose hereinafter appearing;

XXXIV of
1934.

26 Geo. 5, c. 2.

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Indian Navy (Discipline) Amendment Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1), sub-section (1A), sub-section (2) and sub-section (2A) of section 90A of the Naval Discipline Act as set forth in the First Schedule to the Indian Navy (Discipline) Act, 1934, for the words "under such conditions as may be prescribed" the words "under such conditions as may be or may have been prescribed" shall be substituted.

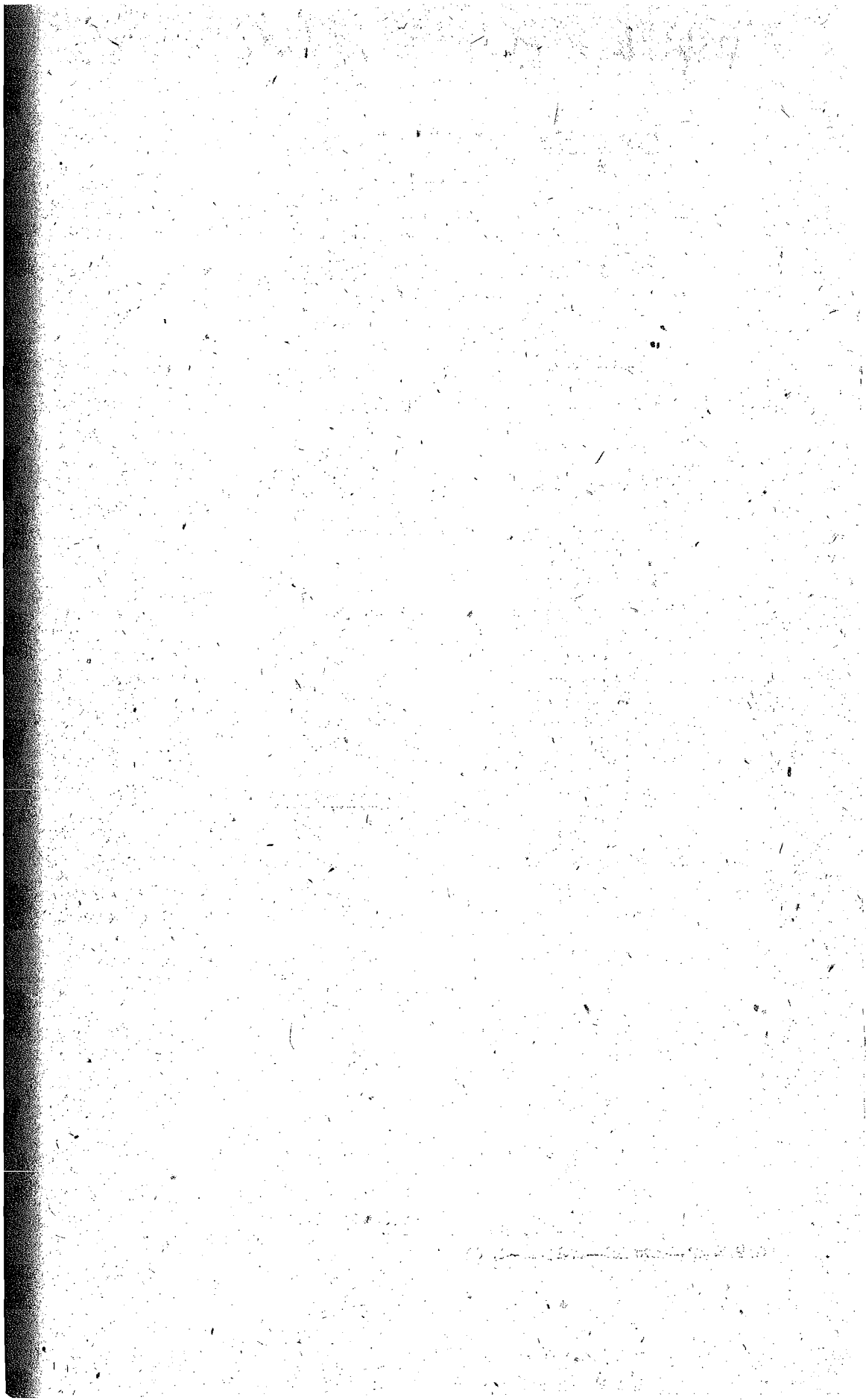
Amendment of section 90A of Naval Discipline Act as set forth in the First Schedule to Act XXXIV of 1934.

29 & 30 Vict.,
c. 109.
XXXIV of
1934.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—S1—1278 LD—17-11-42—1,600.



Rep. by Ord. I of 1946.

ORDINANCE No. LI OF 1942.

An Ordinance further to amend the National Service
(Technical Personnel) Ordinance, 1940.

(Published in the Gazette of India Extraordinary, dated
the 3rd October, 1942.)

II of 1940. **W**HEREAS an emergency has arisen which makes it necessary further to amend the National Service (Technical Personnel) Ordinance, 1940, for the purposes hereinafter appearing;

26. Geo. 5, c. 2. **N**OW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the National Service (Technical Personnel) Second Amendment Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In clause (j) of section 2 of the National Service (Technical Personnel) Ordinance, 1940 (hereinafter referred to as the said Ordinance),— Amendment of section 2, Ord. II of 1940.

(a) after the words "training centre" the words "in British India" shall be inserted;

(b) to the said clause the following words shall be added, namely:—

"or any such institution or centre in an Indian State so established, selected or approved with the consent of the State".

3. In section 3 of the said Ordinance,—

(a) after the words "Indian British subjects" for the word "or" the following shall be substituted, namely:— Amendment of section 3, Ord. II of 1940.

"or being subjects of an Indian State resident for the time being in British India or being";

(b) for

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Price anna 1 or 1½d.

National Service (Technical Personnel) Second Amendment. [ORD. LI OF 1942.]

(b) for the existing proviso the following proviso shall be substituted, namely:—

“Provided that no subject of an Indian State resident for the time being in British India for a temporary purpose other than that of undergoing training at a training establishment shall be so liable, and no person in the service of the Crown shall be so liable except with the written consent of the Government under which he is serving.”

Amendment of
section 5 Ord.
II of 1940.

4. In section 5 of the said Ordinance,—

(a) after sub-section (1) the following sub-section shall be inserted, namely:—

“(1A) The Central Government may empower the Tribunal constituted for any particular area to exercise in relation to British subjects in any Indian State or group of Indian States or in any territory in an Indian State in which jurisdiction is exercised by His Majesty through the Crown Representative the functions assigned to such Tribunals by this Ordinance.”;

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

“(2) A Tribunal shall consist of not less than three members appointed by the Central Government, of whom one shall be designated as Chairman and of whom the majority shall be servants of the Crown:

Provided that for the purposes of this section officers of Company-managed railways shall be deemed to be servants of the Crown.”;

(c) after sub-section (2) as amended by the preceding clause the following sub-section shall be inserted, namely:—

“(2A) A person, other than a servant of the Crown, shall be disqualified for appointment as member of a Tribunal if he is connected with the management or operation of any industrial undertaking situated within the jurisdiction of the Tribunal.”

LINLITHGOW,

Viceroy and Governor General.

Rep. by Ord. I of 1946.

ORDINANCE No. LII of 1942.

An Ordinance further to amend the Indian Press
(Emergency Powers) Act, 1931.

(Published in the Gazette of India Extraordinary, dated
the 8th October, 1942.)

WHEREAS an emergency has arisen which makes
it necessary further to amend the Indian Press
XXIII of 1931. (Emergency Powers) Act, 1931, for the purpose herein-
after appearing;

Now, **THEREFORE**, in exercise of the powers conferred
by section 72 of the Government of India Act, as set out
in the Ninth Schedule to the Government of India Act,
28 Geo. 5, c. 2. 1935, the Governor General is pleased to make and pro-
mulgate the following Ordinance:—

1. (1) This Ordinance may be called the Indian Short title
Press (Emergency Powers) Amendment Ordinance, and commence-
1942. ment.

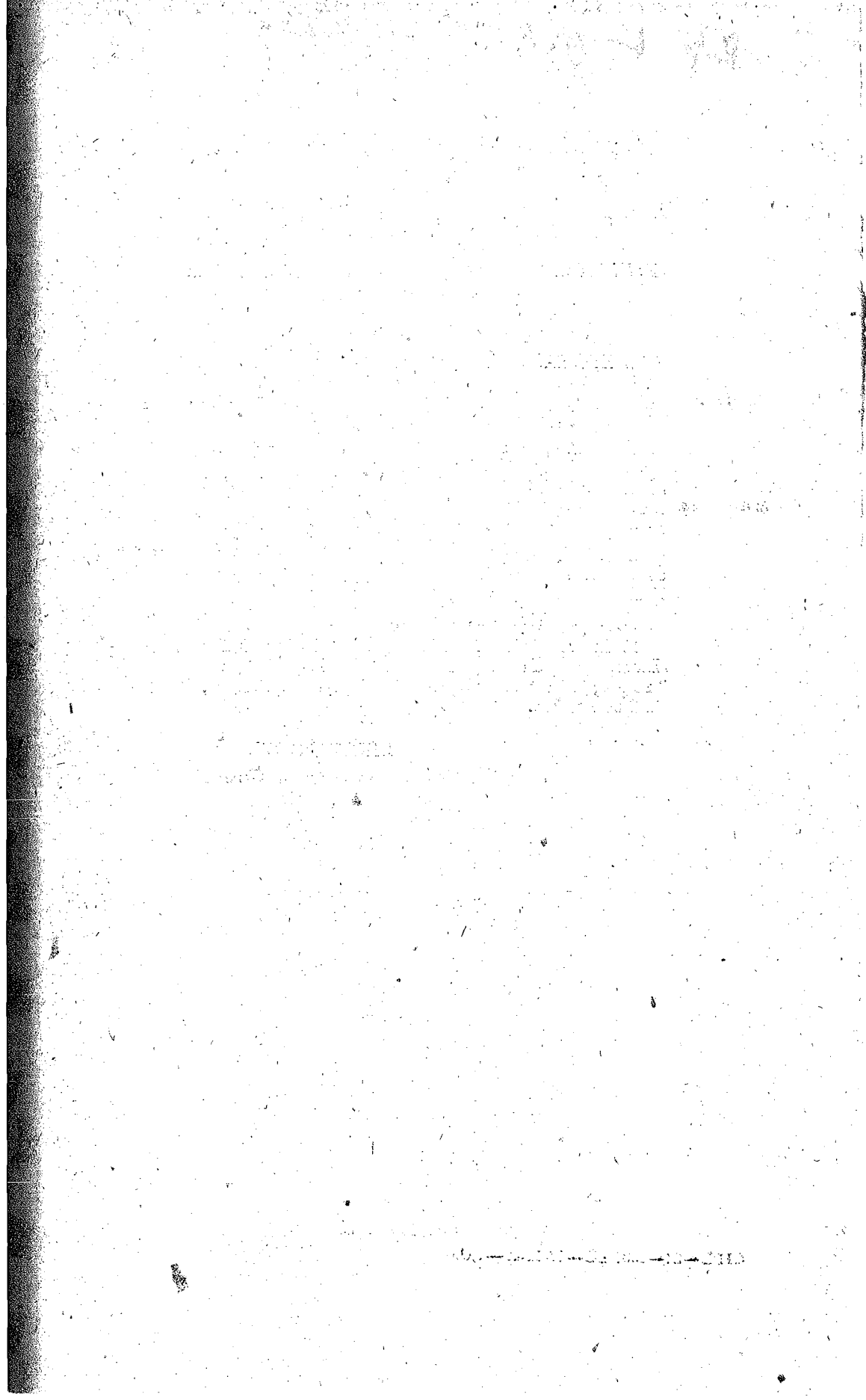
(2) It shall come into force at once.

2. In sub-section (1) of section 18 of the Indian Press Amendment
(Emergency Powers) Act, 1931, after the word of section 18,
"makes," the words "prints or otherwise produces," Act XXIII
shall be inserted. of 1931.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—S1—1331 LD—17-11-42—1,600.



Rep. by Act 2 of 1948.

ORDINANCE No. LIII OF 1942.

An Ordinance to make certain provisions relating to the employment of members of His Majesty's forces in the working and management of railways.

(Published in the Gazette of India Extraordinary, dated the 8th October, 1942.)

WHEREAS an emergency has arisen which renders it necessary to make certain provisions relating to the employment of members of His Majesty's forces in the working and management of railways;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Railways (Employment of Military Personnel) Ordinance, 1942.

Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. (1) When any members of His Majesty's forces are employed to assist a railway administration in connection with the service of a railway, then, whether such employment was before or is after the commencement of this Ordinance,—

Employment of military personnel to assist a railway administration in connection with the service of a railway.

(a) any provision of the Indian Railways Act, 1890, or of the rules made thereunder, which confers a power, status or immunity, or imposes a duty or liability upon railway servants as defined for the purposes of the said Act, in connection with the working, use, management and maintenance of railways, shall be construed as conferring the same power, status or immunity or imposing the same duty or liability as the case may be upon members of His Majesty's forces when so employed;

(b) the employment of members of His Majesty's forces in addition to or in place of railway servants as defined for the purposes of the

Indian

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Price anna 1 or 1½d.

*Railways (Employment of Military [ORD. LIII OF 1942.]
Personnel) Amendment.*

Indian Railways Act, 1890, shall not affect ~~IX~~ of 1890,
any liability that would have attached to the
railway administration had such members
been railway servants.

(2) Nothing in sub-section (1) shall be construed as
making applicable to members of His Majesty's forces
employed to assist a railway administration the provi-
sions of Chapter VIA of the Indian Railways Act, 1890, ~~IX~~ of 1890,
or as derogating from any provision of military law regu-
lating the governance, control and discipline of members
of His Majesty's forces.

Employment
of military
personnel to
replace railway
administration
in
working a
railway.

3. If at any time the whole of the working, manage-
ment and maintenance of a railway, or of a specific
portion or section of a railway, is assumed by the military
authorities, the Central Government may notify the fact
of such assumption in the official Gazette, and thereupon,
so long as such assumption continues, the Indian Rail-
ways Act, 1890, shall cease to be applicable to the rail- ~~IX~~ of 1890,
way or the portion or section of a railway concerned.

LINLITHGOW,

Viceroy and Governor General.

Rep. by Act I of 1956

ORDINANCE No. LIV OF 1942.

An Ordinance to provide for enabling companies incorporated by or under the law in force in certain parts of His Majesty's dominions outside British India to continue to operate effectively by removal to British India.

(Published in the Gazette of India Extraordinary, dated the 8th October, 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for enabling companies incorporated by or under the law in force in certain parts of His Majesty's dominions outside British India to continue to operate effectively by removal to British India;

Now, **THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Registration of Transferred Companies Ordinance, 1942.

Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. (1) If the Central Government is satisfied as respects any company incorporated by or under the law in force in any Dominion within the meaning of the Statute of Westminster, 1931, or in British Burma, or in any Colony, or in any British protectorate, or in any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom, that it is expedient for any of the purposes specified in sub-section (1) of section 2 of the Defence of India Act, 1939, to exercise

Registration in British India of companies incorporated elsewhere in His Majesty's dominions.

the

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Price anna 1 or 1½d.

Registration of Transferred Companies. [ORD. LIV

the powers conferred on the Central Government by this Ordinance, the Central Government may by order direct that the company shall be registered under and in accordance with this Ordinance by a registrar of companies in British India, and, subject to the provisions of this Ordinance, where such a company is so registered, it shall, except so far as the order of the Central Government otherwise provides, be treated for all purposes as if it were a company incorporated under the Indian Companies Act, 1913, and registered under VII of 1913. that Act in British India and not elsewhere.

(2) Any such order may, in respect of the company to which it relates,—

(a) modify, adapt or exclude any of the provisions of the Indian Companies Act, 1913; VII of 1913.

(b) modify, adapt or exclude any provisions of the memorandum and articles of association of the company as in force immediately before the making of the order, or of any other instrument as then in force regulating the constitution or functions of the company;

(c) contain such transitional provisions as appear to the Central Government to be necessary or expedient for enabling the company to carry on or recommence business outside the territory under the law of which it was incorporated immediately before the making of the order; and

(d) contain such incidental, supplemental and consequential provisions as appear to the Central Government to be necessary or expedient for the purposes of the order.

(3) The Central Government may make rules—

(a) regulating the manner in which companies are to be registered under this Ordinance and the matters which are to be registered under this Ordinance in relation to any company, and

(b) imposing upon registrars of companies under the Indian Companies Act, 1913, such duties VII of 1913. in respect of the keeping of registers, books and other documents relating to the companies so registered as may be specified in the rules.

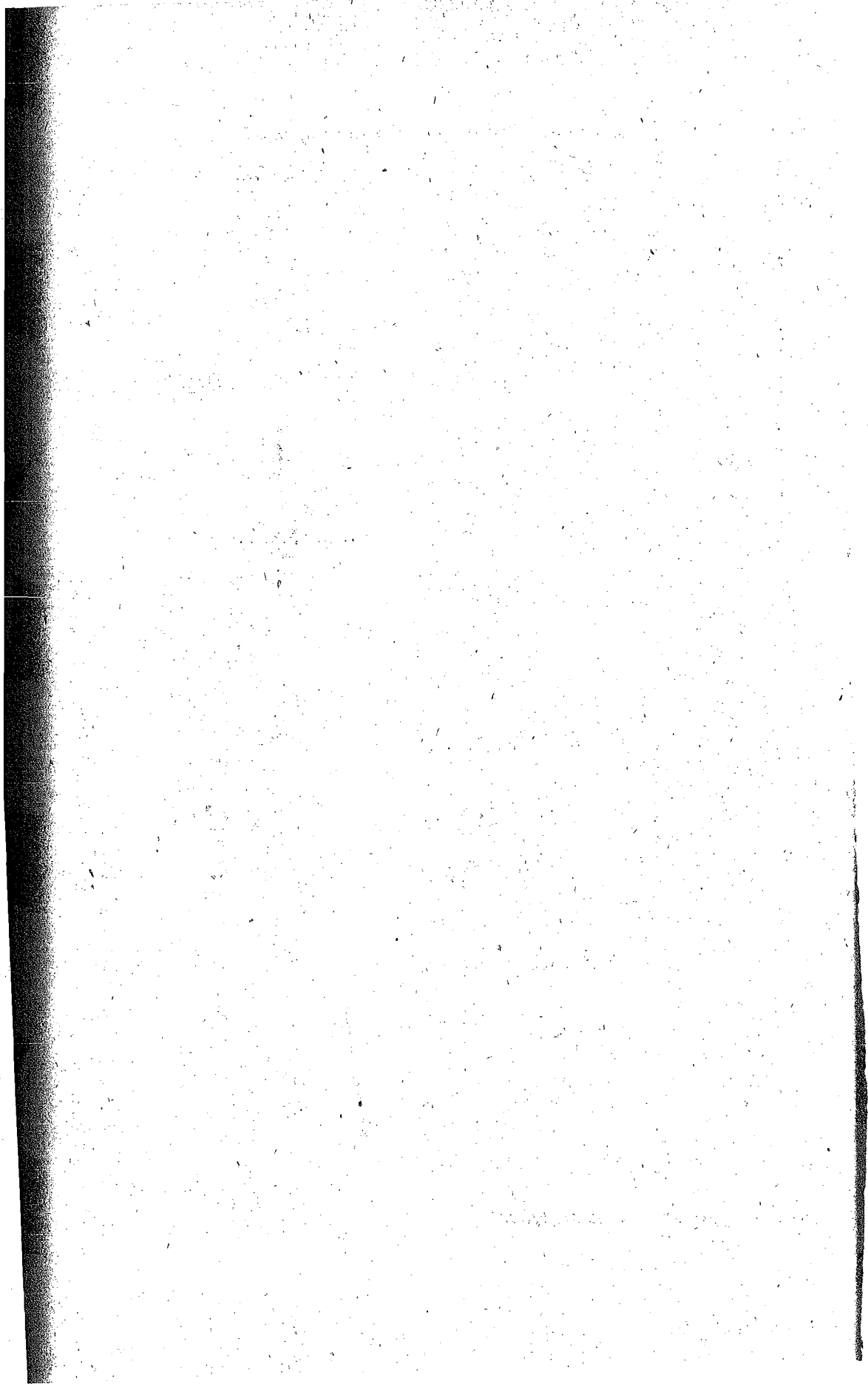
(4) The

of 1942.] *Registration of Transferred Companies.*

(4) The registration of a company under this Ordinance shall not affect any liability of the company or any other person to income-tax or excess profits tax, and for the purposes of either such tax a company shall not be deemed to be resident in British India by reason only of the fact that the control and management of the affairs of the company is temporarily situated wholly in British India in consequence of the company having been registered in British India under this Ordinance.

3. The powers conferred on the Central Government by section 2, except the power to make rules conferred by sub-section (3) of that section, may, if the Central Government so directs, be exercised in a Governor's Province by the Provincial Government and in a Chief Commissioner's Province by the Chief Commissioner. ^{Delegation of powers.}

LINLITHGOW,
Viceroy and Governor General.



Rep. by Ord. I of 1942.

ORDINANCE No. LV OF 1942.

An Ordinance further to amend the Women's Auxiliary Corps Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated the 17th October, 1942.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Women's Auxiliary Corps Ordinance, 1942, for the purpose hereinafter appearing;

Now, **THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Women's Auxiliary Corps (Second Amendment) Ordinance, 1942. Short title and commencement.

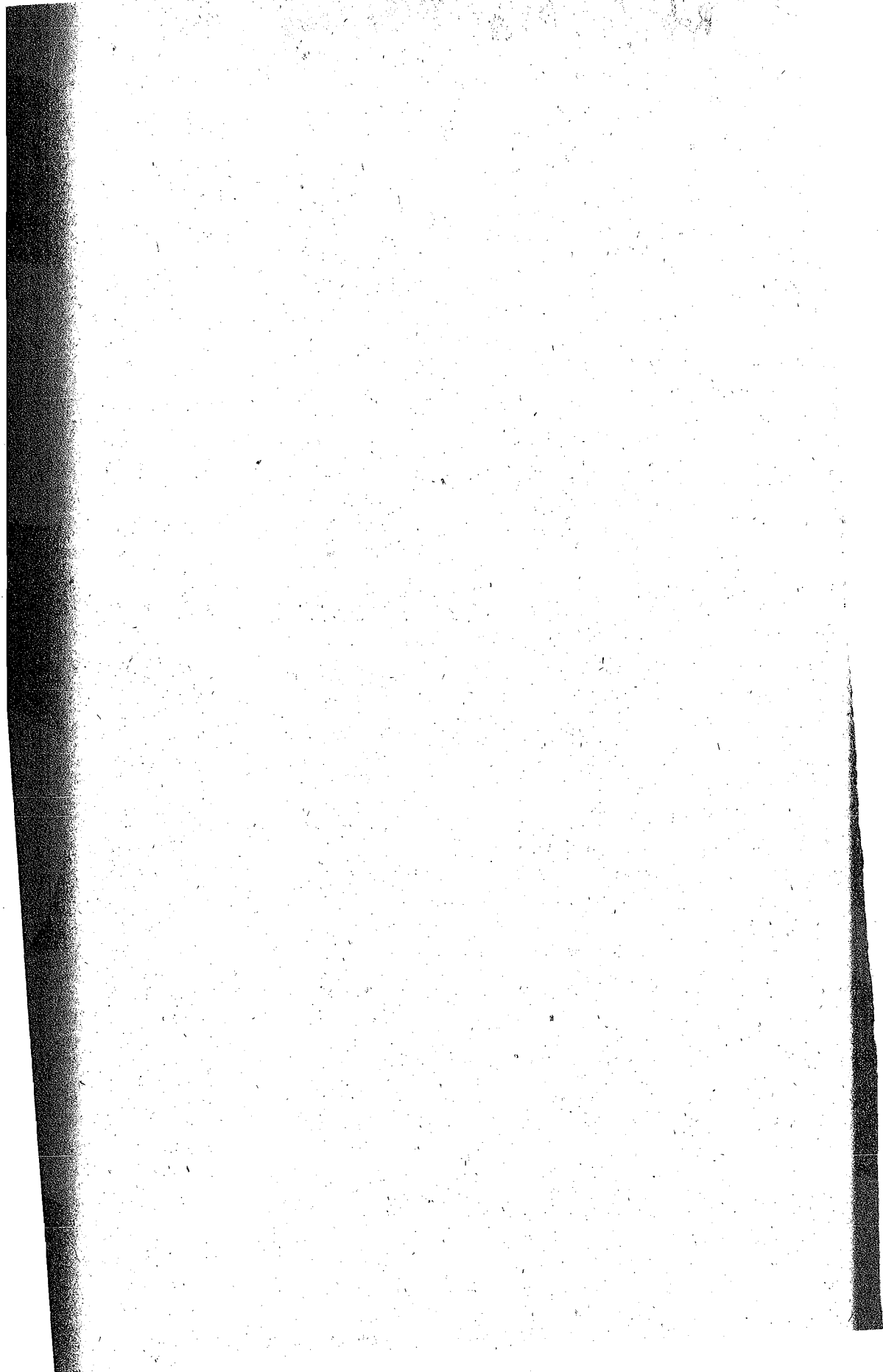
(2) It shall come into force at once.

2. In section 4 of the Women's Auxiliary Corps Ordinance, 1942, for the word "eighteen" the word "seventeen" shall be substituted. Amendment of section 4, Ord. XIII of 1942.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—S1—1400 LD—5-12-42—1,600.



Rep. by Act 2 of 1948

ORDINANCE No. LVI of 1942.

An Ordinance to make certain provisions respecting the armed forces in British India of foreign Powers allied with His Majesty, and of certain foreign Authorities.

(Published in the Gazette of India Extraordinary, dated the 26th October, 1942.)

WHEREAS an emergency has arisen which renders it necessary to make certain provisions respecting the armed forces in British India of foreign Powers allied with His Majesty, and of certain foreign Authorities;

28 Geo. 5, c. 2. Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Allied Forces Ordinance, 1942.

Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. In this Ordinance, unless there is anything Interpretation. repugnant in the subject or context,—

(a) "foreign force" means any naval, military or air force for the time being present in British India or on board any ship or aircraft of His Majesty's Indian forces, or of forces serving in association with His Majesty's Indian forces, belonging to—

(i) a foreign Power allied with His Majesty to which this Ordinance is for the time being applicable, or

(ii) a foreign Authority recognised by His Majesty as competent to maintain naval, military or air forces for service in association with His Majesty's forces to which this Ordinance is for the time being applicable;

(b) "court"

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(b) "court", used with reference to a naval, military or air force court exercising jurisdiction by virtue of section 3, or by virtue of the Naval Discipline Act, the Army Act, or the Air Force Act, as the case may be, includes a court of inquiry, and any officer who is empowered to review the proceedings of any such court or court of inquiry or to investigate charges or himself to dispose of charges; and the expressions "order" and "sentence" shall be construed accordingly.

29 & 30 Vict.,
c. 109.
44 & 45 Vict.,
c. 58.

Powers of
naval,
military
and air
force courts
and author-
ities.

3. (1) Where any naval, military or air forces of any foreign Power allied with His Majesty, to which this Ordinance is for the time being made applicable by the Central Government by notification in the official Gazette, are for the time being present in British India or on board any ship or aircraft of His Majesty's Indian forces, or of forces serving in association with His Majesty's Indian forces, the naval, military and air force courts and authorities of that Power may, subject to the provisions of this Ordinance, exercise within British India, in relation to members of those forces of that Power in matters concerning discipline and internal administration, all such powers as are conferred upon them by the law of that Power.

(2) When any foreign Authority is recognised by His Majesty as competent to maintain naval, military or air forces for service in association with His Majesty's forces, and the Central Government has, by notification in the official Gazette, made this Ordinance applicable for the time being to that Authority, the said Authority may, by order made with the concurrence of the Central Government, confer, whether by reference to the present or former national law of the Authority or otherwise, upon naval, military and air force courts and authorities constituted in accordance with the order all such powers as may be necessary to secure the discipline and internal administration of any forces so maintained which are for the time being present in British India, or on board any ship or aircraft of His Majesty's Indian forces, or of forces serving in association with His Majesty's Indian forces.

(3) An order made under sub-section (2) or any order varying or revoking such an order may be proved by the production of a copy of that order published in the Gazette of India.

Privileges
and
immunities
of foreign
courts and
witnesses
before them.

4. A naval, military or air force court exercising jurisdiction by virtue of section 3, and witnesses appearing before any such court, shall enjoy the like immunities and privileges as are enjoyed by a court exercising jurisdiction by virtue of the Naval Discipline Act,

29 & 30 Vict.,
c. 109.
the

44 & 45 Vict.,
c. 58. the Army Act, or the Air Force Act, as the case may be, and by witnesses appearing before such a court.

5. When any order or sentence has, whether within or without British India, been passed by a court which is empowered by virtue of section 3 to exercise jurisdiction in British India, then for the purposes of any legal proceedings within British India the court shall be deemed to have been properly constituted, and its proceedings shall be deemed to have been regularly conducted, and the order or sentence shall be deemed to be within the jurisdiction of the court and in accordance with the law of the Power or followed by the foreign Authority by which the court was constituted, and a sentence if executed according to the tenor thereof shall be deemed to have been lawfully executed, and any person who is detained in custody in pursuance of any sentence of such a court or pending the determination by such a court of a charge brought against him shall, for the purposes of any such proceedings as aforesaid, be deemed to be in legal custody.

Validity of proceedings in and action taken by foreign courts.

6. (1) For the purposes of any legal proceedings in British India a certificate signed by the officer commanding any foreign force that a member of that force is being detained for either of the causes referred to in section 5 shall be conclusive evidence of the cause of his detention; and a certificate signed by such an officer that the persons specified in the certificate are sitting or sat as a court exercising jurisdiction by virtue of section 3 shall be conclusive evidence of that fact.

Proof of certain facts by certificate of officer commanding foreign force.

(2) Any document purporting to be a certificate issued for the purposes of this section and to be signed by such an officer as is referred to in sub-section (1) shall be received in evidence and shall, unless the contrary is proved, be presumed to be a certificate by such officer.

7. (1) On application made by or under the authority of the officer commanding any foreign force to a magistrate in British India for the arrest of a member of such force alleged to have been guilty of an offence against the law of the Power or followed by the Authority to which such force belongs, the magistrate may issue a warrant for the arrest of such member, and such warrant may direct his delivery when so arrested to the appropriate authorities of the force of which he is a member.

Arrest of persons charged with offences.

(2) On request made by or under the authority of the officer commanding any foreign force to the Central Government the Central Government may, by general or special orders to any naval, military or air force of

His

His Majesty in India, direct the members thereof to arrest members of such first mentioned force alleged to have been guilty of offences against the law of the Power or followed by the Authority to which that force belongs and to hand over any person so arrested to the appropriate authorities of that force.

Securing attendance of witnesses before a foreign court.

8. On application made under the authority of a foreign court exercising jurisdiction by virtue of section 3 to a magistrate in British India to secure the attendance before it of a person required as a witness, the magistrate may take any such steps, whether by the issue of a summons or a warrant for arrest or otherwise, directed to secure the attendance or production of such person before the foreign court and his attendance or production at any adjourned hearing until he is released from such attendance by the foreign court, as such magistrate could take for the attendance or production before himself of a witness; and if any person fails without reasonable excuse to comply with any requirement of a summons issued under this section he shall be liable to the like processes and punishable in the like manner as if he had failed to comply with a summons to appear before the magistrate himself.

Detention and imprisonment in British India of persons detained or imprisoned by order of a foreign court.

9. (1) Where a court exercising jurisdiction by virtue of section 3 orders the detention in custody or the imprisonment of a member of a foreign force, the Central Government may upon the request of the officer commanding the force order the said member to be temporarily detained or imprisoned in a military prison or detention barrack in India or to be detained or imprisoned during the whole or any part of the term of his sentence in a military prison or detention barrack in British India.

(2) If where an order of detention or imprisonment such as is referred to in sub-section (1) has been made the officer commanding the force does not require that the detention or imprisonment should be in a military prison or detention barrack, the Central or a Provincial Government may, upon the request of such officer, order the person concerned to be detained or imprisoned in a prison in British India.

(3) The Central Government, and in the case referred to in sub-section (2) a Provincial Government also, may, after consultation with the officer commanding the foreign force concerned, by general or special order, make such provision as it thinks necessary for the purpose of giving effect to the provisions of this section, including provision with respect to the reception of persons to be detained or imprisoned, their return to the officer commanding the force to which

they

they belong, their treatment while so detained or imprisoned (including their treatment in the event of unsoundness of mind, and the adjustment to the terms of any sentence passed of the normal conditions governing such detention or imprisonment), and the circumstances under which they are to be released.

10. The Central Government may authorise any authority or person in British India to perform, at the request of the officer commanding any foreign force, but subject to such limitations as may be specified in the authorisation, any function in relation to that force and members thereof which such authority or person performs or could perform in relation to or to the members of a naval, military or air force of His Majesty in India of like nature to that force, and for the purpose of the exercise of any such function any power exercisable by virtue of any enactment by such authority or person in relation to or to the members of a naval, military or air force in India shall be exercisable in relation to the said foreign force and members thereof.

Relations of foreign forces to civil power.

11. (1) Any enactment for the time being in force in British India which—

Application to foreign forces of certain laws applicable to His Majesty's forces.

- (a) exempts, or provides for the exemption of, any vessel, vehicle, aircraft, machine or apparatus of, or employed for the purposes of, His Majesty's forces or any of them from the operation of any enactment; or
- (b) in virtue of a connection with His Majesty's forces or any of them, confers a privilege or immunity on any person; or
- (c) in virtue of such a connection, excepts any property, trade or business, in whole or in part, from the operation of any enactment, or from any tax, rate, imposition, toll or charge; or
- (d) imposes upon any person or undertaking obligations in relation to His Majesty's forces or any of them, or any member or service court thereof; or
- (e) penalises misconduct by any person in relation to His Majesty's forces or any of them, or any member or service court thereof,

shall, with necessary modifications, apply in relation to a foreign force as it would apply in relation to a force of His Majesty of a like nature to the foreign force:

Provided that the Central Government may, by notification in the official Gazette, direct that any such enactment either shall not apply or shall apply with

such

such exceptions and subject to such adaptations or modifications as may be specified in the notification.

(2) A notification under this section may apply either generally or in relation to any particular foreign force or in relation to any particular place.

Saving of
limitation of
jurisdiction of
British
Indian courts.

12. (1) Nothing in section 3 shall affect the jurisdiction of any criminal court in British India to try a member of a foreign force for any act or omission constituting an offence against the law of British India.

(2) If a person sentenced by a court exercising jurisdiction by virtue of section 3 to punishment for an offence is afterwards tried by a criminal court in British India in respect of any act or omission which constituted that offence, such criminal court shall, in awarding punishment in respect of that act or omission, have regard to any punishment imposed on him by the said sentence.

(3) A court shall not have jurisdiction by virtue of section 3 to try any person for any act or omission constituting an offence for which he has been acquitted or convicted by a criminal court in British India :

Provided that nothing in this sub-section shall apply to any proceedings, whether by way of trial or otherwise, taken in such a court against a member of a foreign force convicted by a criminal court in British India where such proceedings are by the law of the foreign Power or foreign Authority concerned necessary for the making against such member of an order of dismissal from service or degradation in consequence of such a conviction.

(4) No proceedings in respect of the pay, terms of service or discharge of a member of a foreign force shall be entertained by any court in British India.

LINLITHGOW,

Viceroy and Governor General.

Repealed by Act 2 of 1948

ORDINANCE No. LVII of 1942.

An Ordinance to make certain provisions respecting the military and naval forces in British India of the United States of America.

(Published in the Gazette of India Extraordinary, dated the 26th October, 1942.)

WHEREAS an emergency has arisen which renders it necessary, in order to give effect to an agreement recorded in Notes exchanged between the Central Government in British India and the Government of the United States of America, relating to jurisdiction over members of the military and naval forces of the United States of America, to make certain provisions respecting those forces in British India ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Allied Forces (United States of America) Ordinance, 1942. Short title, extent and commencement.
(2) It extends to the whole of British India.
(3) It shall come into force at once.

2. (1) Notwithstanding anything contained in section 12 of the Allied Forces Ordinance, 1942, or elsewhere in any law in force in British India, no criminal proceedings shall, subject as hereinafter provided, be prosecuted in British India before any Court of British India against a member of the military or naval forces of the United States of America : Bar of criminal proceedings in British Indian Courts.

Provided that, upon representation made to it on behalf of the Government of the United States of America in any particular case, the Central Government may by order direct that the provisions of this subsection shall not apply in that case.

(2) Nothing in sub-section (1) shall affect any powers of arrest, search, entry or custody exercisable under the law in force in British India with respect to offences committed or believed to have been committed against that law, but where a person against whom proceedings cannot, by virtue of that sub-section, be prosecuted before a Court of British India is in the custody of any authority of British India he shall, in accordance with such general or special directions as may be given by or under the authority of the Central Government for the purpose of giving effect to any arrangements made by the Central Government with the Government

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Price anna 1 or 1½d.

Allied Forces (United States of America). [ORD. LVII OF 1942.]

of the United States of America, be delivered into the custody of such authority of the United States of America as may be provided by the directions:

Provided that the powers of arrest, search and entry saved by this sub-section shall not be exercised on or in respect of any premises occupied or used by the military or naval forces of the United States of America unless application is first made to the officer commanding the forces occupying or using such premises.

(3) Nothing contained in this Ordinance shall render any person subject to any liability whether civil or criminal in respect of anything done by him to a member of the said forces in good faith and without knowledge that he was a member of those forces.

Membership
of military
and naval
forces and
proof thereof.

3. (1) For the purposes of this Ordinance and of the Allied Forces Ordinance, 1942, in its application to the military and naval forces of the United States of America, all persons who are by the law of the United States of America for the time being subject to the military or naval law of that country shall be deemed to be members of the said forces: LVI of 1942.

Provided that no person employed in connection with the said forces, not being a citizen or national of the United States of America, shall be deemed to be a member of those forces unless he entered into that employment outside British India.

(2) For the purposes of any proceedings in any Court of British India a certificate issued by or on behalf of such authority as may be appointed for the purpose by the Government of the United States of America stating that a person of the name and description specified in the certificate is, or was at the time so specified, subject to the military or naval law of the United States of America, shall be conclusive evidence of that fact.

(3) For the purposes of any proceedings in any Court of British India in which the question is raised whether a party to the proceedings is or was at any time a member of the military or naval forces of the United States of America, any such certificate as aforesaid relating to a person bearing the name in which that party is charged or appeared in the proceedings shall, unless the contrary is proved, be deemed to relate to that party.

(4) Any document purporting to be a certificate issued for the purposes of this section, and to be signed by or on behalf of an authority described as appointed by the Government of the United States of America for the purposes of this section, shall be received in evidence and shall, unless the contrary is proved, be deemed to be a certificate issued by or on behalf of an authority so appointed.

LINLITHGOW,

Viceroy and Governor General.

Rep. by Ord. I of 1946

**ORDINANCE No. LVIII OF
1942.**

**An Ordinance further to amend the Indian Army Act,
1911, and the Indian Air Force Act, 1932.**

*(Published in the Gazette of India Extraordinary, dated
the 26th October, 1942.)*

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Army and Air Force (Enrolment) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

2. For section 10 of the Indian Army Act, 1911, the following section shall be substituted, namely :—

Substitution of new section for section 10 in Act VIII of 1911.

“ 10. Every person who has for the space of three months been in the receipt of military pay as an enrolled person and been borne on the rolls of any corps or department shall be deemed to have been duly enrolled, and shall not be entitled to claim his discharge on the ground of any irregularity or illegality in his enrolment or on any other ground whatsoever ; and if within the said three months such person claims his discharge any such irregularity or illegality or other ground shall not, until such person is discharged in pursuance of his claim, affect his position as an enrolled person under this Act or invalidate any proceedings, act or thing taken or done prior to his discharge.”

Validity of enrolment.

3. For

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Price anna 1 or 1½d.

Army and Air Force (Enrolment). [ORD. LVIII OF 1942.]

Substitution of
new section for
section 10 in
Act XIV of
1932.
Validity of
enrolment.

3. For section 10 of the Indian Air Force Act, 1932, the following section shall be substituted, namely :—

“ 10. Every person who has for the space of three months been in the receipt of air force pay and been borne on the rolls of any unit shall be deemed to have been duly enrolled and shall not be entitled to claim his discharge on the ground of any irregularity or illegality in his enrolment or on any other ground whatsoever; and if within the said three months such person claims his discharge any such irregularity or illegality or other ground shall not, until such person is discharged in pursuance of his claim, affect his position as a person enrolled under this Act or invalidate any proceedings, act or thing taken or done prior to his discharge.”

LINLITHGOW,

Viceroy and Governor General.

ORDINANCE No. LIX OF 1942.

An Ordinance to restrict the negotiability of currency and other notes inscribed with messages of a political character.

(Published in the Gazette of India Extraordinary, dated the 31st October, 1942.)

WHEREAS an emergency has arisen which makes it necessary to restrict the negotiability of currency and other notes inscribed with messages of a political character :

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Legal Tender (Inscribed Notes) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

2. Notwithstanding anything contained in the Reserve Bank of India Act, 1934, or in the Currency Ordinance, 1940, or in any other enactment or rule of law, a currency note of the Government of India, a bank note issued by the Reserve Bank of India, or a Government of India one-rupee note issued under the Currency Ordinance, 1940, which bears written upon it any extrinsic words or visible representations intended to convey or capable of conveying a message of a political character, shall not be legal tender in British India ; and the Reserve Bank of India shall not be under any legal obligation to receive any such note, or to issue rupee coin or other coin or currency notes or bank notes in exchange for any such note, or to refund the value of any such note :

Notes bearing messages of a political character not to be legal tender.

Provided that the Reserve Bank of India may in its discretion refund as of grace the whole or part of the value of any such note.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.

CONFIDENTIAL

1. The first part of the document discusses the importance of maintaining accurate records and the role of the various departments involved in the process.

2. It is noted that the current procedures are outdated and need to be revised to reflect the latest industry standards and technological advancements.

3. The document also highlights the need for increased communication and collaboration between the different teams to ensure a smooth and efficient workflow.

4. Furthermore, it is emphasized that regular training and development programs should be implemented to keep the staff up-to-date on the latest trends and techniques.

5. The final section of the document provides a detailed overview of the proposed changes and the expected benefits of the new system.

6. It is concluded that the implementation of these changes is essential for the organization to remain competitive and to provide the highest quality of service to its clients.

7. The document is intended to serve as a guide for the implementation of the new system and to ensure that all stakeholders are fully informed of the process.

8. It is recommended that the implementation be carried out in a phased manner to minimize any potential disruption to the organization's operations.

9. The document also includes a list of key performance indicators (KPIs) that will be used to measure the success of the implementation.

10. Finally, it is noted that the implementation of the new system is a complex task that requires the support and cooperation of all employees.

11. The document is a confidential document and should be handled accordingly.

12. The implementation of the new system is expected to be completed by the end of the year.

13. The document is subject to change without notice.

14. The implementation of the new system is a top priority for the organization.

15. The document is a confidential document and should be handled accordingly.

ORDINANCE No. LX OF 1942.

An Ordinance to remove certain difficulties caused by the destruction of documents and records pertaining to the collection of Income-tax and Excess Profits Tax.

(Published in the Gazette of India Extraordinary, dated the 14th November, 1942.)

WHEREAS an emergency has arisen which makes it necessary to remove certain difficulties caused by the destruction of documents and records pertaining to the collection of Income-tax and Excess Profits Tax :

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

1. (1) This Ordinance may be called the Income-tax and Excess Profits Tax (Emergency) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. (1) Where documents or records pertaining to the assessment, collection or payment of income-tax or excess profits tax have been damaged, lost or destroyed as a result of riot or civil commotion, the authority authorised under the Indian Income-tax Act, 1922, or the Excess Profits Tax Act, 1940, as the case may be, to issue any notice for any of the purposes of either Act may, notwithstanding anything contained in either of the said Acts, and notwithstanding that such notice has already been issued, or has already been issued and has been or is alleged to have been complied with, or, where such notice has already been issued, that the time within which the notice is to be issued has already expired, reissue such notice, and any notice so reissued shall in all respects have the same effect as if it were the original notice, and any proceedings that could have been taken in pursuance of or subsequent to the original notice may be taken in like manner in pursuance of or subsequent to the notice so reissued : Power to issue notices and to secure returns.

XI of 1922.
XV of 1940.

Provided

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Price anna 1 or 1½d.

Income-tax and Excess Profits Tax (Emergency) [ORD. LX OF 1942.]

Provided that in respect of assessments or reassessments made in the course of any proceedings taken under the powers conferred by this sub-section the periods of eight and four years mentioned in sub-section (2) of section 34 of the Indian Income-tax Act, 1922, shall be deemed to commence on and to run from the date on which the notice under sub-section (2) of section 22 or sub-section (1) of section 34 of that Act is reissued under the powers conferred by this sub-section: XI of 1922.

Provided further that where a person proves to the satisfaction of the Income-tax Officer or the Excess Profits Tax Officer, as the case may be, that he has already been assessed in respect of the income or the excess profits in respect of which notices under section 22 or section 34 of the Indian Income-tax Act, 1922, or under section 13 or section 15 of the Excess Profits Tax Act, 1940, have been reissued, and that he has paid the tax, he shall not be subject to fresh assessment. XV of 1940.

(2) Any return or information required or which could be required under the provisions of either of the said Acts to be furnished by any person shall, if the Income-tax Officer or the Excess Profits Tax Officer so requires at any time, be again furnished by such person notwithstanding that it may have been or is alleged to have been already furnished, and any failure to comply with any such requirement by an Income-tax Officer or Excess Profits Tax Officer shall involve the same consequences as if the return or information had been altogether withheld.

Settlement of doubts.

3. If any question arises whether a document or record has been damaged, lost or destroyed as a result of riot or civil commotion, the matter shall be referred to the Commissioner of Income-tax or to the Commissioner of Excess Profits Tax, as the case may be, and his decision shall be final.

Power to make rules.

4. The Central Government may make rules providing for any matter necessary to carry into effect the purposes of this Ordinance.

LINLITHGOW,
Viceroy and Governor General.

Rep. by Ord. I of 1946

ORDINANCE No. LXI OF 1942.

An Ordinance further to amend the Special Criminal Courts Ordinance, 1942.

(Published in the Gazette of India, Extraordinary, dated the 21st November, 1942.)

II of 1942. **W**HEREAS an emergency has arisen which makes it necessary further to amend the Special Criminal Courts Ordinance, 1942, for the purposes hereinafter appearing;

26 Geo. 5, c. 2. Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Special Criminal Courts (Third Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

II of 1942. 2. To section 5 and to section 10 of the Special Criminal Courts Ordinance, 1942 (hereinafter referred to as the said Ordinance), the following words shall be added, namely:— Amendment of sections 5 and 10, Ord. II of 1942.

“or as may be transferred to him for trial under the provisions of section 25A”.

3. After section 25 of the said Ordinance, the following section shall be inserted, namely:— Insertion of new section 25A in Ord. II of 1942.

“25A. (1) The Sessions Judge of the sessions division within which is situated the area for which a Special Judge has been appointed may, at any stage of the proceedings before that Special Judge, transfer a case from him to another Special Judge within that area. Transfer of cases.

(2) The District Magistrate of the district within which a Special Magistrate's Court is situated may, at any stage of the proceedings before that

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Price anna 1 or 1½d.

that Special Magistrate, transfer a case from him to another Special Magistrate within the district.

- (3) Notwithstanding anything contained in the Code when a case is transferred under sub-section (1) or sub-section (2), the Special Judge or Special Magistrate to whom the case is transferred shall not be bound to re-summon or re-hear the witnesses or any of them, unless he is satisfied that such a course is necessary in the interests of justice."

LINLITHGOW,
Viceroy and Governor General.

Rep. by Act 2 of 1948

ORDINANCE No. LXII OF 1942.

An Ordinance to declare certain offices in the service of the Crown in India to be offices the holding of which does not disqualify the holder thereof for election, as or continuance as a member of either Chamber of the Indian Legislature.

(Published in the Gazette of India Extraordinary, dated the 28th November, 1942.)

WHEREAS an emergency has arisen which makes it necessary to declare certain offices in the service of the Crown in India to be offices the holding of which does not disqualify the holder thereof for election as or continuance as a member of either Chamber of the Indian Legislature;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

26 Geo. 5, c. 2.

1. (1) This Ordinance may be called the Indian Legislature (Prevention of Disqualification) Ordinance, 1942. Short title, commencement, effect and duration.

(2) It shall come into force at once, but it shall be deemed to have taken effect on the 3rd day of September, 1939.

(3) It shall be in force only until the termination of the present hostilities and for six months thereafter.

2. From the date on which this Ordinance is deemed to have taken effect and so long as it remains in force a person shall not be deemed to have been and shall not be disqualified for election as or continuance as a member of either Chamber of the Indian Legislature by reason only that he holds or accepts any office in the service of the Crown in India which is— Prevention of disqualification.

(a) an office not involving both of the following incidents, namely, that the incumbent—

(i) is a whole time servant of Government, and

(ii) is

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Price anna 1 or 1½d.

*Indian Legislature (Prevention of [ORD. LXII OF 1942.]
Disqualification).*

(ii) is remunerated either by salary or fees ;
or

(b) an office in the naval, military or air forces of,
or raised in British India on behalf of, His
Majesty ; or

(c) an office certified by the Central Government
to be an office created for a purpose connected
with the prosecution of the war, or to be an
office to which, but for war conditions, a
member of the defence or civil services of the
Crown would have been appointed.

Removal
doubts.

of 3. If any question arises whether the incumbent of
any office is or is not a whole time servant of Govern-
ment for the purposes of sub-clause (i) of clause (a) of
section 2, the decision of the Central Government shall
be final.

LINLITHGOW,

Viceroy and Governor General.

Rep: by Ord. I of 1946.

ORDINANCE No. LXIII OF 1942.

An Ordinance further to amend the Collective Fines Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated the 5th December, 1942.)

XX of 1942
WHEREAS an emergency has arisen which makes it necessary further to amend the Collective Fines Ordinance, 1942, for the purpose hereinafter appearing ;

26 Geo. 5, c. 2.
Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Collective Fines (Third Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

XX of 1942.
2. For sub-section (4) of section 3 of the Collective Fines Ordinance, 1942, the following sub-section shall be substituted and shall be deemed always to have been substituted, namely :— Amendment of section 3, Ord. XX of 1942.

“(4) The portion of such fine payable by any person (including a Hindu undivided family) may be recovered—

of 1898.
(a) in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court, as if such portion were a fine imposed by the District Magistrate acting as a Court :

of 1898.
Provided that the Provincial Government may, in lieu of the rules referred to in sub-section (2) of section 386 of the Code of Criminal Procedure, 1898, make rules under this Ordinance regulating the manner

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manner in which warrants under clause (a) of sub-section (I) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant; or

(b) as arrears of land-revenue."

LINLITHGOW,
Viceroy and Governor General.

Rep. by Ord. I of 1946

ORDINANCE No. LXIV OF 1942.

An Ordinance further to amend the Indian Soldiers
(Litigation) Act, 1925.

(Published in the Gazette of India Extraordinary, dated
the 12th December, 1942.)

IV of 1925. **W**HEREAS an emergency has arisen which makes
it necessary further to amend the Indian Soldiers
(Litigation) Act, 1925, for the purposes hereinafter
appearing;

29 Geo. 5, c. 2; 1935, the Governor General is pleased to make and pro-
mulgate the following Ordinance:—

1. (1) This Ordinance may be called the Indian Soldiers (Litigation) Amendment Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

IV of 1925. 2. To section 3 of the Indian Soldiers (Litigation) Act, 1925 (hereinafter referred to as the said Act), the following Amendment of section 3, Act IV of 1925. *Explanation* shall be added, namely:—

“*Explanation.*—For the purposes of this section and with effect from the 3rd day of September, 1939, a soldier who is or has been a prisoner of war shall be deemed to be or to have been serving under war conditions.”

3. Section 6 of the said Act shall be renumbered as Amendment of section 6, Act IV of 1925. sub-section (1) of that section and the following sub-section shall be added, namely:—

“(2) If it appears to the Court before which any proceeding is pending that an Indian soldier though not a party to the proceeding is materially concerned in the outcome of the proceeding, and that his interests are likely to be prejudiced by his inability to attend, the Court may suspend the proceeding and shall give notice thereof in the prescribed manner to the prescribed authority.”

4. In section 9 of the said Act, for the word and figure Amendment of section 9, Act IV of 1925. “section 6” the words, brackets and figures “sub-section (1) of section 6” shall be substituted.

5. In

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Amendment of section 10, Act IV of 1925.

5. In section 10 of the said Act,—

(a) in sub-section (1)—

(i) the words and figures “ whilst he was serving under war conditions or at any time after the 1st day of April, 1925,” shall be omitted ;

(ii) between the words “ the soldier ” and the words “ may apply ” the words “ or, if he is dead, his legal representative ” shall be inserted ;

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

“(2) The period of limitation for an application under sub-section (1) shall be ninety days from the date of the decree or order, or, where the summons or notice was not duly served on the soldier in the proceeding in which the decree or order was passed, from the date on which the applicant had knowledge of the decree or order ; and the provisions of section 5 of the Indian Limitation Act, 1908, shall apply to such applications.”

Substitution of new section for section 11, Act IV of 1925.

6. For section 11 of the said Act the following section shall be substituted, namely :—

Modification of law of limitation where Indian soldier or his legal representative is a party.

“ 11. In computing the period of limitation prescribed by sub-section (2) of section 10 of this Act, the Indian Limitation Act, 1908, or any other law for the time being in force, for any suit, appeal or application to a Court, any party to which is or has been an Indian soldier, or is the legal representative of an Indian soldier, the period during which the soldier has been serving under any special conditions, and, if the soldier has died while so serving, the period from the date of his death to the date on which official intimation thereof was sent to his next of kin by the authorities in India, shall be excluded :

Provided that this section shall not apply in the case of any suit, appeal or application instituted or made with the object of enforcing a right of pre-emption.”

Substitution of new section for section 12, Act IV of 1925.

7. For section 12 of the said Act the following section shall be substituted, namely :—

Power of Court to refer questions to prescribed authorities.

“ 12. If any Court is in doubt whether, for the purposes of section 10 or section 11, an Indian soldier is or was at any particular time serving

under

OF 1942.]

Indian Soldiers (Litigation) Amendment.

under special conditions, or has died while so serving, or as to the date of such death or as to the date on which official intimation of such death was sent to his next of kin by the authorities in India, the Court may refer the point for the decision of the prescribed authority, and the certificate of that authority shall be conclusive evidence on the point."

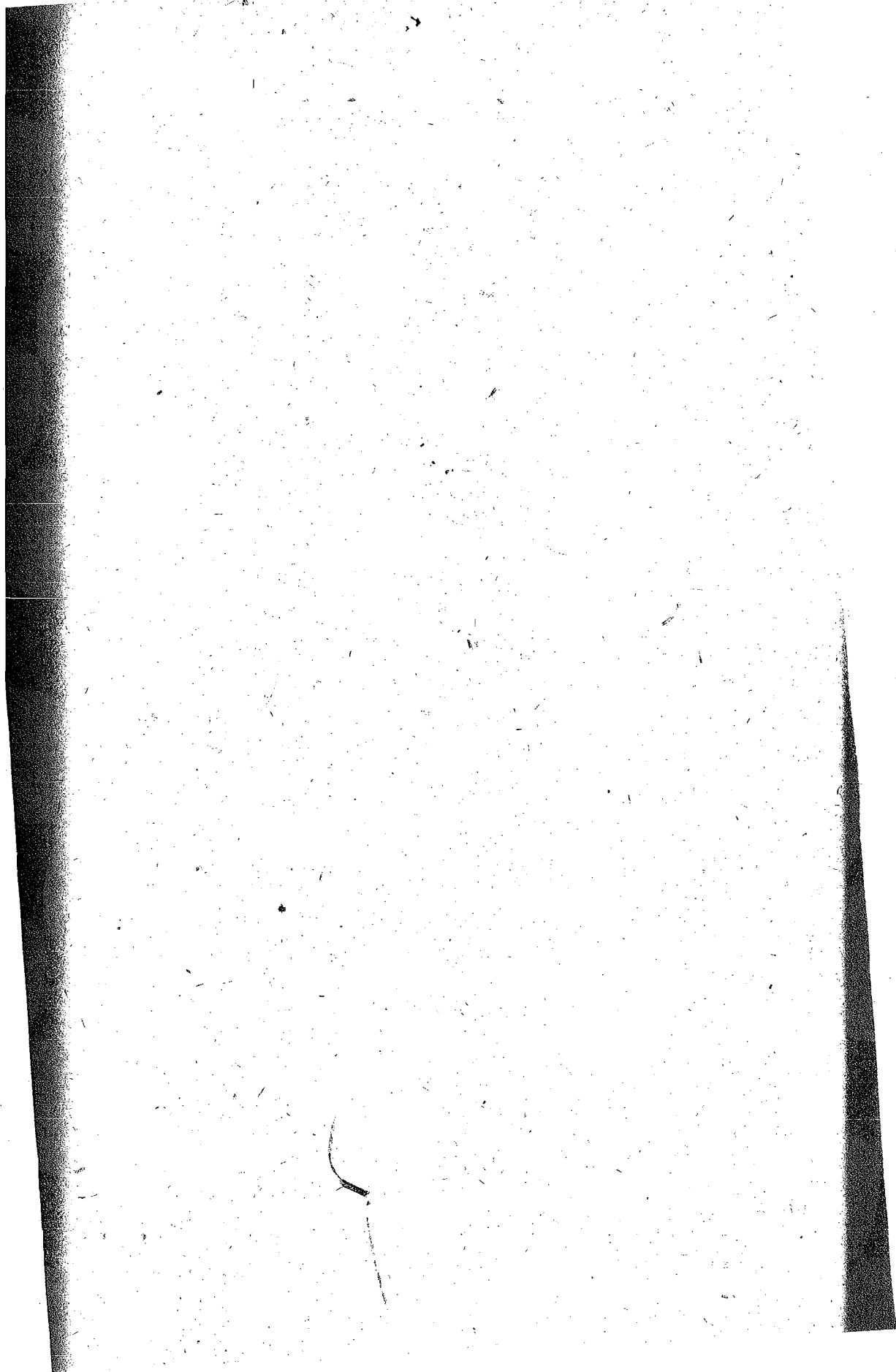
8. Section 14 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely:—

Amendment of
section 14, Act
IV of 1928.

"(2) Where, under this section, the Provincial Government has directed that all or any of the provisions of this Act shall apply to any class of persons in the service of His Majesty, the powers vested in the Central Government by section 3 and section 13 shall be exercised in respect of that class of persons by the Provincial Government."

LINLITHGOW,

Viceroy and Governor General.



Rep. by Ord. I of 1946

ORDINANCE No. LXV OF 1942.

An Ordinance to amend the Civil Pioneer Force Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated the 22nd December, 1942.)

WHEREAS an emergency has arisen which makes it necessary to amend the Civil Pioneer Force Ordinance, 1942, for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Civil Pioneer Force (Amendment) Ordinance, 1942. Short title and commencement.

(2) It shall come into force at once.

2. In the long title and preamble of the Civil Pioneer Force Ordinance, 1942 (hereinafter referred to as the said Ordinance), for the words "British India" the word "India" shall be substituted. Amendment of long title and preamble, Ord. X of 1942.

3. To sub-section (2) of section 1 of the said Ordinance, the following words shall be added, namely:— Amendment of section 1, Ord. X of 1942.

"and applies to members of the Civil Pioneer Force in any part of India."

4. In section 3 of the said Ordinance,—

(a) in sub-section (1), for the words "British India" the word "India" shall be substituted;

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

"(2) The Central Government may constitute for any Province, or for service in any part of India, one or more units of the Civil Pioneer Force and may disband or reconstitute any unit so constituted."

5. In sub-section (2) of section 4 of the said Ordinance, for the words "British India" the word "India" shall be substituted. Amendment of section 4, Ord. X of 1942.

6. To

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Price anna 1 or 1½d.

Civil Pioneer Force Amendment. [ORD. LXV OF 1942.]

Amendment of section 17, Ord. X of 1942. 6. To sub-section (1) of, section 17 of the said Ordinance, the following *Explanation* shall be added, namely:—

“*Explanation.*—For the purposes of this sub-section the expression ‘offence’ includes an offence committed outside British India.”

LINLITHGOW,
Viceroy and Governor General.

ORDINANCE No. LXVI OF 1942.

An Ordinance to provide for the extension of the Armed Forces (Special Powers) Ordinance, 1942, to officers and members of police forces employed on certain duties.

(Published in the Gazette of India Extraordinary, dated the 24th December, 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for the extension of the Armed Forces (Special Powers) Ordinance, 1942, to officers and members of police forces employed on certain duties;

Now, **THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Armed Forces (Special Powers) Extension Ordinance, 1942.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

2. The Central Government or a Provincial Government may, by notification in the official Gazette, direct that the provisions of section 2 and section 4 of the Armed Forces (Special Powers) Ordinance, 1942, shall apply to the officers and members of any police force or any portion of a police force specified in the notification, when employed on any duty specified in the notification, as they apply to officers and members of His Majesty's Military Forces; and on such direction being made the powers exercisable by an officer not below the rank of Captain in His Majesty's Military Forces shall be exercisable by any officer of a police force so specified who holds a gazetted appointment in such force.

LINLITHGOW,

Viceroy and Governor General

Price anna 1 or 1½d.

GIPD—SI—1746 LD—22-1-43—1,700.

XLI of 1942.

26 Geo. 5, c. 2.

XLI of 1942.

Short title, extent and commencement.

Power to extend Ord. XLI of 1942 to police forces.

Rep. by Ordinance I of 1946

ORDINANCE No. LXVII OF 1942.

An Ordinance to impose upon the Bengal and North Western Railway Company, Limited, and the Rohilkund and Kumaon Railway Company, Limited, an obligation to make certain payments to the Central Government.

(Published in the Gazette of India Extraordinary, dated the 29th December, 1942.)

WHEREAS upon the determination on the 31st day of December, 1942, of the Contract made on the 12th day of December, 1882, and all other contracts supplemental thereto between the Secretary of State in Council of India and the Bengal and North Western Railway Company, Limited, and the Contract made on the 12th day of October, 1882, and all other contracts supplemental thereto between the Secretary of State in Council of India and the Rohilkund and Kumaon Railway Company, Limited, the Central Government will assume liability for all gratuities, or special contributions to the provident funds, leave salaries and cost of overseas passages of the employees of those Companies taken into employment by the Central Government in respect of the period of their service under those Companies ;

AND WHEREAS an emergency has arisen which makes it necessary to impose upon the Bengal and North Western Railway Company, Limited, and the Rohilkund and Kumaon Railway Company, Limited, an obligation to make certain payments to the Central Government in requital for the assumption of this liability ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Bengal and North Western and Rohilkund and Kumaon Railway Companies (Transferred Liabilities) Ordinance, 1942.

Short title and commencement.

(2) It shall come into force at once.

2. In

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Price anna 1 or 1½d.

The Bengal and North Western [ORD. LXVII OF 1942.]
and Rohilkund and Kumaon Railway
Companies (Transferred Liabilities).

Interpretation. 2. In this Ordinance "the Company" means the Bengal and North Western Railway Company, Limited, or the Rohilkund and Kumaon Railway Company, Limited, as the case may be.

Payment (by Company to the Central Government.) 3. The Company shall pay to the Central Government out of its assets such sum as on the 31st day of December, 1942, is sufficient to meet the payment of—

- (a) all amounts payable as gratuities or as special contributions to provident funds, as the case may be, which, if the Company had continued to exist after the 31st day of December, 1942, it would have paid on or after that day under the normal operation of its rules to its employees then in service if their services had been terminated on that day by the abolition of their appointments ;
- (b) all amounts payable by way of leave salary for such periods of leave as, if the Company had continued to exist after the 31st day of December, 1942, it would have sanctioned under the normal operation of its rules to its employees then in service if they had been permitted to proceed on leave on the 1st day of January, 1943, with permission to retire on the expiry of that leave ; and
- (c) all amounts credited by the 31st day of December, 1942, to its employees in passage accounts, together with such portion of the credits next due to such accounts as bears to the whole amount of the credits that would have been made under the normal operation of its rules had the Company continued to exist after that date the same ratio as the employees' service from the date on which the last credit was earned up to the 31st day of December, 1942, bears to the whole period of service that would have had to be completed under the normal operation of the Company's rules before the credits next due were earned.

Payments to employees out of money paid to Central Government.

4. The money paid to the Central Government under section 3 shall be utilised by the Central Government to effect payment to employees of the Company re-employed by the Central Government of the amounts referred to in clauses (a), (b) and (c) of section 3 in accordance with the principles prescribed in the rules of the Company, or in the rules of the Central Government by which those rules may be replaced.

LINLITHGOW,

Viceroy and Governor General.

Rep. by Ord. I of 1946

ORDINANCE No. LXVIII OF 1942.

An Ordinance to provide for the construction of references to the Commissioner of Ajmer-Merwara.

(Published in the Gazette of India Extraordinary, dated the 31st December, 1942.)

WHEREAS an emergency has arisen which makes it necessary to provide for the construction of references to the Commissioner of Ajmer-Merwara;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Commissioner of Ajmer-Merwara (Construction of References) Ordinance, 1942. Short title and commencement.

(2) It shall come into force on the 1st day of January, 1943.

2. All enactments, and all notifications, orders, schemes, rules, forms and bye-laws issued, made or prescribed under any enactment, which immediately before the commencement of this Ordinance were in force in Ajmer-Merwara or any part thereof shall, in their application to Ajmer-Merwara or to that part thereof, as the case may be, be construed as if references therein to the Commissioner or to the Commissioner of Ajmer-Merwara were references to the Deputy Commissioner of Ajmer-Merwara. Construction of references to Commissioner.

Provided that the Chief Commissioner of Ajmer-Merwara may, by notification in the official Gazette, direct that any power or duty conferred or imposed by or under any such enactment on the Commissioner or the Commissioner of Ajmer-Merwara shall be exercised or performed by himself, or by such other authority as he may specify in this behalf and not by the Deputy Commissioner of Ajmer-Merwara.

LINLITHGOW,
Viceroy and Governor General.

Price anna 1 or 1½d.

GIPD—S1—1785 LD—30.1.43—1,700.

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