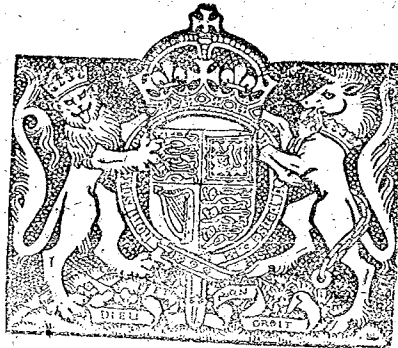


A
COLLECTION
OF
THE ACTS
OF
THE CENTRAL LEGISLATURE
AND OF
THE GOVERNOR GENERAL
AND
ORDINANCES OF THE
GOVERNOR GENERAL
FOR THE YEAR
1945



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Short titles of Acts passed by the Central Legislature and made by the Governor General in the year 1945.

- I. The Indian Tea Control (Amendment) Act, 1945.
 - II. The Code of Criminal Procedure (Amendment) Act, 1945.
 - III. The Factories (Amendment) Act, 1945.
 - IV. The Indian Companies (Amendment) Act, 1945.
 - V. The Indian Merchandise Marks (Amendment) Supplementary Act, 1945.
 - VI. The Repealing and Amending Act, 1945.
 - VII. The Indian Army (Amendment) Act, 1945.
 - VIII. The Indian Air Force (Amendment) Act, 1945.
 - IX. The Indian Patents and Designs (Amendment) Act, 1945.
 - X. The Mines Maternity Benefit (Amendment) Act, 1945.
 - XI. The Aligarh Muslim University (Amendment) Act, 1945.
 - * The Indian Finance Act, 1945.
- No number was given to this Act which was made by the Governor General under section 67B of the Government of India Act as set forth in Schedule IX to the Government of India Act, 1935.

Short titles of Ordinances made by the Governor General during the year 1945.

- I. The Factories (Control of Dismantling) Amendment Ordinance, 1945.
- II. The National Service (European British Subjects) Amendment Ordinance, 1945.
- III. The Delhi Rent Control (Amendment) Ordinance, 1945.
- IV. The Military Safety (Powers of Detention) Amendment Ordinance, 1945.
- V. The Canteen Stores (Exemption From Local Taxation) Ordinance, 1945.
- VI. The Defence of India Reserve Ordinance, 1945.
- VII. The Naval Discipline Ordinance, 1945.
- VIII. The Essential Services (Dibru Sadiya and Colliery Branch Railways) Ordinance, 1945.
- IX. The Indian Income-tax (Amendment) Ordinance, 1945.
- X. The War Injuries (Amendment) Ordinance, 1945.
- XI. The Provincial Debt Laws (Temporary Validation) Ordinance, 1945.
- XII. The Criminal Law (1943 Amendment) Amending Ordinance, 1945.
- XIII. The War Risks (Factories) Insurance (Amendment) Ordinance, 1945.
- XIV. The Criminal Law (1944 Amendment) Amending Ordinance, 1945.
- XV. The Civil Affairs (Malaya) Police Force (Discipline) Ordinance, 1945.
- XVI. The Income-tax and Excess Profits Tax (Validity of Notices) Amendment Ordinance, 1945.
- XVII. The Mines (Amendment) Ordinance, 1945.
- XVIII. The Explosives (Amendment) Ordinance, 1945.

- XIX. The Reserve Bank of India (Temporary Amendment) Ordinance, 1945.
- XX. The Excess Profits Tax (Amendment) Ordinance, 1945.
- XXI. The Refugee Camps Ordinance, 1945.
- XXII. The Criminal Law (1943 Amendment) Second Amending Ordinance, 1945.
- XXIII. The Present War (Definition) Ordinance, 1945.
- XXIV. The War Gratuities (Income-tax Exemption) Ordinance, 1945.
- XXV. The Defence of India (Amendment) Ordinance, 1945.
- XXVI. The Andaman and Nicobar Islands Police Force (Temporary Provisions) Ordinance, 1945.
- XXVII. The Civil Pioneer Force (Amendment) Ordinance, 1945.
- XXVIII. The Military Operational Area (Special Powers) Amendment Ordinance, 1945.
- XXIX. The War Risks (Factories) Insurance (Termination) Ordinance, 1945.
- XXX. The Secunderabad Marriage Validating Ordinance, 1945.
- XXXI. The Defence of India (Second Amendment) Ordinance, 1945.
- XXXII. The Bengal Textiles Association Ordinance, 1945.
- XXXIII. The Limitation (War Conditions) Ordinance, 1945.
- XXXIV. The War Risks (Goods) Insurance (Termination) Ordinance, 1945.
- XXXV. The Defence of India (Third Amendment) Ordinance, 1945.
- XXXVI. The Armed Forces (Special Powers) Amendment Ordinance, 1945.
- XXXVII. The Indian Army (Amendment) Ordinance, 1945.
- XXXVIII. The National Service (European British Subjects) Amendment Ordinance, 1945.
- XXXIX. The Bills of Exchange Ordinance, 1945.
- XL. The Army (Forfeiture of Emoluments) Ordinance, 1945.
- XLI. The War Injuries (Compensation Insurance) Amendment Ordinance, 1945.
- XLII. The Indian Army and Indian Air Force (Amendment) Ordinance, 1945.
- XLIII. The Hoarding and Profiteering Prevention (Amendment) Ordinance, 1945.
- XLIV. The Defence of India Reserve (Disbandment) Ordinance, 1945.
- XLV. The Defence of India (Fourth Amendment) Ordinance, 1945.
- XLVI. The Pensions Appeal Tribunals (Powers) Ordinance, 1945.
- XLVII. The International Monetary Fund and Bank Ordinance, 1945.
- XLVIII. The Indian Army (Second Amendment) Ordinance, 1945.

ACT No. 1 of 1945

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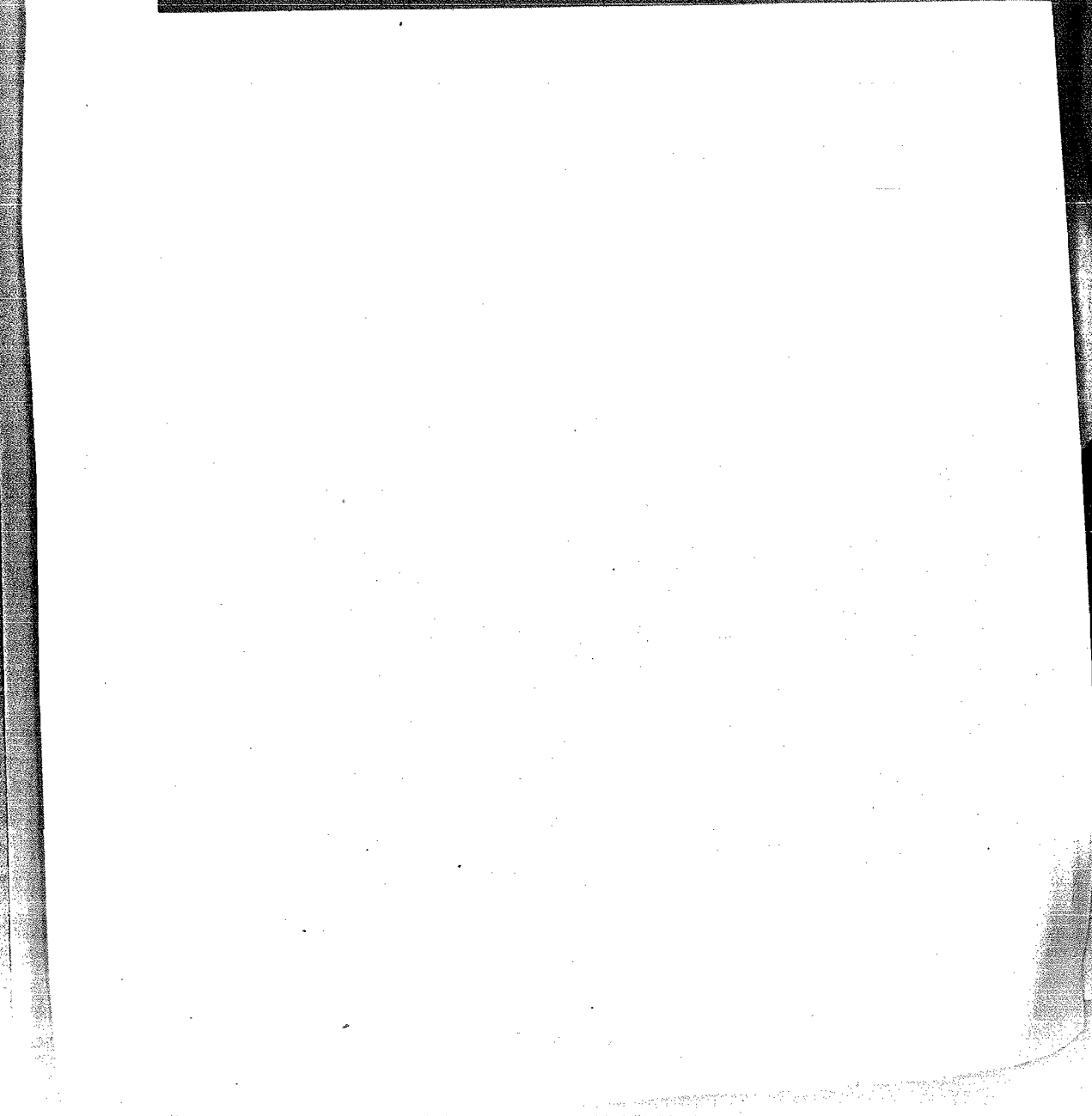
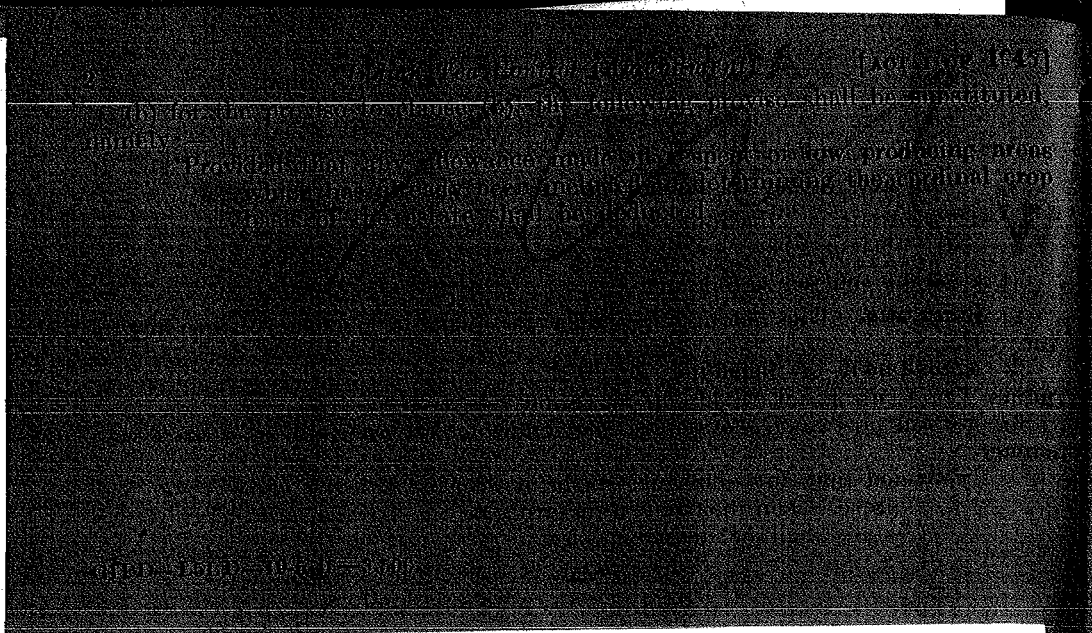
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ACT No. II of 1945

[Passed by the Indian Legislature]

(Received the assent of the Governor-General on the 29th March, 1945.)

An Act further to amend the Code of Criminal Procedure, 1898, for certain purposes.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898) for the purposes hereinafter mentioned, it is hereby enacted as follows:

1. Short title.—This Act may be called the Criminal Procedure (Amendment) Act, 1945.

2. Amendment of sections 107, 108 and 109.—The provisions of the Code of Criminal Procedure, 1898, for sections 107, 108 and 109, shall stand amended as follows:

- (a) The proviso to section 107 shall stand amended so as to read as follows:—
- (b) Section 108 shall stand amended so as to read as follows:—
- (c) Section 109 shall stand amended so as to read as follows:—

Applied to Br. Baluchistan see No. 112-F, d/8-5-45.
Applied to the Chota Nagpur Division and to the Santal Parganas District, see Bihar Government Notifn. No. 2324-J/A.8/45, dated 24-4-45.

Rep by Act 63 of 1948 from 1.4.49

ACT No. III OF 1945

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 16th April 1945)

An Act further to amend the Factories Act, 1934

WHEREAS it is expedient further to amend the Factories Act (1934 XXV of 1934), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Factories (Amendment) Act, 1945.

(2) It shall come into force on the 1st day of January, 1946.

2. Insertion of new section 35A in Act XXV of 1934.—After section 35 of the Factories Act, 1934 (XXV of 1934) (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

“35A. *Compensatory holidays.*—(1) Where, as a result of the passing of an order or the making of a rule under the provisions of this Act exempting a factory or the workers therein from the provisions of section 35, a worker is deprived of any of the weekly holidays for which provision is made by sub-section (1) of that section, he shall be allowed, as soon as circumstances permit, compensatory holidays of equal number to the holidays so lost.

(2) The Provincial Government may make rules prescribing the manner in which the holidays, for which provision is made in sub-section (1), shall be allowed.”

3. Insertion of new Chapter IVA in Act XXV of 1934.—After Chapter IV of the said Act the following Chapter shall be inserted, namely:—

“CHAPTER IVA

HOLIDAYS WITH PAY

49A. *Application of Chapter.*—(1) The provisions of this Chapter shall not apply to a seasonal factory.

(2) The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other enactment, or under the terms of any award, agreement or contract of service.

49B. *Annual holidays.*—(1) Every worker who has completed a period of twelve months continuous service in a factory shall be allowed, during the subsequent period of twelve months, holidays for a period of ten or, if a child, fourteen consecutive days, inclusive of the day or days, if any, on which he is entitled to a holiday under sub-section (1) of section 35.

(2) If a worker fails in any one such period of twelve months to take the whole of the holidays allowed to him under sub-section (1), any holidays not taken by him shall be added to the holidays to be allowed to him under sub-section (1) in the succeeding period of twelve months, so however that the total number of days holidays which may be carried forward to a succeeding period shall not exceed ten or, in the case of a child, fourteen.

(3) If a worker entitled to holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if, having applied for and having been refused the holidays, he quits his employment before he has been allowed the holidays, he shall be allowed the holidays to which he is entitled under section 35.

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Explanation.—A worker shall be deemed to have completed a period of twelve months continuous service in a factory notwithstanding any interruption in service during those twelve months brought about by sickness, accident or authorised leave not exceeding ninety days in the aggregate for all three, or by a lock-out, or by a strike which is not an illegal strike, or by intermittent periods of involuntary employment not exceeding thirty days in the aggregate; and authorised leave shall be deemed not to include any weekly holiday allowed under section 35 which occurs at the beginning or end of an interruption brought about by leave.

49C. *Pay during annual holidays.*—Without prejudice to the conditions governing the day or days, if any, on which the worker is entitled to a holiday under section (1) of section 35, the worker shall, for the remaining days of the holiday allowed to him under section 49B, be paid at a rate equivalent to the daily average of his wages as defined in the Payment of Wages Act, 1936 (IV of 1936), for days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

49D. *Payment when to be made.*—A worker who has been allowed holidays under section 49B shall, before his holidays begin, be paid half the total pay for the period of holidays.

49E. *Power of Inspector to act for worker.*—Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid under this Chapter by an employer which the employer has not paid.

49F. *Power to make rules.*—(1) The Provincial Government may make rules to carry into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power rules may be made under this section prescribing the keeping by employers of registers containing such particulars as may be prescribed and requiring such registers to be made available for examination by Inspectors.

(3) The Central Government may give directions to a Province as to the carrying into execution of the provisions of this section.

49G. *Exemption of factories from provisions of this Chapter.*—When the Provincial Government is satisfied that the leave rules applicable to workers in a factory provide benefits substantially similar to those for which this Chapter makes provision, it may, by written order, exempt the factory from the provisions of this Chapter.

4. *Amendment of section 60, Act XXV of 1934.*—In section 60 of the said Act,—

(a) at the end of clause (f) the word “or” shall be added;

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

“(g) there is any contravention of section 49B, 49C, or 49D, or of any rule made under section 49F.”

5. *Amendment of section 61, Act XXV of 1934.*—In section 61 of the said Act, for the brackets and letter “(f)”, the brackets and letter “(g)” shall be substituted.

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ACT No. IV OF 1945

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 16th April, 1945)

An Act further to amend the Indian Companies Act, 1913

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

It is hereby enacted as follows:

1. Short title.—This Act may be called the Indian Companies (Amendment) Act, 1945.

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Applied to Br. Baluchistan, see 112-F, d/ 8-5-45.
Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh district with effect from 14-6-45, see Ben. Govt. Notifn. No. 12324-Com. dated 7-6-45.
Applied to the Chota Nagpur Division and the Santal Parganas district, see Bihar Govt. Notifn. No. 6-IJ-32/45-L.T. dated 21-5-45.
Applied to all the partially excluded areas of the Orissa Province see Orissa Government Notification No. 4169-Com. dated 3-9-45.

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ACT No. V of 1945

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 16th April, 1945)

An Act to amend the Indian Merchandise Marks (Amendment) Act, 1941

WHEREAS it is expedient to amend the Indian Merchandise Marks (Amendment) Act, 1941, for the purposes hereinafter appearing:

It is hereby enacted as follows—

1. **Short title.**—This Act may be called the Indian Merchandise Marks (Amendment) Supplementary Act, 1945.

2. **Amendment of section 7, Act II of 1941.**—In section 7 of the Indian Merchandise Marks (Amendment) Act, 1941 (hereinafter referred to as the said Act), in the new section substituted by the said section for section 12 of the Indian Merchandise Marks Act, 1889 (IV of 1889)—

(a) in sub-section (2)

(i) for the words "cotton sewing or darning thread" the words "cotton thread namely sewing, darning, crocheted or handcraft thread" shall be substituted;

(ii) for the words and figures "in premises which are a factory, as defined in the Factories Act, 1934" the words and figures "in any premises not exempted by rules made under section 20 of this Act" shall be substituted;

(iii) for the words and figures "any rules made under section 20 of this Act" the words "the said rules" shall be substituted;

(iv) for the words "marked with the weight of thread in the unit" the words "marked with the length or weight of thread in the unit" shall be substituted;

(v) for the words "in any other manner" the words "in any other manner as may be required by the said rules" shall be substituted;

(vi) for the words "from the factory" the words "from the premises" shall be substituted;

Provision for 1945

Applied to all the partially excluded areas of the Province of Orissa except the districts of Angul and the Khondmals see Orissa Govt. Notifn. No. 4167-Com, dated 3-9-46, 3-9-45

Applied to Br. Baluchistan see No. 112-F, dated 8-5-45.

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh district with effect from 14-6-45, see Ben. Govt. Notifn. No. 2320-Com., dated 7-6-45.

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ACT No. VI OF 1945

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 16th April, 1945)

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. Short title.—This Act may be called the Repealing and Amending Act, 1945.

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

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

4. Savings.—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;

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 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>			
1934	XXVIII	The Indian Rubber Control Act, 1934.	The whole.
1939	XXIV	The Indian Census Act, 1939	The whole.
1940	I	The Registration (Emergency Powers) Act, 1940.	Section 7.
1940	IV	The Offences on Ships and Aircraft Act, 1940.	The whole.
1940	VI	The Indian Coinage (Amendment) Act, 1940.	The whole.
1940	VIII	The Indian Emigration (Amendment) Act, 1940.	The whole.
1940	IX	The Reserve Bank of India (Amendment) Act, 1940.	The whole.

Applied to Br. Baluchistan, see 112-F, dated 8-5-45.
Applied to the Chota Nagpur Division and to the States

Year	No.	Short Title	Extent of repeal
1	2	3	4
1940	X	The Arbitration Act, 1940	Section 49 and the Third and Fourth Schedules.
1940	XI	The Coal Mines Safety (Stowing) Amendment Act, 1940.	The whole.
1940	XII	The Income-tax Law (Amendment) Act, 1940.	Sections 2, 3, 4, 5, 6, 7, 8 and 10.
1940	XIII	The Reserve Bank of India (Second Amendment) Act, 1940.	The whole.
1940	XIV	The Parsi Marriage and Divorce (Amendment) Act, 1940.	The whole.
1940	XVI	The Indian Finance Act, 1940	In the long Title and Preamble the words commencing "to fix the duty on salt" ending "Indian Post Office Act, 1898, and". Sections 2, 3, 4, 5 and 6 and Schedule I.
1940	XVII	The Factories (Amendment) Act, 1940.	The whole.
1940	XIX	The Defence of India (Amendment) Act, 1940.	The whole.
1940	XX	The Insurance (Amendment) Act, 1940.	The whole.
1940	XXI	The Indian Tariff (Amendment) Act, 1940.	The whole.
1940	XXII	The Indian Tariff (Second Amendment) Act, 1940.	The whole.
1940	XXIV	The Indian Mines (Amendment) Act, 1940.	The whole.
1940	XXV	The Petroleum (Amendment) Act, 1940.	The whole.
1940	XXVI	The Motor Vehicles (Amendment) Act, 1940.	The whole.
1940	XXVIII	The Indian Works of Defence (Amendment) Act, 1940.	The whole.
1940	XXIX	The Indian Navy (Discipline) Amendment Act, 1940.	The whole.
1940	XXX	The Indian Navy (Discipline) Second Amendment Act, 1940.	The whole.
1940	XXXI	The Cantonments (Amendment) Act, 1940.	The whole.
1940	XXXII	The Repealing and Amending Act, 1940.	The whole.
1940	XXXIII	The Indian Registration (Amendment) Act, 1940.	The whole.
1940	XXXIV	The Code of Civil Procedure (Amendment) Act, 1940.	The whole.
1940	XXXV	The Code of Criminal Procedure (Amendment) Act, 1940.	The whole.
1940	XXXVI	The Indian Companies (Amendment) Act, 1940.	The whole.
1940	XXXVIII	The Reserve Bank of India (Third Amendment) Act, 1940.	The whole.
1940	XXXIX	The Motor Spirit (Duties) Amendment Act, 1940.	The whole.
1940	XL	The Indian Income-tax (Amendment) Act, 1940.	Sections 2, 4, 5, 6, 7, 8, 9, 10, 12 and 13.
1940	XLI	The Indian Sale of Goods (Amendment) Act, 1940.	The whole.
1940	XLII	The Excess Profits Tax (Amendment) Act, 1940.	The whole.
1941	III	The Petroleum (Amendment) Act, 1941.	The whole.
1941	VI	The Indian Railways (Amendment) Act, 1941.	The whole.

[ACTS 1945]

Year	No.	Short Title	Extent of repeal
1	2	3	4
1941	VII	The Indian Finance Act, 1941	In the long Title and Preamble the words commencing with "to fix the duty on salt" and ending "Indian Post Office Act, 1898". Sections 2, 3, 4, 5 and 6 and the Schedule.
1941	VIII	The Protective Duties (Continuation) Act, 1941.	The whole.
1941	IX	The Indian Tariff (Amendment) Act, 1941.	The whole.
1941	XI	The Excess Profits Tax (Amendment) Act, 1941.	The whole.
1941	XIII	The Insurance (Amendment) Act, 1941.	The whole.
1941	XIV	The Code of Criminal Procedure (Amendment) Act, 1941.	The whole.
1941	XV	The Code of Criminal Procedure (Second Amendment) Act, 1941.	The whole.
1941	XVI	The Factories (Amendment) Act, 1941.	The whole.
1941	XVII	The Aligarh Muslim University (Amendment) Act, 1941.	The whole.
1941	XVIII	The Madras Port Trust (Amendment) Act, 1941.	The whole.
1941	XXI	The Federal Court Act, 1941	Section 2.
1941	XXVI	The Indian Companies (Amendment) Act, 1941.	The whole.
1941	XXVII	The Trade Marks (Amendment) Act, 1941.	The whole.
<i>Act of the Governor General</i>			
1940		The Indian Finance (No. 2) Act, 1940	In the long Title and Preamble the words and figures, "to alter the maximum rates of postage under the Indian Post Office Act, 1898". Section 2.
<i>Regulations made by the Governor General</i>			
1940	I	The British Baluchistan Bazars (Amendment) Regulation, 1940.	The whole.
1940	II	The British Baluchistan Laws (First Amendment) Regulation, 1940.	The whole.
1940	III	The British Baluchistan Arms Regulation, 1940.	Section 3.
1940	VI	The British Baluchistan Laws (Second Amendment) Regulation, 1940.	The whole.
1940	IX	The British Baluchistan Laws (Third Amendment) Regulation, 1940.	The whole.
1940	XII	The British Baluchistan Laws (Fourth Amendment) Regulation, 1940.	The whole.
1940	XIII	The British Baluchistan Laws (Fifth Amendment) Regulation, 1940.	The whole.
1941	I	The British Baluchistan Laws (First Amendment) Regulation, 1941.	The whole.
1941	III	The Andaman and Nicobar Islands (Amendment) Regulation, 1941.	The whole.
1941	VI	The British Baluchistan Laws (Second Amendment) Regulation, 1941.	The whole.
1941	VII	The British Baluchistan Laws (Third Amendment) Regulation, 1941.	The whole.

Year	No.	Short Title	Extent of repeal
1	2	3	4
<i>Ordinances made by the Governor General under section 72 of the Government of India Act, 1935 and out in the Ninth Schedule to the Government of India Act, 1935</i>			
1940	III	The Payment of Wages (Amendment) Ordinance, 1940.	The whole.
1940	IV	The Currency Ordinance, 1940	Section 3.
1940	V	The National Service (European British Subjects) Amendment Ordinance, 1940.	The whole.
1940	VI	The Indian Coinage (Amendment) Ordinance, 1940.	The whole.
1940	VII	The Indian Tea Control (Amendment) Ordinance, 1940.	The whole.
1940	XI	The National Service (Technical Personnel) Amendment Ordinance, 1940.	The whole.
1940	XII	The Indian Coinage (Second Amendment) Ordinance, 1940.	The whole.
1940	XIV	The Indian Coinage (Third Amendment) Ordinance, 1940.	The whole.
1941	II	The Civic Guards (Amendment) Ordinance, 1941.	The whole.
1941	III	The Reserve Bank of India (Amendment) Ordinance, 1941.	The whole.
1941	VI	The National Service (European British Subjects) Amendment Ordinance, 1941.	The whole.
1941	IX	The Indian Navy (Discipline) Amendment Ordinance, 1941.	The whole.
1941	XII	The War Risks (Goods) Insurance Amendment Ordinance, 1941.	The whole.

THE SECOND SCHEDULE

AMENDMENTS

(See section 3).

Year	No.	Short Title	Amendments
1	2	3	4
1856	XX	The Bengal Chauthidari Act, 1856	In sections 21, 36, 38 and 51 of the Act, in its application to Ajmer-Merwara, for the word "Commissioner", wherever it occurs, the words "Deputy Commissioner" shall be substituted.
1878	XVII	The Northern India Ferries Act, 1878	In the Act as applicable to Ajmer-Merwara— (a) in section 4 for the word "the Commissioner of the Division in which such ferry is situate" the words "Deputy Commissioner" shall be substituted. b) in sections 8 and 11 for the word "Commissioner" the words "Deputy Commissioner" shall be substituted.

Year	No.	Short Title	Amendments
1	2	3	4
1879	XIV	The Hackney Carriage Act, 1879	(c) in section 12 for the words "the Commissioner of a division" the words "the Deputy Commissioner" shall be substituted, the words "within such division" in clause (a) shall be omitted, and for the word "Commissioner" where it occurs for the second and third time the words "Deputy Commissioner" shall be substituted.
1880	XIII	The Vaccination Act, 1880	(d) in sections 15, 16, 19, 24 and 31, for the words "the Commissioner of the division" the words "the Deputy Commissioner" shall be substituted.
1890	IX	The Indian Railways Act, 1890	(e) in section 35 for the words "any Commissioner of a division or Magistrate" the words "the Deputy Commissioner or a Magistrate" shall be substituted. In sections 3 and 5 of the Act, in its application to Ajmer-Merwara, for the word "Commissioner" wherever it occurs, the words "Deputy Commissioner" shall be substituted.
1898	V	The Code of Criminal Procedure, 1898.	(a) In sub-section (4) of section 113, for the words "any Magistrate of the first or second class," the words "any Presidency Magistrate or Magistrate of the first or second class" shall be substituted.
1911	VIII	The Indian Army Act, 1911	(b) In section 138, for the words "any Magistrate of the first class" the words "any Presidency Magistrate or Magistrate of the first class" shall be substituted. In section 415, for the words "by which any two or more of the punishments therein mentioned are combined" the words "by which any punishment therein mentioned is combined with any other punishment" shall be substituted. In section 10, for the words "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" the words "and if any person, in receipt of military pay and borne on the rolls as aforesaid, claims his discharge before the expiry of three months from his enrolment no such irregularity or illegality or other ground shall, until he is discharged" shall be substituted.

Amendments

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38, 38 and 59 of its application to the word "Commissioner", wherever it occurs, the words "Deputy Commissioner" shall be substituted.

applicable to Ajmer.

in 4 for the words "Commissioner of the Division" which such ferry is the words "the Commissioner" shall be substituted.

in 8 and 11 for the words "Commissioner" the words "Deputy Commissioner" shall be substituted.

Year	No.	Short Title	Amendments
1	2	3	4
1913	VII	The Indian Companies Act, 1913	(a) In sub-section (3) of section 131A, for the word, brackets and figure "Sub-section (3)" the word, brackets and figure "section (4)" shall be substituted. (b) In sub-section (3) of section 151, for the word, brackets and figure "sub-section (1)" the word, brackets and figure "sub-section (2)" shall be substituted.
1932	XIV	The Indian Air Force Act, 1932	In section 10, for the words "if within the said three months such person claims his discharge on any such irregularity or illegality or other ground shall be discharged" the words "and if any person on receipt of air force pay borne on the rolls as aforesaid claims his discharge before the expiry of three months from the date of his enrolment on such irregularity or other ground shall be discharged" shall be substituted.
1934	XXXII	The Indian Tariff Act, 1934	In the First Schedule, item 1 shall be omitted.
1939	IV	The Motor Vehicles Act, 1939	In sub-section (2) of section 10, the word, brackets and figure "Sub-section (1) of " shall be omitted.
1940	XV	The Excess Profits Tax Act, 1940	In the Second Schedule in sub-section (1) of rule 3, for the words "the last preceding rule" the words "rule 2 of this Schedule" shall be substituted.
1944	I	The Central Excises and Salt Act, 1944.	In section 39, for the words "Second Schedule" the words "Third Schedule" shall be substituted. In the First Schedule in item 1, for the words, figures and brackets "Indian Petroleum Act (VIII of 1899)" the words, figures and brackets "Petroleum Act, 1934 (XXX of 1934)" shall be substituted.
1944	X	The Indian Coconut Committee Act, 1944.	In clause (c) of section 2, for the words, figures and brackets "Indian Factories Act (XXV of 1934)" the words, figures and brackets "Factories Act, 1934 (XXV of 1934)" shall be substituted.
<i>Regulations made by the Governor General in Council</i>			
1872	IV	The Ajmere Talukdars Relief Regulation, 1872.	(a) In section 1, for the words "Commissioner" the words "Commissioner of Ajmere" shall be substituted. For the words "Deputy Commissioner" the words "Deputy Commissioner of Ajmere Merwara" shall be substituted.

Amendments	Year	No.	Short Title	Amendments
	1	2	3	4
(3) of section word, brackets section (3)" and figure "s shall be substitut on (3) of sect word, brackets ion (1)" the wo figure "sub-s be substituted.				(b) In sections 2, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 18, 19, 20, 22, 23, 26, 27, 28, 29, 30 and 31 for the expressions "the Commissioner" and "the Commissioner's" respectively wherever they occur the expressions "the Deputy Commissioner" and "the Deputy Commissioner's" shall be substituted.
for the words "a said three mon claims his discha regularity or illeg ground shall n is discharged if any person, force pay a olls as afores charge before t months from h irregularity er ground sha charged" shall	1874		VI The Ajmere Forest Regulation, 1874	(a) In section 2 for the words "the Commissioner" the words "the Conservator of Forests" shall be substituted. (b) In section 5 for the words "the Commissioner of Ajmere" the words "the Conservator of Forests" shall be substituted. (c) In section 6 for the words "the said Commissioner" the words "the Conservator of Forests" shall be substituted. (d) In section 8 for the words "with the Commissioner's sanction" the words "with the sanction of the Conservator of Forests" shall be substituted. (e) In section 11 for the words "the Commissioner of Ajmere" the words "the Conservator of Forests", and for the words "the said Commissioner" the words "the Conservator of Forests", shall be substituted.
rule, item 10 (
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andulo in sub-ru the words "t the words an this Schedule	1877		II The Ajmere Land and Revenue Regulation, 1877.	In sections 2, 25, 35, 52, 114, 115 and 116, for the expression "the Commissioner", wherever it occurs, the expression "the Deputy Commissioner" shall be substituted. In section 31, for the words "by the Commissioner with the sanction of the Governor General in Council" the following shall be substituted, namely : "with the sanction of the Governor General in Council, by the Commissioner if granted prior to the 1st day of January, 1943 or by the Deputy Commissioner if granted thereafter."
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for the word means the Com Ajmere" the word Commissioner" mean Commissioner o " shall be sub	1888		I The Ajmere Government Wards Regulation, 1888.	In section 4, for the words "the Commissioner" the words "the Deputy Commissioner" shall be substituted.
	1911		II The Ajmere Talukdars Loan Regulation, 1911.	In sections 3, 5, 6, 8, 10, 11, 12, 15 and 18, for the expression "the Commissioner" wherever it occurs, the expression "the Deputy Commissioner" shall be substituted.

Year	No.	Short Title	Amendments
1	2	3	4
1925	VI	The Ajmer-Merwara Municipalities Regulation, 1925.	(a) In sections 3, 4, 10, 19, 28, 34, 36, 38, 57, 61, 64, 71, 125, 139, 198, 225, 237, 239, 240, 241, 242, 244 and for the expression "the commissioner" wherever it occurs the expression "the Deputy Commissioner" shall be substituted. (b) In the heading to Chapter XIII for the word "Commissioner" the words "Deputy Commissioner" shall be substituted.
1926	IX	The Ajmer Courts Regulation, 1926	In sections 4, 5 and 28, for the expression "the Commissioner" wherever it occurs, the expression "the Deputy Commissioner" shall be substituted.
<i>Ordinance made by the Governor General under section 72 of the Government of India Act, 1935 out in the Ninth Schedule to the Government of India Act, 1935</i>			
1944	XXXVIII	The Criminal Law Amendment Ordinance, 1944.	In section 1, after sub-section (2) the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:— “(3) It shall come into force on the 1st day of January, 1945.”
1944	LVI	The Cotton Textiles Fund (Second Amendment) Ordinance, 1944.	In clause (a) of section 2, for the words "after the word 'exported'," the words "after the word 'Exported'" shall be substituted.

ACT VI OF 1945
Amendments

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Rep. by Act 2 of 1948

ACT No. VII OF 1945

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 16th April, 1945)

An Act further to amend the Indian Army Act, 1911

WHEREAS it is expedient further to amend the Indian Army Act, 1911 (VIII of 1911), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title.—This Act may be called the Indian Army (Amendment) Act, 1945.

Amendment of section 114, Act VIII of 1911.—In section 114 of the Indian Army Act, 1911,

(a) after rule (6), the following rules shall be inserted, namely:—

(7) Where the deceased person or deceased is an Indian commissioned officer on active service, the references in the foregoing rules to the commanding officer shall be construed as references to the Standing Committee of Administration, if any appointed in this behalf in the manner provided and the power conferred by rule (2) to require payment of a deposit left in a Government savings bank shall be read as a power to require the payment from any deposit left in any bank, notwithstanding anything in the rules of the bank, of a sum not exceeding two thousand rupees, equal to the nearest multiple of

Section 114

Applied to Br. Baluchistan, see 112-F, dated 8-5-45.
Applied to the Chittagong Hill-tracts with effect from 7-6-45, see Ben. Govt. Notifn. No. 1346-S, dated 30-5-45.

Indian Army (Amendment)

[Act VII of

one hundred rupees above the amount estimated by the Standing Committee of Adjustment as necessary to meet the regimental and other debts in camp or quarters of the deceased.

(8) The decision of the commanding officer or the Standing Committee of Adjustment, as the case may be, as to what are the regimental and other debts in camp or quarters of a deceased person and as to the amount payable therefor shall, subject to the result of any appeal, be final.

(b) the existing Explanation shall be numbered Explanation 1 and the following Explanation shall be added, namely:—

Explanation 2.—The expression 'regimental and other debts in camp or quarters' includes for the purposes of this section money due in respect of military debts, namely, sums due in respect of, or of any

- (a) quarters;
- (b) mess, band, and other regimental accounts;
- (c) military clothing, appointments and equipment not exceeding a sum equal to six months' pay of the deceased and having become due eighteen months before his death."

Rep. Act 2 of 1945

ACT No. VIII of 1945

[PASSED BY THE INDIAN LEGISLATURE]

[Received the assent of the Governor-General on the 16th April, 1945]

An Act further to amend the Indian Air Force Act, 1932.

WHEREAS it is expedient further to amend the Indian Air Force Act, 1932 (XIV of 1932), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Indian Air Force (Amendment) Act, 1945.

2. Amendment of section 126, Act XIV of 1932.—In section 126 of the Indian Air Force Act, 1932,—

(a) after rule (6) the following rules shall be inserted, namely:—

(7) In the case of a person dying or deserting while on active service, the references in the foregoing rules to the commanding officer shall be construed as references to the Standing Committee of Adjustment, if any constituted in this behalf in the manner prescribed; and the provisions of rule (2) to require payment of a deposit to a Government or other bank shall be read as a power to require for payment in full or in part in any bank notwithstanding anything in the rules or the banks of a sum, not exceeding one hundred

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Applied to B.P. Bahadur Khan, see 112-F, d/ 8-5-45.

Applied to the Chittagong Hill-tracts with effect from 1945, see Bengal Govt. Notfn. No. 1348-S, d/30-5-45.

Indian Air Force (Amendment)

ACT VIII OF 1948

five hundred rupees, equal to the nearest multiple of one hundred rupees above the amount estimated by the Standing Committee. Adjustment as necessary to meet the service and other debts in camp or quarters of the deceased.

(8) The decision of the commanding officer or the Standing Committee of Adjustment, as the case may be, as to what are the service and other debts in camp or quarters of a deceased person and as to the amount payable therefor shall, without prejudice to any jurisdiction otherwise exercisable by a court of law, be final;

(b) the existing Explanation shall be numbered Explanation 1 and following Explanation shall be added, namely:

Explanation 2.—The expression "service and other debts in camp or quarters" includes for the purposes of this section money due as air force debts, namely, sums due in respect of, or of any advance in respect of—

- (a) quarters,
- (b) mess, band, and other service accounts,
- (c) air force clothing, appointments and equipment not exceeding a sum equal to six months' pay of the deceased, and having become due within eighteen months before his death.

LFD-SI-1010-21-0-48-5000

see Bengal Govt. Order No. 148-B-48/30-2-48

Rep by act 297948

ACT No. IX OF 1945

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 16th April, 1945)

An Act further to amend the Indian Patents and Designs Act, 1911

WHEREAS it is expedient further to amend the Indian Patents and Designs Act, 1911 (11 of 1911), for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. Short title.—This Act may be called the Indian Patents and Designs (Amendment) Act, 1945.

2. Amendment of section 3, Act II of 1911.—In section 3 of the Indian Patents and Designs Act, 1911 (hereinafter referred to as the said Act), in sub-section (3), for the words "a specification", the words "either a provisional or complete specification" shall be substituted.

3. Substitution of new section 4 for section 4, Act II of 1911.—For section 4 of the said Act, the following section shall be substituted, namely,—

"4. *Specifications.*—(1) A provisional specification must describe the nature of the invention.

(2) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(3) A specification, whether provisional or complete, must commence with the title, and in the case of a complete specification must end with a distinct statement, of the invention claimed.

(4) Where the Controller deems it desirable, he may require that suitable drawings shall be supplied at any time before the acceptance of the application, and such drawings shall be deemed to form part of the complete specification.

(5) If in any particular case the Controller considers that an application should be further supplemented by a model or sample of anything illustrating the invention or alleged to constitute an invention, such model or sample as he may require shall be furnished before the acceptance of the application, but such model or sample shall not be deemed to form part of the specification.

(6) The Controller may, where the application was accompanied by a specification purporting to be a complete specification, if the applicant so requests, treat the specification as a provisional specification and proceed with the application accordingly."

4. Insertion of new sections 4-A and 4-B, Act II of 1911.—After section 4 of the said Act, the following sections shall be inserted, namely,—

"4-A. *Time for leaving complete specification.*—(1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within nine months from the date of the application:

Provided that the said nine months shall be extended to such period, not exceeding ten months from the date of the application, as may be specified in a request made by the applicant to the Controller, if the request is made and the prescribed fee is paid within the period so specified.

(2) If the complete specification is not left within the period allowable under sub-section (1), the application shall be deemed to be abandoned at the expiration of ten months from the date thereof.

4-B. *Provisional protection.*—(1) An invention may, during the period between the date of an application for a patent therefor and the date of sealing a patent on that application, be used and published without prejudice to that patent, and such protection from the consequences of use and publica-

(2) In this section, the expression "date of an application for a patent" means, as respects an application which is post-dated or ante-dated under the Act, the date to which the application is so post-dated or ante-dated, and means, as respects any other application, the date on which it is actually made."

5. Amendment of section 5, Act II of 1911.—In section 5 of the said Act

(a) in sub-section (1),

(i) for the words "The Controller shall refer every application to the Examiner", the words "The Controller shall refer to an Examiner every application in respect of which a complete specification has been filed" shall be substituted;

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

"(a) the nature of the invention or the manner in which it is to be performed is not particularly described and ascertained in the complete specification, or";

(iii) after clause (d) the following clause shall be inserted, namely,—

"(dd) where a complete specification has been left after a provisional specification, the invention particularly described in the complete specification is not substantially the same as that which is described in the provisional specification, or";

(iv) after the existing proviso the following proviso shall be inserted, namely,—

"Provided further that where a complete specification is left after a provisional specification, the Controller may, if the applicant so requests, cancel the provisional specification and direct that the application shall be deemed to have been made on the date on which the complete specification was left, and proceed with the application accordingly";

(b) in sub-section (4) and the proviso thereto, for the words "two months" wherever they occur, the words "eighteen months" shall be substituted.

6. Amendment of section 6, Act II of 1911.—In section 6 of the said Act for the word "specification" the word "specifications" shall be substituted.

7. Substitution of new section for section 7, Act II of 1911.—For section 7 of the said Act the following section shall be substituted, namely,—

"7. *Effect of acceptance of application.*—After the acceptance of an application and until the date of sealing a patent in respect thereof, or the expiry of the time for sealing, the applicant shall have the like privileges and immunities as if a patent for the invention had been sealed on the date of the acceptance of the application:

Provided that the applicant shall not be entitled to institute any proceedings for infringement until the patent has been sealed."

8. Amendment of section 9, Act II of 1911.—In sub-section (1) of section 9 of the said Act,—

(a) in clause (c) for the word "specification" the word "specifications" shall be substituted;

(b) to clause (d) the word "or" shall be added and after that clause the following clause shall be added, namely,—

"(e) that the complete specification describes or claims an invention other than that described in the provisional specification, and such other invention either forms the subject of an application"

made by the opponent for a patent which if granted would bear a date in the interval between the date of the application and the leaving of the complete specification, or has been made available to the public by publication in any document published in British India in that interval."

9. Amendment of section 10, Act II of 1911.—In sub-section (2) of section 10 of the said Act,—

(a) for the words "eighteen months" wherever they occur in the section including the proviso the words "twenty-four months" shall be substituted,

(b) to clause (c) of the proviso the words "or at such later time as the Controller may think fit" shall be added.

10. Insertion of new section 13-A, Act II of 1911.—After section 13 of the said Act, the following section shall be inserted, namely,—

"13-A. Single patent for cognate inventions.—(1) Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the Controller is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may allow one complete specification in respect of the whole of such applications and grant a single patent thereon.

(2) Such patent shall bear the date of the earliest of such applications, but in considering the validity of the same, and in determining other questions under this Act, the Court or the Controller, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed in the complete specification."

11. Amendment of section 26, Act II of 1911.—In sub-section (1) of section 26 of the said Act,—

(a) in clause (g) and clause (h) for the word "specification" the words "complete specification" shall be substituted;

(b) in clause (1) for the word "specification" where it occurs for the first time the words "complete specification" shall be substituted;

(c) after clause (m) the following clause shall be inserted, namely,—

"(n) that the invention claimed in the complete specification is not the same as that contained in the provisional specification, and that the invention claimed, so far as it is not contained in the provisional specification, was not new at the date when the complete specification was filed."

(d) in the proviso to the sub-section in clause (ii) for the words, brackets and figures "sub-section (2) of section 21" the words, brackets and figures and letter "sub-section (12) of section 21A" shall be substituted.

12. Insertion of new section 38-A, Act II of 1911.—After section 38 of the said Act, the following section shall be inserted, namely,—

"38-A. Disconformity.—A patent shall not be held to be invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is not contained in the provisional, was novel at the date when the complete specification was put in, and the applicant for the patent was the true and first inventor thereof, or the legal representative or assign of such inventor."

13. Amendment of section 61, Act II of 1911.—In sub-section (1) of section 61 of the said Act, for the words "become void" the words "deemed to have been refused" shall be substituted.

14. Amendment of section 78-A, Act II of 1911.—In sub-section (3) of section 78-A of the said Act, for the existing proviso the following proviso shall be substituted, namely,—

"Provided that, in the case of a patent,—

- (a) the application shall be accompanied by a complete specification; and
- (b) if the application is not accepted within eighteen months from the date of the application for protection in the United Kingdom the specification shall, with the drawings (if any) supplied therewith, be open to public inspection at the expiration of the period."

15. Amendment of Schedule to Act II of 1911.—In the Schedule to the said Act,—

(a) for the entry

"On application for a patent 10"

the following entries shall be substituted, namely,—

On application for a patent accompanied by provisional specification 10

On filing complete specification after provisional specification 20

On application for a patent accompanied by complete specification 30

(b) for the entry

" Before sealing a patent 30"

the following entry shall be substituted, namely,—

" For sealing a patent 30"

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Rep. No. 2 of 1945

ACT No. X OF 1945

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 16th April, 1945)

An Act further to amend the Mines Maternity Benefit Act, 1941

WHEREAS it is expedient further to amend the Mines Maternity Benefit Act, 1941 (XIX of 1941), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Mines Maternity Benefit (Amendment) Act, 1945.

2. **Amendment of section 3, Act XIX of 1941.**—Section 3 of the Mines Maternity Benefit Act, 1941 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and to the section as so numbered the following sub-section shall be added, namely:—

“(2) No owner or manager of a mine shall employ any woman below ground the mine—

(a) if he has reason to believe or if she has informed him that she is likely to be delivered of a child within ten weeks;

(b) if she has to the knowledge of the management been delivered of a child within the preceding twenty-six weeks;

(c) during the period of ten weeks following the twenty-six weeks referred in clause (b)—

(i) for more than four hours in a day unless a *creche* is provided at the mine;

(ii) in any case, for more than four hours at any one time:

Provided that where the woman informs the management that the child of which she was delivered has died, the provisions of clause (c) shall not apply if the management has with due diligence verified the correctness of her statement.”

3. **Amendment of section 4, Act XIX of 1941.**—In section 4 of the said Act,—

(a) in the proviso to sub-section (1), after the words “Provided that” the words “except in the case of a woman employed below ground in the mine” shall be inserted;

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

(2) If any woman employed below ground in a mine gives notice either orally or in writing in the prescribed form to the manager of the mine that she expects to be delivered of a child within ten weeks from the date of such notice, the manager may, on undertaking to defray the cost of such examination, require the woman to be examined within three days by a qualified medical practitioner or midwife, and shall permit her if she so desires to absent herself from work in any capacity in the mine prior to the said examination, and unless he obtains a certificate that the woman is not pregnant or not likely to be delivered of a child within ten weeks or the woman refuses to submit to such examination, up to the day of her delivery, and such absence shall be treated as a period of authorised absence on leave.

(3) The examination referred to in the proviso to sub-section (1) or in sub-section (2) shall, if the woman so desires, be carried out by a woman.

(4) The absence of a woman in the period during which she is entitled to maternity benefit under this Act shall be treated as authorised absence on leave.”

Applied to Br. Baluchistan see 112-F, d/8-5-45.

4. Amendment of section 5, Act XIX of 1941.—Section 5 of the said Act shall be renumbered as sub-section (1) of that section, and—

(a) in the section as so renumbered,—

(i) after the words "every woman" the words, brackets and figure "other than a woman to whom the provisions of sub-section (2) apply" shall be inserted;

(ii) for the words "eight annas" the words "twelve annas" shall be substituted;

(b) to the section as so renumbered the following sub-section shall be added namely:—

"(2) Every woman who has worked below ground in a mine or mines under the same owner for not less than ninety days in all during a period not exceeding six months immediately preceding the date on which clause (a) of sub-section (2) of section 3 becomes applicable to her case shall, if she complies with the other conditions imposed by this Act, be entitled to receive, and the owner of the mine shall be liable to make to her, in accordance with the provisions of this Act, a payment at the rate of six rupees a week for ten weeks immediately preceding her delivery and for the six weeks following her delivery."

5. Amendment of section 7, Act XIX of 1941.—In section 7 of the said Act after the word, brackets and figure "sub-section (1)" the words, brackets and figure "or sub-section (2), as the case may be," shall be inserted.

6. Amendment of section 8, Act XIX of 1941.—In section 8 of the said Act,—

(a) after sub-section (1), the following sub-section shall be inserted namely:—

"(1A) Where a woman entitled to maternity benefit has given the notice referred to in sub-section (2) of section 4, the manager shall within three days pay to her maternity benefit for ten weeks in advance, unless, within the said three days as a result of the examination referred to in that sub-section he obtains a certificate that she is not pregnant or not likely to be delivered of a child within ten weeks or the woman refuses to submit to such examination."

(b) in clause (a) of sub-section (2), after the word, brackets and figure "sub-section (1)" the words, brackets, figure and letter "or sub-section (1A)" shall be inserted.

7. Amendment of section 9, Act XIX of 1941.—In sub-section (1) of section 9 of the said Act, after the word, brackets and figure "sub-section (1)" the words, brackets, figure and letter "or sub-section (1A)" shall be inserted.

8. Amendment of section 10, Act XIX of 1941.—In sub-section (1) of section 10 of the said Act, for the words and figures "section 3, or has obtained permission to absent herself in accordance with section 4" the words, brackets and figures "sub-section (1) of section 3 or in circumstances under which, in accordance with this Act the absence is to be treated as authorised absence leave" shall be substituted.

9. Amendment of section 11, Act XIX of 1941.—In section 11 of the said Act,—

(a) in sub-section (1), after the words "Chief Inspector or any Inspector" the words "or any other officer authorised in this behalf by the Central Government" shall be added;

[ACT

of 1945]

Mines Majorities Benefit (Amendment)

the said Act

(b) in sub-section (2) after the words "the Chief Inspector or Inspector" the words "or other officer" shall be inserted.

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10. Amendment of section 12, Act XIX of 1941.—In section 12 of the said Act for the word and figure "section" the words "brackets" and figures "sub-section (1) of section" shall be substituted.

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11. Amendment of section 14, Act XIX of 1941.—In section 14 of the said Act—

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(a) in sub-section (1) after the words "Chief Inspector" the words "or of an officer authorised in this behalf by the Central Government" shall be added.

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(b) in the proviso to sub-section (3) the words "of the Chief Inspector" shall be omitted.

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Mines Machinery Benefit (Amendment)

[ACT X OF 1941]

12. Amendment of section 16, Act XIX of 1941.—In sub-section (2) of section 16 of the said Act,—

(a) in clause (c), for the words, brackets and figure "under the proviso sub-section (1) of" the words "referred to in" shall be substituted;

(b) in clause (b) after the words "the Chief Inspector and Inspectors" the following shall be inserted, namely:

and the officers authorised by the Central Government referred to in sub-section (1) and sub-section (1) of section 16.

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Rep by Act 2 of 1948

ACT No. XI of 1945

[Enacted by the Indian Legislature]

Received for consideration of the Governor-General on the 2nd May, 1945

An Act to amend the Aligarh Muslim University Act, 1920

WHEREAS it is expedient further to amend the Aligarh Muslim University Act, 1920 (XL of 1920), for the purposes hereinafter appearing, it is hereby enacted as follows:—

1. Short title and commencement. (a) This Act may be called the Aligarh Muslim University (Amendment) Act, 1945.

(b) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. Amendment of section 16, Act XL of 1920.—In section 16 of the Aligarh Muslim University Act, 1920 (XL of 1920) (hereinafter referred to as the said Act), the brackets, figure and words "(4) The Pro-Vice-Chancellor, and" shall be deleted; the word "and" shall be added after the words "The Vice-Chancellor"; and for the brackets and figure "(5)" the brackets and figure "(4)" shall be substituted.

3. Deletion of section 20, Act XL of 1920.—Section 20 of the said Act shall be deleted.

Price anna 1 or 1½d.

** Came into force from 4-9-45. See no. 781-1/65-44-8, 8/3-9/45*

THE INDIAN FINANCE ACT, 1945

(Made by the Governor General on the 29th March, 1945.)

An Act to give effect to the financial proposals of the Central Government for the year beginning on the 1st day of April, 1945.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, British India, to fix maximum rates of postage under the Indian Post Office Act, 1898 (VI of 1898), to continue for a further period of one year the additional duties of customs imposed by section 6 of the Indian Finance Act, 1942 (XII of 1942) and to modify certain of those duties, to alter the duty of customs and the duty of excise on tobacco, to fix rates of income tax and super-tax, and to continue the charge and levy of excess profits tax.

It is hereby enacted as follows:

1. Short title and extent.—(1) This Act may be called, the Indian Finance Act, 1945.

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

2. Fixation of salt duty.—The duty on salt manufactured in, or imported by land into, British India shall, for the year beginning on the 1st day of April, 1945, be at the rate of one rupee and nine annas per standard maund.

3. Inland postage rates.—For the year beginning on the 1st day of April, 1945, the Schedule contained in the First Schedule to this Act shall be inserted in the Indian Post Office Act, 1898 (VI of 1898), as the First Schedule to that Act.

4. Continuation of, and enhancement of, additional duties of customs imposed by section 6, Act XII of 1942.—(1) The additional duties of customs on certain goods chargeable with a duty of customs under the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), or under the said Schedule read with any notification of the Central Government for the time being in force, imposed up to the 31st day of March, 1943, by section 6 of the Indian Finance Act, 1942 (XII of 1942), and continued, subject to certain modifications, up to the 31st day of March, 1945, by section 4 of the Indian Finance Act, 1944, shall continue to be levied and collected as provided in section 6 of the Indian Finance Act, 1942 (XII of 1942), up to the 31st day of March, 1946, subject to the modifications contained in sub-section (2).

(2) The additional duty to be levied and collected under the foregoing sub-section shall be one-half instead of one-fifth of the amount of the duty of customs specified in the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), in the case of spirits, comprised in Item No. 22 (4) and in sub-items (a), (c) and (d) of Item No. 22 (5) of the said Schedule; and no such additional duty shall be levied or collected on tobacco comprised in Items Nos. 24, 24A, 24B, 24C, 24D, 24E, 24F, 24G, 24H, 24I, 24J, 24K, 24L, 24M, 24N, 24O, 24P, 24Q, 24R, 24S, 24T, 24U, 24V, 24W, 24X, 24Y, 24Z, 24AA, 24AB, 24AC, 24AD, 24AE, 24AF, 24AG, 24AH, 24AI, 24AJ, 24AK, 24AL, 24AM, 24AN, 24AO, 24AP, 24AQ, 24AR, 24AS, 24AT, 24AU, 24AV, 24AW, 24AX, 24AY, 24AZ, 24BA, 24BB, 24BC, 24BD, 24BE, 24BF, 24BG, 24BH, 24BI, 24BJ, 24BK, 24BL, 24BM, 24BN, 24BO, 24BP, 24BQ, 24BR, 24BS, 24BT, 24BU, 24BV, 24BW, 24BX, 24BY, 24BZ, 24CA, 24CB, 24CC, 24CD, 24CE, 24CF, 24CG, 24CH, 24CI, 24CJ, 24CK, 24CL, 24CM, 24CN, 24CO, 24CP, 24CQ, 24CR, 24CS, 24CT, 24CU, 24CV, 24CW, 24CX, 24CY, 24CZ, 24DA, 24DB, 24DC, 24DD, 24DE, 24DF, 24DG, 24DH, 24DI, 24DJ, 24DK, 24DL, 24DM, 24DN, 24DO, 24DP, 24DQ, 24DR, 24DS, 24DT, 24DU, 24DV, 24DW, 24DX, 24DY, 24DZ, 24EA, 24EB, 24EC, 24ED, 24EE, 24EF, 24EG, 24EH, 24EI, 24EJ, 24EK, 24EL, 24EM, 24EN, 24EO, 24EP, 24EQ, 24ER, 24ES, 24ET, 24EU, 24EV, 24EW, 24EX, 24EY, 24EZ, 24FA, 24FB, 24FC, 24FD, 24FE, 24FF, 24FG, 24FH, 24FI, 24FJ, 24FK, 24FL, 24FM, 24FN, 24FO, 24FP, 24FQ, 24FR, 24FS, 24FT, 24FU, 24FV, 24FW, 24FX, 24FY, 24FZ, 24GA, 24GB, 24GC, 24GD, 24GE, 24GF, 24GG, 24GH, 24GI, 24GJ, 24GK, 24GL, 24GM, 24GN, 24GO, 24GP, 24GQ, 24GR, 24GS, 24GT, 24GU, 24GV, 24GW, 24GX, 24GY, 24GZ, 24HA, 24HB, 24HC, 24HD, 24HE, 24HF, 24HG, 24HH, 24HI, 24HJ, 24HK, 24HL, 24HM, 24HN, 24HO, 24HP, 24HQ, 24HR, 24HS, 24HT, 24HU, 24HV, 24HW, 24HX, 24HY, 24HZ, 24IA, 24IB, 24IC, 24ID, 24IE, 24IF, 24IG, 24IH, 24II, 24IJ, 24IK, 24IL, 24IM, 24IN, 24IO, 24IP, 24IQ, 24IR, 24IS, 24IT, 24IU, 24IV, 24IW, 24IX, 24IY, 24IZ, 24JA, 24JB, 24JC, 24JD, 24JE, 24JF, 24JG, 24JH, 24JI, 24JJ, 24JK, 24JL, 24JM, 24JN, 24JO, 24JP, 24JQ, 24JR, 24JS, 24JT, 24JU, 24JV, 24JW, 24JX, 24JY, 24JZ, 24KA, 24KB, 24KC, 24KD, 24KE, 24KF, 24KG, 24KH, 24KI, 24KJ, 24KK, 24KL, 24KM, 24KN, 24KO, 24KP, 24KQ, 24KR, 24KS, 24KT, 24KU, 24KV, 24KW, 24KX, 24KY, 24KZ, 24LA, 24LB, 24LC, 24LD, 24LE, 24LF, 24LG, 24LH, 24LI, 24LJ, 24LK, 24LL, 24LM, 24LN, 24LO, 24LP, 24LQ, 24LR, 24LS, 24LT, 24LU, 24LV, 24LW, 24LX, 24LY, 24LZ, 24MA, 24MB, 24MC, 24MD, 24ME, 24MF, 24MG, 24MH, 24MI, 24MJ, 24MK, 24ML, 24MN, 24MO, 24MP, 24MQ, 24MR, 24MS, 24MT, 24MU, 24MV, 24MW, 24MX, 24MY, 24MZ, 24NA, 24NB, 24NC, 24ND, 24NE, 24NF, 24NG, 24NH, 24NI, 24NJ, 24NK, 24NL, 24NM, 24NN, 24NO, 24NP, 24NQ, 24NR, 24NS, 24NT, 24NU, 24NV, 24NW, 24NX, 24NY, 24NZ, 24OA, 24OB, 24OC, 24OD, 24OE, 24OF, 24OG, 24OH, 24OI, 24OJ, 24OK, 24OL, 24OM, 24ON, 24OO, 24OP, 24OQ, 24OR, 24OS, 24OT, 24OU, 24OV, 24OW, 24OX, 24OY, 24OZ, 24PA, 24PB, 24PC, 24PD, 24PE, 24PF, 24PG, 24PH, 24PI, 24PJ, 24PK, 24PL, 24PM, 24PN, 24PO, 24PP, 24PQ, 24PR, 24PS, 24PT, 24PU, 24PV, 24PW, 24PX, 24PY, 24PZ, 24QA, 24QB, 24QC, 24QD, 24QE, 24QF, 24QG, 24QH, 24QI, 24QJ, 24QK, 24QL, 24QM, 24QN, 24QO, 24QP, 24QQ, 24QR, 24QS, 24QT, 24QU, 24QV, 24QW, 24QX, 24QY, 24QZ, 24RA, 24RB, 24RC, 24RD, 24RE, 24RF, 24RG, 24RH, 24RI, 24RJ, 24RK, 24RL, 24RM, 24RN, 24RO, 24RP, 24RQ, 24RR, 24RS, 24RT, 24RU, 24RV, 24RW, 24RX, 24RY, 24RZ, 24SA, 24SB, 24SC, 24SD, 24SE, 24SF, 24SG, 24SH, 24SI, 24SJ, 24SK, 24SL, 24SM, 24SN, 24SO, 24SP, 24SQ, 24SR, 24SS, 24ST, 24SU, 24SV, 24SW, 24SX, 24SY, 24SZ, 24TA, 24TB, 24TC, 24TD, 24TE, 24TF, 24TG, 24TH, 24TI, 24TJ, 24TK, 24TL, 24TM, 24TN, 24TO, 24TP, 24TQ, 24TR, 24TS, 24TT, 24TU, 24TV, 24TW, 24TX, 24TY, 24TZ, 24UA, 24UB, 24UC, 24UD, 24UE, 24UF, 24UG, 24UH, 24UI, 24UJ, 24UK, 24UL, 24UM, 24UN, 24UO, 24UP, 24UQ, 24UR, 24US, 24UT, 24UU, 24UV, 24UW, 24UX, 24UY, 24UZ, 24VA, 24VB, 24VC, 24VD, 24VE, 24VF, 24VG, 24VH, 24VI, 24VJ, 24VK, 24VL, 24VM, 24VN, 24VO, 24VP, 24VQ, 24VR, 24VS, 24VT, 24VU, 24VV, 24VW, 24VX, 24VY, 24VZ, 24WA, 24WB, 24WC, 24WD, 24WE, 24WF, 24WG, 24WH, 24WI, 24WJ, 24WK, 24WL, 24WM, 24WN, 24WO, 24WP, 24WQ, 24WR, 24WS, 24WT, 24WU, 24WV, 24WW, 24WX, 24WY, 24WZ, 24XA, 24XB, 24XC, 24XD, 24XE, 24XF, 24XG, 24XH, 24XI, 24XJ, 24XK, 24XL, 24XM, 24XN, 24XO, 24XP, 24XQ, 24XR, 24XS, 24XT, 24XU, 24XV, 24XW, 24XZ, 24YA, 24YB, 24YC, 24YD, 24YE, 24YF, 24YG, 24YH, 24YI, 24YJ, 24YK, 24YL, 24YM, 24YN, 24YO, 24YP, 24YQ, 24YR, 24YS, 24YT, 24YU, 24YV, 24YW, 24YZ, 24ZA, 24ZB, 24ZC, 24ZD, 24ZE, 24ZF, 24ZG, 24ZH, 24ZI, 24ZJ, 24ZK, 24ZL, 24ZM, 24ZN, 24ZO, 24ZP, 24ZQ, 24ZR, 24ZS, 24ZT, 24ZU, 24ZV, 24ZW, 24ZX, 24ZY, 24ZZ.

For, after the 28th day of February 1946, on kerosene and mineral oils, comprised in Items Nos. 27(4) and 27(5) of the said Schedule:

(a) in Item No. 24, for the entry in the fourth column the entry 'Rs. 8 per lb.' shall be substituted;

(b) in Item No. 24 (1), for the entry in the fourth column the following shall be substituted, namely:

'The rate at which duty is for the time being leviable on articles included

7 Subs. by the A.O. 1948.
2 Subs. by A.O. 1950.

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(d) in Item No. 24 (3), for the entries in the fourth and sixth columns respectively, the entries "Rs. 7-8 per lb." and "Rs. 7 per lb." shall be substituted.

6. Alteration of duty of excise on tobacco.—In the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944), in Item No. 9, under the heading "I. Unmanufactured tobacco",—

(a) for the entries (i), (ii) and (iii) contained in sub-item (1) beginning

"(1) if flue-cured and intended for—

(a) manufacture into cigarettes containing—

the following shall be substituted, namely—

	Per lb.
"(i) more than 60 per cent. weight of imported tobacco	Seven rupees eight annas.
(ii) more than 40 per cent. but not more than 60 per cent. weight of imported tobacco	Five rupees.
(iii) more than 20 per cent. but not more than 40 per cent. weight of imported tobacco	Three rupees eight annas.
(iv) 20 per cent. or less than 20 per cent. weight of imported tobacco	Two rupees eight annas.
(v) no imported tobacco.	One rupee."

and in the second column of clause (b) of that sub-item, for the words "Three rupees and eight annas" the words "Seven rupees and eight annas" shall be substituted;

(b) in sub-item (4), the word "stems" shall be omitted.

7. Income-tax and super-tax.—(1) Subject to the provisions of sub-section (3), (4) and (5),—

(a) income-tax for the year beginning on the 1st day of April, 1945, shall be charged at the rates specified in Part I of the Second Schedule increased in each case 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

(b) rates of super-tax for the year beginning on the 1st day of April, 1945, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922 (XI of 1922), be those specified in Part II of the Second Schedule 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 rate of super-tax.

(2) If any provision is made in the Indian Income-tax Act, 1922 (XI of 1922), for the exemption from income-tax of a portion of the earned income included in the total income of an assessee, then, in making any assessment for the year ending on the 31st day of March, 1946, there shall be deducted from the total income of an assessee in accordance with such provision an amount equal to one-tenth of such earned income exclusive of any amount chargeable under the head "Salaries" but not exceeding in any case one thousand rupees.

(3) In making any assessment for the year ending on the 31st day of March, 1946, where the total income of an assessee, not being a company, includes 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 (XI of 1922), to have paid income-tax 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, 1944, to his total income the same proportion as the amount of such inclusions bears to his total income.

[Part A States and Part C States]

[The provisions]

4. Subs. by the A.O. 1948.

3. Subs. by A.O. 1950.

- (4) In making any assessment for the year ending on the 31st day of March, 1946—
- (a) where the total income of a company includes any profits and gains from life insurance business, the super-tax payable by the company on that part of its total income which consists of such inclusion shall be at the rate of six pies in the rupee;
 - (b) where the total income of an assessee, not being a company, includes any profits and gains from life insurance business, the income-tax and super-tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of such taxes payable according to the rates applicable under the operation of the Indian Finance Act, 1942 (XII of 1942), on his total income the same proportion as the amount of such inclusion bears to his total income, so, however, that if the aggregate of the taxes so computed in respect of such inclusion exceeds the aggregate of the taxes on the same income payable by a company under the operation of the Indian Finance Act, 1942 (XII of 1942), the taxes payable on such inclusion shall be computed at the rates applicable to a company under the operation of the said Act.

(5) In cases to which section 17 of the Indian Income-tax Act, 1922 (XI of 1922), applies, the tax chargeable shall be determined 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-sections (3) and (4) of this section where applicable.

(6) 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); and the expression "earned income" means earned income as defined for the purposes of the said Act.

(7) Where the total income of an assessee referred to in paragraph A of Part I of the Second Schedule 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 income, if any, exempt from tax under any provision of the Indian Income-tax Act, 1922 (XI of 1922), or any notification issued thereunder 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 the amount to be funded for the assessee's benefit shall in no case exceed two-fifths of the tax payable by him.

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

(8) Notwithstanding anything contained in sub-section (7) of section 6 of the Indian Finance Act, 1944, the amount to be funded for the assessee's benefit under the provisions of that sub-section shall in no case exceed two-fifths of the amount of tax payable by him in respect of his assessment for the year ending on the 31st day of March, 1945.

(9) The provisions of section 23A of the Indian Income-tax Act, 1922 (XI of 1922), shall not apply in respect of profits and gains of the previous year for the assessment for the year ending on the 31st day of March, 1946.

8. Continuance of and rate of excess profits tax.—(1) In sub-clause (a) of clause (6) of section 2 of the Excess Profits Tax Act, 1940 (XV of 1940), for the words and figures "31st day of March, 1945," the words and figures "31st day of March, 1946," shall be substituted.

(2) The excess profits tax imposed by section 4 of the Excess Profits Tax Act, 1940 (XV of 1940), shall, in respect of any chargeable accounting period beginning after the 31st day of March, 1945, be an amount equal to sixty-six and

two-thirds per cent. of the amount by which the profits of the business that chargeable accounting period exceed the standard profits.

THE FIRST SCHEDULE

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

(See section 3)

“ THE FIRST SCHEDULE

INLAND POSTAGE RATES

(See section 7)

<i>Letters</i>		
For a weight not exceeding one tola		One and a half annas.
For every tola, or fraction thereof, exceeding one tola		One anna.
<i>Postcards</i>		
Single		Nine pies.
Reply		One and a half annas.
<i>Book, Pattern and Sample Packets</i>		
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
<i>Registered Newspapers</i>		
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 recognised agent at the post office.		
<i>Parcels</i>		
For a weight not exceeding forty tolas		Six annas.
For every forty tolas, or fraction thereof, exceeding forty tolas		Six annas.

THE SECOND SCHEDULE

(See section 7)

PART I.

Rates of Income-tax

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

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

Provided that—

- (i) no income-tax shall be payable on a total income which, before deduction of any allowance, if any, for earned income, does not exceed Rs. 2,000;
- (ii) the income-tax payable shall in no case exceed half the amount by which the total income (before deduction of the said allowance, if any, for earned income) exceeds Rs. 2,000;
- (iii) the income-tax payable on the total income as reduced by the allowance for earned income shall not exceed either—
 - (a) a sum bearing to half the amount by which the total income (before deduction of the allowance for earned income) exceeds Rs. 2,000 the same proportion as the allowance for earned income bears to the unreduced total income, or

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ORDINANCE No. 1 OF 1945

An Ordinance to amend the Factories (Control of Disarming) Ordinance, 1943

(Published in the Gazette of India Extraordinary dated the 16th January, 1945)

~~WHEREAS~~ an emergency has arisen which makes it necessary to amend the Factories (Control of Disarming) Ordinance, 1943 (XXXI of 1943) 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, I, the President, do hereby declare that this Ordinance shall be applied to the Darjeeling district and the partially excluded areas of the Mymensingh ~~district~~ district with effect from 22-2-45, see Ben. Govt. Notifn. No. 685-Com dated 17-2-45.

Applied to Pt. Baluchistan see No. 3-10, of 22-1-45.

2. *Factories (Control of Dismantling) Amendment Ordinance, 1945* (G.O. No. 1000 of 1945) (G.O. No. 1000 of 1945) The Governor-General is pleased to promulgate the following Ordinance:

1. **Short title and commencement.**—(1) This Ordinance may be called the *Factories (Control of Dismantling) Amendment Ordinance, 1945*.
(2) It shall come into force at once.

2. **Amendment of section 2, Ordinance XXXI of 1943.**—In clause (b) of section 2 of the *Factories (Control of Dismantling) Ordinance, 1943*, after the words "at any time" the words "whether before or" shall be inserted.

WAVELL,
Viceroy and Governor General

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ORDINANCE No. II OF 1945

Ordinance further to amend the National Service (European British Subjects) Act, 1940

Published in the Gazette of India Extraordinary, dated the 30th January, 1945

WHEREAS an emergency has arisen which makes it necessary further to amend the National Service (European British Subjects) Act, 1940 (XVIII of 1940), for the purposes hereinafter appearing;

and whereas, in exercise of the powers conferred by section 72 of the Government of India Act, 1935 (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 (European British Subjects) Amendment Ordinance, 1945.

(2) It shall come into force at once.

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ORDINANCE No. III of 1945

An Ordinance to amend the Delhi Rent Control Ordinance, 1944

(Enacted in the exercise of powers conferred by section 2 of the Government of India Act, 1935)

WHEREAS an emergency has been proclaimed under clause (1) of section 2 of the Government of India Act, 1935, and it is expedient to amend the Delhi Rent Control Ordinance, 1944 (XXV of 1944), for the purposes hereinafter appearing;

NOW, therefore, in exercise of the powers conferred by section 2 of the Government of India Act, 1935, 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 Delhi Rent Control (Amendment) Ordinance, 1945.
- (2) It shall come into force at once.

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Dominion Rent Control (Amendment)

June 11, 1944

2. Amendment of section 9, Ordinance XXV of 1944. — In Section 9 of the Dominion Rent Control Ordinance, 1944 —

(a) for the words "or order evicting any tenant" the words "or make any order evicting any tenant" shall be substituted;

(b) in clause (a) the words "the application for eviction" shall be substituted for the words "the application for evictment";

(c) in clause (a) the words "the application for eviction" shall be substituted for the words "the application for evictment".

WAVELL

Viceroy and Governor General

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ORDINANCE No. IV OF 1945

An Ordinance to amend the Military Safety (Powers of Detention) Ordinance, 1944
(Published in the Gazette of India Extraordinary, dated the 30th January, 1945)

WHEREAS it is expedient in the public interest to amend the Military Safety (Powers of Detention) Ordinance, 1944 (IV of 1944) for the purposes hereinafter expressed;

and whereas it is expedient in the public interest that the Government of India Act in relation to the Ninth Schedule to the Government of India Act, 1936 (26 Geo. 5, c. 42), the Governor General is pleased to make and promulgate the following Ordinance:

1. Short title and commencement.—(1) This Ordinance may be called the Military Safety (Powers of Detention) Amendment Ordinance, 1945.
(2) It shall come into force at once.

2. Amendment of section 2, Ordinance IV of 1944.—In sub-section (1) of section 2 of the Military Safety (Powers of Detention) Ordinance, 1944 (IV of 1944), hereinafter referred to as the said Ordinance, after the word "person" the words "brought into," shall be inserted.

Applied to Br. Baluchistan, see No. 5-W,d/ 7-2-45.
Applied to the Chittagong Hill-tracts with effect from
15-3-45, see Ben. Govt. Notifn. No. 265-S,d/ 7-3-45.

Military Safety (Powers of Detention) Amendment

June 14, 1944

3. **Insertion of new sections 5A and 5B in Ordinance IV of 1944.**—After section 5 of the said Ordinance the following sections shall be inserted, namely:—

5A.—*Delivery of persons in British India from Burma.*—Any officer empowered under section 3 to make an order of detention under sub-section (1) of section 2 may cause to be kept in military custody any person delivered in custody to him by an authority in Burma acting under provisions of law corresponding to those contained in this Ordinance, and may deliver such person in the manner provided by sections 2 and 3.

5B.—*Delivery of persons in Burma from British India.*—Any person kept in military custody under this Ordinance or the subject of an order under sub-section (1) of section 2, may be delivered in custody by an officer empowered under section 3 to any authority in Burma acting under provisions of law corresponding to those contained in this Ordinance.

WAVELL,

Viceroy and Governor General

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ORDINANCE No. V OF 1945

An Ordinance to provide for the exemption of certain goods from payment of taxes imposed by local authorities

(Published in the Gazette of India Extraordinary, dated the 30th January, 1945)

WHEREAS an emergency has been proclaimed which makes it necessary to provide for the exemption of the goods hereinafter referred to from payment of taxes imposed by local authorities;

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act, 1935, read with the Ninth Schedule to the Government of India Act, 1935, the Governor General has pleased to make and promulgate the following Ordinance:

1. Short title, extent and commencement. (1) This Ordinance may be called the Central Stores (Exemption from Local Taxation) Ordinance, 1945.
- (2) It extends to the whole of British India (including the Provinces of India).

Enacted by the A.O. 13/45

Canteen Stores (Exemption from Local Taxation) [ORD. V of 1945]

(2) It shall come into force and operation from the date of its publication in the Official Gazette.

(3) Exemption of certain goods from local taxation. Notwithstanding anything contained in any enactment for the time being in force, no duty, cess, toll, rate or other impost, however named, imposed by a Municipal Committee, Cantonment Board or any other local authority, shall be payable in respect of any goods, including alcoholic liquors for human consumption and tobacco, which—

(a) are the property of or consumed or under transport for ultimate delivery to the Canteen Stores Department, the Indian Red Cross Society or the St. John Ambulance Association; or

(b) have been issued from the Canteen Stores Department for sale to members of the Armed Forces or to persons authorized to purchase stores from that Department for their use.

WAVELL,
Viceroy and Governor General.

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ORDINANCE No. VI OF 1945

An Ordinance to constitute the Defence of India Reserve as a Reserve Force of the Defence of India Corps and to regularize certain enlistments in the Defence of India Corps.

(Published in the Gazette of India Extraordinary, dated the 3rd February, 1945)

WHEREAS an emergency has arisen which makes it necessary to constitute the Defence of India Reserve as a Reserve Force of the Defence of India Corps and to regularize certain enlistments in the Defence of India Corps:

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. 42), the Governor-General is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement.**—(1) This Ordinance may be called the Defence of India Reserve Ordinance, 1945.
(2) It shall come into force at once.
2. **Defence of India Reserve.**—The body known as the Defence of India Reserve is hereby constituted a Reserve Force of the Defence of India Corps under the name of the Defence of India Reserve.
3. **Power to make rules for the regulation of the Defence of India Reserve.**—The Central Government may make rules and orders for the government, discipline and regulation of the Defence of India Reserve.
4. **Service in Defence of India Reserve.**—(1) Any member, whether an officer or an enrolled or enlisted person, of the Defence of India Corps may be transferred by the authority appointed in this behalf by a rule or order made under section 3, when occasion requires, to service in the Defence of India Reserve, and may at any time

Price anna 1 or 1½d.

Defence of India Reserve

[Ord. VI of 1942]

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be recalled by the said authority from the Defence of India Reserve to service in the Defence of India Corps.

(2) A member of the Defence of India Corps transferred to the Defence of India Reserve shall not while he belongs to the Defence of India Reserve be subject to military law.

5. **Penalty for failure to comply with order of recall.**—(1) If a person belonging to the Defence of India Reserve, when recalled to service in the Defence of India Corps, fails without reasonable excuse to comply with the order of recall, he shall be liable on conviction by a Presidency Magistrate or a Magistrate of the first class, to imprisonment for a term which may extend—(a) in the case of a first offence under this section, six months, and (b) in the case of a subsequent offence thereunder, to one year.

(2) Where a person belonging to the Defence of India Reserve is recalled to service in the Defence of India Corps, a certificate purporting to be signed by an officer appointed in the behalf by a rule or order made under section 3 and attesting that the person recalled failed to comply with the order of recall, shall, without prejudice to the signature or appointment of such officer, be evidence of the matters therein.

6. **Validity of enlistment in Defence of India Corps.**—All persons serving at the commencement of this Ordinance in the Defence of India Corps, or serving at the commencement of this Ordinance in the Defence of India Reserve having been transferred thereto from the Defence of India Corps, shall be deemed to be duly enlisted in the Defence of India Corps.

WAVELL,
Viceroy and Governor General

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ORDINANCE No. VII of 1945

An Ordinance to make certain provisions for the discipline of persons subject to the Indian Army Act, 1911 and the Indian Air Force Act, 1932, when embarked on a naval vessel.

(Enacted in the Council of Ministers under the 2nd Category, 1945)

WHEREAS an amendment in the provisions for the discipline of persons subject to the Indian Army Act, 1911 (XIII of 1911) or the Indian Air Force Act, 1932 (XXIV of 1932), when embarked on a naval vessel;

Now, therefore, in exercise of the powers conferred by section 12 of the Government of India Act, 1935 (20 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 Naval Discipline Ordinance, 1945.

Price anna 3d.

Naval Discipline

[Ord. VII of 1945]

(2) It shall come into force at once.

Discipline of military and air force personnel on board naval vessels.— Any person subject to the Indian Army Act, 1911 (VIII of 1911) or the Indian Air Force Act, 1932 (XCV of 1932), when embarked on board any ship of His Majesty's Navy shall be subject to the provisions of the Naval Discipline Act (20 & 30 Vict., c. 100) and when embarked on board any ship of the Indian Navy, to the provisions of the Naval Discipline Act as applied to the Indian Navy by the Indian Navy (Discipline) Act, 1934 (XXXIV of 1934) to such extent and under such regulations as the Central Government shall at any time or times direct.

WAVELL,
Viceroy and Governor General

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ORDINANCE No. VIII of 1945

Ordinance to secure the continuance in employment of certain persons employed in connection with the construction, maintenance and operation of the Dibru Sadiya Railway and the Colliery Branch Railway on the transfer by purchase of these Railways to the Central Government.

Published in the Gazette of Assam Extraordinary dated the 17th March, 1945

WHEREAS an emergency has arisen which makes it necessary to secure the continuance in employment of certain persons employed in connection with the construction, maintenance and operation of the Dibru Sadiya Railway and the Colliery Branch Railway on the transfer by purchase of these Railways to the Central 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 (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 Essential Services (Dibru Sadiya and Colliery Branch Railways) Ordinance, 1945.
(2) It shall come into force at once.

2. Prohibition of abandonment of employment.—Any person employed on the 1st day of March, 1945, by the Assam Railways and Trading Company Limited in connection with the construction, maintenance and operation of the Dibru Sadiya Railway or the Colliery Branch Railway, whose services with the company

Price anna 1 or 1½d.

2. *Essential Services (Dibru Saduya and Colliery Branch Railways)* (ORD. VIII of 1945) are terminated on that day in view of the transfer of the said Railways to the Central Government, shall, unless the Central Government has before that day notified that his services will not be required, be deemed to have been taken into employment under the Crown in connection with railways immediately from the 1st day of April, 1945, and thereupon the provisions of the Essential Services (Maintenance) Ordinance, 1941 (XVI of 1941), with respect to employment under the Crown shall apply to that person.

3. *Disposal of accumulations in provident funds.*—Notwithstanding anything to the contrary in any provision of law, or in any rule having effect under the law, or in the trust deeds or other instruments governing the funds of the Assam Railways and Trading Company Limited for the benefit of its employees engaged in work on the abovementioned Railways, the trustees of the said funds shall not pay therefrom to any subscriber who is deemed to be taken into employment under the Crown by virtue of section 2 the accumulated balance due on his ceasing to be an employee of the company, but shall pay therefrom to the Central Government a sum of money equivalent to the aggregate of the amounts standing on the 31st day of March, 1945 to the credit of all subscribers to the said funds who are so deemed to be taken into employment under the Crown.

WAVELL,

Viceroy and Governor General

Rep Act. 2 of 1948
ORDINANCE No. IX OF 1945

An Ordinance further to amend the Indian Income-tax Act, 1922
(Published in the Gazette of India Extraordinary, dated the 28th April, 1945)

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Income-tax Act, 1922 (XI of 1922), 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 Indian Income-tax (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 2, Act XI of 1922.—In section 2 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), after clause (6A) the following clause shall be inserted, namely:—

(6AA) "earned income" means any income of an assessee who is an individual, Hindu undivided family, unregistered firm or other association of persons, not being a company, a local authority, a registered firm or a firm treated as registered under clause (b) of sub-section (3) of section 23—

(a) which is chargeable under the head "Salaries"; or

(b) which is chargeable under the head "Profits and gains of business, profession or vocation" where the business, profession or vocation is carried on by the assessee or, in the case of a firm, where the assessee is a partner actively engaged in the conduct of the business, profession or vocation; or

(c) which is chargeable under the head "Other sources" if it is immediately derived from personal exertion or represents a pension or superannuation or other

and includes any such income which, though it is the income of another person, is included in the assessee's income under the provisions of this Act, but does not include any such income which is exempt from tax under sub-section (2) of section 15 or under a notification issued under section 40.

3. Insertion of new section 15A in Act XI of 1922. — After section 15 of the said Act, the following section shall be inserted, namely:

15A. *Exemption of portion of earned income*. — The tax shall not be levied by an assessee in respect of such portion, if any, of the earned income included in his total income as is directed by the annual Act of the Central Legislature for that year, and for the purposes of determining the rates at which income tax (but not super-tax) is payable by the assessee for that year his total income shall be deemed to be the total income reduced by the said portion.

4. Amendment of section 16, Act XI of 1922. — To clause (a) of sub-section (1) of section 16 of the said Act the following shall be added, namely:—

and any sum exempted under section 15A shall also be included in the total income for the purpose of determining the rates at which income tax (but not super-tax) is payable by the assessee to whom the exemption is given.

5. Amendment of section 17, Act XI of 1922. — To section 17 of the said Act the following sub-section shall be added, namely:—

(1). Where the amount of the total income of any assessee is deemed to be the total income reduced under the provisions of section 15A by an allowance in respect of earned income, the expression "total income" in this section shall for the purpose of determining the amount of income tax (but not super-tax) payable by the assessee be deemed to refer to his total income so reduced.

6. Amendment of section 56, Act XI of 1922. — In section 56 of the said Act after the words "Except in cases to which" the words "figures and letter '15A' applies or to which" shall be inserted.

7. Amendment of section 58, Act XI of 1922. — In sub-section (1) of section 58 of the said Act, after the words and figures "and sections 15," the figure and letter "15A" shall be inserted.

JOHN COLVILLE,
Viceroy and Acting Governor General

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ORDINANCE No. X OF 1945

An Ordinance further to amend the War Injuries Ordinance, 1941

(Enacted in the Council of India at New Delhi on the 28th April, 1945)

WHILEAS an emergency has arisen which makes it necessary further to amend the War Injuries Ordinance, 1941 (VII of 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 (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 War Injuries (Amendment) Ordinance, 1945.

Price anna 1 or 1/2

War Injuries (Amendment)

[ORD. X OF 1945]

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance VII of 1941. — In clause (b) of section 2 of the War Injuries Ordinance, 1941, the following word and sub-clause shall be added, namely:

or
(c) caused by any explosion or fire which involves any explosives or munitions or other dangerous things required for war purposes and which happens or is caused by, through, or in connection with the manufacture, storage or transportation of any such explosives, munitions or other dangerous things;

JOHN COLVILLE,
Viceroy and Acting Governor General.

GIPD—S1—170 LD—4-10-45—2,000.

Rep. Act II of 1948.

ORDINANCE No. XI OF 1945

An Ordinance temporarily to validate certain Provincial laws in so far as they relate to promissory notes

(Published in the Gazette of India Extraordinary, dated the 5th May, 1945)

WHEREAS an emergency has arisen which makes it necessary temporarily to validate the provisions of certain Provincial debt enactments in so far as they relate to promissory notes ;

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, commencement and duration.—(1) This Ordinance may be called the Provincial Debt Laws (Temporary Validation) Ordinance, 1945.

(2) It shall come into force at once, and shall remain in force up to the 31st day of March 1947.

2. Temporary validation of Provincial debt laws in certain respects.—While this Ordinance remains in force—

(a) the provisions of the Acts set out in the First Schedule and of the amendments enacted after the 1st day of April 1937 and before the 12th day of December 1944 to the Acts set out in the Second Schedule shall, in so far as they relate to or affect promissory notes, transactions based on promissory notes or proceedings arising out of such transactions, be deemed to be and always to have been as valid and effectual for all purposes as if they had been, in relation to such matters as aforesaid, enacted by the Central Legislature ; and

(b) no decree, declaration or order of any Court or debt settlement tribunal (by whatsoever name called) made whether before the commencement or during the continuance of this Ordinance shall be called in question or subjected to modification on the ground that such of the said provisions as are relevant are invalid and ineffectual by reason of the incompetence of the Provincial Legislature concerned to make laws relating to the aforesaid matters.

Price anna 1 or 1½d.

Provincial Debt Laws (Temporary Validation) [ORD. XI OF 1945]

The First Schedule

- (1) The Madras Agriculturists Relief Act, 1938 (Madras Act IV of 1938).
- (2) The Punjab Registration of Money-lenders Act, 1938 (Punjab Act III of 1938).
- (3) The Bihar Money-lenders (Regulation of Transactions) Act, 1939 (Bihar Act VII of 1939).
- (4) The Orissa Money-lenders Act, 1939 (Orissa Act III of 1939).
- (5) The Central Provinces and Berar Relief of Indebtedness Act, 1939 (Central Provinces and Berar Act XIV of 1939).
- (6) The Bombay Agricultural Debtors Relief Act, 1939 (Bombay Act XXVII of 1939).
- (7) The Sind Agriculturists Relief Act, 1940 (Sind Act VIII of 1940).
- (8) The Bengal Money-lenders Act, 1940 (Bengal Act X of 1940).
- (9) The United Provinces Debt Redemption Act, 1940 (United Provinces Act XIII of 1940).
- (10) The Sind Debt Conciliation Act, 1941 (Sind Act IX of 1941).
- (11) The Sind Money-lenders Act, 1944 (Sind Act XIV of 1944).
- (12) All Acts enacted before the 12th day of December 1944 amending any of the above Acts.

The Second Schedule

- (1) The Central Provinces Debt Conciliation Act, 1933 (Central Provinces Act II of 1933).
- (2) The Punjab Relief of Indebtedness Act, 1934 (Punjab Act VII of 1934).
- (3) The Assam Money-lenders Act, 1934 (Assam Act IV of 1934).
- (4) The Central Provinces Money-lenders Act, 1934 (Central Provinces Act XIII of 1934).
- (5) The Bengal Agricultural Debtors Act, 1935 (Bengal Act VII of 1936).
- (6) The Central Provinces Reduction of Interest Act, 1936 (Central Provinces Act XXXII of 1936).

JOHN COLVILLE,

Viceroy and Acting Governor General

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ORDINANCE No. XII OF 1945

Ordinance further to amend the Criminal Law Amendment Ordinance, 1943
(Published in the Gazette of India Extraordinary, dated the 12th May, 1945)

WHEREAS an emergency has arisen which makes it necessary further to amend the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943), 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 Criminal Law (1943 Amendment) Amending Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 3, Ordinance XXIX of 1943.—In section 3 of the Criminal Law Amendment Ordinance, 1943 (hereinafter referred to as the said Ordinance),—

(a) for the word "hereinafter" the words "which may be" shall be substituted;

(b) after the words "and Amraoti, respectively" the following shall be inserted, namely:—

"and may from time to time by like notification—

(a) constitute for the said purposes such further Special Tribunals as may appear to it to be necessary to sit at such places as shall be specified in the notification;

(b) direct that any Special Tribunal shall sit at a place other than the place specified for it by or under this section:";

(c) in the proviso, the words "such" and "hereinbefore" shall be omitted.

3. Amendment of section 5, Ordinance XXIX of 1943.—In section 5 of the said Ordinance,—

(a) sub-sections (1) and (2) shall be renumbered as sub-sections (2) and (3) respectively, and before sub-section (2) as so renumbered the following sub-section shall be inserted, namely:—

"(1) The Central Government may from time to time by notification in the official Gazette allot cases for trial to each Special Tribunal, and may also from time to time by like notification transfer any case from one Special Tribunal to another or withdraw any case from the jurisdiction of a Special Tribunal or make such modifications in the description of a case (whether in the names of the accused or in the charges preferred or in any other manner) as may be considered necessary:";

Applied to the Chittagong Hill-tracts with effect from 28-6-45, see Ben. Govt. Notifn. No. 1979-S, d/23-6-45.

(b) in sub-section (2) as so renumbered,—

(i) for the words "in the First Schedule" the words, brackets and figures "under sub-section (1)" shall be substituted;

(ii) the word "Second" shall be omitted;

(c) in sub-section (3) as so renumbered, the word "Second" shall be omitted.

4. Amendment of section 9, Ordinance XXIX of 1943.—In sub-section (1) of section 9 of the said Ordinance, for the words, figures and brackets "punishable under section 161 or section 165 of the Indian Penal Code (XLV of 1860)" the words "specified in the Schedule" shall be substituted.

5. Substitution of new section for section 10, Ordinance XXIX of 1943.—In section 10 of the said Ordinance the following section shall be substituted, namely:

"10. Special provision regarding punishment.—When any person charged before a Special Tribunal with an offence specified in the Schedule is found guilty of that offence, the Special Tribunal shall, notwithstanding anything contained in the Indian Penal Code (XLV of 1860), whether or not it imposes a sentence of imprisonment, impose a sentence of fine which shall not be less in amount than the amount of money or value of other property found to have been procured by the offender by means of the offence."

6. Omission of First Schedule, Ordinance XXIX of 1943.—The First Schedule to the said Ordinance shall be omitted:

Provided that every case therein shall be deemed to have been allotted for trial by the Special Tribunal specified in the heading of that Part of the said Schedule in which it is mentioned, immediately prior to the commencement of this Ordinance, contained.

7. Amendment of Second Schedule, Ordinance XXIX of 1943.—In the Second Schedule to the said Ordinance,—

(a) in the heading, the word "SECOND" shall be omitted;

(b) in items 3 and 3A, after the word and figures "section 406" the words and figures "or section 408" shall be inserted.

JOHN COLVILLE,
Viceroy and Acting Governor General

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ORDINANCE No. XIII OF 1945

An Ordinance further to amend the War Risks (Factories) Insurance Ordinance, 1942

(Enacted in the exercise of the powers conferred by section 72 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance, dated the 16th May, 1945)

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Factories) Insurance Ordinance, 1942 (XII of 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 (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 War Risks (Factories) Insurance (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

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2. *War Risks (Factories) Insurance (Amendment) [Ord. XIII of 1945]*

2. Amendment of section 2, Ordinance XII of 1942. — In clause (c) of section 2 of the War Risks (Factories) Insurance Ordinance, 1942 —

(a) sub-clauses (i), (ii), (iii) and (iv) shall be renumbered as sub-clauses (ii), (iii), (iv) and (v) respectively

(b) after sub-clause (i) the following sub-clause shall be inserted, namely —

(i) any explosion or fire which involves any explosives or munitions or other dangerous things required for war purposes and which happens or is caused by, through, or in connection with the manufacture, storage or transportation of any such explosives, munitions or other dangerous things.

(c) in sub-clause (iii) as herebefore renumbered, for the word "aforesaid" the following shall be substituted, namely —

"is described in sub-clause (i) or of any such explosion or fire as is described in sub-clause (i)".

JOHN COLVILLE,

Viceroy and Acting Governor General.

GIPD—S1—278 LD—4-10-45—2,000.

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh District, see Ben. Govt. Office No. 4167-J, dated 3-12-45.

(17) Where the accused is convicted of a scheduled offence other than one specified in item 1 of the Schedule to this Ordinance and where it appears that the offence has caused loss to more than one Government referred to in the said Schedule or local authority, the finding referred to in this section shall indicate the amount of loss sustained by each such Government or local authority.

2. Amendment of section 12, Ordinance XXXVIII of 1944.—The section 12 of the Criminal Law Amendment Ordinance, 1944 (hereinafter referred to as the said Ordinance), the following sub-sections shall be added, namely:—

(2) It shall come into force at once.

1. Short title and commencement.—(1) This Ordinance may be called the Criminal Law (1944 Amendment) Ordinance, 1945.

(2) The Ordinance shall come into force on the 1st day of April, 1945, but it shall not apply to any offence committed before the commencement of this Ordinance.

3. Application of Ordinance.—(1) This Ordinance shall apply to any offence committed in the territory of the Government of West Bengal or in any territory which has been transferred to the Government of West Bengal since the commencement of this Ordinance.

(2) This Ordinance shall apply to any offence committed in any territory which has been transferred to the Government of West Bengal since the commencement of this Ordinance.

ORDINANCE NO. XIV OF 1945

Handwritten signature and date: 1/1/45

An Ordinance to amend the Criminal Law Amendment Ordinance, 1944

(Enacted in the Council of Ministers on the 10th day of May, 1945)

WHEREAS an emergency has arisen which makes it necessary to amend the Criminal Law Amendment Ordinance, 1944 (XXXVIII of 1944) for the purposes for which it was enacted;

NOW ENACTED in exercise of the powers conferred by section 72 of the Government of West Bengal Act, 1956 (26 of 1956) that the Ordinance, the text of which is set out in the Schedule to this Ordinance, shall be promulgated and shall come into force on the 1st day of April, 1945, but it shall not apply to any offence committed before the commencement of this Ordinance.

AND WHEREAS the Government of West Bengal has decided to promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Criminal Law (1944 Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 12, Ordinance XXXVIII of 1944.—The section 12 of the Criminal Law Amendment Ordinance, 1944 (hereinafter referred to as the said Ordinance), the following sub-sections shall be added, namely:—

(17) Where the accused is convicted of a scheduled offence other than one specified in item 1 of the Schedule to this Ordinance and where it appears that the offence has caused loss to more than one Government referred to in the said Schedule or local authority, the finding referred to in this section shall indicate the amount of loss sustained by each such Government or local authority.

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh District, see Ben. Govt. Office No. 4167-J, dated 3-12-45.

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Criminal Law (1944 Amendment) Amendment [Ord. XIV of 1945]

(1) Where the accused is convicted at the same trial of one or more offences specified in item 1 of the Schedule to this Ordinance and of one or more offences specified in any of the other items of the said Schedule, the finding referred to in this section shall indicate separately the amounts recovered by means of the two classes of offences.

3. Amendment of section 13, Ordinance XXXVIII of 1944.—To section 13 of the said Ordinance the following sub-section shall be added, namely:—

(1) Any amount recovered to be forfeited under this section in connection with any scheduled offence other than one specified in item 1 of the Schedule to this Ordinance shall, after deduction of the costs of attachment as determined by the District Judge, be credited to the Government (where the offence referred to in the said Schedule) or local authority to which the offence has caused loss, or where there is more than one such Government or local authority, the sum shall, after such deduction as aforesaid, be distributed among them in proportion to the loss sustained by each.

4. Amendment of Schedule, Ordinance XXXVIII of 1944.—In the Schedule to the said Ordinance,

- (a) to item 1 the words "or any conspiracy to commit or any attempt to commit or any abetment of such offence" shall be added;
- (b) in items 2 and 3, after the word and figures "section 406" the words and figures "or section 408" shall be inserted;
- (c) in item 5, for the words "aforesaid offences" the words and figures "offences specified in items 2, 3 and 4" shall be substituted.

JOHN COLVILLE,

Viceroy and Acting Governor General.

Rep. Ord. I 9 1946.

ORDINANCE No. XV OF 1945

An Ordinance to provide for the maintenance and enforcement of discipline among members of the Civil Affairs (Malaya) Police Force who are temporarily in British India.

(Published in the Gazette of India Extraordinary, dated the 19th May, 1945)

WHEREAS an emergency has arisen which renders it necessary to make provision for the maintenance and enforcement of discipline among members of the Civil Affairs (Malaya) Police Force (hereinafter referred to as the Force), being a force raised and trained in British India under the authority of His Majesty's Principal Secretary of State for War for the purpose of accompanying the Allied Forces into Malaya as part of the liberating forces in order to assist in maintaining public order and safety in Malaya;

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, extent and commencement.—(1) This Ordinance may be called the Civil Affairs (Malaya) Police Force (Discipline) Ordinance, 1945.

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

(3) It shall come into force at once.

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

(a) "Commandant" means a senior military officer appointed by or under the authority of His Majesty's Principal Secretary of State for War to be the Commandant of the Force or any detachment thereof, and includes his duly appointed deputy, and "gazetted officer" means a military officer similarly appointed to be a gazetted officer of the Force;

(b) "member of the Force" means a person who, after the commencement of this Ordinance, has engaged to serve in the Force and has signed an agreement so to serve in the form set out in the Schedule to this Ordinance:

Provided that every person who—

(i) is at the commencement of this Ordinance a pensioner or superior or subordinate police officer or police constable of the former Straits Settlements, Federated Malay States or Johore Police Force, or

(ii) was prior to the commencement of this Ordinance recruited in British India for service in the Force,—

and who is in receipt of pay as a member of the Force and is borne on the rolls of the Force, shall be deemed to be a member of the Force, notwithstanding that he has not signed an agreement to serve therein, or that such an agreement signed by him is not in the form set out in the Schedule to this Ordinance;

(c) "the Police Force Enactment" means the Federated Malay States Police Force Enactment (Chapter 34 of 1924);

(d) "superior police officer", "subordinate police officer" and "peace officer" have the meanings respectively assigned to them in the Police Force Enactment.

3. Powers of command.—The Commandant and every gazetted officer shall possess and may exercise such power and authority over the superior and subordinate police officers and men of the Force at any time under their respective commands as are provided by or under this Ordinance.

4. Appointments.—(1) The appointment of all superior and subordinate police officers and men of the Force shall rest with the Commandant who may exercise in this behalf all such powers as are vested in the Inspector General of Police by or under the Police Force Enactment.

(2) Every person who after the commencement of this Ordinance engages to serve in the Force and is selected for such service by the Commandant shall sign an agreement of service in the form set out in the Schedule to this Ordinance, and every person referred to in the proviso to clause (b) of section 2 shall be deemed to have signed an agreement in the said form on the date on which he engaged himself to serve in the Force.

5. Application of Federated Malay States Police Force Enactment in British India.—The provisions of the Federated Malay States Police Force Enactment (Chapter 34 of 1924) and of the Police Regulations made thereunder shall, subject to the provisions of this Ordinance and in so far as they may be applicable, have effect in British India in relation to the appointment and discipline of members of the Force as if such provisions were laws of British India, and notwithstanding anything contained in the Army Act, all members of the Force shall be subject in all matters concerning discipline to the said Police Force Enactment and the Police Regulations made thereunder:

Provided that in having such effect as aforesaid, the said provisions shall be construed as if references therein to—

- (i) the High Commissioner or the Federal Secretary were references to His Majesty's Principal Secretary of State for War or an officer authorised by him in this behalf;
- (ii) the Inspector General of Police were references to the Commandant;
- (iii) other classes of officers were references to the officers of equivalent rank in the Force;
- (iv) dollars were references to rupees.

6. Summary powers of punishment.—Without prejudice to the powers conferred on the Commandant by or under the Police Force Enactment, where any act, not being grave in character which constitutes an offence against any law of British India is committed by a member of the Force within the precincts of the depot, camp or other place in which the Force or any detachment thereof is for the time being located, the Commandant may deal with the offender in the manner provided in the Police Regulations made under the Police Force Enactment, and may in lieu of or in addition to any punishment provided in the said Enactment sentence the offender to imprisonment in cells for a term not exceeding twenty-eight days.

7. Resignation and withdrawal from the Force.—(1) No member of the Force shall, without the permission in writing previously obtained of the Commandant resign his appointment during the term of his engagement or withdraw himself from all or any of the duties of his appointment, and any member of the Force who contravenes the provisions of this sub-section shall be deemed to have deserted within the meaning of section 25 of the Police Force Enactment.

(2) The grant of permission referred to in sub-section (1) shall be within the absolute discretion of the Commandant whose decision in the matter shall be final.

8. Jurisdiction of British Indian Courts.—Any act committed in British India by a member of the Force which if committed in the Federated Malay States by a peace officer would be punishable under any law of the Federated Malay States for the government of the police, shall be punishable in British India as if the act constituted an offence under the law of British India and as if the law of the Federated Malay States for the government of the police was a law of British India for the government of the Force.

9. Saving of jurisdiction of British Indian Courts.—Nothing in the foregoing provisions of this Ordinance shall affect the jurisdiction of any criminal Court in British India to try any member of the Force for any act constituting an offence under the law of British India.

[ORD. XV
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Civil Affairs (Malaya) Police Force (Discipline)

10. Validation of past disciplinary action and bar to legal proceedings—All punishments awarded before the commencement of this Ordinance under any Police Regulation (by whatsoever name called) made or purporting to have been made under the Police Force Enactment shall be deemed for all purposes to have been as validly awarded as if this Ordinance had been in force at the time when the punishments were awarded and undergone, and as if the said Police Regulation had been duly made under section 47 of the Police Force Enactment as having effect in British India by virtue of this Ordinance, and no suit, prosecution or other legal proceeding whatsoever shall be brought or maintained against any person for anything in good faith done or ordered to be done, whether before or after the commencement of this Ordinance, in furtherance of the maintenance and enforcement of discipline and good order among members of the Force.

THE SCHEDULE

(See section 4 (c))

A p p e n d i x

I AGREE to serve faithfully under the provisions of the Federated Malay States Police Force Enactment (Chapter 34 of 1924) and to obey all lawful orders issued to me by my superior officers and I undertake not to resign my appointment within

4
Civil Affairs (Malaya) Police Force (Discipline) [ORD. XV of 1945]
five years without the permission in writing previously obtained of the Commandant
Date

Signature or left thumb print
of recruit in the presence of
the enrolling officer.

Under the provisions of section 10 of the Federated Malay States Police Force
Enactment (Chapter 34 of 1924), I HEREBY APPOINT

a Peace Officer in the Civil Affairs (Malaya) Police Force.

Date

Commandant,
JOHN COLVILLE,
Viceroy and Acting Governor General

GIPD-81-280 LD-24.3.45-2000.

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Applied to Br. Baluchistan see No. 9-W, d/20-5-45.
Province of Orissa, see Orissa P. Govt. Notifn. No. 3846-F, dated 23-6-1945.

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Income-tax and Excess Profits Tax (Validity of Notices) Amendment Ordinance, 1945

1. Short title and commencement—(1) This Ordinance may be called the Income-tax and Excess Profits Tax (Validity of Notices) Amendment Ordinance, 1945.

2. In the Income-tax Act, 1937 (20 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance—

3. 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 (20 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance—

(XIV of 1945), for the purpose hereinafter appearing.

Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1945

WHEREAS an emergency has arisen which makes it necessary to amend the Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1945

(Published in the Gazette of India Extraordinary, dated the 19th May, 1945)

An Ordinance to amend the Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1945

ORDINANCE NO. XVI OF 1945

Rep. Act 2 of 1948

2 *Income-tax and Excess Profits Tax (Validity of Notices)* [Ord. No. 1944] *Amendment*

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance XIV of 1944. In section 2 of the Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1944, after the words "commencement of this Ordinance" where they occur for the first time, the words and figures "but not later than the 19th day of May 1945" shall be inserted.

JOHN COLVILLE,

Viceroy and Acting Governor General

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Act No. 17 of 1945

ORDINANCE No. XVII OF 1945

An Ordinance further to amend the Indian Mines Act, 1923

Published in the Gazette of India Extraordinary, dated the 26th May, 1945

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Mines Act, 1923 (LV of 1923), for the purposes herein 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 delegate the following Ordinance:—

1. Short title and commencement. (1) This Ordinance may be called the (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

Price anna 1 or 1 1/2.

Applied to Br. Baluchistan, see No. 12-W, d/ 6-6-45.
Applied to all the partially excluded areas of the Province of Orissa, see Orissa Govt. Notifn. No. 2983-Com., dated 2-7-45.

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Mines (Amendment)

2. Amendment of section 30, Act IV of 1923.—In section 30 of the Mines Act, 1923, after clause (b) the following clause shall be inserted, namely:

"(bb) for requiring the maintenance in mines wherein any women or children are employed of suitable rooms to be reserved for the use of such women and children, and for providing for the number of such rooms, and for providing generally or with particular reference to the number of women ordinarily employed in the mine, the number and standards of such rooms, and the nature and extent of the supervision to be provided therein."

3. Amendment of section 31, Act IV of 1923.—To section 31 of the Mines Act, 1923, the following sub-section shall be added, namely:

"(c) The provisions of sub-sections (1), (2) and (3) shall not apply to any mine on the first occasion on which rules referred to in clause (bb) of section 30 are made."

JOHN COLVILLE,
Viceroy and Acting Governor General

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Rep. by Act 2 of 1948

ORDINANCE No. XVIII OF 1945

An Ordinance further to amend the Indian Explosives Act, 1884

(Published in the Gazette of India Extraordinary, dated the 2nd June, 1945)

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Explosives Act, 1884 (IV of 1884), 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 Explosives (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 8, Act IV of 1884.—(1) Section 8 of the Indian Explosives Act, 1884 (hereinafter referred to as the said Act) shall be renumbered as sub-section (1) of that section, and in the said section as so renumbered, for the words "forthwith give notice thereof" the words "within such time and in such manner as may be by rule prescribed give notice thereof and of the attendant loss of human life or personal injury, if any, to the Chief Inspector of Explosives in India and" shall be substituted.

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

"(2) Whoever in contravention of sub-section (1) fails to give notice of any accident shall be punishable with fine which may extend to five hundred rupees or if the accident is attended by loss of human life, with imprisonment for a term which may extend to three months, or with fine, or with both."

3. Substitution of new sections for section 9, Act IV of 1884.—For section 9 of the said Act the following sections shall be substituted, namely:—

"9. *Inquiry into accidents.*—(1) Where any accident such as is referred to in section 8 occurs in or about or in connection with any place, carriage or vessel under the control of any of His Majesty's Forces, an inquiry into the causes of the accident shall be held by the naval, military, or air force authority concerned, and where any such accident occurs in any other circumstances, the District Magistrate (or in a Presidency-town, the Commissioner of Police) shall, in cases attended by loss of human life, or may, in any other case, hold or direct a Magistrate subordinate to him to hold, such an inquiry.

(2) Any person holding an inquiry under this section shall have all the powers of a Magistrate in holding an inquiry into an offence under the Code of Criminal Procedure, 1898 (V of 1898), and may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(3) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances.

(4) The Central Government may make rules—

(a) to regulate the procedure at inquiries under this section;

(b) to enable the Chief Inspector of Explosives in India to be present or represented at any such inquiry;

(c) to permit the Chief Inspector of Explosives in India or his representative to examine any witnesses at the inquiry;

(d) to provide that where the Chief Inspector of Explosives in India is not present or represented at any such inquiry, a report of the proceedings thereof shall be sent to him;

(e) to prescribe the manner in which and the time within which notices referred to in section 8 shall be given.

Applied to the Santal Parganas District and to those portions of the Chota Nagpur Division in which the

9A. *Inquiry into more serious accidents.*—(1) The Central Government, where it is of opinion, whether or not it has received the report of inquiry under section 9, that an inquiry of more formal character should be held into the causes of an accident such as is referred to in section 8, appoint the Chief Inspector of Explosives in India or any other competent person to hold such inquiry, and may also appoint one or more persons possessing special knowledge to act as assessors in such inquiry.

(2) Where the Central Government orders an inquiry under this section it may also direct that any inquiry under section 9 pending at the time shall be discontinued.

(3) The person appointed to hold an inquiry under this section shall exercise all the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908) for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by the person as aforesaid to furnish any information shall be deemed to be bound so to do within the meaning of section 176 of the Indian Penal Code (XLV of 1860).

(4) Any person holding an inquiry under this section may exercise such of the powers conferred on any officer by rules under section 7 as he may think necessary or expedient to exercise for the purposes of the inquiry.

(5) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make; and the Central Government shall cause every report so made to be published at such time and in such manner as it may think fit.

(6) The Central Government may make rules for regulating the procedure at inquiries under this section.

4. Substitution of new section for section 14, Act IV of 1884.—For section 14 of the said Act the following section shall be substituted, namely:—

“14. *Saving and power to exempt.*—(1) Nothing in this Act, except sections 8, 9 and 9A, shall apply to the manufacture, possession, use, transport or importation of any explosive—

(a) by any of His Majesty's Forces in accordance with rules or regulations made by His Majesty's Government in the United Kingdom or the Central Government;

(b) by any person employed under any Government in British India in the execution of this Act.

(2) The Central Government may by notification in the official Gazette exempt, absolutely or subject to any such conditions as it may think fit to impose, any explosive from all or any of the provisions of this Act.”

5. Temporary amendment of section 18, Act IV of 1884.—During the continuance of this Ordinance, sub-sections (1), (2), (3) and (4) of section 18 of the said Act shall be deemed to be omitted.

JOHN COLVILLE,
Viceroy and Acting Governor General

ORDINANCE No. XIX OF 1945

Rep. Act
11/28/1947

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

(Published in the Gazette of India Extraordinary, dated the 9th June, 1945)

WHEREAS an emergency has arisen which renders it necessary temporarily to amend the Reserve Bank of India Act, 1934 (II of 1934), for the purposes hereinafter appearing, and to make certain consequential provision;

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 Reserve Bank of India (Temporary Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Temporary amendment of Act II of 1934.—So long as this Ordinance remains in force, the Reserve Bank of India Act, 1934, shall have effect subject to the following provisions, namely:—

(1) In clauses (1) and (5) of section 17, after the words "Government of Burma" the words "the British Military Administration, Burma," shall be deemed to be inserted.

(2) After section 20 the following section shall be deemed to be inserted, namely:—

20A. Transaction of business for British Military Administration, Burma.—

(1) Notwithstanding anything contained in this Act, the Bank may—

(a) accept monies for account of the British Military Administration, Burma, make payments up to the amount standing to the credit of its

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh district with effect from 8-11-45, see Bengal Government Notification No. 4698-Com., dated 2-11-45.

a camp (otherwise than on transfer from another camp) except on the authority of a certificate issued by an officer appointed by the Central Government in that behalf to the effect that the refugee has no or insufficient means of support in British India.

4. Refugees not to leave camp without permission.—(1) Subject to the provisions of this section, no refugee may, until such time as is referred to in sub-section (1) of section 3, leave the camp in which he is for the time being accommodated.

(2) The Commandant may for reasons appearing to him sufficient grant to a refugee permission in writing to leave the camp for a period not exceeding thirty days, and where the refugee does not return to camp before the expiry of the period specified in the permit, he shall be deemed to have contravened the provisions of this section.

(3) The Central Government may permit a refugee to leave the camp permanently if it is satisfied, after causing such inquiries to be made as it thinks fit, that he has in India relatives able and willing to support him and that he intends to take up his residence with them until he is able to return to his place of residence in Burma or elsewhere.

(4) Nothing in this section shall apply to the transfer of a refugee from one camp to another, or to his temporary absence from camp for recreation or other purposes in the company of an officer of the camp administration.

(5) Any refugee who contravenes any provision of this section shall, on conviction by a Court, be punishable with simple imprisonment for a period which may extend to three months.

(6) When convicting a refugee for an offence punishable under sub-section (5), the Court shall order that on the expiry of his sentence the refugee shall be returned to the camp in which he was last accommodated.

(7) Notwithstanding anything in the Code of Criminal Procedure, 1898 (V of 1898), an offence punishable under this section shall be cognizable.

Price anna 1 or 1½d.



ORDINANCE No. XIX OF 1945

Rep. Act
11/20/1947

An Ordinance temporarily to amend the Reserve Bank of India Act, 1934
(Published in the Gazette of India Extraordinary, dated the 9th June, 1945)

WHEREAS an emergency has arisen which renders it necessary temporarily to amend the Reserve Bank of India Act, 1934 (II of 1934), for the purposes hereinafter appearing, and to make certain consequential provision;

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 Reserve Bank of India (Temporary Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. **Temporary amendment of Act II of 1934.**—So long as this Ordinance remains in force, the Reserve Bank of India Act, 1934, shall have effect subject to the following provisions, namely:—

(1) In clauses (1) and (5) of section 17, after the words "Government of Burma" the words "the British Military Administration, Burma," shall be deemed to be inserted.

(2) After section 20 the following section shall be deemed to be inserted, namely:—

20A. *Transaction of business for British Military Administration, Burma.*—

(1) Notwithstanding anything contained in this Act, the Bank may—

(a) accept monies for account of the British Military Administration, Burma, make payments up to the amount standing to the credit of its

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh district with effect from 8-11-45, see Bengal Government Notification No. 4698-com., dated 2-11-45.

ORD. XVIII OF 1945
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account, carry out its exchange, remittance and other banking operations and generally afford to it similar facilities to those which the Bank affords to the Central Government.

(b) perform such functions and exercise such powers in relation to the currency and coinage of Burma and in relation to other business of the British Military Administration, Burma (being business similar to that in respect of which the Bank is required or enabled under this Act to perform such functions or exercise powers) as the British Military Administration, Burma may from time to time authorise it to perform or exercise.

(2) For performing such functions and exercising such powers as are referred to in sub-section (1) on the authority or on behalf of the British Military Administration, Burma, the Bank shall receive from the British Military Administration, Burma, such remuneration as may be agreed upon between the Bank and the said Administration.

3. Interpretation of certain provisions.—The references to Government in clause (1) of sub-section (1) of section 10 of the Imperial Bank of India Act, 1920 (XLI of 1920), and in that portion of the agreement made in pursuance of section 4 of the Reserve Bank of India Act, 1934 (N of 1934) between the Reserve Bank of India and the Imperial Bank of India which corresponds to paragraph 2 of the Third Schedule to the last-mentioned Act, shall be construed as including references to the British Military Administration, Burma.

WAVELL,
Viceroy and Governor General

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Rep. by Act 27 1945

ORDINANCE No. XX OF 1945

An Ordinance further to amend the Excess Profits Tax Ordinance, 1943

(Published in the Gazette of India Extraordinary, dated the 30th June, 1945)

WHEREAS an emergency has arisen which makes it necessary further to amend the Excess Profits Tax Ordinance, 1943 (XVI of 1943), 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 Excess Profits Tax (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

Price anna 1 or 1½.

Applied to Be. Baluchistan, see No. 15-B, D/18-7-45.

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2. Amendment of section 2, Ordinance XVI of 1943. In section 2 of the Excess Profits Tax Ordinance, 1943—

(a) in sub-section (1), after the first proviso the following proviso shall be inserted, namely:—

“ Provided further that in respect of any chargeable accounting period ending after the 31st day of December, 1944, the provisions of this sub-section as modified by the first proviso shall have effect as if for the words ‘nineteen-sixtyfourths’ the figures ‘37/128ths’ were substituted.”

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

“ Provided that, in respect of any chargeable accounting period ending after the 31st day of December, 1944, the provisions of this sub-section shall have effect as if for the words ‘nineteen-sixtyfourths’ the figures ‘37/128ths’ were substituted.”

WAVELL,

Viceroy and Governor General.

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Rep. by act 2 of 1948

ORDINANCE No. XXI OF 1945

An Ordinance to provide for and regularise the establishment of refugee camps
(Published in the Gazette of India Extraordinary, dated the 4th July, 1945)

WHEREAS an emergency has arisen which makes it necessary to provide for and regularise the accommodation in refugee camps of refugees entering British India from certain war areas and the maintenance of essential discipline in such camps;

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, extent and commencement.—(1) This Ordinance may be called Refugee Camps Ordinance, 1945.

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

(3) It shall come into force at once.

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

(a) "camp" means a camp established by the Central Government for the accommodation of refugees;

(b) "the Commandant" of a camp means the person appointed by the Central Government to be in charge of the camp;

(c) "refugee" means any person who has entered British India from Burma, having left his place of residence in Burma or elsewhere on account of enemy occupation of that place or the threat of such occupation.

3. Accommodation of refugees in camps.—(1) It shall be lawful, and shall be deemed always to have been lawful, to take any refugee under escort to a camp and require him to remain there or in any other camp to which he may be transferred until such time as it is possible to arrange for returning him to his place of residence in Burma or elsewhere.

(2) No refugee shall, after the commencement of this Ordinance, be admitted to a camp (otherwise than on transfer from another camp) except on the authority of a certificate issued by an officer appointed by the Central Government in that behalf to the effect that the refugee has no or insufficient means of support in British India.

4. Refugees not to leave camp without permission.—(1) Subject to the provisions of this section, no refugee may, until such time as is referred to in sub-section (1) of section 3, leave the camp in which he is for the time being accommodated.

(2) The Commandant may for reasons appearing to him sufficient grant to a refugee permission in writing to leave the camp for a period not exceeding thirty days, and where the refugee does not return to camp before the expiry of the period specified in the permit, he shall be deemed to have contravened the provisions of this section.

(3) The Central Government may permit a refugee to leave the camp permanently if it is satisfied, after causing such inquiries to be made as it thinks fit, that he in India relatives able and willing to support him and that he intends to take up residence with them until he is able to return to his place of residence in Burma or elsewhere.

(4) Nothing in this section shall apply to the transfer of a refugee from one camp to another, or to his temporary absence from camp for recreation or other purposes in the company of an officer of the camp administration.

(5) Any refugee who contravenes any provision of this section shall, on conviction by a Court, be punishable with simple imprisonment for a period which may extend to three months.

(6) When convicting a refugee for an offence punishable under sub-section (5), a Court shall order that on the expiry of his sentence the refugee shall be returned to the camp in which he was last accommodated.

(7) Notwithstanding anything in the Code of Criminal Procedure, 1898 (V of 1898), an offence punishable under this section shall be cognizable.

Price anna 1 or 1½d.

5. Power to make regulations for maintaining essential discipline.—(1) Subject to the provisions of this section, the Commandant may make regulations for the maintenance of health and good order in the camp and of harmonious relations among the refugees accommodated therein.

(2) All regulations made under this section shall be forwarded without delay to the Central Government, and the Central Government may cancel or modify any such regulation in such manner as it thinks fit.

(3) All regulations made under this section shall be read out to the refugees in a language which they understand as soon as may be after they are made and thereafter at intervals of not more than two months.

6. Camp offences.—(1) The following shall be camp offences for the purposes of this Ordinance:—

(a) any offence punishable under section 4, if the Commandant thinks fit so to regard it;

(b) any contravention of or failure to comply with any regulation made under section 5;

(c) any act, not being grave in character, which constitutes an offence against any other law and which in the opinion of the Commandant should be dealt with as a camp offence.

(2) It shall not be a camp offence to submit a petition or make a complaint in regard to conditions in the camp, even though such petition or complaint is found upon investigation to be groundless.

7. Procedure and penalties.—(1) Every charge against a refugee in respect of a camp offence shall be dealt with by the Commandant summarily, that is to say, it shall not be necessary for him to make a record of the evidence adduced, but he shall record in a register to be maintained for the purpose his decision in each case and a brief statement of the facts together with, where he finds the charge proved, the reasons for his decision and the punishment awarded.

(2) For the commission of a camp offence the Commandant may award any one of the following punishments, namely:—

(i) Detention in a place in the camp set apart for the purpose for any period not exceeding twenty-eight days:

Provided that a refugee shall not again be committed to detention within three days after the termination of a previous period of detention.

(ii) Confinement to quarters for any period not exceeding fourteen days, during which the offender may be employed on fatigue duties.

(iii) Suspension for a period not exceeding seven days of the right to all or any of the amenities provided in the camp.

8. Bar to legal proceedings.—(1) No suit or other legal proceedings whatsoever shall lie against the Crown or any person for anything in good faith—

(a) done or ordered to be done in bringing any refugee or any person believed to be a refugee under escort to a camp and requiring him to remain there;

(b) done or ordered to be done before the commencement of this Ordinance in furtherance of the maintenance of health and discipline in a camp;

(c) done, intended to be done or ordered to be done in pursuance of this Ordinance.

(2) No refugee shall be liable—

(a) to be tried by any criminal Court in respect of any charge which has been dealt with by the Commandant under section 7, whether or not the charge was found to be proved by the Commandant;

(b) to be dealt with by the Commandant under section 7 in respect of any charge which has formed the basis of his discharge, acquittal or conviction by a competent criminal Court.

WAVELL,

Viceroy and Governor General.

ORDINANCE No. XXII OF 1945 *Ref. Act 19*
1945

An Ordinance further to amend the Criminal Law Amendment Ordinance, 1943
(Published in the Gazette of India Extraordinary, dated the 4th July, 1945)

WHEREAS an emergency has arisen which makes it necessary further to amend the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943), for the purposes hereinafter appearing;

Now, whereas in exercise of the powers conferred by section 72 of the Government of India Act, as amended 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 Criminal Law (1943 Amendment) Second Amending Ordinance, 1945.
(2) It shall come into force at once.

2. **Amendment of long title and preamble.** Ordinance XXIX of 1943.—(1) In the long title of the Criminal Law Amendment Ordinance, 1943 (hereinafter referred to as the said Ordinance), the words "punishable under The Indian Penal Code" shall be omitted.
(2) In the preamble to the said Ordinance, the words, brackets and figures "punishable under the Indian Penal Code (XLV of 1860)" shall be omitted.

3. **Substitution of new section for section 4, Ordinance XXIX of 1943.**—In section 4 of the said Ordinance the following section shall be substituted, namely:

4. **Composition of Special Tribunal.**—(1) A Special Tribunal constituted under this Ordinance shall consist of three members, each of whom shall, except as provided in sub-section (2), be a person who—

(a) is qualified under sub-section (1) of section 74 of the Government of India Act, 1935 (26 Geo. 5, c. 2) for appointment as a Judge of a High Court; or

(b) has for a period of not less than three years exercised, whether continuously or not, the powers under the Code of Criminal Procedure, 1898 (V of 1898) of any one or more of the following, namely, Sessions Judge, Additional Sessions Judge, Chief Presidency Magistrate, Additional Chief Presidency Magistrate, Presidency Magistrate, District Magistrate, Additional District Magistrate.

and at least one shall have the qualification specified in clause (a).

(2) One of the members may, instead of being a person qualified under sub-section (1), be an officer of His Majesty's service who is a barrister of England or Northern Ireland or of not less than five years standing or a member of the Faculty of Advocates in Scotland of not less than five years standing.

Enacted at Delhi on the 4th July, 1945.

XXI OF 1945

(1) Subject to the provisions of this Ordinance, the relations between the Government and the people shall be such as to ensure the maintenance of law and order and the promotion of the welfare of the people.

Without delay to the Government, the Government shall take such steps as may be necessary to amend any such law as may be in force in the territories specified in sub-section (1) of section 1 of this Ordinance.

refugees in a territory and there shall be no restriction on the entry of such refugees into that territory.

the purposes of this Ordinance, the Government may, if it thinks fit, make such regulations as may be necessary for the better carrying out of the provisions of this Ordinance.

any offence committed under this Ordinance shall be deemed to be an offence under the law in force in the territories specified in sub-section (1) of section 1 of this Ordinance.

complaint in writing to the Government, the Government may, if it thinks fit, cause an inquiry to be made into the matter.

in respect of a person, the Government may, if it thinks fit, cause an inquiry to be made into the matter.

but he shall not be liable to be arrested or detained for more than three months.

and any one of the members of the Special Tribunal may, if he thinks fit, cause an inquiry to be made into the matter.

any period of detention shall be deemed to be a period of detention under this Ordinance.

within fifteen days of the date of the order of detention, the Government shall cause an inquiry to be made into the matter.

to all or any of the territories specified in sub-section (1) of section 1 of this Ordinance.

whatsoever, the Government may, if it thinks fit, cause an inquiry to be made into the matter.

any person who is liable to be arrested or detained under this Ordinance shall be deemed to be a person who is liable to be arrested or detained under the law in force in the territories specified in sub-section (1) of section 1 of this Ordinance.

this Ordinance shall be deemed to be an Ordinance in force in the territories specified in sub-section (1) of section 1 of this Ordinance.

which has the charge of the territories specified in sub-section (1) of section 1 of this Ordinance.

pect of any offence committed under this Ordinance shall be deemed to be an offence under the law in force in the territories specified in sub-section (1) of section 1 of this Ordinance.

General.

(3) The Central Government shall appoint one of the members qualified under sub-section (1) to be the President of the Special Tribunal.

4. Substitution of new sections for sections 7 and 8, Ordinance XXIX of 1943.— For sections 7 and 8 of the said Ordinance the following sections shall be substituted, namely:—

7. Appeal and revision.—The High Court within the local limits of whose jurisdiction the offence charged in a case before a Special Tribunal is alleged to have taken place may, in relation to that case and subject to the provisions of section 8 regarding the transfer of cases, exercise so far as they may be applicable all the powers conferred by Chapters XXXI and XXXII of the Code of Criminal Procedure, 1898 (V of 1898), in a High Court, as if the Special Tribunal were a Court of Session, trying cases without a jury within the local limits of that High Court's jurisdiction.

8. Bar of certain jurisdiction.—No Court shall have authority to transfer any case from a Special Tribunal, or to make any order under section 491 of the Code of Criminal Procedure, 1898 (V of 1898) or, save as provided in section 7, have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal.

5. Amendment of section 9, Ordinance XXIX of 1943.—In sub-section (2) of section 9 of the said Ordinance, for the words "a person or the agent of a person seeking to obtain facilities for transport or holding or seeking to obtain a contract from His Majesty's Government in the United Kingdom or in any part of His Majesty's dominions, or the Central or a Provincial Government or a department of any such Government or a local authority, or from any person acting on behalf of any such Government or department or authority," the words "any person," shall be substituted.

6. Amendment of Schedule, Ordinance XXIX of 1943.—In the Schedule to the said Ordinance,—

(a) for items 1 and 2 the following item shall be substituted, namely:—

1. An offence punishable under section 161 or section 165 of the Indian Penal Code.

(b) items 3, 4 and 5 shall be renumbered as items 2, 3 and 6 respectively;

(c) after item 4 the following item shall be inserted, namely:—

5. An offence punishable under the Hoarding and Profiteering Prevention Ordinance, 1943 (XXXV of 1943), or under any rule made or deemed to have been made under the Defence of India Act, 1939 (XXXV of 1939)."

WAVELL,
Viceroy and Governor General.

ORDINANCE No. XXIII OF 1945

An Ordinance to define "present war" and like expressions occurring in certain contexts

(Published in the Gazette of India Extraordinary, dated the 14th July, 1945)

WHEREAS an emergency has arisen which makes it necessary to define the meaning of the expression "present war" and like expressions when used in certain contexts prior to the outbreak of war between His Majesty and 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 (Geo. 6, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:

1. Short title, extent and commencement. — (1) This Ordinance may be called the Present War (Definition) Ordinance, 1945.

(2) It extends to the whole of British India, [all the provinces of India].

(3) It shall come into force at once.

Price anna 1 or 1 1/2

Applied to Br. Rajchandraji No. 20-10, D. 2-8-45
Applied to all tribal areas see No. 21-10, D. 2-8-45

Issued by the A.D. 1948.

2. Meaning of "present war" and like expressions in certain contexts.—For the removal of doubts it is hereby declared that any reference, express or implied and in whatever form of words, in any provision made during the period commencing on the 3rd day of September 1939 and ending on the 8th day of December 1941 in any enactment or in any notification, rule or order under any enactment or in any contract, deed or other instrument, to the present war or the present hostilities shall, unless in the case of such a reference in any contract, deed or other instrument as aforesaid the subject or context otherwise requires, be deemed to include and always to have included a reference to the present war with Japan, notwithstanding that war had not, when the said provision was made, broken out between His Majesty and Japan.

Provided that nothing in this section shall prejudice the exercise of any power conferred in whatever form of words in any such provision as aforesaid on any Government, authority or person to declare for the purposes of such provision on what specified date the present war or the present hostilities shall be deemed to terminate.

WAVELL,

Viceroy and Governor General

ORDINANCE No. XXIV OF 1945

An Ordinance to exempt certain war gratuities from liability to income-tax
(Published in the Gazette of India, Extraordinary, dated the 14th July, 1945)

WHEREAS an emergency has arisen which makes it necessary to provide for exempting certain war gratuities from liability to income-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 (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 War Gratuities (Income-tax Exemption) Ordinance, 1945.
- (2) It shall come into force at once.

Price anna 1 or 1d.

2. Interpretation.—In this Ordinance "war gratuity" means any gratuity paid in respect of any person's service in His Majesty's Forces in connection with any hostilities in which His Majesty has been or may be engaged during the period commencing on the 3rd day of September 1939 and ending on such date as the Central Government may by notification in the official Gazette specify in this behalf, but does not include a gratuity (by whatever name called) payable under a contract of service.

3. Exemption of war gratuities from liability to income-tax.—Notwithstanding anything contained in the Indian Income-tax Act, 1922 (XI of 1922), any war gratuity paid whether after the commencement of this Ordinance or not to any person shall not for the purposes of that Act be included in the total income or total world income of that person.

WAVELL,
Viceroy and Governor General.

GIPD—S1—582 LD—27-11-45—2,000.

Rep. Act 2 of 1945

ORDINANCE No. XXV OF 1945

An Ordinance further to amend the Defence of India Act, 1939

(Published in the Gazette of India Extraordinary, dated the 14th July, 1945)

WHEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 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 (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 Defence of India (Amendment) Ordinance, 1945.
Price anna 1 or 1½.

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh district with effect from 22-11-45, see Bengal Govt. Notifn. No. 9037-Def. dated 12-11-1945.

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(2) It shall come into force at once.

2. Amendment of section 2, Act XXXV of 1939.—In sub-section (3) of section 2 of the Defence of India Act, 1939, at the end of clauses (i), (v), (vi) and (vii) the words "or any order issued thereunder" shall be inserted, and shall be deemed always to have been inserted.

3. Amendment of section 17, Act XXXV of 1939.—To sub-sections (1) and (2) of section 17 of the Defence of India Act, 1939, the words "or any orders issued under any such rule" shall be added, and shall be deemed always to have been added.

WAVELL,
Viceroy and Governor General.

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ORDINANCE No. XXVI OF 1945

An Ordinance temporarily to regulate the Andaman and Nicobar Islands Police Force

(Published in the Gazette of India Extraordinary, dated the 21st July, 1945)

WHEREAS an emergency has arisen which renders it necessary to make temporary provision to regulate the Andaman and Nicobar Islands police force while it is elsewhere in British India, and in particular to provide for the maintenance of discipline among members of the said police force;

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, extent and commencement.—(1) This Ordinance may be called the Andaman and Nicobar Islands Police Force (Temporary Provisions) Ordinance, 1945.

Price anna 1 or 1½d.

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

(3) It shall come into force at once.

2. Temporary provisions for Andaman and Nicobar Islands Police Force.—

During the continuance of this Ordinance and notwithstanding anything to the contrary in any other law but subject to any orders which the Central Government may make in this behalf, members of the Andaman and Nicobar Islands police force shall have, within the Province in which they for the time being are, such powers, duties, privileges and liabilities, including liability to discipline, as have members of the police force of that Province :

Provided that the exercise of powers and jurisdiction in any Province by members of the Andaman and Nicobar Islands police force shall be subject to the general or special consent of the Government of that Province.

WAVELL,
Viceroy and Governor General.

Repealed by Act 2 of 1946

ORDINANCE No. XXVII OF 1945

An Ordinance further to amend the Civil Pioneer Force Ordinance, 1942

(Published in the Gazette of India Extraordinary, dated the 11th August, 1945)

WHEREAS an emergency has arisen which makes it necessary further to amend the Civil Pioneer Force Ordinance, 1942 (X of 1942), for the purposes hereinafter appearing;

Now, whereas, 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 (20 Geo. 5, c. 3), the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Civil Pioneer Force (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of long title and preamble, Ordinance X of 1942.—In the long title and preamble of the Civil Pioneer Force Ordinance, 1942 (hereinafter referred to as the said Ordinance), the words "for service in India" shall be omitted.

3. Amendment of section 1, Ordinance X of 1942.—In sub-section (2) of section 1 of the said Ordinance, after the words "Civil Pioneer Force" the words "who are

Price anna 1 or 1½d.

Applied to Mr. Bahadur, see No. 22-W, D/8-8-45

Civil Pioneer Force (Amendment) Ord. XXVII of 1945

British subjects domiciled in any part of India, wherever they may be, and to other members of the said Force, shall be inserted.

4. Amendment of section 3, Ordinance X of 1942. — In section 3 of the said Ordinance —

(a) in sub-section (1) the words "in India" shall be omitted;

(b) in sub-section (2) for the words "in any part of India" the words "elsewhere" shall be substituted.

5. Amendment of section 4, Ordinance X of 1942. — (1) In sub-section (2) of section 4 of the said Ordinance, the words "in any part of India" shall be omitted.

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

Provided that a member of the Civil Pioneer Force who is a British subject domiciled in any part of India shall not be liable, without his own consent given in the prescribed form, to service outside India, and any other member of the said Force shall not be liable in any circumstances to such service."

WAVELL,
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WAVELL,
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Rep. Ord. 19/1945

ORDINANCE No. XXVIII of 1945

An Ordinance to amend the Military Operational Area (Special Powers) Ordinance, 1943.

(Published in the Gazette of India, Extraordinary, on the 23rd August, 1945)

WHEREAS an emergency has arisen which makes it necessary to amend the Military Operational Area (Special Powers) Ordinance, 1943 (XXXVII of 1943), for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act, as amended by the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5 c. 42), the Governor General is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement.—(1) This Ordinance may be called the Military Operational Area (Special Powers) Amendment Ordinance, 1945.

(2) It shall be deemed to have come into force on the 1st day of June 1945.

Price anna 1 or 1½d.

2. *Military Operational Area (Special Powers) Amendment (Ordinance XXXVII of 1945)*
 2. Amendment of section 3, Ordinance XXXVII of 1943. In section 3 of the Military Operational Area (Special Powers) Ordinance, 1943 (hereinafter referred to as the said Ordinance)—
 (a) for the words "the General Officer Commanding the military forces" the words "any General Officer Commanding military forces" shall be substituted;
 (b) for the words "that General Officer Commanding" the word "he" shall be substituted.
 3. Amendment of section 9, Ordinance XXXVII of 1943. In section 9 of the said Ordinance, for the words "the General Officer Commanding the military forces" the words "any General Officer Commanding military forces" shall be substituted.
 4. Amendment of sections 10 and 13, Ordinance XXXVII of 1943. In the proviso to sub-section (2) of section 10 of the said Ordinance and in sub-section (2) of section 13 thereof, for the words "the General Officer Commanding the military forces" the words "any General Officer Commanding military forces" shall be substituted.

WAVELL,
Viceroy and Governor General.

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ORDINANCE No. XXIX OF 1945

An Ordinance to terminate the War Risks (Factories) Scheme

(Published in the Gazette of India Extraordinary, dated the 31st August, 1945)

WHEREAS an emergency has arisen which makes it necessary to make provision for the immediate termination of the War Risks (Factories) Scheme;

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 War Risks (Factories) Insurance (Termination) Ordinance, 1945.

(2) It shall come into force at midnight between the 31st day of August and the 1st day of September, 1945.

applied to the Chota Nagpur Division and to the Santal
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applied to the British Baluchistan...

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ORDINANCE No. XXX OF 1945

An Ordinance to validate a certain marriage solemnized in Secunderabad

(Published in the Gazette of India Extraordinary, dated the 1st September, 1945.)

WHEREAS the Reverend Harold William Sibree Page, a Minister of the Methodist Church, having been granted by the Resident in Secunderabad under section 9 of the Indian Christian Marriage Act, 1872 (XXV of 1872), a certificate of marriage between Indian Christian subjects of His Majesty in Hyderabad State, on the 20th day of April 1944 at Secunderabad, solemnized marriage between a certain Indian Christian, subject of His Majesty, in belief that he was a Minister of the Methodist Church, and a certain

AND WHEREAS it appears to the said Resident that the said Reverend Harold William Sibree Page was duly authorized to solemnize the marriage and that marriage was valid in law

AND WHEREAS the said Resident is of opinion that the said Reverend Harold William Sibree Page had not the requisite authority to solemnize the said marriage

AND WHEREAS it appears to the said Resident that the said marriage solemnized in good faith, an emergency law being in force, and it is expedient to provide for the validation of the said marriage

NOW ENACTED BY THE GOVERNMENT OF HYDERABAD, authorized by section 72 of the Government of India Act, 1935, that the said marriage solemnized in good faith, an emergency law being in force, and it is expedient to provide for the validation of the said marriage

Printed and Published by the Government of Hyderabad

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India Act 1938 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:

1. Short title.—This Ordinance may be called the Secunderabad Marriage Validation Ordinance, 1945.

2. Validation of a certain irregular marriage and the records thereof.—(1) The marriage solemnized in St. Andrew's Church at Secunderabad on the 20th day of April 1941 between persons being Christian, but not Indian Christian, subjects of His Majesty, by the Reverend Harold William Sibree Page, a Minister of the Methodist Church, shall be, and shall be deemed to have been valid after, on and from the said date, so good and valid in law as if it had been solemnized under a licence granted under section 4 of the Indian Christian Marriage Act, 1872 (Act 1 of 1872) authorising the solemnization of marriages between persons being Christian, but not necessarily Indian Christian, subjects of His Majesty in the Hyderabad State.

(2) Certificates of the marriage declared by sub-section (1) to be good and valid in law, and register books and certified copies of same and duly authenticated extracts therefrom, deposited in compliance with the provisions of the Indian Christian Marriage Act, 1872, in so far as the register books and extracts relate to the said marriage shall be received as evidence of the marriage as if it had been duly solemnized under Part I of the said Act.

JOHN COLVILLE,

Secretary and Acting Governor General

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ORDINANCE No. XXXI OF 1945

An Ordinance further to amend the Defence of India Act, 1939

(Published in the Gazette of India Extraordinary, dated the 1st September, 1945.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 1939), for the purposes hereinafter appearing:

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, 1935 (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 Defence of India (Second Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 6, Act XXXV of 1939.—For clause (b) of section 6 of the Defence of India Act, 1939, the following shall be substituted, namely:—

(b) The Motor Vehicles Act, 1939 (IV of 1939) (in this clause referred to as the said Act) shall have effect subject to the following provisions, namely:—

(a) Notwithstanding anything to the contrary in section 58 or section 62 of the said Act, the Provincial Transport Authority or a Regional Transport Authority, acting in accordance with such directions as the Provincial Transport Authority may think fit to issue, may grant a permit or a temporary permit under Chapter IV of the said Act to be effective for any specified period not exceeding five years in the case of a permit or one year in the case of a temporary permit.

(b) Without prejudice to the provisions of section 60 of the said Act, the Provincial Transport Authority may, if for reasons to be recorded in

Applied to the Partially Excluded Areas in Assam, see Assam Govt, Notifn. No. A.W.R. 7/45/62, dated 20-9-45.
Applied to Br. Baluchistan, see No. 25-W,d/ 19-9-45.

Defence of India (Second Amendment)

[ORD. XXXI OF 1945]

writing it is of opinion that the public interest so requires, direct by order passed not later than the 28th day of February 1946, that any permit under Chapter IV of the said Act shall, on a specified date not earlier than six months after the date of the passing of the order, cease to be effective without renewal.

(c) The Provincial Government may—

(i) by general or special order in writing exempt from all or any of the provisions of Chapter IV of the said Act any transport vehicle used or required for use in connection with any work or purpose declared by the Provincial Government in the order to be a work or purpose connected with the defence of British India or the prosecution of war ;

(ii) by the same or a like order authorise any authority to issue temporary permits and give directions, not inconsistent with the other provisions of the said Chapter, in respect of any such transport vehicles.

(d) If the Provincial Government by general or special order in writing so directs, the provisions of sub-section (2) of section 38 of the said Act shall have effect in relation to any controlled motor vehicle or class of controlled motor vehicles specified in the order as if the words "not being in any case less than six months" were omitted.

Explanation.—In any clause (i) "controlled motor vehicle" means a motor vehicle to which the provisions of the Civil Motor Transport Vehicles Control Order, 1944, or of any other substantially similar Order for the time being in force, apply.

JOHN COLVILLE,
Viceroy and Acting Governor General.

APPENDIX 1945A I.P. 27 II-45 2,000.

OFFICE OF THE VICE-ROY AND ACTING GOVERNOR GENERAL
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ORDINANCE No. XXXII OF 1945

An Ordinance to incorporate and regulate the Bengal Textiles Association

(Published in the Gazette of India Extraordinary, dated the 8th September, 1945.)

WHEREAS an emergency has arisen which makes it necessary to incorporate and regulate a trading corporation in the Province of Bengal for the purpose of improving the procurement and wholesale distribution of piecegoods in that Province;

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, extent and commencement.—(1) This Ordinance may be called the Bengal Textiles Association Ordinance, 1945.

(2) It extends to the Province of Bengal.

(3) It shall come into force at once.

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

(a) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866 (Bengal Act IV of 1866), together with the suburbs of the town of Calcutta as defined in the notification for the time being in force under section 1 of the Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866);

(b) "piecegoods" means piecegoods either manufactured wholly from cotton or manufactured partly from cotton and partly from any other material and containing not less than ten per centum of cotton by weight;

(c) "prescribed" means prescribed by rules made under this Ordinance;

(d) "regulations" means regulations made under sub-section (2) of section 11;

(e) "scheduled bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (II of 1934);

(f) "wholesale dealer" means a person engaged during any one year within a period beginning on the 1st day of January 1940 and ending on the 31st day of December 1944 in wholesale business in piecegoods in Calcutta, who in the said one year (hereinafter in relation to a wholesale dealer referred to as his qualifying year) purchased otherwise than directly from a manufacturer a quantity of piecegoods in excess in the aggregate than such quantity (hereinafter referred to as the prescribed minimum) as may be prescribed in this behalf, and sold wholesale in Calcutta a quantity of piecegoods not less in the aggregate than the prescribed minimum.

3. Establishment and incorporation of the Bengal Textiles Association.—(1) As soon as may be after the commencement of this Ordinance, there shall be established in the manner hereinafter provided a trading corporation for the purpose of improving the procurement and wholesale distribution of piecegoods in the Province of Bengal.

(2) The said trading corporation (hereinafter referred to as the Association) shall be a body corporate by the name of the Bengal Textiles Association, having perpetual succession and a common seal, and shall by the said name sue and be sued.

4. Management of Association.—(1) There shall be constituted for the purposes of administering the affairs of the Association a Board of Control and an Executive Committee.

(2) The Board of Control (hereinafter referred to as the Board) shall consist of five persons appointed by the Central Government, two of whom shall be nominated by the Central Government to be Chairman and Vice-Chairman, respectively, of the Board.

(3) The Executive Committee (hereinafter referred to as the Committee) shall consist of the Chairman and Vice-Chairman of the Board (who shall be respectively

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the Chairman and Vice-Chairman of the Committee), the other members of the Board and not more than seventeen other persons appointed as follows, namely—

(a) two persons nominated by each of the following bodies, namely:—

- (i) the Bengal Chamber of Commerce ;
- (ii) the Muslim Chamber of Commerce ;
- (iii) the Bengal National Chamber of Commerce ;

(b) on the first constitution of the Committee, eight persons to hold office for a prescribed period, not being less than three months, nominated in the following manner, namely:—

- (i) four by the Central Government ;
- (ii) two by the Marwari Chamber of Commerce ;
- (iii) two by the Indian Chamber of Commerce ;

and after such period, eight members of the Association elected by the said members at a general meeting called for the purpose :

Provided that of the eight persons so elected, two shall be members of the Marwari Chamber of Commerce and two shall be members of the Indian Chamber of Commerce ;

(c) not more than three persons appointed by the Central Government.

(4) Members of the Board or of the Committee may, save as provided in clause (b) of sub-section (3), be persons who are not under section 6 eligible to be members of the Association :

Provided that, notwithstanding anything contained elsewhere in this Ordinance, any member of the Board or of the Committee not so eligible may become a member of the Association by subscribing thereto any number of units, within the meaning of sub-section (1) of section 7, not exceeding four.

(5) Subject to the provisions of clause (b) of sub-section 3, the term of office of members of the Board and of the Committee shall be such as may be prescribed.

(6) No act done or decision taken by the Board or the Committee shall be called in question on the ground merely of the existence of any vacancy therein or defect in its constitution, or on the ground that the Association is not at any time fully established.

5. Members of Board or Committee not to be remunerated.—No member of the Board or of the Committee or of any sub-committee and no person called upon to serve on any sub-committee shall be entitled to receive for his services in any capacity any remuneration from the funds of the Association or otherwise, except such allowances as may be prescribed.

6. Membership of Association.—(1) Subject to the provisions of this Ordinance, a person shall be eligible to be a member of the Association who—

(a) is at the commencement of this Ordinance engaged under agreement with the Government of Bengal in dealing wholesale in piecegoods and is certified by the Government to have carried out his obligations under such agreement satisfactorily or

(b) is a wholesale dealer.

(2) Any person claiming to be eligible, and desiring, to be a member of the Association shall apply to the Board in this behalf in the prescribed form not later than the prescribed date.

(3) The Board shall not entertain any application received by it after the prescribed date, unless it is satisfied that there existed sufficient reasons for the delay.

(4) The Board shall consider all applications received by it in due time under this section, and where it is satisfied that the applicant is eligible under sub-section (1) to be a member of the Association, shall notify the applicant in writing that his eligibility for membership as aforesaid has been admitted.

(5) In considering an application under this section, the Board may require the applicant to furnish it with such further evidence of his eligibility for membership of the Association as it may specify.

(6) The decisions of the Board under this section shall be final, and no order of the Board admitting or rejecting an application under this section shall be called in question on any ground in any Court.

7. Subscriptions, liability and interest of members.—(1) For the purposes of this section one unit shall be deemed to represent fifteen thousand rupees.

(2) Every person applying to be a member of the Association shall, not later than one month after receiving a notice under sub-section (4) of section 6, subscribe to the funds of the Association in accordance with the following scale, namely:—

	Units.
(a) each member eligible under clause (a) of sub-section (1) of section 6	4
(b) each member eligible under clause (b) of the said sub-section whose purchases during his qualifying year were—	
(i) not less than four times the prescribed minimum	4
(ii) less than four times, but not less than three times, the prescribed minimum	3
(iii) less than three times, but not less than twice, the prescribed minimum	2
(iv) less than twice the prescribed minimum	1,

and upon making such subscription as aforesaid the said person shall become a member of the Association.

(3) The Board may from time to time by resolution passed at a meeting decide to increase the funds of the Association, and for such purpose may invite members of the Association to make further subscriptions, subject to such limits as may be specified in the resolution:

Provided that no member shall be under obligation to make any further subscriptions as aforesaid.

(4) Any member of the Association may, with the previous approval in writing of the Board, transfer to any other member the whole or any part of his subscription.

(5) The liability of each member of the Association shall be limited to the amount subscribed by, or transferred to, him and for the time being standing to his credit in the books of the Association.

(6) The interest of each member of the Association in the earnings of the Association available at any time for distribution among its members shall be in proportion to the amount at that time standing to his credit in the books of the Association, and each such member shall at general meetings be entitled to one vote for each complete unit contained in the amount at the time of the meeting standing to his credit in the books of the Association.

8. Conduct of business of the Association.—(1) Subject to the provisions of section 9, all matters involving in the opinion of the Board substantial questions of policy and all such other matters as may be specified in the regulations shall be decided by the Board, and save as expressly provided in this Ordinance, the other affairs of the Association shall be administered by the Committee:

Provided that the decision of the Committee in any such matter as may be specified in this behalf in the regulations shall be submitted for the approval of the Board.

(2) The Committee may, subject to any regulations made in this behalf, authorise the Chairman or any other member of the Board to exercise any of its functions.

(3) All instruments of the Association shall be expressed to be made on behalf of the Association, and shall be executed by and authenticated by the signature of the Chairman or Vice-Chairman of the Board or such other member of the Board as may be authorised by the Board in this behalf.

9. General control by Government.—The activities of the Association shall be subject to the general control of the Government of Bengal, and the Association shall comply with any directions of a general nature which that Government or any officer authorised by that Government in this behalf may give to it under this section.

10. Accounts and finance.—(1) The accounts of the Association shall be maintained and audited in such manner and in accordance with such provisions as may be prescribed, and the funds of the Association shall be deposited in one or more scheduled banks.

(2) Subject to such conditions as may be prescribed, the Board may on behalf of the Association take such loans from, or enter into such other arrangements with any scheduled bank or banks, as are in the opinion of the Board necessary in the interests of members of the Association or for forwarding the purposes of the Association.

11. Procedure.—(1) General meetings of members of the Association shall be convened at such times, at such places and in such manner as may be prescribed, and the procedure at such meetings shall be such as may be prescribed.

(2) The Board may make regulations, not inconsistent with the provisions of this Ordinance and the rules made thereunder,—

(a) specifying the matters to be decided by the Board, and the matters in respect of which decisions of the Committee shall be submitted for the approval of the Board;

(b) imposing such conditions or restrictions as it thinks fit on the power of the Committee to delegate its functions under sub-section (2) of section 8;

(c) enabling the Committee to constitute sub-committees from among its members, and empowering such sub-committees to co-opt additional members, whether members of the Association or not, having special knowledge of the subject with which the particular sub-committee is concerned;

(d) providing for the convening of meetings of the Board, the Committee and sub-committees, the time and place at which such meetings shall be held, the number of members necessary to constitute a quorum at such meetings, and the procedure and conduct of business thereat.

12. Winding up of Association.—The Association shall continue in being until such date as the Central Government may, by notification in the *Calcutta Gazette*, not being less than three months after the date of the said notification, appoint in this behalf, and shall thereafter be wound up in accordance with the provisions, so far as they can be made applicable, of Part IX of the Indian Companies Act, 1913 (VII of 1913), as if the Association were an unregistered company within the meaning of section 270 of that Act.

13. Power to make rules.—(1) The Central Government may, by notification in the *Calcutta Gazette*, make rules to carry out the purposes of this Ordinance.

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

(a) fix the prescribed minimum for the purposes of clause (f) of section 2;

(b) prescribe the period referred to in clause (b) of sub-section (3) of section 4;

(c) fix the term of office of members of the Board and of the Committee;

(d) provide for the filling of casual vacancies in the Board and in the Committee;

(e) prescribe the allowances admissible to members of the Board or the Committee or sub-committees under section 5;

(f) provide for the manner in which the accounts of the Association shall be maintained and audited, and generally for all matters relating to the finances of the Association for which it is necessary or expedient to make provision;

(g) lay down the conditions subject to which the Board may take loans from, or enter into arrangements with, scheduled banks under sub-section (2) of section 10;

(b) provide for the convening of general meetings of members of the Association the times and places at which such meetings shall be held, and the procedure and conduct of business thereat.

(c) provide for any other matter which is under this Ordinance to be prescribed.

(3) Rules made under this section may apply to the Association any of the provisions of the Indian Companies Act, 1913 (VII of 1913), with such modifications as may be considered necessary for adapting them to the requirements of the Association.

14. Act VII of 1913 not to apply to Association — Save as expressly provided by or under this Ordinance, the provisions of the Indian Companies Act, 1913, shall not apply to, or in relation to, the Association.

Bengal Textiles Association

[ORD. XXXII OF 1945]

15. Protection to persons acting under this Ordinance.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

JOHN COLVILLE,

Viceroy and Acting Governor General.

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ORDINANCE No. XXXIII OF 1945

An Ordinance to exclude periods spent in enemy territory in computing limitation
(Published in the Gazette of India Extraordinary, dated the 30th September, 1945.)

WHEREAS an emergency has arisen which makes it necessary to provide that the period of limitation prescribed by law for suits shall not run in the period during which persons maintaining suits have been detained in enemy territory by circumstances attributable to war;

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act, 1935, as set out in the Ninth Schedule to the Government of India Act, 1935 (23 of 1935), the Governor General is pleased to make and promulgate the following Ordinance:

1. Short title, extent, and commencement. — (1) This Ordinance may be called the Limitation (War Conditions) Ordinance, 1945.

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

(3) It shall come into force at once.

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

(a) "enemy subject" means any individual who possesses the nationality of a State which is, or at any time since the 3rd day of September, 1939, has been, at war with His Majesty, or who, having possessed such nationality at any time has lost it without acquiring another nationality, or any body of persons constituted or incorporated in or under the laws of such State;

(b) "enemy territory" means any area under the sovereignty of, or administered by, or for the time being in the occupation of, a State which is, or at any time since the 3rd day of September, 1939, has been, at war with His Majesty.

Subs. by the A.O. 1945

Applied to the Chota Nagpur Division and to the Santal Parganas district, see Bihar Govt. Notifn. No. 1326-J.R./5/45 dated 6-10-45.

Applied to the Partially Excluded areas in Assam, see Assam Govt. Notifn. No. A.W.R. 57/45/3, dated 2-11-45.

Applied to Br. Baluchistan, see No. 26-W, d/124-9-45.

Majesty, not being an area in the occupation of His Majesty or of a State allied with His Majesty, and includes any area which the Central Government may, by notification in the official Gazette, declare either generally or in respect of any particular period to be enemy territory for the purposes of this Ordinance.

3. Suspension of limitation for suits in certain circumstances.—If at any time before the expiration of the period of limitation prescribed for any suit by the Indian Limitation Act, 1908 (IX of 1908) or by any other law for the time being in force, any person who could have instituted the suit has been detained in enemy territory by circumstances attributable to war, the said period of limitation, as regards the institution of the suit by such person, shall be deemed not to have run in the period during which it is shown to the satisfaction of the Court that such person was so detained, and shall, notwithstanding anything contained in the said Act or in any other law, in no case, expire before the end of six months from the date, as determined by the Court, when such person ceased to be so detained or from the date of the commencement of this Ordinance, whichever is later:

Provided that where two or more periods have occurred in which a person was so detained, these periods shall be treated for the purposes of this section as one continuous period beginning with the beginning of the first period and ending with the end of the last period.

Provided further that this section shall not apply to suits instituted to enforce rights of pre-emption or to suits of any description which may be instituted by enemy subjects.

JOHN COLVILLE,

Secretary and Acting Governor General.

GIPD—SI—861A LD—26-11-45—2,000

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ORDINANCE No. XXXIV OF 1945

An Ordinance to terminate the War Risks (Goods) Insurance Scheme.

Published in the Gazette of India Extraordinary, dated the 14th September, 1945.

WHEREAS an emergency has arisen which makes it necessary to make provision for the early termination of the War Risks (Goods) Insurance Scheme, to amend the War Risks (Factories) Insurance (Termination) Ordinance, 1945 (XIX of 1945) for the purpose hereinafter appearing:

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1935 (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 War Risks (Goods) Insurance (Termination) Ordinance, 1945.

Printed in the Gazette of India

ed subject to certain modifications to the Darjeeling
ct and to the partially excluded areas of the
Bingh district with effect from 15-11-45, see Ben.
Notification No. 4770-Com., dated 7-11-45.
ed to Br. Baluchistan, see No. 24-W, dated 18-9-45.
ed to the Ghotia Nagpur Division and to the Santal
was district, see Bihar Govt. Notifn. No. 1175-I-Ins-
dated 28-9-45.

(2) It shall come into force at once.

2. Repeal of certain provisions of Ordinance IX of 1940.— With effect at and after midnight between the 30th day of September and the 1st day of October, 1945, sections 5, 6A, 7, 8 and 15 of the War Risks (Goods) Insurance Ordinance, 1940, shall be repealed.

3. Amendment of Ordinance XXIX of 1945.— In the War Risks (Factories) Insurance (Termination) Ordinance, 1945, before the word "Scheme" wherever it appears, the word "Insurance" shall be inserted, and shall be deemed always to have been inserted.

JOHN COLVILLE,
Viceroy and Acting Governor General.

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ORDINANCE No. XXXV OF 1945

An Ordinance further to amend the Defence of India Act, 1939

Published in the Gazette of India Extraordinary, dated the 14th September, 1945

WHEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 1939) for the purpose aforesaid;

Now, in pursuance of the exercise of the powers conferred by section 2 of the Government of India Act, 1935 and in the North Schedule to the Government of India Act, 1935 (26th June 1935) the Governor-General has pleased to make and promulgate the following Ordinance:

1. Short title and commencement.—(1) This Ordinance may be called the Defence of India (Third Amendment) Ordinance, 1945.

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Amplified by the Baluchistan See No. 29-W, d/2-10-45

cluded areas of the Mymensingh District, see Ben. Govt. (Home Department) Notifn. No. 3592-P, dated 13-12-1945.
to Br. Baluchistan, See No. 29-W, d/2-10-45.

Defence of India (Amendment)

(2) It shall come into force on the

Amendment of section 2 of Act XXXV of 1939. In subsection (3) of section 2 of the Defence of India Act, 1939, clause (ii) the following shall be added

namely:—
for the apprehension of such offence committed by a Court or by any other authority.

JOHN COLVILLE,
Victory and Auxiliary Governor General

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ORDINANCE No. XXXVI OF 1945

Ordinance to amend the Armed Forces (Special Powers) Ordinance, 1942
(Notified in the Gazette of India Extraordinary, dated the 18th September, 1945)

WHEREAS an emergency has arisen which makes it necessary to amend the
Armed Forces (Special Powers) Ordinance, 1942 (XLI of 1942) for the
hereinafter appearing:

now amongst in exercise of the powers conferred by section 12 of the
Government of India Act, as set out in the Ninth Schedule to the Government of
Act, 1935 (2) Sec. 5, c. 2), the Governor General is pleased to make and
enact the following Ordinance:

- Short title and commencement. — (1) This Ordinance may be called the Armed
(Special Powers) Amendment Ordinance, 1945
(2) It shall come into force at once.

ed to the Darjeeling district and to the partially
ded areas of the Mymensingh District, see Ben. Govt.
(Department) Notifn. No. 3392-P, dated 13-12-1945.
d to Br. Baluchistan, see No. 29-W, d/2-10-45.

2. Substitution of new section for section 3, Ordinance XLI of 1942.—For section 3 of the Armed Forces (Special Powers) Ordinance, 1942, the following section shall be substituted, namely:—

“3. Arrested persons to be made over to appropriate authority.—Any person arrested and taken into custody under this Ordinance shall as soon as practicable, be made over, together with a report of the circumstances occasioning the arrest, to the officer in charge of the nearest police station, or where the said person is a person subject to military law, to the appropriate military officer.”

WAVELL,
Viceroy and Governor General.

GIPD—SI—900 LD—27.12.45—2,000

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ORDINANCE No. XXXVII of 1945

An Ordinance further to amend the Indian Army Act, 1911

(Published in the Gazette of India Extraordinary, dated the 29th September, 1945.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Army Act, 1911 (VIII of 1911), for the purposes hereinafter appearing;

Now, **THAT** 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 Indian Army (Amendment) Ordinance, 1945.

(2) Section 5 shall be deemed to have come into force on the 1st day of July 1944, and the other provisions of this Ordinance shall be deemed to have come into force on the 1st day of November 1944.

2. Amendment of section 50, Act VIII of 1911.—In sub-section (2) of section 50 of the Indian Army Act, 1911 (hereinafter referred to as the said Act), after clause (d) the following clause shall be inserted, namely:—

(dd) all pay and allowances for every day between his being recovered from the enemy and his dismissal from the service in consequence of his conduct when being taken by, or whilst in the hands of, the enemy

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ed to the Darjeeling district and to the partially
aded areas of the Mymensingh district, see Gen. Govt.
e Department) Notification No. 8450-P, dated
2-1945.

ed to Br. Baluchistan, see No. 30-W.d/ 10-10-45.
ed to the Chittagong Hill-tracts with effect from
-45 see Gen. Govt. Notfn. No. 5254-WS, d/ 5-11-45.

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3. **Insertion of new section 51A in Act VIII of 1911.**— After section 51 of the said Act the following section shall be inserted, namely—

“51A. *Power to withhold pay and allowances pending inquiry into conduct as prisoner of war.*— Where the conduct of any person subject to this Act when being taken by, or whilst in the hands of, the enemy is to be inquired into under this Act or any other law, the Commander-in-Chief in India or any officer authorised by him in this behalf may order that the whole or any part of the pay and allowances of such person shall be withheld pending the result of such inquiry.”

4. **Amendment of section 52A, Act VIII of 1911.**— To section 52A of the said Act the following sub-section shall be added, namely—

(3) For the purposes of this section, a person shall be deemed to continue to be a prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 51A, and if he is dismissed the service in consequence of such conduct, until the date of such dismissal.

5. **Amendment of section 52B, Act VIII of 1911.**— To section 52B of the said Act the following sub-section shall be added, namely—

(3) For the purposes of this section, a person shall be deemed to continue to be a prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 51A, and if he is dismissed the service in consequence of such conduct, until the date of such dismissal.

WAVELL,

Victor and Governor General

GIPD—81—935 J.D.—27-12-45—2,000

Ref. by Act 2 of 1948

ORDINANCE No. XXXVIII OF 1945

Ordinance further to amend the National Service (European British Subjects) Act, 1940.

Published in the Gazette of India, Part II, Secy, dated the 6th October, 1945.

WHEREAS it has been found necessary to amend the National Service (European British Subjects) Act, 1940 (XVIII of 1940), for the purposes hereinafter mentioned;

Now, in exercise of the powers conferred by section 72 of the Government of India Act, 1935 and by 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 (European British Subjects) Amendment Ordinance, 1945.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XVIII of 1940.**—In section 2 of the National Service (European British Subjects) Act, 1940 (hereinafter referred to as the said Act), for clause (a) the following clause shall be substituted, namely:—

“(a) “competent authority” means, with reference to any person liable under this Act to be called up for national service, the General Officer Commanding-in-Chief, Army or Command, within whose area of command that

Price anna 1 or 1½.

National Service (Discretionary British Subjects) Amendment (Ord. XXXVII of 1945)
person is for the time being resident, or any officer not below the rank of
Lieutenant-subaltern with the said General Officer whom he may authorise to
exercise such functions as competent authority in respect of any area in his
area of command.

Provided that for the purposes of this clause the area of command of the
General Officer Commanding-in-Chief, Eastern Command, shall be deemed
to include in addition to his actual area of command all that part of India
lying to the east thereof and extending to the eastern frontier of India.

3. Substitution of new section for section 11, Act XVIII of 1940.—For section
11 of the said Act, the following section shall be substituted, namely:—

11. Notices.—(1) Any notice to be served on any person for the
purposes of this Act may be sent by post addressed to that person at his last
known address.

(2) No notice purporting to have been issued under this Act shall be deemed
to be, or at any time to have been, invalid for any purpose on the ground
only that the authority issuing it had not jurisdiction or command over the
area in which the person to whom the notice was directed was for the time
being resident."

WAVELL,
Viceroy and Governor General.

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Rep by No. 2 of 1945

ORDINANCE No. XXXIX OF 1945

An Ordinance to make provision in connection with war conditions with respect to bills of exchange payable outside British India

(Published in the Gazette of India Extraordinary, dated the 20th October, 1945.)

WHEREAS an emergency has arisen which renders it necessary to make provision in connection with war conditions with respect to bills of exchange payable outside British India;

Now, in pursuance 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, extent, commencement and duration.—(1) This Ordinance may be called the Bills of Exchange Ordinance, 1945.
- (2) It extends to the whole of British India.

Price una 1 or 1d.

Applied to Br. Baluchistan, see No. 33-W, dated 15-11-45.
Applied to the Chota Nagpur Division and to the Santal
arganas District, see Bihar Govt. Notifn. No. 3735-J,
dated 7-11-45.

(3) It shall come into force at once, and shall remain in force up to the 31st day of December 1946.

2. Provision for bills lost owing to war conditions. Where in any action or other proceeding founded upon a bill of exchange payable outside British India and instituted or commenced in any court before the expiration of this Ordinance there is reason to believe that the bill has been lost, and that the loss can reasonably be presumed to be due, either directly or indirectly, to war conditions, the Court may allow proof of the bill to be given by means of a copy thereof certified by a notary public or by means of such other evidence as the Court thinks reasonable under the circumstances, and may pass a decree thereon notwithstanding any rule of law in force in the place where the bill is made payable.

Provided that such indemnity shall be given against the claims of other parties as the Court may require.

WAVELL,
Viceroy and Governor-General

Rep by Act 35 of 1952

ORDINANCE No. XL OF 1945

An Ordinance to provide for the forfeiture in certain cases not provided for by the Army Act of pay and allowances of certain persons subject to that Act.

(Enacted on the advice of the Council of Ministers, dated the 24th October, 1945.)

WHEREAS it has been found that it is necessary to provide for the forfeiture in certain cases not provided for by the Army Act (44 & 45 Vict. c. 58) of pay and allowances of certain persons subject to that Act;

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act, as amended by 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 Army (Forfeiture of Emoluments) Ordinance, 1945.

(2) It shall come into force at once.

2. Forfeiture of emoluments in certain cases.—(1) The whole or any part of the pay and allowances of a person subject to the Army Act (44 & 45 Vict. c. 58) as an officer may be forfeited by order of the Central Government if the said person is found by a military Court of Enquiry constituted under this Ordinance—

(a) to have deserted to the enemy, or

Price anna 1 or 1½d.

4 Quittes by S. 2 of Ord. 13 of 1946.

(b) while in enemy hands, to have served with, or under the orders of, the enemy, or in any manner to have aided the enemy, or

(c) to have allowed himself to be taken prisoner by the enemy through want of due precaution, or through disobedience of orders or want of neglect of duty, or

(d) having been taken prisoner by the enemy, to have failed to rejoin His Majesty's service when it was possible to do so.

(2) The Central Government may at any time cancel in whole or in part any order made under sub-section (1), and any such cancellation may be with retrospective effect.

3. Courts of Enquiry.—The Commander-in-Chief of His Majesty's Forces in India or any officer authorised by him in this behalf may constitute a military Court of such composition as the constituting authority thinks fit to enquire into and report to the Central Government on any case of the nature referred to in sub-section (1) of section 2.

4. Power to withhold emoluments pending enquiry.—Where the conduct of any person is to be enquired into under this Ordinance, the Commander-in-Chief of His Majesty's Forces in India or any officer authorised by him in this behalf may order that the whole or any part of the pay and allowances of such person shall be withheld pending the orders of the Central Government on the report made on the case under section 3.

WAVELL,
Viceroy and Governor General.

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Repealed by Act 2 of 1948

ORDINANCE No. XXI OF 1945

An Ordinance further to amend the War Injuries (Compensation Insurance) Act, 1943

(Published in the Gazette of India, Extraordinary, dated 25th October, 1945.)

WHETHEREAS an emergency has arisen which makes it necessary further to amend the War Injuries (Compensation Insurance) Act, 1943 (XXIII of 1943), 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 (26 of 1935), the Governor General is pleased to make and promulgate the following Ordinance:

- 1. Short title and commencement.—(1) This Ordinance may be called the War Injuries (Compensation Insurance) Amendment Ordinance, 1945.
- (2) It shall come into force at once.

Price anna 1 or 1½.

Applied to Re. Baluchistan, sec no. 31-10, 2/13-11-45.

2. *War Injuries (Compensation Insurance) Amendment* [ORD. XII OF 1945]
2. Amendment of section 2, Act XXIII of 1943. — In section 2 of the War Injuries (Compensation Insurance) Act, 1943, after clause (f) the following clause shall be inserted, namely:—

(f) "termination of the present hostilities" means such date as the Central Government may, by notification in the official Gazette, declare to be the date on which the said hostilities terminated.

WAVELL,
Viceroy and Governor General.

Rep by Act 2 of 1945

ORDINANCE No. XLII OF 1945

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 31st October, 1945.)

WHEREAS an emergency has arisen which requires it necessary further to amend the Indian Army Act, 1911 (VIII of 1911) and the Indian Air Force Act, 1932 (XIV of 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 (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 Indian Army and Indian Air Force (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 67, Act VIII of 1911.—In section 67 of the Indian Army Act, 1911, the following amendments shall be made, and shall with effect from the 7th day of December 1941 be deemed always to have been made, namely:

(1) After the words "other than" where they occur for the first time, the following shall be inserted, namely:

"an offence committed after the 7th day of December 1941 while the person in question was a prisoner of war or was present in enemy territory or"

(2) In the words "expiration of three years" the words and brackets "expiration of a period of three years (in the computation of which period any time spent

Pris. abta 1 or 1d.

Applied to Res. Subordinate, see Vol. 22-10, 13-11-45

by the person in question after the aforesaid date as a prisoner of war or in enemy territory or in evading arrest shall be excluded) shall be substituted.

(3) To the *Explanation* the following shall be added, namely:

"and 'enemy territory' means any area at the time of the presence therein of the person in question under the sovereignty of or administered by or in the occupation of a State at that time at war with His Majesty."

3. Amendment of section 78, Act XIV of 1932.—In section 78 of the Indian Air Force Act, 1932, the following amendments shall be made, and shall with effect from the 7th day of December 1941 be deemed always to have been made, namely:—

(1) After the words "other than" where they occur for the first time, the following shall be inserted, namely:

"an offence committed after the 7th day of December 1941 while the person in question was a prisoner of war or was present in enemy territory or"

(2) For the words "expiration of three years" the words and brackets "expiration of a period of three years (in the computation of which period any time spent by the person in question after the aforesaid date as a prisoner of war or in enemy territory or in evading arrest shall be excluded)" shall be substituted.

(3) To the *Explanation* the following shall be added, namely:

"and 'enemy territory' means any area at the time of the presence therein of the person in question under the sovereignty of or administered by or in the occupation of a State at that time at war with His Majesty."

WAVELL,

Viceroy and Governor-General.

Ref by Act 2 of 1948
ORDINANCE No. XLIII OF 1945

to amend the Hoarding and Profiteering Prevention Ordinance 1943

enacted in the Gazette of India Extraordinary, dated the 17th November, 1945.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Hoarding and Profiteering Prevention Ordinance, 1943 (XXXV) for the purposes hereinafter appearing;

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:—

Short title and commencement.—(1) This Ordinance may be called the Hoarding and Profiteering Prevention (Amendment) Ordinance, 1945. It shall come into force at once.

Amendment of section 2, Ordinance XXXV of 1943.—In clause (c) of section 2 of the Hoarding and Profiteering Prevention Ordinance, 1943 (hereinafter referred to as the said Ordinance), for the words "the Deputy Controller or Assistant Controller General" the words "any Deputy Controller or Assistant Controller General or Deputy Assistant Controller General" shall be substituted.

Amendment of section 5, Ordinance XXXV of 1943.—For clauses (a) and (b) of section 5 of the said Ordinance, the following shall be substituted,

-
- (a) no dealer shall have in his possession at any one time a quantity of any article in which he deals exceeding—
- if he was in business in the year 1939, one-quarter of the total quantity of that article held by him in the course of that year, or
 - if he was not in business in that year, the total quantity of that article sold by him in the course of any period of four consecutive months after that year, or
 - in either case, such greater quantity as the Controller General or other officer empowered in this behalf by the Central or the Provincial Government may by general or special order specify;
- (b) no producer shall have in his possession at any one time a quantity of any article which he produces exceeding—
- if he was in business in at least one of the years 1940, 1941 and 1942, one-quarter of his total production of that article during that one of the said three years in which his production of the article was greatest, or
 - if he was not in business in at least one of the said three years, the total quantity of that article produced by him in the course of any period of four consecutive months after the year 1942, or
 - in either case, such greater quantity as the Controller General or other officer empowered in this behalf by the Central or the Provincial Government may by general or special order specify;
- (c) no producer shall have in his possession at any one time a quantity of any article used by him as raw material in his business exceeding the quantity of such raw material as is sufficient for the production of the maximum quantity which he may have in his possession under clause (b) of the article for the production of which it is required as raw material."

Price anna 1 or 1½.
Applied to B. R. Balakrishnan, Secy No. 35-107 of 5-12-45
Price anna 1 or 1½.

4. Amendment of section 6, Ordinance XXXV of 1943.—In section 6 of the said Ordinance, after sub-section (3) the following sub-section shall be inserted, namely:—

“(3A) For the purposes of this section the landed cost of any imported article shall, save as hereinafter provided, be the cost thereof to the importer, that is to say, the sum of—

- (i) the price of the article charged by the exporter in the country of origin;
- (ii) freight, marine and war risks insurance and other charges, incurred in respect of the article up to the time when it is delivered to the transit sheds at the port of entry;
- (iii) the amount of duties payable on the importation of the article:

Provided that if, in the opinion of the Controller General, there is substantial disparity—

- (a) between the landed cost so determined of the article and the landed cost of any other similar article, or
- (b) between the consideration for the sale of the article computed on the basis of its landed cost so determined and the maximum price fixed under this Ordinance at which any other similar article, whether imported or not, may be sold,—

the Controller General may, in making a certificate referred to in sub-section (3) in respect of the article, take such disparity into consideration and fix the landed cost of the article at such amount as he thinks equitable.”

5. Amendment of section 10, Ordinance XXXV of 1943.—In section 10 of the said Ordinance,—

(a) for the heading and sub-section (1) the following shall be substituted, namely:—

“*Memorandum of sale to be given.*—(1) Every dealer or producer selling any articles to any person, whether a dealer or a consumer or otherwise, shall give to the purchaser at or before the time of delivery of the articles a memorandum containing the particulars of the transaction prescribed under sub-section (2):

Provided that where the total amount of the purchases at the transaction is less than ten rupees it shall be obligatory to give such memorandum only if the purchaser so requires.”

(b) in sub-section (2) for the words “cash memorandum” the words “memorandum, and different particulars may be so prescribed in respect of different classes of transactions” shall be substituted.

6. Amendment of section 12, Ordinance XXXV of 1943.—In sub-section (1) of section 12 of the said Ordinance, to clause (a) the words “in such manner as he may require” shall be added.

7. Amendment of section 14, Ordinance XXXV of 1943.—In section 14 of the said Ordinance,—

(a) after the words “in a Presidency-town” the brackets, words and figures “(including in the case of the Presidency-town of Calcutta, the suburbs of the town of Calcutta as defined in the notification for the time being in force under section 1 of the Calcutta Suburban Police Act, 1866)” shall be inserted;

(b) after the words “District Magistrate” the words “or anywhere of Deputy Controller General of Civil Supplies,” shall be inserted.

8. Substitution of new section for section 14A, Ordinance XXXV of 1943.—For section 14A of the said Ordinance the following shall be substituted, namely:—

“14A. *Summary trials.*—(1) Notwithstanding anything contained in section 260 of the Code of Criminal Procedure, 1898 (V of 1898), a Magistrate empowered to act under that section may try any offence punishable under this Ordinance

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in a summary way under the provisions of Chapter XXII of the said Code, and shall so try any such offence unless he is of opinion that in the event of the offence being proved a sentence which he is empowered under that Chapter to impose would be insufficient.

(2) Notwithstanding anything contained in section 362 of the said Code, a Presidency Magistrate trying an offence punishable under this Ordinance shall not record the evidence or frame a charge unless he is of opinion that in the event of the offence being proved a sentence against which, in accordance with the provisions of sections 404 and 411 of the said Code no appeal lies, would be insufficient.

Provided that, where at any subsequent stage of a trial commenced in accordance with this sub-section, it appears to the Presidency Magistrate that in the event of the offence being proved such sentence as aforesaid would be insufficient, he shall recall any witnesses who may have been examined and proceed to rehear the case in the manner provided in the said section 362 for a case in which an appeal lies.

(3) Notwithstanding anything contained in section 526 of the said Code, no decision of a Court to try any offence punishable under this Ordinance otherwise than in the summary manner provided by this section shall be valid ground on which to make an application under that section.

9. Amendment of section 14B, Ordinance XXXV of 1943.—In section 14B of the said Ordinance,

(a) in sub-section (2) the words "by the Controller General" shall be omitted;

4 *Hoarding and Profiteering Prevention (Amendment)* [ORD. XLIII of 1945]

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

(3) For the purposes of section 6 a certificate signed by or under authority from the Central Government or the Controller General or an officer authorised in such behalf under section 14D, as to the landed cost of any article shall be conclusive proof of that landed cost, and shall not be called in question on the ground that the said landed cost was not determined in conformity with the provisions of sub-section (3A) of section 6.

10. **Insertion of new section 14D in Ordinance XXXV of 1943.**—After section 14C of the said Ordinance the following section shall be inserted, namely:—

14D. *General powers of Central Government.*—The Central Government may—

(a) exercise all the powers of the Controller General under this Ordinance;

(b) authorise any officer to exercise all or any of the powers of the Controller General under sections 6, 7 and 9A, and sub-section (1) of section 11.

11. **Amendment of section 15, Ordinance XXXV of 1943.**—In section 15 of the said Ordinance, after the word "Government" the words, brackets, letters and figures "or authorised for any purpose under clause (b) of section 14D" shall be inserted.

WAVELL,

Viceroy and Governor General.

Act 7 of 1948
ORDINANCE No. XLIV OF 1945

An Ordinance to disband the Defence of India Reserve

(Published in the Gazette of India Extraordinary, dated the 24th November, 1945.)

WHEREAS an emergency has arisen which makes it necessary to disband the Defence of India Reserve;

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. 42), the Governor General is pleased to make and promulgate the following Ordinance:

Short title and commencement.—(1) This Ordinance may be called the Defence of India Reserve (Disbandment) Ordinance, 1945.

(2) It shall come into force at once.

Enacted on 1st or 13th.

Applied to the Dominion of West Bengal vide notification no. 26665/5-12-45

Defence of India Reserve (Disbandment)

[ORD. XLIV OF 1945]

2. **Disbandment of Defence of India Reserve.**—The Defence of India Reserve constituted under section 2 of the Defence of India Reserve Ordinance, 1945 (VI of 1945) shall be disbanded on the 30th day of November 1945.

3. **Repeal of Ordinance VI of 1945.**—Immediately following the disbandment under section 2 of the Defence of India Reserve, the Defence of India Reserve Ordinance, 1945 shall be repealed.

Provided that such repeal shall be without prejudice to the validity of the enlistments referred to in section 6 of the said Ordinance.

WAVELL,
Viceroy and Governor General.

GIPD—SI—1378 LD—20-2-46—2,000.

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ORDINANCE No. XLV OF 1945

An Ordinance further to amend the Defence of India Act, 1939

(Published in the Gazette of India Extraordinary, dated the 11th December, 1945.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 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 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

Short title and commencement.—(1) This Ordinance may be called the Defence of India (Fourth Amendment) Ordinance, 1945.

(2) It shall come into force at once.

Amendment of section 19, Act XXXV of 1939.—In sub-section (1) of section 19 of the Defence of India Act, 1939 (hereinafter referred to as the said Act),—

(a) after the word "Where" where it occurs for the first time, the words, "and letter "under section 19A or" shall be inserted;

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

"Provided that where any property requisitioned under any rule made under this Act is subsequently acquired under section 19A or any such rule, the arbitrator in any proceedings in connection with such acquisition shall, for the purposes of the provisions of the said section 23, take into consideration the market-value of the property at the date of its requisition as aforesaid and not at the date of its subsequent acquisition."

Insertion of new sections 19A and 19B in Act XXXV of 1939.—After section 19 of the said Act the following sections shall be inserted, namely:—

19A. Power to acquire requisitioned property.—(1) Without prejudice to any power to acquire property conferred by any rule made under this Act, any immoveable property which has been requisitioned under any rule so made may, in the manner provided by any such rules for the acquisition of property, be acquired in the circumstances and by the Government hereinafter specified, namely:—

(a) where any works have, during the period of requisition, been constructed on, in or over the property wholly or partly at the expense of any Government, by that Government if it decides that the value of, or the right to use, such works shall, by means of the acquisition of the property, be preserved or secured for the purposes of any Government, or

Price anna 1 or 1½d.

Applied to Re. Baluchistan, vide Notification No. 42-W, D. 24-12-45

(b) where the cost to any Government of restoring the property to its condition at the time of its requisition as aforesaid would, in the determination of that Government, be excessive having regard to the value of the property at that time, by that Government;—

and at the beginning of the day on which notice of such acquisition is served or published under the aforesaid rules, the immovable property shall vest in the acquiring Government free from any mortgage, pledge, lien or similar encumbrance, and the period of the requisition thereof shall end.

(2) Any decision or determination of a Government under sub-section (1) shall be final, and shall not be called in question in any Court.

(3) For the purposes of this section, "works" includes buildings, structures and improvements of the property, of every description.

19B. *Release from requisition.*—(1) Where any property requisitioned under any rule made under this Act is to be released from such requisition, the Government by which or under whose authority the property was requisitioned or any person generally or specially authorised by it in this behalf may, after such enquiry, if any, as it or he may in any case consider it necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order under sub-section (1) shall be a full discharge of the Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is given."

4. *Declaration as to application to pending proceedings.*—For the avoidance of doubt it is hereby declared that the provisions of section 19 of the said Act as amended by clause (b) of section 2 of this Ordinance shall apply to proceedings before an arbitrator under the said section 19 pending on the date of the commencement of this Ordinance, but such amendment shall not affect any case in which the arbitrator has before the said date made his award under that section, or operated to revive or reopen any case in which, before the said date,—

(i) compensation has been paid and accepted without protest formally recorded in writing, or

(ii) the amount of compensation payable has been fixed by agreement whether or not at the said date such amount has been paid.

WAVELL,

Viceroy and Governor General

Applied to Assam, Bihar, Mysore, Orissa, Punjab, Rajasthan, U.P. & West Bengal

ORDINANCE No. XLVI o 1945

An Ordinance to vest Pensions Appeal Tribunals with certain powers

Published in the Gazette of India Extraordinary, dated the 22nd December, 1945

WHEREAS an emergency has arisen which makes it necessary to vest Pensions Appeal Tribunals with certain powers,

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 delegate the following Ordinance:—

Short title, extent and commencement.—(1) This Ordinance may be called the Pensions Appeal Tribunals (Powers) Ordinance, 1945.

Price anna 1 or 1½d.

Pensions Appeal Tribunals (Powers)

LORD XLVI OF 1945

- (2) It extends to the whole of British India *(all the Provinces & the States)*
- (3) It shall come into force at once.

2. Powers of Pensions Appeal Tribunals.—Every Pensions Appeal Tribunal constituted under the Pensions Appeal Tribunals Rules, 1945, appended to the Resolution of the Government of India in the War Department, No. 1770, dated the 19th November 1945, shall have all the powers of a Civil Court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898).

4 subs. by the A.O. 1948.

WAVELL,
Viceroy and Governor-General

ORDINANCE No. XLVII OF 1945

to implement the International Monetary Fund and Bank Agreements
published in the Gazette of India Extraordinary, dated the 24th December, 1945)

WHEREAS, at the United Nations Monetary and Financial Conference held at Bretton Woods, New Hampshire, in July 1944, Articles of the following ten contents were drawn up, and set out in the Final Act of the said Conference that

(1) an agreement (hereinafter referred to as the Fund Agreement) for the establishment and operation of an international body to be called the International Monetary Fund (hereinafter referred to as the International Fund), and

(2) an agreement (hereinafter referred to as the Bank Agreement) for the establishment and operation of an international body to be called the International Bank for Reconstruction and Development (hereinafter referred to as the International

AND WHEREAS an emergency has arisen which renders it necessary to make provision for the purpose of implementing the aforesaid Agreements;

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:—

Short title, extent and commencement.—(1) This Ordinance may be called the International Monetary Fund and Bank Ordinance, 1945.

(2) It extends to ~~the whole of British India~~ *[all the provinces of India]* and shall come into force at once.

Payments to International Fund and Bank.—(1) There shall be paid out of the revenues of the Central Government all such sums as may from time to time be required for the purpose of paying—

(a) the subscriptions payable by the Central Government, to the International Monetary Fund under paragraph (a) of section 3, and paragraph (a) of section 4, of Article III of the Fund Agreement, and to the International Bank under paragraph (a) of section 2 of Article II of the Bank Agreement;

(b) any sums payable by the Central Government to the International Monetary Fund under paragraph (b) of section 8 of Article IV of the Fund Agreement, and to the International Bank under section 9 of Article II of the Bank Agreement;

(c) any charges payable by the Central Government to the International Monetary Fund under section 8 of Article V of the Fund Agreement;

(d) any sums required for implementing the guarantee of the Central Government provided for in section 3 of Article XIII of the Fund Agreement;

(e) any compensation required to be paid by the Central Government to the International Monetary Fund or to any member thereof under Schedule D or Schedule E to the Fund Agreement.

(2) The Central Government may, if it thinks fit so to do, create and issue to the International Monetary Fund or International Bank, in such form as it thinks fit, any such interest bearing and non-negotiable notes or other obligations as are provided for by section 5 of Article III of the Fund Agreement and section 12 of Article V of the Bank Agreement.

3. Reserve Bank to be depository for International Fund and Bank.—The Reserve Bank of India (hereinafter referred to as the Reserve Bank) shall be the depository of the British Indian currency holdings of the International Monetary Fund and International Bank.

Price anna 1 or 1½d.

Applied to Ben. Baluchistan, see No. 16-w, d) 27-2-46.
Amended by A.O. 1948.

4. Power to call for information.—(1) Where under section 5 of Article VIII of the Fund Agreement, the International Fund requires the Central Government to furnish it with any information, the Central Government, or if generally or specially authorised by the Central Government in this behalf, the Reserve Bank, may by order in writing require any person to furnish to such officer or other person as may be specified in the order such detailed information as the Central Government or the Reserve Bank, as the case may be, may determine to be essential for the purpose of complying with the request of the International Fund; and any person so required shall be bound to furnish such information.

(2) Every officer or person to whom any information is required to be furnished 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).

(3) No information obtained under this section shall be furnished to the International Fund in such detail as to disclose the affairs of any person, and the provisions of sub-sections (1), (2) and (3) of section 54 of the Indian Income-tax Act, 1922 (XI of 1922) shall apply in relation to information obtained under this section as they apply to the particulars referred to in that section.

(4) A determination of the Central Government or the Reserve Bank under sub-section (1) as to the extent of detail in which information is to be furnished shall be final, and in any prosecution under section 176 or section 177 of the Indian Penal Code in respect of any information required to be furnished under this section, it shall not be a defence to assert that the information was required to be furnished in greater detail than was essential for the purpose of complying with the request of the International Fund.

(5) No prosecution for an offence in respect of any information required to be furnished under this section shall be instituted except with the previous sanction of the Central Government.

5. Certain provisions of Agreements to have force of law.—Notwithstanding anything to the contrary contained in any other law, the provisions of the Fund and Bank Agreements set out in the Schedule shall have the force of law in British India:

Provided that nothing in section 9 of Article IX of the Fund Agreement or in section 9 of Article VII of the Bank Agreement shall be construed as—

(a) entitling the International Fund or International Bank to import into ~~British India~~ goods free of any duty of customs without any restriction on their subsequent sale therein, or

(b) conferring on the International Fund or International Bank any exemption from duties or taxes which form part of the price of goods sold or which are in fact no more than charges for services rendered.

6. Amendment of section 17, Act II of 1934.—In section 17 of the Reserve Bank of India Act, 1934, the word "and" at the end of clause (15) shall be omitted, and after that clause the following clause shall be inserted, namely:—

"(15A) the performance of the functions of the Bank under the International Monetary Fund and Bank Ordinance, 1945 (XLVII of 1945);".

7. Power to make rules.—The Central Government may, by notification in the official Gazette, make rules for giving effect to the provisions set out in the Schedule, and generally for carrying out the purposes of this Ordinance.

THE SCHEDULE

(See section 5)

PROVISIONS OF AGREEMENTS WHICH SHALL HAVE FORCE OF LAW

PART-I.

FUND AGREEMENT

Paragraph (b) of section 2 of Article VIII

Exchange contracts which involve the currency of any member and which are contrary to the exchange control regulations of that member maintained or imposed

4 Subs. by the A.O. 1948.

of the Provinces

consistently with this Agreement shall be unenforceable in the territories of any member

ARTICLE IX

STATUS, IMMUNITIES AND PRIVILEGES

Section 1. *Purpose of Article*

To enable the fund to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Fund in the territories of each member.

Section 2. *Status of the Fund*

The Fund shall possess full juridical personality, and, in particular, the capacity

- (i) to contract ;
- (ii) to acquire and dispose of immovable and movable property ;
- (iii) to institute legal proceedings.

Section 3. *Immunity from judicial process*

The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

Section 4. *Immunity from other action*

Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. *Immunity of archives*

The archives of the Fund shall be inviolable.

Section 6. *Freedom of assets from restrictions*

To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. *Privilege for communications*

The official communications of the Fund shall be accorded by members the same treatment as the official communications of other members.

Section 8. *Immunities and privileges of officers and employees*

All governors, executive directors, alternates, officers and employees of the Fund

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity ;
- (ii) not being local nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members ;
- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. *Immunities from taxation*

(a) The Fund, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties: The Fund shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held

- (i) which discriminates against such obligation or security solely because of its origin ; or
- (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

PART II

BANK AGREEMENT

ARTICLE VII

STATUS, IMMUNITIES AND PRIVILEGES

Section 1. *Purpose of Article*

To enable the Bank to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Bank in the territories of each member.

Section 2. *Status of the Bank*

The Bank shall possess full juridical personality, and, in particular, the capacity

- (i) to contract ;
- (ii) to acquire and dispose of immovable and movable property ;
- (iii) to institute legal proceedings.

Section 3. *Position of the Bank with regard to judicial process*

Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Section 4. *Immunity of assets from seizure*

Property and assets of the Bank, wherever located and by whomsoever held shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. *Immunity of archives*

The archives of the Bank shall be inviolable.

Section 6. *Freedom of assets from restrictions*

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from any restrictions, regulations, controls and moratoria of any nature.

Section 7. *Privilege for communications*

The official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. *Immunities and privileges of officers and employees*

All governors, executive directors, alternates, officers and employees of the Bank

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Bank waives this immunity

Ref. by Act 2 of 1948

ORDINANCE No. XLVIII OF 1945

An Ordinance further to amend the Indian Army Act, 1911

Published in the Gazette of India Extraordinary, dated the 24th December, 1945

WHEREAS an emergency has arisen and it is 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 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

Price anna 1 or 1½.

Applied to the Baluchistan Sec. 2/30.12.46

[ORD. XLVII OF 1915]
obligation of security issued
(b) by whomsoever held
of security solely because it
in the place or currency
of the location of any office
of the Bank
obligation of security guaran
teed by whomsoever held
of security solely because
of the location of any
of the Bank

WAVELL,
Secretary and Governor General