

A
COLLECTION
OF
THE ACTS

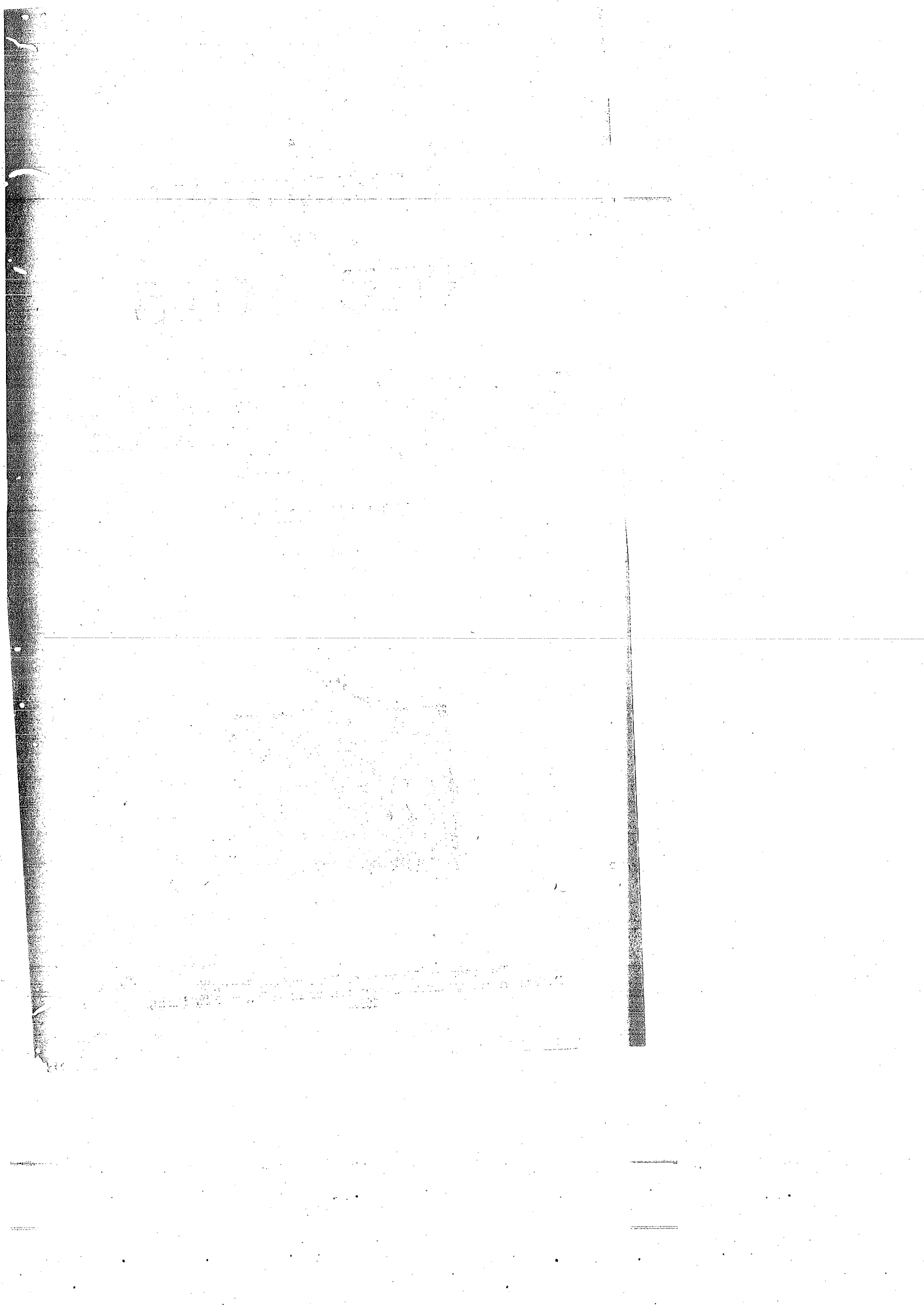
OF
THE INDIAN LEGISLATURE
AND OF THE GOVERNOR
GENERAL

FOR THE YEAR

1938



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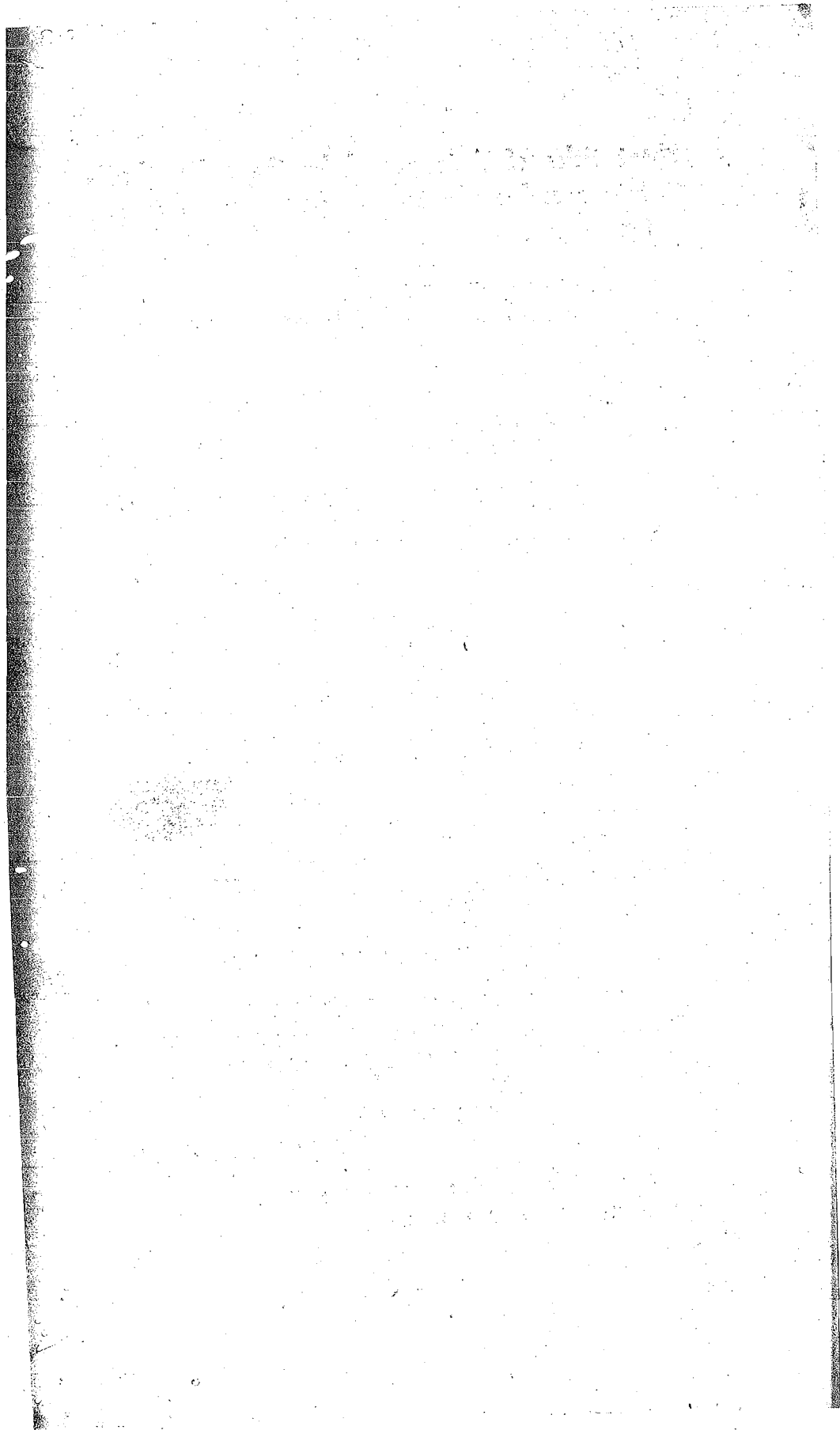
Short titles of Acts passed by the Indian Legislature and made by the Governor General in the year 1938.

- I. The Repealing Act, 1938.
- II. The Indian Companies (Amendment) Act, 1938.
- III. The Dangerous Drugs (Amendment) Act, 1938.
- IV. The Insurance Act, 1938.
- V. The Manoeuvres, Field Firing and Artillery Practice Act, 1938.
- VI. The Destructive Insects and Pests (Amendment) Act, 1938.
- VII. The Child Marriage Restraint (Amendment) Act, 1938.
- VIII. The Indian Tea Control Act, 1938.
- IX. The Workmen's Compensation (Amendment) Act, 1938.
- X. The Cutchi Memons Act, 1938.
- XI. The Hindu Women's Rights to Property (Amendment) Act, 1938.
- XII. The Durgah Khawaja Saheb (Amendment) Act, 1938.
- XIII. The Sind Salt Law (Amendment) Act, 1938.
- XIV. The Sugar Industry Protection (Temporary Extension) Act, 1938.
- XV. The Indian Coffee Cess (Amendment) Act, 1938.
- XVI. The Indian Tariff (Amendment) Act, 1938.
- XVII. The Trade Disputes (Amendment) Act, 1938.
- XVIII. The Delhi Joint Water Board (Amendment) Act, 1938.
- XIX. The Child Marriage Restraint (Second Amendment) Act, 1938.
- XX. The Criminal Law (Amendment) Act, 1938.
- XXI. The Indian Emigration (Amendment) Act, 1938.
- XXII. The Indian Aircraft (Amendment) Act, 1938.
- XXIII. The Indian Tea Cess (Amendment) Act, 1938.
- XXIV. The Employers' Liability Act, 1938.
- XXV. The Prevention of Cruelty to Animals (Amendment) Act, 1938.
- XXVI. The Employment of Children Act, 1938.

*The Indian Finance Act, 1938.

* 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 Sch. IX to the Government of India Act, 1935.

GIPD—L254 LD—16-2-39—125.



ACT No. I OF 1938

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 26th
February, 1938.)

An Act to repeal certain enactments.

WHEREAS it is expedient that the enactments specified in the Schedule which are spent or have otherwise become unnecessary or have ceased to be in force otherwise than by unexpressed specific repeal, should be expressly and specifically repealed; It is hereby enacted as follows:—

1. This Act may be called the Repealing Act, 1938. Short title.
2. The enactments specified in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.
3. Where this Act repeals any enactment—Saving.
 - (a) which, while itself repealing another enactment, provided for the saving of rights, privileges, obligations or liabilities, acquired, accrued or incurred under that enactment or provided that references to the enactment by it repealed should be read as if made to the Act or Regulation by which that enactment was repealed, or that acts done under the enactment by it repealed should be deemed to have been done under the Act or Regulation by which that enactment was repealed, or
 - (b) which, while itself amending another enactment, provided that references to the enactment by it amended should be read as if made to that enactment as so amended, or that acts done under the enactment by it amended should be deemed to have been done under that enactment as so amended or by a new authority substituted in that enactment as so amended for a previously existing authority,the repeal shall not affect the operation of any such provision as aforesaid.
4. Where this Act repeals any enactment by which the text of any other enactment was amended by the express omission, insertion or substitution of any matter, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the commencement of this Act. Effect of repeal of amending enactment.

THE SCHEDULE.

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3,

Repealing.

[ACT]

THE SCHEDULE.
ENACTMENTS REPEALED.
(See SECTION 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
PART I.—CENTRAL ACTS.			
1863	XXXI .	The Official Gazettes Act, 1863 . . .	The whole.
1867	XXXIII	The Chief Commissioners' Powers Act	So much as has not been repealed.
1870	XX .	The Court-fees Act (1870) Amendment Act, 1870.	The whole.
1870	XXVII	The Indian Penal Code Amendment Act, 1870.	So much as has not been repealed.
1871	I . . .	The Cattle-trespass Act, 1871 . . .	Section 2 and the Schedule.
1871	V . . .	The Prisoners Act, 1871	So much as has not been repealed.
1871	XXII .	The Bengal Chaukidari (Amendment) Act, 1871.	So much as has not been repealed.
1871	XXIII .	The Pensions Act, 1871	Section 2 and the Schedule.
1872	I . . .	The Indian Evidence Act, 1872 . . .	Section 2 and the Schedule.
1872	XV . .	The Indian Christian Marriage Act, 1872	Section 2 and the Fifth Schedule.
1872	XVIII .	The Indian Evidence Act Amendment Act.	So much as has not been repealed.
1872	XIX . .	The Indian Penal Code Amendment Act, 1872.	The whole.
1873	X . . .	The Indian Oaths Act, 1873	Section 15.
1874	IX . . .	The European Vagrancy Act, 1874 . .	Section 2.
1874	XV . . .	The Laws Local Extent Act, 1874 . . .	Part XII of the Sixth Schedule.
1875	XIII . .	The Probate and Administration Act, 1875.	So much as has not been repealed.
1875	XV . . .	The Punjab Laws Amendment Act, 1875.	The whole.
1876	X	The Bombay Revenue Jurisdiction Act, 1876.	Section 15.
1876	XVI . .	The Stage-Carriages Act (1861) Amendment Act, 1876.	So much as has not been repealed.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1876	XVIII	The Oudh Laws Act, 1876.	Section 2 and the First Schedule.
1877	IX	The Punjab Murderous Outrages (Amendment) Act, 1877.	Section 2.
1877	XVI	An Act to amend the Bombay Revenue Jurisdiction Act, 1876.	The whole.
1877	XIX	The Madras Civil Courts (Amendment) Act, 1877.	So much as has not been repealed.
1878	VIII	The Sea Customs Act, 1878.	Section 2 and Part I of the Schedule.
1878	XI	The Indian Arms Act, 1878.	Section 3 and the First Schedule.
1878	XII	The Punjab Laws (Amendment) Act, 1878.	Sections 1 and 5.
1878	XIV	An Act to assimilate certain powers of the Local Governments of the North-Western Provinces and Oudh.	So much as has not been repealed.
1878	XVII	The Northern India Ferries Act, 1878.	Section 2.
1879	II	The Central Provinces Laws Act, 1879.	The whole.
1879	XVIII	The Legal Practitioners Act, 1879.	Sections 2 and 42. The First Schedule.
1880	IX	The Bombay Civil Courts Act, 1880.	So much as has not been repealed.
1880	XV	The Bombay Revenue Jurisdiction Act, 1880.	So much as has not been repealed.
1881	VII	The Bengal Cess (Amendment No. 1) Act, 1881.	The whole.
1881	X	The Coroners Act, 1881.	So much as has not been repealed.
1881	XIV	The Benares Family Domains Act, 1881.	So much as has not been repealed.
1881	XXI	The Broach and Kaira Incumbered Estates Act, 1881.	Section 2.
1881	XXIII	The Dekkhan Agriculturists' Relief Act, 1881.	So much as has not been repealed.
1881	XXIV	The Punjab Laws Amendment Act, 1881.	So much as has not been repealed.
1882	VIII	The Indian Penal Code Amendment Act, 1882.	The whole.

Year. 1	No. 2	Short title. 3	Extent of repeal. 4
1882	XII	The Indian Salt Act, 1882	Section 2 and the Schedule.
1882	XV	The Presidency Small Cause Courts Act, 1882.	Sections 2 and 3. The First Schedule.
1882	XXII	The Dekkhan Agriculturists' Relief Act, 1882.	So much as has not been repealed.
1883	I	The Central Provinces Local Self-Government Act, 1883.	So much as has not been repealed.
1883	II	The Elephants Preservation Act (1879) Amendment Act, 1883.	The whole.
1883	V	The Indian Merchant Shipping Act, 1883.	So much as has not been repealed.
1883	VI	The Calcutta Pilots (Amendment) Act, 1883.	The whole.
1883	XX	The Punjab District Boards Act, 1883	The whole of Chapter V.
1884	V	The Chota Nagpur Incumbered Estates (Amendment) Act, 1884.	So much as has not been repealed.
1884	IX	The Legal Practitioners Act, 1884	So much as has not been repealed.
1884	XII	The Agriculturists' Loans Act, 1884	Section 3.
1885	II	The Negotiable Instruments Act, 1885	So much as has not been repealed.
1885	III	The Transfer of Property Act (1882) Amendment Act, 1885.	The whole.
1885	IX	The Excise and Sea Customs Law Amendment Act, 1885.	So much as has not been repealed.
1885	X	An Act to amend the Oudh Estates Act, 1869.	The whole.
1885	XIII	The Indian Telegraph Act, 1885	Section 2.
1885	XXI	The Madras Civil Courts Act, 1885	So much as has not been repealed.
1886	III	The Northern India Ferries Act Amendment Act, 1886.	The whole.
1886	IV	The Indian Contract Act (1872) Amendment Act, 1886.	So much as has not been repealed.
1886	VI	The Births, Deaths and Marriages Registration Act, 1886.	The whole of Chapter IV.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1886	VIII	The Bengal Tenancy (Amendment) Act, 1886.	The whole.
1886	X	The Indian Criminal Law Amendment Act, 1886.	So much as has not been repealed.
1886	XIX	An Act to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions of the Governor General in Council.	The whole.
1886	XXII	The Oudh Rent Act, 1886	Section 2.
1886	XXIII	The Dekkhan Agriculturists' Relief Act, 1886.	So much as has not been repealed.
1887	II	The Sea Customs Act (1878) Amendment Act, 1887.	So much as has not been repealed.
1887	III	The Indian Evidence Act (1872) Amendment Act, 1887.	The whole.
1887	IX	The Provincial Small Cause Courts Act, 1887.	So much of section 2 as has not been repealed.
1887	XVII	The Punjab Land-revenue Act, 1887	Section 2 and the Schedule.
1888	XI	The Indian Telegraph (Presidency-towns) Act, 1888.	The whole.
1889	I	The Metal Tokens Act, 1889	Section 9.
1889	IV	The Indian Merchandise Marks Act, 1889.	Sections 3, 10 and 11.
1889	V	The Coroners (Madras) Act, 1889	So much as has not been repealed.
1889	VII	The Succession Certificate Act, 1889	So much as has not been repealed.
1889	VIII	The Sea Customs Act (1878) Amendment Act, 1889.	So much as has not been repealed.
1889	XVI	The Central Provinces Land-revenue Act, 1889.	So much as has not been repealed.
1890	VIII	The Guardians and Wards Act, 1890	Sections 2 and 52. The Schedule.
1890	IX	The Indian Railways Act, 1890	Sections 2, 149 and 150. The First Schedule.
1890	X	The Press and Registration of Books Act (1867) Amendment Act, 1890.	So much as has not been repealed.
1890	XVI	The Births, Deaths and Marriages Registration Act (1886) Amendment Act, 1890.	So much as has not been repealed.

Year.	No.	Short title.	Extent of repeal
1	2	3	4
1890	XX	The North-Western Provinces and Oudh Act, 1890.	Section 8 (1)—the words from "and in Part IV" (where they first occur) to "shall be repealed". Section 8 (2). Section 9 (1). Sections 38, 44 to 47, 49 and 51 to 53. Section 55. Sections 57 to 61.
1891	I	The Cattle-trespass Act (1871) Amendment Act, 1891.	So much as has not been repealed.
1891	II	The Indian Christian Marriage Act (1872) Amendment Act, 1891.	So much as has not been repealed.
1891	III	The Indian Evidence Act (1872) Amendment Act, 1891.	So much as has not been repealed.
1891	VII	The Indian Registration of Ships Act (1841) Amendment Act, 1891.	So much as has not been repealed.
1891	IX	The Indian Merchandise Marks and Sea Customs Acts Amendment Act, 1891.	So much as has not been repealed.
1891	X	The Indian Criminal Law Amendment Act, 1891.	So much as has not been repealed.
1891	XII	The Amending Act, 1891	So much as has not been repealed.
1892	IV	The Court of Wards Act (Bengal) Amendment Act, 1892.	So much as has not been repealed.
1892	VII	The Madras City Civil Courts Act, 1892	Section 12.
1893	I	The Bankers' Books Evidence Act, 1893	So much as has not been repealed.
1894	I	The Land Acquisition Act, 1894	So much of section 2 as has not been repealed.
1894	III	The Indian Criminal Law Amendment Act, 1894.	So much as has not been repealed.
1894	IV	The Amending Act, 1894	So much as has not been repealed.
1894	IX	The Prisons Act, 1894	Section 2 and the Schedule.
1894	XIII	The Amending (Army) Act, 1894	So much as has not been repealed.
1895	I	The Presidency Small Cause Courts Act, 1895.	So much as has not been repealed.
1895	III	The Indian Criminal Law Amendment Act, 1895.	So much as has not been repealed.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1895	VI	The Dekkhan Agriculturists' Relief Act, 1895.	The whole.
1895	VII	The Punjab Laws Act Amendment Act, 1895.	So much as has not been repealed.
1895	VIII	The Police Act (1861) Amendment Act, 1895.	The whole.
1895	XVI	The Amending Act, 1895	So much as has not been repealed.
1896	VI	The Indian Penal Code Amendment Act, 1896.	The whole.
1896	VIII	The Inland Bonded Warehouses Act, 1896.	Section 3.
1896	IX	The Indian Railways Act (1890) Amendment Act, 1896.	So much as has not been repealed.
1896	XI	The Legal Practitioners Act, 1896 . .	The whole.
1896	XVII	The Punjab Land-revenue (Amendment) Act, 1896.	The whole.
1897	I . .	The Public Servants (Inquiries) Act (1850) Amendment Act, 1897.	Sections 2, 3 and 4.
1897	V . .	The Amending Act, 1897	Sub-section (2) of section 2 and the Second Schedule.
1897	VI . .	The Negotiable Instruments Act Amendment Act, 1897.	So much as has not been repealed.
1897	VIII . .	The Reformatory Schools Act, 1897 . .	Sections 2 and 3.
1898	I . .	The Stage-Carriages Act (1861) Amendment Act, 1898.	So much as has not been repealed.
1898	IV . .	The Indian Penal Code Amendment 1898.	So much as has not been repealed.
1898	XI . .	The Central Provinces Tenancy Act, Act, 1898.	Section 100 and the Schedule.
1898	XII . .	The Central Provinces Land-revenue Act, 1898.	The whole.
1899	III . .	The Presidency Small Cause Courts Act, 1899.	So much as has not been repealed.
1899	V . .	The Indian Evidence Act, 1899	So much as has not been repealed.
1899	VI . .	The Indian Contract Act Amendment Act, 1899.	The whole.
1899	IX . .	The Indian Arbitration Act, 1899 . .	Section 21.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1899	X	The Carriers Act, 1899	So much as has not been repealed.
1899	XI	The Court-fees Amendment Act, 1899.	So much as has not been repealed.
1899	XII	The Currency Notes Forgery Act, 1899.	So much as has not been repealed.
1899	XVI	The Northern India Canal and Drainage (Amendment) Act, 1899.	So much as has not been repealed.
1899	XVIII	The Land Improvement Loans (Amendment) Act, 1899.	So much as has not been repealed.
1899	XIX	The Currency Conversion (Army) Act, 1899.	So much as has not been repealed.
1899	XXIV	The Central Provinces Court of Wards Act, 1899.	Section 41 and the Schedule.
1900	II	The Transfer of Property Act, 1900	So much as has not been repealed.
1900	VII	An Act amending Act XIX of 1899	So much as has not been repealed.
1900	XII	The Bankers' Books Evidence Act, 1900	So much as has not been repealed.
1900	XIII	The Punjab Alienation of Land Act, 1900.	Section 22.
1901	X	The Court-fees (Amendment) Act, 1901	So much as has not been repealed.
1901	XI	The Amending Act, 1901	Section 3 and the Second Schedule.
1902	VII	The United Provinces (Designation) Act, 1902.	The whole.
1903	I	The Amending Act, 1903	Section 3 and the Second Schedule.
1903	II	The Indian Post Office (Amendment) Act, 1903.	The whole.
1903	XIII	The Lepers (Amendment) Act, 1903	The whole.
1904	VI	The Transfer of Property (Amendment) Act, 1904.	The whole.
1904	XV	The Indian Stamp (Amendment) Act, 1904.	The whole.
1905	VI	The Court-fees (Amendment) Act, 1905	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1906	II	The Sindh Incumbered Estates (Amendment) Act, 1906.	The whole.
1906	IV	The Presidency Small Cause Courts Act, 1906.	So much as has not been repealed.
1906	V	The Indian Stamp (Amendment) Act, 1906.	The whole.
1906	VIII	The Land Improvement and Agriculturists' Loans (Amendment) Act, 1906.	So much as has not been repealed.
1907	IV	The Repealing and Amending (Rates and Cesses) Act, 1907.	The whole.
1908	I	The Legal Practitioners (Amendment) Act, 1908.	So much as has not been repealed.
1908	III	The Indian Trusts (Amendment) Act, 1908.	The whole.
1908	IV	The Coroners (Amendment) Act, 1908.	So much as has not been repealed.
1908	XIII	The Central Provinces Financial Commissioner's Act, 1908.	Sections 4, 5 and 6.
1908	XV	The Indian Ports Act, 1908	Section 69 and Schedule II.
1908	XVI	The Indian Registration Act, 1908	Section 93 and the Schedule.
1909	IV	The Whipping Act, 1909	Section 7.
1910	III	The Indian Penal Code Amendment Act, 1910.	The whole.
1910	VI	The Indian Stamp (Amendment) Act, 1910.	The whole.
1910	VII	The Court-fees (Amendment) Act, 1910	The whole.
1910	XII	The Glanders and Farcy Law Amendment Act, 1910.	The whole.
1910	XIII	The Prisons (Amendment) Act, 1910	The whole.
1911	I	The Opium (Amendment) Act, 1911	Sections 2 and 3.
1911	IV	The Indian Ports (Amendment) Act, 1911.	The whole.
1911	V	The Indian Tramways (Amendment) Act, 1911.	The whole.
1911	IX	The Births, Deaths and Marriages Registration (Amendment) Act, 1911.	The whole.

Year. 1	No. 2	Short title. 3	Extent of repeal. 4
1911	XI	The Indian Universities (Amendment) Act, 1911.	The whole.
1911	XIII	The Indian Christian Marriage (Amendment) Act, 1911.	The whole.
1911	XIV	The Court-fees (Amendment) Act, 1911.	The whole.
1911	XVI	The Bengal, Agra and Assam Civil Courts (Amendment) Act, 1911.	The whole.
1912	I	The Indian Stamp (Amendment) Act, 1912.	The whole.
1912	III	The Indian Post Office (Amendment) Act, 1912.	The whole.
1912	VII	The Bengal, Bihar and Orissa and Assam Laws Act, 1912.	Sections 7 and 8 and Schedule E.
1912	IX	The Presidency Small Cause Courts (Amendment) Act, 1912.	The whole.
1912	X	The Indian Divorce (Amendment) Act, 1912.	The whole.
1913	I	The Indian Extradition (Amendment) Act, 1913.	The whole.
1913	V	The White Phosphorus Matches Prohibition Act, 1913.	Section 3.
1913	VIII	The Indian Criminal Law Amendment Act, 1913.	The whole.
1914	I	The Code of Civil Procedure (Amendment) Act, 1914.	The whole.
1914	IV	The Decentralization Act, 1914.	So much as has not been repealed.
1914	V	The Negotiable Instruments (Amendment) Act, 1914.	The whole.
1914	VI	The Provincial Small Cause Courts (Amendment) Act, 1914.	The whole.
1914	VII	The Indian Telegraph (Amendment) Act, 1914.	The whole.
1914	X	The Repealing and Amending Act, 1914.	So much as has not been repealed.
1914	XI	The Indian Companies (Amendment) Act, 1914.	The whole.
1914	XII	The Sea Customs (Amendment) Act, 1914.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1914	XIII	The Indian Life Assurance Companies (Amendment) Act, 1914.	The whole.
1914	XIV	The Indian Post Office and Telegraph (Amendment) Act, 1914.	The whole.
1914	XV	The Indian Army (Amendment) Act, 1914.	The whole.
1914	XVII	The Second Repealing and Amending Act, 1914.	So much as has not been repealed.
1915	III	The Foreigners (Amendment) Act, 1915	The whole.
1915	VII	The Delhi Laws Act, 1915	Section 7.
1915	IX	The Sea Customs (Amendment) Act, 1915.	The whole.
1915	XI	The Repealing and Amending Act, 1915.	So much as has not been repealed.
1915	XIII	The North-West Frontier Constabulary Act, 1915.	Section 22.
1916	I	The Indian Trusts (Amendment) Act, 1916.	The whole.
1916	VI	The Indian Ports (Amendment) Act, 1916.	The whole.
1916	XII	The Indian Lunacy (Amendment) Act, 1916.	The whole.
1916	XIII	The Amending Act, 1916	So much as has not been repealed.
1917	X	The Indian Army (Amendment) Act, 1917.	The whole.
1917	XIV	The Prevention of Cruelty to Animals (Amendment) Act, 1917.	The whole.
1917	XV	The Indian Registration (Amendment) Act, 1917.	The whole.
1917	XVII	The Government Savings Banks (Amendment) Act, 1917.	The whole.
1917	XXI	The Indian Trusts (Amendment) Act, 1917.	The whole.
1917	XXIII	The Presidency Small Cause Courts (Amendment) Act, 1917.	The whole.
1917	XXIV	The Repealing and Amending Act, 1917	So much as has not been repealed.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1918	IV	The Indian Coinage (Amendment) Act, 1918.	The whole.
1918	XI	The Indian Army (Amendment) Act, 1918.	So much as has not been repealed.
1919	V	The Termination of the Present War (Definition) Act, 1919.	The whole.
1919	VI	The Indian Oaths (Amendment) Act, 1919.	The whole.
1919	VIII	The Negotiable Instruments (Amendment) Act, 1919.	The whole.
1919	X	The Excess Profits Duty Act, 1919	So much as has not been repealed.
1919	XIII	The Sea Customs (Amendment) Act, 1919.	The whole.
1919	XVII	The Land Acquisition (Amendment) Act, 1919.	The whole.
1919	XVIII	The Repealing and Amending Act, 1919.	So much as has not been repealed.
1919	XX	The Indian Arms (Amendment) Act, 1919.	The whole.
1919	XXI	The Indian Coinage (Amendment) Act, 1919.	The whole.
1919	XXIII	The Cinematograph (Amendment) Act, 1919.	The whole.
1919	XXVII	The Indemnity Act, 1919 .	The whole.
1920	II	The Indian Army (Amendment) Act, 1920.	The whole.
1920	VI	The Inland Steam-vessels (Amendment) Act, 1920.	The whole.
1920	VIII	The Dourine (Amendment) Act, 1920 .	The whole.
1920	IX	The Glanders and Farcy (Amendment) Act, 1920.	The whole.
1920	XI	The Presidency-towns Insolvency (Amendment) Act, 1920.	The whole.
1920	XXII	The Lepers (Amendment) Act, 1920 .	The whole.
1920	XXIV	The Code of Civil Procedure (Amendment) Act, 1920.	The whole.
1920	XXV	The Negotiable Instruments (Amendment) Act, 1920.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1920	XXVI	The Indian Limitation and Code of Civil Procedure (Amendment) Act, 1920.	The whole.
1920	XXVII	The Indian Motor Vehicles (Amendment) Act, 1920.	The whole.
1920	XXIX	The Indian Patents and Designs (Amendment) Act, 1920.	The whole.
1920	XXXI	The Repealing and Amending Act, 1920	So much as has not been repealed.
1920	XXXII	The Post Office Cash Certificates (Amendment) Act, 1920.	The whole.
1920	XXXVII	The Indian Army (Amendment) Act, 1920.	So much as has not been repealed.
1920	XXXVIII	The Devolution Act, 1920 .	So much as has not been repealed.
1920	XXXIX	The Indian Elections Offences and Inquiries Act, 1920.	The whole of Part I.
1920	XLII	The Indian Companies (Amendment) Act, 1920.	The whole.
1920	XLIX	The Auxiliary Force Act, 1920 .	Section 35.
1921	I	The Indian Tea Cess (Amendment) Act, 1921.	The whole.
1921	III	The Code of Civil Procedure (Amendment) Act, 1921.	The whole.
1921	VII	The Calcutta University Act, 1921 .	The whole.
1921	XI	The Indian Works of Defence (Amendment) Act, 1921.	So much as has not been repealed.
1921	XII	The Negotiable Instruments (Amendment) Act, 1921.	The whole.
1921	XIII	The Carriers (Amendment) Act, 1921 .	The whole.
1921	XV	The Indian Post Office (Amendment) Act, 1921.	The whole.
1921	XVI	The Indian Penal Code (Amendment) Act, 1921.	So much as has not been repealed.
1921	XIX	The Land Acquisition (Amendment) Act, 1921.	The whole.
1922	I	The Indian Electricity (Amendment) Act, 1922.	The whole.
1922	III	The Benares Hindu University (Amendment) Act, 1922.	The whole.

Year. 1	No. 2	Short title. 3	Extent of repeal. 4
1922	VI	The Indian Lunacy (Amendment) Act, 1922.	The whole.
1922	X	The Indian Limitation (Amendment) Act, 1922.	The whole.
1922	XIV	The Press Law Repeal and Amendment Act, 1922.	The whole.
1922	XV	The Indian Ports (Amendment) Act, 1922.	The whole.
1922	XVI	The Indian Extradition (Amendment) Act, 1922.	The whole.
1922	XVII	The Indian Museum (Amendment) Act, 1922.	The whole.
1922	XVIII	The Negotiable Instruments (Amendment) Act, 1922.	The whole.
1922	XIX	The Court-fees (Amendment) Act, 1922	The whole.
1922	XX	The Parsi Marriage and Divorce (Amendment) Act, 1922.	The whole.
1922	XXI	The Official Trustees and Administrator General's Acts Amendment Act, 1922.	The whole.
1923	XI	The Repealing and Amending Act, 1923	So much as has not been repealed.
1923	XII	The Criminal Law Amendment Act, 1923.	So much as has not been repealed.
1923	XIII	The Married Women's Property (Amendment) Act, 1923.	The whole.
1923	XV	The Indian Income-tax (Amendment) Act, 1923.	So much as has not been repealed.
1923	XVI	The Government Savings Banks (Amendment) Act, 1923.	The whole.
1923	XVII	The Prisoners (Amendment) Act, 1923	The whole.
1923	XVIII	The Code of Criminal Procedure (Amendment) Act, 1923.	So much as has not been repealed.
1923	XX	The Indian Penal Code (Amendment) Act, 1923.	The whole.
1923	XXVI	The Code of Civil Procedure (Amendment) Act, 1923.	The whole.
1923	XXVII	The Indian Income-tax (Further Amendment) Act, 1923.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1923	XXIX	The Code of Civil Procedure (Second Amendment) Act, 1923.	The whole.
1923	XXX	The Special Marriage (Amendment) Act, 1923.	The whole.
1923	XXXI	The Indian Territorial and Auxiliary Forces (Amendment) Act, 1923.	The whole.
1923	XXXII	The Indian Lunacy (Amendment) Act, 1923.	The whole.
1923	XXXIII	The Indian Army (Amendment) Act, 1923.	The whole.
1923	XXXIV	The Cutchi Memons (Amendment) Act, 1923.	The whole.
1923	XXXV	The Code of Criminal Procedure (Further Amendment) Act, 1923.	The whole.
1923	XXXVII	The Code of Criminal Procedure (Second Amendment) Act, 1923.	So much as has not been repealed.
1923	XXXVIII	The Land Acquisition (Amendment) Act, 1923.	The whole.
1923	XXXIX	The Indian Ports (Amendment) Act, 1923.	The whole.
1923	XL	The Indian Electricity (Amendment) Act, 1923.	The whole.
1923	XLI	The Charitable and Religious Trusts (Amendment) Act, 1923.	The whole.
1923	XLIII	The Indian Stamp (Amendment) Act, 1923.	The whole.
1924	I	The Indian Cotton Cess (Amendment) Act, 1924.	The whole.
1924	VII	The Repealing and Amending Act, 1924	So much as has not been repealed.
1924	X	The Indian Coinage (Amendment) Act, 1924.	The whole.
1924	XI	The Indian Income-tax (Amendment) Act, 1924.	The whole.
1924	XV	The Indian Motor Vehicles (Amendment) Act, 1924.	The whole.
1924	XVI	The Indian Post Office (Amendment) Act, 1924.	The whole.
1924	XVII	The Imperial Bank of India (Amendment) Act, 1924.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1924	XVIII .	The Indian Criminal Law Amendment Act, 1924.	The whole.
1925	I . .	The Indian Merchant Shipping (Amendment) Act, 1925.	The whole.
1925	V . .	The Indian Income-tax (Amendment) Act, 1925.	The whole.
1925	VII .	The Cantonments (Amendment) Act, 1925.	The whole.
1925	VIII .	The Obscene Publications Act, 1925 .	The whole.
1925	IX . .	The Indian Ports (Amendment) Act, 1925.	The whole.
1925	X . .	The Cantonments (House-Accommodation Amendment) Act, 1925.	The whole.
1925	XI . .	The Indian Merchant Shipping (Second Amendment) Act, 1925.	The whole.
1925	XV . .	The Indian Stamp (Amendment) Act, 1925.	The whole.
1925	XVI . .	The Indian Income-tax (Second Amendment) Act, 1925.	The whole.
1925	XVII .	The Prisons (Amendment) Act, 1925 .	The whole.
1925	XVIII .	The Indian Cotton Cess (Amendment) Act, 1925.	The whole.
1925	XX . .	The Code of Civil Procedure (Amendment) Act, 1925.	The whole.
1925	XXI . .	The Religious Endowments (Amendment) Act, 1925.	The whole.
1925	XXIII .	The Legislative Members Exemption Act, 1925.	The whole.
1925	XXIV .	The Sikh Gurdwaras (Supplementary) Act, 1925.	Section 3.
1925	XXVII	The Opium (Amendment) Act, 1925 .	So much as has not been repealed.
1925	XXVIII	The Provident Funds (Amendment) Act, 1925.	The whole.
1925	XXIX .	The Indian Penal Code (Amendment) Act, 1925.	The whole.
1925	XXX . .	The Indian Limitation (Amendment) Act, 1925.	The whole.
1925	XXXII	The Oudh Courts (Supplementary) Act, 1925.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1925	XXXIII	The Criminal Tribes (Amendment) Act, 1925.	The whole.
1925	XXXIV	The Cotton Transport (Amendment) Act, 1925.	The whole.
1925	XXXVI	The Indian Ports (Amendment) Act, 1925.	So much as has not been repealed.
1925	XXXVII	The Repealing and Amending Act, 1925	So much as has not been repealed.
1925	XXXVIII	The Transfer of Property (Amendment) Act, 1925.	The whole.
1926	I	The Small Cause Courts (Attachment of Immoveable Property) Act, 1926.	The whole.
1926	II	The Code of Criminal Procedure (Amendment) Act, 1926.	So much as has not been repealed.
1926	IV	The Guardians and Wards (Amendment) Act, 1926.	So much as has not been repealed.
1926	V	The Indian Lunacy (Amendment) Act, 1926.	The whole.
1926	VI	The Code of Civil Procedure (Amendment) Act, 1926.	The whole.
1926	IX	The Insolvency (Amendment) Act, 1926	The whole.
1926	X	The Code of Criminal Procedure (Second Amendment) Act, 1926.	The whole.
1926	XIII	The Indian Registration (Amendment) Act, 1926.	The whole.
1926	XIV	The Madras Civil Courts (Amendment) Act, 1926.	The whole.
1926	XV	The Legal Practitioners (Amendment) Act, 1926.	The whole.
1926	XVIII	The Madras Civil Courts (Second Amendment) Act, 1926.	The whole.
1926	XXII	The Code of Civil Procedure (Second Amendment) Act, 1926.	So much as has not been repealed.
1926	XXIV	The Indian Income-tax (Amendment) Act, 1926.	The whole.
1926	XXV	The Indian Divorce (Amendment) Act, 1926.	The whole.
1926	XXVII	The Transfer of Property (Amendment) Act, 1926.	The whole.

Repealing.

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Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1926	XXVIII	The Usurious Loans (Amendment) Act, 1926.	The whole.
1926	XXIX	The Workmen's Compensation (Amendment) Act, 1926.	The whole.
1926	XXX	The Negotiable Instruments (Interest) Act, 1926.	So much as has not been repealed.
1926	XXXI	The Indian Evidence (Amendment) Act, 1926.	The whole.
1926	XXXII	The Administrator General's (Amendment) Act, 1926.	The whole.
1926	XXXIII	The Indian Companies (Amendment) Act, 1926.	The whole.
1926	XXXV	The Cantonments (Amendment) Act, 1926.	The whole.
1926	XXXVI	The Code of Criminal Procedure (Third Amendment) Act, 1926.	The whole.
1926	XXXIX	The Provincial Insolvency (Amendment) Act, 1926.	So much as has not been repealed.
1926	XL	The Indian Succession (Second Amendment) Act, 1926.	The whole.
1927	I	The Indian Limitation (Amendment) Act, 1927.	The whole.
1927	II	The Indian Registration (Amendment) Act, 1927.	The whole.
1927	V	The Indian Finance Act, 1927	So much as has not been repealed.
1927	VI	The Madras Salt (Amendment) Act, 1927.	The whole.
1927	VII	The Provident Funds (Amendment) Act, 1927.	The whole.
1927	VIII	The Sea Customs (Amendment) Act, 1927.	The whole.
1927	IX	The Indian Limitation (Second Amendment) Act, 1927.	The whole.
1927	X	The Repealing and Amending Act, 1927	So much as has not been repealed.
1927	XI	The Insolvency (Amendment) Act, 1927	The whole.
1927	XIII	The Indian Bar Councils (Amendment) Act, 1927.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1927	XIV	The Indian Merchant Shipping (Amendment) Act, 1927.	The whole.
1927	XV	The Indian Divorce (Amendment) Act, 1927.	The whole.
1927	XVII	The Indian Lighthouse Act, 1927	Section 22 and the Schedule.
1927	XVIII	The Indian Succession (Amendment) Act, 1927.	The whole.
1927	XIX	The Presidency-towns Insolvency (Amendment) Act, 1927.	The whole.
1927	XXI	The Indian Securities (Amendment) Act, 1927.	The whole.
1927	XXII	The Societies Registration (Amendment) Act, 1927.	The whole.
1927	XXV	The Criminal Law Amendment Act, 1927.	The whole.
1927	XXVI	The Cantonments (Amendment) Act, 1927.	The whole.
1927	XXVII	The Indian Emigration (Amendment) Act, 1927.	The whole.
1927	XXVIII	The Indian Income-tax (Amendment) Act, 1927.	The whole.
1927	XXX	The Indian Divorce (Second Amendment) Act, 1927.	The whole.
1928	II	The Indian Securities (Amendment) Act, 1928.	The whole.
1928	III	The Indian Income-tax (Amendment) Act, 1928.	The whole.
1928	IV	The Inland Bonded Warehouses (Amendment) Act, 1928.	The whole.
1928	VI	The Indian Merchant Shipping (Amendment) Act, 1928.	The whole.
1928	IX	The Indian Territorial Force (Amendment) Act, 1928.	The whole.
1928	X	The Auxiliary Force (Amendment) Act, 1928.	The whole.
1928	XI	The Chittagong Port (Amendment) Act, 1928.	The whole.
1928	XIV	The Indian Succession (Amendment) Act, 1928.	The whole.

Repealing.

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Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1928	XV	The Indian Trade Unions (Amendment) Act, 1928.	The whole.
1928	XVI	The Indian Income-tax (Amendment) Act, 1928.	The whole.
1928	XVIII	The Repealing and Amending Act, 1928	So much as has not been repealed.
1928	XIX	The Madras Salt (Amendment) Act, 1928.	The whole.
1929	I	The Indian Limitation (Amendment) Act, 1929.	The whole.
1929	III	The Presidency-towns Insolvency (Amendment) Act, 1929.	The whole.
1929	IX	The Indian Boilers (Amendment) Act, 1929.	The whole.
1929	XI	The Bengal Pilot Service (Centralisation of Administration) Act, 1929.	The whole.
1929	XII	The Indian Income-tax (Provident Funds Relief) Act, 1929.	The whole.
1929	XIII	The Indian Territorial Force (Amendment) Act, 1929.	The whole.
1929	XIV	The Indian Cotton Cess (Amendment) Act, 1929.	The whole.
1929	XV	The Indian Registration (Amendment) Act, 1929.	The whole.
1929	XVII	The Guardians and Wards (Amendment) Act, 1929.	The whole.
1929	XVIII	The Indian Succession (Amendment) Act, 1929.	The whole.
1929	XX	The Transfer of Property (Amendment) Act, 1929.	The whole.
1929	XXI	The Transfer of Property (Amendment) Supplementary Act, 1929.	Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.
1930	I	The Provident Funds (Amendment) Act, 1930.	The whole.
1930	II	The Dangerous Drugs Act, 1930	Section 40 and so much of Schedule II as has not been repealed.
1930	III	The Indian Sale of Goods Act, 1930	Section 65.
1930	IV	The Indian Contract (Amendment) Act, 1930.	The whole.

Year	No.	Short title.	Extent of repeal.
1	2	3	4
1930	V .	The Transfer of Property (Amendment) Act, 1930.	The whole.
1930	VI .	The Prisons (Amendment) Act, 1930 . .	The whole.
1930	VII .	The Indian Patents and Designs (Amendment) Act, 1930.	The whole.
1930	VIII .	The Repealing and Amending Act, 1930.	So much as has not been repealed.
1930	IX .	The Cantonments (House-Accommodation Amendment) Act, 1930.	The whole.
1930	X .	The Insolvency Law (Amendment) Act, 1930.	The whole.
1930	XIII .	The Inland Steam-vessels (Amendment) Act, 1930.	The whole.
1930	XIV .	The Indian Railways (Amendment) Act, 1930.	The whole.
1930	XVI .	The Transfer of Property (Amendment) Supplementary Act, 1930.	The whole.
1930	XIX .	The Indian Companies (Amendment) Act, 1930.	Section 2.
1930	XX .	The Destructive Insects and Pests (Amendment) Act, 1930.	The whole.
1930	XXI .	The Indian Income-tax (Amendment) Act, 1930.	The whole.
1930	XXII .	The Indian Income-tax (Second Amendment) Act, 1930.	The whole.
1930	XXIII .	The Indian Income-tax (Third Amendment) Act, 1930.	The whole.
1930	XXIV .	The Indian Lac Cess Act, 1930 . . .	Section 11.
1930	XXV .	The Negotiable Instruments (Amendment) Act, 1930.	The whole.
1930	XXVI .	The Indian Forest (Amendment) Act, 1930.	The whole
1930	XXVII .	The Indian Telegraph (Amendment) Act, 1930.	The whole.
1930	XXVIII .	The Bombay Civil Courts (Amendment) Act, 1930.	The whole.
1930	XXIX .	The Benares Hindu University (Amendment) Act, 1930.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1931	IV	The Indian Income-tax (Amendment) Act, 1931.	The whole.
1931	V	The Indian Territorial Force (Amendment) Act, 1931.	The whole
1931	VI	The Auxiliary Force (Amendment) Act, 1931.	The whole.
1931	VII	The Cantonments (Amendment) Act, 1931.	The whole.
1931	VIII	The Indian Naval Armament (Amendment) Act, 1931.	The whole.
1931	IX	The Indian Merchant Shipping (Amendment) Act, 1931.	The whole.
1931	X	The Vizagapatam Port Act, 1931	The whole.
1931	XI	The Indian Ports (Amendment) Act, 1931.	The whole.
1931	XII	The Indian Reserve Forces (Amendment) Act, 1931.	The whole
1931	XVI	The Provisional Collection of Taxes Act, 1931.	Section 6.
1931	XVII	The Indian Succession (Amendment) Act, 1931.	The whole.
1931	XVIII	The Aligarh Muslim University (Amendment) Act, 1931.	The whole.
1931	XIX	The Land Customs (Amendment) Act, 1931.	The whole.
1932	I	The Indian Companies (Supplementary Amendment) Act, 1932.	The whole.
1932	VII	The Salt Additional Import Duty (Extending) Act, 1932.	The whole.
1932	VIII	The Bengal Criminal Law Amendment (Supplementary) Act, 1932.	Section 5.
1932	IX	The Indian Partnership Act, 1932	Section 73 and Schedule II.
1932	X	The Code of Civil Procedure (Amendment) Act, 1932.	The whole.
1932	XIII	The Sugar Industry (Protection) Act, 1932.	Section 2 and the Schedule.
1932	XIV	The Indian Air Force Act, 1932	Section 130 and the Schedule.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1932	XVI	The Indian Emigration (Amendment) Act, 1932.	The whole.
1932	XVII	The Cantonments (Amendment) Act, 1932.	The whole.
1932	XVIII	The Ancient Monuments Preservation (Amendment) Act, 1932.	The whole.
1932	XIX	The Trade Disputes (Amendment) Act, 1932.	The whole
1932	XX	The Port Haj Committees Act, 1932 .	Section 24.
1932	XXI	The Code of Criminal Procedure (Amendment) Act, 1932.	The whole.
1932	XXIII	The Criminal Law Amendment Act, 1932.	Sections 11, 12, 13, 14 and 16.
1933	III	The Indian Forest (Amendment) Act, 1933.	The whole.
1933	X	The Auxiliary Force (Amendment) Act, 1933.	The whole
1933	XI	The Indian Merchant Shipping (Amendment) Act, 1933.	The whole.
1933	XII	The Indian Income-tax (Amendment) Act, 1933.	The whole.
1933	XV	The Workmen's Compensation (Amendment) Act, 1933.	The whole.
1933	XVI	The Land Acquisition (Amendment) Act, 1933.	The whole.
1933	XVIII	The Indian Income-tax (Second Amendment) Act, 1933.	The whole.
1933	XIX	The Indian Railways (Amendment) Act, 1933.	The whole.
1933	XXI	The Indian Arbitration (Amendment) Act, 1933.	The whole
1933	XXII	The Cantonments (House-Accommodation Amendment) Act, 1933.	The whole.
1933	XXV	The Indian Merchant Shipping (Second Amendment) Act, 1933.	The whole.
1933	XXVI	The Dangerous Drugs (Amendment) Act, 1933.	The whole.
1933	XXVIII	The Indian Tariff (Second Amendment) Act, 1933.	So much as has not been repealed.

Repealing.

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Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1934	III	The Imperial Bank of India (Amendment) Act, 1934.	The whole.
1934	V	The Indian Medical Council (Amendment) Act, 1934.	The whole.
1934	XVII	The Negotiable Instruments (Amendment) Act, 1934.	The whole.
1934	XVIII	The Indian Trusts (Amendment) Act, 1934.	The whole.
1934	XXI	The Sea Customs (Amendment) Act, 1934.	The whole.
1934	XXII	The Indian Aircraft Act, 1934	Section 20.
1934	XXIV	The Repealing and Amending Act, 1934.	So much as has not been repealed.
1934	XXIX	The Indian Income-tax (Amendment) Act, 1934.	The whole.
1934	XXX	The Petroleum Act, 1934	Section 32 and the Schedule.
1934	XXXIII	The Indian Army (Amendment) Act, 1934.	The whole.
1934	XXXIV	The Indian Navy (Discipline) Act, 1934	Section 4 and the Second Schedule.
1934	XXXV	The Amending Act, 1934	The whole.
1935	I	The Indian Naturalization (Amendment) Act, 1935.	The whole.
1935	III	The Indian Tea Cess (Amendment) Act, 1935.	The whole.
1935	VI	The Aligarh Muslim University (Amendment) Act, 1935.	The whole.
1935	VII	The Indian Army (Amendment) Act, 1935.	The whole.
1935	VIII	The Central Provinces Courts (Supplementary) Act, 1935.	The whole.
1935	IX	The Provincial Small Cause Courts (Amendment) Act, 1935.	The whole.
1935	X	The Provincial Insolvency (Amendment) Act, 1935.	The whole.
1935	XI	The Factories (Amendment) Act, 1935	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
PART II.—REGULATIONS.			
1876	III	The Andaman and Nicobar Islands Regulation, 1876.	Section 2.
1880	II	The Assam Frontier Tracts Regulation, 1880.	So much as has not been repealed.
1883	I	The Sylhet and Cachar Rural Police Regulation, 1883.	So much as has not been repealed.
1884	I	The Andaman and Nicobar Islands Regulation, 1884.	The whole.
1884	III	The Assam Frontier Tracts Regulation, 1884.	The whole.
1886	II	The Sonthal Parganas Rent Regulation, 1886.	Sections 4 and 28.
1887	XIII	The Hazara Tenancy Regulation, 1887.	Section 2.
1888	I	The Ajmer Government Wards Regulation, 1888.	Section 2.
1889	II	The Assam Land and Revenue Regulation, 1889.	The whole.
1891	VII	The Assam Forest Regulation, 1891.	Section 2.
1892	III	The Sindh Frontier Regulation, 1892.	Section 2 (2).
1893	V	The Sonthal Parganas Justice Regulation, 1893.	Section 24.
1893	IX	The Ajmere Amending Regulation, 1893.	So much as has not been repealed.
1896	VIII	The British Baluchistan Criminal Justice Regulation, 1896.	Section 2.
1896	IX	The British Baluchistan Civil Justice Regulation, 1896.	Section 2 and the Schedule.
1898	II	The Assam Frontier Tracts Regulation (1880) Amendment Regulation, 1898.	The whole.
1899	I	The Coorg Land and Revenue Regulation, 1899.	Section 2 and the First Schedule.
1899	III	The Sonthal Parganas Justice and Laws Regulation, 1899.	So much as has not been repealed.
1901	I	The Coorg Courts Regulation, 1901.	Section 20 and the Schedule.
1901	III	The Frontier Crimes Regulation, 1901.	Section 64.

Repealing.

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Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1904	I . .	A Regulation to provide for certain modifications in the Punjab Alienation of Land Act, 1900, in its application to the North-West Frontier Province.	The whole.
1904	III . .	The Hazara Tenancy (Amendment) Regulation, 1904.	The whole.
1904	V . .	The North-West Frontier Province Court of Wards Regulation, 1904.	Section 3.
1905	II . .	The Assam Land and Revenue (Amendment) Regulation, 1905.	The whole.
1905	IV . .	The Coorg Courts (Amendment) Regulation, 1905.	The whole.
1906	I . .	The North-West Frontier Province Law and Justice (Amendment) Regulation, 1906.	The whole.
1907	II . .	The Coorg Municipal Regulation, 1907	Section 167.
1907	III . .	The Sonthal Parganas Rent (Amendment) Regulation, 1907.	The whole.
1907	IV . .	The Coorg Land and Revenue (Amendment) Regulation, 1907.	The whole.
1907	V . .	The Ajmere Land and Revenue (Amendment) Regulation, 1907.	The whole.
1908	I . .	The Coorg Land and Revenue (Amendment) Regulation, 1908.	The whole.
1908	III . .	The Sonthal Parganas Settlement (Amendment) Regulation, 1908.	Sections 2, 4, 5, 8, 9 and 10.
1908	IV . .	The Andaman and Nicobar Islands Regulation, 1908.	The whole.
1911	I . .	The North-West Frontier Gazette Regulation, 1911.	The whole.
1911	IV . .	The Coorg Land and Revenue (Amendment) Regulation, 1911.	So much as has not been repealed.
1911	V . .	The Coorg District Fund (Amendment) Regulation, 1911.	The whole.
1912	II . .	The North-West Frontier Province Law and Justice (Amendment) Regulation, 1912.	So much as has not been repealed.
1912	III . .	The Assam Forest (Amendment) Regulation, 1912.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1912	IV	The Sonthal Parganas Justice (Amendment) Regulation, 1912.	The whole.
1912	V	The British Baluchistan Forest (Amendment) Regulation, 1912.	The whole.
1913	I	The Coorg District Fund (Amendment) Regulation, 1913.	The whole.
1914	II	The Ajmer Repealing and Amending Regulation, 1914.	So much as has not been repealed.
1915	II	The Andaman and Nicobar Islands (Amendment) Regulation, 1915.	The whole.
1919	I	The North-West Frontier Province Law and Justice (Amendment) Regulation, 1919.	Section 2.
1919	II	The British Baluchistan Criminal and Civil Justice (Amendment) Regulation, 1919.	Sections 2 and 3.
1919	III	The Hazara Upper Tanawal (Amendment) Regulation, 1919.	The whole.
1919	IV	The Hazara Forest (Amendment) Regulation, 1919.	The whole.
1920	II	The British Baluchistan Civil Justice (Amendment) Regulation, 1920.	The whole.
1920	IV	The Chittagong Hill Tracts (Amendment) Regulation, 1920.	The whole.
1921	III	The British Baluchistan Bazars (Amendment) Regulation, 1921.	The whole.
1921	IV	The Ajmere Land and Revenue (Amendment) Regulation, 1921.	The whole.
1922	I	The Assam Forest (Amendment) Regulation, 1922.	The whole.
1923	II	The Coorg Courts (Amendment) Regulation, 1923.	The whole.

Repealing.

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Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1925	IV	The Chittagong Hill Tracts (Amendment) Regulation, 1925.	The whole.
1925	V	The Bengal Eastern Frontier (Amendment) Regulation, 1925.	The whole.
1925	VI	The Ajmer-Merwara Municipalities Regulation, 1925.	Section 2 and the First Schedule.
1925	VII	The Sonthal Parganas Settlement (Amendment) Regulation, 1925.	The whole.
1926	I	The Laccadive Islands and Minicoy (Amendment) Regulation, 1926.	So much as has not been repealed.
1926	III	The Andaman and Nicobar Islands (Land-tenure) Regulation, 1926.	Section 27.
1926	IV	The North-West Frontier Province Law and Justice (Amendment) Regulation, 1926.	So much as has not been repealed.
1926	V	The Ajmere Rural Boards (Amendment) Regulation, 1926.	The whole.
1926	VII	The Frontier Crimes (Amendment) Regulation, 1926.	The whole.
1926	VIII	The British Baluchistan Bazars (Amendment) Regulation, 1926.	The whole.
1927	II	The Andaman and Nicobar Islands (Amendment) Regulation, 1927.	The whole.
1927	III	The Punjab Frontier Crossing (Amendment) Regulation, 1927.	The whole.
1928	I	The Sonthal Parganas Settlement (Amendment) Regulation, 1928.	The whole.
1928	V	The Frontier Crimes (Amendment) Regulation, 1928.	The whole.
1930	I	The Andaman and Nicobar Islands (Amendment) Regulation, 1930.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1930	III	The Andaman and Nicobar Islands (Second Amendment) Regulation, 1930.	The whole.
1930	VI	The Panth Piploda Laws (Amendment) Regulation, 1930.	The whole.
1930	VII	The Coorg Courts (Amendment) Regulation, 1930.	The whole.
1931	I	The North-West Frontier Province Courts Regulation, 1931.	Sections 38 and 39.
1931	VII	The Panth Piploda Laws (Amendment) Regulation, 1931.	The whole.
1932	I	The Ajmer Courts (Amendment) Regulation, 1932.	The whole.
1932	III	The Ajmer Rural Boards (Amendment) Regulation, 1932.	The whole.
1933	IV	The Sonthal Parganas Justice (Amendment) Regulation, 1933.	The whole.
1934	I	The Sonthal Parganas Settlement (Amendment) Regulation, 1934.	The whole.
1935	IV	The Ajmer-Merwara Municipalities (Amendment) Regulation, 1935.	The whole.

ACT No. II OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 26th
February, 1938.)

**An Act further to amend the Indian Companies
Act, 1913, for certain purposes.**

WHEREAS it is expedient further to amend the
Indian Companies Act, 1913, for the purposes
hereinafter appearing; It is hereby enacted as
follows:—

1. This Act may be called the Indian Companies Short title.
(Amendment) Act, 1938.

2. In the first proviso to sub-section (2) of section 17 Amendment of
section 17, Act
VII of 1913.
of the Indian Companies Act, 1913 (hereinafter
referred to as the said Act), for the word and figure
“regulation 78” the words and figures “regulations
78, 79, 80, 81 and 82” shall be substituted.

3. In sub-section (1) of section 34 of the said Act, Amendment of
section 34,
Act VII of
1913.
for the word, brackets and figure “sub-section (4)”
the word, brackets and figure “sub-section (7)” shall
be substituted.

4. In clause (a) of sub-section (1) of section 86I of Amendment of
section 86I,
Act VII of
1913.
the said Act, for the figure “84” the figure “85”
shall be substituted.

5. In sub-section (1) of section 86D of the said Act, Amendment of
section 86D, Act
VII of 1913.
for the words “or to a private company of which such
director is a director” the words “or to a private
company of which such director is a member or direct-
or” shall be substituted.

6. In sub-section (1) of section 87D of the said Act, Amendment of
section 87D,
Act VII of
1913.
for the words “or to any director of the private com-
pany” the words “or to any member or director of
the private company” shall be substituted.

7. In sub-sections (1) and (2) of section 102 of the Amendment of
section 102,
Act VII of
1913.
said Act, for the word and figure “section 101” the
words and figures “section 98 or section 101” shall be
substituted.

8. In

1

Price anna 1 or 1½d.

Indian Companies (Amendment).

[ACT II

Amendment of
section 130,
Act VII of
1913.

8. In section 130 of the said Act, sub-section (3) shall be re-numbered as sub-section (4) and the following shall be inserted as sub-section (3), namely:—

“(3) Where a company has a branch office, the company shall be deemed to have complied with the provisions of sub-section (1) and sub-section (2) if proper books of account relating to the transactions effected at the branch office are kept at the branch office and proper summarised returns, made up to dates at intervals of not more than two months, are sent by the branch office to the registered office of the company or other place referred to in sub-section (2).”

Amendment of
section 134,
Act VII of
1913.

9. In section 134 of the said Act,—

(a) in sub-section (1),—

(i) after the words “profit and loss account” the words “or the income and expenditure account as the case may be” shall be inserted; and

(ii) for the words “a copy of the balance-sheet” the words “three copies thereof” shall be substituted;

(b) in sub-section (2), for the word “copy” the word “copies” shall be substituted.

Amendment of
section 153A,
Act VII of
1913.

10. In sub-section (5) of section 153A of the said Act, for the word, brackets and figure “sub-section (4)” the word, brackets and figure “sub-section (6)” shall be substituted.

Amendment of
section 237,
Act VII of
1913.

11. In section 237 of the said Act,—

(a) in sub-section (6), the words beginning with “and it shall be the duty of” and ending “which he is reasonably able to give”, and the words beginning with “For the purposes of this sub-section” and ending “whether that person is or is not an officer of the company” shall be omitted;

(b) after sub-section (6) the following sub-section shall be inserted, namely:—

“(7) Notwithstanding anything contained in the Indian Evidence Act, 1872, when any proceedings are instituted under this section it shall be the duty of the liquidator and of every officer and agent of the company past and present (other than the defendant in the proceedings) to give all assistance in connection with the prosecution which he is reasonably

able

Indian Companies (Amendment).

able to give, and for the purposes of this sub-section the expression agent in relation to a company shall be deemed to include any banker or legal adviser of the company and any person employed by the company as auditor, whether that person is or is not an officer of the company." ; and

- (c) existing sub-section (7) shall be re-numbered as sub-section (8), and in that sub-section as so re-numbered, for the word, brackets and figure "sub-section (6)" the word, brackets and figure "sub-section (7)" shall be substituted.

12. In section 277 of the said Act,—

Amendment of
Section 277,
Act VII of
1913.

- (a) in sub-section (1),—

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

"(e) the full address of that office of the company in British India which is to be deemed the principal place of business in British India of the company;" ; and

(ii) for the words "or in such address" the words "or in any such address" shall be substituted ;

- (b) in sub-section (3),—

(i) in sub-clause (i), for the words "a copy of that balance-sheet" the words "three copies of that balance-sheet" shall be substituted, and after the words "such supplementary statements" the words "in triplicate" shall be inserted ;

(ii) in sub-clause (ii), after the words "such a statement" the words "in triplicate" shall be inserted.

13. Section 277D of the said Act shall be re-numbered as sub-section (1) of that section and to the sub-section so re-numbered the following shall be added, namely :—

Amendment of
Section 277D,
Act VII of
1913.

" Provided that references in the said sections to the registrar shall be deemed to be references to the registrar of the province in which the principal place of business in British India of such company is situated, and references to the registered office of the company shall be deemed to be references to the principal place of business in British India of the company :

Provided

Provided further that, where a charge is created outside British India or the completion of the acquisition of property takes place outside British India, sub-clause (i) of the proviso to sub-section (1) of section 109 and the proviso to sub-section (1) of section 109A shall apply as if the property wherever situated were situated outside British India.

(2) This section shall be deemed not to have come into force until the commencement of the Indian Companies (Amendment) Act, 1938 :

Provided that where the provisions of section 109 and sections 117 to 120 have not been complied with in respect of any charge or mortgage created since the 15th day of January, 1937, as required by this Act, those provisions shall be complied with within four weeks from the commencement of the Indian Companies (Amendment) Act, 1938."

Amendment of section 277E, Act VII of 1913.

14. To section 277E of the said Act the following shall be added, namely :—

" Provided that references in the said section to the registrar shall be deemed to be references to the registrar of the province in which the principal place of business in British India of such company is situated, and references to the registered office of the company shall be deemed to be references to the principal place of business in British India of the company."

Amendment of section 277F, Act VII of 1913.

15. In clause (2) of section 277F of the said Act, after the words "managing agent" the words "of a company not being a banking company" shall be inserted.

Amendment of section 277L, Act VII of 1913.

16. In sub-section (1) of section 277L of the said Act, before the words "a statement" the words "three copies of" shall be inserted.

Amendment of section 277M, Act VII of 1913.

17. (1) Section 277M of the said Act shall be re-numbered as sub-section (1) of that section and, in the said section so re-numbered, for the words "A banking company shall not form or hold shares in any subsidiary company except a subsidiary company of its own" the words "A banking company shall not form any subsidiary company except a subsidiary company" shall be substituted.

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

" (2) Save as provided in sub-section (1), a banking company shall not hold shares in any company whether as pledgee, mortgagee or absolute owner of an amount exceeding forty per cent. of the issued share capital of that company :

Provided

OF 1938.]

Indian Companies (Amendment).

Provided that nothing in this sub-section shall apply to shares held by a banking company before the commencement of the Indian Companies (Amendment) Act, 1936."

XXII of 1936.

18. For section 284 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 284, Act VII of 1913.

"284. The provisions with respect to winding up contained in this Act as amended by the Indian Companies (Amendment) Act, 1936, shall not apply to any company of which the winding up has commenced before the commencement of the Indian Companies (Amendment) Act, 1936, but every such company shall be wound up in the same manner and with the same incidents as if the Indian Companies (Amendment) Act, 1936, had not been passed."

Saving of pending proceedings for winding up.

XXII of 1936.

XXII of 1936.

XXII of 1936.

19. In the First Schedule to the said Act, in Table

Amendment of First Schedule, Act VII of 1913.

A,—

(a) in regulation 56, for the words "by at least three members" the following shall be substituted, namely :—

"in accordance with the provisions of clause (c) of sub-section (1) of section 79 of the Indian Companies Act, 1913,";

VII of 1913.

(b) in clause (a) of regulation 77, for the figure "84" the figure "85" shall be substituted;

(c) in regulation 106, after the words "such profit and loss accounts" the words "income and expenditure accounts" shall be inserted;

(d) in regulation 109, for the word "seven" the word "fourteen" shall be substituted; and

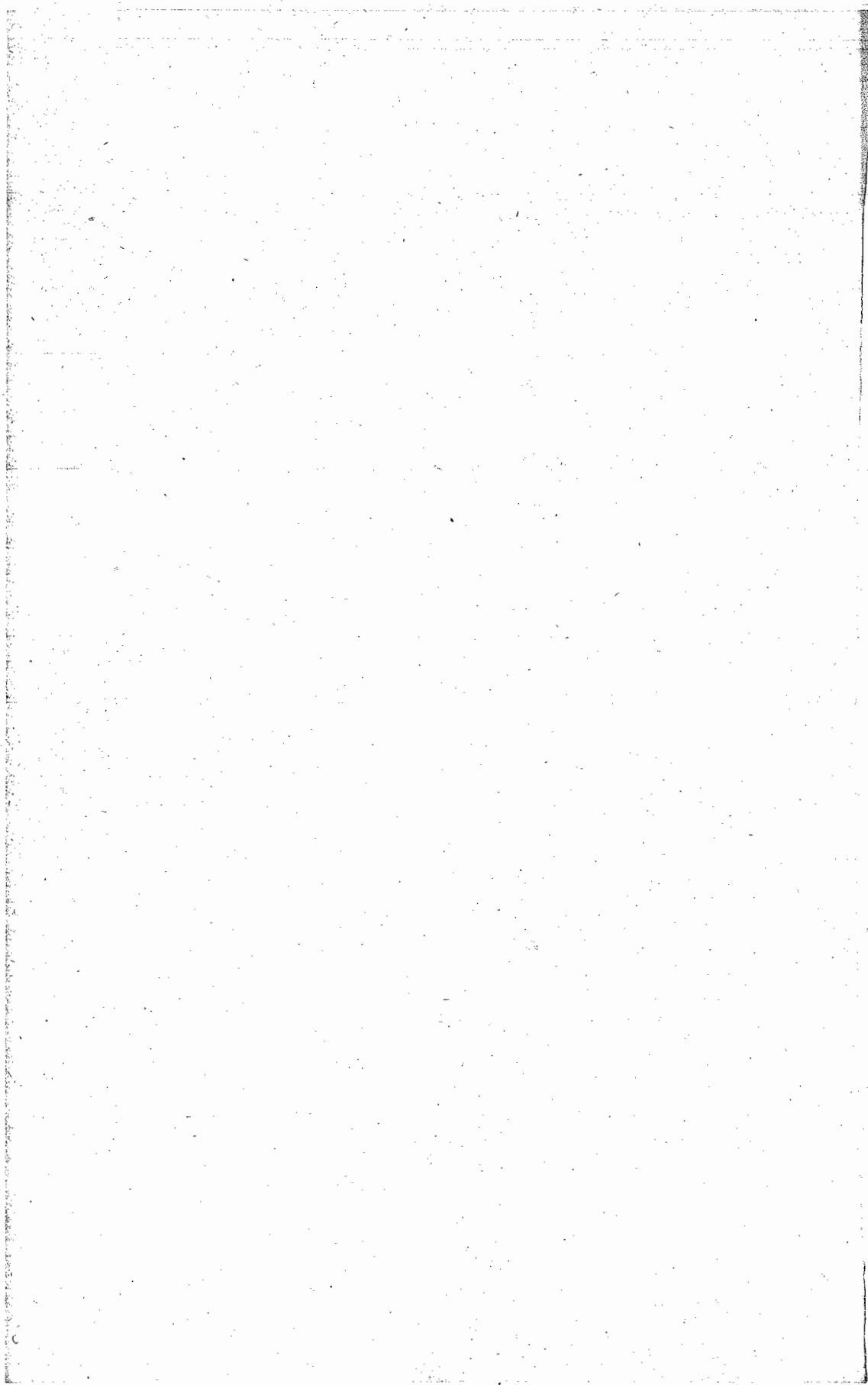
(e) in regulation 116, the words "No other persons shall be entitled to receive notices of general meetings" shall be omitted.

20. In the Second Schedule to the said Act, in the last entry of the left hand column of Form I, for the word "amounts" the word "accounts" shall be substituted.

Amendment of Second Schedule, Act VII of 1913.

21. In the Third Schedule to the said Act, for the entry "BOOK DEBITS" in the right hand column of Form F the entry "BOOK DEBTS" shall be substituted.

Amendment of Third Schedule, Act VII of 1913.



ACT No. III OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 26th
February, 1938.)

An Act further to amend the Dangerous Drugs Act, 1930, for a certain purpose.

II of 1930.

WHEREAS it is expedient further to amend the
Dangerous Drugs Act, 1930, for the purpose
hereinafter appearing; It is hereby enacted as
follows :—

1. This Act may be called the Dangerous Drugs short title.
(Amendment) Act, 1938.

II of 1930.

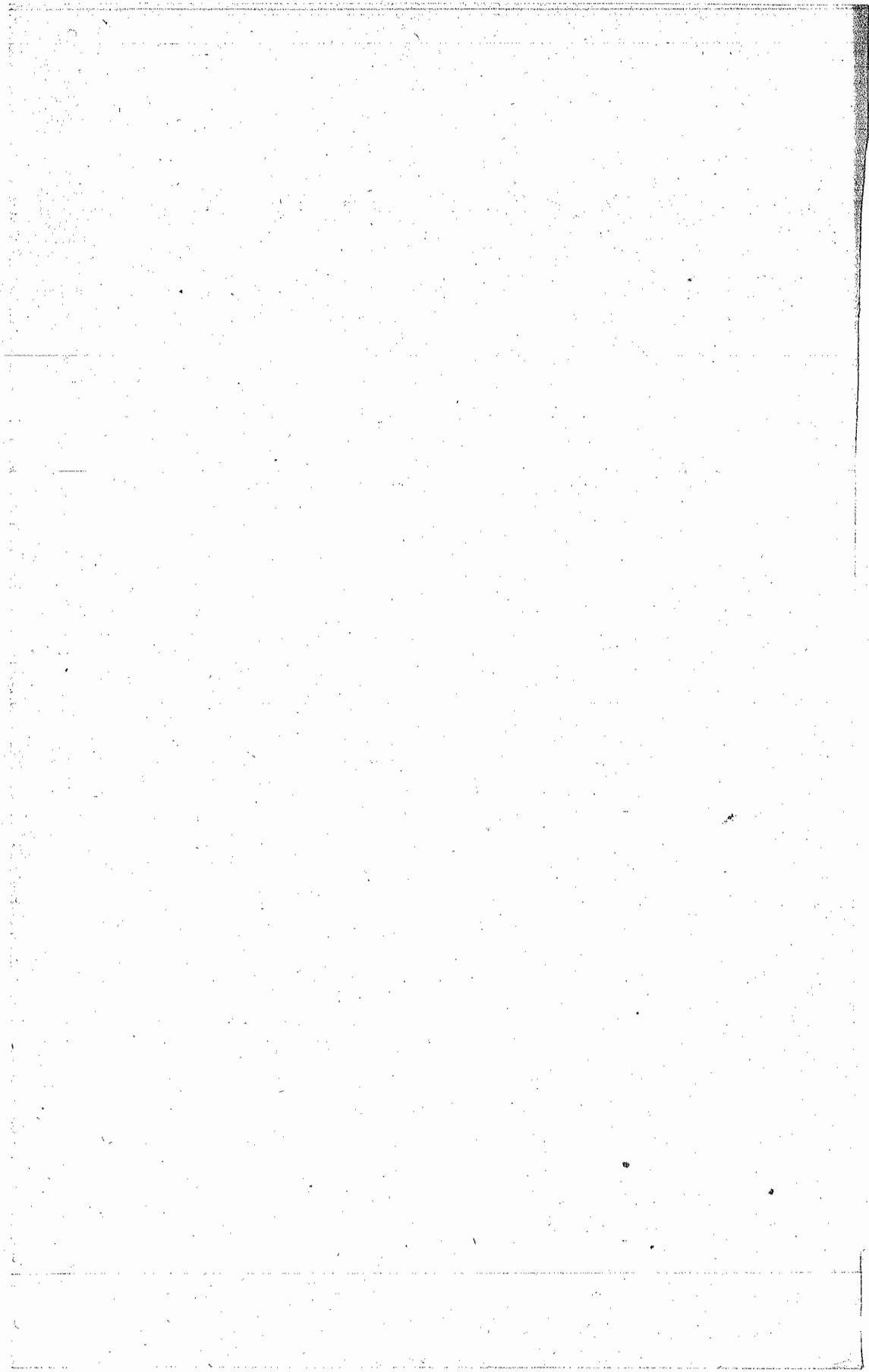
2. To clause (i) of section 2 of the Dangerous Amendment of
Drugs Act, 1930, the following words shall be added, ^{section 2, Act} _{II of 1930.}
namely :—

“, and includes the bringing into any port or
place in British India of a dangerous drug
intended to be taken out of British India
without being removed from the ship or
conveyance in which it is being carried”.

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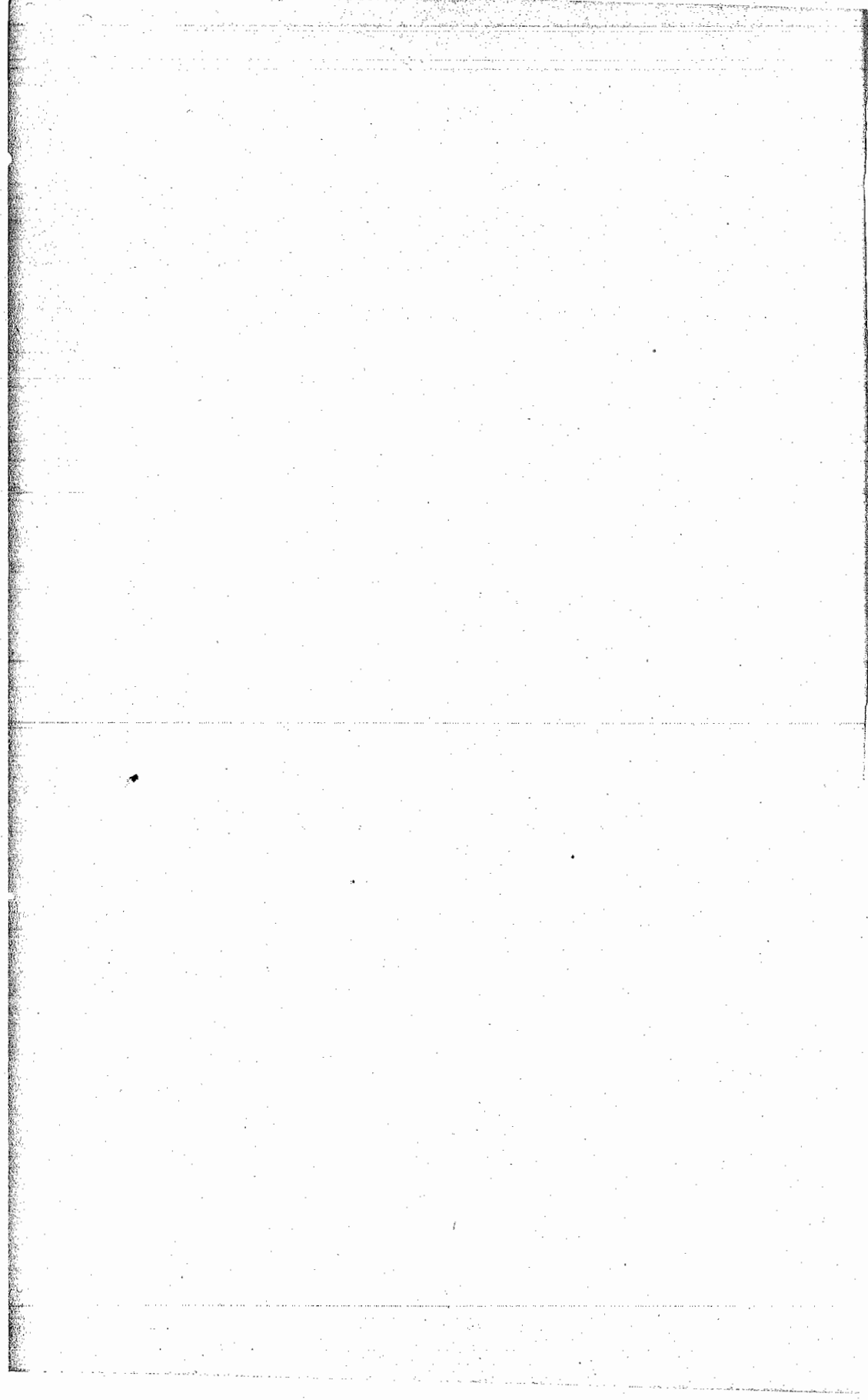
GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

*See modification
in Supplement.*

THE INSURANCE ACT, 1938.
(Act IV of 1938.)

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THE INSURANCE ACT, 1938.

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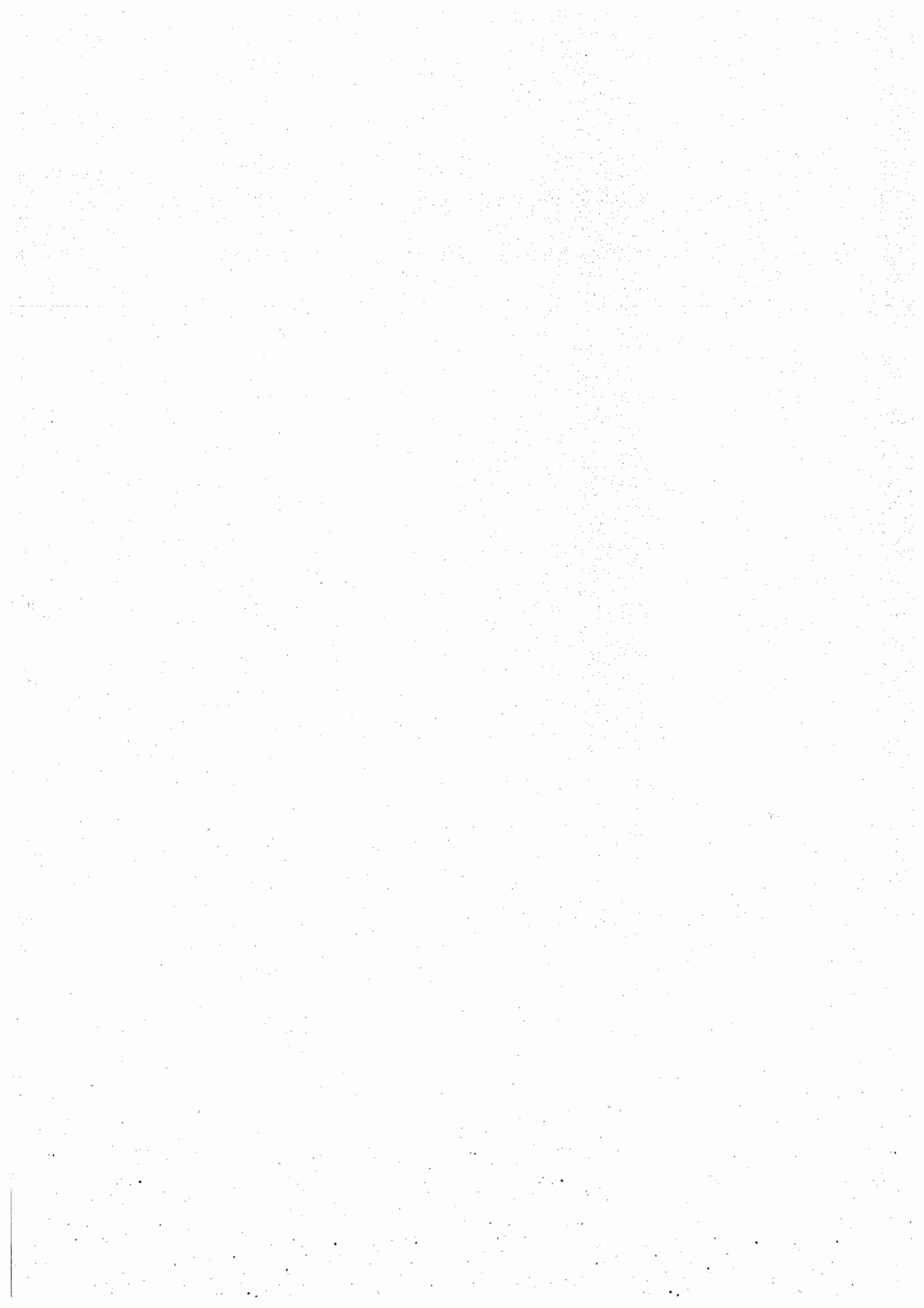
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ACT No. IV of 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
26th February, 1938.)

An Act to consolidate and amend the law relating to the business of insurance.

WHEREAS it is expedient to consolidate and amend the law relating to the business of insurance; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Insurance Act, 1938. Short title, extent and commencement.

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

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

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

(1) "actuary" means an actuary possessing such qualifications as may be prescribed;

(2) "policy-holder" includes the person who is the absolute assignee of the benefits under the policy;

(3) "approved securities" means Government securities, and any other security charged on the revenues of the Central Government or of a Provincial Government, or guaranteed fully as regards principal and interest by the Secretary of State in Council or the Secretary of State or the Central Government or a Provincial Government; and any debenture or other security for money issued

under

under the authority of any Act of a Legislature established in British India by or on behalf of a port trust or municipal corporation or city improvement trust in any Presidency-town, or by or on behalf of the trustees of the port of Karachi;

- (4) "auditor" means a person qualified under the provisions of section 144 of the Indian Companies Act, 1913, to act as an auditor of VII of 1913. companies;
- (5) "certified" in relation to any copy or translation of a document required to be furnished by or on behalf of an insurer means certified by a principal officer of the insurer to be a true copy or a correct translation, as the case may be;
- (6) "Court" means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction;
- (7) "Government securities" means Government securities as defined in the Indian Securities Act, 1920; X of 1920.
- (8) "insurance company" means any insurer being a company, association or partnership which may be wound up under the Indian Companies Act, 1913, or to which the Indian Partnership Act, 1932, applies; VII of 1913. IX of 1932.
- (9) "insurer" means—
- (a) any individual or unincorporated body of individuals or body corporate incorporated under the law of any country other than British India, carrying on insurance business [not being a person specified in sub-clause (c) of this clause] which—
- (i) carries on that business in British India, or
- (ii) has his or its principal place of business or is domiciled in British India;
- (b) any body corporate [not being a person specified in sub-clause (c) of this clause] carrying on the business of insurance,

which

which is a body corporate incorporated under any law for the time being in force in British India; or stands to any such body corporate in the relation of a subsidiary company within the meaning of the Indian Companies Act, 1913, as defined by sub-section (2) of section 2 of that Act, and

VII of 1913.

- (c) any person who in British India has a standing contract with underwriters who are members of the Society of Lloyd's whereby such person is authorised within the terms of such contract to issue protection notes, cover notes, or other documents granting insurance cover to others on behalf of the underwriters,

but does not include an insurance agent licensed under section 42 or a provident society to which the provisions of Part III apply;

- (10) "insurance agent" means an insurance agent licensed under section 42 being an individual who receives or agrees to receive payment by way of commission or other remuneration in consideration of his soliciting or procuring insurance business;
- (11) "life insurance business" includes annuity business, that is to say, the business of effecting contracts of insurance for the granting of annuities on human life and, if so provided in the contract of insurance, disability and double indemnity accident benefits;
- (12) "manager" and "officer" have the meanings assigned to those expressions in clauses (9) and (11) respectively of section 2 of the Indian Companies Act, 1913;

VII of 1913.

- (13) "managing agent" means a person, firm or company entitled to the management of the whole affairs of a company by virtue of an agreement with the company, and under the control and direction of the directors except to the extent, if any, otherwise provided for

in the

in the agreement, and includes any person, firm or company occupying such position by whatever name called.

Explanation.—If a person occupying the position of managing agent calls himself manager or managing director, he shall nevertheless be regarded as managing agent for the purposes of section 52 of this Act;

(14) "prescribed" means prescribed by rules made under section 114; and

(15) "Superintendent of Insurance" means the officer, who shall be a qualified actuary, appointed by the Central Government to perform the duties of the Superintendent of Insurance under this Act.

PART II.

PROVISIONS APPLICABLE TO INSURERS.

Registration. 3. (1) No insurer shall, after the commencement of this Act, begin to carry on any class of insurance business in British India, and no insurer carrying on any class of insurance business in British India shall, after the expiry of three months from the commencement of this Act, continue to carry on any such business, unless he has obtained from the Superintendent of Insurance a certificate of registration.

(2) Every application for registration shall be accompanied by—

(a) a certified copy of the memorandum and articles of association, where the applicant is a company and incorporated under the Indian Companies Act, 1913, or, in the case of any **VII of 1913.** other insurer specified in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2, a certified copy of the deed of partnership or of the deed of constitution of the company, as the case may be, or, in the case of an insurer having his principal place of business or domicile outside British India, the document specified in clause (a) of section 63;

(b) the name

VII of 1918,

- (b) the name, address and the occupation, if any, of the directors where the insurer is a company incorporated under the Indian Companies Act, 1913, and in the case of an insurer specified in sub-clause (a) (ii) of clause (9) of section 2 the names and addresses of the proprietors and of the manager in British India, and in any other case the full address of the principal office of the insurer in British India, and the names of the directors and the manager at such office and the name and address of some one or more persons resident in British India authorised to accept any notice required to be served on the insurer;
- (c) a statement of the class or classes of insurance business done or to be done, and a statement that the amount required to be deposited by section 7 or section 98 before application for registration is made has been deposited together with a certificate from the Reserve Bank of India showing the amount deposited;
- (d) where the provisions of section 6 or section 97 apply, a declaration verified by an affidavit made by the principal officer of the insurer authorised in that behalf that the provisions of those sections as to working capital have been complied with;
- (e) in the case of an insurer having his principal place of business or domicile outside British India, a statement verified by an affidavit made by the principal officer of the insurer setting forth the requirements (if any) not applicable to nationals of the country in which such insurer is constituted, incorporated or domiciled which are imposed by the laws or practice of that country upon Indian nationals as a condition of carrying on insurance business in that country;
- (f) a certified copy of the published prospectus, if any, and of the standard policy forms of the insurer and statements of the assured rates,

rates, advantages, terms and conditions to be offered in connection with insurance policies together with a certificate in connection with life insurance business by an actuary that such rates, advantages, terms and conditions are workable and sound:

Provided that in the case of marine, accident and miscellaneous insurance business other than workmen's compensation and motor car insurance the above requirements regarding prospectus, forms and statements shall be complied with only in so far as the prospectus, forms and statements may be available; and

(g) the prescribed fee for registration being not more than one hundred rupees for each class of business.

(3) In the case of any insurer having his principal place of business or domicile outside British India, the Superintendent of Insurance shall withhold registration or shall cancel a registration already made, if he is satisfied that in the country in which such insurer has his principal place of business or domicile Indian nationals are debarred by the law or practice of the country relating to, or applied to, insurance from carrying on the business of insurance, or that any requirement imposed on such insurer under the provisions of section 62 is not satisfied.

(4) In the case of any insurer the Superintendent of Insurance shall cancel a registration already made if the insurer fails to comply with the provisions of section 7 or section 98 as to deposits.

(5) When the Superintendent of Insurance withholds or cancels any registration under sub-section (3) or sub-section (4) he shall give notice in writing to the insurer of his decision, and the decision shall take effect on such date as he may specify in that behalf in the notice, such date not being less than one month nor more than two months from the date of the receipt of the notice in the ordinary course of transmission.

(6) The

(6) The Superintendent of Insurance shall, on being satisfied that the applicant has fulfilled all the requirements of the Act applicable to him, grant the insurer a certificate of registration.

4. (1) No insurer, not being a provident society to which Part III, or a Co-operative Life Insurance Society or a Mutual Insurance Company to which Part IV of this Act applies, shall pay or undertake to pay on any policy of life insurance issued after the commencement of this Act an annuity of fifty rupees or less or a gross sum of rupees five hundred or less exclusive of any profit or bonus provided that this shall not prevent an insurer from converting any policy into a paid up policy of any value or payment of surrender value of any amount.

Minimum limits for annuities and other benefits secured by policies of life insurance.

(2) Nothing contained in this section shall apply to group policies, that is to say, policies in respect of a group of persons engaged in the same occupation or kindred occupations under a single employer, for an aggregate sum of not less than rupees five thousand, under which an insurer pays or undertakes to pay a gross sum of rupees five hundred or less on an individual life.

5. (1) An insurer shall not be registered by a name identical with that by which an insurer in existence is already registered, or so nearly resembling that name as to be calculated to deceive except when the insurer in existence is in the course of being dissolved and signifies his consent to the Superintendent of Insurance.

Restriction on name of insurer.

(2) If an insurer, through inadvertence or otherwise, is without such consent as aforesaid registered by a name identical with that by which an insurer already in existence whether previously registered or not is carrying on business or so nearly resembling it as to be calculated to deceive, the first-mentioned insurer shall, if called upon to do so by the Superintendent of Insurance on the application of the second-mentioned insurer, change his name within a time to be fixed by the Superintendent of Insurance:

Provided that nothing in this section shall apply to any insurer carrying on business before the 27th

day of

day of January, 1937, under the Indian Life Assurance Companies Act, 1912.

VI of 1912.

(3) No insurer other than a provident society to which Part III applies, who begins to carry on insurance business after the commencement of this Act, shall adopt as its name and no such insurer carrying on business before the commencement of this Act shall continue after the expiry of six months from the commencement thereof to use as its name any combination of words which includes the word "provident".

**Requirements
as to capital.**

6. No insurer incorporated after, or who commenced carrying on the business of life insurance in British India, whether solely or in common with any other business, after the 26th day of January, 1937, shall be registered unless he has as working capital a net sum of not less than fifty thousand rupees exclusive of the deposit to be made before registration under sub-section (5) of section 7 of this Act, and exclusive in the case of a company of any sums payable as preliminary expenses in the formation of the company.

Deposits.

7. (1) Every insurer not being an insurer specified in sub-clause (c) of clause (9) of section 2 shall, in respect of the insurance business carried on by him in British India, deposit and keep deposited with the Reserve Bank of India in one of the offices in India of the Bank for and on behalf of the Central Government cash or approved securities, estimated at the market value of the securities on the day of deposit, of the amount hereafter specified, namely:—

- (a) where the business done or to be done is life insurance only, two hundred thousand rupees;
- (b) where the business done or to be done is fire insurance only, one hundred and fifty thousand rupees;
- (c) where the business done or to be done is marine insurance only, one hundred and fifty thousand rupees;

(d) where

- (d) where the business done or to be done is accident and miscellaneous insurance including workmen's compensation, and motor car insurance, one hundred and fifty thousand rupees;
- (e) where the business done or to be done includes life insurance and any one of the three classes specified in clauses (b), (c) and (d), three hundred thousand rupees of which two hundred thousand rupees shall be the deposit for life insurance business;
- (f) where the business done or to be done includes life insurance and any two of the three classes specified in clauses (b), (c) and (d), four hundred thousand rupees of which two hundred thousand rupees shall be the deposit for life insurance business;
- (g) where the business done or to be done includes life insurance and all three classes specified in clauses (b), (c) and (d), four hundred and fifty thousand rupees of which two hundred thousand rupees shall be the deposit for life insurance business;
- (h) where the business done or to be done does not include life insurance but includes any two of the classes specified in clauses (b), (c) and (d), two hundred and fifty thousand rupees;
- (i) where the business done or to be done does not include life insurance but includes all three classes specified in clauses (b), (c) and (d), three hundred and fifty thousand rupees; and
- (j) where the business done or to be done is marine insurance relating to country craft or its cargo, ten thousand rupees only.
- (2) Where the insurer is an insurer specified in sub-clause (c) of clause (9) of section 2, he shall be deemed to have complied with the provisions of this section as to deposits, if in respect of any class of insurance business transacted by him in British India under a standing contract of the nature referred to in sub-clause (c) of clause (9) of section 2 a deposit of an amount

amount one-and-a-half times that specified in sub-section (1) as the deposit for that class of insurance business has been made in the Reserve Bank of India in one of the offices in India of the Bank for and on behalf of the Central Government in cash or approved securities estimated at the market value of the securities on the day of deposit by or on behalf of the underwriters who are members of the Society of Lloyd's with whom he has his standing contract.

(3) Where the deposit is to be made by an insurer incorporated before, or carrying on the business of insurance in British India before, the 27th day of January, 1937, the deposit referred to in sub-section (1) may be made in not more than seven instalments, of which the first shall be not less than one-fourth of the total amount of the deposit and shall be paid before the application for registration is made, the second shall be not less than one-sixth of the balance of the deposit and shall be paid before the 1st day of January, 1939, and the subsequent instalments shall be of not less than the minimum amount required as the second instalment and shall be paid before the 1st day of January of each succeeding year:

Provided that in the case of insurers carrying on life insurance business only, the deposit may be made in not more than ten instalments, of which the first shall be not less than one-fourth of the total amount of the deposit, and shall be paid before the application for registration is made, the second shall be not less than one-ninth of the balance of the deposit, and shall be paid before the 1st day of January, 1939, and the subsequent instalments shall be of not less than the minimum amount required as the second instalment, and shall be paid before the 1st day of January of each succeeding year.

(4) Notwithstanding anything contained in sub-section (3), in the case of an insurer not being an insurer specified in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2, and not being an insurer incorporated in or domiciled in the United Kingdom, the deposit referred to in sub-section (1) shall be made in two instalments of which the first shall be not less than one-half of the total amount of the deposit and shall be made before the application

application for registration is made, and the second shall be made before the expiry of one year from the date of registration.

(5) Where the deposit is to be made by an insurer neither incorporated before, nor carrying on insurance business in British India before, the 27th day of January, 1937, the deposit may be made in instalments of not less than one-fourth the total amount before the application for registration is made, not less than one-third the balance before the expiry of one year from the commencement of business in British India, and not less than one-half the residue before the expiry of two years from the commencement of business in British India, and the balance before the expiry of three years from the commencement of business in British India:

Provided that in the case of any insurer not being an insurer specified in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2, and not being an insurer incorporated in or domiciled in the United Kingdom, the deposit shall be made in full before the application for registration is made.

(6) No class of insurance business in addition to the class or classes in respect of which an insurer is already liable to make a deposit under sub-section (1) or sub-section (2) shall be undertaken by the insurer until the deposit to which he is already liable has been made in full, and the additional deposit required in respect of the additional class of business or so much thereof as under the provisions of sub-section (3), (4) or (5) is to be made before the application for registration, has also been made in full.

(7) Securities already deposited with the Controller of Currency in compliance with the Indian Life Assurance Companies Act, 1912, shall be transferred by him to the Reserve Bank of India and shall, to the extent of their market value on the day of the first deposit made in compliance with this Act, be deemed to be deposited under this Act in respect of the life insurance business of the insurer.

(8) A deposit made in cash shall be held by the Reserve Bank of India to the credit of the insurer and shall be returnable to the insurer in cash in any

case

case in which under the provisions of this Act a deposit is to be returned; and any interest accruing due and collected on securities deposited under sub-section (1) or sub-section (2) shall be paid to the insurer, subject only to deduction of the normal commission chargeable for the realization of interest.

(9) The insurer may at any time substitute for securities lodged with the Bank under this section other approved securities of equal value at the market rate prevailing at the time of substitution, and the Reserve Bank of India shall, if so requested by a depositor, invest in approved securities the whole or any part of a deposit made originally in cash or the whole or any part of cash received by the Bank on sale of or on the maturing of securities lodged by the depositor.

(10) If any part of a deposit made under this section is used in the discharge of any liability of the insurer, the insurer shall deposit such additional sum in cash or approved securities as will make up the amount so used. The insurer shall be deemed to have failed to comply with the requirements of sub-section (1), unless the deficiency is supplied within a period of two months from the date when the deposit or any part thereof is so used for discharge of liabilities.

Reservation of deposits.

8. (1) Any deposit made under section 7 shall be deemed to be part of the assets of the insurer but shall not be susceptible of any assignment or charge; nor shall it be available for the discharge of any liability of the insurer other than liabilities arising out of policies of insurance issued by the insurer so long as any such liabilities remain undischarged; nor shall it be liable to attachment in execution of any decree except a decree obtained by a policy-holder of the insurer in respect of a debt due upon a policy which debt the policy-holder has failed to realise in any other way.

(2) Where a deposit is made in respect of life insurance business the deposit made in respect thereof shall not be available for the discharge of any liability of the insurer other than liabilities arising out of policies of life insurance issued by the insurer.

9. Where

9. Where an insurer has ceased to carry on in British India any class of insurance business in respect of which a deposit has been made under section 7 and his liabilities in British India in respect of business of that class have been satisfied or are otherwise provided for, the Court may, on the application of the insurer, order the return to the insurer of so much of the deposit as does not relate to the classes of insurance, if any, which he continues to carry on.

10. (1) Where the insurer carries on business of more than one of the classes specified in clauses (a), (b), (c) and (d) of sub-section (1) of section 7, he shall keep a separate account of all receipts and payments in respect of each such class of insurance business.

(2) Where the insurer carries on the business of life insurance, the excess of receipts over payments in respect of such business shall be carried to and shall form a separate fund to be called the life insurance fund and the deposit made by the insurer in respect of life insurance business shall be deemed to be part of such fund.

(3) The life insurance fund shall be as absolutely the security of the life policy-holders as though it belonged to an insurer carrying on no other business than life insurance business and shall not be liable for any contracts of the insurer for which it would not have been liable had the business of the insurer been only that of life insurance and shall not be applied directly or indirectly save as provided in section 49 for any purposes other than those of life insurance.

11. (1) Every insurer, in the case of an insurer specified in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2 in respect of all insurance business transacted by him, and in the case of any other insurer in respect of the insurance business transacted by him in India, shall at the expiration of each calendar year prepare with reference to that year—

(a) in accordance with the regulations contained in Part I of the First Schedule, a balance-sheet in the form set forth in Part II of that Schedule;

(b) in

- (b) in accordance with the regulations contained in Part I of the Second Schedule, a profit and loss account in the forms set forth in Part II of that Schedule, except where the insurer carries on business of one class only of the classes specified in clauses (a), (b) and (c) of sub-section (1) of section 7 and no other business;
- (c) in respect of each class of insurance business carried on by him in accordance with the regulations contained in Part I of the Third Schedule, a revenue account in the form or forms set forth in Part II of that Schedule applicable to that class of insurance business.

(2) Unless the insurer is a company to which the Indian Companies Act, 1913, applies, the accounts **VII of 1913**, and statements referred to in sub-section (1) shall be signed by the insurer, or in the case of a company by the chairman, if any, and two directors and the principal officer of the company, or in the case of a firm by two partners of the firm, and shall be accompanied by a statement containing the names and descriptions of the persons in charge of the management of the business during the period to which such accounts and statements refer and by a report by such persons on the affairs of the business during that period.

(3) Where an insurer carrying on the business of insurance at the commencement of this Act has prepared the balance-sheet and accounts required by the Indian Life Assurance Companies Act, 1912, or **VI of 1912**, has based his accounts upon the financial and not the calendar year, the provisions of this section shall, if the Central Government so directs in any case, apply until the 31st day of December, 1939, as if in sub-section (1) references to the calendar year were references to the financial year.

Audit.

12. The balance-sheet, profit and loss account, revenue account and profit and loss appropriation account of every insurer, in the case of an insurer specified in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2 in respect of all insurance business transacted by him, and in the case of any other insurer in respect of the insurance business transacted

transacted by him in India, shall, unless they are subject to audit under the Indian Companies Act, 1913, be audited annually by an auditor; and the auditor shall in the audit of all such accounts have the powers of, exercise the functions vested in, and discharge the duties and be subject to the liabilities and penalties imposed on, auditors of companies by section 145 of the Indian Companies Act, 1913.

VII of 1913.

VII of 1913.

13. (1) Every insurer carrying on life insurance business shall, in respect of the life insurance business transacted by him in India, and also in the case of an insurer specified in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2 in respect of all life insurance business transacted by him, once at least in every five years cause an investigation to be made by an actuary into the financial condition of the life insurance business carried on by him, including a valuation of his liabilities in respect thereto and shall cause an abstract of the report of such actuary to be made in accordance with the regulations contained in Part I of the Fourth Schedule and in conformity with the requirements of Part II of that Schedule.

Actuarial
report and
abstract.

(2) The provisions of sub-section (1) regarding the making of an abstract shall apply whenever at any other time an investigation into the financial condition of the insurer is made with a view to the distribution of profits or an investigation is made of which the results are made public.

(3) There shall be appended to every such abstract as is referred to in sub-section (1) or sub-section (2) a certificate signed by the principal officer of the insurer that full and accurate particulars of every policy under which there is a liability either actual or contingent have been furnished to the actuary for the purpose of the investigation.

(4) There shall be appended to every such abstract a statement, in conformity with the requirements of Part II of the Fifth Schedule and prepared in accordance with the regulations contained in Part I of that Schedule, of the life insurance business in force at the date to which the accounts of the insurer are made up for the purposes of such abstract:

Provided that, if the investigation referred to in sub-sections (1) and (2) is made annually by

any

any insurer, the statement need not be appended every year but shall be appended at least once in every five years.

(5) Where an investigation into the financial condition of an insurer is made as at a date other than the expiration of the year of account, the accounts for the period since the expiration of the last year of account and the balance-sheet as at the date at which the investigation is made shall be prepared and audited in the manner provided by this Act.

Register of policies and register of claims.

14. Every insurer, in the case of an insurer specified in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2 in respect of all business transacted by him, and in the case of any other insurer in respect of the insurance business transacted by him in India, shall maintain—

- (a) a register or record of policies, in which shall be entered, in respect of every policy issued by the insurer, the name and address of the policy-holder, the date when the policy was effected and a record of any transfer, assignment or nomination of which the insurer has notice, and
- (b) a register or record of claims, in which shall be entered every claim made together with the date of the claim, the name and address of the claimant and the date on which the claim was discharged, or, in the case of a claim which is rejected, the date of rejection and the grounds therefor.

Submission of returns.

15. (1) The audited accounts and statements referred to in section 11 and the abstract and statement referred to in section 13 shall be printed, and four copies thereof shall be furnished as returns to the Superintendent of Insurance within six months from the end of the period to which they refer. The Superintendent of Insurance may extend the time allowed for furnishing the abstract and statement referred to in section 13 by a period not exceeding three months:

Provided that the said period of six months shall in the case of insurers having their principal place of business or domicile outside India and in the case of insurers constituted, incorporated or domiciled in

British

British India but also carrying on business outside India be extended by three months, and provided further that the Central Government may in any case extend the time allowed by this sub-section for the furnishing of such returns by a further period not exceeding three months.

(2) Of the four copies so furnished one shall be signed in the case of a company by the chairman and two directors and by the principal officer of the company and, if the company has a managing director or managing agent, by that director or managing agent, in the case of a firm, by two partners of the firm, and, in the case of an insurer being an individual, by the insurer himself.

(3) Where the insurer's principal place of business or domicile is outside British India, he shall forward to the Superintendent of Insurance, along with the documents referred to in section 11, the balance-sheet, profit and loss account and revenue account and the valuation reports and valuation statements, if any, which the insurer is required to file with the public authority of the country in which the insurer is constituted, incorporated or domiciled, or, where such documents are not required to be filed, a certified statement showing the total assets and liabilities of the insurer at the close of the period covered by the said documents and his total income and expenditure during that period.

16. (1) Where, by the law of the country in which an insurer, not being an insurer specified in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2, is constituted, incorporated or domiciled, the insurer is required to prepare and to furnish to a public authority of that country documents of substantially the same nature as the documents required to be furnished as returns in accordance with the provisions of section 15, the provisions of sub-section (2) of this section shall apply to such insurer in lieu of the provisions of sections 11, 12, 13 and 15.

Returns by
insurers
established
outside
British India.

(2) The insurer shall, within the time specified in sub-section (1) of section 15, furnish to the Superintendent of Insurance four certified copies in the English language of every balance-sheet, account, abstract, report and statement supplied to the public authority referred to in sub-section (1) of this section,

and

and in addition thereto, four copies in the English language of each of the following statements, namely:—

- (a) a statement showing the assets held by the insurer in India,
- (b) for each class of insurance business carried on by him, a revenue account in the form or forms set forth in Part II of the Third Schedule applicable to that class of business, showing separately with respect to business transacted by the insurer in India the details required to be supplied in a revenue account furnished under this clause of this sub-section,
- (c) an abstract of the valuation report in respect of all life insurance business transacted by the insurer in India, prepared in the manner required by sub-section (1) of section 13, and
- (d) a declaration in the prescribed form stating that all amounts received by the insurer directly or indirectly whether from his head office or from any other source outside India have been shown in the revenue account except such sums as properly appertain to the capital account.

Exemption from certain provisions of the Indian Companies Act, 1913.

17. Where an insurer, being a company incorporated under the Indian Companies Act, 1913, in any year furnishes his accounts and balance-sheet in accordance with the provisions of section 15, he may at the same time send to the Registrar of Companies a copy of such accounts and balance-sheet; and where such copy is so sent it shall not be necessary for the company to file a balance-sheet with the Registrar as required by sub-section (1) of section 134 of that Act and the copy of the accounts and balance-sheet so sent shall be dealt with in all respects as if they were filed in accordance with that section.

Furnishing reports.

18. Every insurer shall furnish to the Superintendent of Insurance a certified copy of every report on the affairs of the concern which is submitted to the members or policy-holders of the insurer immediately after its submission to the members or policy-holders, as the case may be.

19. Every

19. Every insurer, being a company or body incorporated under any law for the time being in force in British India, shall furnish to the Superintendent of Insurance an abstract of the proceedings of every general meeting within thirty days from the holding of the meeting to which it relates.

Abstract of proceedings of general meetings.

20. (1) Every return furnished to the Superintendent of Insurance or a certified copy thereof shall be kept by the Superintendent and shall be open to inspection; and any person may procure a copy of any such return, or of any part thereof, on payment of a fee of six annas for every hundred words or fractional part thereof required to be copied, any five figures being deemed equivalent to one word.

Custody and inspection of documents and supply of copies.

(2) A printed or certified copy of the accounts, statements and abstract furnished in accordance with the provisions of section 15 or section 16 shall, on the application of any shareholder or policyholder made at any time within two years from the date on which the document was so furnished, be supplied to him by the insurer within fourteen days when the insurer is constituted, incorporated or domiciled in British India and in any other case within one month of such application.

(3) A copy of the memorandum and articles of association of the insurer if a company shall on the application of any policyholder be supplied to him by the insurer on payment of one rupee.

21. (1) If it appears to the Superintendent of Insurance that any return furnished to him under the provisions of this Act is inaccurate or defective in any respect, he may—

Powers of Superintendent of Insurance regarding returns.

(a) require from the insurer such further information, certified if he so directs by an auditor or actuary, as he may consider necessary to correct or supplement such return;

(b) call upon the insurer to submit for his examination at the principal place of business of the insurer in British India any book of account, register or other document or to supply any statement which he may specify in a notice served on the insurer for the purpose;

(c) examine

- (c) examine any officer of the insurer on oath in relation to the return;
- (d) decline to accept any such return unless the inaccuracy has been corrected or the deficiency has been supplied before the expiry of one month from the date on which the requisition asking for correction of the inaccuracy or supply of the deficiency was delivered to the insurer and if he declines to accept any such return, the insurer shall be deemed to have failed to comply with the provisions of section 15 or section 16 relating to the furnishing of returns.

(2) The Court may on the application of an insurer and after hearing the Superintendent cancel any order made by the Superintendent under clause (a), (b) or (c) of sub-section (1) or may direct the acceptance of any return which the Superintendent has declined to accept, if the insurer satisfies the Court that the action of the Superintendent was in the circumstances unreasonable.

Power of Superintendent of Insurance to order re-valuation.

22. If it appears to the Superintendent of Insurance that an investigation or valuation to which section 13 refers does not properly indicate the condition of the affairs of the insurer by reason of the faulty basis adopted in the valuation, he may, after giving notice to the insurer and giving him an opportunity to be heard, cause an investigation and valuation to be made at the expense of the insurer by an actuary appointed by the insurer for this purpose and approved by the Superintendent of Insurance.

Evidence of documents.

23. (1) Every return furnished to the Superintendent of Insurance, which has been certified by the Superintendent to be a return so furnished, shall be deemed to be a return so furnished.

(2) Every document, purporting to be certified by the Superintendent of Insurance to be a copy of a return so furnished, shall be deemed to be a copy of that return and shall be received in evidence as if it were the original return, unless some variation between it and the original return is proved.

Summary of returns to be published.

24. The Central Government shall every year cause to be published, in such manner as it may direct, a summary of the accounts, balance-sheets, statements, abstracts

abstracts and other returns under this Act or purporting to be under this Act which have been furnished to the Superintendent of Insurance for the year preceding the year of publication and may append to such summary any note of the Central Government and any correspondence in relation thereto.

25. No insurer shall publish in British India any return in a form other than that in which it has been furnished to the Superintendent of Insurance: Returns to be published in statutory forms.

Provided that nothing contained in this section shall prevent an insurer from publishing a true and accurate abstract from such returns for the purposes of publicity.

26. Whenever any alteration occurs or is made which affects any of the matters which are required under the provisions of sub-section (2) of section 3 to accompany an application by an insurer for registration, the insurer shall forthwith furnish to the Superintendent of Insurance full particulars of such alteration. Alterations in the particulars furnished with application for registration to be reported.

INVESTMENT, LOANS AND MANAGEMENT.

27. (1) Every insurer incorporated or domiciled in British India shall, subject to the provisions of sub-section (3), at all times invest and hold invested assets equivalent to not less than fifty-five per cent. of the sum of the amount of his liabilities to holders of life insurance policies in India on account of matured claims and the amount required to meet the liability on policies of life insurance maturing for payment in India, less the amount of any deposit made under section 7 by the insurer in respect of his life insurance business and less any amount due to the insurer for loans granted by him on policies of life insurance, in the manner following, namely, twenty-five per cent. of the said sum in Government securities and a further sum equal to not less than thirty per cent. of the said sum in Government securities or other approved securities or securities of or guaranteed as to principal and interest by the Government of the United Kingdom. Investment of assets and restriction on loans.

Explanation.—The provisions of this sub-section shall apply also to insurers incorporated in or domiciled in the United Kingdom.

(2) An insurer incorporated or domiciled elsewhere than in British India or the United Kingdom shall, subject to the provisions of sub-section (3), at all times invest and hold invested assets equivalent to not less than the sum of his liabilities to holders of life insurance policies in India on account of matured claims and the amount required to meet the liability on policies of life insurance maturing for payment in India, less the amount of any deposit made under section 7 by the insurer in respect of his life insurance business and less any amount due to the insurer on loans granted by him on policies of life insurance in the manner following, namely, thirty-three and one-third per cent. of the said sum in Government securities, and the balance in Government securities or other approved securities or securities of or guaranteed as to principal and interest by the Government of the United Kingdom.

(3) An insurer carrying on business at the commencement of this Act to whom sub-section (1) or sub-section (2) applies shall before the expiry of four years from the commencement of this Act invest the total amount required to be invested by those sub-sections in the manner required thereby:

Provided that of such total amount the insurer shall have invested not less than one-fourth in securities of the nature specified in sub-section (1) before the expiry of one year, not less than one-half before the expiry of two years, and not less than three-fourths before the expiry of three years from the commencement of this Act.

(4) The assets required by this section to be held invested by an insurer to whom sub-section (2) applies shall be held in trust for the discharge of claims of the nature referred to in sub-section (2) and shall be vested in trustees resident in British India and approved by the Central Government by an instrument of trust which shall be executed by the insurer and approved by the Central Government and shall define the manner in which alone the subject matter of the trust shall be dealt with.

Explanation.—Sub-sections (2) and (4) shall apply to an insurer incorporated in British India whose share capital to the extent of one-third is owned by, or the members of whose Governing Body to the extent

extent of one-third consists of, individuals domiciled elsewhere than in British India or the United Kingdom.

28. (1) Every insurer registered under this Act carrying on the business of life insurance, not being a provident society, shall twice in every year, namely, within fourteen days of the 30th day of June and within fourteen days of the 31st day of December, submit to the Superintendent of Insurance a statement showing as at the said dates the assets held invested in accordance with section 27 and such statement shall be certified by the principal officer of the insurer.

Statement of
Investments of
assets.

(2) The Superintendent of Insurance shall be entitled at any time to take such steps as he may consider necessary for the inspection or verification of the assets invested in compliance with section 27 and the insurer shall comply with all requisitions made by the Superintendent in that behalf.

29. No insurer shall grant loans or temporary advances either on hypothecation of property or on personal security or otherwise, except loans on life policies issued by him within their surrender value, to any director, manager, managing agent, actuary, auditor or officer of the insurer if a company, or where the insurer is a firm, to any partner therein, or to any other company or firm in which any such director, manager, managing agent, actuary, officer or partner holds the position of a director, manager, managing agent, actuary, officer or partner:

Prohibition of
loans.

Provided that nothing herein contained shall apply to loans made by an insurer to a banking company:

Provided further that every existing loan to any director, manager, managing agent, auditor, actuary, officer or partner, notwithstanding any contract to the contrary, shall be repaid within one year from the commencement of this Act, and in case of default, such defaulting director, manager, managing agent, auditor, actuary, officer or partner shall cease to hold office on the expiry of one year from the commencement of this Act:

Provided further that nothing in this section shall prohibit a company from granting such loans or advances to a subsidiary company or to any other

company

company of which the company granting the loan or advance is a subsidiary company.

Liability of directors, etc., for loss due to contraventions of sections 27 and 29.

30. If, by reason of a contravention of any of the provisions of section 27 or section 29, any loss is sustained by the insurer or by the policy-holders, every director, manager, managing agent, officer or partner who is knowingly a party to such contravention shall, without prejudice to any other penalty to which he may be liable under this Act, be jointly and severally liable to make good the amount of such loss.

Assets of insurer how to be kept.

31. None of the assets in British India of any insurer shall, except in the case of deposits made with the Reserve Bank of India under section 7 or in so far as assets are required to be vested in trustees by sub-section (4) of section 27, be kept otherwise than in the corporate name of the undertaking, if a company, or in the name of the partners, if a firm, or in the name of the proprietor, if an individual.

Limitation on employment of managing agents and on the remuneration payable to them.

32. (1) No insurer shall, after the commencement of this Act, appoint a managing agent for the conduct of his business.

(2) Where any insurer engaged in the business of insurance before the commencement of this Act employs a managing agent for the conduct of his business, then, notwithstanding anything to the contrary contained in the Indian Companies Act, 1913, and notwithstanding anything to the contrary contained in the articles of the insurer, if a company, or in any agreement entered into by the insurer, such managing agent shall cease to hold office on the expiry of three years from the commencement of this Act and no compensation shall be payable to him by the insurer by reason only of the premature termination of his employment as managing agent.

VII of 1913.

(3) After the commencement of this Act, notwithstanding anything contained in the Indian Companies Act, 1913, and notwithstanding anything to the contrary contained in any agreement entered into by an insurer or in the articles of association of an insurer being a company, no insurer shall pay to a managing agent and no managing agent shall accept from an insurer as remuneration for his services as managing agent more than two thousand rupees per month in all, including salary and commission and

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other

other remuneration payable to and receivable by him, for his services as managing agent.

INSPECTION.

33. (1) If the Superintendent of Insurance has reason to believe that the interests of the policy-holders of an insurer are in danger or that an insurer is unable to meet his obligations or has made default in complying with any of the provisions of this Act, or that an offence under this Act has been or is likely to be committed by an insurer or any officer of an insurer, or if he receives a requisition in this behalf signed by shareholders of an insurer being a company not less in number than one-tenth of the whole body of shareholders and holding not less than one-tenth of the whole share capital or if he receives a requisition in this behalf signed by not less than fifty policy-holders holding policies of life insurance that have been in force for not less than three years and are of the total value of not less than fifty thousand rupees and supported by an affidavit, he may, after giving notice to the insurer and giving him an opportunity to be heard, appoint an auditor or actuary or both, not being an auditor or actuary in the employ of the insurer, to investigate the affairs of the insurer, or may himself make such investigation.

Power of Superintendent of Insurance to order inspection.

(2) The Court may, on the application of an insurer and after giving notice to and hearing the Superintendent of Insurance, forbid such action by the Superintendent, if the insurer satisfies the Court that it is unnecessary in the circumstances.

(3) The results of any investigation made under this section shall be embodied in a report of which one copy shall be lodged with the Superintendent of Insurance and one copy shall be furnished to the insurer; and a copy of such report shall be furnished to the policy-holders who have sent a requisition for such an investigation.

(4) The Superintendent of Insurance may require the insurer to comply within a time to be specified by him (not being less than fifteen days from the receipt of the notice by the insurer) with any directions he may issue to remedy defects disclosed by such inspection.

(5) If,

(5) If, as a result of any investigation made under this section, the Superintendent of Insurance is of opinion that it is necessary in the interests of the policy-holders that the business of the insurer should be wound up, or if the insurer fails to comply with any directions issued under sub-section (4), the Superintendent may, after giving notice to the insurer and giving him an opportunity to be heard, apply to the Court to have the business of the insurer wound up.

Powers of Investigator.

34. When any investigation is made in pursuance of section 33 the provisions of section 140 of the Indian Companies Act, 1913, shall apply for the purposes of such investigation as they apply to an investigation made in pursuance of section 138 of that Act, and all expenses of and incidental to such investigation shall be defrayed by the insurer. VII of 1913.

AMALGAMATION AND TRANSFER OF INSURANCE BUSINESS.

Amalgamation and transfer of insurance business.

35. (1) No life insurance business of an insurer specified in sub-clause (a) (i) or sub-clause (b) of clause (9) of section 2 shall be transferred to or amalgamated with the life insurance business of any other insurer except in accordance with a scheme prepared under this section and sanctioned by the Court having jurisdiction over one or other of the insurers concerned.

(2) Any scheme prepared under this section shall set out the agreement under which the transfer or amalgamation is proposed to be effected, and shall contain such further provisions as may be necessary for giving effect to the scheme.

(3) Before an application is made to the Court to sanction any such scheme, notice of the intention to make the application together with a statement of the nature of the amalgamation or transfer, as the case may be, and of the reason therefor shall, at least two months before the application is made, be sent to the Central Government, and certified copies of the following documents shall be furnished to the Central Government and shall during the two months aforesaid be kept open for the inspection of the members and policy-holders.

policy-holders at the principal and branch offices and chief agencies of the insurers concerned, namely:—

- (a) a draft of the agreement or deed under which it is proposed to effect the amalgamation or transfer;
- (b) statements of the assets and liabilities of the insurers concerned in such amalgamation or transfer; and
- (c) the actuarial or other reports on which the scheme was founded including a report by an independent actuary on the proposed amalgamation or transfer.

(4) Where an application under sub-section (3) is made to the Court within three months from the commencement of this Act, the Court may, on application, extend for the insurer whose business is to be transferred to or amalgamated with the business of another insurer, the time allowed for registration and for the payment of the first instalment of the deposit under sections 3 and 7 for such period not exceeding nine months as the Court may think fit.

36. When any application such as is referred to in sub-section (3) of section 35 is made to the Court, the Court shall cause, if for special reasons it so directs, notice of the application to be sent to every person resident in British India or in an Indian State who is the holder of a life policy of any insurer concerned and shall cause a statement of the nature and terms of the amalgamation or transfer, as the case may be, to be published in such manner and for such period as it may direct, and, after hearing the directors and such policy-holders as apply to be heard and any other persons whom it considers entitled to be heard, may sanction the arrangement, if it is satisfied that no sufficient objection to the arrangement has been established.

Sanction of
amalgamation
and transfer
by Court.

37. Where an amalgamation takes place between any two or more insurers, or where any business of one insurer is transferred to another, whether in accordance with a scheme confirmed by the Court or otherwise, the insurer carrying on the amalgamated business or the insurer to whom the business is transferred,

Statements
required after
amalgamation
and transfer.

transferred, as the case may be, shall, within three months from the date of the completion of the amalgamation or transfer, furnish to the Central Government—

- (a) a certified copy of the scheme, agreement or deed under which the amalgamation or transfer has been effected, and
- (b) a declaration signed by every insurer concerned or in the case of a company by the chairman and the principal officer that to the best of their belief every payment made or to be made to any person whatsoever on account of the amalgamation or transfer is therein fully set forth and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any parties to the amalgamation or transfer, and
- (c) where the amalgamation or transfer has not been made in accordance with a scheme confirmed by the Court—
 - (i) certified copies of statements of the assets and liabilities of the insurers concerned, and
 - (ii) certified copies of the actuarial or other reports upon which the agreement or deed was founded.

ASSIGNMENT OR TRANSFER OF POLICIES AND NOMINATIONS.

Assignment and transfer of insurance policies.

38. (1) A transfer or assignment of a policy of life insurance, whether with or without consideration, may be made only by an endorsement upon the policy itself or by a separate instrument, signed in either case by the transferor or by the assignor or his duly authorised agent and attested by at least one witness, specifically setting forth the fact of transfer or assignment.

(2) The transfer or assignment shall be complete and effectual upon the execution of such endorsement or instrument duly attested but shall not be operative

as against an insurer and shall not confer upon the transferee or assignee, or his legal representative, any right to sue for the amount of such policy or the moneys secured thereby until a notice in writing of the transfer or assignment has been delivered to the insurer at his principal place of business in British India by or on behalf of the transferor or transferee.

(3) The date on which the notice referred to in sub-section (2) is delivered to the insurer shall regulate the priority of all claims under a transfer or assignment as between persons interested in the policy; and where there is more than one instrument of transfer or assignment the priority of the claims under such instruments shall be governed by the order in which the notices referred to in sub-section (2) are delivered.

(4) Upon the receipt of the notice referred to in sub-section (2), the insurer shall record the fact of such transfer or assignment together with the date thereof and the name of the transferee or the assignee and shall, on the request of the person by whom the notice was given, or of the transferee or assignee, on payment of a fee not exceeding one rupee, grant a written acknowledgment of the receipt of such notice; and any such acknowledgment shall be conclusive evidence against the insurer that he has duly received the notice to which such acknowledgment relates.

(5) From the date of the receipt of the notice referred to in sub-section (2) the insurer shall recognise the transferee or assignee named in the notice as the only person entitled to benefit under the policy, and such person shall be subject to all liabilities and equities to which the transferor or assignor was subject at the date of the transfer or assignment and may institute any proceedings in relation to the policy without obtaining the consent of the transferor or assignor or making him a party to such proceedings.

(6) The rights and remedies of the assignee or transferee of a policy of life insurance existing prior to the commencement of this Act shall not be affected by the provisions of this section.

(7) Notwithstanding any law or custom having the force of law to the contrary, an assignment in favour of a person made with the condition that it shall be inoperative

inoperative or that the interest shall pass to some other person on the happening of a specified event during the life of the policy-holder, and an assignment in favour of the survivor or survivors of a number of persons, shall be valid.

**Nomination
by policy-
holder.**

39. (1) The holder of a policy of life insurance may, when effecting the policy or at any time before the policy matures for payment, nominate the person or persons to whom the money secured by the policy shall be paid in the event of his death.

(2) Any such nomination in order to be effectual shall, unless it is incorporated in the text of the policy itself, be made by an endorsement on the policy communicated to the insurer and registered by him in the records relating to the policy and any such nomination may at any time before the policy matures for payment be cancelled or changed by an endorsement or a further endorsement or a will, as the case may be.

(3) The insurer may charge a fee not exceeding one rupee for registering any such endorsement and shall furnish to the policy-holder a written acknowledgment of having done so.

(4) A transfer or assignment of a policy made in accordance with section 38 shall automatically cancel a nomination.

(5) Where the policy matures for payment during the lifetime of the policy-holder or where the nominee or, if there are more nominees than one, all the nominees die before the policy matures for payment, the amount secured by the policy shall be payable to the policy-holder or his heirs or legal representatives or the holder of a succession certificate, as the case may be.

(6) Where the nominee or, if there are more nominees than one, a nominee or nominees survive the policy-holder, the amount secured by the policy shall be payable to such survivor or survivors.

(7) The provisions of this section shall not apply to any policy of life insurance to which section 6 of the Married Women's Property Act, 1874, applies. III of 1874.

COMMISSION

COMMISSION AND REBATES AND LICENSING OF AGENTS.

40. (1) No person shall, after the expiry of six months from the commencement of this Act, pay or contract to pay any remuneration or reward whether by way of commission or otherwise for soliciting or procuring insurance business in India to any person except an insurance agent licensed under section 42 or a person acting on behalf of an insurer who for the purposes of insurance business employs licensed insurance agents.

Prohibition of payment by way of commission or otherwise for procuring business.

(2) No insurance agent licensed under section 42 shall be paid or contract to be paid by way of commission or as remuneration in any form an amount exceeding, in the case of life insurance business, forty per cent. of the first year's premium payable on any policy or policies effected through him and five per cent. of a renewal premium, or, in the case of business of any other class, fifteen per cent. of the premium :

Provided that insurers, in respect of life insurance business only, may pay, during the first ten years of their business, to their insurance agents fifty-five per cent. of the first year's premium payable on any policy or policies effected through them and six per cent. of the renewal premiums.

(3) Nothing in this section shall prevent the payment under any contract existing prior to the 27th day of January, 1937, of gratuities or renewal commission to an insurance agent or to his representatives after his decease in respect of insurance business effected through him before the said date.

41. (1) No person shall allow or offer to allow, either directly or indirectly, as an inducement to any person to effect or renew an insurance in respect of any kind of risk relating to lives or property in India, any rebate of the whole or part of the commission payable or any rebate of the premium shown on the policy, nor shall any person taking out or renewing a policy accept any rebate, except such rebate as may be allowed in accordance with the published prospectuses or tables of the insurer.

Prohibition of rebates.

(2) Any person making default in complying with the provisions of this section shall be punishable

with

with fine which may extend to one hundred rupees, unless the default is made by a person effecting or renewing a policy, in which case he shall be punishable with fine which may extend to fifty rupees only.

Licensing of
insurance
agents.

42. (1) The Superintendent of Insurance or an officer authorised by him in this behalf shall, in the prescribed manner and on payment of the prescribed fee which shall not be more than one rupee, issue to any individual making an application under this section and not suffering from any of the disqualifications hereinafter mentioned a licence to act as an insurance agent for the purpose of soliciting or procuring insurance business.

(2) A licence issued under this section shall entitle the holder to act as an insurance agent for any registered insurer.

(3) A licence issued under this section shall expire on the 31st day of March in each year, but shall, if the applicant does not suffer from any of the disqualifications hereinafter mentioned, be renewed from year to year on payment of a fee of one rupee.

(4) The disqualifications above referred to shall be the following:—

- (a) that the person is a minor;
- (b) that he is found to be of unsound mind by a Court of competent jurisdiction;
- (c) that he has been found guilty of criminal misappropriation or criminal breach of trust or cheating by a Court of competent jurisdiction;
- (d) that in the course of any judicial proceeding relating to any policy of insurance or the winding up of an insurance company or in the course of an investigation of the affairs of an insurer it has been found that he has been guilty of or has knowingly participated in or connived at any fraud, dishonesty or misrepresentation against an insurer or an assured.

(5) If it be found that an insurance agent suffers from any of the foregoing disqualifications, without prejudice to any other penalty to which he may be liable,

liable, the Superintendent of Insurance shall, and if the agent has knowingly contravened any provision of this Act may, cancel the licence issued to the agent under this section.

43. (1) Every insurer and every person who acting on behalf of an insurer employs licensed insurance agents shall maintain a register showing the name and address of every licensed insurance agent appointed by him and the date on which his appointment began and the date, if any, on which his appointment ceased.

Register of insurance agents.

(2) Any individual not holding a licence issued under section 42 who acts as an insurance agent shall be punishable with fine which may extend to fifty rupees, and any insurer who, or any person acting on behalf of an insurer who, appoints as an insurance agent any individual not so licensed, or transacts any insurance business in India through any such individual, shall be punishable with fine which may extend to one hundred rupees.

(3) The provisions of sub-section (2) shall not take effect until the expiry of six months from the commencement of this Act.

44. Notwithstanding anything to the contrary in a contract between any person and an insurance agent licensed under section 42 forfeiting or stopping payment of renewal commission to such insurance agent, no such person shall in respect of life insurance business done in India refuse payment to an insurance agent of commission on renewal premiums due to him under the agreement by reason only of the termination of his agreement except for fraud:

Prohibition of cessation of payments of commission.

Provided that such agent has served such person continually and exclusively for at least ten years, and provided further that, after his ceasing to act as agent, he does not directly or indirectly solicit or procure insurance business for any other person.

SPECIAL PROVISIONS OF LAW.

45. No policy of life insurance effected before the commencement of this Act shall after the expiry of two years from the date of commencement of this

Policy not to be called in question on ground of misstatement after two years.

Act

Act and no policy of life insurance effected after the coming into force of this Act shall, after the expiry of two years from the date on which it was effected, be called in question by an insurer on the ground that a statement made in the proposal for insurance or in any report of a medical officer, or referee, or friend of the insured, or in any other document leading to the issue of the policy, was inaccurate or false, unless the insurer shows that such statement was on a material matter and fraudulently made by the policy-holder and that the policy-holder knew at the time of making it that the statement was false.

Application
of British
Indian law to
policies
issued in
British India.

46. The holder of a policy of insurance issued by an insurer in respect of insurance business transacted in British India after the commencement of this Act shall have the right, notwithstanding anything to the contrary contained in the policy or in any agreement relating thereto, to receive payment in British India of any sum secured thereby and to sue for any relief in respect of the policy in any Court of competent jurisdiction in British India; and if the suit is brought in British India any question of law arising in connection with any such policy shall be determined according to the law in force in British India.

Payment of
money into
Court.

47. (1) Where in respect of any policy of life insurance maturing for payment an insurer is of opinion that by reason of conflicting claims to or insufficiency of proof of title to the amount secured thereby or for any other adequate reason it is impossible otherwise for the insurer to obtain a satisfactory discharge for the payment of such amount, the insurer shall before the expiry of nine months from the date of the maturing of the policy apply to pay the amount into the Court within the jurisdiction of which is situated the place at which such amount is payable under the terms of the policy or otherwise.

(2) A receipt granted by the Court for any such payment shall be a satisfactory discharge to the insurer for the payment of such amount.

(3) An application for permission to make a payment into Court under this section shall be made by
a petition

a petition verified by an affidavit signed by a principal officer of the insurer setting forth the following particulars, namely:—

- (a) the name of the insured person and his address;
- (b) if the insured person is deceased, the date and place of his death;
- (c) the nature of the policy and the amount secured by it;
- (d) the name and address of each claimant so far as is known to the insurer with details of every notice of claim received;
- (e) the reasons why in the opinion of the insurer a satisfactory discharge cannot be obtained for the payment of the amount; and
- (f) the address at which the insurer may be served with notice of any proceeding relating to disposal of the amount paid into Court.

(4) An application under this section shall not be entertained by the Court if the application is made before the expiry of six months from the death of the insured, or the maturing of the policy by survival.

(5) If it appears to the Court that a satisfactory discharge for the payment of the amount cannot otherwise be obtained by the insurer it shall allow the amount to be paid into Court and shall invest the amount in Government securities pending its disposal.

(6) The insurer shall transmit to the Court every notice of claim received after the making of the application under sub-section (3), and any payment required by the Court as costs of the proceedings or otherwise in connection with the disposal of the amount paid into Court shall as to the costs of the application under sub-section (3) be borne by the insurer and as to any other costs be in the discretion of the Court.

(7) The Court shall cause notice to be given to every ascertained claimant of the fact that the amount

amount has been paid into Court, and shall cause notice at the cost of any claimant applying to withdraw the amount to be given to every other ascertained claimant.

(8) The Court shall decide all questions relating to the disposal of claims to the amount paid into Court.

Directors of insurers being companies.

48. (1) Where the insurer is a company incorporated under the Indian Companies Act, 1913, and carries on the business of life insurance, not less than one-fourth of the whole number of the directors of the company shall be persons having the prescribed qualifications and holding policies of life insurance issued by the company, and shall be elected to the Board of Directors of the company in the prescribed manner by the holders of policies of life insurance issued by the company. VII of 1913.

(2) This section shall not take effect until the expiry of one year from the commencement of this Act.

Restriction on dividends and bonuses.

49. No insurer, being an insurer specified in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2, who carries on the business of life insurance shall in respect of such life insurance business declare or pay any dividend to shareholders or any bonus to policy-holders except out of a surplus ascertained as the result of an actuarial valuation of the assets and liabilities of the insurer.

Notice of options available to the assured on the lapsing of a policy.

50. An insurer shall, within three months of the lapsing of a policy of life insurance, give notice to the policy-holder informing him of the options available to him.

Supply of copies of proposals and medical reports.

51. Every insurer shall, on application by a policy-holder and on payment of a fee not exceeding one rupee, supply to the policy-holder certified copies of the questions put to him and his answers thereto contained in his proposal for insurance and in the medical report supplied in connection therewith.

Prohibition of business on dividing principle.

52. No insurer shall after the commencement of this Act begin, or after three years from that date continue to carry on, any business upon the dividing principle, that is to say, on the principle that the benefit

benefit secured by a policy is not fixed but depends either wholly or partly on the results of a distribution of certain sums amongst policies becoming claims within certain time-limits, or on the principle that the premiums payable by a policy-holder depend wholly or partly on the number of policies becoming claims within certain time-limits:

Provided that nothing in this section shall be deemed to prevent an insurer from allocating bonuses to holders of policies of life insurance as a result of a periodical actuarial valuation either as reversionary additions to the sums insured or as immediate cash bonuses or otherwise:

Provided further that an insurer who continues to carry on insurance business on the dividing principle after the commencement of this Act shall withhold from distribution a sum of not less than forty per cent. of the premiums received during each year after the commencement of this Act in which such business is continued so as to make up the amount required for investment under section 27.

WINDING UP.

53. (1) The Court may order the winding up in accordance with the Indian Companies Act, 1913, of any insurance company and the provisions of that Act shall, subject to the provisions of this Chapter, apply accordingly.

*Winding up
by the Court.*

of 1913.

(2) In addition to the grounds on which such an order may be based, the Court may order the winding up of an insurance company—

(a) if with the sanction of the Court previously obtained a petition in this behalf is presented by shareholders not less in number than one-tenth of the whole body of shareholders and holding not less than one-tenth of the whole share capital or by not less than fifty policy-holders holding policies of life insurance that have been in force for not less than three years and are of the total value of not less than fifty thousand rupees; or

(b) if

- (b) if the Superintendent of Insurance, who is hereby authorised to do so, applies in this behalf to the Court on any of the following grounds, namely:—
- (i) that the company has failed to deposit or to keep deposited with the Reserve Bank of India the amounts required by section 7,
 - (ii) that the company having failed to comply with any requirement of this Act has continued such failure for a period of three months after notice of such failure has been conveyed to the company by the Superintendent of Insurance,
 - (iii) that it appears from the returns furnished under the provisions of this Act or from the results of any investigation made thereunder that the company is insolvent, or
 - (iv) that the continuance of the company is prejudicial to the interests of the policyholders.

Voluntary
winding up.

54. Notwithstanding anything contained in the Indian Companies Act, 1913, an insurance company shall not be wound up voluntarily except for the purpose of effecting an amalgamation or a re-construction of the company, or on the ground that by reason of its liabilities it cannot continue its business.

VII of 1913.

Valuation of
liabilities.

55. (1) In the winding up of an insurance company or in the insolvency of any other insurer the value of the assets and the liabilities of the insurer shall be ascertained in such manner and upon such basis as the liquidator or receiver in insolvency thinks fit, subject, so far as applicable, to the rule contained in the Sixth Schedule and to any directions which may be given by the Court.

(2) For the purposes of any reduction by the Court of the amount of the contracts of any insurance company the value of the assets and liabilities of the company and all claims in respect of policies issued by it shall be ascertained in such manner and upon such basis as the Court thinks proper having regard to the rule aforesaid.

(3) The

(3) The rule in the Sixth Schedule shall be of the same force and may be repealed, altered or amended as if it were a rule made in pursuance of section 246 of the Indian Companies Act, 1913, and rules may be made under that section for the purpose of carrying into effect the provisions of this Act with respect to the winding up of insurance companies.

VII of 1913.

56. (1) In the winding up of an insurance company and in the insolvency of any other insurer the value of the assets and the liabilities of the insurer in respect of life insurance business shall be ascertained separately from the value of any other assets or any other liabilities of the insurer and no such assets shall be applied to the discharge of any liabilities other than those in respect of life insurance business except in so far as those assets exceed the liabilities in respect of life insurance business.

Application
of surplus
assets of life
insurance
fund in
liquidation of
insolvency.

(2) In the winding up of an insurance company carrying on the business of life insurance or in the insolvency of any other insurer carrying on such business where any proportion of the profits of the insurer was before the commencement of the winding up or insolvency allocated to policy-holders, if, when the assets and liabilities of the insurer have been ascertained, there is found to be a surplus of assets over liabilities (hereinafter referred to as a *prima facie* surplus) there shall be added to the liabilities of the insurer in respect of the life insurance business an amount equal to such proportion of the *prima facie* surplus as is equivalent to such proportion of the profits allocated to shareholders and policy-holders as was allocated to policy-holders during the ten years immediately preceding the commencement of the winding up and the assets of the insurer shall be deemed to exceed his liabilities only in so far as those assets exceed those liabilities after such addition:

Provided that—

- (a) if in any case there has been no such allocation or if it appears to the Court that by reason of special circumstances it would be inequitable that the amount to be added to the liabilities of the insurer in respect of the life insurance business should be an amount

equal

equal to such proportion as aforesaid, the amount to be so added shall be such amount as the Court may direct, and

- (b) for the purpose of the application of this subsection to any case where before the commencement of the winding up or insolvency a proportion of such profits as aforesaid of a branch only of the life insurance business in question has been allocated to policy-holders, the value of the assets and liabilities of the insurer in respect of that branch shall be separately ascertained in like manner as the value of his assets and liabilities in respect of the life insurance business was ascertained, and the surplus so found, if any, of assets over liabilities shall, for the purpose of determining the amount to be added to the liabilities of the insurer in respect of the life insurance business be deemed to be the *prima facie* surplus.

Winding up of
secondary
companies.

57. (1) Where the insurance business or any part of the insurance business of an insurance company has been transferred to another insurance company under an arrangement in pursuance of which the first mentioned company (in this section referred to as the secondary company) or the creditors thereof has or have claims against the company to which such transfer was made (in this section referred to as the principal company) then, if the principal company is being wound up by or under the supervision of the Court, the Court shall (subject as hereinafter mentioned) order the secondary company to be wound up in conjunction with the principal company and may by the same or any subsequent order appoint the same person to be liquidator for the two companies and make provision for such other matters as may seem to the Court necessary with a view to the companies being wound up as if they were one company.

(2) The commencement of the winding up of the principal company shall, save as otherwise ordered by the Court, be the commencement of the winding up of the secondary company.

(3) In

(3) In adjusting the rights and liabilities of the members of the several companies among themselves the Court shall have regard to the constitution of the companies and to the arrangements entered into between the companies in the same manner as the Court has regard to the rights and liabilities of different classes of contributories in the case of the winding up of a single company or as near thereto as circumstances admit.

(4) Where any company alleged to be secondary is not in process of being wound up at the same time as the principal company to which it is alleged to be secondary, the Court shall not direct the secondary company to be wound up, unless, after hearing all objections (if any) that may be urged by or on behalf of the company against its being wound up, the Court is of opinion that the company is secondary to the principal company and that the winding up of the company in conjunction with the principal company is just and equitable.

(5) An application may be made in relation to the winding up of any secondary company in conjunction with the principal company by any creditor of, or person interested in, the principal or secondary company.

(6) Where a company stands in the relation of a principal company to one insurance company and in the relation of a secondary company to some other insurance company or where there are several insurance companies standing in the relation of secondary companies to one principal company, the Court may deal with any number of such companies together or in separate groups as it thinks most expedient upon the principles laid down in this section.

58. (1) If at any time it appears expedient that the affairs of an insurance company in respect of any class of business comprised in the undertaking of the company should be wound up but that any other class of business comprised in the undertaking should continue to be carried on by the company or be transferred to another insurer, a scheme for such purposes may be prepared and submitted for confirmation of the Court in accordance with the provisions of this Act.

Schemes for partial winding up of insurance companies.

(2) Any

(2) Any scheme prepared under this section shall provide for the allocation and distribution of the assets and liabilities of the company between any classes of business affected (including the allocation of any surplus assets which may arise on the proposed winding up), for any future rights of every class of policyholders in respect of their policies and for the manner of winding up any of the affairs of the company which are proposed to be wound up and may contain provisions for altering the memorandum of the company with respect to its objects and such further provisions as may be expedient for giving effect to the scheme.

(3) The provisions of this Act relating to the valuation of liabilities of insurers in liquidation and insolvency and to the application of surplus assets of the life insurance fund in liquidation or insolvency shall apply to the winding up of any part of the affairs of a company in accordance with the scheme under this section in like manner as they apply in the winding up of an insurance company, and any scheme under this section may apply with the necessary modifications any of the provisions of the Indian Companies Act, 1913, relating to the winding up of companies. VII of 1913.

(4) An order of the Court confirming a scheme under this section whereby the memorandum of a company is altered with respect to its object shall as respects the alteration have effect as if it were an order confirmed under section 12 of the Indian Companies Act, 1913, and the provisions of sections 15 and 16 of that Act shall apply accordingly. VII of 1913.

Return of
deposits.

59. In the winding up of an insurance company and in the insolvency of any other insurer the liquidator or assignee as the case may be shall apply to the Court for an order for the return of the deposit made by the company under section 7 and the Court shall on such application order a return of the deposit subject to such terms and conditions as it shall direct.

Notice of policy
values.

60. In the winding up of an insurance company for the purposes of a cash distribution of the assets and in the insolvency of any other insurer the liquidator or assignee as the case may be in the case of all persons appearing by the books of the company or other

other insurer to be entitled to or interested in the policies granted by the company or other insurer shall ascertain the value of the liability of the company or other insurer to each such person and shall give notice of such value to those persons in such manner as the Court may direct and any person to whom notice is so given shall be bound by the value so ascertained unless he gives notice of his intention to dispute such value in such manner and within such time as may be specified by a rule or order of the Court.

61. (1) Where an insurance company is in liquidation or any other insurer is insolvent the Court may make an order reducing the amount of the insurance contracts of the company or other insurer upon such terms and subject to such conditions as the Court thinks just.

Power of Court to reduce contracts of insurance.

(2) Where a company carrying on the business of life insurance has been proved to be insolvent, the Court may if it thinks fit in place of making a winding up order reduce the amount of the insurance contracts of the company upon such terms and subject to such conditions as the Court thinks fit.

(3) Application for an order under this section may be made either by the liquidator or by or on behalf of the company or by a policy-holder, or by the Superintendent of Insurance and the Superintendent of Insurance and any person whom the Court thinks likely to be affected shall be entitled to be heard on any such application.

SPECIAL PROVISIONS RELATING TO EXTERNAL COMPANIES.

62: Where, by the law or practice of any country outside India in which an insurer carrying on insurance business in British India is constituted, incorporated or domiciled, insurance companies incorporated in British India are required as a condition of carrying on insurance business in that country to comply with any special requirement whether as to the keeping of deposits or assets in that country or otherwise which is not imposed upon insurers of that country under this Act, the Central Government shall, if satisfied of the existence of such special requirement

Power of Central Government to impose reciprocal disabilities on non-Indian companies.

requirement, by notification in the official Gazette, direct that the same requirement, or requirements as similar thereto as may be, shall be imposed upon insurers of that country as a condition of carrying on the business of insurance in British India.

Particulars to be filed by insurers established outside British India.

63. Every insurer, having his principal place of business or domicile outside British India, who establishes a place of business within British India, or appoints a representative in British India with the object of obtaining insurance business, shall, within three months from the establishment of such place of business or the appointment of such agent, file with the Superintendent of Insurance—

- (a) a certified copy of the charter, statutes, deed of settlement or memorandum and articles or other instrument constituting or defining the constitution of the insurer, and, if the instrument is not written in the English language, a certified translation thereof,
- (b) a list to the directors, if the insurer is a company,
- (c) the name and address of some one or more persons resident in British India authorised to accept on behalf of the insurer service of process and any notice required to be served on the insurer, together with a copy of the power of attorney granted to him,
- (d) the full address of the principal office of the insurer in British India,
- (e) a statement of the classes of insurance business to be carried on by the insurer, and
- (f) a statement verified by an affidavit setting forth the special requirements, if any, of the nature specified in section 62 imposed in the country of origin of the insurer on Indian nationals,

and, in the event of any alteration being made in the address of the principal office or in the classes of business to be carried on, or in any instrument here referred to, or in the name of any of the persons here referred to, or in the matters specified in clause (f) above, the company shall forthwith furnish to the

Superintendent

Superintendent of Insurance particulars of such alteration.

64. Every insurer having his principal place of business or domicile outside British India shall keep at his principal office in British India such books of account, registers and documents as will enable the accounts, statements and abstracts which he is required under this Act to furnish to the Superintendent of Insurance in respect of the insurance business transacted by him in India to be compiled and, if necessary, checked by the Superintendent of Insurance.

Books to be kept by insurers established outside British India.

PART III.

PROVIDENT SOCIETIES.

65. In this Part "provident society" means a person who, or a body of persons whether corporate or incorporate which, receives premiums or contributions for securing annuities on human life or receives premiums or contributions for insuring money to be paid on the happening of any of the following contingencies, namely:—

Definition of "provident society".

- (a) the birth, marriage, death of any person or the survival by a person of a stated age or contingency;
- (b) failure of issue;
- (c) the occurrence of a social, religious or other ceremonial occasion;
- (d) loss of or retirement from employment;
- (e) disablement in consequence of sickness or accident;
- (f) the necessity of providing for the education of a dependant; and
- (g) any other contingency which may be prescribed or which may be authorised by the Provincial Government with the approval of the Central Government.

66. Nothing in this Part shall apply to a provident society which pays or undertakes to pay on any policy

Application of this part.

of insurance an annuity exceeding fifty rupees or a gross sum exceeding five hundred rupees exclusive of any profit or bonus:

Provided that for the purposes of this section contracts entered into before the commencement of this Act shall not be taken into consideration and provided further that "policy" includes a series of policies covering one or more of the contingencies specified in section 65.

Name.

67. No provident society established after the commencement of this Act shall adopt as its name, and no provident society established before the commencement of this Act shall continue after the expiry of six months from the commencement thereof to use as its name, any combination of words which fails to include the word "provident" or which includes the word "life".

Insurable interest.

68. No provident society shall receive any premium or contribution for insuring money to be paid to any person other than the person paying such premium or contribution or the wife, husband, child, grand-child, parent, brother or sister, nephew or niece of such a person.

Dividing business.

69. (1) No provident society shall carry on any business upon the dividing principle, that is to say, on the principle that the benefit secured by a policy is not fixed but depends either wholly or partly on the results of a distribution, amongst policies maturing for payment within certain time-limits, of certain sums.

(2) The Superintendent of Insurance shall, as soon as possible, take steps to have any provident society which carries on business on the dividing principle wound up:

Provided that, where any such provident society in existence at the commencement of this Act applies within three months of such commencement to the Superintendent of Insurance for permission to continue carrying on its business with a view meanwhile to reorganise its business in accordance with the provisions of this Act, the Superintendent of Insurance may at his discretion, with due regard to the past history

history of the society, permit the society to continue business for a period not exceeding two years from the date of receipt of such permission, so however that no new business on the dividing principle is undertaken by the society.

V of 1912. 70. (1) No provident society except a provident society registered under the provisions of the Provident Insurance Societies Act, 1912, shall receive any premium or contribution until it has obtained from the Superintendent of Insurance a certificate of registration.

(2) Every application for registration shall be accompanied by—

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- (a) a certified copy of the rules of the society, and when the society is a company incorporated under the Indian Companies Act, 1913, a certified copy of the Memorandum and Articles of Association or where the society is not such a company a certified copy of the deed of constitution of the society;
 - (b) the names and addresses of the proprietors or directors, and the managers of the society;
 - (c) a certificate from the Reserve Bank of India that the initial deposit referred to in section 73 has been made; and
 - (d) a declaration verified by an affidavit that the minimum working capital required by section 72 is available.

(3) The Superintendent of Insurance may refuse to issue a certificate of registration until he is satisfied that the rules of the society comply with the provisions of this Act and that the minimum working capital required by section 72 is available, but if he is so satisfied he shall register the society and its rules.

(4) The Superintendent of Insurance may, after giving previous notice in writing in such manner as he thinks fit specifying the grounds for the proposed cancellation, and allowing the society concerned an opportunity of being heard, apply to the Court and obtain sanction for cancellation of the registration

made

made under this section or made under the provisions of the Provident Insurance Societies Act, V of 1912, 1912,—

- (a) if he is satisfied as the result of an inquiry made under section 87—
- (i) that the society is insolvent or is likely to become so, or
 - (ii) that the business of the society is conducted fraudulently or not in accordance with the rules thereof, or that it is in the interests of the policy-holders that the society should cease to carry on business,
- (b) if the initial deposit or any of the further deposits required by section 73 has not been made, or
- (c) if the society, having failed to comply with any requirement of this Act, has continued such failure for a period of one month after notice of such failure has been conveyed to the society by the Superintendent of Insurance:

Provided that the Superintendent of Insurance may, if he thinks fit, instead of applying for cancellation of the registration under sub-clause (i) of clause (a) of this sub-section make a recommendation to the Court that the contracts of the society should be reduced in such manner and subject to such conditions as he may indicate.

Prohibition of managing agents.

71. The provisions of section 32 shall apply to provident societies as they apply to insurers.

Working capital.

72. No provident society established after the commencement of this Act shall be registered unless it has a paid up capital sufficient to provide as working capital a net sum of not less than five thousand rupees exclusive of deposits made under this Act and exclusive in the case of a company of any expenses incurred in connection with the formation of the company.

Deposits.

73. (1) Every provident society shall, if established before the commencement of this Act within one year from such commencement, or, if established after the

the commencement of this Act before the society applies for registration under section 70, deposit and keep deposited with the Reserve Bank of India in one of the offices in India of the Bank, for and on behalf of the Central Government, cash or approved securities amounting at the market value of the securities on the date of deposit to five thousand rupees, and shall thereafter make each year a further deposit amounting to not less than one-fifth of the gross premium income for the year (including admission fees and other fees received by the society) until the total amount so deposited and kept is fifty thousand rupees.

(2) The provisions of sub-sections (8), (9) and (10) of section 7 and of sub-section (1) of section 8 shall apply to the deposits made under this section as they apply to deposits made by an insurer.

74. (1) Every provident society established after the commencement of this Act shall in its rules set forth—

- (a) the name, the object and the location of the registered office of the society;
- (b) the contingencies or classes of contingency on the happening of which money is to be paid;
- (c) the conditions to be complied with before, and the payments to be made on, admission to the society;
- (d) the rates of premium or contribution, and the periods for which or the times at which premiums or contributions are payable;
- (e) the maximum amount payable to a subscriber or policy-holder;
- (f) the nature and amounts of the benefits provided for by the society;
- (g) the circumstances in which a bonus may be paid to a policy-holder;
- (h) the nature of the evidence required for the proof of the happening of any contingency on which money is to be paid;

(i) the

- (i) the circumstances in which policies may be forfeited or renewed or the whole or a part of the premiums paid on a policy may be returned, or a surrender value of a policy may be granted;
- (j) the penalties for delay in paying or failure to pay premiums or contributions;
- (k) the proportion of the annual income of the society which may be disbursed on and the provisions to be made for meeting the expenses of the management of the society;
- (l) the person or persons who or the authority which shall have power to invest the funds of the society;
- (m) the provisions for appointment of auditors and their remuneration;
- (n) the procedure to be adopted in altering the rules of the society;
- (o) unless these are provided for in the articles of association of a society which is a company incorporated under the Indian Companies Act, 1913,—
 - (i) the mode of appointment and removal, the qualification and the powers of a director, manager, secretary or other officer of the society;
 - (ii) the manner of raising additional capital; and
 - (iii) the provisions for the holding of general meetings of the members and policyholders and for the powers to be exercised and the procedure to be followed thereat; and
- (p) such other matters as may be prescribed.

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(2) Where the rules of any provident society registered under the Provident Insurance Societies Act, 1912, fail to comply with the provisions of this section v of 1912. the society shall, before the expiry of twelve months from the commencement of this Act, amend the rules so as to comply with these provisions.

75. (1) No

75. (1) No amendment of any rule of a provident society shall be valid until it has been sent to the Superintendent of Insurance and has been registered by him. Amendment of rules.

(2) The Superintendent of Insurance on being satisfied that the proposed amendment is not contrary to the provisions of this Act shall, unless he is of opinion that the amendment unfairly affects the rights of existing members or policy-holders of the society, issue to the society an acknowledgment of the registration of the amended rule.

76. Every provident society shall on demand deliver free of cost to any member of the society a copy of the rules of the society and to any person other than a member a copy of such rules on the payment of a sum not exceeding one rupee. Supply of copy of rules.

77. Every provident society shall have an office (on the outside of which it shall keep displayed its name in a conspicuous position in legible characters) to which all communications and notices may be addressed, and shall give notice to the Superintendent of Insurance of any change in the location thereof within twenty-eight days of its occurrence. Registered office.

78. Where any notice, advertisement or other official publication of a provident society contains a statement of the amount of the authorised capital of the society, the publication shall also contain a statement of the amount of the capital which has been subscribed and the amount paid up. Publication of authorised capital to contain also subscribed and paid up capital.

79. Every provident society shall keep at its registered office— Registers and books.

- (a) a register of members in which shall be entered the name, address and occupation, if any, of every proprietor, director, manager or secretary and of every member of the society;
- (b) a register or record of policies in which shall be entered, in respect of every policy issued by the society, the name and address of the policy-holder, the date when the policy was effected and a record of any transfer, assignment or nomination of which the society has notice;

(c) a register

- (c) a register of claims in which shall be entered every claim made, together with the date of the claim, the name and address of the claimant and the date on which the claim is discharged or in the case of a claim which is rejected the date of rejection and the grounds therefor;
- (d) a register of agents in which shall be entered the name and address of every agent employed by the society;
- (e) a cash book in which shall be entered separately for each class of contingency separately specified in section 65 all sums received and expended by the society and the matters in respect of which the receipt or expenditure takes place;
- (f) a ledger; and
- (g) a journal.

Revenue
account,
balance-sheet
and annual
statements.

80. (1) Every provident society shall at the expiry of the calendar year prepare a revenue account and balance-sheet in the prescribed form verified in the prescribed manner, together with a report on the general state of the society's affairs and shall cause the revenue account and balance-sheet to be audited by an auditor, and the auditor shall so far as may be in the audit of a provident society have the powers of, exercise the functions vested in, and discharge the duties and be subject to the liabilities imposed on, an auditor of companies by section 145 of the Indian Companies Act, 1913.

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(2) Every provident society shall at the expiry of the calendar year prepare with respect to that year—

- (a) a statement showing separately for each class of contingency separately specified in section 65—
 - (i) the number of new policies effected, the total amount insured thereby and the total premium income received in respect thereof and the number of existing policies discontinued during the year with the total amount insured thereby, and
 - (ii) the

- (ii) the total amount of claims made and the total amount paid in satisfaction thereof;
- (b) a statement showing details of every insurance effected on a life other than the life of the person insuring; and
- (c) a statement showing the total amount paid as allowances to agents and canvassers.

(3) Until the expiry of two years from the commencement of this Act this section shall apply to provident societies registered before the commencement of this Act under the Provident Insurance Societies Act, 1912, as if the reference to the calendar year were a reference to either the financial year or the calendar year.

V of 1912.

81. (1) Every provident society shall once in every five years or at such shorter intervals as may be laid down by the rules of the society cause an investigation to be made into its financial condition including the valuation of its liabilities and assets by an actuary. Actuarial report and abstract.

(2) The report of the actuary shall contain an abstract in which shall be stated—

- (a) the general principles adopted in the valuation, including the method by which the valuation age of lives was ascertained,
- (b) the rate at each age of the mortality and any other factor assumed and the annuity values used in valuation,
- (c) the reserve values held against policies effected,
- (d) the rate of interest assumed, and
- (e) the provision made for expenses,

and shall have appended to it a certificate signed by a principal officer of the society that all material necessary for proper valuation has been placed at the disposal of the actuary and that full and accurate particulars of every policy under which there is a liability either actual or contingent have been furnished to the actuary for the purpose of the investigation.

(3) If
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(3) If the actuary finds that the financial condition of the society is such that no surplus exists for distribution as bonus to the policy-holders or as dividend to the shareholders, he shall state in his report whether in his opinion the society is insolvent and, if so, whether it should be wound up or not, and the extent to which in his opinion existing contracts should be modified or existing rates of premium should be adjusted to make good the deficiency in the assets.

Submission of returns to Superintendent of Insurance.

82. (1) The revenue account and balance-sheet with the auditor's report thereon and the report on the general state of the society's affairs referred to in sub-section (1) of section 80, and the statements referred to in sub-section (2) of section 80, shall be furnished as returns to the Superintendent of Insurance within three months from the end of the period to which they relate and copies of the revenue account and balance-sheet and the auditor's report thereon and of the report on the general state of the society's affairs shall, on the application of any member or policy-holder made within two years from the date on which the document was so furnished, be sent to him within fourteen days from the receipt of the application on payment of a fee of one rupee.

(2) All the material necessary for the proper valuation of the liabilities of the society under the provisions of section 81 shall be placed at the disposal of the actuary within three months from the end of the period to which such material relates, and the report and abstract referred to in section 81 shall be furnished as a return to the Superintendent of Insurance within a further period of three months.

(3) The provisions of section 17 shall apply to the accounts and balance-sheet of a provident society being a company incorporated under the Indian Companies Act, 1913, as they apply to the accounts and balance-sheet of an insurer. VII of 1913.

Actuarial examination of schemes.

83. (1) Every provident society, established after the commencement of this Act, shall cause every scheme of insurance which it proposes to put into operation, and every provident society registered before the commencement of this Act under the provisions of the Provident Insurance Societies Act, V of 1912.

1912

1912, shall cause any new scheme which it proposes to put into operation after such commencement to be examined by an actuary, and shall not receive any premium or contribution in connection with the scheme until the actuary has certified that the scheme is sound and such certificate has been forwarded to the Superintendent of Insurance.

(2) The provisions of sub-section (1) shall apply to any alteration of a scheme already in operation, but the Superintendent of Insurance may, if he is of opinion that the alteration unfairly affects the interests of existing policy-holders, prohibit the alteration, and, if he does so, the society shall not put the altered scheme into operation, unless it first discharges to the satisfaction of the Superintendent of Insurance all its liabilities to those of the existing policy-holders who dissent from the alteration.

(3) Every provident society registered before the commencement of this Act under the provisions of the Provident Insurance Societies Act, 1912, shall, as soon as may be and in any event before the expiry of six months from the commencement of this Act, submit all schemes of insurance which the society has in operation at the commencement of this Act to examination by an actuary and shall send the report of the actuary thereon to the Superintendent of Insurance.

(4) The report of the actuary shall state in respect of each scheme whether it is actuarially sound, and, where no actuarial report such as is referred to in section 81 has been made within the two years preceding the examination, the report shall also state whether the assets of the society are sufficient to meet its liabilities under the existing schemes, and, if not, how in the opinion of the actuary the existing contracts should be modified.

(5) If any scheme is reported by the actuary to be actuarially unsound, the Superintendent of Insurance shall give notice to the society prohibiting the operation of the scheme; and the society shall not receive any premium or contribution or effect any policy in connection with the scheme after the expiry of one month from the receipt of such notice.

(6) Where

(6) Where a scheme is discontinued under the provisions of sub-section (5) the society shall, where its assets are sufficient to meet all existing liabilities, set apart out of its assets the sum sufficient in the opinion of the actuary to meet the liabilities incurred under the scheme so discontinued, and, where its assets are not so sufficient, within three months from the date of the discontinuance, apply to the Court for a modification of its existing contracts or failing such modification for the winding up of the society.

Separation of
accounts and
funds.

84. Where a provident society effects policies of insurance in connection with more than one of the classes of contingency separately specified in section 65, the receipts and payments in respect of each such class shall be recorded in a separate account in the cash book kept in accordance with section 79.

Investment of
funds.

85. (1) Every provident society shall, unless it already holds invested in Government securities or securities mentioned or referred to in clauses (c) and (d) of section 20 of the Indian Trusts Act, 1882, not less than fifty per cent. of the total assets of the society, invest all surplus assets in such securities until the total amount so invested amounts to not less than fifty per cent. of the total assets of the society, and shall thereafter keep invested in such securities not less than fifty per cent. of the total assets of the society. II of 1882.

(2) No funds or investments of a provident society except a deposit made under section 73 shall be kept otherwise than in the name of the society.

(3) No loan shall be made out of the assets of a provident society to any director or officer of the society except on the security of a policy of insurance held in the society and within its surrender value and no such loan shall be made to any concern of which a director or officer of the society is a director or partner.

(4) Any director or officer of a society which contravenes the provisions of sub-section (3), who is knowingly a party to the contravention, shall without prejudice to any other penalty which he may incur be jointly and severally liable to the society for the amount

amount of the loan, and such amount, together with interest from the date of the loan at such rate not exceeding twelve per cent. per annum as the Superintendent of Insurance may fix, shall on application by the Superintendent of Insurance to any civil Court of competent jurisdiction be recoverable by execution as if a decree for such amount had been passed by that Court.

86. The books of every provident society shall at all reasonable times be open to inspection by the Superintendent of Insurance or any person appointed by him in this behalf or by any member or policyholder of the society who has made an application in this behalf to the Superintendent of Insurance.

Inspection of books.

87. (1) The Superintendent of Insurance shall at least once in two years and may, if he thinks fit, at any time visit personally or depute a suitable person to visit the principal office of a provident society and inquire into the solvency of the society and the manner in which the business of the society is conducted, or may, after giving notice to the society and giving it an opportunity to be heard, direct such an inquiry to be made by an auditor or actuary appointed by him.

Inquiry by or on behalf of Superintendent of Insurance.

(2) For the purposes of any such inquiry the Superintendent or the auditor or actuary, as the case may be, shall be entitled to examine all books and documents of the society and may demand from the society or any officer of the society such explanations as he may require on any matter relating to the affairs of the society.

(3) The results of any such inquiry shall be recorded in a report which shall be kept in the office of the Superintendent and a copy of the report shall be sent to the society concerned and shall be open to inspection by any member or policyholder of the society.

88. (1) The Court may order the winding up of a provident society being a company incorporated under the Indian Companies Act, 1913, and the provisions of that Act shall, subject to the provisions of this Part, apply accordingly.

Winding up by Court and voluntary winding up.

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(2) In addition to the grounds on which such an order may be based, the Court may order the

winding

winding up of a provident society, if the registration of the society is cancelled by the Superintendent of Insurance under sub-section (4) of section 70 and he applies for the winding up of the society.

(3) A provident society being a company incorporated under the Indian Companies Act, 1913, may VII of 1913. be wound up voluntarily in accordance with the provisions of that Act, but shall not be so wound up except for the purpose of effecting an amalgamation or re-construction of the society or on the ground that by reason of its liabilities it cannot continue its business.

(4) A provident society not being a company incorporated under the Indian Companies Act, 1913, may VII of 1913. be wound up voluntarily under this Act if a resolution is passed by the proprietors that the society should be wound up voluntarily for the purpose or on the ground specified in sub-section (3), and the Superintendent of Insurance may, in any case where he has ordered the cancellation of the registration of a society under sub-section (4) of section 70, order the winding up of the society under this Act.

Reduction of
insurance
contracts.

89. The Court may make an order reducing the amount of the insurance contracts of a provident society upon such terms and subject to such conditions as the Court thinks just—

- (a) if the Superintendent of Insurance as an alternative to cancelling the registration of a society under sub-section (4) of section 70 applies to the Court in this behalf;
- (b) if while a society is in liquidation the Court thinks fit;
- (c) if when a society has been proved to be insolvent the Court thinks fit to do so in place of making an order for the winding up of the society; or
- (d) if the Court is satisfied on an application made in this behalf by the society supported by the report of an actuary, and after giving the policy-holders an opportunity to be heard that it is desirable to do so.

Appointment
of liquidator.

90. (1) Where a provident society is to be wound up whether under the Indian Companies Act, 1913, VII of 1913.

or

or under this Act, the society shall, within seven days from the date of the order of the Court ordering the winding up or the passing of the resolution authorising the winding up, as the case may be, give notice thereof to the Superintendent of Insurance, and, except where the winding up is done by an order of the Court, the Superintendent of Insurance shall appoint the liquidator and shall determine the remuneration to be paid to him.

(2) Any liquidator so appointed may be removed by the Superintendent of Insurance if satisfied that the duties entrusted to him are not being properly discharged.

91. (1) A liquidator appointed to wind up a society shall have power— Powers of liquidator.

- (a) to institute or defend any legal proceedings on behalf of the society by his name of office;
- (b) to determine the contribution to be made by members of the society respectively to the assets of the society;
- (c) to investigate all claims against the society and to decide questions of priority arising between claimants;
- (d) to determine by what persons and in what proportion the costs of the liquidation are to be borne;
- (e) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society;
- (f) to summon, and enforce the attendance of, witnesses and to compel the production of documents by the same means and as far as may be in the same manner as is provided in the case of a civil Court by the Code of Civil Procedure, 1908; and
- (g) with the sanction of the Superintendent of Insurance, to employ such establishment and to obtain such assistance from an actuary or an auditor as may be necessary for the discharge of his duties.

(2) The

(2) The liquidator shall, for settling the list of contributories and realising the amount of contributions, have the same powers as an official liquidator appointed by the Court for the winding up of a company under the Indian Companies Act, 1913.

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Procedure at liquidation.

92. (1) As soon as a liquidator is appointed to wind up a society he shall take charge of all property movable or immovable of the society and of all its books and documents.

(2) If any proprietor or officer of the society or any other person retains any portion of the assets of the society or fails to deliver to the liquidator any book or document when so required by the liquidator, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and the Court may order the delivery of the assets or book or document to the liquidator.

(3) The liquidator shall within fifteen days of his appointment send notice by post to all persons who appear to him to be creditors of the society that a meeting of the creditors of the society will be held on a date not being less than twenty-one nor more than twenty-eight days after his appointment, and at a place and hour to be specified in the notice, and shall also advertise notice of the meeting once in the local official Gazette and once at least in two newspapers circulating in the province in which the society is situated.

(4) At the meeting so held the creditors shall determine whether an application shall be made for the appointment of any person as liquidator in the place of or jointly with the liquidator already appointed, or for the appointment of a committee of inspection, and, if they so resolve and an application accordingly is made at any time not later than fourteen days after the date of the meeting by any creditor appointed for the purpose at the meeting, the Superintendent of Insurance shall appoint a suitable person in place of or jointly with the liquidator already appointed, and, if so desired, a committee of inspection.

(5) The committee of inspection shall, subject to any prescribed conditions, have a general power of supervision

supervision over the acts of the liquidator and shall have the right to inspect his accounts at all reasonable times.

(6) The liquidator shall, with such assistance from an actuary as may be required, ascertain as soon as practicable the amount of the society's liability to every person appearing by the society's books to be entitled to or interested in any policy issued by the society, and shall give notice of the amount so found to each such person in the prescribed manner and each such person on receiving such notice shall be bound by the value so ascertained.

(7) The liquidator shall make a valuation of the assets of the society and an estimate of the costs of the winding up, and shall on the basis of these settle the list of contributories.

(8) The liquidator shall apply to the Superintendent of Insurance for an order for the return of the deposit made by the society under section 73 and the Superintendent of Insurance shall on such application order the return of the deposit subject to such terms and conditions as he may think fit.

(9) In administering and distributing the assets of the society the liquidator shall have regard to any directions that may be given by the creditors or contributories at a general meeting or by the Superintendent of Insurance.

(10) The liquidator shall keep books of account in which he shall record the proceedings at all meetings attended by him, all amounts received or expended by him and any other matter that may be prescribed, and these books may, with the sanction of the Superintendent of Insurance, be inspected by any creditor or contributory.

(11) If the winding up continues for more than a year, the liquidator shall summon a meeting of the creditors and contributories at the end of the first year and of each succeeding year, and shall lay before them an account of his acts and dealings and of the conduct of the winding up, and that account together with any views expressed thereon by the meeting shall be forwarded by the liquidator to the Superintendent of Insurance.

(12) So far as is not otherwise provided herein or is not otherwise prescribed under this Act, the liquidator shall so far as practicable follow the procedure

to

to be followed by an official liquidator appointed by the Court for the winding up of a company under the Indian Companies Act, 1913.

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Dissolution of
provident
society.

93. (1) As soon as the affairs of a provident society are fully wound up the liquidator shall prepare an account of the winding up showing how the winding up has been conducted and the property of the society has been disposed of and shall call a meeting of the members, creditors and contributories for the purpose of laying before it the account and giving any explanation thereof.

(2) Notice of the meeting shall be sent to each person individually and shall be advertised in the local official Gazette and in at least two newspapers circulating in the province in which the society is situated.

(3) Within one week after the meeting the liquidator shall send to the Superintendent of Insurance a copy of the account and shall report to him the holding of the meeting and its date and shall forward to him a copy of the proceedings of the meeting.

(4) The Superintendent of Insurance may return the account to the liquidator if it is incomplete or unsatisfactory and may require the liquidator to carry out any further steps necessary to complete the winding up and the liquidator shall comply with such requirement and shall submit a further report to the Superintendent of Insurance within six months.

(5) If the Superintendent of Insurance is satisfied that the affairs of the society have been fully wound up he shall register the account of the liquidator who shall forthwith make over to the Superintendent of Insurance sums, if any, remaining undisposed of; and on the expiry of three months from the registering of the account the Superintendent of Insurance shall declare the society dissolved and cause the dissolution of the society to be notified in the local official Gazette, and the liquidator shall thereupon be discharged from further responsibility.

(6) If within a period of five years from the date on which any sums have been made over to the Superintendent of Insurance under sub-section (5) an order of a Court of competent jurisdiction has not been obtained at the instance of any claimant to such

sums

sums for their disposal, the said sums shall become the property of Government.

94. (1) The provisions of section 38 and section 39 ^{Nominations and assignments.} relating to assignment, transfer and nomination in the case of life insurance policies shall, subject to the provisions of this section, apply to policies of insurance issued by any provident society covering any of the contingencies specified in clause (a) of section 65.

(2) No nomination shall be valid if the person nominated is not the husband, wife, father, mother, child, grand-child, brother, sister, nephew or niece of the holder of the policy.

PART IV.

MUTUAL INSURANCE COMPANIES AND CO-OPERATIVE LIFE INSURANCE SOCIETIES.

95. (1) In this Part—

Definitions.

(a) "Mutual Insurance Company" means an insurer, being a company incorporated under the provisions of the Indian Companies Act, 1913, which has no share capital and of which by its constitution only and all policy-holders are members; and

VII of 1913.

(b) "Co-operative Life Insurance Society" means an insurer being a society registered under the Co-operative Societies Act, 1912, or under an Act of a Provincial Legislature governing the registration of co-operative societies which carries on the business of life insurance and which has no share capital on which dividend or bonus is payable and of which by its constitution only original members on whose application the society is registered and all policy-holders are members:

II of 1912.

Provided that any Co-operative Life Insurance Society in existence at the commencement of this Act shall be allowed a period of one year to comply with the provisions of this Act.

(2) Notwithstanding anything contained in subsection (1), other co-operative societies may be admitted as members of a Co-operative Life Insurance Society, without being eligible to any dividend, profit or bonus.

(3) A

(3) A Provincial Government may, subject to any rules made by the Central Government, empower the Registrar of Co-operative Societies of the province to register co-operative societies for the insurance of cattle or crops or both under the provisions of the Co-operative Societies Act in force in the province.

(4) A Provincial Government may make rules not inconsistent with any rules made by the Central Government to govern such societies, and the provisions of this Act, in so far as they are inconsistent with those rules, shall not apply to such societies.

Application
of Act to
Mutual
Insurance
Companies and
Co-operative
Life Insurance
Societies.

96. The provisions of sections 6 and 7 and of sub-section (2) of section 20, so far as those provisions are inconsistent with the provisions of this Part, shall not apply, and the provisions of this Part shall apply, to Mutual Insurance Companies and Co-operative Life Insurance Societies.

Working
capital of
Mutual
Insurance
Companies and
Co-operative
Life Insurance
Societies.

97. No Mutual Insurance Company incorporated after the 26th day of January, 1937, and no Co-operative Life Insurance Society registered after that date under the Co-operative Societies Act, 1912, or under an Act of a Provincial Legislature governing the registration of co-operative societies shall be registered under this Act, unless it has as working capital a sum of fifteen thousand rupees, exclusive of the deposit to be made before or at the time of application for registration in accordance with sub-section (2) of section 98 of this Act and of the preliminary expenses, if any, incurred in the formation of the company or society. II of 1912.

Deposits to
be made by
Mutual
Insurance
Companies and
Co-operative
Life Insurance
Societies.

98. (1) Every Mutual Insurance Company and every Co-operative Life Insurance Society shall, in respect of the life insurance business carried on by it in British India, deposit and keep deposited with one of the offices in India of the Reserve Bank of India, for and on behalf of the Central Government, a sum of two hundred thousand rupees in cash or in approved securities estimated at the market value of the securities on the day of deposit.

(2) The deposit referred to in sub-section (1) may be made in instalments, of which the first shall be a payment, made before or at the time the application for registration under this Act is made, of twenty-five thousand rupees or such sum as with any deposit

I of 1912. deposit previously made by the insurer under the provisions of the Indian Life Assurance Companies Act, 1912, brings the amount deposited up to twenty-five thousand rupees, and the subsequent instalments shall be annual instalments made before the expiry of each subsequent year of an amount in cash or in approved securities estimated at the market value of the securities on the day of payment of the instalment, equal to one-third of the gross premium income received in the previous year.

99. No transferee or assignee of a policy issued by an insurer to whom this Part applies shall become a member of a Mutual Insurance Company or a Co-operative Life Insurance Society merely by reason of any such transfer or assignment.

Transferees and assignees of policies not to become members.

II of 1913. 100. Notwithstanding the provisions of section 79 and section 131 of the Indian Companies Act, 1913, a Mutual Insurance Company or a Co-operative Life Insurance Society may, instead of sending the notices and the copies of the balance-sheet, revenue account and other documents which they are required to send to the members under those sections, publish such notices or documents once in a newspaper published in the English language and in a newspaper published in an Indian language circulating in the place where the principal office of the company is situated:

Publication of notices and documents of Mutual Insurance Companies and Co-operative Life Insurance Societies.

Provided that, where any members of the company are domiciled in a province other than that in which the principal office of the company is situated, publication of the balance-sheet, revenue account and notice of the meetings shall be made in a newspaper or newspapers published in the principal languages of that province and circulating therein.

VII of 1913. 101. Every Mutual Insurance Company and every Co-operative Life Insurance Society shall, on the application of any member made within two years from the date on which any such document is furnished to the Registrar of Companies under the provisions of section 134 of the Indian Companies Act, 1913, or to the Registrar of Co-operative Societies of the province in which the Co-operative Life Insurance Society is registered, furnish a copy of the document free of cost to the member within fourteen days of the application.

Supply of documents to members.

PART V.

PART V.

MISCELLANEOUS.

Penalty for default in complying with, or act in contravention of, this Act.

102. (1) Except as otherwise provided in this Act, any insurer who makes default in complying with or acts in contravention of any requirement of this Act and, where the insurer is a company, any director, managing agent, manager or other officer of the company, or where the insurer is a firm, any partner of the firm who is knowingly a party to the default, shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing default, with an additional fine which may extend to five hundred rupees for every day during which the default continues.

(2) Any provident society which makes default in complying with any of the requirements of Part III and any director, managing agent, manager, secretary or other officer of the society who is knowingly a party to the default, shall be punishable with fine which may extend to five hundred rupees or in the case of a continuing default with fine which may extend to two hundred and fifty rupees for every day during which the default continues.

Penalty for transacting insurance business in contravention of sections 3, 6, 7, 97 and 98.

103. (1) Any insurer or any person acting on behalf of an insurer, who transacts any class of insurance business in contravention of any of the provisions of section 3, section 6, section 7, section 97 or section 98, or does any one or more of the acts constituting the business of insurance in relation to any such class of insurance business shall be punishable with fine which may extend to two thousand rupees.

(2) Any person knowingly taking out a policy of insurance with any insurer or person guilty of an offence under sub-section (1) shall be punishable with fine which may extend to five hundred rupees:

Provided that nothing in this section shall apply to the business of re-insurance between the head office of an insurer in British India and the head office of an insurer not having an office in British India.

Penalty for false statement in document.

104. Whoever, in any return, report, certificate, balance-sheet or other document, required by or for the purposes of any of the provisions of this Act, wilfully makes a statement false in any material particular

particular, knowing it to be false, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

105. Any director, managing agent, manager or other officer or employee of an insurer who wrongfully obtains possession of any property of the insurer or having any such property in his possession wrongfully withholds it or wilfully applies it to purposes other than those expressed or authorised by this Act shall, on the complaint of the insurer or any member or any policy-holder thereof, be punishable with fine which may extend to one thousand rupees and may be ordered by the Court trying the offence to deliver up or refund within a time to be fixed by the Court any such property improperly obtained or wrongfully withheld or wilfully misapplied and in default to suffer imprisonment for a period not exceeding two years.

Wrongfully obtaining or withholding property.

106. If on the application of an insurer or any member of an insurance company or any policy-holder or the liquidator of an insurance company (in the event of the insurer being in liquidation) the Court is satisfied that by reason of any contravention of the provisions of this Act the amount of the life insurance fund has been diminished, every person who was at the time of the contravention a director, manager, liquidator or an officer of the insurer shall be deemed in respect of the contravention to have been guilty of misfeasance in relation to the insurer unless he proves that the contravention occurred without his consent or connivance and was not facilitated by any neglect or omission on his part; and the Court shall have all the powers which a Court has under sections 235 and 237 of the Indian Companies Act, 1913, and shall also have the power to assess the sum by which the amount of the life insurance fund has been diminished by reason of the misfeasance and to order any person guilty thereof to contribute to that fund the whole or any part of that sum by way of compensation.

Wrongfully diminishing life insurance fund.

VII of 1913.

107. Except where proceedings are instituted by the Superintendent of Insurance, no proceedings under this Act against an insurer or any director, manager or other officer of an insurer or any person

Previous sanction of Advocate General for institution of proceedings.

who

who is liable under sub-section (2) of section 41 shall be instituted by any person unless he has previous thereto obtained the sanction of the Advocate General of the province where the principal place of business in British India of such insurer is situate to the institution of such proceedings.

Power of Court to grant relief.

108. If in any proceedings, civil or criminal, it appears to the Court hearing the case that a person is or may be liable in respect of negligence, default, breach of duty or breach of trust but that he has acted honestly and reasonably and that having regard to all the circumstances of the case he ought fairly to be excused for the negligence, default, breach of duty or breach of trust, the Court may relieve him either wholly or partly from his liability on such terms as it may think fit.

Cognizance of offences.

109. No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Appeals.

110. (1) An appeal shall lie to the Court having jurisdiction from any of the following orders, namely:—

- (a) an order under section 3 refusing to register, or cancelling the registration of, an insurer;
- (b) an order under section 5 directing the insurer to change his name;
- (c) an order under section 42 cancelling the licence issued to an agent;
- (d) an order under section 75 refusing to register an amendment of rules;
- (e) an order under section 87 directing an inquiry by an auditor or actuary; or
- (f) an order made in the course of the winding up or insolvency of an insurer or a provident society.

(2) The Court having jurisdiction for the purposes of sub-section (1) shall be the principal Court of civil jurisdiction within whose local limits the principal place of business of the insurer concerned is situate.

(3) An appeal shall lie from any order made under sub-section (1) to the authority authorised to hear appeals

appeals from the decisions of the Court making the same and the decision on such appeal shall be final.

111. (1) Any process or notice required to be served on an insurer or provident society shall be sufficiently served if addressed to any person registered with the Superintendent of Insurance as a person authorised to accept notices on behalf of the insurer or provident society and left at, or sent by registered post to, the address of such person as registered with the Superintendent of Insurance.

Service of notices.

(2) Any notice or other document which is by this Act required to be sent to any policy-holder may be addressed and sent to the person to whom notices respecting such policy are usually sent and any notice so addressed and sent shall be deemed to be notice to the holder of such policy:

Provided that, where any person claiming to be interested in a policy as transferee, assignee or nominee has given to an insurer or to a provident society notice in writing of his interest, any notice which is by this Act required to be sent to policy-holders shall also be sent to such person at the address specified by him in his notice.

112. Notwithstanding anything to the contrary contained in this Act an insurer carrying on the business of life insurance shall be at liberty to declare an *interim* bonus or bonuses to policy-holders whose policies mature for payment by reason of death or otherwise during the inter-valuation period on the recommendation of the investigating actuary made at the last preceding valuation.

Declaration of interim bonuses.

113. (1) Where a definite number of premiums is payable a policy of life insurance on which all premiums have been paid for three consecutive years shall acquire a guaranteed surrender value and notwithstanding any contract to the contrary shall not lapse by reason of non-payment of further premium but shall notwithstanding such non-payment be kept alive to the extent of its paid up value.

Acquisition of surrender values by policy.

Explanation.—For the purposes of this sub-section the paid up value of a policy shall be an amount bearing to the total sum assured by the policy the same proportion as the total of the premiums already paid on the policy bears to the total of the premiums payable under the policy.

(2) A policy

(2) A policy kept alive to the extent of its paid up value under sub-section (1) shall not participate in any profits of the insurer earned after the conversion of the policy into a paid up policy.

(3) This section shall not apply to—

- (a) policies in respect of which the sum assured is payable only on the happening of a contingency which may not arise, or
- (b) where the paid up value will be less than one hundred rupees, or
- (c) where the parties after the default has occurred in the payment of the premium agree in writing to some other arrangement, or
- (d) to policies in which the surrender value is automatically applied under the terms of the contract to maintaining the policy in force after its lapse through non-payment of premium.

Power of
Central
Government to
make rules.

114. (1) The Central Government may, subject to the condition of previous publication by notification in the official Gazette, make rules to carry out the purposes of this Act.

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

- (a) the qualifications to be possessed by actuaries;
- (b) the manner in which it shall be determined for the purposes of this Act what is insurance business transacted in British India;
- (c) the procedure to be followed by the Reserve Bank of India in dealing with deposits made in pursuance of this Act, including the receipt of, custody of, withdrawal of, and payment of interest on securities lodged as such deposits, and their inspection and verification by the Superintendent of Insurance;
- (d) the form referred to in clause (d) of sub-section (2) of section 16;

(e) the

- (e) the manner in which the prospectuses and tables referred to in sub-section (1) of section 41 shall be published and the form in which they shall be drawn up;
- (f) the matters to be prescribed for the purposes of section 48;
- (g) the manner in which licences to act as insurance agents may be issued or cancelled;
- (h) the contingencies other than those specified in clauses (a) to (f) of section 65 on the happening of which money may be paid by provident societies;
- (i) the matters other than those specified in clauses (a) to (o) of sub-section (1) of section 74 on which a provident society shall make rules;
- (j) the form of any account, return or register required by Part III and the manner in which such account, return or register shall be verified;
- (k) subject to the provisions of this Act, the fees payable thereunder and the manner in which they are to be collected; and
- (l) the conditions and the matters which may be prescribed under sub-sections (5), (10) and (12) of section 92:

Provided that every rule made under this section shall be laid as soon as may be after it is made before both Chambers of the Central Legislature for one month while they are in session; and, if within one month from the later date on which the rule has so been laid both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or shall be of no effect, as the case may be.

(3) All rules made by a Local Government under the provisions of section 24 of the Provident Insurance Societies Act, 1912, and in force at the commencement of this Act shall so far as not inconsistent with the provisions of Part III continue in force and have effect as if duly made under this section until they are replaced by rules made under this section.

Alteration of forms.

115. The Central Government may, on the application or with the consent of an insurer, not being a company, alter the forms contained in the Schedules as respects that insurer, for the purpose of adapting them to the circumstances of that insurer:

Provided that nothing done under this section shall exempt the insurer from supplying all information required under this Act so far as it is possible for the insurer to do so.

Power to exempt from certain requirements.

116. The Central Government may, by notification in the official Gazette, exempt any insurer constituted, incorporated or domiciled in an Indian State from the provisions of section 6 relating to deposits or from the provisions of sub-section (2) of section 27 relating to the keeping of assets in India either absolutely or subject to such conditions or modifications as may be specified in the notification.

Saving of provisions of Indian Companies Act, 1913.

117. Nothing in this Act shall affect the liability of an insurer being a company to comply with the provisions of the Indian Companies Act, 1913, in matters not otherwise specifically provided for by this Act. VII of 1913.

Exemptions.

118. Nothing in this Act shall apply to any Trade Union registered under the Indian Trade Unions Act, 1926, or to any insurance business carried on by the Central or by a Provincial Government, or to any provident fund to which the provisions of the Provident Funds Act, 1925, apply, or, if the Superintendent of Insurance so orders in any case, and to such extent as he specifies in such order, to— XVI of 1926.

(a) any fund in existence and officially recognised by the Central Government before the 27th day of January, 1937, maintained by or on behalf of Government servants or Government pensioners for the mutual benefit of contributors to the fund and of their dependents, or

(b) any mutual or provident insurance society composed wholly of Government servants or of railway servants which has been exempted from any or all of the provisions of the Provident Insurance Societies Act, 1912. XIX of 1925.

V of 1912.

119. Every

OF 1938.]

Insurance.

119. Every insurer registered under this Act shall deposit and keep deposited with the Superintendent of Insurance copies of all standard forms of policy contracts issued by him in India.

Policy forms to be deposited with the Superintendent of Insurance.

120. The market value on the day of deposit of securities deposited in pursuance of any of the provisions of this Act with the Reserve Bank of India shall be determined by the Reserve Bank of India whose decision shall be final.

Determination of market value of securities deposited under this Act.

IV of 1932. 121. To the *Exception* to section 130 of the Transfer of Property Act, 1882, the following words and figures shall be added, namely:—

Amendment of section 130, Act IV of 1882.

“or affects the provisions of section 38 of the Insurance Act, 1938”.

IX of 1908. 122. In the First Schedule to the Indian Limitation Act, 1908, for the entry in the third column relating to article 86 the following entry shall be substituted, namely:—

Amendment of Schedule I, Act IX of 1908.

“The date of the death of the deceased.....”

V of 1912. VI of 1912. XX of 1928. 123. The Provident Insurance Societies Act, 1912, the Indian Life Assurance Companies Act, 1912, and the Indian Insurance Companies Act, 1928, are hereby repealed.

Repeals.

THE FIRST SCHEDULE.

(See section 11.)

Regulations and Forms for the preparation of Balance-Sheet.

PART I.

Regulations.

1. The balance-sheet required to be prepared in respect of every class of business carried on by an insurer is, in the form in which it is set out in Part II of this Schedule (Form A), appropriate to a case where the insurer maintains a separate fund in respect of life insurance business.

2. The balance-sheet of life insurance business shall be prepared as a separate document. The balance-sheet of any class of business may be prepared as a separate document instead of being incorporated by the addition of columns and headings in the general balance-sheet, but the totals of each such separate balance-sheet (showing the total assets of the class of business, the balance at the credit of the life insurance fund or other separate fund or account, the amount of shareholders' undivided profits, and outstanding liabilities) must in any case be incorporated in the general balance-sheet.

3. If any combined balance-sheet is for any purpose issued by an insurer, it shall be in accordance with the Form set out in this Schedule, and there shall not be included among the assets shown in any such combined balance-sheet any amount in respect of any holding in or advance to any insurer whose assets and liabilities have been incorporated therein. Every combined balance-sheet must show clearly on the face thereof that it is a combined balance-sheet and must set out fully the name of every insurer whose assets and liabilities have been incorporated therein; if the assets and liabilities of any person not being an insurer are included in a combined balance-sheet the fact must be stated thereon.

4. Where any guarantee has been given by an insurer (otherwise than in the ordinary course of re-insurance business) in respect of the policies of any other insurer, the balance-sheet of the insurer by whom the guarantee was given must show clearly the name of every insurer whose policies have been so guaranteed and the extent of the guarantee:

Provided that this regulation shall not apply where a combined balance-sheet is issued incorporating the assets and liabilities of the insurer whose policies are guaranteed.

5. Where any part of the assets of an insurer is deposited in any place outside British India as security for the owners of policies issued in that place, the balance-sheet shall state that part of the assets has been so deposited, and, if any such part forms part of the life insurance fund, shall show the amount thereof and the place where it is deposited. Where any combined balance-sheet is issued by an insurer for any purpose, the information required by this regulation shall be shown in the aggregate in respect of all the insurers whose assets and liabilities have been incorporated in the balance-sheet.

6. There shall be appended to the balance-sheet a statement in Form AA as set out in Part II of this Schedule showing the market value and the book value of the assets in India.

7. Every balance-sheet shall contain the following certificates, namely:—

(a) a certificate signed by the same persons as are required by this Act to sign the balance-sheet explaining how the values as shown in the balance-sheet of the Investments in Stocks and Shares have been arrived at, and how the market value thereof has been ascertained for the purpose of comparison with the values so shown;

(b) a certificate signed by the same persons as are required by this Act to sign the balance-sheet and signed also, so far as respects the value of any items shown in the balance-sheet under the

heading

heading of "Reversions and Life Interests", by an actuary, certifying that the values of all the assets have been reviewed as at the date of the balance-sheet, and that in their belief the assets set forth in the balance-sheet are shown in the aggregate at amounts not exceeding their realisable or market value under the several headings—"Loans", "Reversions and Life Interests", "Investments", "Agent's Balances", "Outstanding Premiums", "Interest, Dividends and Rents outstanding", "Interest, Dividends and Rents accruing but not due", "Amounts due from other Persons or Bodies carrying on Insurance Business", "Sundry Debtors", "Bills Receivable", "Cash" and the several items specified under "Other Accounts":

Provided that if the persons signing the certificate are unable to certify that the assets set forth in the balance-sheet are so shown as aforesaid, a full explanation of the bases upon which the values shown in the balance-sheet have been assessed shall be given in the certificate;

- (c) a certificate signed by the same persons as are required by this Act to sign the balance-sheet and by the auditor certifying that no parts of the assets of the life insurance fund has been directly or indirectly applied in contravention of the provisions of this Act relating to the application and investment of life insurance funds; and
- (d) certificates signed by the auditor (which shall be in addition to any other certificate or report which he is required by law to give with respect to the balance-sheet) certifying—
- (i) that he has verified the cash balances and the securities relating to the insurer's loans, reversions and life interests, and investments;
 - (ii) to what extent, if any, he has verified the investments and transactions relating to any trusts undertaken by the insurer as trustee; and
 - (iii) in the case of a combined balance-sheet, that he has audited the balance-sheet and accounts of every insurer whose assets and liabilities are incorporated therein, or that any such balance-sheet and accounts which have not been audited by him have been certified by independent auditors. The said certificate shall contain a reference to such reservations, if any, as may have been made by any auditor upon any report or certificate given by him with respect to the balance-sheet and accounts of any insurer whose assets and liabilities are incorporated in the combined balance-sheet.

8. If the values shown in the balance-sheet in respect of "Holdings in Subsidiary Companies" or "House property (i) in India (ii) out of India" have been increased since the last previous balance-sheet, the certificate required by paragraph (b) of the last foregoing regulation shall state the amount of every increase not solely due to the cost of subsequent additions or, as respects holdings in controlled companies, to increased profits, and shall contain an explanation of the reason therefor.

9. For the purposes of this Schedule the following expressions have the meanings hereby respectively assigned to them, namely:—

- (a) "combined balance-sheet" includes any combined statement made by an insurer of assets and liabilities in the form of a balance-sheet which includes the assets and liabilities of any other insurer; and
- (b) "market value" means as respects any asset the market value thereof as ascertained from published market quotations, or, if there be no such value, its fair value as between a willing buyer and a willing seller.

PART II—FORMS.

PART II.
FORMS.
FORM A.

Form of Balance-Sheet.

Balance-Sheet of 19

	Life and Annuity Business. (1)	Other Classes of Business. (2)*	Total.	Life and Annuity Business. (1)	Other Classes of Business. (2)*	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Shareholders' Capital (each class to be stated separately)						
Authorized:						
.....Shares of Rs..... each Rs.						
Subscribed:						
.....Shares of Rs..... each Rs.						
Called up:						
.....Shares of Rs..... each Rs.						
.....Less Unpaid calls						
Reserve or Contingency Accounts (a):						
Investment Reserve Account						
Profit and Loss Appropriation Account						
Balance.						
Balances of Funds and Accounts:						
Life Insurance Fund						
Fire Insurance Business Account						
Marine Insurance Business Account						
Accident and Miscellaneous Insurance Business Account						
Other accounts, if any (to be specified)						
(e)						
Pension or Superannuation Accounts (b)						
Debtenture Stock per cent.						
Loans:						
On Mortgages of property within British India						
On Mortgages of property outside British India						
On Security of municipal and other public rates						
On Stocks and Shares						
On Insurer's policies within their surrender value						
On Personal security						
To Subsidiary Companies (other than Reversionary) (f)						
Reversions and Life Interests:						
Reversions and Life Interests purchased						
Loans on Reversions and Life Interests						
Debtentures and Debtenture Stocks of Subsidiary Reversionary Companies (f)						
Ordinary Stocks and Shares of Subsidiary Reversionary Companies (f)						
Loans to Subsidiary Reversionary Companies (f)						
Investments:						
Deposit with the Reserve Bank of India (Securities to be specified)						
Indian Government Securities						
Provincial Government Securities						

Insurance.

[ACT IV

<p>Loans and Advances (c) Bills Payable (c) Estimated Liability in respect of outstanding claims, whether due or intimated (d) Annuities due and unpaid (d) Outstanding Dividends Amounts due to Other Persons or Bodies carrying on Insurance Business (c) Sundry Creditors (including outstanding and accruing expenses and Taxes) (c) Other sums owing by the insurer (particulars to be given) (c) Contingent Liabilities (to be specified) (e).</p>	<p>Rs.</p>	<p>British, British Colonial and British Dominion Government Securities Foreign Government Securities Indian Municipal Securities British and Colonial Securities Foreign Securities Bonds, Debentures, Stocks and other Securities whereon Interest is guaranteed by the Indian Government or a Provincial Government. Bonds, Debentures, Stocks and other Securities whereon Interest is guaranteed by the British or any Colonial Government Bonds, Debentures, Stocks and other Securities whereon Interest is guaranteed by any Foreign Government. Debentures of any railway in India Debentures of any railway out of India Preference or guaranteed Shares of any railway in India. Preference or guaranteed Shares of any railway out of India Railway Ordinary Stocks (i) in India (ii) out of India Other Debentures and Debenture Stock of Companies incorporated (i) in India (ii) out of India. Other guaranteed and Preference Stocks and Shares of Companies incorporated (i) in India (ii) out of India Other Ordinary Stocks and Shares of Companies incorporated (i) in India (ii) out of India Holdings in Subsidiary Companies (f) House property (g) in India (ii) out of India. Freehold and Leasehold ground rents and rent charges. Agent's Balances Outstanding Premiums (g) Interest, Dividends and Rents outstanding (d).</p>	<p>Carried over</p>

FORM A—contd.

	Life and Annuity Business. (1)	Other Classes of Business. (2)*	Total.		Life and Annuity Business. (1)	Other Classes of Business. (2)*	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
				Brought forward			
				Interest, Dividends and Rents accruing but not due (d)			
				Amounts due from Other Persons or Bodies carrying on Insurance Business (h)			
				Sundry Debtors (i)			
				Bills Receivable			
				Cash			
				At Bankers on Deposit Account			
				At Bankers on Current Account and in hand			
				At Call and Short Notice (j)			
				Other Accounts (to be specified) (k)			

*Assets and Liabilities, Shareholders' Capital and Reserves, not allocated to any class of business specified in column (1) must be shown in column (2)

Notes.

- (a) The Reserves or Contingency Accounts must be separately stated.
- (b) If the insurer has not full and unrestricted control of the assets constituting the Pension or Superannuation Accounts, either those Accounts and the assets and liabilities relating thereto must be omitted from the balance-sheet or the assets of which the insurer has not such control must be clearly indicated on the face of the balance-sheet.
- (c) If the insurer has deposited security as cover in respect of any of these items, the amount and nature of the securities so deposited must be clearly indicated on the face of the balance-sheet.
- (d) These items are or have been included in the corresponding items in the Revenue or Profit and Loss Account. Outstanding and accruing interest, dividends and rents must be shown after deduction of income-tax or the income-tax must be provided for amongst the liabilities on the other side of the balance-sheet.
- (e) Such items as amount of liability in respect of bills discounted, uncalled capital of subsidiary companies, uncalled capital of other investments; etc., must either be shown in their several categories under the heading "Contingent Liabilities" or the appropriate items on the assets side must be set out in such detail as will clearly indicate the amount of the uncalled capital.
- (f) As respects life and annuity business full particulars of holdings in and loans to subsidiary companies must be stated, giving the name of each company, the number and description of each class of shares held, the amounts paid up thereon, and the value at which the holdings in each company stand in the balance-sheet.

- (4) Either this item must be shown net or the commission must be provided for amongst the liabilities on the other side of the balance-sheet.
- (5) The aggregate amount owing by a subsidiary company or subsidiary companies is to be shown separately from all other assets and the aggregate amount owing to a subsidiary company or subsidiary companies is to be shown separately from all other liabilities.
- (6) Amounts due from directors and officers must be shown separately.
- (7) No amounts must be entered under this heading unless fully secured. If not fully secured, the amounts must be included under the heading "Sundry Debts".
- (8) Under this heading must be included such items as the following, which must be shown under separate headings suitably described: office furniture, goodwill, preliminary, formation and organisation expenses, development expenditure account, discount on debentures issued, other expenditure carried forward to be written off in future years, balance being loss on Profit and Loss Appropriation Accounts, etc. The amounts included in the balance-sheet must not be in excess of cost.
- (9) Under the head "Other accounts, if any (to be specified)" on the left hand side, fines realized from the staff and their contribution towards the provident fund, if any, should be shown under separate sub-heads.

FORM AA.

Classified Summary of the Indian Assets of the.....
 Company on 19

Class of Asset.	Book value as per (a) below.	Market-value as per (b) below.	Remarks as per (c) below.
	Rs.	Rs.	
(1) Government of India Securities			
(2) Indian Provincial Government Securities.			
(3) Indian Municipal Port and Improvement Trust Securities including Debentures.			
(4) Debentures of Indian Railways			
(5) Guaranteed and Preference Shares of Indian Railways.			
(6) Annuities of Indian Railways			
(7) Ordinary Shares of Railways in India.			
(8) Other Debentures of concerns in India.			
(9) Other Guaranteed and Preference Shares of concerns in India.			
(10) Other Ordinary Shares of concerns in India.			
(11) Loans on the Company's policies effected in India and within their surrender value.			
(12) Loans on Mortgage of property in India.			
(13) Loans on Personal Security to persons domiciled and resident in India.			
(14) Other loans granted in India (particulars to be stated).			
(15) Land and House Property in India			
(16) Cash on Deposit in banks in India			
(17) Cash in Hand and on current account in banks in India.			
(18) Agents' balances and outstanding premiums.			

(19) Interest

FORM AA—contd.

Class of Asset.	Book value as per (a) below.	Market-value as per (b) below.	Remarks as per (c) below.
	Rs.	Rs.	
(19) Interest, dividends and rents either outstanding or accrued but not due.			
(20) Other assets in India (to be specified)			

The statement shall show—

- (a) the value for which credit is taken in the balance-sheet for each of the abovementioned classes of assets,
- (b) the market value of such of the abovementioned classes of assets as has been ascertained from published quotations after deduction of accrued interest included in market prices in those cases where accrued interest is included elsewhere in the balance-sheet,
- (c) how the value of such of the abovementioned classes of assets as has not been ascertained from published quotations has been arrived at, and
- (d) the rates of exchange at which the values of the assets other than in rupee currency have been converted into rupees.

The market values need not be shown separately where they are not less than the book values and a certificate to that effect is appended to the statement.

No amounts on account of any of the following items may be entered in the statement:—

- Goodwill.
- Preliminary, formation, organisation or development expenses.
- Commission or discount on shares or debentures issued.
- Commuted Commission.
- Expenditure carried forward to be written off in future years.

THE SECOND SCHEDULE.

(See section 11.)

Regulations and Forms for the preparation of Profit and Loss Accounts.

PART I.

Regulations.

1. The items on the income side of the Profit and Loss Account and Profit and Loss Appropriation Account must relate to income whether actually received or not; and the items on the expenditure side must relate to expenditure whether actually paid or not.
2. Deductions from Interest, Dividends and Rents to be shown in respect of income-tax must include all amounts in respect of British Indian income-tax whether or not it has been or is to be deducted at source or paid direct.
3. The Interest, Dividends and Rents, less income-tax thereon shown in the Revenue Accounts for any classes of business other than life insurance business, including annuity business may, if the insurer so desires, be included with the corresponding items in the Profit and Loss Account.

PART II—FORMS.

PART II.

FORMS.

FORM B.

Form of Profit and Loss Account.

Profit and Loss Account of _____ for the year ended 19..

	Rs. A. P.		Rs. A. P.
British Indian Taxes on the Insurer's Profits (not applicable to any particular Fund or Account).		Interest, Dividends and Rents (not applicable to any particular Fund or Account)	Rs.
		Less—Income-tax thereon	Rs.
Expenses of Management (not applicable to any particular Fund or Account)*		Profit on realisation of Investments (not credited to Reserves or any particular Fund or Account)	
Loss on Realisation of Investments (not charged to Reserves or any particular Fund or Account)		Appreciation of Investments (not credited to Reserves or any particular Fund or Account)	
Depreciation of Investments (not charged to Reserves or any particular Fund or Account)		Profit transferred from Revenue Accounts (details to be given)	
Loss transferred from Revenue Accounts (details to be given)		Transfer Fees	
Other Expenditure (to be specified)		Other Income (to be specified)	
Balance for the year carried to Appropriation Account		Balance being loss for the year carried to Appropriation Account	

*If any sum has been deducted from this item and entered on the assets side of the balance-sheet, the amount must be shown separately.

FORM C.

FORM C.

Form of Profit and Loss Appropriation Account.

Profit and Loss Appropriation Account of for the year ended 19

	Rs. A. P.		Rs. A. P.
Balance being loss brought forward from last year.		Balance brought forward from last year	Rs.
Balance being loss for the year brought from Profit and Loss Account (as in Form B)		Less—Dividends since paid in respect of last year (to be specified and if "free of tax" to be so stated)*	Rs.
Dividends paid during the year on account of the current year (to be specified and if "free of tax" to be so stated)			
Transfers to any particular Funds or Accounts (details to be given)		Balance for the year brought from Profit and Loss Account (as in Form B)	
Balance at end of the year as shown in the Balance-Sheet		Balance being loss at end of the year as shown in the Balance-Sheet	

*Note.—This item may be shown on the other side of the account if preferred.

THE THIRD SCHEDULE.

(See section 11.)

Regulations and Forms for the preparation of Revenue Accounts.

PART I.

Regulations.

1. Form D is, as set out in Part II of this Schedule, appropriate for life insurance business, but a separate revenue account must be prepared for every class of business in respect of which the insurer is required to maintain a separate account.

2. Form

2. Form F is, as set out in Part II of this Schedule, appropriate for fire insurance business. A separate revenue account in the same form must be prepared for accident and miscellaneous insurance including workmen's compensation and motor car insurance. Form E is, as set out in Part II of this Schedule, appropriate for marine insurance business.

3. If any combined revenue account is for any purpose issued by an insurer it must be in accordance with the forms specified in this Schedule and must clearly show on the face thereof that it is a combined revenue account, and must set out fully the name of every insurer required to make separate returns under this Act whose revenue and expenditure have been included therein; if the revenue and expenditure of any person not being an insurer are included in a combined revenue account, the fact must be stated thereon.

4. The items on the income side of the revenue account must relate to income whether actually received or not, and the items on the expenditure side must relate to expenditure whether actually paid or not.

5. Re-insurance premiums, whether on business ceded or accepted, are to be brought into account gross (i.e., before deducting commissions) under the head of premiums.

6. As respects life insurance business the following statements shall be furnished to the Superintendent of Insurance every year showing details provided for in a Form pertaining thereto:—

- (A) A statement in form DD as set forth in Part II of this Schedule.
- (B) A statement in form DDD as set forth in Part II of this Schedule.
- (C) A statement in form DDDD as set forth in Part II of this Schedule.

7. The following information shall be supplied in addition to the revenue account, namely, the gross premium written in India for life, fire, marine and accident and miscellaneous insurance business.

8. Any office premises which form part of the assets of a life insurance fund must be treated as an interest earning investment, and accordingly, in the revenue account for life insurance business a fair rent for the premises must be included under the heading "Interest, Dividends and Rents" and in the revenue account for every class of business for which the premises are used proper charges for the use thereof must be included under the heading "Expenses of Management".

9. Where an insurer carries on the business of life insurance in conjunction with any other class of insurance business the expenses of management charged to the life insurance revenue account must not include more than a reasonable proportion of the common expenses and in particular, no such account must be charged with more than a fair sum for the use of any office premises having regard to the income from the various classes of business carried on and to the extent to which the premises are used for the purposes of each class of business.

10. Deductions from Interest, Dividends and Rents in respect of income-tax must include all income-tax charged on such income whether or not it has been or is to be deducted at source or paid direct; the income-tax to be shown as so deducted in the life insurance Revenue Account is British Indian, United Kingdom, Foreign and Dominion income-tax, but the income-tax to be shown as deducted in Revenue Accounts of any other classes of business is British Indian income-tax only.

PART II.
FORMS,
FORM D.

Form of Revenue Account applicable to Life Insurance Business.

Revenue Account of _____ for the year ended 19 _____,
in respect of _____ Business.

	Busi- ness within India.	Busi- ness out of India. (a)	Total.		Busi- ness within India.	Busi- ness out of India. (a)	Total.
	Rs.	Rs.	Rs.		Rs.	Rs.	Rs.
Claims under Policies (including provision for claims due or intimated), less Re-insurances.				Balance of Fund at the beginning of the year			
By death				Premiums, less Re-insurances—			
By maturity				(i) First year premiums			
Annuities, less Re-insurances.				(ii) Renewal premiums			
Surrenders (including Surrenders of Bonus), less Re-insurances.				(iii) Single premiums			
Bonuses in cash, less Re-insurances.				Consideration for Annuities granted, less Re-insurances (c)	Rs.		
Bonuses in Reduction of Premiums, less Re-insurances.				Interest, Dividends and Rents			
Commission (less that on Re-insurances)				Less—Income-tax thereon (d)	Rs.		
Expenses of Management (b)—				Registration Fees			
1. Commission and allowances				Other Income (to be specified) (e)			
2. Salaries, etc. (other than to agents and those contained in item No. 1)				Loss transferred to Profit and Loss Account			
3. Travelling expenses.				Transferred from Appropriation Account			
4. Directors' fees							
5. Auditors' fees							
6. Law charges							
7. Advertisements							
8. Printing and Stationery							
9. Other expenses of management (accounts to be specified).							
10. Other payments (accounts to be specified)							
11. Rents for offices belonging to and occupied by the insurer							
12. Rents of other offices occupied by the insurer							
Bad Debts							
United Kingdom,							
British Indian, Dominion and Foreign							
Taxes							
Other Expenditure (to be specified)							
Profit transferred to Profit and Loss Account							
Balance of Fund at the end of the year as shown in the Balance-Sheet							

Notes.

Notes.

- (a) In the case of an insurer having his head office in British India, these columns apply only to business the premiums in respect of which are payable outside India.
- (b) If any sum has been deducted from this item and entered on the assets side of the balance-sheet, the amount so deducted must be shown separately. Under this item the salary paid to the managing agent or managing director shall be shown separately from the total amount paid as salaries to the remaining staff.
- (c) All single premiums for annuities, whether immediate or deferred, must be included under this heading.
- (d) British Indian, United Kingdom, Foreign and Dominion income-tax on Interest Dividends and Rents must be shown under this heading, less any rebates of income-tax recovered from the revenue authorities in respect of expenses of management. The separate heading on the other side of the account is for United Kingdom, British Indian, Foreign and Dominion taxes, other than those shown under this item.
- (e) Under the head "Other Income" fines, if any, realised from the staff must be shown separately. All the amounts received by the insurer directly or indirectly whether from his head office or from any other source outside British India shall also be shown separately in the revenue account except such sums as properly appertain to the capital account.
- (f) In the case of an insurer having his principal place of business outside British India the expenses of management for business out of India and total business need not be split up into the several sub-heads, if they are not so split up in his own country.

FORM DD. *Company, for the year ending 19*
Classified statement of life insurance policies of the

	New life insurance business in respect of which a premium has been paid in the year.		Total life insurance business in force at end of the year.		Premium income for which credit has been taken in the revenue account.
	Number of policies.	Sums insured and annuities per annum.	Number of policies.	Sums insured with bonuses and annuities per annum.	
		Rs.		Rs.	Rs.
<i>Ordinary policies.</i>					
In India					
Out of India					
Total					
<i>Annuity contracts, etc.</i>					
In India					
Out of India					
Total					
<i>Group insurance policies.</i>					
In India					
Out of India					
Total					

The amounts should be stated to the nearest rupees and after deduction of re-insurances.

FORM DDD.

Additions to and deductions from policies of the
Company for the year ending

19

	Ordinary life insurance policies insuring money to be paid on death or survivance.			Annuities.	
	No.	Sum assured.	Reversionary bonus additions.	No.	Annuity per annum.
		Rs.	Rs.		Rs.
(1) Policies at beginning of year					
(2) New policies issued					
(3) Old policies revived					
(4) Old policies changed and increased					
(5) Bonus additions allotted					
Total					
<i>Discontinued during year.</i>					
(6) By death					
(7) By survivance or the happening of the contingencies insured against other than death					
(8) By expiry of term under temporary insurances.					
(9) By surrender of policy					
(10) By surrender of bonus					
(11) By forfeiture or lapse					
(12) By change and decrease					
(13) By being not taken up					
Total discontinued					
Total existing at end of year					

FORM DDDD.

FORM DDDD.

Particulars of the policies forfeited or lapsed in the last financial year under review, less those revised and reinstated for full benefits, classified according to the year in which they were issued.

Financial year in which the policies were issued.	Number of policies forfeited or lapsed.	Sum insured under policies forfeited or lapsed.
Year ending 19 , being the year under review		Rs.
Year ending 19 , being the year previous to that under review		

And so on, the number of and sum insured under policies forfeited or lapsed in the last financial year under review being stated after classification according to each of the preceding years in which they were issued.

A separate statement must be given in respect of each class of life insurance business for which a separate revenue account is submitted.

Insurers having their principal place of business in British India shall give the information required in the form separately for business transacted in India and business transacted outside India and insurers having their principal place of business outside British India will furnish information regarding business transacted in India only.

FORM E.

Form of Revenue Account applicable to Marine Insurance Business.

Revenue Account of _____ for the year ended 19 _____,
in respect of Marine Insurance Business.

	_____				_____			
	Current year.	Last preceding year.	Previous years.	Total.	Current year.	Last preceding year.	Previous years.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
*Claims paid (less Salvages and Re-insurances) (a) (c)					Balance of Marine Insurance Business Account at beginning of the year:			
*Commission					Balances			
*Expenses of Management (b)					Additional Reserve (if any)			
*Bad Debts					*Premiums (less Returns, Re-insurances, Brokerages and Discount) (c)			
United Kingdom, British Indian, Dominion and Foreign Taxes					Interest, Dividends and Rents. Rs.			
*Other Expenditure (to be specified)					Less—Income-tax thereon. Rs.			
Profit transferred to Profit and Loss Account					*Other Income (to be specified) (d)			
Balance of Marine Insurance Business Account at end of year as shown in the Balance-Sheet:					Loss transferred to Profit and Loss Account			
Balances					Transferred from Appropriation Account.			
Additional Reserve (if any)								

Notes.

(a) This heading must include all expenses directly incurred in settling claims.

(b) If any sum has been deducted from this item and entered on the assets side of the balance-sheet the amount so deducted must be shown separately.

(c) Where the account is furnished under the provisions of section 11 of the Insurance Act, 1938, separate figures for claims paid to claimants in British India and claimants outside British India, and for premiums derived from business effected in British India and effected outside British India must be given.

(d) All the amounts received by the insurer directly or indirectly whether from his head office or from any other source outside British India shall also be shown separately in the revenue account except such sums as properly appertain to the capital account.

*Where the account is furnished under the provisions of clause (b) of sub-section (2) of section 16 of the Insurance Act, 1938, by an insurer to whom that section applies, separate figures for business within British India and business out of British India must be given against the items marked with an asterisk. Against all other items the total amount for the business as a whole may be given.

FORM F.

FORM F.

Form of Revenue Account applicable to Fire Insurance Business and to Accident and Miscellaneous Insurance Business including Workmen's Compensation and Motor-Car Insurance Business.

Revenue Account of _____ for the year ended 19 _____
 in respect of _____ Business.

	Rs.		Rs.
*Claims under Policies, less Re-insurances (a) (d):		Balance of Account at beginning of the year:	
Paid during the year . Rs.		Reserve for Unexpired Risks	Rs.
Total estimated liability in respect of outstanding claims at end of the year whether due or intimated	Rs.	Additional Reserve (if any)	Rs.
		*Premiums, less Re-insurances (d)	
		Interest, Dividends and Rents	Rs.
		Less—Income-tax thereon	Rs.
Total		*Other Income (to be specified) (e)	
Less—Outstanding at end of previous year (b) . Rs.		Loss transferred to Profit and Loss Account	
		Transferred from Appropriation Account	
*Commission			
*Expenses of Management (c)			
*Bad Debts			
United Kingdom, Foreign and Dominion Taxes			
*Other Expenditure (to be specified)			
Profit transferred to Profit and Loss Account			
Balance of Account at the end of the year as shown in the Balance-Sheet:			
Reserve for Unexpired Risks being per cent. of premium income of year	Rs.		
Additional Reserve (if any)	Rs.		
	Rs.		Rs.

Notes.

(a) This heading must include all expenses directly incurred in settling claims.

(b) If

Notes—contd.

(b) If in any year the claims actually paid and those still unpaid at the end of that year in respect of the previous year or years are in excess of the amount included in the previous year's Revenue Account as provision for outstanding claims, then the amount of such excess must be shown in the Revenue Account.

(c) If any sum has been deducted from this item and entered on the assets side of the balance-sheet the amount so deducted must be shown separately.

(d) Where the account is furnished under the provisions of section 11 of the Insurance Act, 1938, separate figures for claims paid to claimants in British India and claimants outside British India, and for premiums derived from business effected in British India and effected outside British India must be given.

(e) All the amounts received by the insurer directly or indirectly whether from this head office or from any other source outside British India shall also be shown separately in the revenue account except such sums as properly appertain to the capital account.

*Where the account is furnished under the provisions of clause (b) of sub-section (2) of section 10 of the Insurance Act, 1938, by an insurer to whom that section applies, separate figures for business within British India and business out of British India must be given against the items marked with an asterisk. Against all other items the total amount for the business as a whole may be given.

THE FOURTH SCHEDULE.

(See section 13.)

Regulations for the preparation of Abstracts of Actuaries' Reports and Requirements applicable to such Abstracts.

PART I.

Regulations.

1. Abstracts and Statements must be so arranged that the numbers and letters of the paragraphs correspond with those of the paragraphs of Part II of this Schedule.

2. In showing the proportion which that part of the annual premiums reserved as a provision for future expenses and profits bears to the total of the annual premiums, in accordance with the requirements of paragraph 3 of Part II of this Schedule, no credit is to be taken for any adjustments made in order to secure that no policy is treated as an asset.

3. (1) The

3. (1) The average rate of interest yielded in any year by the assets constituting a life insurance fund shall, for the purposes of paragraph 4 of Part II of this Schedule, be calculated by dividing the interest of the year by the mean fund of the year; and for the purposes of any such calculation the interest of the year shall be taken to be the whole of the interest credited to the life insurance fund during the year after deduction of income-tax charged thereon (any refund of income-tax in respect of expenses of management made during the year being taken into account), and the mean fund of the year shall be ascertained by adding a sum equal to one-half of the amount of the life insurance fund at the beginning of the year to a sum equal to one-half of that fund at the end of the year, and deducting from the aggregate of those two sums an amount equal to one-half of the interest of the year.

(2) For the purposes of the calculation aforesaid either—

- (a) all profits and income arising during the year from sums invested in reversions shall be included in the interest credited to the life insurance fund during the year; or
- (b) such portion of the life insurance fund as is invested in the purchase of reversions, and the profits and income arising therefrom, shall be excluded from the calculation; but in that case a statement must be added to the information required under the said paragraph 4, showing, in respect of the portion of the fund so excluded as aforesaid, the average rate of annual profit and income for which credit has been taken during the five years last preceding the valuation date, and explaining the manner in which the said average rate has been calculated.

(3) The information given in accordance with the requirements of the said paragraph 4 shall show clearly by which of the methods hereinbefore in this regulation mentioned the sums invested in reversions and the profits and income arising therefrom have been dealt with.

4. Every abstract prepared in accordance with the requirements of Part II of this Schedule shall be signed by an actuary and shall contain a certificate by him to the effect that he has satisfied himself as to the accuracy of the valuations made for the purposes thereof and of the valuation data :

Provided that in the case of an abstract prepared on behalf of an insurance company, if the actuary who signs the abstract is not a permanent officer of the company, the certificate as to the accuracy of the valuation data shall be given and signed by the principal officer of the company and the actuary shall include in the abstract a statement signed by him showing what precautions he has taken to ensure the accuracy of the data.

5. For the purposes of this Schedule the following expressions have the meanings hereby respectively assigned to them, namely :—

“extra premium.” means a charge for any risk not provided for in the minimum contract premium;

“inter-valuation period” means, as respects any valuation, the period to the valuation date of that valuation from the valuation date of the last preceding valuation in connection with which an abstract was prepared under this Act or under the enactments repealed by this Act, or, in a case where no such valuation has been made in respect of the class of business in question, from the date on which the insurer began to carry on that class of business;

“maturity date”

- "maturity date" means the fixed date on which any benefit will become payable either absolutely or contingently;
- "net premiums" means as respects any valuation the premiums taken credit for in the valuation;
- "premium term" means the period during which premiums are payable;
- "valuation date" means as respects any valuation the date as at which the valuation is made.

PART II.

Requirements applicable to an Abstract in respect of Life Insurance Business.

The following tabular statements shall be annexed to every abstract prepared in accordance with the requirements of this Part of this Schedule, namely:—

- (a) a Consolidated Revenue Account, in the Form G annexed to this Part of this Schedule, for the inter-valuation period (except that it shall not be necessary to prepare such an account in respect of any class of business so long as the insurer deposits annually with the Superintendent of Insurance an abstract in respect of that class of business); and
- (b) a Summary and Valuation in the Form H annexed to this Part of this Schedule of the policies included at the valuation date in the class of business to which the abstract relates; and
- (c) a Valuation Balance-Sheet in the Form I annexed to this Part of this Schedule; and
- (d) a statement in Form DDD as set forth in Part II of the Third Schedule of the additions to and deductions from the number of policies and the sums insured thereunder for each class of life insurance; and
- (e) a statement in Form DDDD as set forth in Part II of the Third Schedule of particulars of policies forfeited or lapsed under each class of life insurance;

and every such abstract shall show—

1. The valuation date.

2. The general principles and full details of the methods adopted in the valuation of each of the various classes of insurances and annuities shown in the said Form H, including statements on the following points:—

- (a) whether the principles were determined by the instruments constituting the company or by its regulations or bye-laws or how otherwise;
- (b) the method by which the net premiums have been arrived at and how the ages at entry, premium terms and maturity dates have been treated for the purpose of the valuation;

(c) the

- (c) the methods by which the valuation age, period from the valuation date to the maturity date, and the future premium terms, have been treated for the purpose of the valuation;
 - (d) the rate of bonus taken into account where by the method of valuation definite provision is made for the maintenance of a specific rate of bonus;
 - (e) the method of allowing for—
 - (i) the incidence of the premium income; and
 - (ii) premiums payable otherwise than annually;
 - (f) the methods by which provision has been made for the following matters, namely :—
 - (i) the immediate payment of claims;
 - (ii) future expenses and profits in the case of limited payment and paid-up policies;
 - (iii) the reserve in respect of lapsed policies, not included in the valuation, but under which a liability exists or may arise; and whether any reserves have been made for the matters aforesaid;
 - (g) whether under the valuation method adopted any policy would be treated as an asset, and, if so, what steps, if any, have been taken to eliminate such asset;
 - (h) a statement of the manner in which policies on under-average lives and policies subject to premiums which include a charge for climatic, military or other extra risks have been dealt with; and
 - (i) the rates of exchange at which liabilities in respect of policies issued in foreign currencies have been converted into rupees and what provision has been made for possible increase of liability arising from future variations in the rates of exchange.
3. The table of mortality used, and the rate of interest assumed, in the valuation.
4. The proportion which that part of the annual premiums reserved as a provision for future expenses and profits bears to the total of the annual premiums, separately specified in respect of insurances with immediate profits, with deferred profits, with profits under discounted bonus systems, and without profits.
5. The average rates of interest yielded by the assets, whether invested or uninvested, constituting the life insurance fund for each of the years covered by the valuation date.
6. The basis adopted in the distribution of profits as between the insurer and policy-holders, and whether such basis was determined by the instruments constituting the company, or by its regulations or bye-laws, or how otherwise.
7. The general principles adopted in the distribution of profits among policy-holders, including statements on the following points, namely :—
- (a) whether the principles were determined by the instruments constituting the company, or by its regulations or bye-laws, or how otherwise;

- (b) the number of years' premiums to be paid, period to elapse and other conditions to be fulfilled before a bonus is allotted;
- (c) whether the bonus is allotted in respect of each year's premium paid, or in respect of each completed calendar year or year of assurance or how otherwise; and
- (d) whether the bonus vests immediately on allocation, or, if not, the conditions of vesting.

8. (1) The total amount of profits arising during the inter-valuation period, including profits paid away and sums transferred to reserve funds or other accounts during that period, and the amount brought forward from the preceding valuation (to be stated separately) and the allocation of such profits—

- (a) to interim bonus paid;
 - (b) among policy-holders with immediate participation, giving the number of the policies which participated and the sums assured thereunder (excluding bonuses);
 - (c) among policy-holders with deferred participation, giving the number of the policies which participated and the sums assured thereunder (excluding bonuses);
 - (d) among policy-holders in the discounted bonus class, giving the number of the policies which participated and the sums assured thereunder (excluding bonuses);
 - (e) to the insurer or, in the case of an insurance company, among shareholders or to shareholders' accounts (any such sums passed through the accounts during the inter-valuation period to be separately stated);
 - (f) to every reserve fund or other fund or account (any such sums passed through the accounts during the inter-valuation period to be separately stated);
 - (g) as carried forward unappropriated.
- (2) Specimens of bonuses allotted as at the valuation date to policies for one thousand rupees—

- (a) for the whole term of life effected at the respective ages of 20, 30 and 40, and having been in force respectively for five years, ten years and upwards at intervals of ten years; and
- (b) for endowment insurances effected at the respective ages of 20, 30 and 40, for endowment terms of fifteen, twenty and thirty years, and having been in force respectively for five years, ten years and upwards at intervals ten years;

together with the amounts apportioned under the various manners in which the bonus is receivable.

9. A statement in Form J annexed to this Part of this Schedule of specimen policy reserve values held or required to be held according to the methods adopted in the valuation, and specimen minimum surrender values in respect of whole life insurance policies for Rs. 1,000 with premiums payable throughout life effected at the respective ages of 20, 30, 40 and 50, and immediately on payment of the first, second, third, fourth, sixth, seventh, eighth, ninth, tenth, fifteenth and twentieth annual premium; with similar specimen policy reserve values and specimen surrender values in respect of whole life insurance policies subject to premiums payable for 20 years and of endowment insurance policies maturing at age 55.

10. A statement showing how the liability under any disability clause in a policy has been determined in the valuation with full information of the tables of sickness or accident used for the purpose.

FORM G.

FORM G.

Consolidated Revenue Account of _____ for _____ years commencing and ending _____

	Business within India.			Business within India.	
	Rs.	Total.		Rs.	Total.
Claims under Policies (including provision for claims due or intimated), less Re-insurances—			Balance of Life Insurance Fund at the beginning of the period		
By death			Premiums, less Re-insurances		
By maturity			Consideration for Annuities Granted, less Re-insurances (b)		
Annuities, less Re-insurances			Interest, Dividends and Rents		
Surrenders (including Surrenders of Bonuses), less Re-insurances			Rs.		
Bonuses in Cash, less Re-insurances			Less—Income-tax thereon (c) Rs.		
Bonuses in Reduction of Premiums, less Re-insurances			Registration Fees		
Commission (less that on Re-insurances)			Other Income (to be specified)		
Expenses of Management (a)—			Loss transferred to Profit and Loss Account		
Agents' and Canvassers' allowance			Transferred from Appropriation Account		
Salaries, etc. (other than to Agents' and Canvassers)					
Travelling expenses					
Directors' fees					
Auditors' fees					
Medical fees					
Law charges					
Advertising					
Printing and Stationery					
Other expenses of management (accounts to be specified)					
Other payments (accounts to be specified)					
Rents for offices belonging to and occupied by the company					
Rents of other offices occupied by the company					
United Kingdom, British Indian, Dominion and Foreign Taxes					
Bad Debts					
Other Expenditure (to be specified)					
Profit transferred to Profit and Loss Account					
Balance of Life Insurance Fund at end of the period as shown in the Balance-sheet					
Rs.			Rs.		

Notes.

Notes.

(a) If any sum has been deducted from this item and entered on the assets side of the balance-sheet, the amount so deducted must be shown separately.

(b) All single premiums for annuities, whether immediate or deferred, must be included under this heading.

(c) British Indian, United Kingdom, Foreign and Dominion income-tax on Interest Dividends and Rents must be shown under this heading, less any rebates of income-tax recovered from the revenue authorities in respect of expenses of management. The separate heading on the other side of the account is for United Kingdom, British Indian, Foreign and Dominion taxes, other than those shown under this item.

(d) In the case of an insurer having his principal place of business outside British India the expenses of management for the total business need not be split up into the several sub-heads, if they are not so split up in his own country.

FORM H.

Summary and Valuation of the Policies of as at 19 .

Description of Transactions.	Particulars of the Policies for Valuation.					Valuation.			
	Number of policies.	Sums Assured.	Bonuses.	Office yearly Premiums.	Net yearly Premiums.	Sums Assured and Bonuses.	Office yearly Premiums.	Net yearly Premiums.	Net Liabilities.
DIVISION I. Insurances.									
Group A — With immediate participation in profits For whole term of life Other classes (to be specified) Extra premiums Total Insurances Deduct—Re-insurances Net insurances									
Group B — With deferred participation in profits For whole term of life Other classes (to be specified) Extra premiums Total Insurances Deduct—Re-insurances Net insurances									
Group C — Under discounted bonus systems For whole term of life Other classes (to be specified) Extra premiums Total Insurances Deduct—Re-insurances Net insurances Total insurances with profits									

Description of Transactions.	Particulars of the Policies for Valuation.					Valuation.			
	Number of policies.	Sums Assured.	Bonuses.	Office yearly Premiums.	Net yearly Premiums.	Sums Assured and Bonuses.	Office Yearly Premiums.	Net yearly Premiums.	Net Liabilities.
Group D—									
Without participation in profits									
For whole term of life									
Other classes (to be specified)									
Extra premiums									
Total insurances									
Deduct—Re-insurances									
Net insurances									
Total insurances without profits									
Total of the insurances shown in all groups									
Deduct—Re-insurances									
Net amount of insurances									
Adjustments, if any (to be separately specified)									
Division II.									
Annuities on Lives.									
Immediate Annuities									
Deferred Annuities with return of premiums									
Deferred Annuities without return of premiums									
Other classes (to be specified)									
Total Annuities									
Deduct—Re-insurances									
Net Annuities on Lives									
Total of the results (after deduction of Re-insurances)									

Notes.

1. Items in this Summary are to be stated to the nearest rupee.
2. No policy of insurance upon the lives of a group of persons, whereby sums assured are payable in respect of the several persons included in the group, is to be included in Groups A, B, C or D of this Form: any such policies must be shown in a separate Group which must be added to the Form.
3. If policies without participation in profits but with a guaranteed rate of bonus are issued, they must be separately specified in Group D of this Form.
4. Policies under which there is a waiver of premiums during disability must be shown as a separate class.
5. Separate forms must be prepared in respect of classes of policies valued by different tables of mortality or at different rates of interest or involving the valuation of net premiums on different bases.
6. In cases where separate valuations of any portion of the business are required under local laws in places outside British India and reserves based on such valuations are deposited in such places, a statement must be furnished in respect of the business so valued in each such place showing the total number of policies, the total sums assured and bonuses, the total office yearly premiums, and the total net liability on the bases as to mortality and interest adopted in each such place with a statement as to such bases respectively.
7. Office and net premiums and the values thereof must be shown after deduction of abatements made by the application of bonus.

FORM I

FORM I.

Valuation Balance-Sheet of _____ as at _____ 19____

	Rs.		Rs.
Net liability under business as shown in the Summary and Valuation of Policies		Balance of Life Insurance Fund as shown in the Balance-Sheet	
Surplus, if any		Deficiency, if any	

Note.—If the proportion of surplus allocated to the insurer, or in the case of an insurance company to shareholders, is not uniform in respect of all classes of insurances, the surplus must be shown separately for the classes to which the different proportions relate.

FORM J.

policy for Rs. 1,000.

Specimen policy reserve values and minimum surrender values under a

Number of premiums paid.	Age at entry 20.		Age at entry 30.		Age at entry 40.		Age at entry 50.	
	Reserve value.	Minimum surrender value.	Reserve value.	Minimum surrender value.	Reserve value.	Minimum surrender value.	Reserve value.	Minimum surrender value.
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
15.								
20.								

NOTE. — Items in this Form to be stated to the nearest rupee.

THE FIFTH SCHEDULE

THE FIFTH SCHEDULE.

(See section 13.)

Regulations for preparing statements of business in force and requirements applicable to such statements.

PART I.

Regulations.

1. Statements prepared under this Schedule must be prepared, so far as practicable, in tabular form and must be identified by numbers and letters corresponding with those of the paragraphs of Part II of this Schedule.

2. Except with respect to rates of premium or contribution, items in statements prepared under this Schedule are to be shown to the nearest rupee.

3. Extra premium shown in the forms of Summary and Valuation prepared under the Fourth Schedule to this Act must not be included in statements prepared under this Schedule.

4. Every statement prepared under this Schedule shall be signed by the actuary making the investigation in connection with which it is prepared.

5. For the purposes of this Schedule the following expressions have the meanings hereby respectively assigned to them, namely :—

- (a) "annual loading" means the provision made for future expenses and profits;
- (b) "extra premiums" means a charge for any risk not provided for in the minimum contract premium;
- (c) "net premiums" means the premiums taken credit for in the valuation in connection with which any statement is prepared; and
- (d) "valuation date" means as respects any valuation the date as at which the valuation is made.

PART II.

Requirements for statements applicable to Life Insurance Business.

The statements required to be prepared under this Part of this Schedule are as follows, namely :—

1. Statements, separately prepared in respect of policies with and without participation in profits, showing—

- (a) as respects policies for the whole term of life, the rates of office premiums charged, in accordance with the published tables in use, for new policies giving the rates for decennial ages at entry from 20 to 70 inclusive; and
- (b) as respects endowment insurance policies, the rates of office premiums charged, in accordance with the published tables in use, for new policies with original terms of ten, fifteen, twenty, thirty and forty years, giving the rates for decennial ages at entry from 20 to 40 inclusive, but excluding policies under which the age at maturity exceeds 60.

2. Statements

2. Statements, separately prepared in respect of policies with immediate profits, with deferred profits, with profits under discounted bonus systems, and without profits, showing in quinquennial groups—

- (a) as respects policies for the whole term of life—
- (i) the total amount assured (specifying sums assured and reversionary bonuses separately), grouped according to ages attained;
 - (ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable throughout life, and of the corresponding net premiums, grouped according to ages attained; and
 - (iii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable for a limited number of years, and, either, the corresponding net premiums grouped in accordance with the grouping adopted for the purposes of the valuation, or, the annual loading reserved for the remaining duration of the policies, grouped according to ages attained;
- (b) as respects endowment insurance policies—
- (i) the total amount assured (specifying sums assured and reversionary bonuses separately), grouped in accordance with the grouping adopted for the purposes of the valuation; and
 - (ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable, and of the corresponding net premiums, grouped in accordance with the grouping adopted for the purposes of the valuation:

Provided that—

- (a) as respects endowment insurance policies which will reach maturity in less than five years, the information required by sub-paragraph (b) (i) of this paragraph must be given for each year instead of in quinquennial groups; and
- (b) where the office premiums payable under policies for the whole term of life for a limited number of years, or the office premiums payable under endowment insurance policies, or the corresponding net premiums, are grouped for the purposes of the valuation otherwise than according to the number of years' payments remaining to be made, or, where the sums assured under endowment insurance policies are grouped for the purposes of the valuation otherwise than according to the years in which the policies will mature for payment or in which they are assumed to mature if earlier than the true year, then, in any such case the valuation constants and an explanation of the method by which they are calculated must be given for each group, and in the case of the sums assured under endowment insurance policies a statement must also be given of the amount assured maturing for payment in each of the two years following the valuation date.

3. Statements as respects any policies in force under which premiums cease to be payable, whether permanently or temporarily, during disability arising from sickness or accident, showing the total amount of the office premiums payable.

4. Statements as respects immediate annuities on single lives for the whole term of life, separately prepared in respect of annuities on male and female lives, showing in quinquennial age groups the total amount of such annuities.

5. Statements

5. Statements as respects deferred annuities, separately prepared in respect of annuities on male and female lives, showing the specimen reserve values for annuities of one hundred rupees which will be produced on maturity on the basis of valuation adopted at ages, in the case of male lives, 60 and 65, and in the case of female lives, 55 and 60; the said statements must show the specimen reserve values which will be produced under the table of annual premiums in use for new policies, and if under any other table of annual premiums in use for any other deferred annuity policies in force smaller reserve values will be produced, the like specimens of these must also be given.

6. Statements as respects any policies of insurance upon the lives of a group of persons, whereby sums assured are payable in respect of the several persons included in the group, showing the total claims paid since the date as at which the last statements were prepared under this Part of this Schedule or, where no such statements have been prepared, since the date on which the insurer began to carry on the class of business to which the statements relate, and the reserve for unexpired risks and outstanding claims.

THE SIXTH SCHEDULE.

(See section 55.)

Rule as to the valuation of the Liabilities of an insurer in Insolvency or Liquidation.

The liabilities of an insurer in respect of current contracts effected in the course of life insurance business including annuity business, shall be calculated by the method and upon the basis to be determined by an actuary approved by the Court, and the actuary so approved shall, in determining as aforesaid, take into account—

- (a) the purpose for which such valuation is to be made,
- (b) the rate of interest and the rates of mortality and sickness to be used in valuation, and
- (c) any special directions which may be given by the Court.

The liabilities of an insurer in respect of current policies other than life policies shall be such portion of the last premium paid as is proportionate to the unexpired portion of the policy in respect of which the premium was paid.

ACT No. V OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 12th
March, 1938.)

An Act to provide facilities for military manœuvres
and for field firing and artillery practice.

WHEREAS it is expedient to provide facilities for
military manœuvres and for field firing and
artillery practice ; It is hereby enacted as follows :—

1. (1) This Act may be called the Manœuvres, Field Firing and Artillery Practice Act, 1938. Short title and extent.

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

CHAPTER I.

MANŒUVRES.

2. (1) The Provincial Government may, by notification in the local official Gazette, authorise the execution of military manœuvres over any area specified in the notification during a specified period not exceeding three months : Power of Provincial Government to authorise manœuvres.

Provided that the same area or any part thereof shall not ordinarily be so specified more than once in any period of three years.

(2) The Provincial Government shall publish notice of its intention to issue a notification under sub-section (1) as early as possible in advance of the issue of the notification, and no such notification shall be issued until the expiry of three months from the date of the first publication of such notice in the local official Gazette.

(3) The notice required by sub-section (2) shall be given by publication in the local official Gazette and shall also be given throughout the area which it is proposed to specify in the notification by publication in the

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1

*Applied to British Baluchistan, See act no. 231-F, of 15.9.38, Gaz.
of 1938. P. 1557.*

the manner prescribed by rules made under section 13, and shall be repeated by like publication one month and one week as nearly as may be before the commencement of the manœuvres.

Powers exercisable for purposes of manœuvres.

3. (1) Where a notification under sub-section (1) of section 2 has been issued, such persons as are included in the military forces engaged in the manœuvres may, within the specified limits and during the specified periods,—

- (a) pass over, or encamp, construct military works of a temporary character, or execute military manœuvres on, the area specified in the notification, and
- (b) supply themselves with water from any source of water in such area :

Provided that nothing herein contained shall authorise the taking of water from any source of supply, whether belonging to a private owner or a public authority, of an amount in excess of the reasonable requirements of the military forces or of such amount as to curtail the supply ordinarily required by those entitled to the use of such water supply.

(2) The provisions of sub-section (1) shall not authorise entry on or interference with any well or tank held sacred by any religious community or any place of worship or ground attached thereto except for the legitimate purpose of offering prayers or any place or building reserved or used for the disposal of the dead, or any dwelling house or premises attached thereto or any educational institution, factory, workshop or store or any premises used for the carrying on of any trade, business or manufacture or any garden or pleasure ground, or any ancient monument as defined in section 2 of the Ancient Monuments Preservation Act, 1904. VII of 1904.

Duty of Officer Commanding to repair damage.

4. The Officer in Command of the military forces engaged in the manœuvres shall cause all lands used under

of 1938.] *Manœuvres, Field Firing & Artillery Practice.*

under the powers conferred by this Chapter to be restored, as soon and as far as practicable, to their previous condition.

5. Where a notification issued under section 2 authorises the execution of military manœuvres compensation shall be payable from the Defence Estimates for any damage to person or property or interference with rights or privileges arising from such manœuvres including expenses reasonably incurred in protecting person, property, rights and privileges.

Right to compensation for damage caused by manœuvres.

6. (1) The Collector of the district in which any area utilised for the purpose of manœuvres is situated shall depute one or more Revenue Officers to accompany the forces engaged in the manœuvres for the purpose of determining the amount of any compensation payable under section 5.

Method of assessing compensation.

(2) The Revenue Officer shall consider all claims for compensation under section 5 and determine, on local investigation and where possible after hearing the claimant, the amount of compensation, if any, which shall be awarded in each case; and shall disburse on the spot to the claimant the compensation so determined as payable.

(3) Any claimant, dissatisfied with a refusal of the Revenue Officer to award him compensation or with the amount of compensation awarded to him by the Revenue Officer, may, at any time within fifteen days from the communication to him of the decision of the Revenue Officer, give notice to the Revenue Officer of his intention to appeal against the decision.

(4) Where any such notice has been given, the Collector of the district shall constitute a commission consisting of himself as chairman, a person nominated by the Officer Commanding the forces engaged in the manœuvres and two persons nominated by the District Board, and the commission shall decide all appeals of which notice has been given.

(5) The

Manœuvres, Field Firing & Artillery Practice. [ACT V

(5) The commission may exercise its powers notwithstanding the absence of any member of the commission, and the chairman of the commission shall have a casting vote in the case of an equal division of opinion.

(6) The decision of the commission shall be final and no suit shall lie in any Civil Court in respect of any matter decided by the commission.

(7) No fee shall be charged in connection with any claim, notice, appeal, application or document filed before the Revenue Officer, Collector or the commission under this section.

Offences.

7. If, within the area and during the period specified in a notification under sub-section (1) of section 2, any person—

- (a) wilfully obstructs or interferes with the execution of the manœuvres, or
- (b) without due authority enters or remains in any camp, or
- (c) without due authority interferes with any flag or mark or any apparatus used for the purposes of the manœuvres,

he shall be punishable with fine which may extend to ten rupees.

CHAPTER II.

FIELD FIRING AND ARTILLERY PRACTICE.

Definitions.

8. In this Chapter—

- (a) "field firing" includes air armament practice;
- (b) "notified area" means an area defined in a notification issued under sub-section (1) of section 9.

Power of Provincial Government to authorise field firing and artillery practice.

9. (1) The Provincial Government may, by notification in the local official Gazette, define any area as an area within which for a specified term of years the carrying out periodically of field firing and artillery practice may be authorised.

(2) The

(2) The Provincial Government may, by notification in the local official Gazette, authorise the carrying out of field firing and artillery practice throughout a notified area or any specified part thereof during any period or periods specified in the notification.

(3) Before any notification under sub-section (2) is issued, the Provincial Government shall publish notice of its intention to issue such notification as early as possible in advance of the issue of the notification, and no such notification shall be issued until the expiry of two months from the date of the first publication of the notice in the local official Gazette.

(4) The notice required by sub-section (3) shall be given by publication in the local official Gazette and shall also be given throughout the notified area by publication in some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be prescribed by rules made under section 13 and shall be repeated by like publication one week as nearly as may be before the commencement of the period or of each period specified in the notification :

Provided that the fact of the said beat of drum and affixation shall be verified in writing by one headman and two other literate inhabitants of the locality and provided further that such notice by the beat of drum shall be given seven and two days as nearly as may be before the commencement of such field firing and artillery practice.

10. (1) Where a notification under sub-section (2) of section 9 has been issued, such persons as are included in the forces engaged in field firing or artillery practice may, within the notified area or specified part thereof during the specified period or periods,—

(a) carry out field firing and artillery practice with lethal missiles, and

(b) exercise,

Manœuvres, Field Firing & Artillery Practice. [ACT v

(b) exercise, subject to the provisions of sections 3 and 4, any of the rights conferred by section 3 on forces engaged in military manœuvres :

Provided that the provisions of sub-section (2) of section 3 shall not debar entry into, or interference with, any place specified in that sub-section, if it is situated in an area declared to be a danger zone under sub-section (2) of this section, to the extent that may be necessary to ensure the exclusion from it of persons and domestic animals :

Provided further that in the case of a dwelling house occupied by women adequate warning shall be given through a local inhabitant and entry shall be effected after such warning in the presence of two respectable inhabitants of the locality.

(2) The Officer Commanding the forces engaged in any such practice may, within the notified area or specified part thereof, declare any area to be a danger zone, and thereupon the Collector shall, on application made to him by the Officer Commanding the forces engaged in the practice, prohibit the entry into and secure the removal from such danger zone of all persons and domestic animals during the times when the discharge of lethal missiles is taking place or there is danger to life or health.

Compensation. 11. The provisions of sections 5 and 6 shall apply in the case of field firing and artillery practice as they apply in the case of military manœuvres :

Provided that the compensation payable under this section shall include compensation for exclusion or removal from any place declared to be a danger zone of persons or domestic animals, such compensation to be disbursed at not less than the minimum rates prescribed by rules made under section 13 before the exclusion or removal is enforced, and shall also include compensation for any loss of employment or deterioration of crops resulting from any such exclusion or removal.

12. If

OF 1938.] *Manœuvres, Field Firing & Artillery Practice.*

12. If, during any period specified in a notification ^{Offences.} issued under sub-section (2) of section 9, any person within a notified area—

- (a) wilfully obstructs or interferes with the carrying out of field firing or artillery practice, or
- (b) without due authority enters or remains in any camp, or
- (c) without due authority enters or remains in any area declared to be a danger zone at a time when entry thereto is prohibited, or
- (d) without due authority interferes with any flag or mark or target or any apparatus used for the purposes of the practice,

he shall be punishable with fine which may extend to ten rupees.

CHAPTER III.

GENERAL.

13. The Provincial Government may, by notification ^{Power to make rules.} in the local official Gazette, make rules—

- (a) prescribing the manner in which the notices required by sub-section (2) of section 2 and sub-section (3) of section 9 shall be published in the areas concerned ;
- (b) regulating the use under this Act of land for manœuvres or field firing and artillery practice in such manner as to secure the public against danger and to enable the manœuvres or practice to be carried out without interference and with the minimum inconvenience to the inhabitants of the areas affected ;
- (c) regulating the procedure of the Revenue Officers and commissions referred to in section 6 in such manner as to secure due publicity regarding the method of making claims for compensation

Manœuvres, Field Firing & Artillery Practice. [ACT V
OF 1938.]

compensation and proffering appeals from original awards of compensation, the expeditious settlement of claims and of appeals and the payment of compensation so far as possible direct to the claimants; and

- (d) defining the principles to be followed by the Revenue Officers and commissions referred to in section 6 in assessing the amount of compensation to be awarded.

ACT No. VI OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 12th
March, 1938.)

An Act further to amend the Destructive Insects and
Pests Act, 1914, for certain purposes.

II of 1914. WHEREAS it is expedient further to amend the
Destructive Insects and Pests Act, 1914, for
the purposes hereinafter appearing; It is hereby
enacted as follows:—

1. This Act may be called the Destructive Insects and Pests (Amendment) Act, 1938. Short title.

II of 1914. 2. In the long title and preamble of the Destructive Insects and Pests Act, 1914 (hereinafter referred to as the said Act), after the word "into" the words "and the transport from one province to another in" shall be inserted. Amendment of long title and preamble, Act II of 1914.

3. In clause (a) of section 2 of the said Act, for the words "and trees or bushes" the words "and all trees, bushes or plants" shall be substituted. Amendment of section 2, Act II of 1914.

4. In section 3 of the said Act,— Amendment of section 3, Act II of 1914.
(a) to sub-section (1) the words "or of insects generally or any class of insects" shall be added; and

(b) in sub-section (2), after the word "articles" the words "or any insect or class of insects" shall be inserted.

5. After section 4 of the said Act the following sections shall be inserted, namely:— Insertion of new sections 4A, 4B, 4C and 4D in Act II of 1914.

"4A. The Central Government may, by notification in the Official Gazette, prohibit or regulate, subject to such Power of Central Government to regulate or prohibit

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Destructive Insects and Pests (Amendment). [ACT VI

transport from province to province of insects or articles likely to infect.

such conditions as the Central Government may impose, the export from a province or the transport from one province to another province in British India of any article or class of articles likely to cause infection to any crop or of insects generally or any class of insects.

Refusal to carry article of which transport is prohibited.

4B. When a notification has been issued under section 4A, then, notwithstanding any other law for the time being in force, the person responsible for the booking of goods or parcels at any railway station or inland steam vessel station,—

- (a) where the notification prohibits export or transport, shall refuse to receive for carriage at, or to forward or knowingly allow to be carried on, the railway or inland steam vessel from that station anything, of which import or transport is prohibited, consigned to any place in British India outside the province in which such station is situate; and
- (b) where the notification imposes conditions upon export or transport, shall so refuse, unless the consignor produces, or the thing consigned is accompanied by, a document or documents of the prescribed nature showing that those conditions are satisfied.

Application of section 4B to articles exported to Indian States.

4C. Where, by or under any law in force in the territories of any Indian State, the import into that State of any article likely to cause infection to any crop or of any insect has been prohibited, the Central Government may, by notification in the Official Gazette, declare that the provisions of section 4B shall apply in respect of any such article or insect consigned from any place in British India to any place in that State:

Provided that such Indian State prohibits the export to British India of any article or insect or class of insects the import of which into British India has been prohibited by the Central Government.

Power of Central Government to make rules.

4D. The Central Government may, by notification in the Official Gazette, make rules prescribing the nature of the documents which shall accompany any article

of 1938.] *Destructive Insects and Pests (Amendment).*

or insect the export or transport whereof is subject to conditions imposed under section 4A, or which shall be held by the consignor or consignee thereof, the authorities which may issue such documents and the manner in which the documents shall be employed :

Provided that the said notification shall be placed, as soon as may be, on the table of both chambers of the Central Legislature."

6. In sub-section (1) of section 5 of the said Act, after the word "destruction" the words "of any insect or class of insects or" shall be inserted and after the word and figure "section 3" the words, figure and letter "or under section 4A" shall be inserted.

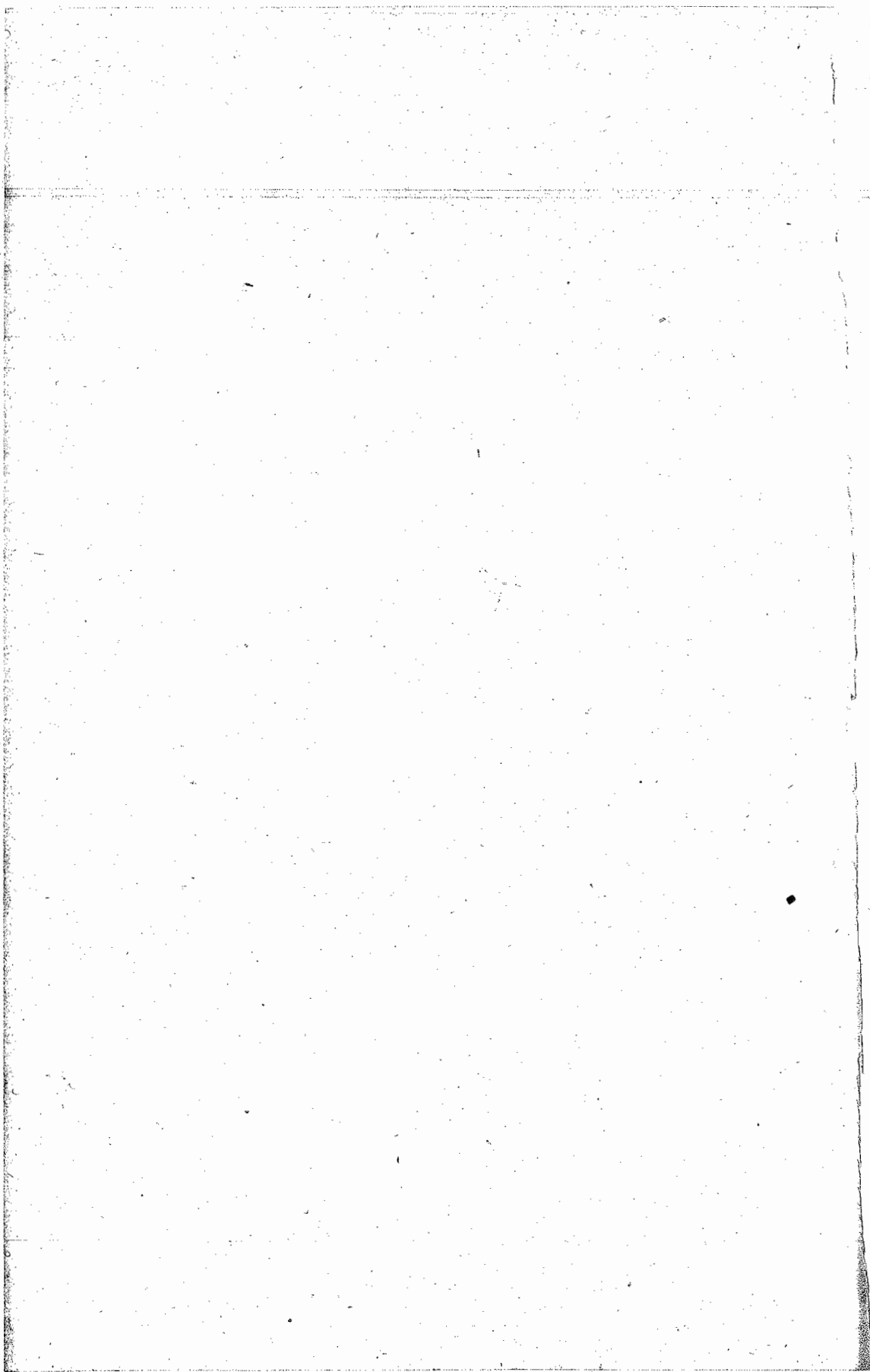
Amendment
of section
Act II of 1914.

7. After section 5 of said Act the following section shall be inserted, namely:—

Insertion of
new section
5A in Act II
of 1914.

"5A. Any person who knowingly exports any article or insect from a province or transports any article or insect from one province to another in British India in contravention of a notification issued under section 4A, or attempts so to export or transport any article or insect, or exports or attempts to export from British India to an Indian State any article or insect in respect of which a notification under section 4C has been issued, and any person responsible for the booking of goods or parcels at a railway or inland steam vessel station who knowingly contravenes the provisions of section 4B shall be punishable with fine which may extend to two hundred and fifty rupees and, upon any subsequent conviction, with fine which may extend to two thousand rupees."

Penalties.



ACT No. VII OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
12th March, 1938.)

An Act to amend the Child Marriage Restraint Act, 1929.

XIX of 1929.

WHEREAS it is expedient to amend the Child Marriage Restraint Act, 1929; It is hereby enacted as follows:—

1. This Act may be called the Child Marriage Res- Short title.
traint (Amendment) Act, 1938.

XIX of 1929.

2. To sub-section (2) of section 1 of the Child Amendment of
section 1, Act
XIX of 1929.
Marriage Restraint Act, 1929, the following shall
be added, namely:—

“and applies also to—

- (a) all British subjects and servants of the Crown in any part of India; and
- (b) all British subjects who are domiciled in any part of India wherever they may be.”

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GIPD—84 LD—19-10-38—4,000.

ACT IV

(Scene 1)

(Enter King, Queen, and Attendants)

King: O, my dear lady, I have a tale

That would speak to you, but I am dumb

And my tongue is heavy as lead

For I have seen the face of my dear son

Who is now in the hands of the enemy

And I am sure that he is dead

For I have seen his blood on the ground

THE INDIAN TEA CONTROL ACT, 1938.

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5. Sub-committees and executive officers.
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ACT No. VIII OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 28th
March, 1938.)

**An Act to provide for the control of export of tea from,
and for the control of the extension of the cultivation
of tea in, British India.**

WHEREAS it is expedient, for the purpose of implementing the agreement which the Central Government has entered into with the Governments of Ceylon and the Netherlands India to give effect to the provisions of the International Agreement made between associations representing the tea growers of India, Ceylon and the Netherlands India, to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India ; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Tea Control Act, 1938. Short title,
extent,
commencement
and duration.
- (2) It extends to the whole of British India.
- (3) It shall come into force on the 1st day of April, 1938.
- (4) It shall remain in force only up to the 31st day of March, 1943.

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

- (a) "Committee" means the Indian Tea Licensing Committee constituted under this Act ;
- (b) "Customs-collector" means a Customs-collector as defined in clause (c) of section 3 of the Sea Customs Act, 1878, for the purposes of that Act, or of that Act, as applied to the import

import and export of goods by air, or a Collector of Land Customs as defined in clause (c) of section 2 of the Land Customs Act, 1924, XIX of 1924. as the case may be ;

- (c) "export" means to take out of British India by land, sea or air to any place outside India other than the French and Portuguese Settlements bounded by India or a country notified in this behalf by the Central Government by notification in the official Gazette ;
- (d) "Indian export allotment" means the total quantity of tea which may be exported during any one financial year ;
- (e) "owner" includes any agent of an owner ;
- (f) "prescribed" means prescribed by rules made under this Act ;
- (g) "standard export figure" means a quantity of 383,242,916 pounds *avoirdupois* of tea ;
- (h) "tea" means—
- (i) in Chapter III and Chapter IV, the plant *Camellia Thea* (Linn.), and
 - (ii) elsewhere, the commodity known as tea made from the leaves of the plant *Camellia Thea* (Linn.), including green tea but excluding tea waste ; and
 - (i) "tea seed" includes seeds, roots, stumps, cuttings, buds, and any living portion of the plant *Camellia Thea* (Linn.), which may be used to propagate that plant.

CHAPTER I.

THE INDIAN TEA LICENSING COMMITTEE.

Constitution of
the Indian Tea
Licensing
Committee.

3. (1) The Central Government shall constitute a Committee, to be called the Indian Tea Licensing Committee, consisting of the following members :—

- (a) one member to be nominated by each of the following bodies, namely :—
- (i) the Indian Tea Association, Calcutta,
 - (ii) the Assam Branch of that Association,
 - (iii) the

- (iii) the Surma Valley Branch of that Association,
 - (iv) the Dooars Planters Association,
 - (v) the Indian Tea Planters Association, Jalpaiguri, and the Terai Indian Planters Association, Terai, acting together, and
 - (vi) the Darjeeling Planters Association and the Terai Planters Association, acting together ;
- (b) two members to be elected in the prescribed manner by and from among Indian owners of tea estates to which export quotas were allotted under the Indian Tea Control Act, 1933, for the financial year beginning on the 1st day of April, 1937, one to represent the Indian Tea Planters of the Assam Valley and one to represent the Indian Tea Planters of the Surma Valley, the Indian State of Tripura, the Chittagong Hill Tracts and the District of Chittagong ;
- (c) three members to be nominated by the United Planters Association of Southern India, one to represent tea estates in British India, and one to represent tea estates in Indian States ;
- (d) one member to be nominated by the Government of the Indian State of Travancore to represent the tea estates in that State ;
- (e) one member to be elected in the prescribed manner by and from among Indian owners of tea estates to represent tea estates in Southern India excluding Travancore owned by Indians ;
and
- (f) one member to be elected by owners of tea gardens of Kangra, Dehra Dun, Kumaon Behar and other unrepresented Tea Estates.

(2) Within three months after the commencement of this Act, the Central Government shall publish in the official Gazette the names of all members of the Committee, and thereupon the Committee shall be deemed to be constituted.

(3) Until

(3) Until the Committee is constituted as provided in sub-section (2), the Indian Tea Licensing Committee constituted under the Indian Tea Control Act, 1933, **XXIV of 1933.** shall be deemed to be the Committee constituted under this section.

Vacancies.

4. (1) If any authority or body fails to make within two months any nomination or election which it is entitled to make under section 3, the Central Government may itself nominate a member to fill the vacancy.

(2) Where a member of the Committee dies, resigns, ceases to reside in India or becomes incapable of acting, the Central Government may, on the recommendation of the authority or body which is entitled to make the first nomination or election under section 3, or where such recommendation is not made within two months, then on its own initiative, nominate a person to fill the vacancy.

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

Sub-committees and executive officers.

5. The Committee shall elect a chairman from amongst its members, and may appoint such sub-committees and executive officers as may be necessary for the efficient performance of the duties imposed upon it by this Act.

Power to make by-laws.

6. (1) The Committee may make by-laws consistent with this Act and with the rules made thereunder for all or any of the following matters, namely :—

- (a) the regulation of the procedure to be followed at meetings of the Committee ;
- (b) the appointment of sub-committees ;
- (c) the delegation to sub-committees, members or officers of the Committee of any of the powers of the Committee under this Act ;
- (d) the determination of the travelling allowances of the members or officers of the Committee or of the members of a sub-committee ;
- (e) the

- (e) the appointment, promotion and dismissal of officers, assessors and servants of the Committee, and the creation and abolition of appointments of such officers, assessors and servants ;
- (f) the regulation of the grant of pay and leave to such officers, assessors and servants ; and
- (g) any other matter in respect of which by-laws may be made under this Act or the rules made thereunder.

(2) All by-laws made under this section shall be subject to the previous sanction of the Central Government.

7. (1) Save in respect of proceedings and orders under sections 28, 29 and 30, all acts of the Committee shall be subject to the control of the Central Government which may cancel, suspend or modify as it thinks fit any such act.

Central
Government's
power of
control.

(2) Without prejudice to the generality of the foregoing provision, any person aggrieved by any order of the Committee under section 14 may appeal to either the Central Government or the High Court of the Province within which the tea estate is situated within sixty days from the date of such order :

Provided that an appeal preferred to the Central Government or the High Court shall bar an appeal against the same order to the other.

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

(4) Subject to rules framed under the Act every owner of a tea estate to whom a quota is allotted shall be entitled to inspect the records of the Committee and on payment of the prescribed fee shall also be entitled to obtain copies of any proceedings or orders of the Committee.

8. (1) The Committee shall publish an annual report and shall keep accounts of all fees received

Keeping and
auditing of
accounts.

by

by it under this Act and of the manner in which they are expended and shall also publish a summary of the accounts along with the annual report.

(2) Such accounts shall be examined and audited annually by auditors appointed in this behalf by the Central Government, and such auditors shall have power to disallow any item which has been, in their opinion, expended otherwise than in pursuance of the purposes of this Act.

(3) If any item is disallowed under sub-section (2), an appeal shall lie to the Central Government whose decision shall be final.

Dissolution of
the Committee.

9. (1) The Central Government may, by notification in the official Gazette, declare the Committee to be dissolved, and on the date of the publication of any such notification the Committee shall stand dissolved and this Act shall be deemed to be repealed.

(2) When the Committee is dissolved either under this section or by the expiry of this Act, the unexpended balance of fees received by the Committee under this Act shall lapse to the Central Government.

Power to
make rules.

10. The Central Government may, by notification in the official Gazette, make rules—

- (a) providing for the conduct of the elections referred to in clauses (b) and (c) of sub-section (1) of section 3 ;
- (b) providing for the establishment and maintenance of offices by the Committee ;
- (c) providing for the conduct of business by the Committee and determining the number of members which shall form a quorum at meetings ;
- (d) providing for the maintenance by the Committee of a record of all business transacted and for submission of copies thereof to the Central Government ;
- (e) regulating the preparation of annual estimates of receipts and expenditure ;
- (f) regulating

- (f) regulating the keeping of accounts of receipts and expenditure ;
- (g) determining the custody in which the current account of the Committee shall be kept, and the bank or banks at which surplus money at the credit of the Committee may be deposited at interest ;
- (h) regulating the term of office of members of the Committee and the circumstances in which and the authority by which members may be removed ; and
- (i) generally, to carry out the provisions of this Chapter.

CHAPTER II.

CONTROL OVER THE EXPORT OF TEA.

11. Nothing in this Chapter shall apply to tea—
- (a) proved to the satisfaction of the Customs-collector to have been imported into British India from any port outside India, or
 - (b) shipped as stores on board any vessel, in such quantity as the Customs-collector considers reasonable having regard to the number of the crew and passengers and the length of the voyage on which the vessel is about to depart, or
 - (c) exported by post in packages not exceeding one pound *avoirdupois* in weight.
12. (1) No tea shall be exported unless covered by a licence issued by or on behalf of the Committee.
- (2) No tea shall be taken by land, sea or air out of British India to any of the French or Portuguese Settlements bounded by India unless covered by a permit issued by or on behalf of the Committee.
- (3) No tea seed shall be exported unless covered by a permit issued by or on behalf of the Central Government.
13. The Indian export allotment for each financial year during the operation of this Act shall be declared

Limitation of application of Chapter.

Control of export of tea and tea seed.

Indian export allotment.

by

by the Central Government by notification in the official Gazette after consulting the Committee and paying due regard to all interests concerned and shall be expressed as a number of pounds *avoirdupois* equivalent to a stated percentage of the standard export figure.

Export quotas
and crop basis

14. (1) Any tea estate or any sub-division of a tea estate to which an export quota was allotted under the Indian Tea Control Act, 1933, and any tea estate which the Central Government may within one year from the commencement of this Act authorise to apply for the allotment of an export quota under this Act, shall on application made to the Committee for the allotment to the estate of an export quota have the right, subject to the provisions of this Act, to receive an export quota.

(2) The export quota of a tea estate, that is, the total quantity of tea which may be exported by the owner of the tea estate during the financial year, shall be an amount bearing to the crop basis of the estate as determined by the Committee in accordance with the principles set forth in the Schedule the same proportion as the Indian export allotment for the financial year in question bears to the total of the crop basis of all tea estates in India for that year.

(3) The crop basis of a tea estate may be re-determined by the Committee if—

- (a) application is made by the owner of the estate in this behalf before the 30th day of September, 1938, and
- (b) the Committee is satisfied that there exist grounds of special hardship arising out of circumstances not under the control of the owner or of any previous owner of the estate and relating to conditions existing prior to the 1st day of April, 1933.

(4) The total of all export quotas allotted to tea estates for any financial year shall not exceed the Indian export allotment for that year.

15. (1) The

at any time during any financial year
for the time being

10
1. Added (tempy.) by s. 2 of Ordinance VII of 1940.
2. Added, substd. & inserted (tempy.) by s. 3, *ibid.*

15. (1) The owner of a tea estate to which an export quota has been allotted for any financial year shall have a right to obtain at any time during that year export licences to cover the export of tea up to the amount of the unexhausted balance of the quota, that is, up to the amount of the quota less the amount for which export licences have already been issued against it.

(2) The right of the owner of a tea estate under this section may be transferred in whole or in part, and, subject to proof of the transfer to the satisfaction of the Committee and to the completion of the prescribed documents to enable the Committee to give effect to the transfer, the transferee shall have a right to obtain export licences up to the amount covered by the transfer or up to the amount of the unexhausted balance of the quota, whichever may be less.

(3) Subject to the conditions specified in sub-section (2), any transferee referred to in that sub-section may again transfer the whole or any part of his rights to the owner of a tea estate, but not to any other person.

(4) Nothing in sub-section (3) shall operate to restrict the issue of licences for the export of tea expressed to be sold with export rights.

16. (1) The owner of any tea estate to which an export quota has been allotted or any person to whom he has transferred his rights may at any time before the 21st day of March of the financial year to which the quota relates apply in writing to the Committee for an export licence covering a stated quantity of tea.

(2) If the unexhausted balance of the quota is sufficient to cover the stated quantity, the Committee shall on receipt of the requisite fee issue an export licence covering the stated quantity.

(3) Every licence shall be in duplicate in the prescribed form, shall bear the date of its issue and shall be valid up to the end of the financial year in which it is issued :

Provided

Added (Temp.) by s. 4 of Ordinance VI of 1940.

Provided that save as provided in section 17 the Committee shall not date or issue any export licence after the end of the financial year in which the application for it was made.

Special export licences.

17. (1) Where the tea covered by an export licence issued under the Indian Tea Control Act, 1933, has not been exported before the 31st day of March, 1938, the person to whom the licence was granted may, before the 14th day of April, 1938, forward the licence to the Committee and submit therewith an application for a special export licence covering the same quantity of tea, and the Committee shall, on receipt of the requisite fee, if any, issue a special export licence accordingly.

(2) Where tea, in respect of which an export licence has been or could have been granted under this Act, has not been exported before the end of the financial year in which the licence was or could have been issued, the person to whom the licence was or could have been granted may, before the 14th day of April of the following financial year, forward an application to the Committee for a special export licence covering the same quantity of tea, and the Committee shall, on receipt of the requisite fee, if any, issue a special export licence accordingly.

(3) A special export licence shall be in duplicate in the prescribed form, shall bear the date of its issue, and shall be valid in the case of a special export licence issued in the year 1938 up to the 30th day of June of that year and in the case of a special export licence issued in any subsequent year up to the 31st day of May of the year in which it was issued.

(4) The quantity of tea covered by a special export licence shall be accounted for against the export quota of the year in which the original licence was or could have been issued under this Act or under the Indian Tea Control Act, 1933, as the case may be.

XXIV of 1933.

Committee to maintain accounts of quotas.

18. (1) The Committee shall maintain an account of every export quota showing, in addition to such other particulars

particulars as the Committee may think fit, the licences issued against it and the unexhausted balance.

(2) Any owner of a tea estate shall be entitled, on payment of the requisite fee, to a copy of the account relating to his quota, certified in the manner laid down in the by-laws.

19. (1) No consignment of tea or tea seed shall be shipped or waterborne to be shipped for export or shall be exported until the owner has delivered to the Customs-collector a valid export licence or special export licence in duplicate or a permit issued by or on behalf of the Central Government covering the quantity to be shipped.

Tea for export to be covered by licence or permit.

(2) No consignment of tea or tea seed shall be shipped or waterborne to be shipped for carriage to any of the French or Portuguese Settlements bounded by India until the owner has delivered to the Customs-collector a permit issued by or on behalf of the Committee or issued by or on behalf of the Central Government, as the case may be, covering the quantity to be shipped.

(3) No permit for the passage of any tea by land into any of the French or Portuguese Settlements bounded by India shall be granted under sub-section (1) of section 5 of the Land Customs Act, 1924, unless the application for such permit is accompanied by a permit granted in this behalf by the Committee covering the quantity to be passed.

XIX of 1924.

20. (1) The Committee may serve by post a notice upon the owner of any tea estate or upon his manager, requiring him to furnish, within such period not being less than thirty days as it may specify in the notice, such returns relating to the production, sale and export of tea produced on the estate, or to any other matter as it may deem necessary to enable it to discharge its duties under this Chapter.

Power of Committee to call for returns.

(2) Where any return required under sub-section (1) in respect of any tea estate is not furnished within the period specified in the notice, the Committee may

refuse

refuse to allot a quota to that estate under section 14, or, where a quota has already been allotted, may cancel the unexhausted balance of that quota and refuse to issue any further export licences under section 16 against that quota or to recognise or give effect to any transfer under section 15.

Power of
Committee to
require
evidence of
ownership.

21. (1) The Committee may serve by post a notice upon any person claiming to be the owner of any tea estate or upon his agent or manager or upon any person claiming to be the agent or the manager of the owner of any tea estate requiring him to furnish, within such period as may be specified in the notice or within such extended period as the Committee may allow, such documentary or other evidence as may be required to prove to the satisfaction of the Committee that such person is the owner of such tea estate or is the agent or manager of the owner of a tea estate, as the case may be.

(2) Where any person fails to comply with the requirements of a notice served on him under sub-section (1) or where the evidence furnished by such person is insufficient to prove to the satisfaction of the Committee that such person is the owner of the tea estate of which he claims to be the owner or is the agent or manager of the owner of a tea estate, as the case may be, the Committee may refuse to issue to such person or to his agent or manager any export licences against the quota allotted to such tea estate.

Fees.

22. (1) The Committee may charge and collect the following fees, namely:—

(a) a licence fee for every export licence or special export licence or permit issued by it, at such rates, not exceeding one rupee per thousand pounds of tea or part thereof covered by the licence or permit, as the Central Government may, on the recommendation of the Committee by notification in the official Gazette, fix in this behalf;

(b) a

- (b) a fee, not to exceed eight annas per acre of the area concerned, on any application under sub-section (3) of section 14 for re-determination of crop basis ; and
- (c) copying fees for certified copies of accounts of quotas, at the rate of one rupee per copy :

Provided that the owner of any tea estate to which a quota has been allotted under section 14 may make, or the Committee may require him to make, a consolidated payment of export licence fees at the rate fixed under clause (a) to cover the whole of the quota.

(2) The Committee shall apply the fees collected by it under this section to the meeting of expenses incurred by it in pursuance of the purposes of this Act, and, with the previous sanction of the Central Government, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in or by tea producing countries generally.

23. The Central Government may, by notification ^{Power to make rules.} in the official Gazette, make rules—

- (a) prescribing all matters requiring to be prescribed for the purposes of the Schedule ;
- (b) regulating the grant of permits for the carriage of tea to the French and Portuguese Settlements ;
- (c) prescribing the documents referred to in sub-section (2) of section 15 ;
- (d) prescribing the form of export licences and special export licences and permits ; and
- (e) generally to carry out the purposes of this Chapter.

24. No quota fixed, no order granting or refusing to ^{Bar of jurisdiction.} grant any licence or permit, and no other act done by the Committee under this Chapter shall be called in question in any Court except the High Court under the provisions of sub-section (2) of section 7 of this Act.

25. Where

Export of tea produced in Indian States.

25. Where legislation enacted in any Indian State has made provision in pursuance of the agreement implemented by and in consonance with the provisions contained in this Act for the control of the export of tea from and for the control of the extension of the cultivation of tea in the State, the Committee shall issue export licences, special export licences and permits for the export or carriage out of British India of tea produced in any such State in the same manner and subject to the same incidents as such licences or permits are issued in respect of tea produced in British India.

CHAPTER III.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

Method of control of extension of tea cultivation.

26. So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March, 1938, save in pursuance of a written permission granted by or on behalf of the Committee :

Provided that this section shall apply to the replacing of tea areas by planting new areas, but nothing in this section shall prohibit the in-filling of or supplying of vacancies on land planted with tea at the 31st day of March, 1933, or the replanting of tea upon—

- (a) land planted with tea at the 31st day of March, 1933, from which the original bushes have been uprooted, or
- (b) land planted with tea at the 31st day of March 1931, from which the original bushes have been uprooted.

Limitations to the extension of tea cultivation.

27. (1) Subject to the provisions of section 29 and section 30, the total area of land in British India, in respect of which the permissions referred to in section 26 may be granted, shall not exceed one-half of one per cent. of the total area of the land planted with tea in British India on the 31st day of March, 1938.

(2) Subject

(2) Subject to the provisions of section 29 and section 30, the total area of land in any Province, in respect of which such permissions may be granted, shall be determined by the Committee and shall be as near as may be one-half of one per cent. of the total area in the Province which was planted with tea on the 31st day of March, 1938.

(3) The Committee shall publish the total areas so determined for the various Provinces by notification in the official Gazette of the Central Government as soon as may be after the commencement of this Act.

(4) The Committee shall grant permission for planting new areas to the tea estates in accordance with rules to be prescribed ~~upto a total area in each province as may be determined under sub-clause (3)~~, provided that permission shall be granted to extend an existing area planted with tea only to a tea estate of which the total existing area planted with tea does not exceed 300 acres where the estate is owned by a limited liability company, or 150 acres where it is owned by any individual proprietor or proprietors :

Provided that the Committee shall also be empowered to grant extensions for the Tooklai and Nellakotta experimental stations.

28. (1) Applications for permission to plant tea on any land not planted with tea on the 31st day of March, 1938, shall be made to the Committee not later than six months from the commencement of this Act and shall contain a clear statement of all special circumstances justifying the application.

Grant of permission to plant tea.

(2) Subject to the limits laid down in section 27, the Committee may grant or refuse the permission applied for or may grant it in part only, or may call for further information from the applicant.

(3) No order by the Committee under sub-section (2) shall be called in question by any Court.

29. (1) Where

4 Subs. by S. 2 + Sch. I of Act 24 of 1939.

Grant of permission to plant tea in special circumstances.

29. (1) Where any land which was on the 31st day of March, 1933, planted with tea—

- (a) has since become wholly incapable of carrying tea through subsidence, flood, erosion, earthquake or other irresistible superhuman cause, or
- (b) has since been compulsorily acquired under the provisions of the Land Acquisition Act, 1894, ^{I of 1894.} or of any other law for the time being in force and no longer carries tea,

the owner of the tea estate in which such land was situated may apply to the Committee for permission to plant tea on land not planted with tea.

(2) Upon such application being made and upon proof to the satisfaction of the Committee that the applicant is entitled to the benefit of sub-section (1), the Committee may grant permission to plant tea on land not planted with tea :

Provided that the area of land, in respect of which such permission is granted, shall be within the area of the same tea estate and shall not exceed in extent the area of the land incapable of carrying tea or compulsorily acquired, as the case may be.

(3) All areas of land in respect of which permission to plant tea is granted under this section shall be excluded when computing for the purposes of section 27 the total area of land in respect of which the permissions referred to in section 26 may be granted.

Tea nurseries.

30. (1) Subject to the provisions of sub-section (4), the owner of a tea estate may establish nurseries on land not previously planted with tea for the growing of plants intended for in-filling or supplying vacancies or for replanting land planted with tea within the area of the estate or for any other purpose approved by the Committee :

Provided

Provided that the total area utilised for nurseries in British India shall not upon the 31st day of March, 1943, exceed the area so utilised in British India on the 31st day of March, 1933.

(2) All areas of land utilised for nurseries in accordance with this section shall be excluded when computing for the purposes of section 27 the total area of land in respect of which the permissions referred to in section 26 may be granted.

(3) The Committee may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the area of the land utilised for nurseries as it may deem necessary.

(4) If any return required under sub-section (3) is not furnished to the Committee within the period specified in the notice or if in the opinion of the Committee the total area of the land utilised for nurseries is excessive, the Committee may make such restrictive or other order as it deems necessary and in particular may order the uprooting of any bushes planted on any such land.

31. (1) Any applicant aggrieved by an order of the Committee under section 28, section 29 or section 30 Appeal to Provincial Government. may appeal to the Provincial Government within sixty days from the date thereof and the Provincial Government may cancel, modify or suspend any such order.

(2) The records of the Committee relating to proceedings under this Chapter shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Provincial Government.

32. (1) The Committee may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the cultivation of tea on the estate as it may deem necessary. Power of the Committee to call for returns and to inspect.

(2) Any

(2) Any member of the Committee and any officer of the Committee or person authorised by it in this behalf may at any reasonable time enter upon and inspect the lands of any tea estate and may require the owner of the estate to produce for inspection any records of the estate in his control or custody relating to the cultivation of tea on the estate.

(3) Where any return required under sub-section (1) in respect of any tea estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to grant any permission under section 28 to plant tea on that estate.

CHAPTER IV.

PENALTIES AND PROCEDURE.

Penalty for
illicit export.

33. A breach of the provisions of sub-section (1) or sub-section (2) of section 19 shall be punishable as if it were an offence under Item No. 8 of section 167 of the Sea Customs Act, 1878, and the provisions of section VIII of 1878 168 and of Chapter XVII of that Act shall apply accordingly.

Penalty for
making false
return.

34. Any owner of a tea estate, or his agent or manager who has furnished any return under sub-section (1) of section 20, or under sub-section (3) of section 30, or under sub-section (1) of section 32, containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for
obstructing
inspection of
tea estate.

35. Whoever obstructs any member or officer of the Committee or any person authorised by the Committee, while such member, officer or person is entering upon or inspecting the lands of any tea estate under sub-section (2) of section 32, and whoever, having control over or custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by a member or officer

of

of the Committee or by a person authorised by the Committee under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

36. (1) Whoever knowingly plants tea or causes tea to be planted in any land in contravention of section 26 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Penalty
for illicit
cultivation.

(2) Whoever uses any land in contravention of any order made by the Committee under section 30, or fails to comply with any order made by the Committee under sub-section (4) of section 30, shall be punishable with fine which may extend to one thousand rupees.

37. Where any person has been convicted of any offence under section 36, the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and, in the event of the order not being duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

Removal of
tea planted
without
permission.

38. (1) No Magistrate other than a Magistrate of the first class shall take cognisance of an offence under section 34, section 35 or section 36, and such Magistrate may take cognisance of an offence only upon complaint made by a person authorised by the Committee and with the previous sanction of the Central Government, where the offence is that of furnishing a false return under sub-section (1) of section 20, and of the Provincial Government in any other case.

Trial of
offences under
sections 34, 35
and 36.

(2) The Committee shall be responsible for the conduct of all prosecutions of offences under section 34, section 35 and section 36.

CHAPTER V.

CHAPTER V.

SAVINGS.

Savings.

39. Notwithstanding the expiry of the Indian Tea ~~XXIV~~ of 1933. Control Act, 1933, and notwithstanding the provisions of sub-section (2) of section 9 of that Act,—

- (a) the unexpended balance of fees received by the Indian Tea Licensing Committee constituted under that Act shall not lapse to Government but shall be transferred to the Indian Tea Licensing Committee as constituted under section 3 of this Act,
- (b) until provision is otherwise made under the corresponding provisions of this Act, all fees fixed, all licences and permits issued and all quotas allotted under the Indian Tea Control Act, 1933, shall, unless inconsistent with the provisions of this Act, be deemed to have been fixed, issued or allotted under this Act ; and
- (c) any offence punishable under the Indian Tea Control Act, 1933, shall be punishable and ~~XXIV~~ of 1933. may be dealt with as if it were an offence punishable under the corresponding provision of this Act,

and anything done before the 31st day of March, 1938, by the Indian Tea Licensing Committee constituted under the Indian Tea Control Act, 1933, with a view to ~~XXIV~~ of 1933. the allotment to tea estates of export quotas under and in accordance with this Act, shall, so long as it is not inconsistent with any of the provisions of this Act, be as valid as if it had been done after this Act came into force.

THE SCHEDULE.

THE SCHEDULE.

(See section 14.)

Crop Basis mentioned in section 14 (2) of the Act will include the following :—

- (1) The Crop Basis of a tea estate for each financial year shall on and from the 1st April, 1938, be the crop basis which was ascertained for such tea estate for the financial year 1937-38, or the highest figure fixed for any year after investigation by the Committee, whichever be higher, in accordance with the rules under the Indian Tea Control Act, 1933, with the addition of allowances for special hardship determined under rules 4 and 5 framed under section 23 of the Indian Tea Control Act, 1933.
- (2) Allowances for Young areas, *i.e.*, tea planted from 1st January, 1926 onwards to be added automatically in accordance with scales that may be fixed for different localities in the prescribed manner.
- (3) Allowances for low producing areas as may be determined in the prescribed manner.

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ACT No. IX OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th April, 1938.)

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

VIII of 1923.

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Workmen's Compensation (Amendment) Act, 1938. Short title.

VIII of 1923.

2. In clause (d) of sub-section (1) of section 2 of the Workmen's Compensation Act, 1923 (hereinafter referred to as the said Act),— Amendment of section 2, Act VIII of 1923.

(a) in sub-clause (i), for the word "wife" the word "widow" shall be substituted;

(b) in sub-clause (ii), for the word "husband" the word "widower" shall be substituted; and

(c) in sub-clause (ii), after the words "a minor child of a deceased son," the words and comma "a minor child of a deceased daughter where no parent of the child is alive," shall be inserted.

3. In sub-section (2) of section 3 of the said Act,— Amendment of section 3, Act VIII of 1923.

(a) for the words beginning "If a workman" and ending "disease of anthrax" the following words shall be substituted; namely:—

"If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment";

(b) after

1.

Price anna 1 or 1½d.

Workmen's Compensation (Amendment). [ACT IX

(b) after the words "any employment specified in" the words "Part B of" shall be inserted; and

(c) at the end of the *Explanation*, the words "in the same kind of employment" shall be added.

Amendment
of section 5,
Act VIII of
1923.

4. In section 5 of the said Act, the brackets and figure "(1)" shall be omitted, and in the *Explanation* for the word "sub-section" the word "section" shall be substituted.

Amendment
of section 10
Act VIII of
1923.

5. In section 10 of the said Act,—

(a) in sub-section (1)—

(1) for the words beginning "No proceedings for the recovery of compensation" and ending "within six months from the date of death" the following shall be substituted, namely:—

"No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within one year of the occurrence of the accident or, in case of death, within one year from the date of death";

(2) in the second proviso—

(i) for the words "maintenance of proceedings" the words "entertainment of a claim" shall be substituted;

(ii) in clause (a), for the word "made" the word "preferred" shall be substituted;
and

(iii) in clause (b), after the word "employer" the words "or any one of several employers or any person responsible to the employer for the management of any
branch

branch of the trade or business in which the injured workman was employed " shall be inserted ;

and

(3) in the third proviso, for the word " admit " the word " entertain " shall be substituted and for the words " instituted " and " institute " respectively the words " preferred " and " prefer " shall be substituted ;

and

(b) in sub-section (2) the word " directly " shall be omitted.

6. In sub-section (6) of section 11 of the said Act,— Amendment of section 11, Act VIII of 1923.

(a) for the words " if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable " the following shall be substituted, namely :—

" if it is proved that the workman has not thereafter been regularly attended by a qualified medical practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable " ;

and

(b) after the words " qualified medical practitioner", where they occur for the last time, the words " whose instructions he had followed " shall be inserted.

7. Sub-section (4) of section 15 of the said Act shall Amendment of section 15, Act VIII of 1923. be omitted and sub-section (5) of that section shall be re-numbered as sub-section (4).

8. In section 18 of the said Act, for the words and figures " a certificate granted in respect of such person under section 7 or section 8 of the Indian Factories Act, 1911 " the words and figures " a valid certificate granted

Workmen's Compensation (Amendment). [ACT IX]

granted in respect of such person under section 12 or section 52 of the Factories Act, 1934" shall be substituted.

Amendment
of section 21,
Act VIII of
1923.

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

(a) for the words "by any party to any proceedings pending before him that such matter" the words "that any matter arising out of any proceedings pending before him" shall be substituted; and

(b) before the proviso the following proviso shall be inserted, namely:—

"Provided that the Commissioner shall not, where any party to the proceedings has appeared before him, make any order of transfer relating to the distribution among dependants of a lump sum without giving such party an opportunity of being heard:",

and in the existing proviso, after the word "Provided" the word "further" shall be inserted.

Amendment
of section 24,
Act VIII of
1923.

10. In section 24 of the said Act, for the words "other person authorised in writing by such person" the following shall be substituted, namely:—

"by an official of an Insurance Company or registered Trade Union authorised in writing by such person or, with the permission of the Commissioner, by any other person so authorised".

Amendment of
Schedule II,
Act VIII of
1923.

11. In Schedule II to the said Act,—

(a) in clause (i), for the words "mechanically propelled vehicles" the words "a lift or a vehicle propelled by steam or other mechanical power or by electricity" shall be substituted;

(b) in

OF 1938.] *Workmen's Compensation (Amendment).*

(b) in clause (ii), for the words, brackets and figures " clause (4) of section 2 of the Indian Factories Act, 1911 " the words, brackets, letter and figures " clause (g) of section 2 of the Factories Act, 1934 " shall be substituted ;

(c) after clause (xxii) the following clauses shall be inserted, namely :—

" (xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fires ;
or

(xxiv) employed in operations for the catching or hunting of elephants or other wild animals ; or " ;

and

(d) the existing clause (xxiii) shall be re-numbered as clause (xxv) and after that clause as so re-numbered the following word and clauses shall be inserted, namely :—

or

(xxvi) employed in the handling or transport of goods in, or within the precincts of,—

(a) any warehouse or other place in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed, or

(b) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed ; or

(xxvii) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radioactive substances."

Workmen's Compensation (Amendment). [ACT IX
OF 1938.]

Amendment of
Schedule III,
Act VIII of
1923.

12. In Schedule III to the said Act,—

- (a) before the entry relating to lead poisoning or its sequelæ, the following shall be inserted, namely:—

“PART A.

Anthrax	Any employment— (a) involving the handling of wool, hair, bristles or animal carcasses or parts of such carcasses, including hides, hoofs and horns; or (b) in connection with animals infected with anthrax; or (c) involving the loading, unloading or transport of any merchandise.
Compressed air illness or its sequelæ.	Any process carried on in compressed air.
Poisoning by lead tetra-ethyl	Any process involving the use of lead tetra-ethyl.
Poisoning by nitrous fumes	Any process involving exposure to nitrous fumes.

PART B.”;

- (b) in the entry relating to lead poisoning or its sequelæ, to the words in the first column the words “excluding poisoning by lead tetra-ethyl” shall be added; and for the words “or its preparations or compounds” in the second column the words “or any of its preparations or compounds except lead tetra-ethyl” shall be substituted; and
- (c) for the existing entry relating to compressed air illness or its sequelæ the following entries shall be substituted, namely:—

Arsenical poisoning or its sequelæ.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathological manifestations due to— (a) radium and other radio-active substances; (b) X-rays.	Any process involving exposure to the action of radium, radio-active substances, or X-rays.
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.”

GPID—L 23LD—6-6-38—5,500.

ACT No. X OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th
April, 1938.)

An Act to provide that all Cutchi Memons shall be governed in matters of succession and inheritance by the Muhammadan Law.

WHEREAS it is expedient that all Cutchi Memons be governed in matters of succession and inheritance by the Muhammadan Law; It is hereby enacted as follows:—

1. (1) This Act may be called the Cutchi Memons Act, 1938. Short title and commencement.

(2) It shall come into force on the 1st day of November, 1938.

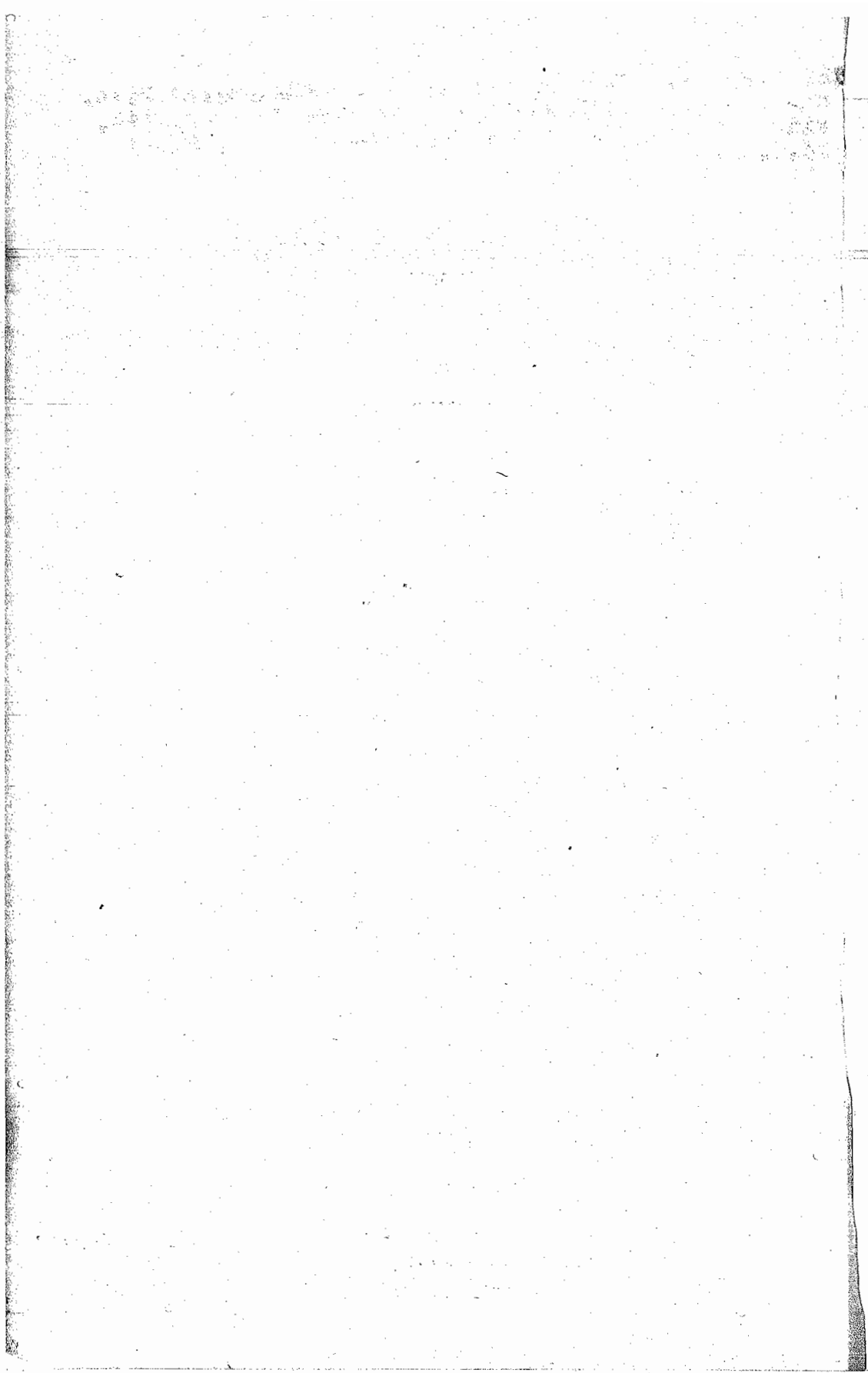
2. Subject to the provisions of section 3, all Cutchi Memons shall, in matters of succession and inheritance, be governed by the Muhammadan Law. Cutchi Memons to be governed in certain matters by Muhammadan Law.

3. Nothing in this Act shall affect any right or liability acquired or incurred before its commencement, or any legal proceeding or remedy in respect of any such right or liability; and any such legal proceeding or remedy may be continued or enforced as if this Act had not been passed. Savings.

XLVI of 1920. 4. The Cutchi Memons Act, 1920, is hereby repealed. Repeal.

Price anna 1 or 1½d.

GIPD—L 32 LD—6-6-38—3,000.



ACT No. XI OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
8th April, 1938.)

An Act to amend the Hindu Women's Rights to Property Act, 1937.

XVIII of 1937. **W**HEREAS it is expedient to amend the Hindu
Women's Rights to Property Act, 1937, for
the purposes hereinafter appearing; It is hereby
enacted as follows:—

1. (1) This Act may be called the Hindu Women's Rights to Property (Amendment) Act, 1938. Short title and effect.

(2) It shall have retrospective effect as if it had come into force on the 14th day of April, 1937.

2. In section 2 of the Hindu Women's Rights to Property Act, 1937 (hereinafter referred to as the said Act), the words "leaving a widow" shall be omitted. Amendment of section 2, Act XVIII of 1937.

3. In section 3 of the said Act,—

(a) in sub-section (1), for the paragraph preceding the first proviso, the following shall be substituted, namely:— Amendment of section 3, Act XVIII of 1937.

"3. (1) When a Hindu governed by the Dayabhag School of Hindu Law dies intestate leaving any property, and when a Hindu governed by any other school of Hindu Law or by customary law dies intestate leaving separate property, his widow, or if there is more than one widow all his widows together, shall, subject to the provisions of sub-section (3), be entitled

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Price anna 1 or 1½d.

Hindu Women's Rights to Property. [ACT XI OF 1938.]

in respect of property in respect of which he dies intestate to the same share as a son," ;

(b) in sub-section (2) the word "intestate" shall be omitted ; and

(c) in sub-section (4), after the words "rule of succession" the words "or by the terms of the grant applicable thereto" shall be inserted.

Insertion of new section 5 in Act XVIII of 1937.

4. After section 4 of the said Act the following section shall be inserted, namely :—

Meaning of expression "die intestate".

" 5. For the purposes of this Act, a person shall be deemed to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect."

ACT No. XII OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1938.)

An Act to amend the Durgah Khawaja Saheb Act, 1936.

XXIII of 1936. **W**HEREAS it is expedient to amend the Durgah Khawaja Saheb Act, 1936, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Durgah Khawaja Saheb (Amendment) Act, 1938. Short title.

XXIII of 1936. 2. In sub-clause (d) of clause (4) of section 2 of the Durgah Khawaja Saheb Act, 1936 (hereinafter referred to as the said Act), the words "in India" shall be omitted. Amendment of section 2, Act XXIII of 1936.

3. For section 5 of the said Act the following section shall be substituted, namely :— Amendment of section 5, Act XXIII of 1936.

"5. (1) The Committee shall consist of twenty-five members, who shall be Hanafi Muslims, namely :— Composition of Committee.

- (a) the Sajjadanashin for the time being, *ex-officio*, or his nominee;
- (b) the Mutawalli for the time being, *ex-officio*, or his nominee;
- (c) two elected from among their own number by members of the Khadim community who are recorded as voters in the register of voters for the Ajmer Municipal Committee;
- (d) five elected from among their own number by Muslims (other than members of the Khadim

Durgah Khawaja Sahab (Amendment). [ACT XII

Khadim community) who are recorded as voters in the register of voters for the Ajmer Municipal Committee ;

(e) eleven, not being persons residing within the limits of the Ajmer Municipality, elected in the following manner, namely :—

(i) three by the Muslim members of the Central Legislature ;

(ii) one by the Muslim members of the Provincial Legislature of Madras ;

(iii) one by the Muslim members of the Provincial Legislature of Bombay ;

(iv) one by the Muslim members of the Provincial Legislature of Bengal ;

(v) one by the Muslim members of the Provincial Legislature of the United Provinces ;

(vi) one by the Muslim members of the Legislative Assembly of the Punjab ;

(vii) one by the Muslim members of the Provincial Legislature of Bihar ;

(viii) one by the Muslim members of the Legislative Assembly of the North-West Frontier Province ; and

(ix) one by the Muslim members of the Legislative Assembly of Sind ;

(f) one nominated by His Exalted Highness the Nizam of Hyderabad and Berar ; and

(g) four Sajjadanashins of the shrines of the Chishti order of Sufis co-opted by the members of the Committee referred to in clauses (a) to (f).

(2) No person shall be qualified to be a member of the Committee if—

(a) he cannot read and write Urdu ; or

(b) he has been convicted by a Criminal Court of any offence involving moral turpitude, and

sentenced

OF 1938.] *Durgah Khawaja Saheb (Amendment).*

sentenced to imprisonment for a period exceeding three months :

Provided that the Central Government may, by special order, declare that any person disqualified under this clause shall cease to be so disqualified.

(3) No person shall be disqualified for election to the Committee under clause (e) of sub-section (1) by reason only of the fact that he is not a member of the Legislature or Legislative Assembly concerned.

(4) If any authority or body entitled to elect, nominate or co-opt a member fails to do so within six months, the Central Government may nominate a member to fill the vacancy from among persons qualified to be elected, nominated or co-opted in respect of the vacancy."

4. Sections 6, 7 and 8 of the said Act shall be omitted. Repeal of sections 6, 7, and 8, Act XXIII of 1936.

5. For section 9 of the said Act the following section shall be substituted, namely :— Amendment of section 9, Act XXIII of 1936.

"9. (1) Members of the Committee, other than those referred to in clauses (a) and (b) of sub-section (1) of section 5, shall hold office for five years from the date of their election, nomination or co-option ; and casual vacancies among such members shall be filled by election, nomination or co-option, as the case may be, by the authority which elected, nominated or co-opted the member whose place is to be filled. Term of office of members and casual vacancies.

(2) The term of office of a member elected, nominated or co-opted to fill a casual vacancy shall continue for so long only as the member whose place has been filled would have been entitled to hold office if the vacancy had not occurred."

6. In

Durgah Khawaja Saheb (Amendment). [ACT XII

Amendment of
section 10, Act
XXIII of 1936.

6. In sub-section (1) of section 10 of the said Act, for the words, letters, brackets and figure "except those who are elected under items (a), (b) and (c) of section 5" the following shall be substituted, namely :—

"other than those referred to in clauses (a) to (c) of sub-section (1) of section 5".

Amendment of
section 11, Act
XXIII of 1936.

7. For sub-section (3) of section 11 of the said Act the following sub-section shall be substituted, namely :—

"(3) The Committee shall exercise its powers of administration, control and management of the Durgah Endowment through the Mutawalli, who shall be the Manager of the Durgah Endowment."

Amendment of
section 12, Act
XXIII of 1936.

8. In section 12 of the said Act,—

(a) after the words "such duties as may" the words "subject to such conditions, if any, as the Committee may impose," shall be inserted ; and

(b) the words "subject to the confirmation by the Committee" shall be omitted.

Amendment of
section 14, Act
XXIII of 1936.

9. For section 14 of the said Act the following section shall be substituted, namely :—

"14. In the case of elections under clause (c) or clause (d) of sub-section (1) of section 5, the Chief Commissioner, and, in the case of elections under clause (e) of the said sub-section, the Presidents of both Chambers of the Legislature concerned, acting together, or the President of the Legislative Assembly concerned, as the case may be, may make rules to provide for—

(i) the procedure for such elections ; and

(ii) the decision of election disputes."

Amendment of
section 16, Act
XXIII of 1936.

10. For section 16 of the said Act the following section shall be substituted, namely :—

Board of
Arbitration.

"16. (1) Any dispute arising between the Committee on the one part and the Sajjadanshin,
the

the Mutawalli and any Khadim, or any of them, on the other part, relating to the privileges of the Sajjadanashin, the Mutawalli or such Khadim, shall, at the request of either party to the dispute, be referred to a Board of Arbitration consisting of—

- (i) a nominee of the Committee ;
- (ii) a nominee of the other party to the dispute ;
and
- (iii) a person who holds or has held the office of, or is acting or has acted as, a District Judge, to be appointed by the Chief Commissioner,

and the decision of the Board shall be final and shall not be questioned in any Court.

- (2) No suit shall lie in any Court in respect of any matter which is required by sub-section (1) to be referred to a Board of Arbitration."

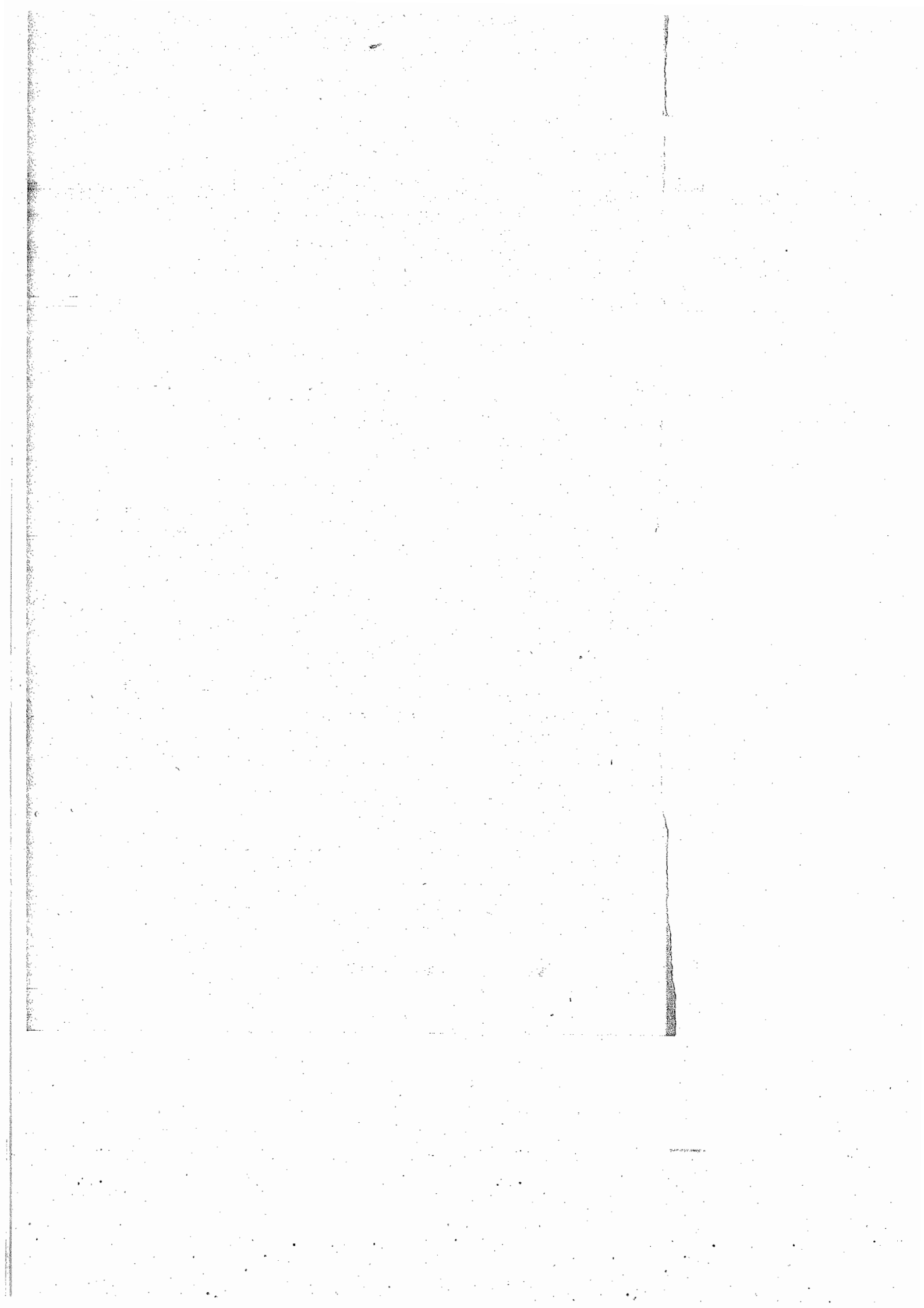
11. In section 18 of the said Act, for the words Amendment of section 18, Act XXIII of 1936. "The Durgah Committee shall not be empowered to use the property, movable and immovable" the words "The Committee shall not use the property, movable or immovable" shall be substituted.

12. In section 19 of the said Act, before the words Amendment of section 19, Act XXIII of 1936. "Durgah Endowment", where they occur the second time, the word "the" shall be inserted.

13. For section 20 of the said Act the following section shall be substituted, namely :— Amendment of section 20, Act XXIII of 1936.

"20. (1) The accounts of the Durgah shall be audited every year by an auditor holding Audit of accounts and annual report. a certificate granted under sub-section (1) of section 144 of the Indian Companies Act, 1913.

- (2) The Committee shall every year prepare a report on the administration of the Durgah, which, together with the accounts of the Durgah and the report of the auditor thereon, shall be published in the Gazette of India."



ACT No. XIII OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th
April, 1938.)

An Act to amend the law relating to salt as at present in force in Sind.

WHEREAS, by the Government of India Act, 1935, salt has been classified as a matter to which the executive authority of the Central Government extends, and it is, therefore, expedient to amend certain enactments in force in the Province of Sind relating to salt so as to vest in the Central Government powers of control in respect of that matter; It is hereby enacted as follows:—

1. This Act may be called the Sind Salt Law Amend- Short title.
ment Act, 1938.

2. With effect on the 1st day of April, 1938, the Trans- Amendment
port of Salt Act, 1879, as in force in Sind, and the of certain
Bombay Salt Act, 1890, as in force in Sind, are hereby enactments.
amended to the extent and in the manner stated in the
Schedule.

3. Any appointment, notification, rule, order, Saving of rules,
exemption, licence, pass, permit or power in force before to., made by
the commencement of this Act and made, issued or previous autho-
conferred by an authority, for the making, issuing or rities,
conferring of which a new authority is substituted
by or under this Act, shall, unless inconsistent with
this Act, be deemed to have been made, issued or
conferred by such new authority unless and until
cancelled or withdrawn or superseded by an appoint-
ment, notification, rule or order made or issued by
such new authority.

THE SCHEDULE.

Price anna 1 or 1½d.

Sind Salt Law Amendment. [ACT XIII OF 1938.]

THE SCHEDULE.

(See section 2.)

PART I.—*The Transport of Salt Act, 1879 (XVL of 1879), as in force in Sind.*

In sections 3 and 6, for the words "Provincial Government of Sind", wherever they occur, the words "Central Government" shall be substituted.

PART II.—*The Bombay Salt Act, 1890 (Bombay Act II of 1890), as in force in Sind.*

1. In sub-section (1) of section 4, for the words "Subject to such control of the Central Government, as may be prescribed by rules made under section 45A of the Government of India Act, the Provincial Government of Sind" the words "The Central Government" shall be substituted.

2. In sub-sections (2), (3) and (5) of section 4, and in sections 5, 10, 14, 17, 24, 36, 37, 52, 58 and 59, for the words "Provincial Government of Sind", wherever they occur, the words "Central Government" shall be substituted.

3. In section 25, for the words "Provincial Government of Sind" the words "Central Government" shall be substituted, and for the words "it may proceed" the words "the Provincial Government shall at the request of the Central Government proceed" shall be substituted.

4. Clause (a) of section 36 shall be omitted.

5. In section 60, the words "and in Sind in the Official Gazette," shall be omitted.

ACT No. XIV OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1938.)

An Act to provide for the temporary continuance of the existing protection conferred on the sugar industry in British India.

WHEREAS it is expedient to provide for the continuance for a period of one year of the existing protection conferred on the sugar industry in British India and to extend the date before which the Central Government is required under section 3 of the Sugar Industry (Protection) Act, 1932, to lay before the Indian Legislature the proposals referred to in the said section; It is hereby enacted as follows:—

XIII of 1932,

1. This Act may be called the Sugar Industry Protection (Temporary Extension) Act, 1938. Short title.

XIII of 1932,

2. In section 3 of the Sugar Industry (Protection) Act, 1932, for the figures "1938", where they occur for the second time, the figures "1939" shall be substituted. Amendment of section 3, Act XIII of 1932.

XXXII of 1934,

3. In the First Schedule to the Indian Tariff Act, 1934, for Item No. 17 the following shall be substituted, Amendment of First Schedule, Act XXXII of 1934.
namely:—

" 17	SUGAR excluding confectionery.	Protective.	The rate at which excise duty is for the time being leviable on sugar, other than <i>khandsari</i> or palmyra sugar, produced in British India plus Rs. 7-4-0 per cwt.	March 31st, 1939."
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¹ Section 3 came into effect on the 26th March, 1938, by virtue of a declaration inserted in the Bill under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

Price anna 1 or 1½d.

G.P.D.—L31LD—7-6-38—4,000.

2061 to VIX of IOA

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ACT No. XV OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1938.)

An Act to amend the Indian Coffee Cess Act, 1935, for a certain purpose.

XIV of 1935;

WHEREAS it is expedient to amend the Indian Coffee Cess Act, 1935, for the purpose herein-after appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Coffee Cess (Amendment) Act, 1938. Short title and commencement.

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

2. In clause (ii) of sub-section (1) of section 4 of the Amendment of section 4, Act XIV of 1935. Indian Coffee Cess Act, 1935,—

(a) in sub-clause (c), the word "and" shall be omitted; and

(b) for sub-clause (d) the following sub-clauses shall be substituted, namely:—

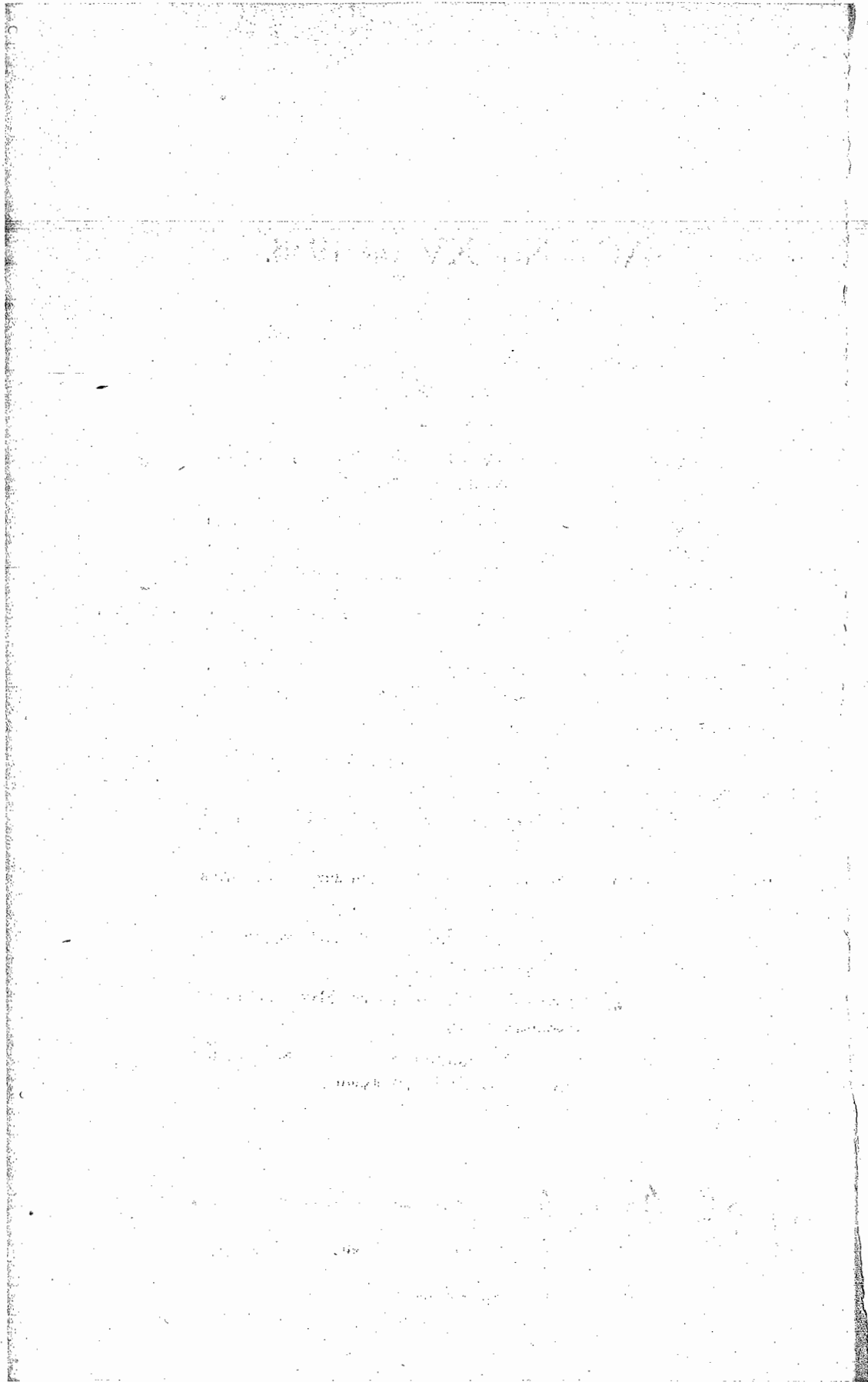
"(d) one person nominated by the Coorg Planters' Association;

(e) one person nominated by the Mysore Planters' Association; and

(f) one person nominated by the Indian Planters' Association, Mysore;".

4 9th November, 1938. See Gaz. of I. 1938. Pt. 2. p. 1667.

Price anna 1 or 1½d.



ACT No. XVI OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
9th April, 1938.)

An Act further to amend the Indian Tariff Act, 1934 for a certain purpose.

WHEREAS it is expedient further to amend the
Indian Tariff Act, 1934, for the purpose herein-
after appearing; It is hereby enacted as follows:—

XXXII of
1934.

1. This Act may be called the Indian Tariff (Amend- Short title.
ment) Act, 1938.

XXXII of
1934.

2. In the First Schedule to the Indian Tariff Act, Amendment of
First Schedule
Act XXXII of
1934. 1934, for Item No. 10 (2) the following item shall be
substituted, namely:—

" 10(2)	BROKEN RICE	Protective	Twelve annas per Indian maund of 82 2/7 lbs. avoirdupois weight.	.. March 31st, 1939."
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¹ Section 2 came into effect on the 31st March, 1938, by
virtue of a declaration inserted in the Bill under the Provisional
Collection of Taxes Act, 1931 (XVI of 1931).

Price anna 1 or 1½d.

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ACT No. XVII OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
April, 1938.)

An Act further to amend the Trade Disputes Act, 1929,
for certain purposes.

WHEREAS it is expedient further to amend the
Trade Disputes Act, 1929, for the purposes
hereinafter appearing; It is hereby enacted as
follows :—

1. This Act may be called the Trade Disputes (Amend- Short title.
ment) Act, 1938.

2. In section 2 of the Trade Disputes Act, 1929 (here- Amendment of
section 2, Act
VII of 1929.
inafter referred to as the said Act),—

(a) in clause (g),—

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

“(ia) any water transport service carrying
passengers to whose vessels any of the
provisions of the Inland Steam-vessels
Act, 1917, apply or tramway service, if
the Provincial Government by notifica-
tion in the official Gazette, declares the
water transport or tramway service, as
the case may be, to be a public utility
service for the purposes of this Act, or”;
and

(ii) in sub-clause (iii), after the word “supplies”
the word “power” shall be inserted;

(b) in clause (j), after the word “difference” the
words “between employers and employers or”
shall be inserted; and

This Act has been applied to British Baluchistan
see Notification No.200F, dated 10th August 1938,
Gazette of India, 1938, Pt. I, page 1371.

Trade Disputes (Amendment). [ACT XVII

(c) in clause (k), after the word "reward" the following words shall be inserted, namely :—

"and includes for the purposes of any proceedings under this Act in relation to a trade dispute a workman discharged during that dispute".

Amendment of section 3, Act VII of 1920.

3. In section 3 of the said Act,—

(a) the words "between an employer and any of his workmen" shall be omitted ; and

(b) for the words "the employer" the words "an employer concerned" shall be substituted.

Amendment of section 4, Act VII of 1920.

4. For sub-section (2) of section 4 of the said Act the following sub-section shall be substituted, namely :—

"(2) A Court, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number :

Provided that if the appointing authority notifies the Court that the services of the chairman have ceased to be available the Court shall not act until a new chairman has been appointed."

Amendment of section 6, Act VII of 1920.

5. For sub-section (3) of section 6 of the said Act the following sub-section shall be substituted, namely :—

"(3) A Board, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number :

Provided that if the appointing authority notifies the Board that the services of the chairman or where the Board includes an equal number of persons representing the parties to the dispute the services of any such person have ceased to be available the Board shall not act until a new chairman or member, as the case may be, has been appointed."

6. To

of 1938.] *Trade Disputes (Amendment)*.

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

Amendment of
section 10, Act
VII of 1929.

“(3) Where a Board includes an equal number of persons representing the parties to the dispute, and the services of any such person have ceased to be available as aforesaid, the appointing authority shall appoint in the manner specified in sub-section (2) of section 6 another person to take his place, and the proceedings shall be continued before the Board so reconstituted.”

7. In section 15 of the said Act,—

Amendment of
section 15, Act
VII of 1929.

(a) in sub-section (2),—

- (i) for the words “ his workmen ” the words “ any of his workmen ” shall be substituted ;
- (ii) for the words “ liable to ” the words “ punishable with ” shall be substituted ; and
- (iii) for the words “ to a fine ” the words “ with fine ” shall be substituted ;

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

“(2A) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any person employed by him and such notices as are referred to in sub-section (2), he shall within five days report to the Provincial Government or such authority as the Provincial Government may prescribe the number of such notices received or given on that day, and, if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees ” ; and

(c) in sub-section (3), for the words, brackets and figure “ under sub-section (2) ” the words, brackets and figures “ under sub-section (2) or sub-section (2A) ” shall be substituted.

Trade Disputes (Amendment). [ACT XVII]

Amendment of
section 16, Act
VII of 1929.

8. In sub-section (1) of section 16 of the said Act,—

(a) after the words “ other than ” the words “ or in addition to ” shall be inserted ;

(b) in clause (b) for the words “ general and prolonged ” the words “ and general ” shall be substituted.

Amendment of
section 17, Act
VII of 1929.

9. In sub-section (1) of section 17 of the said Act, for the word “ declares ” the words “ commences, continues,” shall be substituted.

Insertion of
new heading
and section
18A in Act
VII of 1929.

10. After section 18 of the said Act the following heading and section shall be inserted, namely :—

“ Conciliation Officers.

Appointment
of conciliation
officers.

18A. (1) The Central Government, in respect of industries, businesses and undertakings carried on by them or under their authority or by a railway company, and the Provincial Government, in respect of other businesses, industries or undertakings within their Province, may, by notification in the official Gazette, appoint officers, herein referred to as conciliation officers, charged with the duty of mediating in or promoting the settlement of trade disputes.

(2) A conciliation officer may be appointed for a specified area or for specified businesses, industries or undertakings in a specified area or for one or more specified businesses, industries or undertakings and either permanently or for a limited period.

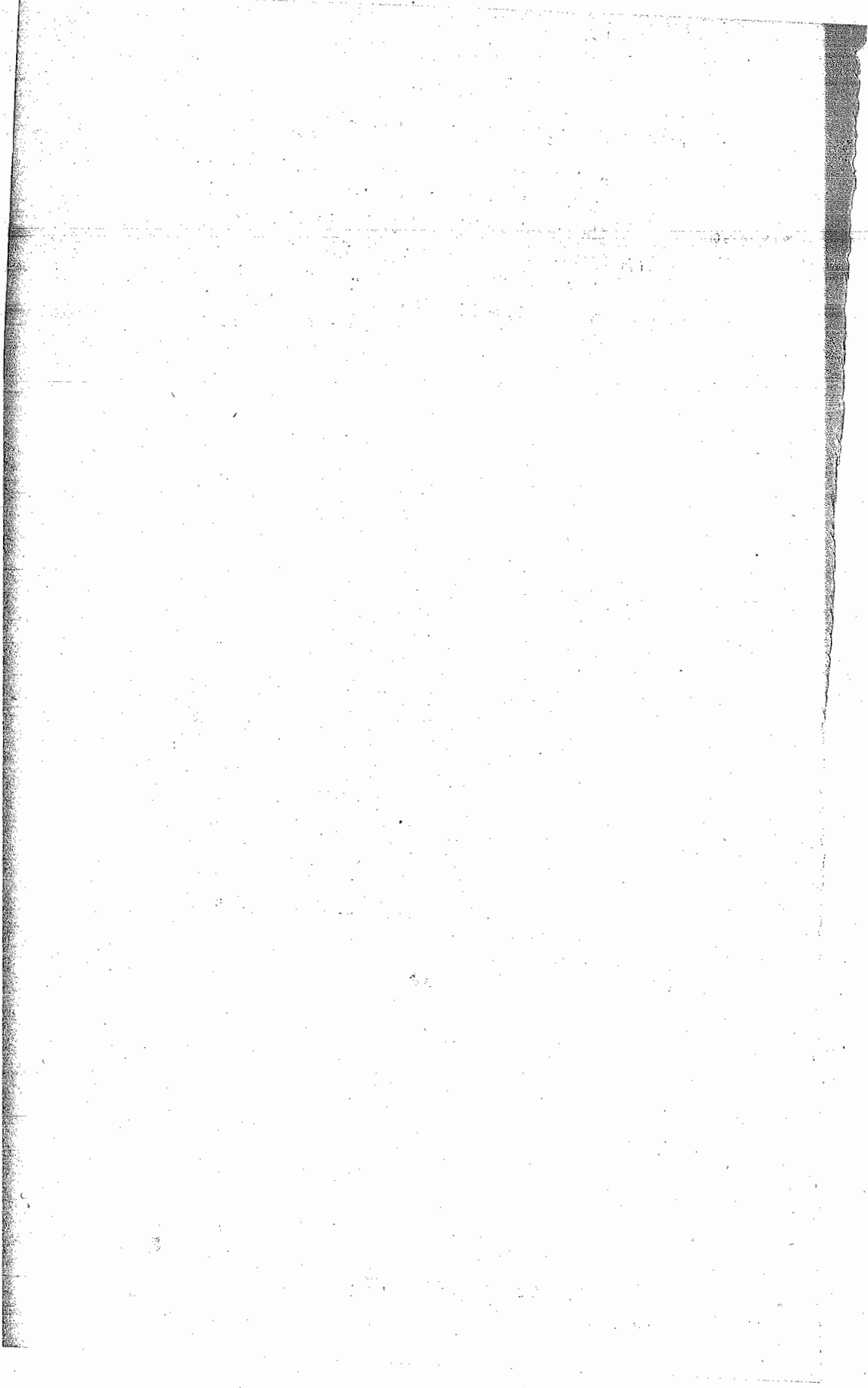
(3) A conciliation officer may, for the purposes of inquiring into an existing or apprehended trade dispute after giving reasonable notice, enter the premises occupied by any industry, business or undertaking and may call for and inspect any document which he has ground for considering to be relevant to the trade dispute,
and

of 1938.] *Trade Disputes (Amendment)*.

XLV of 1960.

and for the purposes of any such inquiry shall be deemed to be a public servant within the meaning of the Indian Penal Code.

- (4) If any person supplying information or producing a document to a conciliation officer requests in writing that the information or the document or any part thereof shall be treated as confidential the conciliation officer shall not disclose such information or the contents of such document or part thereof except to—
- (a) the authority which appointed him to be a conciliation officer ; or
 - (b) the parties concerned in the dispute for the purpose of mediating therein or promoting the settlement thereof.
- (5) If the conciliation officer contravenes the provisions of sub-section (4), he shall be punishable with fine which may extend to one hundred rupees.
- (6) No Criminal Court shall take cognizance of an offence under this section except with the previous sanction of the authority appointing the conciliation officer ; and no Civil Court shall without the like sanction entertain any suit against a conciliation officer in respect of the disclosure of any information or the contents of any document or part thereof of the nature referred to in sub-section (4).”



ACT No XVIII OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th April, 1938.)

An Act further to amend the Delhi Joint Water Board Act, 1926.

WHEREAS it is expedient to provide for the maintenance of the works established to dispose of sewage in bulk for the urban area of the City of Delhi and to improve the provision relating to the supply of drinking water in bulk, and for that purpose further to amend the Delhi Joint Water Board Act, 1926; It is hereby enacted as follows:—

1. (1) This Act may be called the Delhi Joint Water Board (Amendment) Act, 1938. Short title and commencement.

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

2. In the long title and preamble of the Delhi Joint Water Board Act, 1926 (hereinafter referred to as the said Act),— Amendment of long title and preamble, Act XXIII of 1926.

(a) after the words "to supply drinking water" the words "and to dispose of sewage" shall be inserted, and

(b) for the words "a Joint Water Board" the words "a Joint Water and Sewage Board" shall be substituted.

3. In sub-section (1) of section 1 of the said Act, for the words "Delhi Joint Water Board Act" the words "Delhi Joint Water and Sewage Board Act" shall be substituted. Amendment of section 1, Act XXIII of 1926.

4. In
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Price anna 1 or 1½d.

y 15th September, 1938. Gaz. of D. 1938, Pt I, 61489-

Delhi Joint Water Board (Amendment). [ACT XVIII

Amendment of
section 2, Act
XXIII of 1926.

4. In section 2 of the said Act,—

(a) in clause (a), for the words "Delhi Joint Water Board" the words "Delhi Joint Water and Sewage Board" shall be substituted, and

(b) in clause (c),—

(i) in sub-clause (iii), for the words and brackets "Delhi (New) Cantonments" the words "Delhi Cantonment" shall be substituted, and

(ii) for sub-clause (iv) the following sub-clause shall be substituted, namely:—

"(iv) the New Delhi Municipal Committee".

Amendment of
section 3, Act
XXIII of 1926.

5. In sub-section (1) of section 3 of the said Act, for the words "Joint Water Board" the words "Joint Water and Sewage Board" shall be substituted.

Amendment of
section 4, Act
XXIII of 1926.

6. In sub-section (1) of section 4 of the said Act, for the words "Delhi Joint Water Board" the words "Delhi Joint Water and Sewage Board" shall be substituted.

Amendment of
section 5, Act
XXIII of 1926.

7. In section 5 of the said Act,—

(a) after the word and letter "Parts A" the letters ", AA" shall be inserted; and

(b) after the words "the Delhi Municipal Committee" the words "the New Delhi Municipal Committee" shall be inserted.

Amendment of
section 6, Act
XXIII of 1926.

8. In section 6 of the said Act,—

(a) after the words "for the purpose of the efficient supply of water" the words "or for the purpose of the efficient disposal of sewage" shall be inserted; and

(b) after the words "any constituent body" the words "or the public" shall be inserted.

Amendment of
section 8, Act
XXIII of 1926.

9. In section 8 of the said Act,—

(a) in sub-section (1), after the words "maintain a fund" the words "or funds" shall be inserted; and

(b) in

of 1938.] *Delhi Joint Water Board (Amendment).*

(b) in clauses (a) and (b) of sub-section (2), for the words "the fund" the words "any such fund" shall be substituted.

10. In section 10 of the said Act, for the words "specified in Part B of Schedule I", wherever they occur, the words "specified in Division I of Part B of Schedule I" and for the words "specified in that Part" the words "specified in Division I of that Part" shall be substituted, respectively. Amendment of section 10, Act XXIII of 1926.

11. After the proviso to section 11 of the said Act the following proviso shall be added, namely:— Amendment of section 11, Act XXIII of 1926.

"Provided further that, if the Central Government, in consequence of the extension of the urban area of the city of Delhi, requires the Board to make additional provision for the supply of water in bulk at any place, the Board shall be bound to make such provision."

12. To section 13 of the said Act the following sub-section shall be added, namely:— Amendment of section 13, Act XXIII of 1926.

"(5) Nothing in this section shall preclude the Board from arranging with the consent of the constituent bodies and in accordance with any order issued by the Chief Commissioner for advance payments by the constituent bodies of the cost (calculated at the collecting rate) of such quantities of water as are likely to be supplied to the constituent bodies in each quarter or such other period as may be prescribed by the Chief Commissioner."

13. After section 14 of the said Act the following heading and sections shall be inserted, namely:— Insertion of new heading and new sections 14A, 14B and 14C in Act XXIII of 1926.

"Disposal of sewage and payment therefor.

14A. (1) The Board shall be bound to receive in bulk from each constituent body except the Military Engineer Services, Delhi Cantonment, all sewage delivered by such body and to dispose of such sewage: Disposal of sewage.

Provided
3

Delhi Joint Water Board (Amendment). [ACT XVIII

Provided that no constituent body by which sewage is delivered may execute any major work calculated to increase the normal discharge of sewage without the concurrence of the Board.

(2) Sewage received in pursuance of the provisions of sub-section (1) shall be the property of the Board and any income derived from the sale of effluent or sludge shall be credited to the appropriate fund of the Board.

(3) If any disagreement arises between a constituent body and the Board as to the effect of the execution of any work or the doing of any thing, the matter shall be referred to the Central Government whose decision shall be final.

Constituent
bodies to pay
cost of disposal
of sewage.

14B. (1) Subject to the provisions of section 15, the total net cost of the disposal of all sewage shall be paid by the constituent bodies other than the Military Engineer Services, Delhi Cantonment, each body contributing such proportion thereof as the Central Government may from time to time determine :

Provided that any proportion so determined shall not be changed until the expiry of a period of five years.

(2) In determining the total net cost of the disposal of all sewage there shall be taken into account as expenditure of the Board—

- (a) all establishment charges, including all expenditure upon repairs and maintenance not debitable to the fund established under section 8 ;
- (b) repayments of principal, and payments of interest, in respect of any loan taken by the Board under section 6 ; and
- (c) payments into the fund established under section 8 exclusive of any such income from interest on the balance of the fund as is under rules made by the Central Government under that section to be deemed the current revenue of the Board.

14C. (1) The

14C. (1) The estimated net cost of the disposal of sewage increased by five per cent. shall be payable on demand by each constituent body after the close of each quarter of each financial year in accordance with the proportions fixed under sub-section (1) of section 14B.

Manner of payment by constituent body of proportion of cost of disposal of sewage.

(2) If the sum so paid by any constituent body in any financial year exceeds or is less than the sum payable by it on the basis of the actual cost as determined under section 14B, the payments to be made by that body in the following financial year shall be adjusted accordingly.

(3) Nothing in this section shall preclude the Board from arranging with the consent of the constituent bodies and in accordance with any orders issued by the Chief Commissioner for advance payment by the constituent bodies of such portion of the cost of the disposal of sewage as is likely to be borne by them in each quarter or such other period as may be prescribed by the Chief Commissioner."

14. After section 14C of the said Act as inserted by section 13 the following heading shall be inserted, namely:—

Insertion of new heading after section 14C, Act XXIII of 1926.

"Settlement of disputes, and recovery of sums due from constituent bodies."

15. In section 22 of the said Act,—

Amendment of section 22, Act XXIII of 1926.

(a) in sub-section (1), after the words "or pipes", wherever they occur, the words "or sewers" shall be added; and

(b) in the proviso to sub-section (2), after the words "the supply of water" the words "or the disposal of sewage" shall be inserted.

16. In section 26 of the said Act,—

Amendment of section 26, Act XXIII of 1926.

(a) in clause (b), for the words "water work" the words "water or sewage work" shall be substituted;

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

"(cc) unlawfully obstructs the flow of, or flushes, draws off, diverts or takes sewage from any
sewage

Delhi Joint Water Board (Amendment). [ACT XVIII

sewage work belonging to the Board, or breaks or damages any electrical transmission line maintained by the Board, or”;

and

(c) in clause (d), for the words “water work” the words “water or sewage work” shall be substituted.

Amendment of
Schedule I,
Act XXIII of
1926.

17. In Schedule I to the said Act,—

(a) after Part A the following shall be inserted, namely :—

“PART AA.

LIST OF WORKS TAKEN OVER FROM THE NEW DELHI MUNICIPAL COMMITTEE.

The original 66” outfall sewer from Q Point to Kilokri with ventilating shafts, manholes, and nullah crossings.”

(b) in Part B—

(i) after the heading “LIST OF WORKS TAKEN OVER FROM THE GOVERNMENT” the sub-heading “Division I” shall be inserted ;

(ii) in entry No. 6, for the words “*New Cantonments*” the words “*Delhi Cantonment*” shall be substituted ;

(iii) after entry No. 7 the following sub-heading and entries shall be added, namely :—

“Division II.

1. *Old works at Kilokri*—

(a) The original Detritus Chamber.

(b) Pumping Station comprising boiler room, chimney, pump room, coal store, workshop, office, and store, and latrines, drains, and pipelines connected thereto.

(c) Pumping Plant comprising three boilers, three pumps, economiser, feed pumps, electric generating plant, circulating pipes, crane,

two

of 1938.] *Delhi Joint Water Board (Amendment).*

two weighbridges, and other accessories.
One electric pump with switchgear and rising main.

- (d) Workshop Equipment comprising two Lathes, 24" drilling machine, blower, shafting machine, and (partly worn out) motor shafting, bench and hand tools, forge.
- (e) Switchboard and lighting equipment in and around original plant.
- (f) Venturi meter.
- (g) Rising main.
- (h) Well, Regulators, Sedimentation Tank, Aeration Bed, and Storage Tanks for circulating water, and pipes, drains and sewers connected therewith.
- (i) Residential Buildings comprising Superintendent's Bungalow and garden, 62 quarters with sanitary accommodation and 19 quarters with adjacent buildings converted from the old Railway Station Buildings.
- (j) Roads, fencing, trenching area, storm drains and culverts in area being taken over. Regulators and materials of channels in Sewage Farm.

2. Works included in the Delhi Sewerage Disposal Scheme to be completed in 1938—

(1) New Delhi to Kilokri—

- (a) Storm Overflow at Point "Q" with control penstock.
- (b) 66" dia. Out-fall Sewer from Point "Q" to Kilokri.

(2) At Kilokri—

- (a) Penstock Chamber and 66" penstocks.
- (b) Detritus and screening plant with all ancillary works.
- (c) New Pumping Station Building which also contains workshop, office and store rooms and suction pumps connecting with existing work.
- (d) Pumping

(d) Pumping Plant comprising—

- (i) Three electric pumping units of 12 m.g.d. capacity.
- (ii) Two electrically operated exhausters.
- (iii) Two electrically operated bilge pumps.
- (iv) Two electrically operated gland sealing pumps.
- (v) Necessary penstocks valves, suction and delivery piping for items (i) to (iv).

(e) Overhead travelling crane.

(f) Low tension switchgear.

(g) Two transformers.

(h) High tension switchgear.

(i) Two overhead travelling cranes in workshop.

(j) Workshop equipment.

(k) Electric lighting and fans for building.

(l) One 44" Venturi meter and recorder.

(m) Roads and pathways.

(n) Rising main 44" dia. 800' long with control valves and outlet chamber.

(3) From Kilokri to Disposal Works—

Gravity Duct in masonry, approximately 16,500' long.

(4) At Disposal Works—

(a) Bio-aeration plant consisting of 12 preliminary settling tanks, 108 aeration pockets and 48 final settling tanks, the whole with necessary valves, piping, motors, shafting and other operating gear.

(b) Sludge Pump House and four electrically operated sludge pumps and accessories.

(c) Two portable electrically operated dewatering pumps and accessories.

(d) Transformer

OF 1938.] *Delhi Joint Water Board (Amendment).*

- (d) Transformer House containing high tension switchgear, transformers, low tension switchgear, overhead crane and other accessories.
- (e) Electric Cables supplying power and lighting circuits.
- (f) Office building containing Assistant Superintendent's Office, laboratory and equipment, clerks' rooms, store, and laboratories and furniture.
- (g) Assistant Superintendent's Bungalow with four rooms.
- (h) Five Drivers' Quarters, each with two rooms.
- (i) Fifteen single room quarters.
- (j) Necessary water supply, sanitary and electrical services for items (f) to (i).
- (k) Roads and pathways inside Disposal Works Compound, boundary fence and gates, trees and lawns.
- (l) Electric lighting for whole installation.
- (m) Sludge drying beds and Return Sludge pumping plant with necessary flow and return piping to main plant.
- (n) Three Venturi flumes with electrical recording gear.

(5) *Disposal Works to River—*

Effluent channel with pitched bed and sides including aqueduct crossing over the Agra Canal.

(6) *New Delhi Power House to Disposal Works—*

6600 Volt transmission line to the Disposal Works with branch to New Pumping Station including railway and road crossings.

3. *General—*

- (1) Any other work constructed as part of the Delhi Sewage disposal scheme that the Central Government may hand over to the Board.

(2) All

Delhi Joint Water Board [ACT XVIII OF 1938.]
(Amendment).

(2) All land acquired for or occupied by the works mentioned in Part AA and in Division II of Part B of this Schedule, including the sites of the Kilokri and Muttra Road Plants."

Amendment of
Schedule II
Act XXIII of
1926.

18. In Schedule II to the said Act,—

- (a) in entry (d), for the words "Imperial Delhi Municipal Committee" the words "New Delhi Municipal Committee" shall be substituted ; and
- (b) in entry (e), for the words and brackets "Delhi (New) Cantonments" the words "Delhi Cantonment" shall be substituted.

ACT No. XIX OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
April, 1938.)

An Act further to amend the Child Marriage Restraint
Act, 1929.

XIX of 1929. WHEREAS it is expedient further to amend the
Child Marriage Restraint Act, 1929; It is
hereby enacted as follows :—

1. This Act may be called the Child Marriage Res- Short title
traint (Second Amendment) Act, 1938.

XIX of 1929. 2. In clause (c) of section 2 of the Child Marriage Amendment of
Restraint Act, 1929 (hereinafter referred to as the said section 2, Act
Act), between the words "is" and "thereby" the XIX of 1929.
words "or is about to be" shall be inserted.

3. In section 8 of the said Act for the words "District Amendment of
Magistrate" the words "Magistrate of the first class" XIX of 1929.
shall be substituted.

4. For section 9 of the said Act the following shall Substitution
be substituted, namely :— of new section
for section 9,
Act XIX of
1929.

"9. No Court shall take cognizance of any offence
under this Act after the expiry of one year
from the date on which the offence is alleged
to have been committed."

5. For sub-section (1) of section 11 of the said Amendment of
Act the following shall be substituted, namely :— section 11,
Act XIX of
1929.

"(1) When the Court takes cognizance of any
offence under this Act upon a complaint
made to it, it may for reasons to be recorded in
writing,

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Price anna 1 or 1½d.

Child Marriage Restraint (Second Amend- [ACT XIX
ment).

writing, at any time after examining the complainant and before issuing process for compelling the attendance of the accused, require the complainant to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure, 1898, and if ^{v of 1998.} such security is not furnished within such reasonable time as the Court may fix, the complaint shall be dismissed.” ;

Insertion of new section 12 in Act XIX of 1929.

Power to issue injunction prohibiting marriage in contravention of this Act.

6. The following section shall be added as section 12 of the said Act, namely :—

- “ 12. (1) Notwithstanding anything to the contrary contained in this Act, the Court may, if satisfied from information laid before it through a complaint or otherwise that a child marriage in contravention of this Act has been arranged or is about to be solemnised, issue an injunction against any of the persons mentioned in sections 3, 4, 5 and 6 of this Act prohibiting such marriage.
- (2) No injunction under sub-section (1) shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction.
- (3) The Court may either on its own motion or on the application of any person aggrieved rescind or alter any order made under sub-section (1).
- (4) Where such an application is received, the Court shall afford the applicant an early opportunity of appearing before it either in person or by pleader ; and if the Court rejects

the

OF 1988.] *Child Marriage Restraint (Second Amendment).*

the application wholly or in part, it shall record in writing its reasons for so doing.

- (5) Whoever knowing that an injunction has been issued against him under sub-section (1) of this section disobeys such injunction shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both :

Provided that no woman shall be punishable with imprisonment. ”

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ACT No. XX OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
14th September, 1938.)

An Act to amend the criminal law.

WHEREAS it is expedient to supplement the criminal law by providing for the punishment of certain acts prejudicial to the recruitment of persons to serve in, and to the discipline of, His Majesty's Forces; It is hereby enacted as follows:—

1. (1) This Act may be called the Criminal Law Amendment Act, 1938.

Short title,
extent and
commence-
ment.

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

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

2. Whoever—

Dissuasion
from enlistment
and instigation
to mutiny or
insubordination
after enlist-
ment.

(a) with intent to affect adversely the recruitment of persons to serve in the Military, Naval or Air Forces of His Majesty, wilfully dissuades or attempts to dissuade the public or any person from entering any such Forces, or

(b) without dissuading or attempting to dissuade any person from entering such Forces, instigates the public or any person to do, after entering any such Force, any thing which is an offence punishable as mutiny or insubordination under section 27 of the Indian Army Act, 1911, or sections 10 to 12 and 14 to 17 inclusive of the Naval Discipline Act as applied to the Indian Navy by the Indian Navy (Discipline) Act, 1934, or sections 35 to 37 inclusive of the Indian Air Force Act, 1932, as the case may be,

shall

VIII of 1911.

XXXIV of
1934.

XIV of 1932.

This Act has been applied to British Baluchistan,
see Notification. No. 309-F, d/- 15-12-38, Gaz. of
India, 1938, Pt. I., p. 2041.

Criminal Law Amendment. [ACT XX OF 1938.]

shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

No person shall be prosecuted for any offence under this Act except with the previous sanction of the Provincial Government.

Exception 1.—The provisions of clause (a) of this section do not extend to comments on or criticism of the policy of Government in connection with the Military, Naval or Air Forces, made in good faith without any intention of dissuading from enlistment.

Exception 2.—The provisions of clause (a) of this section do not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given, or for the benefit of any member of his family or of any of his dependants.

Applied to the Darjeeling distt. and to the
artificially excluded areas of the Mymensingh distt. with
effect from 27th Feby. 1941, see Bengal Govt. Notifn.
1907-Emi., dated 21.2.41.

ACT No. XXI OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
22nd September, 1938.)

An Act further to amend the Indian Emigration Act, 1922.

122. **W**HEREAS it is expedient further to amend the
Indian Emigration Act, 1922, for the purpose
hereinafter appearing; It is hereby enacted as
follows:—

1. This Act may be called the Indian Emigration Short title.
(Amendment) Act, 1938.

122. 2. In sub-section (2) of section 24 of the Indian Amendment of
Emigration Act, 1922 (hereinafter referred to as the section 24, Act
said Act),— VII of 1922.

(a) the word "and" at the end of clause (j)
shall be omitted;

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

"(k) the issue of the permits referred to in
sub-section (1) of section 30A; and";

(c) the existing clause (k) shall be re-lettered
clause (l).

3. After section 30 of the said Act the following
section shall be inserted, namely:—

"30A. (1) The Central Government may, by
notification in the official Gazette from a
date and for reasons to be specified in the
notification, prohibit all persons or any speci-
fied class of persons from departing by sea
out of British India to any specified country
beyond the limits of India for the purpose
of unskilled work unless possessed of a
prescribed permit or otherwise exempted by
general or special order of the Central Gov-
ernment from the provisions of the notifica-
tion.

Insertion of
new section
30A in Act VII
of 1922.
Power to prohi-
bit departure
by sea from
British India
for the purpose
of unskilled
work.

(2) Every

Price anna 1 or 1½d.

Indian Emigration (Amendment). [ACT XXI OF 1938.]

- (2) Every notification issued under this section shall be laid before both Chambers of the Central Legislature as soon as may be after it is made.
- (3) Whoever departs or attempts to depart out of British India in contravention of a notification issued under sub-section (1) shall be punishable with the punishment provided for an offence under sub-section (1) of section 25.
- (4) Whoever causes or assists or attempts to cause or assist any person to depart out of British India in contravention of a notification issued under sub-section (1) shall be punishable with the punishment provided for an offence under sub-section (1) of section 25."

ACT No. XXII OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th September, 1938.)

An Act further to amend the Indian Aircraft Act, 1934.

XXII of 1934.

WHEREAS it is expedient further to amend the Indian Aircraft Act, 1934, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Aircraft (Amendment) Act, 1938. Short title.

XXII of 1934.

2. After section 8A of the Indian Aircraft Act, 1934 (hereinafter referred to as the said Act), the following section shall be inserted, namely:— Insertion of new section 8B in Act XXII of 1934.

8B. (1) If the Central Government is satisfied that India or any part thereof is visited by or threatened with an outbreak of any dangerous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient for the prevention of danger arising to the public health through the introduction or spread of the disease by the agency of aircraft, the Central Government may take such measures as it deems necessary to prevent such danger. Emergency powers for protecting the public health.

(2) In any such case the Central Government may, without prejudice to the powers conferred by section 8A, by notification in the official Gazette, make such temporary rules with respect to aircraft and persons travelling or things carried therein and aerodromes as it deems necessary in the circumstances.

(3) Notwithstanding anything contained in section 14, the power to make rules under subsection (2) shall not be subject to the condition of the rules being made after previous

Act has been applied to British Beluchistan, Notification No. 309-F, d/- 15-12-38, Gaz. of 1938, Pt. I., p. 2041.

Indian Aircraft (Amendment). [ACT XXII OF 1938.]

publication, but such rules shall not remain in force for more than three months from the date of notification:

Provided that the Central Government may by special order continue them in force for a further period or periods of not more than three months in all."

Amendment of
section 10,
Act XXII of
1934.

3. In section 10 of the said Act, for the words, figure and letter "or section 8A" the words, figures and letters "section 8A or section 8B" shall be substituted.

ACT No. XXIII OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th September, 1938.)

An Act further to amend the Indian Tea Cess Act, 1903, for a certain purpose.

of 1903. **W**HEREAS it is expedient further to amend the Indian Tea Cess Act, 1903, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Tea Cess Short title and commencement. (Amendment) Act, 1938.

(2) It shall come into force on such date ^y as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. In sub-section (2) of section 4 of the Indian Tea Amendment of section 4, Act IX of 1903. Cess Act, 1903,—

(a) for the word "twenty-seven" the word "twenty-eight" shall be substituted;

(b) in clause (c), the word "and", where it occurs at the end of the clause, shall be omitted; and

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

"(e) one on the recommendation of the Travancore Government to represent the tea planters of Travancore."

y 4th Feb'y. 1939. Gaz. of I. 1939. Pt. I. p. 1324.

Price anna 1 or 1½d.

GIPD—L80LD—5-11-38—4,000.

DEPARTMENT OF THE ARMY

OFFICE OF THE ADJUTANT GENERAL
WASHINGTON, D. C.

MEMORANDUM FOR THE RECORD

DATE: 10/15/54
SUBJECT: [Illegible]

1001 10 11

1. [Illegible]

2. [Illegible]

3. [Illegible]

1001 10 12

4. [Illegible]

5. [Illegible]

6. [Illegible]

ADJUTANT GENERAL

OFFICE OF THE ADJUTANT GENERAL
WASHINGTON, D. C.

ACT No. XXIV OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th September, 1938.)

An Act to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen.

WHEREAS it is expedient to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen; It is hereby enacted as follows:—

1. (1) This Act may be called the Employers' Liability Act, 1938. Short title and extent.

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

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

(a) "workman" means any person who has entered into, or works under a contract of, service or apprenticeship with an employer whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, oral or in writing; and

(b) "employer" includes any body of persons whether incorporated or not, any managing agent of an employer, and the legal representatives of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him.

3. Where personal injury is caused to a workman— Defence of common employment barred in certain cases.
(a) by reason of the omission of the employer to maintain in good and safe condition any way, works, machinery or plant connected

This Act has been applied to British Baluchistan, Notification No. 309-F, d/- 15-12-38, Gaz. of Ind. 1938, Pt. I., p. 2041.

Employers' Liability. [ACT XXIV OF 1938.]

with or used in his trade or business, or by reason of any like omission on the part of any person in the service of the employer who has been entrusted by the employer with the duty of seeing that such way, works, machinery or plant are in good and safe condition; or

- (b) by reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him, whilst in the exercise of such superintendence; or
- (c) by reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, where the injury resulted from his having so conformed; or
- (d) by reason of any act or omission of any person in the service of the employer done or made in obedience to any rule or bye-law of the employer (not being a rule or bye-law which is required by or under any law for the time being in force to be approved by any authority and which has been so approved) or in obedience to particular instructions given by any person to whom the employer has delegated authority in that behalf or in the normal performance of his duties;

a suit for damages in respect of the injury instituted by the workman or by any person entitled in case of his death shall not fail by reason only of the fact that the workman was at the time of the injury a workman of, or in the service of, or engaged in the work of, the employer.

Risk not to be deemed to have been assumed without full knowledge.

4. In any such suit for damages, the workman shall not be deemed to have undertaken any risk attaching to the employment unless the employer proves that the risk was fully explained to and understood by the workman and that the workman voluntarily undertook the same.

Saving.

5. Nothing in this Act shall affect the validity of any decree or order of a civil Court passed before the commencement of this Act in any such suit for damages.

2

GIPD—L81LD—5-11-38—4,000.

This Act is applied to the Chota Nagpur Division, see
Bihar Govt. Notfn. No. 785-A-10/40-J, 27.5.3.40

ACT No. XXV OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st
December, 1938.)

An Act to amend the law relating to the prevention of
cruelty to animals.

Act of 1890.

WHEREAS it is expedient further to amend
the Prevention of Cruelty to Animals Act, 1890,
for the purposes hereinafter appearing; It is hereby
enacted as follows:—

1. This Act may be called the Prevention of Cruelty
to Animals (Amendment) Act, 1938.

Act of 1890.

2. In section 2 of the Prevention of Cruelty to
Animals Act, 1890 (hereinafter referred to as the said
Act), at the end of clause (1) the word "and" shall
be omitted, and after clause (2) the following clause
shall be added, namely:—

Amendment of
section 2, Act
XI of 1890.

"(3) *phooka* or *doom dev* includes any process of
introducing air or any substance into the
female organ of a milch animal with the
object of drawing off from the animal any
secretion of milk."

3. For section 3 of the said Act the following section
shall be substituted, namely:—

Substitution
of new section
for section 3,
Act XI of
1890.

"3. If any person—

- (a) overdrives, beats, or otherwise treats any
animal so as to subject it to unnecessary
pain or suffering, or
- (b) binds, keeps, carries or consigns for carriage
any animal in such manner or position
as to subject it to unnecessary pain or
suffering, or
- (c) offers for sale or without reasonable cause
has in his possession any live animal
which is suffering pain by reason of
mutilation, starvation, thirst, over-crowd-
ing or other ill-treatment, or

Penalty for
cruelty to
animals, and
for sale of
animals killed
with unneces-
sary cruelty.

(d) offers

1

Price anna 1 or 1½d.

Applied to British Baluchistan. See Notfn. no 317-F. 27.2.12/38,
Gaz. of I 1938, Pt I, p. 2146

Prevention of Cruelty to Animals [ACT XXV
(Amendment).

- (d) offers for sale any dead animal or part of a dead animal which he has reason to believe has been killed in an unnecessarily cruel manner, or
- (e) without reasonable cause abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst,

he shall be punished, in the case of a first offence, with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month and, in the case of a second or subsequent offence committed within three years of the previous offence, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both."

Insertion of new section 3A in Act XI of 1890.

Penalty for overloading animals.

4. After section 3 of the said Act the following section shall be inserted, namely :—

" 3A. (1) If any person overloads any animal, he shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month.

(2) If the owner of any animal, or any person who, either as a trader, carrier or contractor or by virtue of his employment by a trader, carrier or contractor, is in possession of, or in control of the loading of, any animal, permits the overloading of such animal, he shall be punished with fine which may extend to one hundred rupees."

Substitution of new section for section 4, Act XI of 1890.

Penalty for practising *phooka*.

5. For section 4 of the said Act the following section shall be substituted, namely :—

" 4. (1) If any person performs upon any cow or other milch animal the operation called *phooka* or *doom dev*, or permits such operation to be performed upon any such animal

in

in his possession or under his control, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to Government :

Provided that in the case of a second or subsequent conviction of a person under this section he shall be punished with fine which may extend to five hundred rupees and with imprisonment for a term which may extend to two years.

(2) A Court may order payment out of any fine imposed under this section of an amount not exceeding one-tenth of the fine to any person other than a police officer or officer of a society or institution concerned with the prevention of cruelty to animals who has given information leading to the conviction."

6. In section 6 of the said Act, the brackets and figure "(1)" at the beginning of sub-section (1) shall be omitted, and sub-sections (2) to (6) shall be omitted.

Amendment of section 6, Act XI of 1890.

7. After section 6 of the said Act the following sections shall be inserted, namely :—

Insertion of new sections 6A, 6B and 6C in Act XI of 1890.

"6A. For the purposes of sections 3A and 6, an owner or other person in possession or control of an animal shall be deemed to have permitted an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence, and, for the purposes of section 4, if he fails to prove that he has exercised such care and supervision.

Interpretation.

6B. (1) The Provincial Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a Magistrate.

Treatment and care of animals.

(2) The

Prevention of Cruelty to Animals [Act XXV
(Amendment).

- (2) The Magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a *pinjrapole*, or, if the Veterinary Officer in charge of the area in which the animal is found or such other Veterinary Officer as may be authorised in this behalf by rules made under section 15 certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.
- (3) An animal sent for care and treatment to an infirmary shall not, unless the Magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the Veterinary Officer in charge of the area in which the infirmary is situated or such other Veterinary Officer as may be authorised in this behalf by rules made under section 15.
- (4) The cost of transporting an animal to an infirmary or *pinjrapole*, and of its maintenance and treatment in an infirmary, shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by the District Magistrate or, in Presidency-towns, by the Commissioner of Police :
- Provided that when the Magistrate so orders, on account of the poverty of the owner of the animal, no charge shall be payable for the treatment of the animal.
- (5) If the owner refuses or neglects to pay such cost or to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.
- (6) The

of 1938.] *Prevention of Cruelty to Animals*
(Amendment).

- (6) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him.

6C. If any person—

- (a) incites any animal to fight, or
(b) baits any animal, or
(c) aids or abets any such incitement or baiting,

Penalty for baiting or inciting animals to fight.

he shall be punished with fine which may extend to fifty rupees.

Exception.—It shall not be an offence under this section to incite animals to fight if such fighting is not likely to cause injury or suffering to such animals and all reasonable precautions are taken to prevent injury or suffering from being so caused.”

8. In section 7 of the said Act—

- (a) after the word “owner”, in both places where it occurs, the words “or is in charge” shall be inserted;

Amendment of section 7, Act XI of 1890.

- (b) after the word “rupees” the following words shall be added, namely:—

“where he is the owner of the animal, or to fifty rupees where he is in charge of but not the owner of the animal”.

9. Section 7A of the said Act shall be renumbered as sub-section (I), and after the said sub-section the following sub-section shall be added, namely:—

Amendment of section 7A, Act XI of 1890.

- “(2) If a police officer, not below the rank of sub-inspector, or any person specially authorised by the Provincial Government in this behalf has reason to believe that *phooka* or *doom dev* has just been or is being performed on any animal within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for examination

Prevention of Cruelty to Animals [ACT XXV
(Amendment).

examination by the Veterinary Officer in charge of the area in which the animal is seized."

Amendment of
section 8, Act
XI of 1890.

10. In sub-section (1) of section 8 of the said Act,—

- (a) for the word "class" the words "or second class, Presidency Magistrate," shall be substituted;
- (b) for the words and figures "against section 4, section 5 or section 6" the words "against this Act" shall be substituted; and
- (c) for the words "above the rank of a constable" the words "not below the rank of sub-inspector" shall be substituted.

Amendment of
section 10,
Act XI of
1890.

11. Section 10 of the said Act shall be renumbered as sub-section (1), and after the said sub-section the following sub-section shall be added, namely:—

"(2) Any police officer above the rank of a constable who finds any animal so diseased, or so severely injured, or in such a physical condition that it cannot, in his opinion, be removed without cruelty, may, if the owner is absent or refuses to consent to the destruction of the animal, forthwith summon the Veterinary Officer in charge of the area in which the animal is found and, if the Veterinary Officer certifies that the animal is mortally injured, or so severely injured or in such a physical condition that its destruction is desirable, the police officer may, after obtaining orders from a Magistrate, destroy the animal or cause it to be destroyed."

Amendment of
section 12,
Act XI of
1890.

12. In section 12 of the said Act, for the figures and word "9, 10 and 11" the following shall be substituted, namely:—

"4 and 13, sections 9 and 10, and sections 6A, 7A, 8 and 15 so far as they relate to offences under section 4"

13. After

OF 1938.] *Prevention of Cruelty to Animals*
(Amendment).

13. After section 12 of the said Act the following sections shall be added, namely :—

Insertion of new sections 13, 14, 15, 16 and 17 in Act XI of 1890.

“ 13. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under section 4 shall be a cognizable offence within the meaning of that Code.

Offence under section 4 to be cognizable.

14. Any police officer above the rank of a constable or any person authorised by the Provincial Government in this behalf, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest Magistrate or by such Veterinary Officer as may be designated in this behalf by rules made under section 15; and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.

General power of seizure for examination.

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

Power to make rules.

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

- (a) prescribing the maximum weight of loads to be carried or drawn by any animal ;
- (b) prescribing conditions to prevent the overcrowding of animals ;
- (c) prescribing the period during which, and the hours between which, buffaloes shall not be used for draught purposes ;
- (d) prescribing the purposes to which fines realized under this Act may be applied, including such purposes as the maintenance of infirmaries, *pinjrapoles*, and veterinary hospitals ;
- (e) prohibiting the use of any bit or harness involving cruelty ;

(f) requiring

V of 1898.

Prevention of Cruelty to Animals [ACT XXV OF 1938.]
(Amendment).

- (f) requiring persons carrying on the business of a farrier to be licensed and registered ;
- (g) requiring persons owning, or in charge of, premises in which animals are kept or milked to register such premises, to comply with prescribed conditions as to the boundary walls or surroundings of such premises, to permit their inspection for the purpose of ascertaining whether any offence against section 4 is being, or has been, committed therein, and to expose in such premises copies of section 4 of this Act in a language or languages commonly understood in the locality ; and
- (h) prescribing the manner in which cattle may be impounded in any place appointed for the purpose, so as to secure the provision of adequate space, food and water.

(3) If any person contravenes, or abets the contravention of, any rule made under this section, he shall be punished with fine which may extend to fifty rupees.

Persons
authorised
under section
14 to be
public servants.

16. Every person authorised by the Provincial Government under section 14 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Indemnity.

17. No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code, in respect of anything in good faith done or intended to be done under this Act."

XLV of 1860.

Applied to the Dargeling dist and to the partially excluded areas of the Dijnensburgh dist with effect from 1-10-39. See notfn. no. 3011-Com of 26.9.39 in Calcutta Gaz. of 28.9.39.

ACT No. XXVI OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st December, 1938.)

An Act to regulate the admission of children to certain industrial employments.

WHEREAS it is expedient to regulate the admission of children to certain industrial employments; It is hereby enacted as follows:—

1. (1) This Act may be called the Employment of Children Act, 1938. Short title and extent.

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

4 [a] /

2. In this Act, "competent authority", in respect of a major port, as defined in the Indian Ports Act, 1908, and in respect of a federal railway, as defined in the Indian Railways Act, 1890, means the Central Government, and in any other case means the Provincial Government. Definition.

XV of 1908.
IX of 1890.

3. (1) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation connected with the transport of passengers, goods or mails by railway. Prohibition of employment of children in certain occupations.

(2) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation involving the handling of goods within the limits of any port to which for the time being any of the provisions of the Indian Ports Act, 1908, are applicable.

XV of 1908.

4 [or fails to give notice as required by section 3B]

4. Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with fine which may extend to five hundred rupees. Penalty.

5. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of an inspector appointed under section 6. Procedure relating to offences.

- 1 Ins. added by s. 2 of Act 15 of 1939 (2) No
- 2 Ins. by s. 3 ibid
- 3 Ins. by s. 4 or 1 1/2.
- 4 Ins. by s. 5 ibid
- 5 Applied to Pr. Baluchistan, notfn. no. 201-F of 26/9/39, Gaz. of I. 1939, Pt. I, p. 1634.

Employment of Children. [ACT XXVI OF 1938.]

(2) No prosecution under this Act shall be instituted in any case where at the time of employment a certificate had been obtained from an authority empowered under this Act to grant such certificate that the child has completed his fifteenth year.

(3) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Appointment of Inspectors.

6. The competent authority may appoint persons to be inspectors for the purpose of securing compliance with the provisions of this Act, and any inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1960.

Power to make rules.

7. (1) The competent authority may by notification in the official Gazette and subject to the condition of previous publication make rules for carrying into effect the provisions of this Act.

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

(a) regulate the procedure of inspectors appointed under section 6, and

(b) make provision for the grant of certificates of age in respect of young persons in employment or seeking employment, [the ^{medical} authorities] which may issue such certificates, the form of such certificate, the charges which may be made therefor, and the manner in which such certificates may be issued :

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned.

Amendment of section 6, Act XV of 1908.

8. Sub-section (1A) of section 6 of the Indian Ports Act, 1908, and the words, brackets, figure and letter "and sub-section (1A)" in sub-section (2) of the said section shall be omitted. xv of 1908.

1/ Subs. by s. 6 of Act 15 of 1939. (from 1-10-39)
2/ Subs. by s. 7 *ibid.*
3/ *Added by s. 8 *ibid.**
GIPD-L 128 LD-25-1-39-5,000.

THE INDIAN FINANCE ACT, 1938.

(Made by the Governor General on the 26th March, 1938.)

An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax ; It is hereby enacted as follows :—

VI of 1898.

1. (1) This Act may be called the Indian Finance Act, 1938. Short title and extent.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

XI of 1882.

2. The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India be construed as if, for the year beginning on the 1st day of April, 1938, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section. Salt duty.

3. For

Price anna 1 or 1½d.

1/2 This Act has been applied to Br. Baluchistan under S. 95(2) of the Govt. of India Act, 1935, See Gaz. of I. 1935. Pt. I p. 929.

Indian Finance Act, 1938.

Inland postage
rates.

3. For the year beginning on the 1st day of April, 1938, the Schedule contained in the Schedule to this Act shall be inserted in the Indian Post Office Act, 1898, as the First Schedule to that Act.

VI of 1898.

Income-tax and
super-tax.

4. (1) Income-tax for the year beginning on the 1st day of April, 1938, shall be charged at rates applicable to the total income of each assessee the same, and increased in each case by the same fraction of the amount of the rate, as for the year beginning on the 1st day of April, 1937.

(2) The rates of super-tax for the year beginning on the 1st day of April, 1938, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922, be the same rates, increased in each case by the same fraction of the amount of the rate, as for the year beginning on the 1st day of April, 1937.

(3) For the purposes of sub-section (1) "total income" means total income as determined in accordance with the provisions of the Indian Income-tax Act, 1922.

XI of 1922.

THE SCHEDULE.

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

[See section 3.]

“ THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

[See section 7.]

Letters.

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

Postcards.

Single Nine pies.
Reply One and a half annas.

Book, Pattern and Sample Packets.

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

Registered Newspapers.

For a weight not exceeding ten tolas Quarter of an anna.
For a weight exceeding ten tolas and not exceeding twenty tolas Half an anna.
For every twenty tolas, or fraction thereof, exceeding twenty tolas Half an anna.

Parcels.

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

