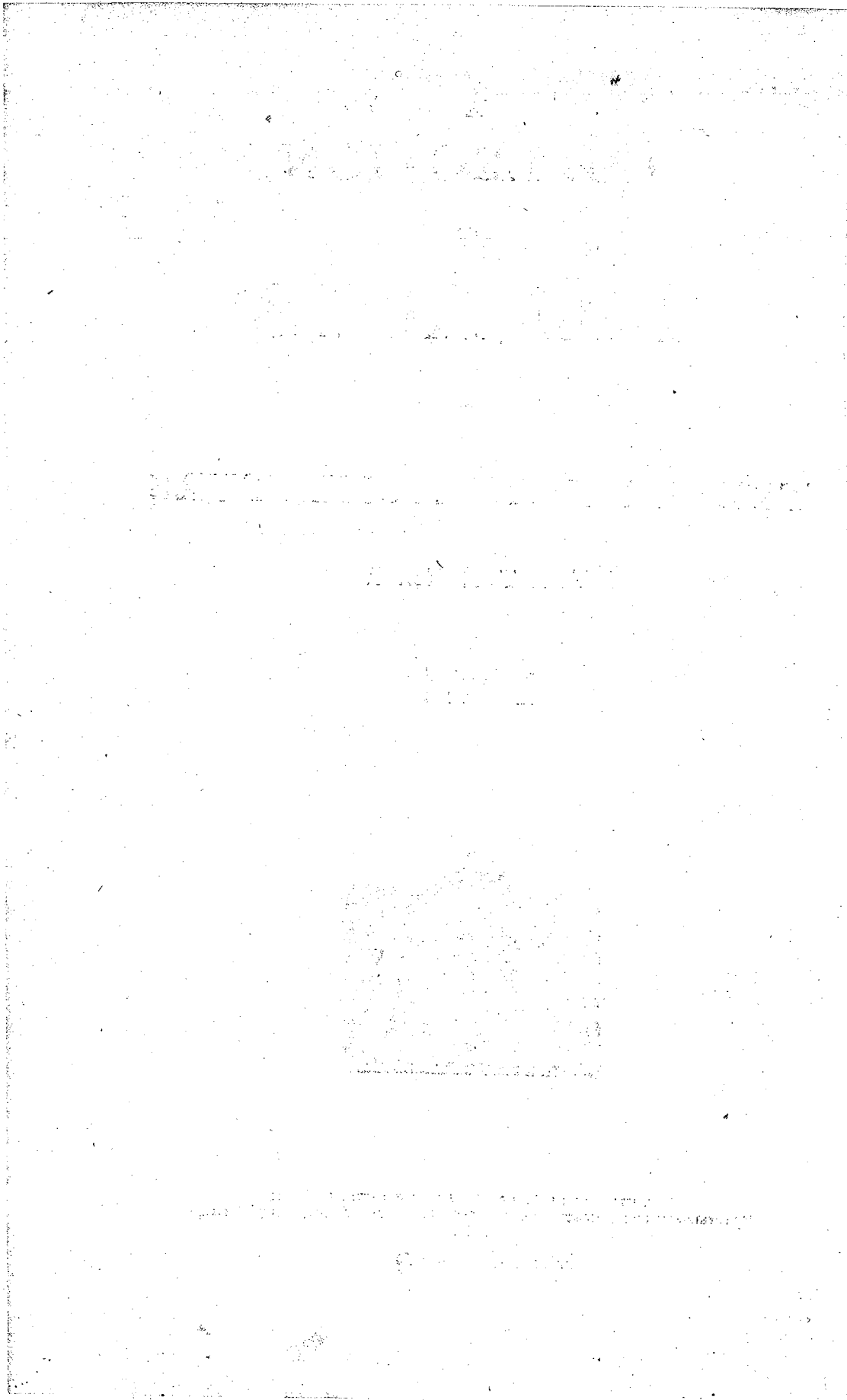


LEGISLATIVE DEPARTMENT  
A  
COLLECTION  
OF  
THE ACTS  
OF  
THE CENTRAL LEGISLATURE  
FOR THE YEAR  
1941



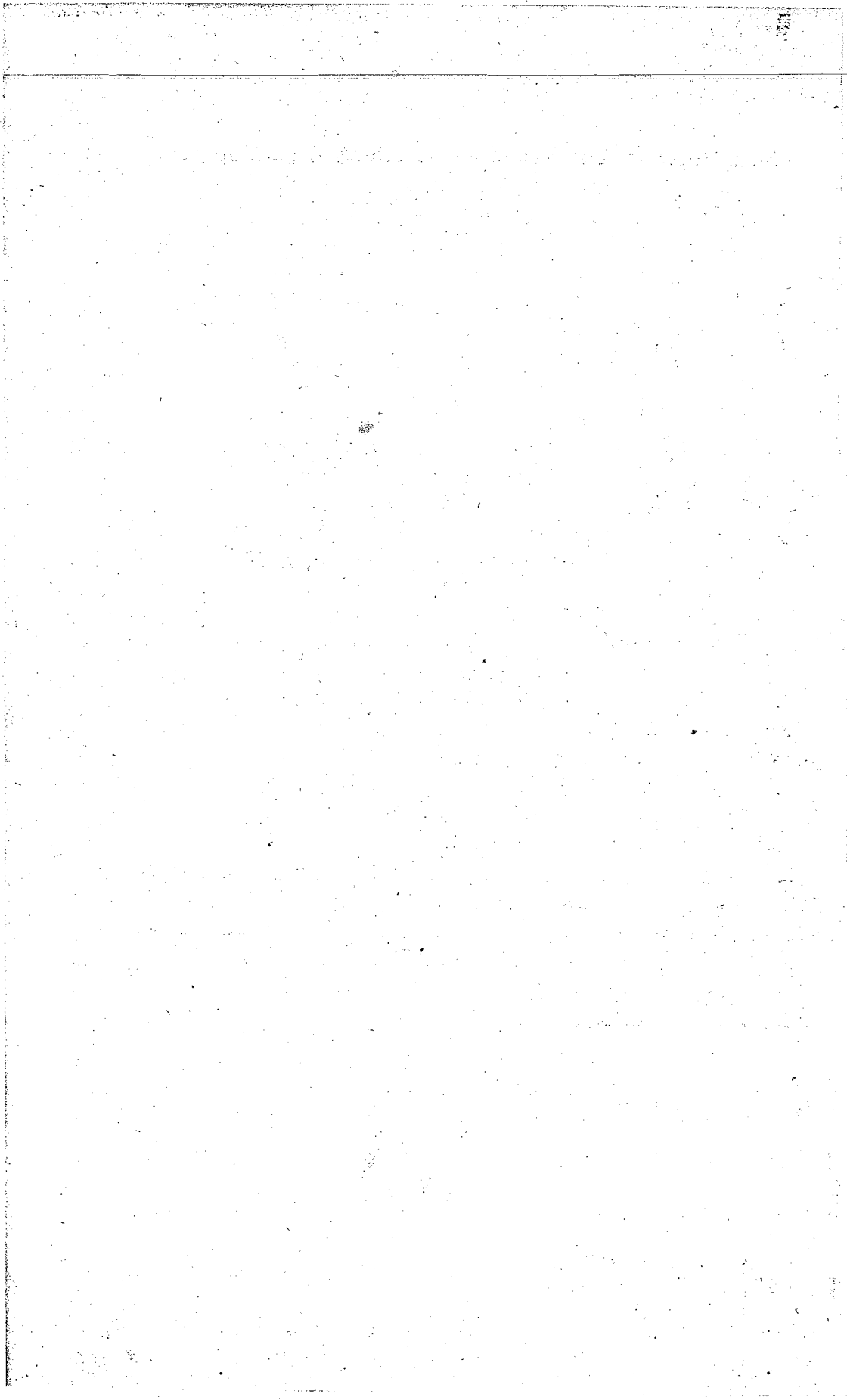
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1941.

*Price anna 1 or 1½d.*



**Short titles of Acts passed by the Central Legislature in the  
year 1941**

- I. The Insurance Deposits (Temporary Reduction) Act, 1941.
- II. The Indian Merchandise Marks (Amendment) Act, 1941.
- III. The Petroleum (Amendment) Act, 1941.
- IV. The Berar Laws Act, 1941.
- V. The Assam Rifles Act, 1941.
- VI. The Indian Railways (Amendment) Act, 1941.
- VII. The Indian Finance Act, 1941.
- VIII. The Protective Duties Continuation Act, 1941.
- IX. The Indian Tariff (Amendment) Act, 1941.
- X. The Tyres (Excise Duty) Act, 1941.
- XI. The Excess Profits Tax (Amendment) Act, 1941.
- XII. The Delhi Restriction of Uses of Land Act, 1941.
- XIII. The Insurance (Amendment) Act, 1941.
- XIV. The Code of Criminal Procedure (Amendment) Act, 1941.
- XV. The Code of Criminal Procedure (Second Amendment) Act, 1941.
- XVI. The Factories (Amendment) Act, 1941.
- XVII. The Aligarh Muslim University (Amendment) Act, 1941.
- XVIII. The Madras Port Trust (Amendment) Act, 1941.
- XIX. The Mines Maternity Benefit Act, 1941.
- XX. The Professions Tax Limitation Act, 1941.
- XXI. The Federal Court Act, 1941.
- XXII. The Indian Merchant Shipping (Amendment) Act, 1941.
- XXIII. The Indian Income-tax (Amendment) Act, 1941.
- XXIV. The Excess Profits Tax (Second Amendment) Act, 1941.
- XXV. The Railways (Local Authorities' Taxation) Act, 1941.
- XXVI. The Indian Companies (Amendment) Act, 1941.
- XXVII. The Trade Marks (Amendment) Act, 1941.



Applied to all the partially-excluded areas of the Province of Orissa and Orissa  
Goul. Notif. No. 957-III-C-2/44-Com, 7 3/3/44.

## ACT No. I OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 3rd March, 1941.)

An Act to provide for the reduction temporarily of the amounts payable as instalments of the sum to be deposited by an insurer under section 7 of the Insurance Act, 1938.

**W**HEREAS, in consequence of conditions arising out of the present war, it is expedient to provide for the reduction temporarily of the amounts payable as instalments of the sum to be deposited by an insurer under section 7 of the Insurance Act, 1938 ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Insurance Deposits Short title and extent. (Temporary Reduction) Act, 1941.

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

2. In this Act "insurer" means an insurer as defined in Definition. clause (9) of section 2 of the Insurance Act, 1938, except that it does not include a Mutual Insurance Company or a Co-operative Life Insurance Society to which Part IV of that Act applies.

3. (1) An insurer entitled to the benefits of this Act shall, subject to the provisions of section 5, be deemed in respect of any instalment of the deposit to be made by him under section 7 of the Insurance Act, 1938, which he was required to pay during the year commencing on the 1st day of January, 1940, or which he may be required to pay at any time after the end of that year and so long as this section continues to have effect, to have complied with the provisions of the said section 7 as to payment of instalments of deposits, if he has paid or pays in accordance with the provisions of that section not less than one half the total amount which would have been required by that section as the instalment, had the insurer not availed himself of the provisions of this Act. Reduction of instalments of deposit.

(2) If an insurer entitled to the benefits of this Act, when paying an instalment of deposit, has, in respect of any instalment due during the year commencing on the 1st day of January, 1940, paid more than one half the total amount required by the said section 7 as the instalment, he may at his

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*Insurance Deposits (Temporary Reduction).* [Act I

option have the amount of any such surplus payment appropriated to the payment of the next or any subsequent instalment of deposit required from him under the said section 7 read with sub-section (1) of this section.

(3) This section shall cease to have effect on the expiration of one year from such date as may be fixed, for the purposes of this Act, by the Central Government by notification in the official Gazette as the date of termination of the present hostilities.

Insurers  
entitled to the  
benefits of this  
Act.

4. An insurer shall be entitled to the benefits of this Act only if—

- (a) he carries on life insurance business only, and
- (b) the date on which he first assumed risk on any policy issued by him was earlier than the 3rd day of September, 1939, but not earlier than the 3rd day of September, 1929.

Cesser of title  
to the benefits  
of this Act.

5. (1) An insurer otherwise entitled to the benefits of this Act shall cease to be so entitled in any year if in the preceding year his total premium income, including annuity considerations, as shown in the revenue-account prepared under the Insurance Act, 1938, exceeded rupees thirty thousand.

IV of 1938.

(2) An insurer otherwise entitled to the benefits of this Act shall cease to be so entitled in respect of any future instalment—

- (a) if after the 1st day of January, 1941, he declares any bonus or dividend at a rate higher than the rate at which such bonuses or dividends were last declared by him before the 3rd day of September, 1939, or
- (b) if the proportion of his renewal premium income spent by him in payment of commission and other expenses including capital expenditure, determined in accordance with Rule 25 of the Insurance Rules, 1939, exceeds in any year the proportion as so determined for the accounting period ending on the 31st day of December, 1939.

Resumption  
of payment of  
instalments in  
accordance  
with Act IV  
of 1938.

6. (1) When section 3 ceases to have effect, or if before that date an insurer ceases under clause (a) or clause (b) of sub-section (2) of section 5 to be entitled to the benefits of this Act, instalments of deposits shall be paid in accordance with the provisions of section 7 of the Insurance Act, 1938 (except that no insurer shall be required to pay as an instalment an amount exceeding the amount which would have been payable by him had he not availed himself of the provisions of this Act), until the last instalment required to be paid under the said section 7 has been paid, and the balance of the deposit then remaining unpaid in consequence of the

reduced

of 1941.] *Insurance Deposits (Temporary Reduction).*

reduced instalments authorised under this Act shall be paid by the insurer in such further instalments, of such amount and at such times, as the Central Government may direct.

(2) If while section 3 continues to have effect an insurer ceases in any year under sub-section (1) of section 5 to be entitled to the benefits of this Act, instalments of deposit in that year shall be paid by him in accordance with the provisions of section 7 of the Insurance Act, 1938, except that he shall not be required to pay as an instalment an amount exceeding the amount which would have been payable by him had he not availed himself of the provisions of this Act, and the provisions of sub-section (1) of this section shall apply to the payment by such insurer of any balance of the deposit due from him which remains unpaid after the last instalment required to be paid under the said section 7 has been paid.

IV of 1938.

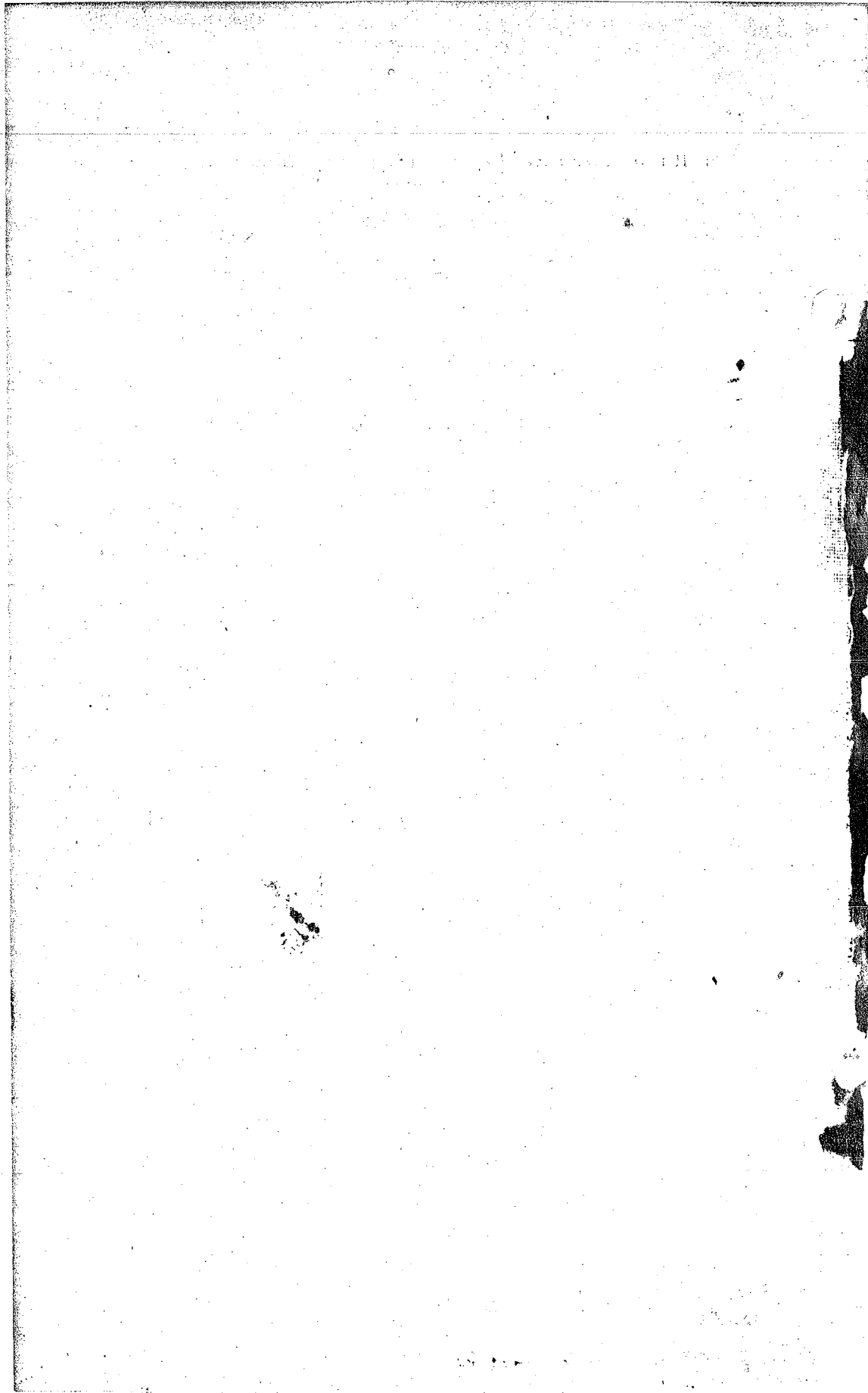
7. For the purposes of the Insurance Act, 1938, an insurer entitled to the benefits of this Act who has failed to pay before the 1st day of January, 1941, an instalment of deposit due in the year 1940 shall not be liable to any consequences on that account in respect of a failure to comply with the provisions of section 7 of the said Act as to deposits if before the 15th day of February, 1941, he has paid as such instalment not less than one half the total amount required by the said section 7.

IV of 1938.

Saving in respect of delayed payments of instalments of deposits.

8. If any difficulty arises in determining the amount payable as an instalment of deposit by an insurer under this Act, the matter shall be decided by the Central Government whose decision shall be final.

Removal of difficulties.





# ACT No. II OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 11th  
March, 1941.)

An Act further to amend the law relating to fraudulent  
marks on merchandise.

WHEREAS it is expedient further to amend the  
law relating to fraudulent marks on merchandise ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Merchandise Marks (Amendment) Act, 1941.

Short title  
and commence-  
ment.

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

2. In section 2 of the Indian Merchandise Marks  
Act, 1889 (hereinafter, in sections 3 to 9 inclusive,  
referred to as the said Act),—

Amendment of  
section 2,  
Act IV of  
1889.

(a) for clause (1) the following clauses shall be  
substituted, namely :—

(1) " mark " has the meaning assigned to that  
expression in clause (f) of sub-section (1) of  
section 2 of the Trade Marks Act, 1940 ;

(1A) " trade mark " means a " registered trade  
mark " as defined in clause (j) of  
sub-section (1) of section 2 of the Trade  
Marks Act, 1940, or a mark used in re-  
lation to goods for the purpose of indicat-  
ing or so as to indicate a connection in  
the course of trade between the goods and  
some person having the right as proprietor  
to use the mark ;

(b) in sub-clause (e) of clause (2), for the words  
" numeral, word or mark " the word " mark "   
shall be substituted.

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Price anna 1 or 1½d.

*Shall apply to all the partially-excluded areas of the Province  
of Orissa except the districts of Angul & the Khondwara  
subject to certain modification, see Orissa Govt. Order  
no. 2843-D.C. 68741-Cum 871-8-41.  
Applies to Br. Baluchistan, see Order No. 136-F, 873-9-41.  
G. O. 9. 1941, Pt. I, p. 1245.*

*Indian Merchandise Marks (Amendment).* [ACT II

Amendment of  
section 4,  
Act IV of  
1889.

3. In section 4 of the said Act,—

- (a) in sub-section (1), for the words “ numerals, words or marks ”, in both places where they occur, the word “ marks ” shall be substituted ;
- (b) in sub-section (2), after clause (b) the following word and clause shall be added, namely :—  
“ and
- (c) being the name or initials of a fictitious person or of a person not carrying on business in connection with goods of the same description.”

Amendment of  
section 7,  
Act IV of  
1889.

4. In section 7 of the said Act,—

- (a) after the words “ things to which a false trade description is applied ” the following words shall be inserted, namely :—  
“ or which, being required by notification under section 12A to have applied to them an indication of the country or place in which they were made or produced, are without the indication required by such notification ” ;
- (b) in clause (a), after the words “ trade description ” the following words shall be inserted, namely :—  
“ or that any offence against this section had been committed in respect of the goods ”.

Insertion of  
new section  
7A in Act IV  
of 1889.

Penalty for  
tampering  
with, altering  
or effacing a  
mark applied  
in pursuance  
of section 12A.

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

“ 7A. If a person tampers with, alters or effaces a mark which has been applied to any goods to which it is required to be applied by notification made under section 12A, he shall, unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, and, in the case of a second or subsequent conviction, with imprisonment which may extend to two years, or with fine, or with both.”

Amendment of  
section 9, Act  
IV of 1889.

6. In sub-section (1) of section 9 of the said Act, after the words “ any goods or things to which a false trade description is applied ” the following words shall be inserted, namely :—

- “ or which, being required by notification under section 12A to have applied to them an indication of the country or place in which they were made or produced, are without the indication required by such notification.”

7. For

7. For section 12 of the said Act and the heading preceding that section the following section and heading shall be substituted, namely :—

Substitution of new section and heading for section 12 and heading in Act IV of 1889.

*“Stamping of Piece-goods, Cotton Yarn and Thread.*

XXV of 1934. 12. (1) Piece-goods, such as are ordinarily sold by length or by the piece, which have been manufactured, bleached, dyed, printed or finished in premises which are a factory, as defined in the Factories Act, 1934, shall not be removed for sale from the last of such premises in which they underwent any of the said processes without having conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece, and, except when the goods are sold from the factory for export from British India, without being conspicuously marked on each piece with the name of the manufacturer, or of the occupier of the premises in which the piece was finally processed or of the wholesale purchaser in India of the piece.

Stamping of piece-goods, cotton yarn and thread.

XXV of 1934. (2) Cotton yarn such as is ordinarily sold in bundles, and cotton sewing or darning thread, which have been manufactured, bleached, dyed or finished in premises which are a factory, as defined in the Factories Act, 1934, shall not be removed for sale from those premises unless, in accordance with any rules made under section 20 of this Act, in the case of yarn the bundles are conspicuously marked with an indication of the weight of yarn in each bundle and the count of the yarn contained in the bundle and in the case of thread each unit is conspicuously marked with the weight of thread in the unit and the grist number and, except where the goods are sold from the factory for export from British India, unless each bundle or unit is conspicuously marked with the name of the manufacturer or of the wholesale purchaser in India of the goods.

(3) If any person removes or attempts to remove or causes or attempts to cause to be removed for sale from such premises or sells or exposes or has in possession for sale any such piece-goods or any such cotton yarn or any cotton sewing or darning thread which is not marked as required by sub-section (1) and sub-section (2), every such piece and every such bundle of yarn and all such thread, and everything used for the packing thereof, shall be forfeited to His Majesty and such person shall be punished with fine which may extend to one thousand rupees.”

8. After

Insertion of  
new heading  
and section  
12A in Act IV  
of 1889.

8. After section 12 of the said Act the following heading and section shall be inserted, namely :—

‘ Power to require goods to show indication of origin.

Power to  
require goods  
to show  
indication of  
origin.

12A. (1) The Central Government may, by notification in the official Gazette, require that goods of any class specified in the notification which are made or produced beyond the limits of British India and imported into British India, or which are made or produced within the limits of British India, shall, from such date as may be appointed by the notification not being less than three months from its issue, have applied to them an indication of the country or place in which they were made or produced.

(2) The notification may specify the manner in which such indication shall be applied, that is to say whether to the goods themselves or in any other manner, and the times or occasions on which the presence of the indication shall be necessary, that is to say whether on importation only, or also at the time of sale, whether by wholesale or retail or both.

(3) No notification under this section shall be issued, unless application is made for its issue by persons or associations substantially representing the interests of dealers in or manufacturers, producers, or users of the goods concerned, or unless the Central Government is otherwise convinced that it is necessary in the public interest to issue the notification, nor without such inquiry as the Central Government may consider necessary.

(4) The provisions of section 23 of the General Clauses Act, 1897, shall apply to the issue of a notification under this section as they apply to the making of a rule or bye-law the making of which is subject to the condition of previous publication.

(5) A notification under this section shall not apply to goods made or produced beyond the limits of British India and imported into British India if in respect of those goods the Chief Customs Officer is satisfied at the time of importation that they are intended for exportation whether after transshipment in or transit through British India or otherwise.”

Amendment of  
section 20,  
Act IV of  
1889.

9. In section 20 of the said Act, after sub-section (1) the following sub-section shall be inserted, namely :—

“(1A) The Central Government may make rules providing for the manner in which for the purposes of section 12 cotton yarn and cotton sewing or darning thread shall be marked with the particulars required by that section.”

10. In

VIII of 1878.

10. In section 18 of the Sea Customs Act, 1878,—

Amendment of  
section 18,  
Act VIII of  
1878.

(a) in clause (e),—

- (i) for the words “ the United Kingdom, British India and British Burma ”, in both places where they occur, and for the words “ the United Kingdom or in British India or in British Burma ” the words “ British India ” shall be substituted ;
- (ii) in sub-clause (ii), for the words “ in the same language and character as the name or trade mark ” the words “ in the English language ” shall be substituted ;

(b) in clause (f),—

- (i) sub-clauses (ii) and (iii) shall be re-numbered as sub-clauses (iii) and (iv), respectively, and the following shall be inserted as sub-clause (ii), namely :—

“ (ii) have not been conspicuously marked on each piece with the name of the manufacturer, exporter or wholesale purchaser in India of the piece, and ”, and

- (ii) in sub-clause (iv) as so re-numbered, for the words and figures “ Indian Factories Act, 1881 ” the words and figures “ Factories Act, 1934 ” shall be substituted ;

(c) after clause (g) the following clauses shall be added, namely .

“ (h) goods which are required by a notification under section 12A of the Indian Merchandise Marks Act, 1889, to have applied to them an indication of the country or place in which they were made or produced, unless such goods show such indication applied in the manner specified in the notification :

- (i) cotton yarn such as is ordinarily imported in bundles, if—

- (i) the bundle containing such yarn has not been conspicuously marked with the name of the manufacturer, exporter or wholesale purchaser in India of the goods, or

- (ii) such bundle has not been conspicuously marked with an indication of the weight and the count of the yarn contained in it, in accordance with the rules made under section 20 of the Indian Merchandise Marks Act, 1889, and

(iii) the

IV of 1889.

IV of 1889.

*Indian Merchandise Marks (Amendment).* [ACT II

- (iii) the yarn has been manufactured beyond the limits of India, or
- (iv) having been manufactured within those limits, has been manufactured beyond the limits of British India in premises which, if they were in British India, would be a factory as defined in the Factories Act, 1934; XXV of 1934.

(j) cotton sewing or darning thread, if—

- (i) the units in which the thread is supplied have not been conspicuously marked with the name of the manufacturer, exporter or wholesale purchaser in India of the goods, or
- (ii) if each unit has not been conspicuously marked with an indication of the weight of thread contained in it and the grist number in accordance with the rules made under section 20 of the Indian Merchandise Marks Act, 1889, and IV of 1889.

- (iii) the thread has been manufactured beyond the limits of India, or
- (iv) having been manufactured within those limits, has been manufactured beyond the limits of British India in premises which, if they were in British India, would be a factory as defined in the Factories Act, 1934.” XXV of 1934.

Amendment of section 19A, Act VIII of 1878.

11. In sub-section (3) of section 19A of the Sea Customs Act, 1878,—

VIII of 1878.

- (a) for the words “British India”, in both places where they occur, the word “India” shall be substituted;
- (b) for the words “and in the same language and character” the words “in the English language” shall be substituted.

Substitution of new section for section 478, Act XLV of 1860.

12. For section 478 of the Indian Penal Code the following section shall be substituted, namely :—

XLV of 1860.

Trade mark.

- ‘478. For the purposes of this Code, the expression “trade mark” includes a trade mark registered under the Trade Marks Act, 1940, and any mark used in relation to goods for the purpose of indicating or so as to indicate a connection in the course of trade between the goods and some person having the right to use the mark.’ V of 1940.

13. In

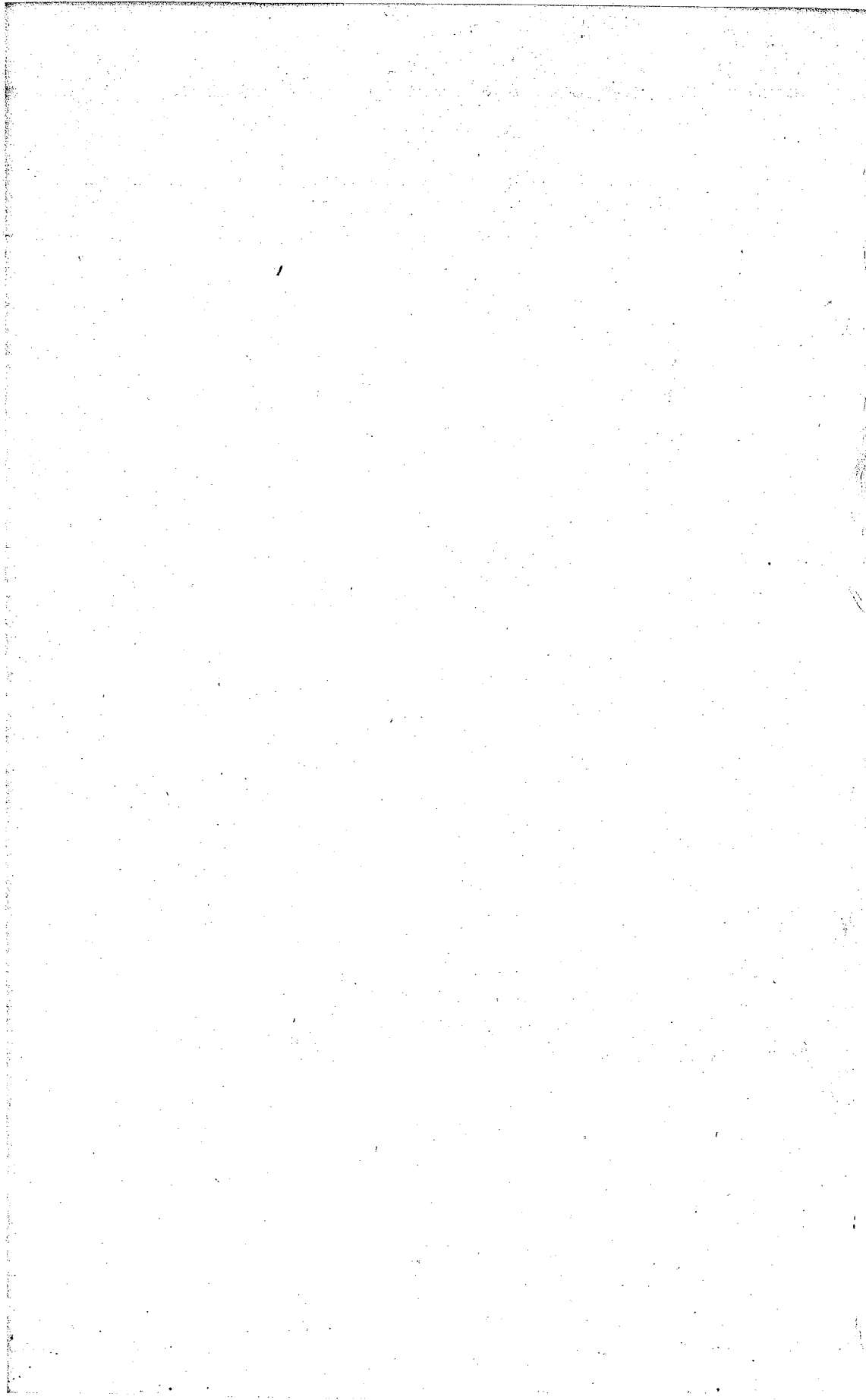
OF 1941.] *Indian Merchandise Marks (Amendment).*

XLV of 1860.

13. In section 480 of the Indian Penal Code, for the words "are the manufacture or merchandise of a person whose manufacture or merchandise they are not" the following words shall be substituted, namely :—

Amendment  
of section 480,  
Act XLV of  
1860.

"have a connection in the course of trade with a person with whom they have not any such connection".





# ACT No. III OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 17th  
March, 1941.)

## An Act further to amend the Petroleum Act, 1934.

**XXX of 1934.** WHEREAS it is expedient further to amend the Petroleum Act, 1934, for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Petroleum (Amend- short title ment) Act, 1941.

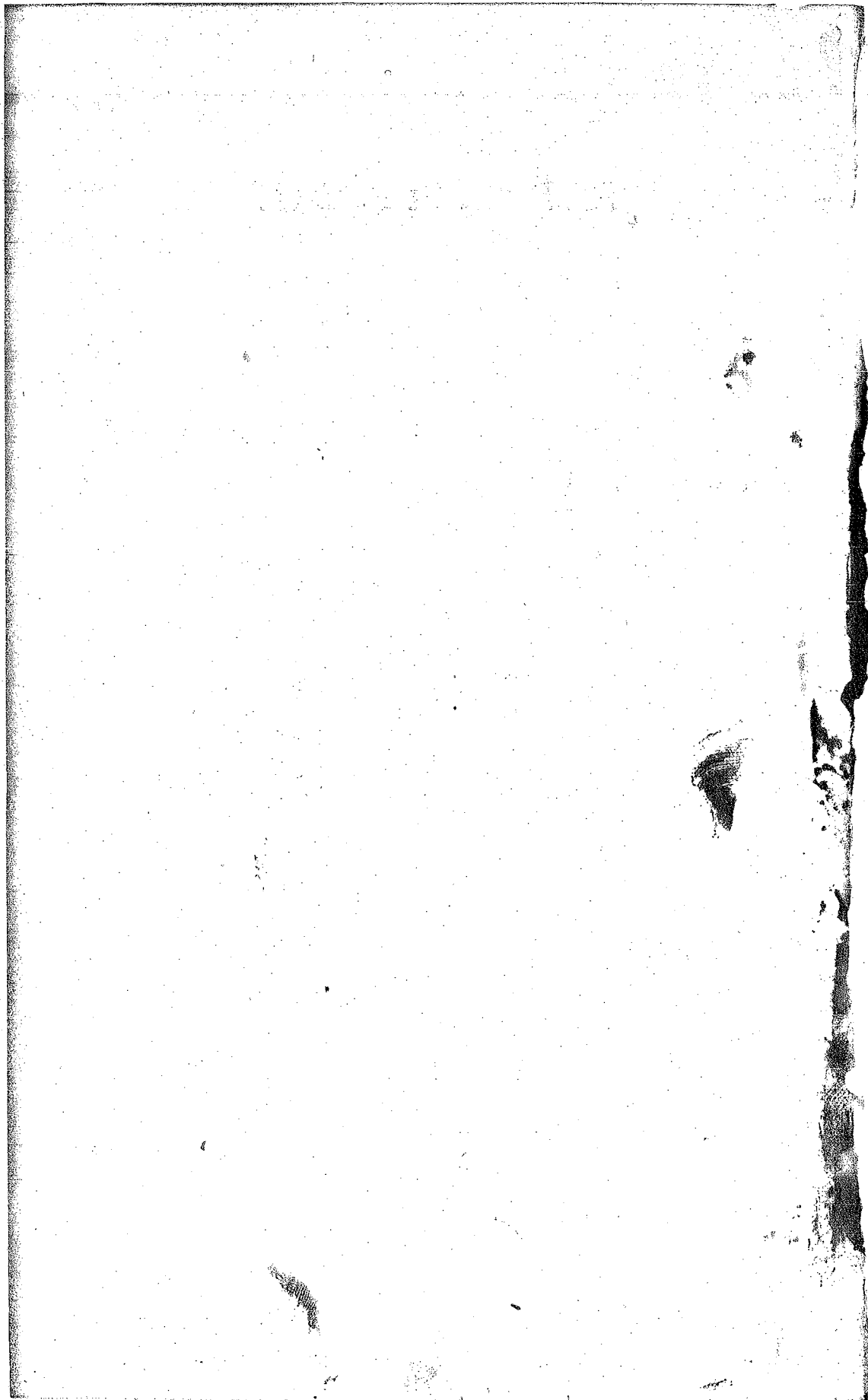
**XXX of 1934.** 2. For clause (c) of sub-section (1) of section 23 of the Petroleum Act, 1934, the following clause shall be substituted, namely :— Amendment of section 23, Act XXX of 1934.

“(c) being the holder of a licence issued under section 4 or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported or stored, or is under transport, contravenes any condition of such licence or suffers any condition of such licence to be contravened, or”

*Applied to Br. Baluchistan, by Not. No. 136-F,  
8/3-9-41, G. O. J. 1941, Pt. I, p. 1245.*

*Applies to Districts of Sambalpur and Koraput and the Ganjam Agency  
under the Orissa Govt. Not. No. 95-7-111 C-2/44-Com, 8/3-3-44.*

Price anna 1 or 1½ d.



# ACT No. IV OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 17th  
March, 1941.)

## An Act to extend certain Acts to Berar.

WHEREAS by orders made under the Indian (Foreign Jurisdiction) Order in Council, 1902, the provisions of certain Acts in force in British India have from time to time been applied to, and are now, by virtue of such application, in force in, Berar ;

AND WHEREAS it is expedient that those and certain other Acts should be extended to, and be, by virtue of such extension, in force in, Berar ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Berar Laws short title and commencement. Act, 1941.

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

2. (1) The Acts specified in the First Schedule and so much of any Act specified in the Second Schedule as relates to matters with respect to which the Central Legislature has power to make laws are hereby extended to, and shall be in force in, Berar ; and in any enactment so extended any reference by whatever form of words to subjects of His Majesty shall be deemed to include a reference to Berari subjects of His Exalted Highness the Nizam of Hyderabad, and notwithstanding anything contained in clause (7) of section 3 of the General Clauses Act, 1897, any reference to British India shall be construed as a reference to British India and Berar.

(2) The Acts specified in the Third Schedule shall be amended in the manner set forth in the second column of that Schedule.

3. The

Price anna 1 or 1½d.

4 1<sup>st</sup> August, 1941, Gaz of I 1941, Pt I p. 966

Cesser of appli-  
cation of  
certain Acts to  
Berar.

3. The application, if any, to Berar, made by order under the Indian ( Foreign Jurisdiction ) Order in Council, 1902, of the Acts specified in the First Schedule, of so much of any Act specified in the Second Schedule as relates to matters with respect to which the Central Legislature has power to make laws, and of the Indian Cotton Cess Act, 1923, shall cease to have effect : XIV of 1923.

Provided that all appointments, delegations, notifications, orders, bye-laws, rules and regulations, which have been made or issued under, or in pursuance of, any provision of any of the said Acts as applied to Berar under the said Order in Council, and which are in force at the commencement of this Act, shall be deemed to have been made or issued under or in pursuance of the corresponding provision of that Act as now extended to, and in force in, Berar.

Removal of  
doubt.

4. For the removal of doubt it is hereby declared that the Acts specified in the Fourth Schedule have ceased to have effect and are repealed in Berar.

THE FIRST SCHEDULE.

## THE FIRST SCHEDULE.

[See sections 2 (1) and 3.]

*Acts Extended to Berar.*

Year.	Number.	Short Title.
1850	XIX	The Apprentices Act, 1850.
1850	XXI	The Caste Disabilities Removal Act, 1850.
1855	XIII	The Indian Fatal Accidents Act, 1855.
1856	XI	The European Deserters Act, 1856.
1856	XV	The Hindu Widows' Re-marriage Act, 1856.
1860	XLV	The Indian Penal Code.
1864	III	The Foreigners Act, 1864.
1865	III	The Carriers Act, 1865.
1866	XXI	The Native Converts' Marriage Dissolution Act, 1866.
1867	XXV	The Press and Registration of Books Act, 1867.
1869	IV	The Indian Divorce Act.
1872	I	The Indian Evidence Act, 1872.
1872	III	The Special Marriage Act, 1872.
1872	IX	The Indian Contract Act, 1872.
1872	XV	The Indian Christian Marriage Act, 1872.
1873	V	The Government Savings Banks Act, 1873.
1873	X	The Indian Oaths Act, 1873.
1874	IX	The European Vagrancy Act, 1874.
1875	IX	The Indian Majority Act, 1875.
1875	XVIII	The Indian Law Reports Act, 1875.
1876	IX	The Native Coinage Act, 1876.
1877	I	The Specific Relief Act, 1877.
1878	VIII	The Sea Customs Act, 1878.
1878	XI	The Indian Arms Act, 1878.
1879	XVIII	The Legal Practitioners Act, 1879.
1881	XXVI	The Negotiable Instruments Act, 1881.
1882	II	The Indian Trusts Act, 1882.

THE FIRST SCHEDULE—*contd.*

Year.	Number.	Short Title.
1882	XII .	The Indian Salt Act, 1882.
1884	IV .	The Indian Explosives Act, 1884.
1888	III .	The Police Act, 1888.
1889	IV .	The Indian Merchandise Marks Act, 1889.
1890	VIII .	The Guardians and Wards Act, 1890.
1890	XI .	The Prevention of Cruelty to Animals Act, 1890.
1891	XVIII .	The Bankers' Books Evidence Act, 1891.
1898	V .	The Code of Criminal Procedure, 1898.
1901	II .	The Indian Tolls (Army) Act, 1901.
1903	VII .	The Indian Works of Defence Act, 1903.
1903	XV .	The Indian Extradition Act, 1903.
1904	VII .	The Ancient Monuments Preservation Act, 1904.
1905	IV .	The Indian Railway Board Act, 1905.
1906	III .	The Indian Coinage Act, 1906.
1908	V .	The Code of Civil Procedure, 1908.
1908	VI .	The Explosive Substances Act, 1908.
1908	IX .	The Indian Limitation Act, 1908.
1908	XIV .	The Indian Criminal Law Amendment Act, 1908.
1908	XVI .	The Indian Registration Act, 1908.
1909	IV .	The Whipping Act, 1909.
1910	IX .	The Indian Electricity Act, 1910.
1911	II .	The Indian Patents and Designs Act, 1911.
1911	VIII .	The Indian Army Act, 1911.
1912	IV .	The Indian Lunacy Act, 1912.
1913	II .	The Official Trustees Act, 1913.
1913	III .	The Administrator General's Act, 1913.
1914	III .	The Indian Copyright Act, 1914.
1916	VII .	The Indian Medical Degrees Act, 1916.
1917	II .	The Motor Spirit (Duties) Act, 1917.
1917	XVIII .	The Post Office Cash Certificates Act, 1917.

of 1941.]

*Berar Laws.*THE FIRST SCHEDULE—*contd.*

Year.	Number.	Short Title.
1918	XXII .	The Bronze Coin (Legal Tender) Act, 1918.
1919	XII .	The Poisons Act, 1919.
1920	V . .	The Provincial Insolvency Act, 1920.
1920	XIV .	The Charitable and Religious Trusts Act, 1920.
1920	XV .	The Indian Red Cross Society Act, 1920.
1920	XLVII .	The Imperial Bank of India Act, 1920.
1920	XLVIII	The Indian Territorial Force Act, 1920.
1920	XLIX .	The Auxiliary Force Act, 1920.
1921	XVIII .	The Maintenance Orders Enforcement Act, 1921.
1922	XI .	The Indian Income-tax Act, 1922.
1922	XII .	The Indian Finance Act, 1922.
1922	..	The Indian States (Protection against Disaffection) Act, 1922.
1923	IV .	The Indian Mines Act, 1923.
1923	V .	The Indian Boilers Act, 1923.
1923	VIII .	The Workmen's Compensation Act, 1923.
1923	XXIII .	The Legal Practitioners (Women) Act, 1923.
1924	VI .	The Criminal Tribes Act, 1924.
1925	XXXIX	The Indian Succession Act, 1925.
1926	XI .	The Promissory Notes (Stamp) Act, 1926.
1926	XVI .	The Indian Trade Unions Act, 1926.
1926	XXI .	The Legal Practitioners (Fees) Act, 1926.
1926	XXXVIII	The Indian Bar Councils Act, 1926.
1929	VII .	The Trade Disputes Act, 1929.
1929	XIX .	The Child Marriage Restraint Act, 1929.
1930	II .	The Dangerous Drugs Act, 1930.
1930	III .	The Indian Sale of Goods Act, 1930.
1930	XVIII .	The Silver (Excise Duty) Act, 1930.
1930	XIX .	The Indian Companies (Amendment) Act, 1930.
1930	XXIV .	The Indian Lao Cess Act, 1930.
1931	..	The Indian Finance Act, 1931.

1931

5

THE FIRST SCHEDULE—*concl'd.*

Year.	Number.	Short Title.
1931	..	The Indian Finance (Supplementary and Extending) Act, 1931.
1931	XVI .	The Provisional Collection of Taxes Act, 1931.
1931	XXIII .	The Indian Press (Emergency Powers) Act, 1931.
1932	IX .	The Indian Partnership Act, 1932.
1932	XI .	The Public Suits Validation Act, 1932.
1932	XII .	The Foreign Relations Act, 1932.
1932	XIII .	The Sugar Industry (Protection) Act, 1932.
1932	XXIII .	The Criminal Law Amendment Act, 1932.
1933	II .	The Children (Pledging of Labour) Act, 1933.
1933	VII .	The Indian Finance Act, 1933.
1933	XVII .	The Indian Wireless Telegraphy Act, 1933.
1933	XXVII .	The Indian Medical Council Act, 1933.
1934	II .	The Reserve Bank of India Act, 1934.
1934	VIII .	The Khaddar (Name Protection) Act, 1934.
1934	IX .	The Indian Finance Act, 1934.
1934	XI .	The Indian States (Protection) Act, 1934.
1934	XIV .	The Sugar (Excise Duty) Act, 1934.
1934	XVI .	The Matches (Excise Duty) Act, 1934.
1934	XX .	The Indian Carriage by Air Act, 1934.
1934	XXII .	The Indian Aircraft Act, 1934.
1934	XXIII .	The Mechanical Lighters (Excise Duty) Act, 1934.
1934	XXV .	The Factories Act, 1934.
1934	XXXI .	The Iron and Steel Duties Act, 1934.
1934	XXXII .	The Indian Tariff Act, 1934.
1935	..	The Indian Finance Act, 1935.
1936	..	The Indian Finance Act, 1936.
1936	III .	The Parsi Marriage and Divorce Act, 1936.
1936	IV .	The Payment of Wages Act, 1936.
1936	XIV .	The Geneva Convention Implementing Act, 1936.
1937	I .	The Agricultural Produce (Grading and Marking) Act, 1937.
1937	VI .	The Arbitration (Protocol and Convention) Act, 1937.
1937	..	The Indian Finance Act, 1937.

THE SECOND SCHEDULE.



OF 1941.]

*Berar Laws.*

THE SECOND SCHEDULE.

[See sections 2 (I) and 3.]

*Acts partially extended to Berar.*

Year.	Number.	Short Title.
1843	V	The Indian Slavery Act, 1843.
1850	XII	The Public Accountants' Default Act, 1850.
1850	XXXVII	The Public Servants (Inquiries) Act, 1850.
1855	XXIV	The Penal Servitude Act, 1855.
1870	VII	The Court-fees Act, 1870.
1871	XXIII	The Pensions Act, 1871.
1881	XI	The Municipal Taxation Act, 1881.
1882	IV	The Transfer of Property Act, 1882.
1885	XIII	The Indian Telegraph Act, 1885.
1886	VI	The Births, Deaths and Marriages Registration Act 1886.
1886	XI	The Indian Tramways Act, 1886.
1890	I	The Revenue Recovery Act, 1890.
1890	VI	The Charitable Endowments Act, 1890.
1890	IX	The Indian Railways Act, 1890.
1895	XV	The Crown Grants Act, 1895.
1897	III	The Epidemic Diseases Act, 1897.
1897	X	The General Clauses Act, 1897.
1897	XIV	The Indian Short Titles Act, 1897.
1898	VI	The Indian Post Office Act, 1898.
1899	II	The Indian Stamp Act, 1899.
1899	IV	The Government Buildings Act, 1899.
1913	VII	The Indian Companies Act, 1913.
1914	IX	The Local Authorities Loans Act, 1914.
1916	XV	The Hindu Disposition of Property Act, 1916.
1917	V	The Destruction of Records Act, 1917.
1918	II	The Cinematograph Act, 1918.
1920	X	The Indian Securities Act, 1920.
1920	XXXIX.	The Indian Elections Offences and Inquiries Act, 1920.

*Berar Laws.*

[Act IV.

THE SECOND SCHEDULE—*contd.*

Year.	Number.	Short Title.
1923	III .	The Cotton Transport Act, 1923.
1923	XIX .	The Indian Official Secrets Act, 1923.
1924	XIII .	The Indian (Specified Instruments) Stamp Act, 1924.
1925	IV .	The Indian Soldiers (Litigation) Act, 1925.
1925	XII .	The Cotton Ginning and Pressing Factories Act, 1925.
1925	XIX .	The Provident Funds Act, 1925.
1927	XVI .	The Indian Forest Act, 1927.
1928	XII .	The Hindu Inheritance (Removal of Disabilities) Act, 1928.
1929	II .	The Hindu Law of Inheritance (Amendment) Act, 1929.
1930	XXX .	The Hindu Gains of Learning Act, 1930.
1936	V .	The Decrees and Orders Validating Act, 1936.

THE THIRD SCHEDULE.

OF 1941.]

*Berar Laws.*

**THE THIRD SCHEDULE.**

[ See section 2 (2). ]

*Acts Amended.*

Name of Act.	Amendments.
The Code of Civil Procedure, 1908 (Act V of 1908).	In section 7 and in rule 1 of Order L in the First Schedule,—  (a) after the figures " 1887 " the words and figures " or under the Berar Small Cause Courts Law, 1905 " shall be inserted, and  (b) for the words " under that Act " the words " under the said Act or Law " shall be substituted.
The Indian Limitation Act, 1908 (IX of 1908).	In Article 161 of the First Schedule, the word " Provincial ", in both places where it occurs, shall be omitted, and after the words " Small Causes ", where they occur for the first time, the brackets and words " (other than a Presidency Small Cause Court )" shall be inserted.

**THE FOURTH SCHEDULE.**

## THE FOURTH SCHEDULE.

(See section 4.)

*Acts which have ceased to have effect and are repealed in Berar.*

Year.	Number.	Short Title.
1841	XIX	The Succession (Property Protection) Act, 1841.
1847	XX	The Indian Copyright Act, 1847.
1860	IX	The Employers and Workmen (Disputes) Act, 1860.
1865	X	The Indian Succession Act, 1865.
1865	XXI	The Parsi Intestate Succession Act, 1865.
1881	V	The Probate and Administration Act, 1881.
1881	VI	The District Delegates Act, 1881.
1889	VII	The Succession Certificate Act, 1889.
1911	XII	The Indian Factories Act, 1911.
1912	V	The Provident Insurance Societies Act, 1912.
1912	VI	The Indian Life Assurance Companies Act, 1912.
1914	VIII	The Indian Motor Vehicles Act, 1914.
1919	X	The Excess Profits Duty Act, 1919.
1923	X	The Indian Paper Currency Act, 1923.
1926	XIX	The Indian Finance Act, 1926.
1927	V	The Indian Finance Act, 1927.
1928	XX	The Indian Insurance Companies Act, 1928.
1929	X	The Indian Census Act, 1929.
1933	XIII	The Safeguarding of Industries Act, 1933.
1935	..	The Criminal Law Amendment Act, 1935.
1936	I	The Italian Loans and Credits Prohibition Act, 1936.

# ACT No. V OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 17th  
March, 1941.)

An Act to provide for the regulation of and the main-  
tenance of discipline in the Assam Rifles.

WHEREAS it is expedient to provide for the regu-  
lation of and the maintenance of discipline in the  
Assam Rifles ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Assam Rifles Short title,  
Act, 1941. extent and  
application.

(2) It extends to the whole of Assam and applies  
to all members of the Assam Rifles wherever they may  
be serving.

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

(1) "active service" means service at outposts,  
or against hostile tribes or other persons in the field ;

(2) "Commandant" or "Assistant Commandant"  
means a person appointed by the Central Government  
to be a Commandant or an Assistant Commandant  
of the Assam Rifles ;

(3) "District Magistrate" includes a Deputy Com-  
missioner, the Superintendent of the Lushai Hills, the  
Political Agent in Manipur and the Political Officer  
of the Sadiya and of the Balipara Frontier Tracts ;

(4) "rifleman" means a person appointed as such  
under section 4 after he has signed the statement in  
the Schedule in accordance with the provisions of  
sub-section (2) of section 4, and includes a rifleman  
appointed under the Assam Rifles Act, 1920, and a  
Military Police Officer appointed under the Eastern  
Bengal and Assam Military Police Act, 1912 ;

(5) "superior officer" means, in relation to any  
rifleman,—

(a) an officer of a higher class than, or of a higher  
grade in the same class as, himself, and

(b) any Assistant Commandant or Commandant ;

(6) the

Price anna 1 or 1½d.

*Assam Rifles.*

[Act V

(6) the expressions "reason to believe", "criminal force", "assault", "fraudulently" and "voluntarily causing hurt" have the meanings assigned to them respectively in the Indian Penal Code.

XLV of 1860.

General  
superinten-  
dence and  
control of  
the force.

3. General superintendence and control of the Assam Rifles shall be exercised by such person or authority as the Central Government may appoint in this behalf, and, in the exercise of such superintendence and control, the person or authority so appointed shall be governed by such rules and orders as the Central Government may make in this behalf.

Appointment  
and discharge.

4. (1) The appointment of all riflemen shall rest with the Commandant.

(2) Before any person is appointed to be a rifleman, the statement in the Schedule shall be read and if necessary explained to him in the presence of a Magistrate, Commandant or Assistant Commandant, and shall be signed by him in acknowledgment of its having been so read to him.

(3) A rifleman shall not be entitled to be discharged except in accordance with the terms of the statement which he has signed under this Act or under the Assam Rifles Act, 1920.

Assam Act  
I of 1920.

Classes and  
rank.

5. There may be all or any of the following classes of riflemen, who shall take rank in the order mentioned, namely :—

- (i) Subadars-Major,
- (ii) Subadars,
- (iii) Jemadars,
- (iv) Havildars-Major,
- (v) Havildars,
- (vi) Naiks,
- (vii) Buglers and riflemen,

and such grades in each class as the Central Government may from time to time direct.

Holmous  
offences.

6. A rifleman who—

- (a) begins, excites, causes or joins in any mutiny or being present at any mutiny does not use his utmost endeavours to suppress it, or knowing or having reason to believe in the existence of any mutiny does not without delay give information thereof to his Commanding or other superior officer ; or
- (b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, knowing or having reason to believe him to be such, whether on or off duty ; or

(c) shamefully

- (c) shamefully abandons or delivers up any garrison, fortress, post or guard, which is committed to his charge or which it is his duty to defend ; or
- (d) in the presence of an enemy or of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition, or intentionally uses words or any other means to induce any other rifleman to abstain from acting against the enemy, or to discourage any other rifleman from acting against the enemy ; or
- (e) directly or indirectly holds correspondence with, or communicates intelligence to, or assists or relieves any person in arms against the State, or omits to discover immediately to his Commanding or other superior officer any such correspondence or communications coming to his knowledge ; or
- (f) directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects, any enemy or person in arms against the State ;

or who, while on active service,—

- (g) disobeys the lawful command of his superior officer ; or
- (h) deserts or attempts to desert the service ; or
- (i) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave ; or
- (j) leaves his Commanding Officer, or his post or party, to go in search of plunder ; or
- (k) quits his guard, picquet, party or patrol without being regularly relieved or without leave ; or
- (l) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard, or breaks into any house or any other place for plunder, or plunders, destroys or damages any property of any kind ; or
- (m) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters ;

shall

shall be punished with transportation for life, or with imprisonment which may extend to fourteen years, or with fine which may extend to five hundred rupees, or with both such imprisonment and fine.

Other offences including acts prejudicial to good order and discipline.

7. A rifleman who—

- (a) is in a state of intoxication when on or detailed for any duty, or on parade, or on the line of march ; or
- (b) strikes, or forces or attempts to force, any sentry ; or
- (c) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or, whether in such command or not, releases any prisoner without proper authority or negligently suffers any prisoner to escape ; or
- (d) being deputed to any guard, picquet or patrol, quits it without being regularly relieved or without leave ; or
- (e) being in command of a guard, picquet or patrol, permits gambling or other behaviour prejudicial to good order and discipline ; or
- (f) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority ; or
- (g) is grossly insubordinate or insolent to his superior officer in the execution of his office ; or
- (h) refuses to superintend or assist in the making of any field work or other military work of any description ordered to be made either in quarters or in the field ; or
- (i) strikes or otherwise ill-uses any rifleman subordinate to him in rank or position ; or
- (j) being in command at any post or on the march and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the injured person and to report the case to the proper authority ; or
- (k) designedly



- (k) designedly or through neglect injures or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries, or any such articles entrusted to him or belonging to any other person ; or
- (l) malingers, feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity ; or
- (m) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person ; or
- (n) commits extortion, or without proper authority exacts from any person carriage, portorage, or provisions ; or
- (o) designedly or through neglect kills, injures, makes away with, ill-treats or loses his horse, or any animal used in the public service ;
- or who, while not on active service,—
- (p) disobeys the lawful command of his superior officer ; or
- (q) plunders, destroys or damages any property of any kind ; or
- (r) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave ; or
- (s) deserts or attempts to desert the service ; or
- (t) neglects to obey any battalion or other orders, or commits any act or omission prejudicial to good order and discipline, such act or omission not constituting an offence under the Indian Penal Code or other Act in force in Assam,

XLV of 1860

shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two hundred rupees, or with both.

8. (1) A District Magistrate or a Commandant, or subject to the control of the Commandant, an Assistant Commandant, or subject to the control of the Commandant an officer not below the rank of a Jemadar commanding a separate detachment or an outpost or in temporary command at the headquarters of a District during the absence of the District Magistrate, Commandant and Assistant Commandant, may, without a formal

Minor offences  
and punish-  
ments.

trial,

trial, award to any rifleman below the rank of a Naik, who is subject to his authority, any of the following punishments for the commission of any petty offence against discipline, which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call for prosecution before a criminal Court, that is to say,—

- (a) imprisonment in the Quarter Guard, or such other place as may be considered suitable, for a term which may extend to twenty-eight days when the order is passed by a District Magistrate or a Commandant or to seven days when it is passed by any other officer ;
- (b) punishment drill, extra guard, fatigue or other duty, not exceeding twenty-eight days in duration, with or without confinement to lines ;
- (c) forfeiture of pay and allowances for a period not exceeding twenty-eight days.

(2) Any of the punishments specified in sub-section (1) may be awarded separately or in combination with any one or more of the others, but no award or awards including imprisonment and confinement to lines shall exceed twenty-eight consecutive days.

Manner of  
imprisonment.

9. Any rifleman sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Assam Rifles, be imprisoned in a civil jail, but when he is not also dismissed from the Assam Rifles he may, if the convicting Court or the District Magistrate so directs, be confined in the Quarter Guard or such other place as the Court or Magistrate may consider suitable.

Privileges of  
Commandants  
and Assistant  
Commandants.

10. A Commandant or Assistant Commandant shall be entitled to all the privileges which a police officer has under sections 42 and 43 of the Police Act, 1861, V of 1861, section 125 of the Indian Evidence Act, 1872, and any I of 1872, other enactment for the time being in force.

Members of  
the Assam  
Rifles to be  
deemed part  
of His Majesty's  
Army for  
certain  
purposes.

11. For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, a Commandant, V of 1898, Assistant Commandant, Subadar-Major, Subadar or Jemadar of the Assam Rifles shall be deemed to be an officer, a Havildar-Major, Havildar or Naik shall be deemed to be a non-commissioned officer and a bugler or rifleman shall be deemed to be a soldier of His Majesty's Army.

Power of  
Central  
Government to  
make rules.

12. The Central Government may, as regards the Assam Rifles, make such orders and rules consistent with this Act, as it thinks expedient, relative to the several matters respecting which the Inspector General

of Police

of 1941.]

*Assam Rifles.*

of Police, with the approval of the Provincial Government, may, as regards the Police Force, frame orders and rules under section 12 of the Police Act, 1861.

V of 1861.

Assam Act I of 1920.

13. The Assam Rifles Act, 1920, shall cease to apply to the Assam Rifles and to riflemen, and all riflemen shall, on the commencement of this Act, cease to be police officers under the Police Act, 1861.

Cesser of Assam Act I of 1920 and of appointment of riflemen as police officers.

V of 1861.

THE SCHEDULE

THE SCHEDULE.

STATEMENT.

[See sections 2 (4) and 4 (2).]

1. After you have served for four years in the first instance in the Assam Rifles you have the option of extending the term of your service in the Assam Rifles indefinitely, so long as the Commandant is satisfied with your services, or of claiming your discharge at any time, making your application through the officer to whom you may be subordinate, to a Commandant of the Assam Rifles or to the Magistrate of the District in which you may be serving ; and you will be granted your discharge after two months from the date of your application, unless you are on active service or unless your discharge would cause the vacancies in the Assam Rifles to exceed one-tenth of the sanctioned strength. In either of the above cases you must continue to serve in the Assam Rifles until the objection is waived by competent authority or removed.

2. On your enlistment, appointment or training as a musician (piper, drummer, or bandsman), bugler, signaller, writer, soldier-clerk, havildar-compounder or as an artificer (armourer, mochi, carpenter, stone-mason, or motor driver) you must, in spite of the provisions of paragraph 1 above, serve in the Assam Rifles for eight years from the date of your enlistment or the completion of your training, as the case may be.

3. On your deputation for a specialist course at an Army Training Centre you must sign an undertaking, before leaving the battalion to proceed on the course, that you will not, in spite of the provisions of paragraph 1 above, apply for discharge during the four years following your attendance at the Army Training Course.

4. On your deputation to the Educational or Veterinary Course you must sign an undertaking, before leaving the battalion to proceed on the Course, that you will not, in spite of the provisions of paragraph 1 above, apply for discharge during the eight years following your attendance at the Course.

5. In the event of your re-enlistment after you have been discharged, you will have no claim to reckon for pension or any other purpose your service previous to your discharge.

Signature of rifleman in acknowledgment of the above having been read to him.

} .....  
A. B.

Signed in my presence after I had ascertained that A. B. understood the purport of what he signed.

} .....  
C. D.

Magistrate, Commandant or Assistant Commandant.

# ACT No. VI OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 17th  
March, 1941.)

## An Act further to amend the Indian Railways Act, 1890.

IX of 1890.

WHEREAS it is expedient further to amend the Indian Railways Act, 1890, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Indian Railways Short title.  
(Amendment) Act, 1941.

IX of 1890.

2. (1) Section 68 of the Indian Railways Act, 1890 Amendment of section 68, Act IX of 1890. (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered after the word "enter" the words "or remain in" shall be inserted.

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

"(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be travelled."

3. (1) Section 112 of the said Act shall be re-numbered as sub-section (1) of that section and in the Amendment of section 112, Act IX of 1890. sub-section as so re-numbered—

(a) in clause (a), for the words and figures "in contravention of section 68 any carriage on a railway" the words and figures "or remains in any carriage on a railway in contravention of section 68" shall be substituted; and

(b) after the words "shall be punished" the words "with imprisonment for a term which may extend to three months or" shall be inserted.

(2) To

Price anna 1 or 1½d.

*Indian Railways (Amendment).* [Act VI

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

“(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, the Court <sup>XLV of 1860.</sup> convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months.”

Amendment of  
section 113,  
Act IX of  
1890.

4. In section 113 of the said Act,—

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

“(3) The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent to the amount otherwise payable under those sub-sections, or eight annas, whichever is greater :

Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater :

Provided further that if the passenger has with him a certificate granted under sub-section (2) of section 68, no excess charge shall be payable.” ;

(b) in sub-section (4), for the words beginning with “the sum payable by him shall” and ending with “be paid to the railway administration” the following words shall be substituted, namely :—

“any railway servant appointed by the railway administration in this behalf may apply to any Magistrate of the first or second class for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration”.

of 1941.] *Indian Railways (Amendment)*.

5. After section 113 of the said Act the following section shall be inserted, namely :—

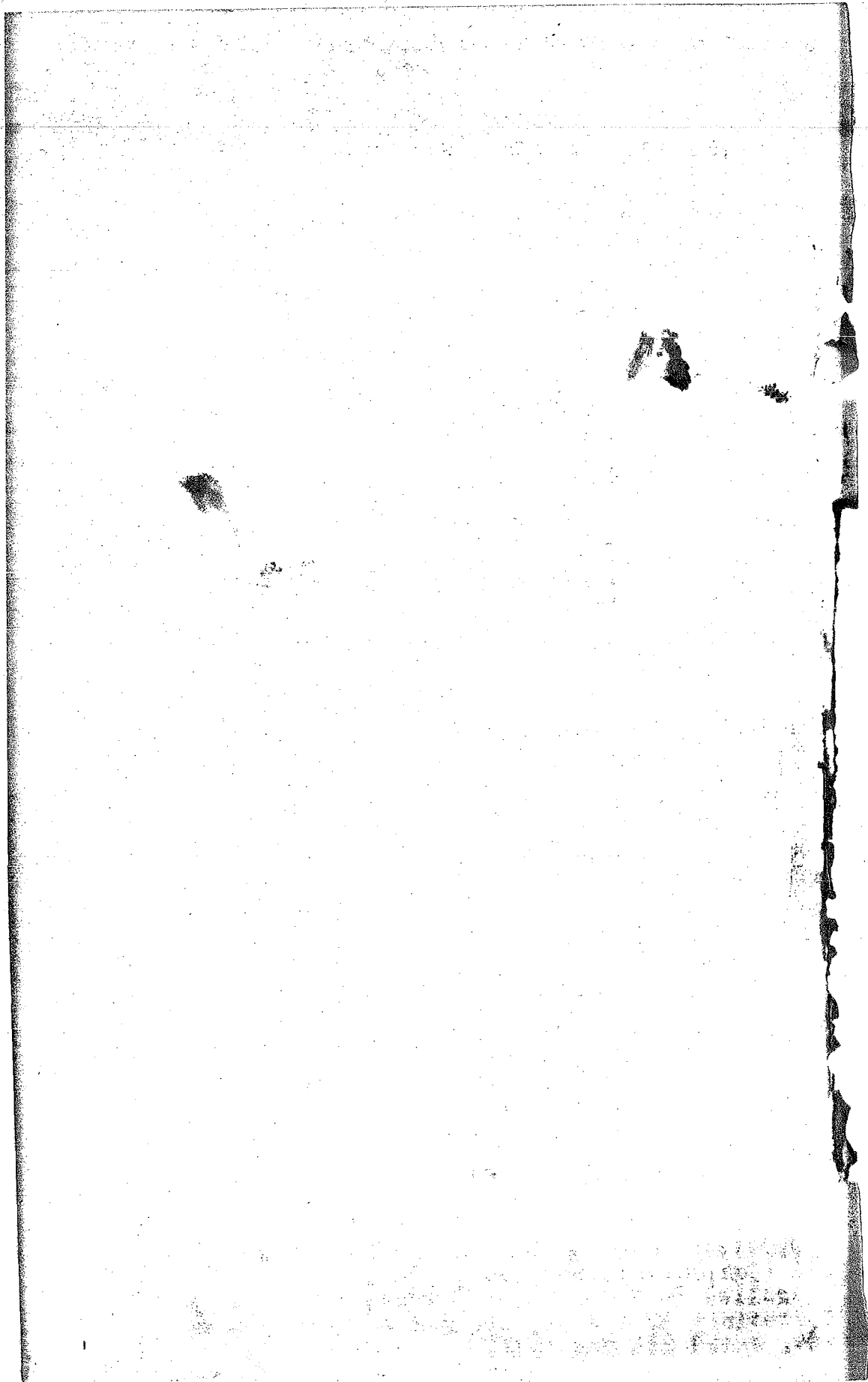
Insertion of  
new section  
113A in Act  
IX of 1930.

"113A. Any person who, without having obtained the permission of a railway servant, travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 69, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 113 :

Power to  
remove persons  
from railway  
carriage.

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket :

Provided further that women and children, if unaccompanied by male passengers, shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 A.M. and 6 P.M."





# ACT No. VII OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st March, 1941.)

An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the rate of the excise duty on matches leviable under the Matches (Excise Duty) Act, 1934, to vary the rate of the excise duty on mechanical lighters leviable under the Mechanical Lighters (Excise Duty) Act, 1934, to vary the rate of the duty on artificial silk yarn and thread leviable under the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax and to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the rate of the excise duty on matches leviable under the Matches (Excise Duty) Act, 1934, to vary the rate of the excise duty on mechanical lighters leviable under the Mechanical Lighters (Excise Duty) Act, 1934, to vary the rate of the duty on artificial silk yarn and thread leviable under the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax and to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Finance Act, 1941. Short title and extent.

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

2. The provisions of section 7 of the Indian Salt Act, 1882, shall, in so far as they enable the Central Government to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India, be construed as if, for the year beginning on the

on the 1st day of April, 1941, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section.

Excise Duty  
on Matches.

\*3. For section 4 of the Matches (Excise Duty) Act, 1934, the following section shall be substituted, <sup>XVI of 1934.</sup> namely:—

“ 4. The duty payable under section 3 shall be levied at the following rates, namely:—

- (a) on matches in boxes or booklets containing on an average not more than eighty—
  - (i) if the average number is forty or less, at the rate of two rupees per gross of boxes or booklets,
  - (ii) if the average number is more than forty, but not more than sixty, at the rate of three rupees per gross of boxes or booklets, and
  - (iii) if the average number is more than sixty, at the rate of four rupees per gross of boxes or booklets;

(b) on all other matches, at such rate as the Central Government may prescribe.”

Excise Duty  
on Mechanical  
Lighters.

\*4. In section 3 of the Mechanical Lighters (Excise Duty) Act, 1934, for the words “ one rupee and eight annas ” the words “ three rupees ” shall be substituted. <sup>XXIII of 1934.</sup>

Import Duty  
on Artificial  
Silk Yarn and  
Thread.

\*5. In the First Schedule to the Indian Tariff Act, 1934, in Item No. 47 (2), for the entry “ 25 per cent. *ad valorem* or 3 annas per lb., whichever is higher ” in the fourth column the following entry shall be substituted, namely:—

“ 25 per cent. *ad valorem* or 5 annas per lb., whichever is higher ”.

Inland Postage  
rates.

6. For the year beginning on the 1st day of April, 1941, the Schedule contained in the Schedule to this Act shall be inserted in the Indian Post Office Act, 1898, <sup>VI of 1898.</sup> as the First Schedule to that Act.

Income-tax  
and Super-tax.

7. (1) Subject to the provisions of sub-sections (2) and (3)—

- (a) income-tax for the year beginning on the 1st day of April, 1941, shall be charged at the rates specified

\* This section came into effect on the 1st March, 1941, by virtue of a declaration inserted in the Bill under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

specified in Part I of Schedule II to the Indian Finance Act, 1939, increased in each case by a surcharge for the purposes of the Central Government amounting to one-third of each such rate ;

- (b) rates of super-tax for the year beginning on the 1st day of April, 1941, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922, be the rates specified in Part II of Schedule II to the Indian Finance Act, 1939, increased—
- (i) in the case of the rate applicable to a company, by a surcharge amounting to one-third of that rate, and
- (ii) in the case of every other rate, by a surcharge for the purposes of the Central Government amounting to one-third of each such rate :

Provided that in the case of an association of persons being a co-operative society, other than the Sanikatta Saltowners' Society in the Bombay Presidency, for the time being registered under the Co-operative Societies Act, 1912, or under an Act of the Provincial Legislature governing the registration of Co-operative Societies, the rates of super-tax for the year beginning on the 1st day of April, 1941, shall be the rates of super-tax specified in the proviso to clause (b) of sub-section (1) of section 7 of the Indian Finance Act, 1940, increased in each case by a surcharge for the purposes of the Central Government amounting to one-third of each such rate.

(2) In making any assessment for the year ending on the 31st day of March, 1942,—

- (a) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" or under the head "Interest on Securities" or any income from dividends in respect of which he is deemed under section 49B of the Indian Income-tax Act, 1922, to have paid income-tax imposed in British India, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Indian Finance Act, 1940, read with sub-section (1) of section 3 of the Indian Finance (No. 2) Act, 1940, on his total income the same proportion as the amount of such inclusions bears to his total income ;

(b) where

(b) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Indian Income-tax Act, 1922, the super-tax payable by the assessee on that portion of his total income which consists of such inclusions shall be an amount bearing to the total amount of super-tax payable according to the rates applicable under the operation of the Indian Finance Act, 1940, read with sub-section (1) of section 3 of the Indian Finance (No. 2) Act, 1940, on his total income the same proportion as the amount of such inclusions bears to his total income. XI of 1922.  
xvi of 1940.

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

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

Continuance  
of and rate  
of Excess Pro-  
fits Tax.

8. (1) In sub-clause (a) of clause (6) of section 2 of the Excess Profits Tax Act, 1940, for the words and figures "31st day of March, 1941," the words and figures "31st day of March, 1942," shall be substituted. XV of 1940.

(2) The excess profits tax imposed by section 4 of the Excess Profits Tax Act, 1940, shall, in respect of any chargeable accounting period beginning after the 31st day of March, 1941, be an amount equal to sixty-six and two-thirds per cent. of the amount by which the profits of the business during that chargeable accounting period exceed the standard profits. XV of 1940.

**THE SCHEDULE.**

**THE SCHEDULE.**

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

[See section 6.]

**“THE FIRST SCHEDULE.**

**INLAND POSTAGE RATES.**

(See section 7.)

*Letters.*

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

*Postcards.*

Single . . . . . Nine pies.  
 Reply . . . . . One and a half annas.

*Book, Pattern and Sample Packets.*

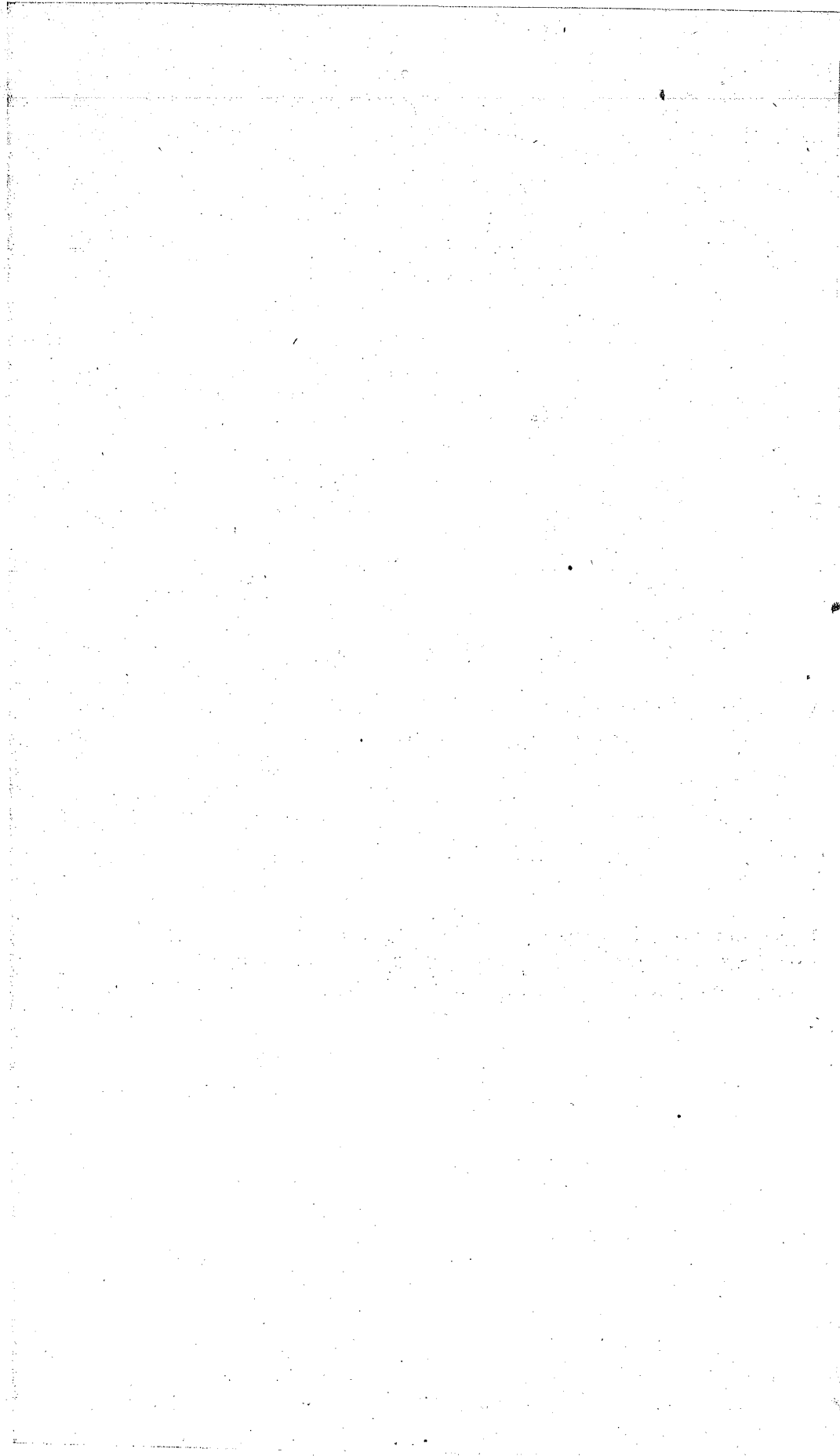
For the first five tolas or fraction thereof . . . . . Nine pies.  
 For every additional two and a half tolas, or fraction thereof, in excess of five tolas . . . . . Three pies.

*Registered Newspapers.*

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

*Parcels.*

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



# ACT No. VIII OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st  
March, 1941.)

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

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

XXXII of  
1934.

It is hereby enacted as follows :—

1. This Act may be called the Protective Duties Short title. Continuation Act, 1941.

XXXII of  
1934.

2. In the First Schedule to the Indian Tariff Act, 1934, in Item No. 17, and in Item No. 61 (5), and in Items Nos. 63 (2), 63 (3), 63 (6), 63 (9), 63 (10), 63 (12), 63 (15), 63 (17), 63 (19), 63 (20), 63 (21), 63 (25) and 63 (27), and in Item No. 74, for the entry or entries in the seventh column "March 31st, 1941" the entry or entries "March 31st, 1942" shall be substituted.

Amendment  
of the First  
Schedule, Act  
XXXII of  
1934.

XIII of 1932.

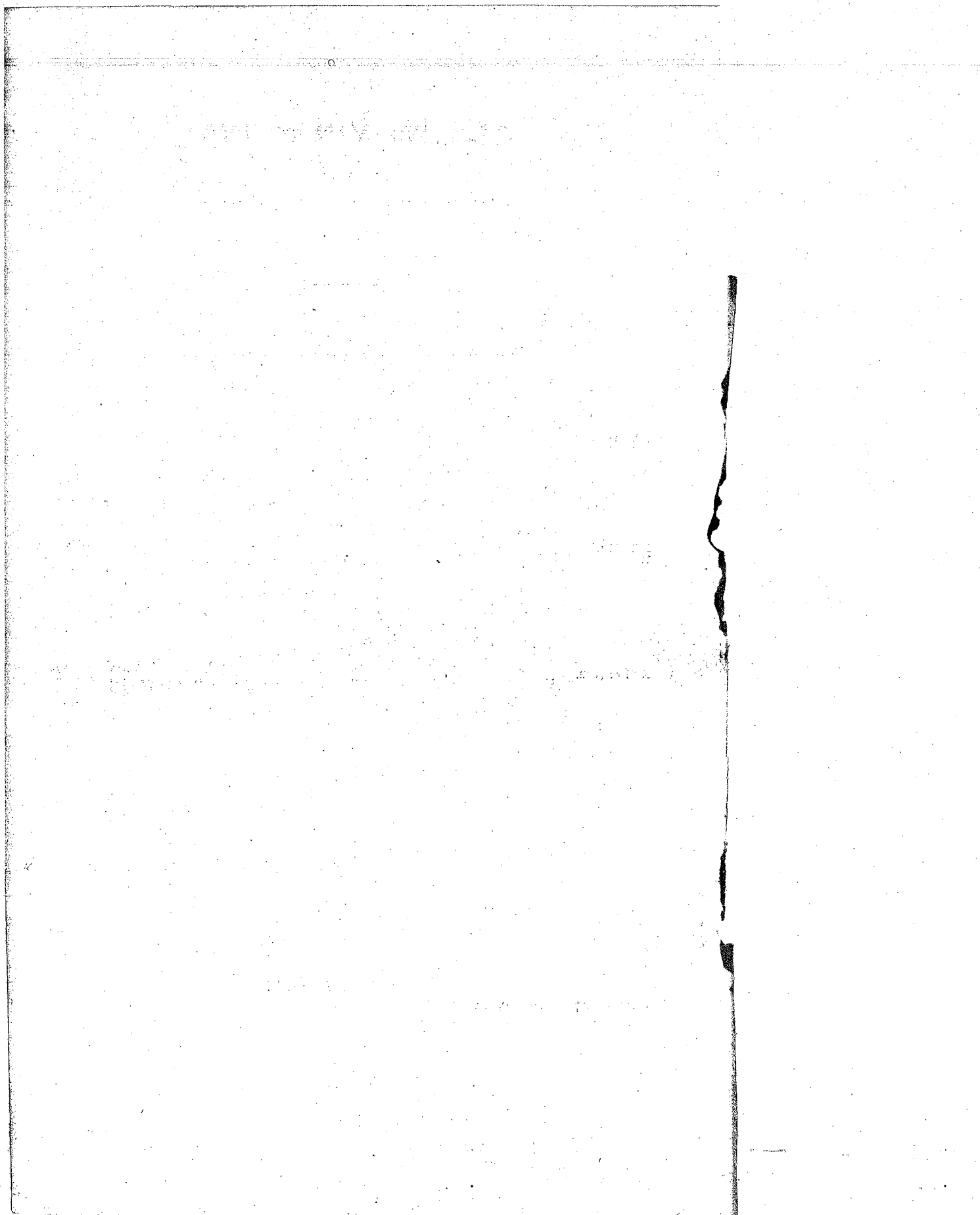
3. In section 3 of the Sugar Industry (Protection) Act, 1932, for the figure "1941" the figure "1942" shall be substituted.

Amendment of  
section 3, Act  
XIII of 1932.

Price Anna 1 or 1½d.

GIPD—L47LD—3-6-41—5,000.

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# ACT No. IX OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st  
March, 1941.)

An Act further to amend the Indian Tariff Act, 1934.

WHEREAS it is expedient further to amend the  
Indian Tariff Act, 1934, for the purpose hereinafter appearing;

It is hereby enacted as follows :—

1. This Act may be called the Indian Tariff (Amendment) Act, 1941.

2. In the First Schedule to the Indian Tariff Act, 1934, in Items Nos. 10 (1) and 11 (1), in the last column, for the figure "1941" the figure "1942" shall be substituted.

XXXII of  
1934.

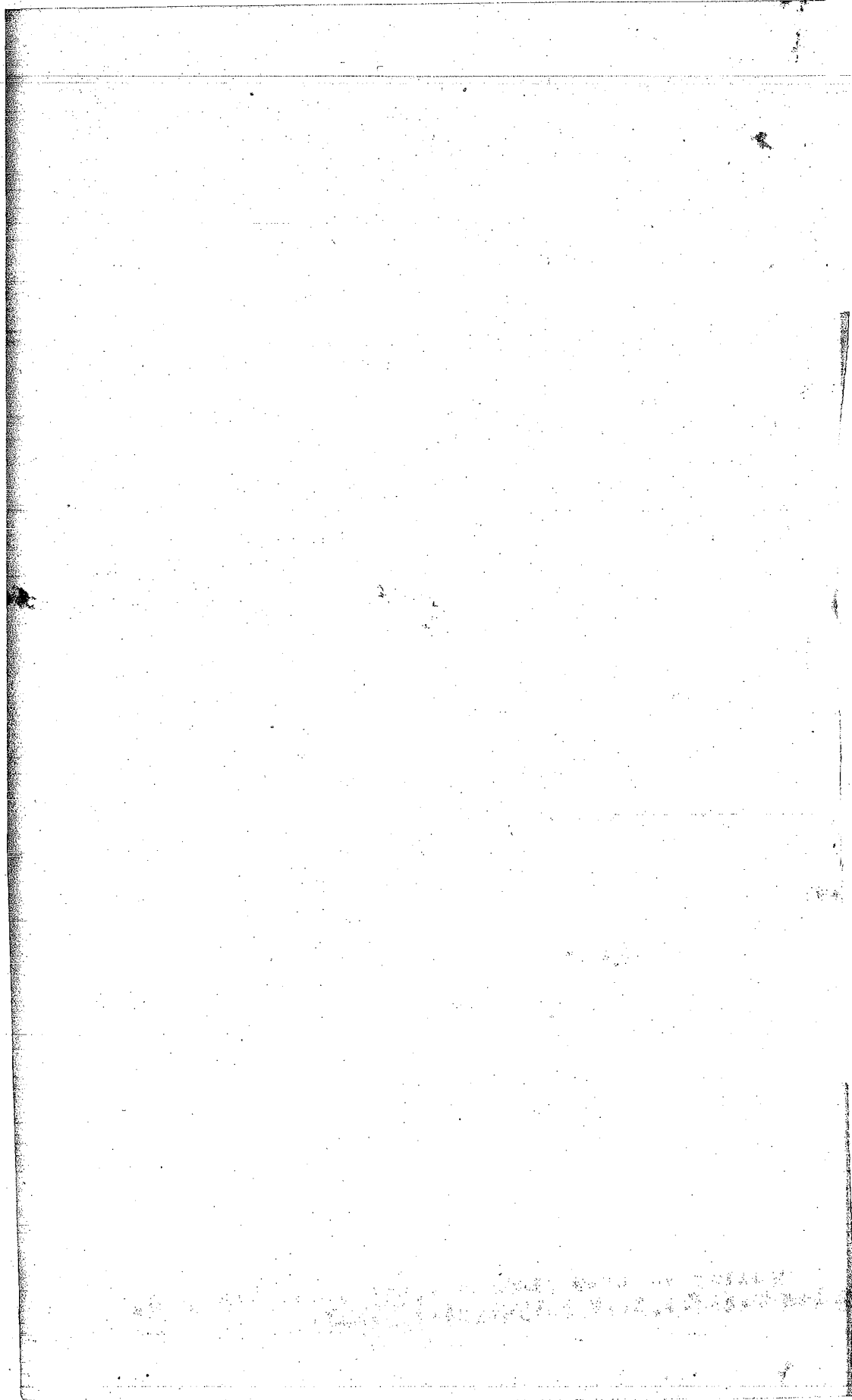
XXXII of  
1934.

Amendment  
of the First  
Schedule, Act  
XXXII of  
1934.

*Applied to Districts of Sambalpur and Koraput and the Ganjam Agency under the Order G.O. No. 757-III-C-2/44. Com. of 3/3/44.*

Price Anna 1 or 1½d.

GIPD—L48LD—3-6-41—5,000.



Rep. Act 2 of 1941.  
(When notified)

## ACT No. X OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st March, 1941.)

An Act to provide for the imposition and collection of an excise duty on tyres.

WHEREAS it is expedient to provide for the imposition and collection of an excise duty on tyres;

It is hereby enacted as follows:—

1. (1) This Act may be called the Tyres (Excise Short title and extent. Duty) Act, 1941.

(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) "manufactory" means any premises wherein tyres are manufactured;

(b) "owner" includes any person expressly or impliedly authorised by an owner of a manufactory to be his agent in respect of the manufactory;

(c) "tyre" means a pneumatic tyre in the manufacture of which rubber is used, and includes the inner tube and the outer cover of such a tyre.

3. (1) A duty of excise at the rate of ten per cent. Imposition of and amount of duty. on the value thereof shall be levied on all tyres manufactured in any manufactory in British India and issued out of such manufactory on or after the 1st day of April, 1941, and shall be payable by the owner of the manufactory.

(2) For the purposes of levying the duty imposed by sub-section (1) the Central Government may, by notification in the official Gazette, fix the values of tyres or of any class of tyres; and where no such value has been fixed the value of a tyre shall be deemed to be the wholesale cash price, less trade discount, for which a tyre of the like kind and quality is sold or is capable of being sold by a manufactory without any abatement or deduction whatever except the amount of the excise duty payable on it at the time of issue out of the manufactory.

4. (1) If

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Price Anna 1 or 1½d.

Applied to Br. Baluchistan, see Notifn. No. 50-F, dated 1.4.41., G. of I. 1941, Pt. I, p. 467.

Recovery of  
duty with  
penalty.

4. (1) If any duty payable under section 3 is not paid within the time fixed by a notice issued in accordance with any rules made in this behalf under this Act, it shall be deemed to be an arrear, and the authority to which such duty is payable may, in lieu thereof, recover any sum, not exceeding double the amount of the duty unpaid, which such authority may in its discretion think it reasonable to require.

(2) An arrear of duty, or any sum recoverable in lieu thereof under this section, shall be recoverable as an arrear of land-revenue and shall be recoverable in addition to, and not in substitution for, any other penalty incurred under this Act.

Issue from  
manufactory.

5. (1) No person shall issue any tyres out of any manufactory except in accordance with the provisions of rules made under section 8 regulating such issue, or, until such rules are made, in accordance with the general or special orders of the Central Government.

(2) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty on any tyres issued in contravention of such rule or order, whichever is greater.

Application of  
the provisions  
of Act VIII of  
1878 to the  
duty on tyres.

6. The Central Government may, by notification in the official Gazette, declare that any of the provisions of the Sea Customs Act, 1878, relating to the levy of VIII of 1878. and exemption from customs duties, drawback of duty, warehousing, offences and penalties, confiscation and procedure relating to offences and appeals shall, with such modifications and alterations as it may consider necessary or desirable to adapt them to the circumstances, be applicable in regard to like matters in respect of the duty imposed by sub-section (1) of section 3.

Power of  
Central  
Government  
to prohibit  
import.

7. The Central Government may, by notification in the official Gazette, prohibit absolutely, or with such exceptions as it thinks fit, the bringing of tyres into British India from the territory of any specified Indian State.

Power to make  
rules.

8. (1) The Central Government may, by notification in the official Gazette, make rules—

(a) imposing on owners of manufactories the duty of furnishing returns and keeping records and books, and prescribing the form of such returns, records and books and the particulars to be contained therein, and the manner in which the same are to be verified ;

(b) regulating the issue of tyres out of manufactories;

(c) providing

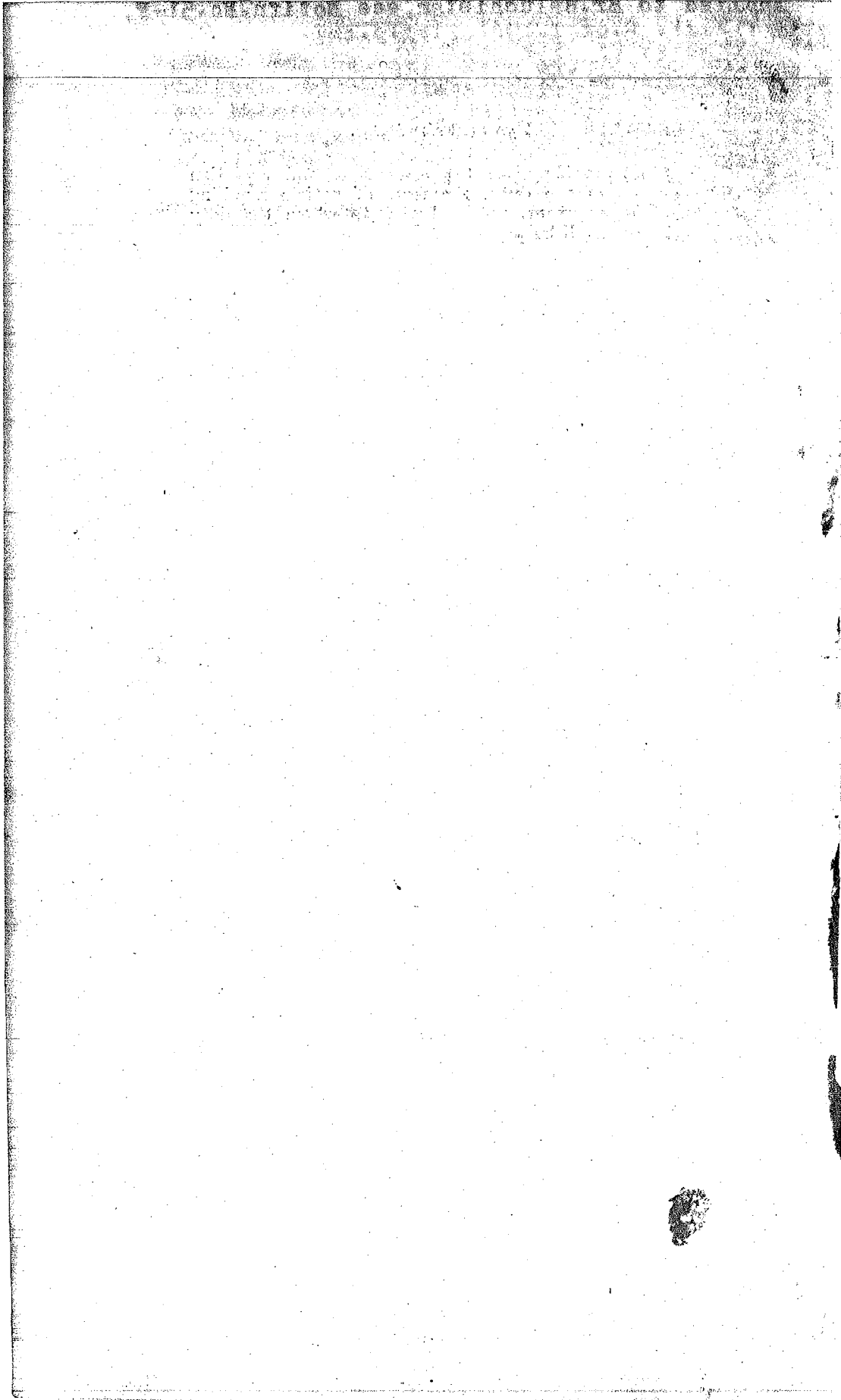
OF 1941.]

*Tyres (Excise Duty).*

- (c) providing for the assessment and collection of the duty, the issue of notices requiring payment, the authority to whom the duty shall be payable and the recovery of arrears;
- (d) authorising and providing for the inspection of manufactories; and
- (e) generally for carrying into effect the provisions of this Act.

(2) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees:

Provided that the breach of any rule made under clause (b) of sub-section (1) shall be punishable with the punishment provided for an offence against section 5.



# ACT No. XI OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st March, 1941.)

## An Act further to amend the Excess Profits Tax Act, 1940.

WHEREAS it is expedient further to amend the Excess Profits Tax Act, 1940, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Excess Profits Tax (Amendment) Act, 1941. Short title.

2. In section 2 of the Excess Profits Tax Act, 1940 (hereinafter referred to as the said Act), after clause (16) the following clause shall be inserted, namely :— Amendment of section 2, Act XV of 1940.

‘(16A) “ordinary share capital” has the meaning assigned to that expression in sub-section (8) of section 9 ;’.

3. Section 4 of the said Act shall be re-numbered as sub-section (1) of that section, and to the section as so re-numbered the following sub-section shall be added, namely :— Amendment of section 4, Act XV of 1940.

“(2) Where a chargeable accounting period falls partly before and partly after the end of March, 1941, the foregoing provisions of this section shall apply as if so much of that chargeable accounting period as falls before, and so much of that chargeable accounting period as falls after, the said end of March were each a separate chargeable accounting period, and as if the excess of profits of that separate chargeable accounting period were an apportioned part of the excess of profits arising in the whole period ; and any apportionment required to be made by this sub-section shall be made by reference to the number of months or fractions of months in each of the parts of the whole chargeable accounting period.”

4. To  
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*Excess Profits Tax (Amendment).* [Act XI

Amendment of  
section 7, Act  
XV of 1940.

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

“ Provided that a deficiency of profits occurring in a chargeable accounting period beginning on or after the 1st day of April, 1941, shall first be applied so as to reduce profits chargeable to tax arising in another chargeable accounting period beginning on or after the said 1st day of April, and a deficiency of profits occurring in a chargeable accounting period ending on or before the 31st day of March, 1941, shall first be applied so as to reduce profits chargeable to tax arising in another chargeable accounting period ending on or before the said 31st day of March ; and where owing to an insufficiency of profits for chargeable accounting periods ending on or before the said 31st day of March, or, as the case may be, beginning on or after the said 1st day of April, the whole or any part of the deficiency is applied otherwise than as aforesaid,—

- (a) the application shall be treated as provisional only ; and
- (b) if it thereafter appears that there is no longer such an insufficiency as aforesaid, such adjustment shall be made as the Central Board of Revenue may by written order direct :

Provided further that where a chargeable accounting period falls partly before and partly after the end of March, 1941, the provisions of the preceding proviso shall apply as if so much of the chargeable accounting period as falls before, and so much of the chargeable accounting period as falls after, the said end of March, were each a separate chargeable accounting period, and as if the deficiency of profits of that separate chargeable accounting period were an apportioned part of the deficiency of profits occurring in the whole period ; and any apportionment required to be made by this proviso shall be made by reference to the number of months or fractions of months in each of the parts of the whole chargeable accounting period.”

Amendment of  
section 17, Act  
XV of 1940.

5. In sub-section (1) of section 17 of the said Act,—

- (a) in the first proviso, for the words “ first proviso ” the words “ second proviso ” shall be substituted ;

(b) in



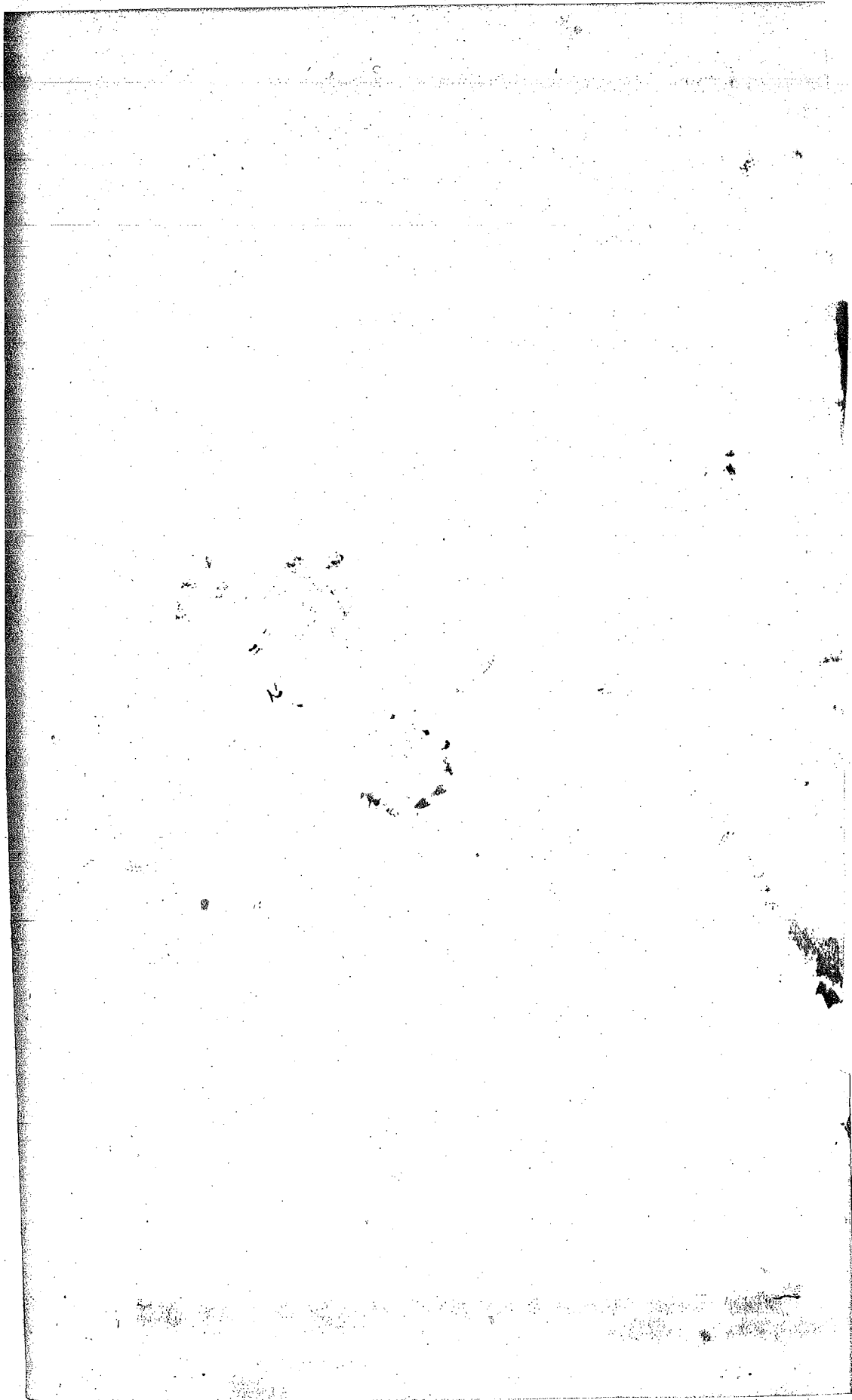
OF 1941.] *Excess Profits Tax (Amendment).*

(b) in the second proviso, for the word "modifications" the following words shall be substituted, namely:—

"refusal to make modifications or against any modifications".

6. In the first proviso to rule 1 of the First Schedule to the said Act, after the words "Provided that any sums" the brackets and words "(other than any interest paid by a firm to a partner of the firm)" shall be inserted and shall be deemed always to have been inserted.

Amendment of  
rule 1, First  
Schedule, Act  
XV of 1940.



# ACT No. XII of 1941.

[ PASSED BY THE INDIAN LEGISLATURE. ]

(Received the assent of the Governor General on the 8th April, 1941.)

An Act to regulate in the Province of Delhi the use of land for purposes other than agricultural purposes.

WHEREAS it is expedient to regulate in the Province of Delhi the use of land for purposes other than agricultural purposes ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Delhi Restriction of Uses of Land Act, 1941. Short title, extent and commencement.

(2) It extends to the Province of Delhi.

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

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

(1) "agriculture" includes horticulture and the planting and upkeep of orchards ;

(2) "building" has the same meaning as in clause (2) of section 3 of the Punjab Municipal Act, 1911 ;

(3) "Chief Commissioner" means the Chief Commissioner of Delhi ;

(4) "Deputy Commissioner" means the Deputy Commissioner of Delhi and includes any authority, not being an officer employed by the Delhi Improvement Trust, appointed by the Chief Commissioner, by notification in the official Gazette, to perform all or any of the functions of the Deputy Commissioner under this Act ;

(5) "place of worship" includes an *imambara*, *dar-gah*, *karbala* or *takya* ;

(6) "prescribed"

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Price Anna 1 or 1½d.

Punj. Act III  
of 1911.

Game  
1941, Pt. I.

ndia

- (6) "prescribed" means prescribed by rules made under this Act ;
- (7) "road" means a metalled road maintained by the Central Government or by a local authority ; and
- (8) the expression "to erect or re-erect" in relation to any building has the same meaning as in clause (5) of section 3 of the Punjab Municipal Act, 1911.

Declaration of  
controlled  
area.

Punj. Act III  
of 1911.

3. (1) The Chief Commissioner may, with the previous sanction of the Central Government, by notification in the official Gazette, declare any land adjacent to and within a distance of four hundred and forty yards from the centre line of any road to be a controlled area for the purposes of this Act.

(2) Not less than three months before making a declaration under sub-section (1) the Chief Commissioner shall cause to be published in the official Gazette and in at least two newspapers printed in a language other than English a notification stating that he proposes, with the previous sanction of the Central Government, to make such a declaration and specifying therein the boundaries of the land in respect of which the declaration is proposed to be made, and copies of every such notification or of the substance thereof shall be published by the Deputy Commissioner in such manner as he thinks fit at his office and in every revenue estate of which any part is included within the said boundaries.

(3) Any person interested in any land included within the said boundaries may, at any time before the expiration of thirty days from the last date on which a copy of such notification is published by the Deputy Commissioner, object to the making of the declaration or to the inclusion of his land or any part of it within the said boundaries.

(4) Every objection under sub-section (3) shall be made to the Deputy Commissioner in writing, and the Deputy Commissioner shall give to every person so objecting an opportunity of being heard either in person or by pleader, and shall after all such objections have been heard and after such further enquiry, if any, as he thinks necessary, forward to the Chief Commissioner the record of the proceedings held by him together with a report setting forth his recommendations on the objections.

(5) If before the expiration of the time allowed by sub-section (3) for the filing of objections no objection has been made, the Chief Commissioner may proceed at once to the making of a declaration under sub-section (1). If any such objections have been made, the

Chief

Chief Commissioner shall consider the record and the report referred to in sub-section (4) and shall hear any parties applying to be heard and may either—

(a) abandon the proposal to make a declaration under sub-section (1), or

(b) make such a declaration in respect of either the whole or a part or parts of the land included within the boundaries specified in the notification under sub-section (2).

(6) For the purposes of sub-section (3) a person shall be deemed to be interested in land if he is a "person interested" as defined in clause (b) of section 3 of the Land Acquisition Act, 1894, for the purposes of that Act or, where the land is land occupied by or for the purposes of a mosque, *imambara*, *dargah*, *karbala*, *takya* or Muslim graveyard, if he is a Muslim.

1 of 1894.

(7) A declaration made under sub-section (1) shall, unless and until it is withdrawn, be conclusive evidence of the fact that the area to which it relates is a controlled area.

4. (1) The Deputy Commissioner shall deposit at his office and at the office of the Municipal Committee, New Delhi, and at such other places as he considers necessary, plans showing all lands declared to be controlled areas for the purposes of this Act, and setting forth the nature of the restrictions applicable to the land in any such controlled area.

Plans of controlled areas to be deposited at certain offices.

(2) The plans so deposited shall be available for inspection by the public free of charge at all reasonable times.

5. No person shall erect or re-erect any building, or make or extend any excavation, or lay out any means of access to a road in a controlled area except with the previous permission of the Deputy Commissioner in writing.

Restrictions on building, etc., in a controlled area.

6. (1) Every person desiring to obtain the permission referred to in section 5 shall make an application in writing to the Deputy Commissioner in such form and containing such information in respect of the building, excavation or means of access to which the application relates as may be prescribed.

Application for permission to build, etc., and the grant or refusal of such permission.

(2) On receipt of such application the Deputy Commissioner, after making such enquiry as he considers necessary, shall, by order in writing, either—

(a) grant the permission, subject to such conditions, if any, as may be specified in the order; or

(b) refuse to grant such permission.

(3) When

(3) When the Deputy Commissioner grants permission subject to conditions under clause (a) of sub-section (2) or refuses to grant permission under clause (b) of sub-section (2), the conditions imposed or the grounds of refusal shall be such as are reasonable having regard to the circumstances of each case.

(4) The Deputy Commissioner shall not refuse permission to the erection or re-erection of a building, not being a dwelling house, if such building is required for purposes subservient to agriculture, nor shall the permission to erect or re-erect any such building be made subject to any conditions other than those which may be necessary to ensure that the building will be used solely for the purposes specified in the application for permission.

(5) The Deputy Commissioner shall not refuse permission to the erection or re-erection of a building which was in existence on the date on which the declaration under sub-section (1) of section 3 was made, nor shall he impose any conditions in respect of such erection or re-erection unless it involves the addition of one or more storeys to the building or the extension of the plinth area of the building by more than one-eighth of the original plinth area, or there is a probability that the building will be used for a purpose other than that for which it was used on the date on which the said declaration was made.

(6) If at the expiration of a period of three months after an application under sub-section (1) has been made to the Deputy Commissioner no order in writing has been passed by the Deputy Commissioner permission shall be deemed to have been given without the imposition of any conditions.

(7) The Deputy Commissioner shall maintain a register with sufficient particulars of all permissions given by him under this section and the register shall be available for inspection without charge by all persons interested and such persons shall be entitled to take extracts therefrom.

Right of  
appeal.

7. (1) Any person aggrieved by an order of the Deputy Commissioner under sub-section (2) of section 6 granting permission subject to conditions or refusing permission may within thirty days from the date of such order prefer an appeal to the Chief Commissioner.

(2) The order of the Chief Commissioner on appeal shall be final.

Compensation.

8. (1) No person shall be entitled to claim compensation under this or any other Act for any injury, damage

damage or loss caused or alleged to have been caused by an order—

- (a) refusing permission to make or extend an excavation, or granting such permission but imposing conditions on the grant, or
- (b) refusing permission to lay out a means of access to a road, or granting such permission but imposing conditions on the grant, or
- (c) granting permission to erect or re-erect a building but imposing conditions on the grant.

(2) When an order has been made refusing permission to erect or re-erect a building any person who has exercised the right of appeal given by sub-section (1) of section 7 may, within three months of the date of the order of the Chief Commissioner, make to the Chief Commissioner a claim for compensation on the ground that his interest in the land concerned is injuriously affected by the said order :

Provided that no claim for compensation may be made under this sub-section in respect of any land situated in a controlled area adjoining a road which has been constructed after the commencement of this Act or which was not at the commencement of this Act a road within the meaning of clause (4) of section 2. [C.V.]

I of 1894.

(3) On receipt of a claim under sub-section (2) the Chief Commissioner shall either proceed to acquire the land concerned under the Land Acquisition Act, 1894, or transfer the claim for disposal to an officer exercising the powers of a Collector under the said Act :

Provided that in case the Chief Commissioner decides to acquire the land, the claimant shall be entitled to be repaid by the acquiring authority the amount of expense which he may have properly incurred in connection with the preparation and submission of his claim for compensation under this section, and in default of agreement such amount shall be determined by the authority deciding the value of the land in the proceedings under the Land Acquisition Act, 1894.

(4) Nothing in this section shall be deemed to preclude the settlement of a claim by mutual agreement.

I of 1894.

9. If the Chief Commissioner decides to acquire the land under the Land Acquisition Act, 1894, then, notwithstanding anything contained in that Act,—

Compulsory acquisition.

- (i) proceedings under section 5A of that Act shall not be required ;
- (ii) the notification under section 6 of that Act shall be published within six months from the date of institution of the claim, failing which the claim shall be transferred

for

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4 Subs. by S. 3 & Sel. II of Act 25 of 1942.

for disposal to an officer exercising the powers of a Collector under that Act;

- (iii) the market value of the land shall be assessed as though no declaration under section 3 (1) had been made in respect of the area in which it is situated and no restrictions upon its use and development had been imposed, any compensation already paid to the claimant or to any of his predecessors in interest for injurious affection being deducted from the market value as so assessed.

Amount of compensation how determined.

10. (1) When a claim is transferred for disposal under section 8 or section 9 to an officer exercising the powers of a Collector under the Land Acquisition Act, 1894,<sup>1</sup> of 1894, such officer shall make an award determining the amount of compensation, if any, payable to the claimant.

(2) The amount of compensation awarded under sub-section (1) shall in no case exceed—

- (a) the amount that would have been payable if the land had been acquired under section 9 or
- (b) the difference between the market value of the land in its existing condition having regard to the restrictions actually imposed upon its use and development by the order refusing permission to erect or re-erect a building thereon, and its market value immediately before the publication under sub-section (2) of section 3 of the notification in pursuance of which the area in which it is situated was declared to be a controlled area,

and no compensation shall be awarded under sub-section (1)—

- (i) unless the claimant satisfies the officer making the award that proposals for the development of the land which at the date of the application under sub-section (1) of section 6 are immediately practicable, or would have been so, if this Act had not been passed, are prevented or injuriously affected by the restrictions imposed under this Act, or
- (ii) if and in so far as the land is subject to substantially similar restrictions in force under some other enactment which were so in force at the date when the restrictions were imposed under this Act, or

(iii) if



(iii) if compensation in respect of the same restrictions in force under this Act or of substantially similar restrictions in force under some other enactment has already been paid in respect of the land to the claimant or to any predecessor in interest of the claimant.

I of 1894

(3) The provisions of Parts III, IV, V and VIII of the Land Acquisition Act, 1894, shall so far as may be apply to an award made under sub-section (1) as though it were an award made under that Act.

11. Nothing in this Act shall affect the power of any authority to acquire land or to impose restrictions upon the use and development of land under any other enactment for the time being in force. Saving for other enactments.

12. (1) No land within a controlled area shall be used for the purposes of a charcoal-kiln, pottery-kiln or lime-kiln and no land either within or outside a controlled area shall be used for the purposes of a brick-field or brick-kiln except under, and in accordance with the conditions of, a licence from the Chief Commissioner which shall be renewable annually. Prohibition of use of any land as a brick-field, etc., without a licence.

(2) The Chief Commissioner may charge such fees for the grant and renewal of such licences and may impose such conditions in respect thereof as may be prescribed.

(3) No person shall be entitled to claim compensation under this or any other Act for any injury, damage or loss caused or alleged to have been caused by the refusal of a licence under sub-section (1).

13. (1) Any person who—

(a) erects or re-erects any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provisions of section 5 or in contravention of any conditions imposed by an order under section 6 or section 7, or

(b) uses any land in contravention of the provisions of sub-section (1) of section 12,

shall be punishable with fine which may extend to five hundred rupees and, in the case of a continuing contravention, with a further fine which may extend to fifty rupees for every day after the date of the first conviction during which he is proved to have persisted in the contravention. Offences and penalties.

(2) Without prejudice to the provisions of sub-section (1), the Deputy Commissioner may order any person who has committed a breach of the provisions of the said sub-section to restore to its original state or to bring into conformity with the conditions which have been violated, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed, and if such person fails to do so within three months of the order

may  
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*Delhi Restriction of Uses of Land.* [ACT XII OF 1941.]

may himself take such measures as may appear to him to be necessary to give effect to the order, and the cost of such measures shall be recoverable from such person as an arrear of land-revenue.

Trial of offences.

14. No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

Protection of persons acting under this Act.

15. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Savings.

16. Nothing in this Act shall apply to—

- (a) the erection or re-erection of buildings upon land included in the inhabited site of any village as defined in the revenue records ;
- (b) the erection or re-erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or *samadhi* on land which is at the time a notification under sub-section (2) of section 3 is published by the Chief Commissioner occupied by or for the purposes of such place of worship, tomb, *samadhi*, cenotaph or graveyard ;
- (c) excavations (including wells) made in the ordinary course of agricultural operations ;
- (d) the construction of an unmetalled road intended to give access to land solely for agricultural purposes.

Power to make rules.

17. (1) The Chief Commissioner may 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 provide for all or any of the following matters, namely :—

- (a) the form in which applications under sub-section (1) of section 6 shall be made and the information to be furnished in such applications ;
- (b) the regulation of the laying out of means of access to roads ;
- (c) the fees to be charged for the grant and renewal of licences under section 12 and the conditions governing such licences.

(3) All rules made under this section shall be subject to the condition of previous publication, which publication shall be made in the official Gazette and in at least two newspapers printed in a language other than English; and the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897, shall not be less than <sup>x</sup> of 1897. two months from the date on which the draft of the proposed rules was published.

# ACT No. XIII OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1941.)

An Act further to amend the Insurance Act, 1938.

IV of 1938. **W**HEREAS it is expedient further to amend the Insurance Act, 1938, for the purposes herein-after appearing;

It is hereby enacted as follows:—

1. This Act may be called the Insurance (Amendment) Act, 1941. Short title.

IV of 1938. 2. In section 2 of the Insurance Act, 1938 (herein-after referred to as the said Act),— Amendment of section 2, Act IV of 1938.

(a) in clause (5), for the words "an insurer" the words "an insurer or a provident society as defined in Part III", and for the words "the insurer" the words "such insurer or provident society" shall be substituted;

(b) in clause (9), for the words "to which the provisions of Part III apply" the words "as defined in Part III" shall be substituted.

3. In section 3 of the said Act,—

(a) in the proviso to sub-section (1), for the words, brackets and figures "the expiry of one month from the commencement of the Insurance (Amendment) Act, 1940" the words "such date as may be fixed in this behalf by the Central Government by notification in the official Gazette" shall be substituted; Amendment of section 3, Act IV of 1938.

(b) in clause (g) of sub-section (2), for the word "one" the word "five" shall be substituted;

(c) in sub-section (4), to clause (d) the word "or" shall be added, and after clause (d) the following clause and words shall be added, namely:—

"(e) if, in the case of an insurer specified in sub-clause (c) of clause (9) of section 2, the standing contract referred to in that sub-clause is cancelled or is suspended and continues to be suspended for a period of six months,

and

Price annas 2 or 3d.

*Applies to the Darjeeling district and to the partially excluded areas of the Mymensingh district subject to certain modifications, with effect from 1st October, 1942, see Bengal Govt. Order No. 5312 Com, 25.9.42.*  
*Applies to all the partially included areas of the Province of Orissa see Orissa Govt. Order No. 987-III.C. 2/44-Com, 23-3-44.*

and the Superintendent of Insurance may cancel the registration of an insurer if the insurer has failed to have the registration renewed”;

- (d) in sub-section (5), after the words, brackets, letter and figure “clause (a) of sub-section (4)” the words, brackets, letter and figure “clause (e) of sub-section (4), or because the insurer has failed to have the registration renewed” shall be inserted;
- (e) in sub-section (5C), after the word, brackets and figure “sub-section (4)” the words, brackets, letter and figure “clause (e) of sub-section (4), or because the insurer has failed to have his registration renewed” and after the word and figures “section 98” the words, brackets, figures and letter “or has his standing contract restored or has had an application under sub-section (4) of section 3A accepted” shall be inserted.

Insertion of  
new section  
3A in Act IV  
of 1938.

Renewal of  
Registration.

4. After section 3 of the said Act the following section shall be inserted, namely :—

- “ 3A. (1) An insurer who has been granted a certificate of registration under section 3 shall have the registration renewed annually for each year after that ending on the 31st day of December, 1941.
- (2) An application for the renewal of a registration for any year shall be made by the insurer to the Superintendent of Insurance before the 31st day of December of the preceding year, and shall be accompanied as provided in sub-section (3) by evidence of payment of the prescribed fee which shall not exceed one thousand rupees for each class of insurance business, but may vary according to the volume of business done by the insurer in India in each class of insurance business to which the registration relates.
  - (3) The prescribed fee for the renewal of a registration for any year shall be paid into the Reserve Bank of India, or, where there is no office of that Bank, into the Imperial Bank of India acting as the agent of that Bank, or into any Government treasury, and the receipt shall be sent along with the application for renewal of the registration.
  - (4) If an insurer fails to apply for renewal of registration before the date specified in sub-section (2) the Superintendent of Insurance may, so

long:

long as an application to the Court under sub-section (5D) of section 3 has not been made, accept an application for renewal of the registration on receipt from the insurer of the fee payable with the application and such penalty, not exceeding the prescribed fee payable by him, as the Superintendent of Insurance may require :

Provided that an appeal shall lie to the Central Government from an order passed by the Superintendent of Insurance imposing a penalty on the insurer.

- (5) The Superintendent of Insurance shall, on fulfilment by the insurer of the requirements of this section, renew the registration and grant him a certificate of renewal of registration."

5. In section 4 of the said Act,—

Amendment of  
section 4, Act  
IV of 1938.

- (a) in sub-section (1), for the words "a provident society to which Part III" the words "a provident society as defined in Part III" shall be substituted ;

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

"(2) Nothing contained in this section shall apply to any policy of the description known as a group policy, where the number of persons covered by the policy is not less than fifty or such smaller number as may be approved by the Superintendent of Insurance and a standard form of the policy has been certified in writing by the Superintendent of Insurance to be a policy of such description."

6. In sub-section (3) of section 5 of the said Act, for the words "to which Part III applies" the words "as defined in Part III" shall be substituted.

Amendment of  
section 5, Act  
IV of 1938.

7. In sub-section (9A) of section 7 of the said Act, after clause (b) the following words shall be added, namely :—

Amendment of  
section 7, Act  
IV of 1938.

"and may charge the normal commission on such sale or on such investment".

8. In section 10 of the said Act,—

Amendment of  
section 10, Act  
IV of 1938.

- (a) to sub-section (1) the following words, brackets and letters shall be added, namely :—

"and where the insurer carries on business of the class specified in clause (d) of that sub-section whether alone or in conjunction with business of another

of another class, he shall, unless the Superintendent of Insurance waives this requirement in writing, keep a separate account of all receipts and payments in respect of each such sub-class of the class specified in clause (d) as may be prescribed in this behalf :

Provided that no sub-class of the class of insurance business specified in clause (d) of sub-section (1) of section 7 shall be prescribed under this sub-section if the insurance business comprised in the sub-class consists of insurance contracts which are terminable by the insurer at intervals not exceeding twelve months and under which, if a claim arises, the insurer's liability to pay benefit ceases within one year of the date on which the claim arose.”;

- (b) in sub-section (2), for the words “ the excess of receipts over payments in respect of such business ” the following words shall be substituted, namely :—

“ all receipts due in respect of such business ” ;

- (c) in sub-section (3), the words and figures “ save as provided in section 49 ” shall be omitted, and for the words “ other than those of life insurance ” the words “ other than those of the life insurance business of the insurer ” shall be substituted.

Amendment of  
section 11, Act  
IV of 1938.

9. In section 11 of the said Act,—

- (a) in clause (c) of sub-section (1),—

(i) for the words “ in respect of each class of insurance business carried on by him ” the words, brackets and figures “ in respect of each class or sub-class of insurance business for which he is required under sub-section (1) of section 10 to keep a separate account of receipts and payments ” shall be substituted ; and

(ii) for the words “ that class of insurance business ” the words “ that class or sub-class of insurance business ” shall be substituted ;

- (b) in sub-section (2), for the words and figures “ to which the Indian Companies Act, 1913, applies ” the following shall be substituted, namely :—

“ as defined in clause (2) of sub-section (1) of section 2 of the Indian Companies Act, 1913,”

10. To

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

Amendment of  
section 13, Act  
IV of 1938.

“(6) The provisions of this section relating to life insurance business shall apply also to any such sub-class of insurance business included in the class ‘Miscellaneous Insurance’ as may be prescribed under sub-section (1) of section 10; and the Superintendent of Insurance may authorise such modifications and variations of the regulations contained in Part I of the Fourth and Fifth Schedules and of the requirements of Part II of those Schedules as may be necessary to facilitate their application to any such sub-class of insurance business :

Provided that, if the Superintendent of Insurance is satisfied that the number and amount of the transactions carried out by an insurer in any such sub-class of insurance business is so small as to render periodic investigation and valuation unnecessary, he may exempt that insurer from the operation of this sub-section in respect of that sub-class of insurance business.”

11. In sub-section (1) of section 15 of the said Act,—

Amendment of  
section 15, Act  
IV of 1938.

- (a) for the words “within six months” the words and figures “in the case of the accounts and statements referred to in section 11 within six months and in the case of the abstract and statement referred to in section 13 within nine months” shall be substituted ;
- (b) the sentence beginning with the words “The Superintendent of Insurance may extend” and ending with the words “by a period not exceeding three months” shall be omitted.

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

Amendment of  
section 16, Act  
IV of 1938.

- (a) to clause (a) the words “as at the date of any balance-sheet so furnished” shall be added ;
- (b) in clause (b),—
- (i) for the words “for each class of insurance business carried on by him, a revenue account” the following words, brackets and figures shall be substituted, namely :—

“for each class or sub-class of insurance business for which he is required under sub-section (1) of section 10 to keep a separate account of receipts and payments, a revenue account for the period covered by any account so furnished” ;

(ii) for

(ii) for the words "that class of business" the words "that class or sub-class of insurance business" shall be substituted;

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

"(c) a separate abstract of the valuation report in respect of all business transacted in India in each class or sub-class of insurance business to which section 13 refers, prepared in the manner required by that section, and".

Amendment of section 17, Act IV of 1938. 13. In section 17 of the said Act, after the words "and such copies so sent" the words "shall be chargeable with the same fees and" shall be inserted.

Amendment of section 21, Act IV of 1938. 14. To sub-section (2) of section 21 of the said Act the following proviso shall be added, namely:—

"Provided that no application under this sub-section shall be entertained unless it is made before the expiration of four months from the time when the Superintendent of Insurance made the order or declined to accept the return."

Amendment of section 22, Act IV of 1938. 15. In section 22 of the said Act, after the word "refers" the following shall be inserted, namely:—

"or an abstract of a valuation report furnished under clause (c) of sub-section (2) of section 16".

Omission of section 24, Act IV of 1938. 16. Section 24 of the said Act shall be omitted.

Amendment of section 26, Act IV of 1938. 17. To section 26 of the said Act the following sentence shall be added, namely:—

"All such particulars shall be authenticated in the manner required by that sub-section for the authentication of the matters therein referred to, and, where the alteration affects the assured rates, advantages, terms and conditions offered in connection with life insurance policies, the actuarial certificate referred to in clause (f) of the said sub-section shall accompany the particulars of the alteration."

Amendment of section 28, Act IV of 1938. 18. In section 28 of the said Act,—

(a) for sub-section (1) the following sub-sections shall be substituted, namely:—

"(1) Every insurer registered under this Act carrying on the business of life insurance shall every year, within thirty-one days from the beginning of the year, submit to the Superintendent of Insurance a statement showing

as at



as at the 31st day of December of the preceding year the assets held invested in accordance with section 27, and all other particulars necessary to establish that the requirements of that section have been complied with, and such statement shall be certified by a principal officer of the insurer.

- (2) Every such insurer shall also furnish, within fifteen days from the last day of March, June and September, a statement certified as aforesaid showing as at the end of each of the said months the assets held invested in accordance with section 27.
- (3) The Superintendent of Insurance may at his discretion require any insurer to whom sub-section (1) applies to submit before the 1st day of August in each or any year a statement of the nature referred to in sub-section (1), certified as required by that sub-section and prepared as at the 30th day of June.
- (4) In the case of an insurer having his principal place of business or domicile outside British India, the Superintendent of Insurance may, on application made by the insurer, extend the periods of fifteen and thirty-one days mentioned in the foregoing sub-sections to thirty days and sixty days, respectively.” ;
- (b) sub-section (2) shall be re-numbered as sub-section (5).

19. Section 29 of the said Act shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered the following sub-section shall be added, namely :—

Amendment of  
section 29, Act  
IV of 1938.

“(2) The provisions of section 86D of the Indian Companies Act, 1913, shall not apply to a loan granted to a director of an insurer being a company, if the loan is one granted on the security of a policy on which the insurer bears the risk and the policy was issued to the director on his own life, and the loan is within the surrender value of the policy.”

20. In section 33 of the said Act, —

- (a) in sub-section (1), for the words beginning with “appoint an auditor or actuary or both” and ending with “himself make such investigation” the following shall be substituted, namely :—

Amendment of  
section 33, Act  
IV of 1938.

“order an investigation of the affairs of the insurer to be made by an auditor or actuary,  
or by

or by both an auditor and an actuary appointed simultaneously, or first by an auditor only or an actuary only and afterwards by an actuary or auditor, or may himself make such investigation :

Provided that an auditor or actuary appointed for this purpose by the Superintendent of Insurance shall not be an auditor or actuary in the employ of the insurer.” ;

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

“ Provided that no application under this sub-section shall be entertained unless it is made before the expiration of three months from the date on which the Superintendent of Insurance intimates to the insurer his intention to take such action.” ;

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

“(3) The results of any investigation made under this section shall be recorded in writing by the auditor or actuary appointed or by the Superintendent of Insurance, as the case may be, and four copies of the record shall be supplied to the Superintendent of Insurance ; and when the investigation is completed a copy of such record, or where both an auditor and an actuary have been appointed, of each such record, shall be furnished by the Superintendent of Insurance to the insurer and to the shareholders or the policyholders who have sent a requisition for such an investigation.”

Amendment of  
section 34, Act  
IV of 1933.

21. In section 34 of the said Act,—

(a) after the words “ incidental to such investigation ” the words, brackets and figures “ including any expenses incurred before the making of an order by the Court under sub-section (2) of section 33 ” shall be inserted, and shall be deemed always to have been inserted ; and

(b) to the section the following words shall be added and shall be deemed always to have been added, namely :—

“ shall have priority over other debts due from the insurer, and shall be recoverable as an arrear of land-revenue ”.

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*Insurance (Amendment).*

22. In sub-section (3) of section 35 of the said Act,— Amendment of section 35, Act IV of 1938.

(a) for the words “and certified copies of the following documents shall be furnished to the Central Government and shall” the following words shall be substituted, namely :—

“and certified copies, four in number, of each of the following documents shall be furnished to the Central Government, and other such copies shall”;

(b) in the proviso, after the words and figures “sections 11 and 13” the following shall be inserted and shall be deemed always to have been inserted, namely :—

“of this Act or sections 7 and 8 of the Indian Life Assurance Companies Act, 1912”.

23. To section 36 of the said Act the following proviso shall be added, namely :— Amendment of section 36, Act IV of 1938.

“ Provided that—

(a) no part of the deposit made by any party to the amalgamation or transfer shall be returned except where, after effect is given to the arrangement, the whole of the deposit to be made by the insurer carrying on the amalgamated business or the person to whom the business is transferred is completed,

(b) only so much shall be returned as is no longer required to complete the deposit last mentioned in clause (a), and

(c) while the deposit last mentioned in clause (a) remains uncompleted, no accession, resulting from the arrangement, to the amount already deposited by the insurer carrying on the amalgamated business or the person to whom the business is transferred shall be appropriated as payment or part payment of any instalment of deposit subsequently due from him under section 7 or section 98.”

24. In section 37 of the said Act,—

Amendment of section 37, Act IV of 1938.

(a) for the words “where any business of one insurer is transferred to another” the words “where any business of an insurer is transferred” shall be substituted;

(b) for the words “the insurer to whom the business is transferred” the words “the person to whom the business is transferred” shall be substituted;

(c) for

- (c) for the words "furnish to the Central Government" the words "furnish in duplicate to the Central Government" shall be substituted;
- (d) in clause (b), for the words "a declaration signed by every insurer concerned" the words "a declaration signed by every party concerned" shall be substituted;
- (e) for clause (c) the following clause shall be substituted, namely:—

"(c) where the amalgamation or transfer has not been made in accordance with a scheme sanctioned by the Court under section 36—

(i) balance-sheets in respect of the insurance business of each of the insurers concerned in such amalgamation or transfer, prepared in the Form set forth in Part II of the First Schedule and in accordance with the regulations contained in Part I of that Schedule, and

(ii) certified copies of any other reports on which the scheme of amalgamation or transfer was founded."

Amendment of section 38, Act IV of 1938.

25. In sub-section (2) of section 38 of the said Act, for the words "together with" the word "and" and for the words "has been delivered" the words "have been delivered" shall be substituted.

Amendment of section 39, Act IV of 1938.

26. In section 39 of the said Act,—

- (a) in sub-section (1), the words "not being an absolute assignee of the benefits under the policy" shall be omitted;
- (b) to sub-section (4) the following proviso shall be added, namely:—

"Provided that the assignment of a policy to the insurer who bears the risk on the policy at the time of the assignment, in consideration of a loan granted by that insurer on the security of the policy within its surrender value, or its re-assignment on repayment of the loan shall not cancel a nomination, but shall affect the rights of the nominee only to the extent of the insurer's interest in the policy."

Amendment of section 41, Act IV of 1938.

27. In section 41 of the said Act,—

- (a) in sub-section (1),—
  - (i) for the words "effect or renew" the words "take out or renew or continue" shall be substituted, and after the word "renewing" the words "or continuing" shall be inserted;
  - (ii) the

(ii) the following proviso shall be added :—

“ Provided that acceptance by an insurance agent of commission in connection with a policy of life insurance taken out by himself on his own life shall not be deemed to be acceptance of a rebate of premium within the meaning of this sub-section if at the time of such acceptance the insurance agent satisfies the prescribed conditions establishing that he is a *bona fide* insurance agent employed by the insurer.”;

(b) in sub-section (2), for the words “ effecting or renewing ” the words “ taking out or renewing or continuing ” shall be substituted.

28. In section 42 of the said Act,—

Amendment of  
section 42, Act  
IV of 1933.

(a) in sub-section (1), for the words “ one rupee ” the words “ three rupees ” and for the words “ making an application under this section ” the words “ making an application in the prescribed manner ” shall be substituted ;

(b) in sub-section (3), for the words “ a fee of one rupee ” the following words shall be substituted, namely :—

“ the prescribed fee which shall not be more than three rupees, and an additional fee of a prescribed amount not exceeding one rupee by way of penalty if the application for renewal of the licence does not reach the issuing authority before the date on which the licence ceases to remain in force ”;

(c) in sub-section (4),—

(i) in clause (c)—

(a) after the word “ cheating ” the following words shall be inserted, namely :—

“ or forgery or an abetment of or attempt to commit any such offence ”;

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

“ Provided that, where at least five years have elapsed since the completion of the sentence imposed on any person in respect of any such offence, the Superintendent of Insurance shall ordinarily declare in respect of such person that his conviction shall cease to operate as a disqualification under this clause ; ”;

(ii) in

*Insurance (Amendment).*

[ACT XIII

(ii) in clause (d), for the words "against an insurer or an assured" the words "against an insurer or an insured" shall be substituted;

(d) after sub-section (5) the following sub-section shall be added, namely :—

"(6) The authority which issued any licence under this section may issue a duplicate licence to replace a licence lost, destroyed or mutilated on payment of the prescribed fee which shall not be more than one rupee."

Amendment of section 43, Act IV of 1938.

29. In sub-section (1) of section 43 of the said Act the word "licensed", in both places where it occurs, shall be omitted.

Amendment of section 44, Act IV of 1938.

30. In section 44 of the said Act the words and figures "licensed under section 42" shall be omitted.

Amendment of section 45, Act IV of 1938.

31. In section 45 of the said Act,—

(a) for the words "was on a material matter and fraudulently made" the words "was on a material matter or suppressed facts which it was material to disclose and that it was fraudulently made" shall be substituted, and after the words "that the statement was false" the words "or that it suppressed facts which it was material to disclose" shall be added;

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

"Provided that nothing in this section shall prevent the insurer from calling for proof of age at any time if he is entitled to do so, and no policy shall be deemed to be called in question merely because the terms of the policy are adjusted on subsequent proof that the age of the life insured was incorrectly stated in the proposal."

Amendment of section 47, Act IV of 1938.

32. In sub-section (1) of section 47 of the said Act, for the words "the insurer shall" the words "the insurer may" shall be substituted.

Amendment of section 48, Act IV of 1938.

33. In section 48 of the said Act,—

(a) in sub-section (1), for the words beginning with "shall be persons having the prescribed qualifications" and ending with "by the holders of policies

policies of life insurance issued by the company" the following words shall be substituted, namely:—

"shall notwithstanding anything to the contrary in the Articles of Association of the company be elected in the prescribed manner by the holders of policies of life insurance issued by the company";

(b) sub-section (2) shall be re-numbered as sub-section (4) and the following shall be inserted as sub-sections (2) and (3), namely:—

"(2) Only and all persons holding otherwise than as assignees policies of life insurance issued by the company of such minimum amount and having been in force for such minimum period as may be prescribed shall be eligible for election as directors under sub-section (1), and only and all persons holding policies of life insurance issued by the company and having been in force at the time of the election for not less than six months shall be eligible to vote at such elections:

Provided that the assignment of a policy to the person who took out the policy shall not disqualify that person for being eligible for election as a director under sub-section (1).

(3) The Central Government may, for such period, or to such extent and subject to such conditions as may be specified by it in this behalf, exempt from the operation of this section—

(a) any Mutual Insurance Company as defined in clause (a) of sub-section (1) of section 95, in respect of which the Superintendent of Insurance certifies that in his opinion owing to the conditions governing membership of the company or to the nature of the insurance contracts undertaken by it the application of the provisions of this sub-section to the company is impracticable, or

(b) any company in respect of which the Superintendent of Insurance certifies that in his opinion the company, having taken all reasonable steps to achieve compliance with the provisions of this section, has been unable to obtain the required number of directors with the required qualifications."

Substitution of new section for section 49, Act IV of 1938.

34. For section 49 of the said Act the following section shall be substituted, namely :—

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 or any other class or sub-class of insurance business to which section 13 applies, shall, for the purpose of declaring or paying any dividend to shareholders or any bonus to policy-holders or of making any payment in service of any debentures, utilize directly or indirectly any portion of the life insurance fund or of the fund of such other class or sub-class of insurance business, as the case may be, except a surplus shown in the valuation balance-sheet in Form I as set forth in the Fourth Schedule submitted to the Superintendent of Insurance as part of the abstract referred to in section 15 as a result of an actuarial valuation of the assets and liabilities of the insurer; nor shall he increase such surplus by contributions out of any reserve fund or otherwise unless such contributions have been brought in as revenue through the revenue account applicable to that class or sub-class of insurance business on or before the date of the valuation aforesaid, except when the reserve fund is made up solely of transfers from similar surpluses disclosed by valuations in respect of which returns have been submitted to the Superintendent of Insurance under section 15 of this Act or to the Central Government under section 11 of the Indian Life Assurance Companies Act, 1912 :

VI of 1912.

Provided that payments made out of any such surplus in service of any debentures shall not exceed fifty per cent. of such surplus including any payment by way of interest on the debentures, and interest paid on the debentures shall not exceed ten per cent. of any such surplus except when the interest paid on the debentures is offset against the interest credited to the fund or funds concerned in deciding the interest basis adopted in the valuation disclosing the aforesaid surplus.”

Amendment of section 50, Act IV of 1938.

35. To section 50 of the said Act the following words shall be added, namely :—

“ unless these are set forth in the policy ”.

36. Section



OF 1941.]

*Insurance (Amendment).*

**36.** Section 52 of the said Act shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered the following sub-sections shall be added, namely :—

Amendment of  
section 52, Act  
IV of 1933.

XIII of 1941.

“(2) On the expiry of the period of three years referred to in sub-section (1), or on the insurer's ceasing before such expiry but at any time after the commencement of the Insurance (Amendment) Act, 1941, to carry on business on the dividing principle, the insurer shall forthwith cause an investigation to be made by an actuary, who shall determine the amount accumulated out of the contributions received from the holders of all policies to which the dividing principle applies and the extent of the claims of those policy-holders against the realisable assets of the insurer, and shall, before the expiration of six months from the date on which he is entrusted with the investigation, make recommendations regarding the distribution, whether by cash payments or by the allocation of paid up policies or by a combination of both methods, of such assets as he finds to appertain to such policy-holders; and the insurer shall, before the expiry of six months from the date on which the actuary makes his recommendations, distribute such assets in accordance with those recommendations.

XIII of 1941.

(3) Where at any time prior to the commencement of the Insurance (Amendment) Act, 1941, an insurer has ceased to carry on business on the dividing principle, the insurer shall, before the expiration of two months from the commencement of that Act, report to the Superintendent of Insurance the measures taken or proposed by him for the distribution among holders of policies to which the dividing principle applies of the assets due to them; and the Superintendent of Insurance may either sanction such measures or refuse his sanction, and, if he refuses his sanction or if the insurer does not report to him as required by this sub-section, the provisions of sub-section (2) shall apply to the insurer forthwith.”

**37.** In section 53 of the said Act,—

Amendment of  
section 53, Act  
IV of 1933.

(a) in sub-section (1), for the word “Chapter” the word “Act” shall be substituted;

(b) in

- (b) in sub-clause (ii) of clause (b) of sub-section (2), after the words "has continued such failure" the words "or having contravened any provision of this Act has continued such contravention" and after the words "notice of such failure" the words "or contravention" shall be inserted.

Amendment of  
section 69, Act  
IV of 1938.

38. In section 69 of the said Act,—

- (a) in sub-section (1), for the words "the results of a distribution, amongst policies maturing for payment within certain time-limits, of certain sums" the following words shall be substituted, namely:—

"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";

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

"(3) Where after the commencement of the Insurance (Amendment) Act, 1941, a provident society is to be wound up in pursuance of this section, or where, whether before or after the commencement of that Act, a provident society ceases to carry on business on the dividing principle, the provisions of sub-section (2) and sub-section (3) of section 52 shall, so far as may be, apply in like manner as they apply to an insurer ceasing to carry on business on the dividing principle."

39. In section 70 of the said Act,—

Amendment of  
section 70, Act  
IV of 1938.

- (a) in sub-section (2),—

(i) in clause (a), after the words and figures "Indian Companies Act, 1913," the words and figures "or under the Indian Companies Act, 1882, or under the Indian Companies Act, 1866, or under any Act repealed thereby," shall be inserted;

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

"the full address of the registered office of the society, the full address of the principal office of the society in British India, the

name

name of 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 society”;

- (iii) the word “and” at the end of clause (c) shall be omitted and after clause (d) the following word and clause shall be added, namely:—

“and

- (e) the prescribed fee for registration being not more than two hundred rupees.”;

- (b) in sub-section (4),—

- (i) in clause (c), after the word “requirement” the words “or having contravened any provision” and after the word “failure”, in both places where it occurs, the words “or contravention” shall be inserted;

- (ii) after the proviso the following proviso shall be added, namely:—

“Provided further that the Superintendent of Insurance may, without previous notice and without application to the Court for sanction,—

- (a) cancel the registration of a provident society which has failed to have its registration renewed, or

- (b) cancel, on such terms and conditions as he thinks fit, the registration of any provident society which applies to him for such cancellation if he is satisfied that the society has ceased to carry on insurance business and that all its liabilities in respect of insurance policies are either satisfied or otherwise provided for.”;

- (c) after sub-section (4) the following sub-sections shall be added, namely:—

“(5) When a registration is cancelled the provident society shall not, after the cancellation has taken effect, enter into any new contracts of insurance, but all rights and liabilities in respect of contracts of insurance entered into by it before such cancellation takes effect shall, subject to the provisions of section 88, continue as if the cancellation had not taken place.

(6) Where

- (6) Where a registration is cancelled under clause (b) of sub-section (4), or because the society has failed to have its registration renewed, the Superintendent of Insurance may at his discretion revive the registration if the provident society, within six months from the date on which the cancellation took effect, makes the deposits required by section 73 or has had an application under sub-section (3) of section 70A accepted, as the case may be, and complies with any directions which may be given to it by the Superintendent of Insurance."

Insertion of new sections 70A and 70B in Act IV of 1938.

Renewal of registration.

40. After section 70 of the said Act the following sections shall be inserted, namely :—

" 70A. (1) Every provident society registered under this Act, or under the Provident Insurance Societies Act, 1912, shall have its registration renewed annually for each period of twelve months after that ending on the 30th day of June, 1942. V of 1912

- (2) An application for the renewal of a registration shall be made by the society to the Superintendent of Insurance before the 30th day of June preceding the period for which renewal is sought, and shall be accompanied as provided in sub-section (3) by evidence of payment of the prescribed fee which shall not exceed two hundred rupees but may vary according to the volume of insurance business done by the society.
- (3) The prescribed fee for the renewal of a registration for any year shall be paid into the Reserve Bank of India, or, where there is no office of that Bank, into the Imperial Bank of India acting as the agent of that Bank, or into any Government treasury, and the receipt shall be sent along with the application for renewal of the registration.
- (4) If a provident society fails to apply for renewal of registration before the date specified in sub-section (2) the Superintendent of Insurance may, so long as he has taken no action under section 88 to have the society wound up, accept an application for renewal of registration on receipt from the society of the fee payable with the application and such penalty, not exceeding the prescribed fee payable by the society, as he may require.

(5) The

(5) The Superintendent of Insurance shall, on being satisfied that the society has fulfilled the requirements of this section, renew the registration and grant it a certificate of renewal of registration.

70B. (1) Every provident society registered under section 70 before the commencement of the Insurance (Amendment) Act, 1941, shall, before the expiration of three months from the commencement of the Insurance (Amendment) Act, 1941, furnish to the Superintendent of Insurance such particulars in addition to those already supplied for the purpose of obtaining registration as are required by sub-section (2) of section 70 of this Act as amended by the Insurance (Amendment) Act, 1941.

Supplementary information and reports of alterations in particulars furnished with application for registration.

XIII of 1941.

(2) Every provident society registered under the provisions of the Provident Insurance Societies Act, 1912, shall, before the expiration of three months from the commencement of the Insurance (Amendment) Act, 1941, furnish to the Superintendent of Insurance so far as it has not already done so the documents and information required by clauses (a) and (b) of sub-section (2) of section 70 to accompany an application by a provident society for registration under that section.

V of 1912.

XIII of 1941.

(3) When any alteration occurs or is made which affects any of the matters which are required under the provisions of sub-section (2) of section 70 to accompany an application by a provident society for registration under that section, or are to be furnished to the Superintendent of Insurance under this section, the provident society shall furnish forthwith to the Superintendent of Insurance full particulars duly authenticated of such alteration."

41. In section 72 of the said Act, the words "established after the commencement of this Act" shall be omitted.

Amendment of section 72, Act IV of 1938.

42. In sub-section (1) of section 74 of the said Act,—

Amendment of section 74, Act IV of 1938.

(a) the words "established after the commencement of this Act" shall be omitted ;

(b) in clause (c), after the words and figures "Indian Companies Act, 1913," the words and figures "or under the Indian Companies Act, 1882, or under the Indian Companies Act, 1866, or under any Act repealed thereby," shall be inserted.

43. In

Amendment of  
section 77, Act  
IV of 1938.

43. In section 77 of the said Act, for the words "shall have an office" the words "shall have in British India a principal office" shall be substituted.

Amendment of  
section 79, Act  
IV of 1938.

44. In section 79 of the said Act,—

(a) for the words "shall keep at its registered office" the words "shall keep at its principal office in British India" shall be substituted;

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

"(a) such registers in such form as may be prescribed;"

(c) clauses (e), (f) and (g) shall be re-lettered, respectively, as clauses (b), (c) and (d).

Amendment of  
section 82, Act  
IV of 1938.

45. In section 82 of the said Act,—

(a) in sub-section (1), for the words "and the statements referred to" the words "shall be printed and four copies of these and of the statements referred to" and for the words "within three months" the words "within six months" shall be substituted;

(b) in sub-section (3), before the words "The provisions of section 17" the following shall be inserted, namely:—

"The provisions of sub-section (2) of section 15 relating to the copies therein referred to shall apply to the returns referred to in sub-section (1) of this sub-section, and", and to the sub-section as so amended the following shall be added, namely:—

"and the Superintendent of Insurance may exercise, in respect of returns made by a provident society and in respect of an investigation or valuation to which section 81 refers, the same powers as are exercisable by him under section 21 and section 22, respectively, in the case of an insurer".

Amendment of  
section 83, Act  
IV of 1938.

46. In section 83 of the said Act,—

(a) in sub-section (1), for the word "established" the word "registered", for the words "shall cause any new scheme which it proposes to put into operation" the words "shall cause any scheme which it proposes to put into operation for the first time" and for the words "that the scheme is sound" the words "that the rates, advantages, terms and conditions of the scheme are workable and sound" shall be substituted;

(b) in

(b) in sub-section (3), for the words "and shall send the report of the actuary" the words, brackets and figures "and shall, before the expiration of six months from the commencement of the Insurance (Amendment) Act, 1941, send the report of the actuary" shall be substituted;

(c) in sub-section (4), for the words "it is actuarially sound" the words "the rates, advantages, terms and conditions are workable and sound" shall be substituted;

(d) for sub-section (5) the following sub-section shall be substituted, namely:—

"(5) If the rates, advantages, terms and conditions of any scheme are not reported by the actuary to be workable and sound, the Superintendent of Insurance shall give notice to the society prohibiting the scheme, and the society shall not after its receipt of such notice enter into any new contract of insurance under the scheme, but all rights and liabilities in respect of contracts of insurance entered into by the society before receipt of the notice shall, subject to the provisions of sub-section (6), continue as if the notice had not been given."

(e) in sub-section (6), for the word "discontinued", in both places where it occurs, the word "prohibited" and for the word "discontinuance" the word "prohibition" shall be substituted.

47. In section 85 of the said Act,—

Amendment of  
section 85, Act  
IV of 1938.

(a) in sub-section (I), for the words "invest all surplus assets in such securities" the following words shall be substituted, namely:—

"invest in such securities every increase that takes place in those assets and in that part of those assets which is held in cash as soon as practicable after the increase takes place and in any case within six months of its taking place",

and to the sub-section as so amended the following proviso shall be added, namely:—

"Provided that for the purpose of determining the amount to be invested under this sub-section, any deposit made in cash under section 73 shall be taken into account as if

such

such cash were Government securities amounting at the market value of the securities on the date the deposit was made to the total deposited in cash.”;

(b) after sub-section (4) the following sub-section shall be added, namely :—

“(5) The provisions of section 86D of the Indian Companies Act, 1913, shall not apply to a <sup>VII of 1913.</sup> loan granted to a director of a provident society being a company if the loan is one granted on the security of a policy on which the society bears the risk and the policy was issued to the director on his own life and the loan is within the surrender value of the policy.”

Amendment of section 87, Act IV of 1938.

48. In section 87 of the said Act,—

(a) in sub-section (1), after the words “ the principal office of a provident society ” the words “ or the principal office in British India of a society having its principal place of business or domicile outside British India ” shall be inserted, and to the sub-section as so amended the following words shall be added, namely :—

“ or by both an auditor and an actuary appointed simultaneously, or first by an auditor only or an actuary only and afterwards by an actuary or auditor.”;

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

“(3) The results of any such inquiry shall be recorded in writing by the person making the inquiry, and four copies of the record shall be supplied to the Superintendent of Insurance ; and when the inquiry is completed, a copy of the record, or of each such record where more than one are made in the course of the same inquiry, shall be sent by the Superintendent of Insurance to the society concerned and shall be open to inspection by any member or policy-holder of the society.”;

(c) after sub-section (3), as so substituted, the following sub-section shall be added, namely :—

“(4) All expenses of and incidental to any inquiry made by an auditor or actuary under sub-section (1) including any expenses incurred before



before the date on which the Superintendent of Insurance receives notice of an appeal under clause (e) of sub-section (1) of section 110 shall be defrayed by the provident society, shall have priority over other debts due from the society, and shall be recoverable as an arrear of land-revenue."

49. In section 88 of the said Act,—

Amendment of  
section 88, Act  
IV of 1938.

- (a) in sub-sections (1), (3) and (4), after the words and figures "Indian Companies Act, 1913," the words and figures "or under the Indian Companies Act, 1882, or under the Indian Companies Act, 1866, or under any Act repealed thereby" shall be inserted;
- (b) in sub-sections (1) and (3), for the words "that Act" the words and figures "the Indian Companies Act, 1913" shall be substituted.

50. In section 90 of the said Act,—

Amendment of  
section 90, Act  
IV of 1938.

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

"Provided that if the Superintendent of Insurance is not satisfied that the assets of the society are sufficient to meet the costs of liquidation including the remuneration of the liquidator, he may decline to make such appointment, and in such a case the society shall itself appoint a liquidator who shall carry out the liquidation as if the winding up was being done by an order of the Court."

- (b) in sub-section (2), for the words "so appointed" the words "appointed by the Superintendent of Insurance under sub-section (1)" shall be substituted.

51. In clause (d) of sub-section (1) of section 91 of the said Act, after the word "liquidation" the following shall be inserted, namely:—

Amendment of  
section 91, Act  
IV of 1938.

"including the remuneration of the liquidator and any expenses incurred under clause (g) of this sub-section".

52. To section 92 of the said Act the following sub-section shall be added, namely:—

Amendment of  
section 92, Act  
IV of 1938.

"(13) The costs of the liquidation including the remuneration of the liquidator and any expenses incurred under clause (g) of sub-section (1) of section 91 shall, if the liquidator decides that they shall be payable out of the assets of the society, be payable in priority to all other claims."

53. In

Amendment of  
section 98, Act  
IV of 1938.

53. In section 98 of the said Act,—

(a) in sub-section (2), for the words "of twenty-five thousand rupees" the words "of not less than twenty-five thousand rupees", for the words "to twenty-five thousand rupees" the words "to not less than twenty-five thousand rupees", and for the words "equal to one-third of the gross premium" the words "equal to not less than one-third of the gross premium" shall be substituted, and shall be deemed always to have been substituted;

(b) after sub-section (2), the following sub-section shall be added, and shall be deemed always to have been added, namely:—

"(3) The provisions of sub-section (7) of section 7 shall apply in respect of a Mutual Insurance Company and a Co-operative Life Insurance Society as if for the words 'under the foregoing provisions of this section' the words and figures 'under the provisions of section 98' were substituted."

Amendment of  
section 100,  
Act IV of 1938.

54. In the proviso to section 100 of the said Act, the words "balance-sheet, revenue account and" shall be omitted and to the proviso as so amended the following words shall be added, namely:—

"and any member of the company domiciled in that province shall be entitled on application to the company to receive from it a copy of the balance-sheet and revenue account".

Amendment of  
section 102,  
Act IV of 1938.

55. In sub-section (2) of section 102 of the said Act, for the words "any provident society which makes default in complying with any of the requirements of Part III" the words "any provident society as defined in Part III which makes default in complying with or acts in contravention of any of the requirements of this Act" shall be substituted and after the word "default", in the second, third and fourth places where it occurs, the words "or contravention" shall be inserted.

Amendment of  
section 103,  
Act IV of 1938.

56. In section 103 of the said Act,—

(a) in sub-section (1), for the word "transacts" the words "carries on" shall be substituted, the words and figures "section 6" and "section 97" shall be omitted, and for the word "transacted" the words "carried on" shall be substituted;

(b) in the proviso to sub-section (2), for the words "this section" the words, brackets and figures "sub-section (1) or sub-section (2)" shall be substituted;

(c) after

OF 1941.]

*Insurance (Amendment).*

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

“(3) Any provident society or any person acting on behalf of a provident society who carries on any class of insurance business in contravention of any of the provisions of section 70, section 73 or section 83 or does any one or more of the acts constituting the business of insurance in relation to any insurance business carried on in contravention of any of the said sections shall be punishable with fine which may extend to one thousand rupees.”

57. Section 105 of the said Act shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered the following sub-section shall be added, namely :—

Amendment of section 105, Act IV of 1938.

“(2) This section shall apply in respect of a provident society as defined in Part III as it applies in respect of an insurer.”

58. (1) Section 106 of the said Act shall be re-numbered as sub-section (1) of that section.

Amendment of section 106, Act IV of 1938.

(2) In the section as so re-numbered, after the words “If on the application of” the words “the Superintendent of Insurance or” shall be inserted and to the section as so amended the following sub-section shall be added, namely :—

“(2) This section shall apply in respect of a provident society as defined in Part III as it applies in respect of an insurer.”

59. Section 107 of the said Act shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered the following sub-section shall be added, namely :—

Amendment of section 107, Act IV of 1938.

“(2) This section shall apply in respect of a provident society as defined in Part III as it applies in respect of an insurer.”

60. In section 110 of the said Act, after sub-section (3) the following sub-section shall be added, namely :—

Amendment of section 110, Act IV of 1938.

“(4) No appeal under this section shall be entertained unless it is made before the expiration of four months from the date on which the order appealed against was communicated to the appellant.”

61. In

Amendment of  
section 113,  
Act IV of 1938.

61. In section 113 of the said Act,—

(a) for sub-sections (1) and (2) the following sub-sections shall be substituted, namely :—

“(1) A policy of life insurance under which the whole of the benefits become payable either on the occurrence, or at a fixed interval or fixed intervals after the occurrence, of a contingency which is bound to happen, shall, if all premiums have been paid for at least three consecutive years in the case of a policy issued by an insurer, or five years in the case of a policy issued by a provident society as defined in Part III, acquire a guaranteed surrender value, to which shall be added the surrender value of any subsisting bonus already attached to the policy, and every such policy issued by an insurer shall show the guaranteed surrender value of the policy at the close of each year after the second year of its currency or at the close of each period of three years throughout the currency of the policy :

Provided that the requirements of this sub-section as to the addition of the surrender value of the bonus attaching to a policy at surrender shall be deemed to have been complied with where the method of calculation of the guaranteed surrender value of the policy makes provision for the surrender value of the bonus attaching to the policy :

Provided further that the requirements of this sub-section as to the showing of the guaranteed surrender value on a policy shall be deemed to have been complied with where the insurer shows on the policy the guaranteed surrender value of the policy by means of a formula accepted in this behalf by the Superintendent of Insurance as satisfying the said requirements :

Provided further that the provisions of this sub-section as to the showing of the guaranteed surrender value on a policy shall not take effect until after the expiry of six months from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

(2) Notwithstanding

(2) Notwithstanding any contract to the contrary, a policy which has acquired a surrender value shall not lapse by reason of the non-payment of further premiums but shall be kept alive to the extent of the paid-up sum insured, and the paid-up sum insured shall for the purposes of this sub-section include in full all subsisting reversionary bonuses that have already attached to the policy, and shall, where the policy is one on which the maximum number of annual premiums payable is fixed and the premiums are of uniform amount, be before the inclusion of such bonuses not less than the amount bearing to the total sum insured by the policy exclusive of bonuses the same proportion as the total period for which premiums have already been paid bears to the maximum period for which premiums were originally payable.

(3) A policy kept alive to the extent of the paid-up sum insured under sub-section (2) shall not be entitled by virtue of that sub-section to participate in any profits declared distributable after the conversion of the policy into a paid-up policy.”;

(b) sub-section (3) shall be re-numbered as sub-section (4) and in that sub-section as so re-numbered,—

(i) for the words “This section shall not apply to” the following shall be substituted, namely:—

“Sub-section (2) and sub-section (3) shall not apply”;

(ii) clause (a) shall be omitted;

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

“(a) where the paid-up sum insured by a policy, being a policy issued by an insurer, is less than one hundred rupees inclusive of any attached bonus, or takes the form of an annuity of less than twenty-five rupees, or where the paid-up sum insured by a policy, being a policy issued by a provident society as defined in Part III, is less than fifty rupees inclusive of any attached bonus or takes the form of an annuity of less than twenty-five rupees, or”;

(iv) clauses

(iv) clauses (c) and (d) shall be re-lettered as clauses (b) and (c), respectively.

Amendment of section 114, Act IV of 1938. Act,—

62. In sub-section (2) of section 114 of the said

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

“(b) the manner in which it shall be determined which of the transactions of an insurer are to be deemed for the purposes of this Act to be insurance business transacted in India or in British India, as the case may be ;” ;

(b) in clause (g), after the words “ may be ” the words “ applied for, ” shall be inserted.

Amendment of section 116, Act IV of 1938.

63. Section 116 of the said Act shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered the following sub-section shall be added, namely :—

“(2) This section shall apply in respect of provident societies as defined in Part III as it applies in respect of insurers .”

Insertion of new section 116A in Act IV of 1938.

64. After section 116 of the said Act the following section shall be inserted, namely :—

“116A. 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 and other returns under this Act or purporting to be under this Act which have been furnished in pursuance of the provisions of this Act to the Superintendent of Insurance during the year preceding the year of publication, and may append to such summary any note of the Superintendent of Insurance or of the Central Government and any correspondence :

Provided that nothing in this section shall require the publication of the statements referred to in sub-section (1) of section 28.”

Amendment of section 117, Act IV of 1938.

65. In section 117 of the said Act, after the words “ being a company ” the words “ or a provident society as defined in Part III being a company ” shall be inserted.

Amendment of section 118, Act IV of 1938.

66. In section 118 of the said Act, after the words “ and to such extent ” the words “ or subject to such conditions or modifications ” shall be inserted.

67. For

OF 1941.] *Insurance (Amendment).*

67. For section 119 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 119, Act IV of 1938.

“ 119. Any person may on payment of a fee of five rupees inspect the documents filed by an insurer with the Superintendent of Insurance under clause (f) of sub-section (2) of section 3, and may obtain a copy of any such document or part thereof on payment in advance at the prescribed rate for the making of the copy. ”

Inspection and supply of copies of published prospectus, etc.

68. After section 121 of the said Act the following section shall be inserted, namely :—

Insertion of new section 122 in Act IV of 1938.

IX of 1908.

“ 122. In Item No. 86 in the First Schedule to the Indian Limitation Act, 1908,—

Amendment of Schedule I, Act IX of 1908:

(a) for the entry in the first column the following shall be substituted, namely :—

‘ (a) On a policy of insurance when the sum insured is payable after proof of the death has been given to or received by the insurers.

(b) On a policy of insurance when the sum insured is payable after proof of the loss has been given to or received by the insurers.’;

(b) for the entry in the third column the following shall be substituted, namely :—

‘ (a) The date of the death of the deceased.

(b) The date of the occurrence causing the loss.’ ”

69. In Form A contained in Part II of the First Schedule to the said Act,—

Amendment of First Schedule, Act IV of 1938.

(a) in the first column, after the entry “ Miscellaneous Insurance Business Account ” the brackets and letter “(m)” shall be added;

(b) in the fifth column, after the entry “ Outstanding Premiums (g) ” the brackets and letter “(d)” shall be added, and

(c) after foot-note (l) the following shall be added, namely :—

“(m) Where the insurer is required to maintain a separate account in respect of any sub-class of miscellaneous insurance business this heading is to be split up accordingly. ”

70. In the Third Schedule to the said Act,—

Amendment of Third Schedule, Act IV of 1938.

(a) in regulation 1 contained in Part I, after the words “ for every class ” the words “ or sub-class ” shall be inserted ;

(b) in

(b) in regulation 2,—

- (i) after the words "miscellaneous insurance" the words "exclusive of any sub-class of such business in respect of which the insurer is required to maintain a separate account" shall be inserted; and
- (ii) the following sentence shall be added, namely:—

"For a sub-class of miscellaneous insurance in respect of which the insurer is required to maintain a separate account, Form D or Form F as set out in Part II of this Schedule may be used with such modifications as the Superintendent of Insurance may authorise." ;

(c) in Form D contained in Part II,—

- (i) in the first column the entry "Commission to insurance agents (less that on Re-insurances)" shall be omitted, and for the entry "1. Allowances and Commission (other than commission to insurance agents)" the following entry shall be substituted, namely:—
  - "1. (a) Commission to insurance agents (less that on Re-insurances).
  - (b) Allowances and Commission [other than commission included in sub-item (a) preceding]";
- (ii) in the first column, after the entry "5. Auditors' fees" the entry "6. Medical fees" shall be inserted, and the existing entries numbered 6 to 12 shall be re-numbered 7 to 13, respectively;
- (iii) all the horizontal lines appearing in the columns and the letters "Rs." against the entries "Interest, Dividends and Rents" and "Less—Income-tax thereon (d)" shall be omitted, and horizontal lines under which the totals of the columns are to be inserted shall be added at the foot of each column;
- (iv) in note (a) the words "In the case of an insurer having his head office in British India" shall be omitted.



71. In Part II of the Fourth Schedule to the said Act,—

Amendment of  
Fourth Sched-  
ule, Act IV  
of 1938.

- (a) in the opening paragraph beginning with the words "The following tabular statements"—
- (i) in clause (d), for the semi-colon and the word "and" at the end of the clause the following shall be substituted, namely:—
- "for the intervaluation period (except that it shall not be necessary to prepare such statement 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)";
- (ii) clause (e) shall be omitted;
- (b) in sub-paragraph (2) of the paragraph numbered 8, for the words "as at the valuation date" the words "as a result of this valuation" shall be substituted;
- (c) in the paragraph numbered 9, between the word "fourth" and the word "sixth" the word "fifth" shall be inserted;
- (d) for Form G the form contained in the Schedule to this Act shall be substituted;
- (e) in Form J, for the heading to the first column "Number of premiums paid" the following heading shall be substituted, namely:—
- "Number of annual premiums paid up to the valuation date"

and the following note shall be added after the existing note, namely:—

"NOTE.—The reserve value is to be based on the rate of office premium payable by an insured who entered at the age shown and who had, by the valuation date, paid the number of annual premiums shown in the first column."

SCHEDULE.



	Business within India. (a)	Total.		Business within India. (a)	Total.
	Rs.	Rs.		Rs.	Rs.
5. Auditors' fees . . .					
6. Medical fees . . .					
7. Law charges . . .					
8. Advertisements . . .					
9. Printing & Stationery					
10. Other expenses of management (accounts to be specified).					
11. Other payments (accounts to be specified).					
12. Rent for offices belonging to and occupied by the insurer.					
13. 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 Life Insurance Fund at end of the period as shown in the Balance-sheet.					
	Rs.			Rs.	

NOTES.

(a) These columns apply to all business except business the premiums in respect of which are ordinarily paid outside India. If any question arises whether any premiums are ordinarily paid inside or outside India, the Superintendent of Insurance shall decide the question and his decision shall be final.

(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) 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) 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.

(комбинат) завод

№ 10

СССР - 1949

# ACT No. XIV OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
20th November, 1941.)

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

**W**HEREAS it is expedient further to amend the  
Code of Criminal Procedure, 1898, so as to provide  
for the sending for service and execution, within the local  
limits of the jurisdiction of Courts established or con-  
tinued by the authority of the Central Government or  
the Crown Representative in any part of India outside  
British India, of summonses and warrants for the arrest  
of accused persons issued in British India, and also for  
the service and execution in British India of the like  
processes issued by such Courts;

It is hereby enacted as follows :—

1. This Act may be called the Code of Criminal  
Procedure (Amendment) Act, 1941. Short title.

2. After section 93 of the Code of Criminal Proce-  
dure, 1898, the following heading and sections shall be  
inserted, namely :— Insertion of  
new heading  
and sections  
93A, 93B and  
93C in Act V  
of 1898.

*" E.—Special Rules regarding processes issued for service  
or execution outside British India and processes re-  
ceived from outside British India for service or execu-  
tion within British India.*

93A. (1) Where a Court in British India desires  
that a summons issued by it to an accused person shall  
be served at any place outside British India within the  
local limits of the jurisdiction of a Court established or  
continued by the authority of the Central Government  
or the Crown Representative in any part of India, it  
shall send such summons, in duplicate, by post or other-  
wise, to the presiding officer of that Court to be served. Sending of  
summons for  
service outside  
British India.

(2) The provisions of section 74 shall apply in the  
case of a summons sent for service under this section as  
if the presiding officer of the Court to whom it was sent  
were a Magistrate in British India.

93B. Notwithstanding anything contained in sec-  
tion 82, where a Court in British India desires that a  
warrant issued by it for the arrest of an accused person  
shall Sending of  
warrant for  
execution  
outside British  
India.

Price Anna 1 or 1½d.

*Code of Criminal Procedure* [ACT XIV OF 1941.]  
(Amendment).

shall be executed at any place outside British India within the local limits of the jurisdiction of a Court established or continued by the authority of the Central Government or the Crown Representative in any part of India, it may send such warrant, by post or otherwise, to the presiding officer of that Court to be executed.

Service and execution in British India of processes received from outside British India.

93C. (1) Where a Court has received for service or execution a summons to, or a warrant for the arrest of, an accused person issued by a Court established or continued by the authority of the Central Government or the Crown Representative in any part of India outside British India, it shall cause the same to be served or executed as if it were a summons or warrant received by it from a Court in British India for service or execution within the local limits of its jurisdiction.

(2) Where any warrant of arrest has been so executed the person arrested shall so far as possible be dealt with in accordance with the procedure prescribed by sections 85 and 86. "

# ACT No. XV OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
20th November, 1941.)

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

v of 1898.

**W**HEREAS it is expedient further to amend the  
Code of Criminal Procedure, 1898, for the purpose  
hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Code of Criminal Proce- Short title.  
dure (Second Amendment) Act, 1941.

v of 1898.

2. In sub-section (2) of section 162 of the Code of Amendment of  
section 162,  
Act V of 1898.  
Criminal Procedure, 1898, after the figures "1872"  
the following words and figures shall be added,  
namely :—

" , or to affect the provisions of section 27 of that  
Act "

*Price Anna 1 or 1½d.*

GIPD—L540 LD—23-3-42—7,000.

ACT NO. 114

Section 1. The Board of Education of the City of Chicago, Illinois, is authorized to...

Section 2. The Board of Education of the City of Chicago, Illinois, is authorized to...

Section 3. The Board of Education of the City of Chicago, Illinois, is authorized to...

Section 4. The Board of Education of the City of Chicago, Illinois, is authorized to...

Section 5. The Board of Education of the City of Chicago, Illinois, is authorized to...

Section 6. The Board of Education of the City of Chicago, Illinois, is authorized to...

Section 7. The Board of Education of the City of Chicago, Illinois, is authorized to...



# ACT No. XVI of 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
20th November, 1941.)

An Act further to amend the Factories Act, 1934.

XXV of 1934.

WHEREAS it is expedient further to amend the Factories Act, 1934, for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Factories (Amend- Short title.  
ment) Act, 1941.

XXV of 1934.

2. For section 5 of the Factories Act, 1934, the following section shall be substituted, namely :—

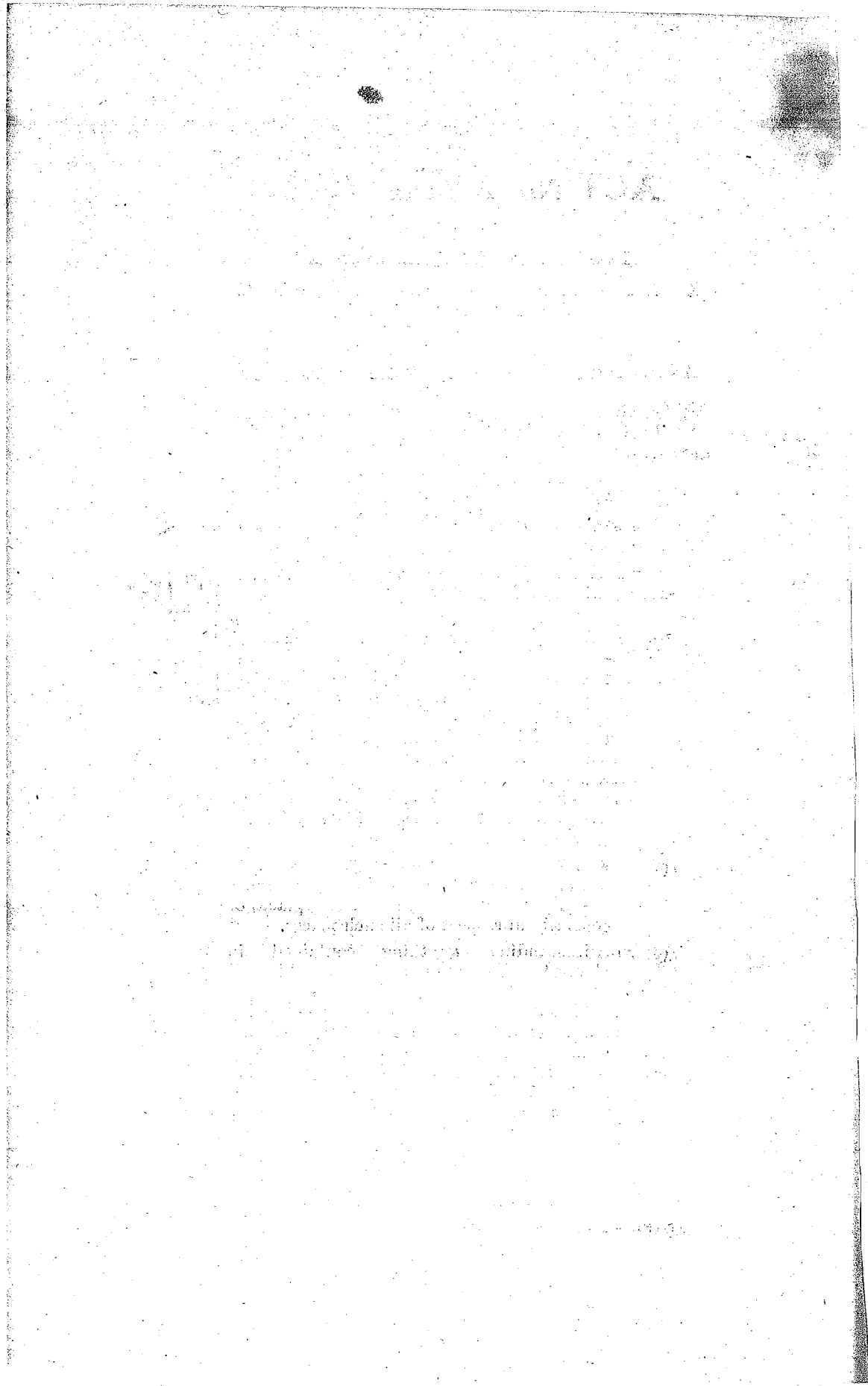
Substitution  
of new section  
for section 5,  
Act XXV of  
1934.

- “ 5. (1) The Provincial Government may, by notification in the official Gazette, declare that all or any of the provisions of this Act applicable to factories shall apply to any place wherein a manufacturing process is being carried on or is ordinarily carried on whether with or without the use of power whenever ten or more workers are working therein or have worked therein on any one day of the twelve months immediately preceding.
- (2) A notification under sub-section (1) may be made in respect of any one such place or in respect of any class of such places or generally in respect of all such places.
- (3) Notwithstanding anything contained in clause (j) of section 2, a place, to which all or any of the provisions of this Act applicable to factories are for the time being applicable in pursuance of a declaration under sub-section (1), shall, to the extent to which such provisions are so made applicable but not otherwise, be deemed to be a factory.”

Power to apply  
provisions  
applicable to  
factories to  
certain other  
places.

Price Anna 1 or 1½d.

GIPD—L541LD—23-3-42—6,000.



# ACT No. XVII OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

**An Act further to amend the Aligarh Muslim University  
Act, 1920, for a certain purpose.**

XL of 1920.

WHEREAS it is expedient further to amend the  
Aligarh Muslim University Act, 1920, for the  
purpose hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Aligarh Muslim University (Amendment) Act, 1941. 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.

XL of 1920.

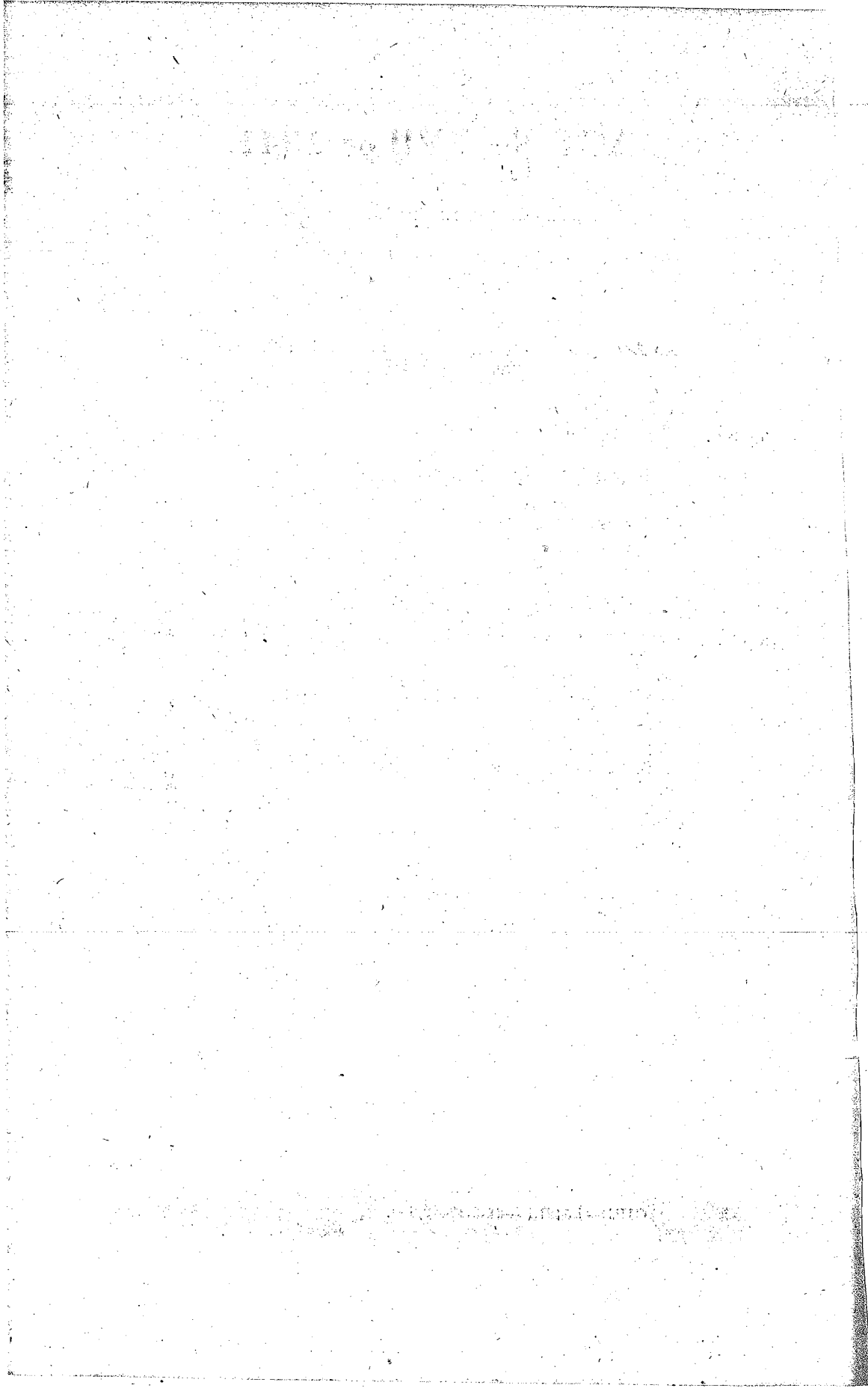
2. To sub-clause (a) of clause (3) of section 5 of the Aligarh Muslim University Act, 1920 (hereinafter referred to as the said Act), the following shall be added, namely:— Amendment of section 5, Act XL of 1920.

“ in an institution maintained under sub-section  
(2) of section 12 or admitted to the privileges  
of the University under section 12A, or ”.

3. In section 12A of the said Act the word “ Inter-  
mediate ” shall be omitted. Amendment of section 12A, Act XL of 1920.

Price Anna 1 or 1½d.

GIPD—L542LD—24.3.42—2,500.



# ACT No. XVIII OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

An Act to alter the constitution of the Board of  
Trustees of the Port of Madras.

WHEREAS it is expedient to alter the constitu-  
tion of the Board of Trustees of the Port of  
Madras and for this purpose to amend the Madras Port  
Trust Act, 1905, in the manner hereinafter appearing ;

Mad. Act II of  
1905.

It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Port Trust Short title and  
(Amendment) Act, 1941. commencement.

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

Mad. Act II of  
1905.

2. For sections 7 and 8 of the Madras Port Trust Act, Substitution of  
new section  
for sections 7  
and 8, Madras  
Act II of 1905. the fol-  
lowing sections shall be substituted, namely :—

“7. The Board shall consist of eighteen Trustees, Constitution of  
the Board.  
including the Chairman :

Provided that, if the Chairman is absent on leave  
for more than a fortnight and if another  
Chairman is appointed to act for him, the  
absent Chairman shall cease to be a Trustee  
during the continuance of the acting appoint-  
ment, but shall again become a Trustee on his  
return to duty.

8. (1) The Chairman shall be appointed by the Appointment  
of Trustees.  
Central Government. Of the remaining Trus-  
tees, four, of whom one shall be chosen to re-  
present labour interests, shall be appointed by  
the Central Government, one shall be appoint-  
ed by the Provincial Government, four shall  
be elected by the members for the time being  
of the Madras Chamber of Commerce, three by  
the members for the time being of the Southern

India

1

Price Anna 1 or 1½d.

*Madras Port Trust* [ACT XVIII OF 1941.]  
(Amendment).

India Chamber of Commerce, two by the members for the time being of the Southern India Skin and Hide Merchants' Association, one each by the members for the time being of the Madras Trades Association and the Andhra Chamber of Commerce and one by the Corporation of Madras.

- (2) The Trustee appointed to represent labour interests shall be chosen after consultation with the registered trade unions, if any, composed of persons employed in the Port.
- (3) The Chairman of the Chamber or Association concerned in making an election under subsection (1) and the Commissioner of the Corporation of Madras shall report to the Central Government the name of each person elected as a Trustee."

Amendment of  
section 13,  
Madras Act II  
of 1905.

3. In section 13 of the said Act, after the word "concerned" the words "or by the Corporation of Madras" shall be inserted, and for the words "the Central Government" the words "the authority by which he was appointed" shall be substituted.

Transition  
from existing  
constitution  
of Board of  
Trustees.

4. The appointments and elections referred to in section 8 of the said Act as amended by this Act, and the publication referred to in section 9 of the said Act may be made at any time after the passing of this Act and before this Act comes into force, but the Trustees so appointed and elected shall not assume office until this Act comes into force, and on the coming into force of this Act the term of office of the Trustees then holding office shall expire.

# ACT No. XIX of 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

An Act to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them.

WHEREAS it is expedient to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them;

It is hereby enacted as follows:—

1. (1) This Act may be called the Mines Maternity Benefit Act, 1941. Short title, extent and commencement.

(2) It extends to the whole of British India. <sup>4</sup>

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint. <sup>2</sup>

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

(a) "child" includes a still-born child;

(b) "Chief Inspector", "Inspector", "employed", "mine" and "owner" have the meanings assigned, respectively, to these expressions in section 3 of the Indian Mines Act, 1923;

IV of 1923.

(c) "manager" means the manager of the mine appointed in accordance with the provisions of the Indian Mines Act, 1923;

IV of 1923.

(d) "maternity benefit" means the payment referred to in section 5;

(e) "prescribed" means prescribed by rules made under this Act.

3. No owner or manager of a mine shall knowingly employ a woman and no woman shall engage in employment in any mine during the four weeks following the day on which she is delivered of a child. Prohibition of employment of, and work by women during certain period.

(1) If

Price anna 1 or 1½d.

1

*Came into force on 28-12-42. See Gaz. of I. 1943, Pt. I, p. 32.  
Applied, subject to modification, to all the partially excluded areas in the Province of  
Oressa Govt. Order No. 1005-111-C-2/44-Com, 24.3.44.*

Mines Maternity Benefit.

[ACT XIX

Right to obtain leave of absence in pregnancy and after delivery.

4. (1) If any woman employed in a mine who is pregnant gives notice either orally or in writing in the prescribed form to the manager of the mine that she expects to be delivered of a child within one month from the date of such notice, the manager shall permit her if she so desires to absent herself from work up to the day of her delivery and such absence shall be treated as a period of authorised absence on leave :

Provided that the manager may, on undertaking to defray the cost of such examination, require the woman to be examined by a qualified medical practitioner or midwife, and, if the woman refuses to submit to such examination or is certified on such examination as not pregnant or not likely to be delivered of a child within one month, he may refuse such permission.

(2) Any woman employed in a mine who is delivered of a child shall be permitted by the manager to absent herself from work for a period of four weeks from the date of her delivery, and her absence during such period shall be deemed to be authorised absence on leave if within seven days of her delivery she has given or sent to the manager notice of the delivery and of the date of delivery.

Right to and liability for payment of maternity benefit

5. Every woman employed in a mine who has been continuously employed in that mine or in mines belonging to the owner of that mine for a period of not less than six months preceding the date of her delivery shall, if she complies with the conditions imposed by this Act, be entitled to receive, and the owner of the mine shall be liable to make to her, in accordance with the provisions of this Act, a payment at the rate of eight annas a day for every day ~~on which she is absent from work owing to her confinement~~ during the four weeks immediately preceding and including the day of her delivery and for each day of the four weeks following her delivery.

*Explanation.*—Periods of casual absence as defined by rules made under section 15 or authorised absence on account of illness or leave shall count as employment in determining whether employment has been continuous.

Payment of bonus

6. (1) The Central Government may by rules made under section 15 provide that a woman entitled to maternity benefit under this Act shall, if at the time of her delivery she utilized the services of a qualified midwife or other trained person, receive in addition to the maternity benefit due to her a bonus not exceeding in amount three rupees :

Provided

omitted and  
If Added by s. 2 of Act XVIII of 1943



of 1941.] *Mines Maternity Benefit.*

Provided that she shall not receive such bonus if at the place chosen by her for her confinement she would have been entitled free of charge to the services of a qualified midwife or other trained person provided by the owner of the mine.

(2) Such rules may further provide for the determination by the Provincial Government of the amount of the bonus, and of the qualifications which shall be possessed by qualified midwives and other trained persons for the purposes of this section.

7. A woman entitled to maternity benefit under this Act, unless she has given the notice referred to in sub-section (1) of section 4, shall on being delivered of a child give notice of her delivery in the prescribed manner to the manager before the expiry of seven days from the date of her delivery, and shall before the expiry of six months from such date furnish proof of the prescribed nature to the manager both of her delivery and of the date of her delivery :

Notice of delivery to be given to manager.

Provided that a woman giving notice under section 4 or this section may therein nominate a person for the purposes of sub-section (2) of section 9.

8. (1) Where a woman entitled to maternity benefit has given the notice referred to in sub-section (1) of section 4 and has obtained permission to absent herself from work up to the date of her delivery, the manager shall either at once or within three days pay to her maternity benefit for four weeks in advance.

Payment of maternity benefit.

(2) A woman entitled to maternity benefit who has been delivered of a child shall, on furnishing the proof referred to in section 7,—

- (a) if she has received an advance payment under sub-section (1), be paid the balance of the maternity benefit due to her at the end of the fourth week from the date of her delivery or within three days of the furnishing of proof, whichever date is later ;
- (b) if she has received no such advance payment,—
  - (i) if the proof is furnished before the end of the fourth week from the date of delivery, be paid at once or within three days so much of the maternity benefit as is then due to her, and be paid the balance at the end of the said fourth week ;
  - (ii) if the proof is furnished after the end of the fourth week from the date of delivery, be paid

*Mines Maternity Benefit.*

[ACT XIX

paid at once or within three days the whole amount of the maternity benefit due to her.

Disposal of maternity benefit in case of death of woman entitled to receive it.

9. (1) If a woman entitled to maternity benefit who has received an advance under sub-section (1) of section 8 dies before being delivered of the child, the advance shall not be recoverable.

(2) If a woman entitled to maternity benefit having been delivered of a child dies before payment of the maternity benefit, or, where an advance under sub-section (1) of section 8 has been made, of the balance of the maternity benefit due to her is made, the amount due to her up to the date of her death shall, on the prescribed proof of the birth and date of the birth of the child and of the death and date of death of the woman being furnished at any time before the expiry of six months from the date of delivery, be paid if the child is living to the person who undertakes the care of the child, and if the child is not living to the person nominated by her under the proviso to section 7 or if she has made no such nomination to the legal representative of the deceased woman.

Prohibition of dismissal during or on account of absence from work owing to confinement.

10. (1) When a woman absents herself from work in accordance with section 3, or has obtained permission to absent herself in accordance with section 4, it shall be unlawful for the manager to dismiss her during or on account of such absence, or to give notice of dismissal on such a day that the notice will expire during such absence.

(2) The dismissal of a woman at any time within six months before she is delivered of a child, if the woman but for such dismissal would have been entitled to maternity benefit under this Act, shall not have the effect of depriving her of that maternity benefit if the Chief Inspector is satisfied that her dismissal was without sufficient cause.

Power of Chief Inspector or Inspector to direct payments to be made.

11. (1) Any woman claiming that maternity benefit to which she is entitled under this Act and any person claiming that a payment due under sub-section (2) of section 9 is improperly withheld may make a complaint to the Chief Inspector or any Inspector.

(2) On receipt of such complaint or on his own motion without any such complaint being made, the Chief Inspector or Inspector may make inquiry or cause an inquiry to be made, and if satisfied that a payment has been wrongfully withheld may direct the payment to be made in accordance with his orders.

12. Any

12. Any woman who does any work for which she receives payment in cash or kind after she has been permitted under sub-section (1) of section 4 to absent herself from work, or who engages in employment in any mine in contravention of section 3, shall be punishable with fine which may extend to ten rupees, and, if she is entitled to maternity benefit under this Act shall forfeit her right to any maternity benefit not already paid to her.

Penalty for  
contraven-  
tion of Act  
by a woman.

13. (1) Any owner or manager of a mine, who contravenes any provision of this Act for which no express penalty is provided, shall be punishable with fine which may extend to five hundred rupees.

Penalty for  
contra-  
vention of  
Act by owner  
or manager.

(2) The Court imposing the fine may, if the contravention has resulted in depriving a woman of any maternity benefit due to her, order the whole or any part of the fine when paid to be applied in payment of compensation to the woman for any loss caused to her by the contravention of the provision on account of which the fine has been imposed, and an Appellate Court or the High Court in exercise of its powers of revision may also make such order.

14. (1) No prosecution under this Act shall be instituted except by or with the sanction of the Chief Inspector.

Cognizance of  
cases.

(2) No Court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act or any rule made thereunder.

(3) No Court shall take cognizance of an offence punishable under this Act or any rule made thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed :

Provided that in computing the said period of six months any time spent in obtaining the sanction of the Chief Inspector required by sub-section (1) shall be excluded.

15. (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.

Power of  
Central  
Government  
to make  
rules.

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

(a) require the maintenance of registers and records for the purposes of this Act and prescribe the form thereof;

(b) prescribe the form of the notices referred to in section 4 and section 7, and require mines to supply copies thereof to women workers;

(c) regulate

*Mines Maternity Benefit* [ACT XIX OF 1941.]

- (c) regulate the examination of women under the proviso to sub-section (1) of section 4; and the grant of the certificates therein referred to;
- (d) prescribe the nature of and the method of furnishing the proof referred to in section 7, section 8 and section 9;
- (e) regulate the manner of applying for and paying maternity benefit;
- (f) assign duties to, and regulate the powers of, the Chief Inspector and Inspectors, for the purposes of this Act.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

Abstract of this Act and the rules made thereunder to be exhibited in mines.

16. (1) The manager of every mine in which women are employed shall cause an abstract in the local Indian language of the provisions of this Act and of the rules made thereunder to be exhibited in the mine in such manner that they may come to the notice of every woman employed in the mine.

(2) For any contravention of the provisions of this section the manager shall be punishable with fine which may extend to one hundred rupees.

Power of Central Government to exempt mines from operation of Act.

Act binding on Crown.

17. The Central Government may, by notification in the official Gazette, exempt any mine or class of mines from the operation of this Act.

18. The provisions of this Act shall be binding on the Crown.

# ACT No. XX OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

An Act to limit to a maximum of fifty rupees per annum  
the amount payable in respect of any person by way  
of tax on professions, trades, callings or employments.

WHEREAS by section 142A of the Government of India  
Act, 1935, it is provided that no Provincial law relating  
to taxes for the benefit of a Province, or of a municipality,  
district board, local board, or other local authority therein,  
in respect of professions, trades, callings or employments  
shall be invalid on the ground that it relates to a tax on in-  
come and that the total amount of such tax payable in res-  
pect of any one person shall not, after the 31st day of March,  
1939, exceed fifty rupees per annum ;

AND WHEREAS it is further provided in the said section  
that any such tax which was in force during the financial  
year ending with the 31st day of March, 1939, may continue  
to be lawfully levied at a rate higher than fifty rupees per  
annum unless provision to the contrary is made by the  
Federal Legislature ;

AND WHEREAS it is expedient that provision shall be made  
whereby the total amount payable in respect of any such  
person by way of such tax shall not exceed fifty rupees  
per annum ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Professions Tax Limi-  
tation Act, 1941.

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

(3) It shall come into force on the 1st day of April,  
1942.

2. Notwithstanding the provisions of any law for the time  
being in force, any taxes payable in respect of any one  
person to a Province, or to any one municipality, district  
board, local board or other local authority in any Pro-  
vince, by way of tax on professions, trades, callings or  
employments, shall from and after the commencement of  
this Act cease to be levied to the extent to which such taxes  
exceed fifty rupees per annum.

3. The provisions of section 2 shall not apply to any tax  
specified in the Schedule.

THE SCHEDULE.

1

Price Anna 1 or 1½d.

Short title  
extent and  
commence-  
ment.

Limitation of  
tax.

Saving.

*Professions Tax Limitation.* [ACT XX OF 1941.]

THE SCHEDULE.

(See section 3.)

*Taxes to which section 2 does not apply.*

1. The tax on professions, trades and callings, imposed through fees for annual licences, under Chapter XII of the Calcutta Municipal Act, 1923. Ben. Act III of 1923.

2. The tax on trades, professions and callings, imposed under clause (f) of sub-section (1) of section 123 of the Bengal Municipal Act, 1932. Ben. Act XV of 1932.

3. The tax on trades and callings carried on within the municipal limits and deriving special advantages from, or imposing special burdens on, municipal services, imposed under clause (ii) of sub-section (1) of section 128 of the United Provinces Municipalities Act, 1916. U. P. Act II of 1916.

4. The tax on persons exercising any profession or art, or carrying on any trade or calling, within the limits of the municipality, imposed under clause (b) of sub-section (1) of section 66 of the Central Provinces Municipalities Act, 1922. C. P. Act II of 1922.

# ACT No. XXI OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

An Act to empower the Federal Court to make rules  
for regulating the presentation of appeals lying  
to that Court.

WHEREAS it is expedient to empower the Federal  
Court to make rules for regulating the presentation  
of appeals lying to that Court, and for that purpose to  
repeal those provisions of the Code of Civil Procedure,  
1908, which now regulate that matter ;

V of 1908.

It is hereby enacted as follows :—

1. (1) This Act may be called the Federal Court Act, Short title  
and commence-  
ment.  
1941.

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

V of 1908.

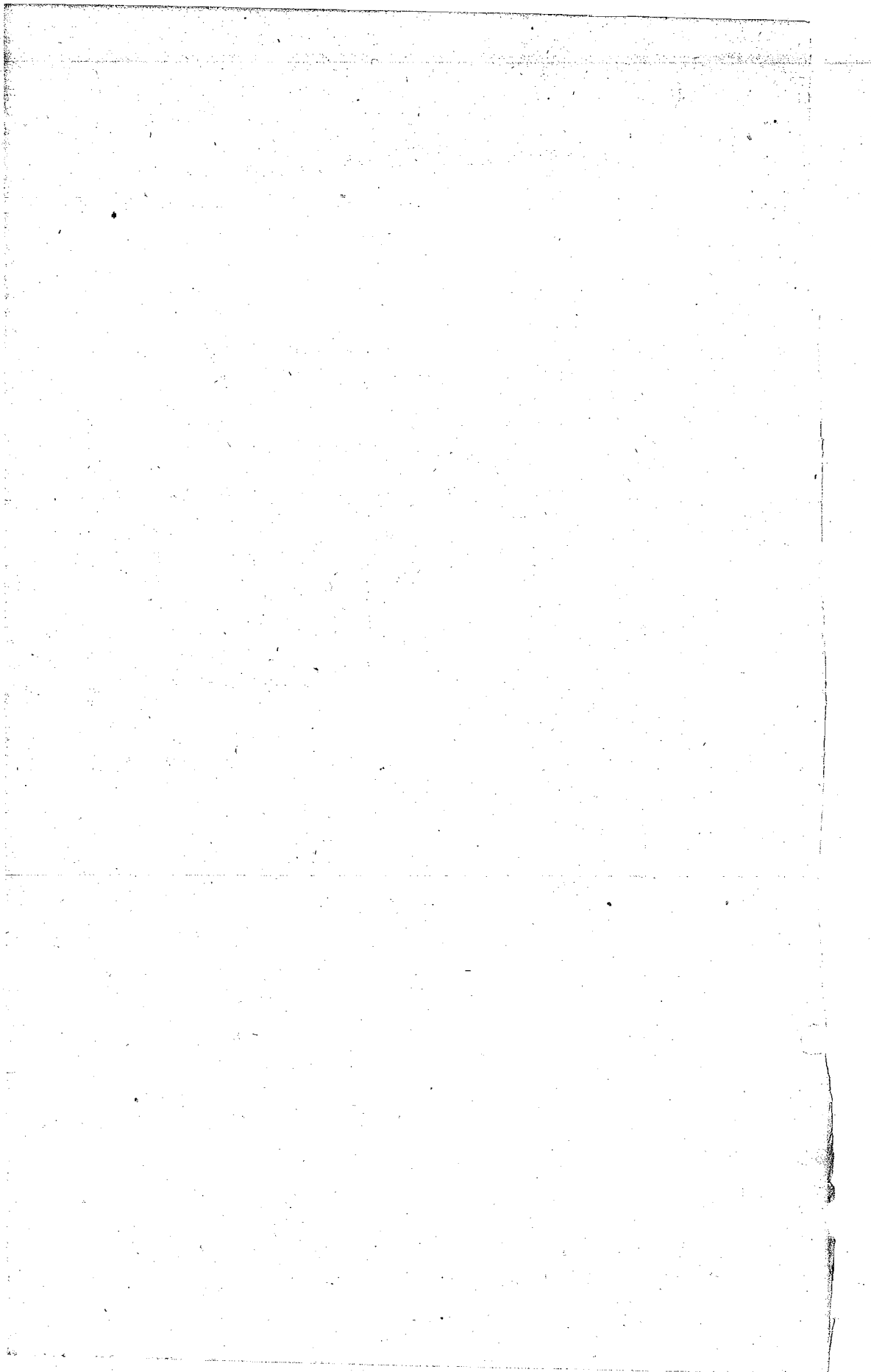
2. Section 111A of the Code of Civil Procedure, 1908, Repeal of  
section 111A  
and rule 17 of  
Order XLV of  
the First Sched-  
ule, Act V of  
1908.  
and rule 17 of Order XLV of the First Schedule to the  
said Code shall be omitted.

3. The Federal Court may, with the approval of the Power of  
Federal Court  
to make rules.  
Governor General in his discretion, make rules for re-  
gulating the presentation and prosecution of appeals  
lying to that Court, including rules relating to the fur-  
nishing of security for costs, the proceedings, if any, to  
be had in High Courts in connection with such appeals,  
and the preparation and transmission to the Federal  
Court of the records in such appeals.

Price Anna 1 or 1½d.

GIPD—L546 LAD—25-3-42—5,000

Commence force on 1-9-42, see instr. No. F. 203/41. C.A. (Inst.), 723-7-42,  
S. 22, 1942, Pt. I, p. 1226.





# ACT No. XXII OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

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

XXI of 1923.

WHEREAS it is expedient further to amend the  
Indian Merchant Shipping Act, 1923, for a certain  
purpose ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Merchant Shipping (Amendment) Act, 1941. 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.

XXI of 1923. 2. In sub-section (1) of section 193 of the Indian Merchant Shipping Act, 1923,— Amendment of section 193, Act XXI of 1923.

(a) for the words "sixteen and ninety-six" the  
words "eighteen and one hundred and eight"  
shall be substituted ;

(b) for the word "available" the words "allotted  
and marked separately" shall be substituted ;  
and

(c) for the word "pilgrims" the words "each  
pilgrim" shall be substituted.

Price Anna 1 or 1½d.

GIPD—L547LD—23.3.42—6,000.

DEPT TO UNX OF T.A.

# ACT No. XXIII OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

## An Act further to amend the Indian Income-tax Act, 1922.

WHEREAS it is expedient further to amend the  
Indian Income-tax Act, 1922, for the purposes  
hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Income-  
tax (Amendment) Act, 1941. Short title and  
commence-  
ment.

(2) It shall come into force at once; but effect  
shall not be given to the amendments hereby made in  
the Indian Income-tax Act, 1922, by section 4, section 6,  
section 7, section 8, clause (b) of section 10 and clause (a)  
of section 13 in the making of any assessment under  
that Act for any year before the year ending on the 31st  
day of March, 1943.

2. In clause (6C) of section 2 of the Indian Income-  
tax Act, 1922 (hereinafter referred to as the said Act),  
for the words " mutual insurance company " the words  
" mutual insurance association " shall be substituted. Amendment of  
section 2, Act  
XI of 1922.

3. After clause (ix) of sub-section (3) of section 4  
of the said Act the following clauses shall be inserted,  
namely :— Amendment of  
section 4, Act  
XI of 1922.

(x) Any income received—

- (a) by a person accredited as representative in  
British India for political purposes of an  
Indian State or the Ruler thereof, as his  
remuneration from the State or Ruler  
for service in such capacity ;
- (b) by a Consul General, Consul, Vice-Consul  
or Consular Agent of a foreign State, as  
remuneration from such State for service  
in such capacity ;
- (c) by a person employed by the consulate of a  
foreign State, not being a British subject  
or the subject of an Indian State, as  
remuneration from such foreign State  
for service in such capacity ;

(d) by

Price Anna 1 or 1½d.

*Indian Income-tax (Amendment).* [ACT XXIII

- (d) by a Trade Commissioner or other official representative in British India of the Government of any other part of the British Empire or of a foreign Government, as his official salary, if the official salary of the corresponding officials, if any, of the Central Government resident for similar purposes in the country concerned enjoy a similar exemption in that country ;
- (e) by a member of the staff of a Trade Commissioner or official representative referred to in sub-clause (d), as his official salary, when such member is a subject of the country represented, and the country represented has made corresponding provisions for similar exemptions in the case of members of the staff of the corresponding officials of the Central Government.

(xi) With effect from the 2nd day of September, 1939, the income chargeable under the head " Salaries " of a Nepalese member of the Nepalese Military Force serving with His Majesty's Forces, or of any member of an Indian State Force so serving, and any other income accruing or arising without British India which is received in or brought into British India by any such member while the Force to which he belongs is serving with His Majesty's Forces.

Amendment of  
section 4A, Act  
XI of 1922.

4. In clause (a) of section 4A of the said Act,—

(a) to sub-clause (iii) the word " or " shall be added ; and

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

" (iv) is in British India for any time in that year and the Income-tax Officer is satisfied that such individual having arrived in British India during that year is likely to remain in British India for not less than three years from the date of his arrival : "

Amendment of  
section 5A, Act  
XI of 1922.

5. To sub-section (2) of section 5A of the said Act the following proviso shall be added, namely :—

" Provided that the Tribunal shall not be deemed to be invalidly constituted merely by reason of a temporary inequality caused by the death, retirement or removal of any member. "

6. In

of 1941.] *Indian Income-tax (Amendment).*

6. In section 10 of the said Act,—

Amendment of  
section 10, Act  
XI of 1922.

(a) in sub-section (2), in clause (b) of the proviso to clause (vi), after the words "owing to the profits or gains chargeable being less than the allowance," the following shall be inserted, namely:—

"then, subject to the provisions of clause (a) of the proviso to sub-section (2) of section 24,";

(b) in sub-section (5),—

(i) for clauses (b) and (c) the following clause shall be substituted, namely:—

"(b) in the case of assets acquired before the previous year the actual cost to the assessee less all depreciation actually allowed to him under this Act, or any Act repealed thereby, or under executive orders issued when the Indian Income-tax Act, 1886, was in force:";

(ii) in the first proviso, for the words, brackets and letters "clauses (a), (b) and (c)" the words, brackets and letters "clauses (a) and (b)" shall be substituted;

(iii) the second proviso shall be omitted.

7. To section 12 of the said Act the following sub-section shall be added, namely:—

Amendment of  
section 12, Act  
XI of 1922.

"(4) Where an assessee lets on hire machinery, plant or furniture belonging to him and also buildings, and the letting of the buildings is inseparable from the letting of the said machinery, plant or furniture, he shall be entitled to allowances in accordance with the provisions of clauses (iv), (v) and (vi) of sub-section (2) of section 10 in respect of such buildings."

8. In sub-section (2) of section 14 of the said Act,—

Amendment of  
section 14, Act  
XI of 1922.

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

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

"(c) in respect of any income, profits or gains accruing or arising to him within an  
Indian

*Indian Income-tax (Amendment).* [ACT XXIII

Indian State, unless such income, profits or gains are received or deemed to be received in or are brought into British India in the previous year by or on behalf of the assessee, or are assessable under section 42."

Amendment of  
section 16, Act  
XI of 1922.

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

- (a) for the words beginning with " and shall be increased by the amount of income-tax " and ending with " deemed to have been paid, credited or distributed " the following words shall be substituted, namely :—

" and shall be increased to such amount as would, if income-tax (but not super-tax) at the rate applicable to the total income of a company for the financial year in which the dividend is paid, credited or distributed or deemed to have been paid, credited or distributed, were deducted therefrom, be equal to the amount of the dividend : " ;

- (b) in the proviso, for the words " the income-tax to be added " the words " the increase to be made " shall be substituted.

Amendment of  
section 17, Act  
XI of 1922.

10. In section 17 of the said Act,—

- (a) in sub-section (1), after the words " a subject of a State in India or Burma, " the words " or a native of a Tribal Area, " shall be inserted ;

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

" (3) Where there is included in the total income of any assessee any income exempted from tax under clause (c) of sub-section (2) of section 14, the super-tax payable by the assessee shall be an amount bearing to the total amount of the super-tax which would have been payable on the total income had no part of it been so exempted the same proportion as the total income less the portion so exempted bears to the total income.

- (4) Where any income exempted from tax under clause (c) of sub-section (2) of section 14  
which

which has been taken into account under sub-section (2) or sub-section (3) of this section as part of the total income of an assessee for the purpose of determining the income-tax or super-tax payable by him is in a subsequent year brought into or received in British India by the assessee and becomes chargeable with tax accordingly, the tax including super-tax payable by the assessee on his total income of that subsequent year shall be—

- (a) the amount which bears to the total amount of the tax including super-tax which would have been payable on his total income as reduced by the amount of the income so brought into or received in British India had such reduced income been his total income the same proportion as his total income bears to such reduced income, or
- (b) the amount which bears to the total amount of the tax including super-tax which would have been payable on the amount of the income so brought into or received in British India had such income been his total income the same proportion as his total income bears to the amount of the income so brought into or received in British India,

whichever is the greater.”

11. In sub-section (3E) of section 18 of the said Act, for the brackets and words “(together with the amount of any income-tax payable by the company in respect thereof)” the brackets, words and figures “(increased in accordance with the provisions of sub-section (2) of section 16)” shall be substituted, and for the brackets and words “(together with the amount of such income-tax as aforesaid)” the brackets and words “(increased as aforesaid)” shall be substituted.

Amendment of section 18, Act XI of 1922.

12. To section 23 of the said Act the following sub-section shall be added, namely :—

Amendment of section 23, Act XI of 1922.

- “(6) Whenever the Income-tax Officer makes a determination in accordance with the provisions of sub-section (5), he shall notify to the firm by an order in writing the amount of the total income on which the determination has been based and the apportionment thereof between the several partners.”

13. In

*Indian Income-tax (Amendment).* [ACT XXIII

Amendment of  
section 24, Act  
XI of 1922.

13. In sub-section (2) of section 24 of the said Act,—

(a) before the first proviso the following proviso shall be inserted, namely :—

“ Provided that—

(a) where depreciation allowance is, under clause (b) of the proviso to clause (vi) of sub-section (2) of section 10, also to be carried forward, effect shall first be given to the provisions of this sub-section ; ” ;

(b) in the first proviso, for the words “ Provided that ” the brackets and letter “ (b) ” shall be substituted ;

(c) in the second proviso, for the words “ Provided further that ” the brackets and letter “ (c) ” shall be substituted ;

(d) for the third proviso the following shall be substituted, namely :—

“ (d) where a change has occurred in the constitution of a firm, nothing in this section shall be deemed to entitle the firm to have set off so much of the loss proportionate to the share of a retired or deceased partner computed in accordance with the provisions of clause (b) of sub-section (1) of section 16 as exceeds his share of profits, if any, of the previous year in the firm, or to entitle any partner to the benefit of any portion of the said loss which is not apportionable to him under the said clause (b), and where any person carrying on any business, profession or vocation has been succeeded in such capacity by another person, otherwise than by inheritance, nothing in this section shall be deemed to entitle any person other than the person incurring the loss to have it set off against his income, profits or gains. ”

Amendment of  
section 25, Act  
XI of 1922.

14. To sub-section (4) of section 25 of the said Act the following proviso shall be added, namely :—

“ Provided that sub-sections (3) and (4) shall not apply—

(a) to super-tax except where the income, profits and gains of the business, profession or  
vocation



of 1941.] *Indian Income-tax (Amendment).*

vocation were assessed to super-tax for the first time either for the year beginning on the 1st day of April, 1920, or for the year beginning on the 1st day of April, 1921 ;

- (b) to a business, profession or vocation on which income-tax was at any time charged in the hands of a company under the Indian Income-tax Act, 1886, or on which income-tax would have been charged in the hands of a company for the assessment year ending on the 31st day of March, 1918, if the company having been in existence in that year had also been in existence in the year ending on the 31st day of March, 1917."

II of 1886.

15. In sub-section (2) of section 30 of the said Act, after the words " objected to " the following shall be inserted, namely :—

Amendment of section 30, Act XI of 1922.

" or of the order in writing notifying the amount of total income on which the determination under sub-section (5) of section 23 was based and the apportionment thereof between the several partners or of the loss computed under section 24 "

16. In section 31 of the said Act,—

Amendment of section 31, Act XI of 1922.

(a) in clause (a) of sub-section (3), the words beginning with " and, in the case of an assessment " and ending with " any member of the association, " shall be omitted ;

(b) after sub-section (3) the following sub-sections shall be added, namely :—

"(4) Where as the result of an appeal any change is made in the assessment of a firm or association of persons or a new assessment of a firm or association of persons is ordered to be made, the Appellate Assistant Commissioner may authorise the Income-tax Officer to amend accordingly any assessment made on any partner of the firm or any member of the association.

(5) The Appellate Assistant Commissioner shall, on the conclusion of the appeal, communicate the orders passed by him to the assessee and to the Commissioner."

17. In

*Indian Income-tax (Amendment).* [ACT XXIII

Amendment of  
section 33, Act  
XI of 1922.

17. In section 33 of the said Act,—

- (a) in sub-section (1), for the words “on which he is served with notice of such order” the words “on which such order is communicated to him” shall be substituted;
- (b) in sub-section (2), for the words “at any time before the expiry of sixty days from the date of the order” the words “within sixty days of the date on which the order is communicated to the Commissioner by the Appellate Assistant Commissioner” shall be substituted;

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

“(2A) The Tribunal may admit an appeal after the expiry of the sixty days referred to in sub-sections (1) and (2) if it is satisfied that there was sufficient cause for not presenting it within that period.”.

Insertion of  
new section  
33A in Act  
XI of 1922.

Power of  
revision by  
Commissioner.

18. After section 33 of the said Act the following section shall be inserted, namely:—

“33A. (1) The Commissioner may of his own motion call for the record of any proceeding under this Act in which an order has been passed by any authority subordinate to him and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Act, may pass such order thereon, not being an order prejudicial to the assessee, as he thinks fit:

Provided that the Commissioner shall not revise any order under this sub-section if—

- (a) where an appeal against the order lies to the Appellate Assistant Commissioner or to the Appellate Tribunal, the time within which such appeal may be made has not expired, or
- (b) the order is pending on an appeal before the Appellate Assistant Commissioner or has been made the subject of an appeal to the Appellate Tribunal, or
- (c) the order has been made more than one year previously.

(2) The Commissioner may, on application by an assessee for revision of an order under this Act passed by any authority subordinate to the Commissioner, made

within

of 1941.] *Indian Income-tax (Amendment).*

within one year from the date of the order, call for the record of the proceeding in which such order was passed, and on receipt of the record may make such inquiry or cause such inquiry to be made, and, subject to the provisions of this Act, may pass such order thereon, not being an order prejudicial to the assessee, as he thinks fit :

Provided that the Commissioner shall not revise any order under this sub-section if—

- (a) where an appeal against the order lies to the Appellate Assistant Commissioner or to the Appellate Tribunal but has not been made, the time within which such appeal may be made has not expired, or, in the case of an appeal to the Appellate Tribunal, the assessee has not waived his right of appeal, or
- (b) where an appeal against the order has been made to the Appellate Assistant Commissioner, the appeal is pending before the Appellate Assistant Commissioner, or
- (c) the order has been made the subject of an appeal to the Appellate Tribunal :

Provided further that an order by the Commissioner declining to interfere shall be deemed not to be an order prejudicial to the assessee.

(3) Every application by an assessee under sub-section (2) shall be accompanied by a fee of twenty-five rupees."

19. To sub-section (2) of section 34 of the said Act the following proviso shall be added, namely :—

Amendment of section 34, Act XI of 1922.

" Provided that nothing contained in this sub-section shall apply to a re-assessment made in pursuance of an order under section 31, section 33, section 66, or section 66A."

20. In sub-section (1) of section 35 of the said Act, for the word and figure " section 33 " the word, figure and letter " section 33A " shall be substituted.

Amendment of section 35, Act XI of 1922.

21. For section 40 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 40, Act XI of 1922.

' 40. (1) Where the guardian or trustee of any person being a minor, lunatic or idiot (all of which persons are hereinafter in this sub-section included in the term " beneficiary ") is entitled to receive on behalf of such beneficiary, or is in receipt on behalf of such beneficiary of, any income, profits or gains chargeable under

Guardians, trustees and agents.

this

*Indian Income-tax (Amendment).* [ACT XXIII]

this Act, the tax shall be levied upon and recoverable from such guardian or trustee, as the case may be, in like manner and to the same amount as it would be leviable upon and recoverable from any such beneficiary if of full age or sound mind and in direct receipt of such income, profits or gains, and all the provisions of this Act shall apply accordingly.

(2) Where the trustee or agent of any person not resident in British India and not being a minor, lunatic or idiot (such person being hereinafter in this sub-section referred to as a beneficiary) is entitled to receive on behalf of such beneficiary, or is in receipt on behalf of such beneficiary of, any income, profits or gains chargeable under this Act, the tax, if not levied on the beneficiary direct, may be levied upon and recovered from such trustee or agent, as the case may be, in like manner and to the same amount as it would be leviable upon and recoverable from the beneficiary if in direct receipt of such income, profits or gains, and all the provisions of this Act shall apply accordingly.

Amendment of section 41, Act XI of 1922.

22. In sub-section (1) of section 41 of the said Act, for the words "appointed under a duly executed trust deed" the words "appointed under a trust declared by a duly executed instrument in writing whether testamentary or otherwise" shall be substituted.

Amendment of section 45, Act XI of 1922.

23. In section 45 of the said Act, the words and figure "or section 32" shall be omitted.

Amendment of section 46, Act XI of 1922.

24. In section 46 of the said Act,—

- (a) in the proviso to sub-section (2), the words "in respect of the attachment and sale of debts due to the assessee" and the words "in respect of the attachment and sale of debts due to a judgment debtor" shall be omitted ;
- (b) to sub-section (7) the following proviso shall be added, namely :—

" Provided that where the sum payable is allowed to be paid by instalments the period of one year herein referred to shall be reckoned from the date on which the last of such instalments was due."

Substitution of new section for section 49B, Act XI of 1922.  
Income-tax on company's dividend deemed to have been paid by shareholder.

25. For section 49B of the said Act the following section shall be substituted, namely :—

" 49B. Where any dividend has been paid, credited or distributed or is deemed to have been paid, credited or distributed to any of the persons specified in section 3 who is a shareholder of a company which is assessed to

income-tax

OF 1941.] *Indian Income-tax (Amendment).*

income-tax in British India or elsewhere, such person shall be deemed in respect of such dividend himself to have paid income-tax (exclusive of super-tax) at the rate applicable to the total income of a company for the financial year in which the dividend has been paid, credited or distributed or is deemed to have been paid, credited or distributed on so much of the dividend as bears to the whole the same proportion as the amount of income on which the company is liable to pay income-tax bears to the whole income of the company."

26. For sub-section (1) of section 49C of the said Act the following sub-section shall be substituted, namely :—

Amendment of section 49C, Act XI of 1922.

"(1) Where any dividend has been paid, credited or distributed or is deemed to have been paid, credited or distributed to a shareholder of a company which has obtained the relief referred to in section 49 or granted under section 49A or under the India and Burma (Income-tax Relief) Order, 1936, the shareholder shall be deemed in respect of such dividend himself to have obtained such relief at the rate at which such relief has been granted in respect of income-tax only to the company for the financial year preceding the year in which the dividend was paid, credited or distributed or is deemed to have been paid, credited or distributed."

Relief granted to a company to be deemed relief granted to shareholder.

27. To section 49D of the said Act the following Explanation shall be added, namely :—

Addition of Explanation to section 49D, Act XI of 1922.

'Explanation.—The expression "Indian income-tax" in this section means income-tax and super-tax charged in accordance with the provisions of this Act.'

28. In section 52 of the said Act, for the words, brackets and figures "or sub-section (2) of section 32" the words, brackets and figures "or sub-section (3) of section 33" shall be substituted.

Amendment of section 52, Act XI of 1922.

29. In clause (1) of sub-section (3) of section 54 of the said Act, for the words "to a Returning Officer" the words "to any person charged by law with the duty of inquiring into the qualifications of electors" shall be substituted.

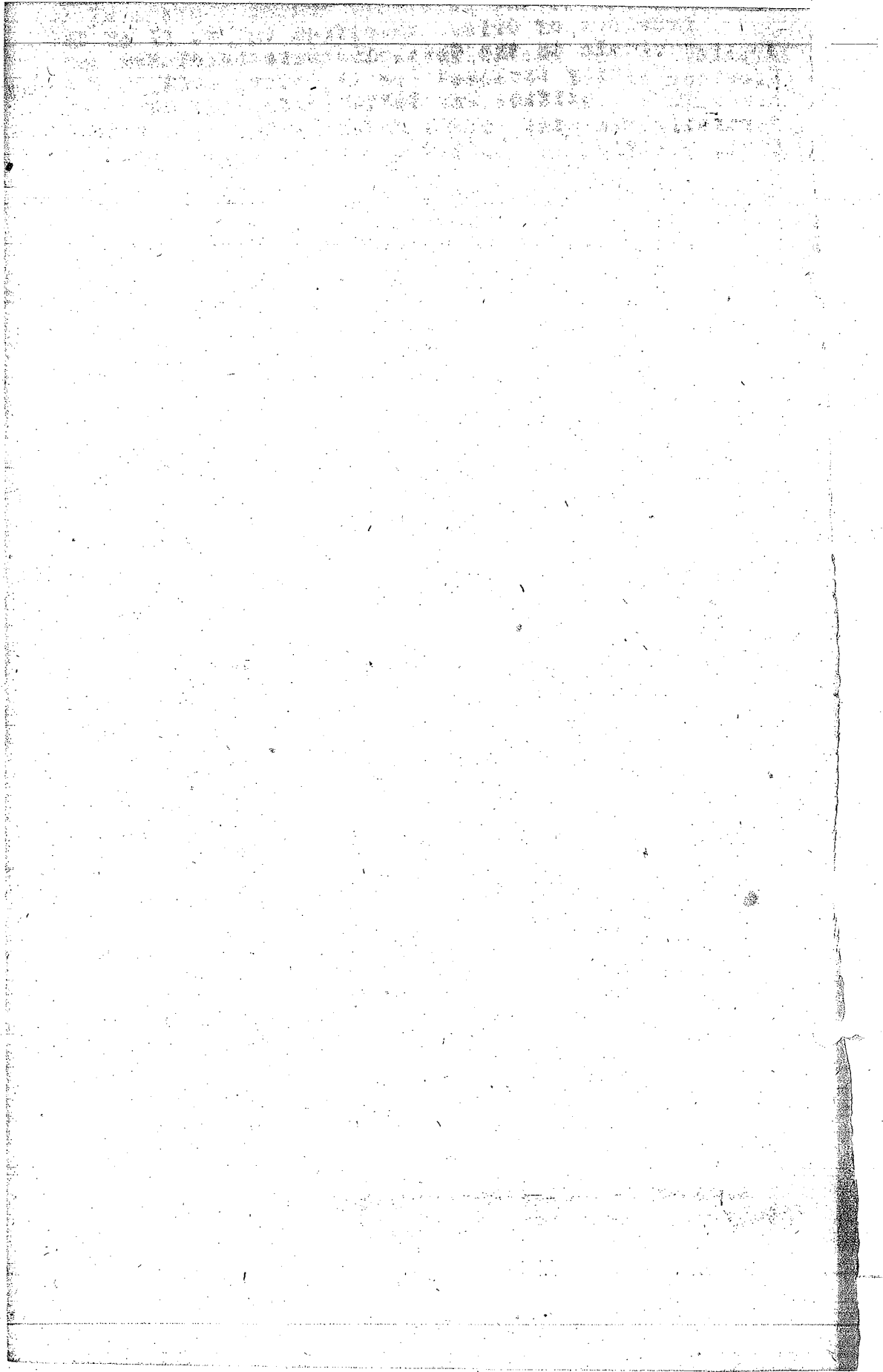
Amendment of section 54, Act XI of 1922.

30. In sub-section (1) of section 58 of the said Act, for the words, brackets and figures "sub-section (2) of section 14" the words, brackets, letters and figures "clauses (a) and (b) of sub-section (2) of section 14" shall be substituted.

Amendment of section 58, Act XI of 1922.

31. In clause (d) of sub-section (1) of section 58C of the said Act, for the words "from the trustees" the words "by the trustees" shall be substituted.

Amendment of section 58C, Act XI of 1922.



# ACT No. XXIV OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

An Act further to amend the Excess Profits Tax Act,  
1940.

**W**HEREAS it is expedient further to amend the  
Excess Profits Tax Act, 1940, for the purposes  
hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Excess Profits Tax (Second Amendment) Act, 1941. Short title and commencement.

(2) It shall come into force at once ; but effect shall not be given to the amendment hereby made in the Excess Profits Tax Act, 1940; by section 3 in the making of any assessment under that Act in respect of any chargeable accounting period which is a "previous year" for an assessment under the Indian Income-tax Act, 1922, for any year before the year ending on the 31st day of March, 1943.

2. In sub-section (2) of section 4 of the Excess Profits Tax Act, 1940 (hereinafter referred to as the said Act), for the words beginning with "and as if the excess of profits" and ending with "the whole chargeable accounting period" the following shall be substituted, namely :— Amendment of section 4, Act XV of 1940.

"and as if the excess of profits of that separate chargeable accounting period were an apportioned part of the excess of profits arising in the whole period determined in accordance with the provisions of section 7A".

3. In section 5 of the said Act, after the second proviso the following proviso shall be added, namely :— Amendment of section 5, Act XV of 1940.

"Provided further that this Act shall not apply to any business the whole of the profits of which accrue

or arise

*Excess Profits Tax (Second Amendment).* [ACT XXIV

or arise in an Indian State; and where the profits of a part of a business accrue or arise in an Indian State, such part shall, for the purposes of this provision, be deemed to be a separate business the whole of the profits of which accrue or arise in an Indian State, and the other part of the business shall, for all the purposes of this Act, be deemed to be a separate business."

Insertion of  
new section  
7A in Act XV  
of 1940.

Special  
provision for  
chargeable  
accounting  
period falling  
partly before  
and partly  
after the end of  
March, 1941.

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

'7A. (1) In the case of a chargeable accounting period such as is referred to in sub-section (2) of section 4, the excess of profits of each of the separate chargeable accounting periods into which the whole chargeable period is deemed to be divided for the purposes of that sub-section, shall be determined in accordance with the provisions of sub-sections (2), (3) and (4), and in those sub-sections—

(a) references to the whole period, the first part of the period, and the second part of the period shall be construed, respectively, as references to the whole of the chargeable accounting period deemed to be divided, so much thereof as falls before the end of March, 1941, and so much thereof as falls after the said end of March;

(b) "excess profits" means the amount by which the profits for any period exceed the standard profits for that period.

(2) The profits or loss of, and the standard profits for, the whole period shall be computed first on the basis that rule 5A of the First Schedule and rule 2A of the Second Schedule do not apply to the period, and secondly on the basis that the said rules do apply to the period, and it shall then be ascertained, on each basis, whether there are excess profits or a deficiency of profits for the whole period, and, if so, what is the amount thereof.

(3) There shall be deemed to be for the first part of the period excess profits or a deficiency of profits, as the case may be, equal to an apportioned part of the excess profits or deficiency of profits ascertained under sub-section (2) on the first basis mentioned therein, and there shall be deemed to be for the second part of the period excess profits or a deficiency of profits, as the case may be, equal to an apportioned part of the excess profits or deficiency of profits ascertained under sub-section (2) on the second basis mentioned therein; and, for the purpose of giving relief for deficiencies of profits under section 7, the first part of the period and the

second



of 1941.] *Excess Profits Tax (Second Amendment).*

second part of the period shall each be treated as if it were a separate chargeable accounting period.

(4) Any apportionment required to be made by sub-section (3) shall be made by reference to the number of months and fractions of months in each of the parts of the whole period.

5. For section 10 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 10, Act XV of 1940.

“ 10. (1) In computing profits for the purposes of this Act no deduction shall be made in respect of any transaction or operation of any nature if and so far as it appears that the transaction or operation has artificially reduced or would artificially reduce the profits.

Artificial transactions.

(2) If the Excess Profits Tax Officer is satisfied that any person has entered into or carried out any transaction or operation by which the profits have been or would be artificially reduced, he may, with the previous approval of the Inspecting Assistant Commissioner, direct that such person shall pay, in addition to any excess profits tax for which he is or, but for such transaction or operation, would be liable, a penalty not exceeding the tax evaded or sought to be evaded.”

6. After section 10 of the said Act the following section shall be inserted, namely :—

Insertion of new section 10A in Act XV of 1940.

“ 10A. (1) Where the Excess Profits Tax Officer is of opinion that the main purpose for which any transaction or transactions was or were effected [whether before or after the passing of the Excess Profits Tax (Second Amendment) Act, 1941] was the avoidance or reduction of liability to excess profits tax, he may, with the previous approval of the Inspecting Assistant Commissioner, make such adjustments as respects liability to excess profits tax as he considers appropriate so as to counteract the avoidance or reduction of liability to excess profits tax which would otherwise be effected by the transaction or transactions.

Transactions designed to avoid or reduce liability to excess profits tax.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the powers conferred thereby extend—

- (a) to the charging with excess profits tax of persons who but for the adjustments would not be chargeable with any tax or would not be chargeable to the same extent ;
- (b) to the charging of a greater amount of tax than would be chargeable but for the adjustments.

(3) Any

*Excess Profits Tax (Second Amendment).* [ACT XXIV

(3) Any person aggrieved by a decision of the Excess Profits Tax Officer under this section may appeal in the prescribed time and manner to the Appellate Tribunal."

Amendment of section 26, Act XV of 1940.

7. In sub-section (3) of section 26 of the said Act, after clause (c) the following word and clause shall be inserted, namely :—

“ or

(d) in the case of any business which includes the winning of any mineral (including mineral oil) the winning of which is of exceptional importance for the prosecution of the present war, an increase in the output of the mineral which was essential in the national interest and which has had the effect of shortening the period during which but for such increased wartime output the source of the mineral might have been expected to be exhausted ;”.

Amendment of Schedule I, Act XV of 1940.

8. In Schedule I to the said Act,—

(a) after rule 5 the following rule shall be inserted, namely :—

‘ 5A. (1) In computing for any chargeable accounting period ending after the end of March, 1941, and in relation thereto for the standard period, if any, the profits of a business other than a business to which sub-rule (2) of rule 4 of this Schedule applies, or the profits of a part of a business other than a part of a business to which sub-rule (2A) of the said rule applies, no deduction shall be made in respect of interest on borrowed money or in respect of any other consideration given for the use of borrowed money :

Provided that, as respects any such chargeable accounting period which commences before the said end of March, the application of this rule shall be subject to the provisions of section 7A of this Act :

Provided further that this rule shall not apply to the computation of profits of any business for any chargeable accounting period the standard profits for which are ascertained by reference to the minimum amount specified in sub-section (4) of section 6 of this Act :

Provided further that where a direction has been given by a Board of Referees under sub-section (3) of section 6, or by the Central Board of Revenue under sub-section (1) of section 26 of this Act, that the standard profits shall be computed as if the profits during the standard period were such greater amount as it thinks just, such amount shall be increased by the amount of the interest on or other consideration for the borrowed money during the standard period.

(2) In this

OF 1941.] *Excess Profits Tax (Second Amendment).*

(2) In this rule and in rule 2A of the Second Schedule "borrowed money" means borrowed money which, apart from the provisions of the said rule 2A, would have been deductible in computing capital.;

(b) after rule 11 the following rule shall be added, namely :—

" 12. (1) In computing the profits of any chargeable accounting period no deduction shall be allowed in respect of expenses in excess of the amount which the Excess Profits Tax Officer considers reasonable and necessary having regard to the requirements of the business and, in the case of directors' fees or other payments for services, to the actual services rendered by the person concerned :

Provided that no disallowance under this rule shall be made by the Excess Profits Tax Officer unless he has obtained the prior authority of the Commissioner of Excess Profits Tax.

(2) Any person who is dissatisfied with the decision of the Excess Profits Tax Officer under this rule may appeal in the prescribed time and manner to the Appellate Tribunal."

9 In Schedule II to the said Act,—

(a) after rule 2 the following rule shall be inserted, namely :—

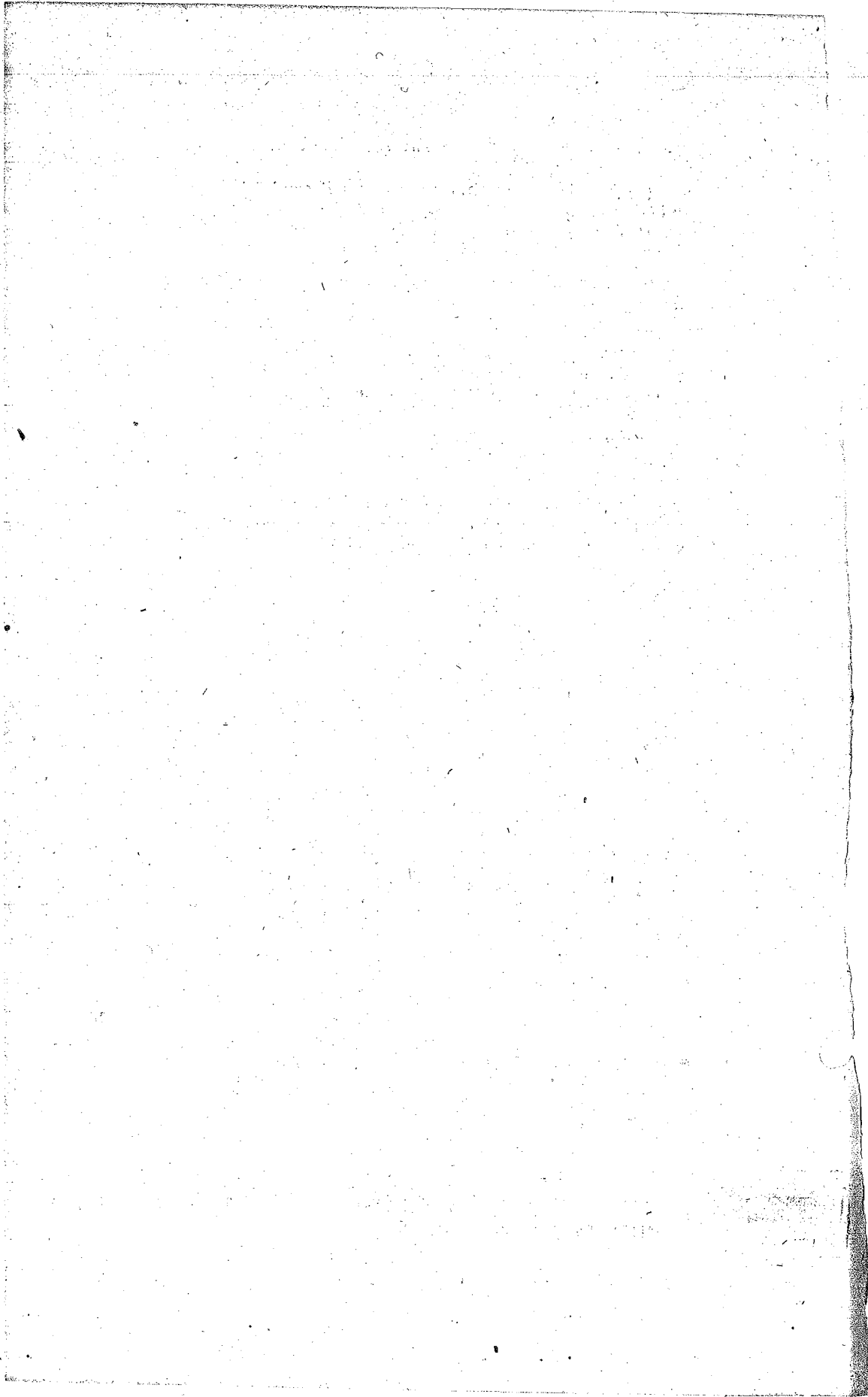
Amendment of  
Schedule II,  
Act XV of  
1940.

" 2A. In computing for any chargeable accounting period ending after the end of March, 1941, and in relation thereto for the standard period, if any, the average capital of a business other than a business to which sub-rule (2) of rule 4 of the First Schedule applies, or the average capital of a part of a business other than a part of a business to which sub-rule (2A) of the said rule applies, no deduction shall be made in respect of borrowed money :

Provided that, as respects any such chargeable accounting period which commences before the said end of March, the application of this rule shall be subject to the provisions of section 7A of this Act :

Provided further that the same deduction shall be made in respect of accruing liabilities for interest as would have been made if this rule had not been enacted. " ;

(b) in rule 6, for the words "second proviso" the words "second or third proviso" shall be substituted.



# ACT No. XXV OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

An Act to regulate the extent to which railway property shall be liable to taxation imposed by an authority within a Province.

WHEREAS it is expedient to regulate the extent to which property vested in His Majesty for the purposes of the Central Government, being property of a railway, shall be liable to taxation imposed by an authority within a Province ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Railways (Local Authorities' Taxation) Act, 1941. Short title and extent.

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

2. In this Act,—

Definitions.

(a) "local authority" means a local authority as defined in the General Clauses Act, 1897, and includes any authority legally entitled to or entrusted with the control or management of any fund for the maintenance of watchmen or for the conservancy of a river ;

(b) "railway administration" has the meaning assigned to the expression in clause (6) of section 3 of the Indian Railways Act, 1890.

3. (1) In respect of property vested in His Majesty for the purposes of the Central Government, being property of a railway, a railway administration shall be liable to pay any tax in aid of the funds of any local authority, if the Central Government, by notification in the official Gazette, declares it to be so liable. Liability of railways to taxation by local authorities.

(2) While a notification under sub-section (1) is in force, the railway administration shall be liable to pay to the local authority either the tax mentioned in the notification or in lieu thereof such sum, if any, as a person appointed in this behalf by the Central Government may, having regard to the services rendered to the railway

*Railways (Local Authorities' Taxation).* [ACT XXV OF 1941.]

railway and all the relevant circumstances of the case, from time to time determine to be fair and reasonable. The person so appointed shall be a person who is or has been a Judge of a High Court or a District Judge.

Modification  
of existing  
liability to  
taxation.

4. The Central Government may, by notification in the official Gazette, revoke or vary any notification issued under clause (1) of section 135 of the Indian Railways Act, 1890; and where a notification is so revoked any liability arising out of the notification to pay any tax to any local authority shall cease, and where a notification is so varied the liability arising out of the notification shall be varied accordingly. IX of 1890.

Saving.

5. Nothing in this Act shall be construed as debarring any railway administration administering a railway from entering into a contract with any local authority for the supply of water or light or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control.

# ACT No. XXVI OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

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

VII of 1913.

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

It is hereby enacted as follows:—

1. This Act may be called the Indian Companies short title.  
(Amendment) Act, 1941.

VII of 1913.

2. In section 104 of the Indian Companies Act, Amendment  
of section 104,  
Act VII of  
1913.

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

“(2A) If the registrar is satisfied that in the circumstances of any particular case the period of one month specified in sub-sections (1) and (2) for compliance with the requirements of this section is inadequate, he may extend that period as he thinks fit, and, if he does so, the provisions of sub-sections (1) and (2) shall have effect in that particular case as if for the said period of one month the extended period allowed by the registrar were substituted.”;

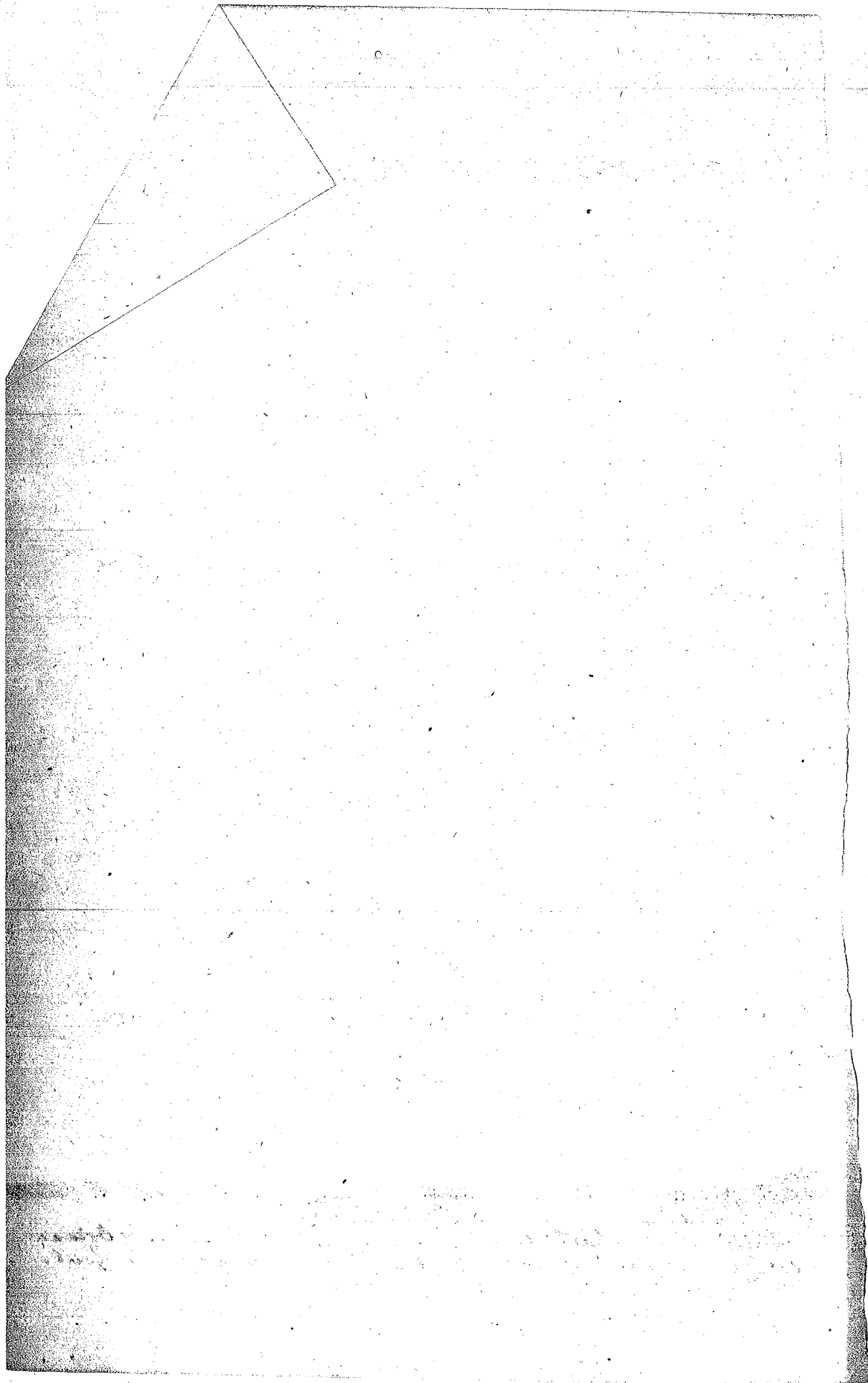
(b) in the proviso to sub-section (3), for the words “within one month after the allotment” the words, brackets and figures “within the time specified in sub-sections (1) and (2)” shall be substituted.

3. In sub-section (2) of section 282B of the said Amendment  
of section  
282B, Act VII  
of 1913. Act, for the words “shall be invested, and shall be invested only” the words “shall be either deposited in a Post Office Savings Bank account or invested” shall be substituted, and for the words “which are not so invested shall be” the words “which are not so deposited or invested shall be so deposited or” shall be substituted.

Price Anna 1 or 1½d.

GIPD—L551 LD—25-3-42—8,000.

Applies to all the partially excluded areas in the Province of Orissa except the district of Angul and the Khondwals, see Orissa Govt. Notice No. 14402-Com (C), 8/14-12-42.





# ACT No. XXVII OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th November, 1941.)

An Act to amend the Trade Marks Act, 1940.

V of 1940.

WHEREAS it is expedient to amend the Trade Marks Act, 1940, for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. This Act may be called the Trade Marks (Amendment) Act, 1941. Short title.

V of 1940.

2. In sub-section (1) of section 4 of the Trade Marks Act, 1940 (hereinafter referred to as the said Act),— Amendment of section 4, Act V of 1940.

(a) for the words "Trade Mark Registry" the words "Trade Marks Registry" shall be substituted;

(b) after the words "all registered trade marks" the words "except those entered in the Bombay register under Chapter IX" shall be inserted.

3. In sub-section (1) of section 53 of the said Act, after the words "to the Registrar" the words "or the Bombay Registrar, as the case may be" shall be inserted. Amendment of section 53, Act V of 1940.

4. For section 63 of the said Act the following sections shall be substituted, namely :— Substitution of new sections for section 63, Act V of 1940.

"63. (1) For the purpose of facilitating the registration of trade marks in respect of textile goods there shall be established at Bombay a separate Trade Marks Registry (in this Act referred to as the Bombay Registry) and a separate Register of Trade Marks (in this Act referred to as the Bombay register) shall be kept thereat wherein shall be entered, in the manner provided by section 4, all registered trade marks which are under the provisions of this Chapter to be registered by the Bombay Registrar. Separate Trade Marks Registry at Bombay.

(2) Subject

1

Price Anna 1 or 1½d.

*Applied to all the partially excluded areas of the Province of Orissa with effect from 15-1-43. Vide Orissa Govt. Order No. 15009-Gen (C) of 23-12-42.*

*Trade Marks (Amendment).* [ACT XXVII

- (2) Subject to the superintendence and direction of the Central Government, the Bombay register shall be kept under the control and management of an officer appointed by the Central Government who shall be called the Registrar of Textile Trade Marks at Bombay (in this Act referred to as the Bombay Registrar).
- (3) In all proceedings under this Act in relation to trade marks, applications for the registration of which lie under the provisions of this Chapter to the Bombay Registrar, the Bombay Registrar shall exercise and discharge the powers and functions of the Registrar to the exclusion of the Registrar, and, in interpreting the provisions of this Act in relation to any such proceedings or any such trade marks, references, except in sub-sections (1) and (2) of section 4 and this Chapter and section 85, to the Patent Office or the Trade Marks Registry shall be construed as references to the Bombay Registry, and references to the Registrar and to the register shall be construed as references to the Bombay Registrar and the Bombay register, respectively :

Provided that the Central Government may, for the purpose of resolving a conflict or preventing an overlap of jurisdiction between the Registrar and the Bombay Registrar, direct by which of the two any particular matter arising out of this Act or out of any proceeding thereunder shall be disposed of.

Jurisdiction of  
Bombay Registrar and  
Registrar in  
respect of trade  
marks used in  
relation to  
textile goods.

- 63A. (1) When the applicant for registration of a trade mark used or proposed to be used in relation to textile goods is a person having his principal place of business situated in any one of the following Provinces, namely, Madras, Bombay, the Punjab, the Central Provinces and Berar, the North-West Frontier Province or Sind, the application shall lie only to the Bombay Registrar.
- (2) When once an application for registration of a trade mark used in relation to textile goods has been made to the Registrar or the Bombay Registrar, no subsequent change in the location of the principal place of business of the applicant shall divest the Registrar or the Bombay Registrar, as the case may be, of any of his powers or functions under this Act in relation to such trade mark."

5. For

5. For section 65 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 65, Act V of 1940.

“ 65. (1) The Registrar shall supply a copy of every entry in the register relating to trade marks registered in respect of textile goods to the Bombay Registrar, who shall maintain a permanent record of the copy so received which shall be called the Calcutta Textile Marks Record.

Calcutta and Bombay Textile Marks Records and Refused Textile Marks Lists.

(2) The Bombay Registrar shall supply a copy of every entry in the Bombay register to the Registrar who shall maintain a permanent record of the copy so received which shall be called the Bombay Textile Marks Record.

(3) Trade marks in respect of textile goods of which registration has been refused shall be entered by the Registrar and the Bombay Registrar in separate lists which shall be called the Calcutta Refused Textile Marks Lists and the Bombay Refused Textile Marks Lists, respectively ; a copy of the Calcutta List shall be kept at the Bombay registry and a copy of the Bombay List at the Trade Marks Registry at the Patent Office as permanent records.

(4) The Textile Marks Records and the Refused Textile Marks Lists shall at all convenient times be open to the inspection of the public, subject to such conditions and restrictions as may be prescribed.”

6. In sub-section (2) of section 66 of the said Act, for the words “ or the Deputy ” the words “ and the Bombay ” shall be substituted.

Amendment of section 66, Act V of 1940.

7. In section 69 of the said Act, after the word “ Registrar ” the words “ or the Bombay Registrar ” shall be inserted.

Amendment of section 69, Act V of 1940.

8. In sub-section (1) of section 75 of the said Act, for the words “ proof of production ” the words “ proof or production ” shall be substituted.

Amendment of section 75, Act V of 1940.

9. In sub-section (1) of section 76 of the said Act, for the words “ or Deputy ” the words “ or the Bombay ” shall be substituted.

Amendment of section 76, Act V of 1940.

10. In

*Trade Marks (Amendment).* [ACT XXVII OF 1941.]

Amendment of  
section 84, Act  
V of 1940.

10. In sub-section (2) of section 84 of the said Act,—

- (a) in clause (e), for the word "Record" the word "Records" and for the word "List" the word "Lists" shall be substituted;
- (b) in clause (g), the words and figures "or under section 63" shall be omitted;
- (c) after clause (g) the following clause shall be added, namely:—
  - "(r) make such provisions as are necessary to ensure uniformity of practice between the Registrar and the Bombay Registrar in all matters arising out of the registration of trade marks in respect of textile goods."