

A  
COLLECTION

OF

THE ACTS

OF

THE INDIAN LEGISLATURE

FOR THE YEAR

1932

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1933

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# TITLES OF ACTS

PASSED BY

THE INDIAN LEGISLATURE

IN THE YEAR 1932

- I. An Act to amend the Indian Companies (Amendment) Act, 1930, for a certain purpose.
- II. „ to repeal the Employers and Workmen (Disputes) Act, 1860.
- III. „ to extend the operation of the Wheat (Import Duty) Act, 1931.
- IV. „ to amend the Indian Finance (Supplementary and Extending) Act, 1931, for a certain purpose.
- V. „ to provide for the fostering and development of the wire and wire nail industry in British India.
- VI. „ further to amend the law relating to the fostering and development of the bamboo paper industry in British India.
- VII. „ to extend the operation of the Salt (Additional Import Duty) Act, 1931.
- VIII. „ to supplement the Bengal Criminal Law Amendment Act, 1930.
- IX. „ to define and amend the law relating to partnership.
- X. „ further to amend the Code of Civil Procedure, 1908, for a certain purpose.
- XI. „ to validate certain suits relating to public matters.
- XII. „ to provide against the publication of statements likely to prejudice the maintenance of friendly relations between His Majesty's Government and the Governments of certain foreign States.
- XIII. „ to provide for the fostering and development of the sugar industry in British India.
- XIV. „ to provide for the administration and discipline of the Indian Air Force.
- XV. „ to provide funds to enable Government to continue wireless broadcasting in India, by increasing the import duties leviable on wireless reception apparatus.

- XVI. An Act further to amend the Indian Emigration Act, 1922, for certain purposes.
- XVII. „ further to amend the Cantonments Act, 1924, for a certain purpose.
- XVIII. „ to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.
- XIX. „ to amend the Trade Disputes Act, 1929, for certain purposes.
- XX. „ to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz.
- XXI. „ further to amend the Code of Criminal Procedure, 1898, for a certain purpose.
- XXII. „ to amend the law relating to emigrant labourers in the tea districts of Assam.
- XXIII. „ to supplement the criminal law.
- XXIV. „ to supplement the Bengal Suppression of Terrorist Outrages Act, 1932.
- XXV. „ further to amend the Indian Tariff Act, 1894, for certain purposes.



# INDEX

TO THE

## ACTS OF THE INDIAN LEGISLATURE FOR THE YEAR 1932.

—	ACT.	SECTION.
ACT IX OF 1860 [EMPLOYERS AND WORKMEN (DISPUTES)]— repealed . . . . .	II	2.
ACT XLV OF 1860 (PENAL CODE)— section 131 amended . . . . . section 139 amended . . . . .	XIV "	130 & Sch. "
ACT IX OF 1872 (CONTRACT)— section 27 repealed in part . . . . . chapter XI repealed . . . . .	IX "	73 & Sch. II. "
ACT XI OF 1881 (MUNICIPAL TAXATION)— section 3 amended . . . . .	XIV	130 & Sch.
ACT VIII OF 1894 (TARIFF)— section 3 amended . . . . . schedule II amended <sup>1</sup> . . . . .	XXV V VI XIII XV XXV	2. 2 & Sch. 4 & 5 <sup>2</sup> . 2 & Sch. 2. 3 & Sch.
ACT V OF 1898 (CRIMINAL PROCEDURE)— section 526 amended . . . . .	XXI	2.
ACT II OF 1899 (STAMP)— schedule I amended . . . . .	XIV	130 & Sch.
ACT II OF 1901 [TOLLS (ARMY)]— section 2 amended . . . . .	XIV	130 & Sch.
ACT VI OF 1901 (ASSAM LABOUR AND EMIGRATION)— repealed . . . . .	XXII	41 & Sch.
ACT VII OF 1904 (ANCIENT MONUMENTS)— new section 10-A inserted . . . . . new sections substituted for old section 20 . . . . . section 21 amended . . . . .	XVIII " "	2. 3. 4.
ACT V OF 1908 (CIVIL PROCEDURE)— section 78 amended . . . . . first schedule amended . . . . .	X "	2. 3.
ACT XI OF 1908 [ASSAM LABOUR AND EMIGRATION (AMENDMENT)]— repealed . . . . .	XXII	41 & Sch.

<sup>1</sup> The amendments made by Acts V and XIII are to remain in force until the 31st March, 1934 and the 31st March, 1938, respectively.

<sup>2</sup> The amendments made by this section shall have effect up to the 31st March, 1939.

## INDEX TO THE ACTS OF THE

	ACT.	SECTION.
ACT XIV OF 1908 (INDIAN CRIMINAL LAW AMENDMENT)— section 16 amended <sup>1</sup> section 17 amended <sup>1</sup> new sections 17A, 17B, 17C, 17D, 17E and 17F inserted <sup>1</sup>	XXIII " "	11. 12. 13.
ACT IV OF 1912 (LUNACY)— section 12 amended . . . . .	XIV	130 & Sch.
ACT VIII OF 1915 [ASSAM LABOUR AND EMIGRATION (AMENDMENT)]— repealed . . . . .	XXII	41 & Sch.
ACT XXXVIII OF 1920 (DEVOLUTION)— first schedule repealed in part . . . . .	XXII	41 & Sch.
ACT VII OF 1922 (EMIGRATION)— section 24 amended . . . . . section 25 amended . . . . . section 30 amended . . . . .	XVI " "	2. 3. 4.
ACT II OF 1924 (CANTONMENTS)— section 2 amended . . . . .	XVII	2.
ACT IV OF 1925 [INDIAN SOLDIERS (LITIGATION)]— section 2 amended . . . . .	XIV	130 & Sch.
ACT XXV OF 1925 [BAMBOO PAPER INDUSTRY (PROTECTION)]— section 2 amended . . . . .	VI	2.
ACT XX OF 1927 [BAMBOO PAPER INDUSTRY (PROTECTION)]— section 2 amended . . . . .	VI	3.
ACT XXXI OF 1927 [ASSAM LABOUR AND EMIGRATION (AMENDMENT)]— repealed . . . . .	XXII	41 & Sch.
ACT VII OF 1929 (TRADE DISPUTES)— section 13 amended . . . . .	XIX	2.
ACT XIX OF 1930 [INDIAN COMPANIES (AMENDMENT)]— section 2 amended . . . . .	I	2.
ACT XIV OF 1931 [SALT (ADDITIONAL IMPORT DUTY)]— section 1 amended . . . . . section 3 amended . . . . .	VII "	2. 3.
ACT XV OF 1931 [WHEAT (IMPORT DUTY)]— section 1 amended . . . . . section 3 repealed . . . . .	III "	2. 3.
ACT XXIII OF 1931 [INDIAN PRESS (EMERGENCY POWERS)]— title and preamble amended . . . . . section 1 amended . . . . . section 4 amended . . . . .	XXIII " "	14. 15. 16.
AIR FORCE— see Indian Air Force Act, 1932.		
ANCIENT MONUMENTS PRESERVATION (AMENDMENT) ACT, 1932 see Act VII of 1904.	XVIII	1.

<sup>1</sup> This amendment is for three years only with effect from the 19th December, 1932.

	ACT.	SECTION.
ASSAM LABOUR AND EMIGRATION— <i>see</i> Act VII of 1901 ; Act XI of 1908 ; Act VIII of 1915.		
BAMBOO PAPER INDUSTRY (PROTECTION) ACT, 1932 . . . . . <i>see</i> Act VIII of 1894 ; Act XXV of 1925 ; Act XX of 1927.	VI	1.
BENGAL ACT I OF 1896 (PROTECTION OF MUHAMMADAN PILGRIMS)— sections 8, 9 and 10 repealed <sup>1</sup> . . . . .	XX	24.
BENGAL ACT VI OF 1930 (BENGAL CRIMINAL LAW AMENDMENT)— supplemented . . . . .	VIII	2, 3, 4.
BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) ACT, 1925— sections 4, 5 and 6 repealed . . . . .	VIII	5.
BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) ACT, 1932 <sup>2</sup> bar of certain legal proceedings . . . . . construction . . . . . power to order custody in jail outside Bengal . . . . . repeals . . . . .	VIII " " " "	1. 4. 3. 2. 5.
BENGAL SUPPRESSION OF TERRORIST OUTRAGES (SUPPLEMENTARY) ACT, 1932 . . . . . appeals— to Calcutta High Court . . . . . exclusion of interference of Courts with proceedings under the Bengal Suppression of Terrorist Outrages Act, 1932 . . . . .	XXIV " "	1. 3. 5.
BOMBAY ACT II OF 1887 (PROTECTION OF PILGRIMS)— sections 8, 9 and 10 repealed <sup>1</sup> . . . . .	XX	24.
BOYCOTT— <i>see</i> Criminal Law Amendment Act, 1932.		
BURMA ACT VIII OF 1920 (BURMA REGISTRATION OF BUSINESS NAMES)— repealed . . . . .	IX	73 & Sch. II.
BUSINESS NAMES (REGISTRATION OF)— <i>see</i> Burma Act VIII of 1920.		
CANTONMENTS (AMENDMENT) ACT, 1932 . . . . . <i>see</i> Act II of 1924.	XVII	1.
CIVIL PROCEDURE— <i>see</i> Act V of 1908.		
CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1932 . . . . . <i>see</i> Act V of 1908.	X	1.
CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1932 . . . . . <i>see</i> Act V of 1898.	XXI	1.

<sup>1</sup> This repeal will come into force when notified.

<sup>2</sup> The duration of this Act is limited to a period not exceeding three years with effect from the 5th April, 1932.

	ACT.	SECTION.
COMPANIES— <i>see</i> Act XIX of 1930.		
CONTRACT— <i>see</i> Act IX of 1872.		
CONTROLLED EMIGRATION AREA— <i>see</i> Tea Districts Emigrant Labour Act, 1932.		
COURTS-MARTIAL— <i>see</i> Indian Air Force Act, 1932.		
CRIMINAL LAW AMENDMENT ACT, 1932 . . . . .	XXIII	1 (1).
Boycott— of public servants, punished . . . . .	„	4.
Dissuasion— from enlistment in Military, Naval, Air or Police Service, punishment for . . . . .	„	2.
False rumours— dissemination of, punishment for . . . . .	„	6.
Indian Criminal Law Amendment Act, 1908— amendment of . . . . .	„	11, 12.
insertion of new sections in . . . . .	„	13
Indian Press (Emergency Powers) Act, 1931— amendment of . . . . .	„	14, 15, 16.
Molestation— of person to prejudice of employment or business, punish- ment for . . . . .	„	7.
Offences— affecting public safety : conviction of juvenile offender : liability of parent or guardian to pay fine . . . . .	„	8.
power of local Government to make cognizable and non- bailable . . . . .	„	10.
procedure in . . . . .	„	9.
Proscribed document— dissemination of contents, punishment for . . . . .	„	5.
Public Safety— conviction of juvenile offender for offence relating to : liability of parent or guardian to pay fine . . . . .	„	8.
Public Servant— boycotting of, punished . . . . .	„	4.
tampering with, punished . . . . .	„	3.
Service— dissuasion from enlistment in certain : punishment for . . . . .	„	2.
Special Powers Ordinance, 1932— adoption and continuance of action taken under . . . . .	„	18
cessation of effect of section 62 of . . . . .	„	17
trial of, and completion of trials of, offences against . . . . .	„	20.
CRIMINAL PROCEDURE— <i>see</i> Act V of 1898.		

INDIAN LEGISLATURE FOR THE YEAR 1932.

v

	ACT.	SECTION.
DEFAMATION— see Foreign Relations Act, 1932.		
DEVOLUTION— see Act XXXVIII of 1920.		
EMERGENCY POWERS— see Act XXIII of 1931.		
EMIGRANT LABOUR— see Tea Districts Emigrant Labour Act, 1932.		
EMIGRATION— see Act VII of 1922. Tea Districts Emigrant Labour Act, 1932.		
EMPLOYERS AND WORKMEN (DISPUTES) REPEALING ACT, 1932 see Act IX of 1860.	II	1
FIRM— see Indian Partnership Act, 1932.		
FOREIGN RELATIONS ACT, 1932	XII	1 (1).
Defamation— against Ruler of State outside but adjoining India or against consort, son or principal minister of such ruler : Govern- nor General in Council's power of prosecution . . . . .	„	2.
power to forfeit or detain defamatory publications in course of transmission through post . . . . .	„	3.
proof of status of persons defamed . . . . .	„	4.
GOODWILL— see Indian Partnership Act, 1932.		
HAJ COMMITTEE— see Port Haj Committees Act, 1932.		
HAJ FUND— see Port Haj Committees Act, 1932.		
IMPORT DUTY— as to salt, see Act XIV of 1931. wheat, see Act XV of 1931.		
INDIAN AIR FORCE ACT, 1932	XIV	1(1).
Airman— complaint by, against superior officer, for obtaining justice .	„	120.
Arrest— by civil authorities . . . . .	„	60.
custody of offenders . . . . .	„	59.
Commanding Officers— as to persons subject to Act . . . . .	„	4.
when persons serving under officers not subject to Act . . . . .	„	5
Courts-martial— composition of— district . . . . .	„	71.
field general . . . . .	„	72.
general . . . . .	„	70.

	ACT.	SECTION.
<b>INDIAN AIR FORCE ACT, 1932—contd.</b>		
<b>Courts-martial—contd.</b>		
convening of	XIV	66, 67, 69.
limitations of powers of convening authorities . . . . .	"	68.
conviction of one offence on charge of another . . . . .	"	91.
decision by majority of votes . . . . .	"	86.
dissolution of . . . . .	"	73.
evidence—		
commissions for . . . . .	"	90.
enrolment paper as . . . . .	"	95.
general rules as to . . . . .	"	92.
of previous conviction and service character . . . . .	"	98.
exemption from arrest under civil or revenue process of persons attending . . . . .	"	121.
judge-advocate general—		
attendance of . . . . .	"	84.
judicial notice taken by . . . . .	"	93.
jurisdiction and powers . . . . .	"	74, 75, 76.
kinds of . . . . .	"	65.
oaths—		
of president and members . . . . .	"	87.
witnesses . . . . .	"	88.
offender under orders of transportation how dealt with . . . . .	"	117.
order for disposal of property regarding which offence committed . . . . .	"	119.
president of . . . . .	"	83.
challenges as to the name of . . . . .	"	85.
oath . . . . .	"	87.
sentences—		
communication of order setting aside or varying sentence, order or warrant under which person confined in civil prison . . . . .	"	116.
commutation of . . . . .	"	105.
imprisonment, commencement of . . . . .	"	112.
on board ship . . . . .	"	106.
pardons and remissions . . . . .	"	110.
provisions as to confirmation . . . . .	"	100, 101, 102, 104.
limitation of powers of confirming authority . . . . .	"	103.
revision of . . . . .	"	107.
sentence of death . . . . .	"	111.
detention . . . . .	"	115.
fine . . . . .	"	118.
imprisonment . . . . .	"	112, 114.
when invalid, may be substituted by valid . . . . .	"	108.
Trials—		
limitation . . . . .	"	78.
no bar to subsequent trial by criminal court . . . . .	"	82.
order in case of concurrent jurisdiction of criminal court and court-martial . . . . .	"	80.
order for custody and disposal of property pending, in certain cases . . . . .	"	99.
place of . . . . .	"	79.
power of criminal court to require delivery of offender . . . . .	"	81.
prohibition of second trial . . . . .	"	77.
reference by accused to Government officer in certain . . . . .	"	97.
where accused lunatic . . . . .	"	109.

	ACT.	SECTION.
<b>INDIAN AIR FORCE ACT, 1932—contd.</b>		
Debt— exemption from arrest for, in respect of persons enrolled in the Indian Air Force . . . . .	XIV	122.
Definitions . . . . .	„	6.
Deserters— capture of . . . . .	„	61.
disposal of the property of . . . . .	„	126.
Discharge certificate of . . . . .	„	15. 16, 17.
Dismissal— provisions regarding . . . . .	„	13, 14, 16, 17.
Enrolment— attestation . . . . .	„	11-12.
presumption of, in certain cases . . . . .	„	10.
procedure as to, and conditions . . . . .	„	7, 8, 9.
Exemption— from attachment . . . . .	„	123.
Indian Air Force Reserve— privileges attached to, with reference to training or service	„	124.
Lunatics— disposal of the property of . . . . .	„	128.
Offences and punishments— abetment . . . . .	„	57.
absence from duty without leave . . . . .	„	42.
civil offences . . . . .	„	58.
desertion . . . . .	„	39, 41.
escape from custody . . . . .	„	49.
false accusation . . . . .	„	51.
false answer on enrolment . . . . .	„	52.
fraudulent enlistment . . . . .	„	40.
insubordination . . . . .	„	36, 37, 38.
intoxication . . . . .	„	46.
irregular keeping in custody . . . . .	„	48.
miscellaneous offences . . . . .	„	55.
mutiny . . . . .	„	35.
permitting escape of prisoner . . . . .	„	47.
relating to documents and property . . . . .	„	60, 51.
relating aircraft and courts martial . . . . .	„	53, 54.
scandalous conduct . . . . .	„	43, 44, 45.
service offence . . . . .	„	31, 32, 33, 34.
Property— Disposal of deceased persons' and deserters' . . . . .	„	126.
Exemption from attachment . . . . .	„	123.
Provost Marshall— appointment of . . . . .	„	63.
duties and powers of . . . . .	„	64.

	ACT.	SECTION.
<b>INDIAN AIR FORCE ACT, 1932—concl'd.</b>		
Punishments and penal deductions— provisions regarding <i>see also offences.</i>	XIV	19—30.
Reduction— to lower grade or rank . . . . .	„	18, 23.
Rules— power to make . . . . .	„	129.
Suits— priority of hearing . . . . .	„	125.
<i>see Act XIV of 1860. Act XI of 1881. Act II of 1899. Act II of 1901. Act IV of 1912. Act IV of 1925.</i>		
<b>INDIAN COMPANIES (SUPPLEMENTARY AMENDMENT) ACT, 1932</b> <i>see Act XIX of 1930.</i>	I	1.
<b>INDIAN CRIMINAL LAW AMENDMENT—</b> <i>see Act XIV of 1908.</i>		
<b>INDIAN EMIGRATION (AMENDMENT) ACT, 1932</b> . . . . . <i>see Act VII of 1922.</i>	XVI	1.
<b>INDIAN FINANCE ACT, 1931—</b> section 4 operation barred . . . . .	XXV	4.
<b>INDIAN FINANCE (SUPPLEMENTARY AND EXTENDING) AMENDMENT ACT, 1932</b> . . . . . <i>see Indian Finance (Supplementary and Extending) Act, 1931</i>	IV „	1. 2, 3.
<b>INDIAN FINANCE (SUPPLEMENTARY AND EXTENDING) ACT, 1931—</b> section 4, operation barred in certain respects . . . . .	V XV XXV	3. 3. 4.
section 7 amended . . . . .	IV	2.
schedule II amended . . . . .	„	3.
<b>INDIAN PARTNERSHIP ACT, 1932</b> . . . . .	IX	1 (1).
Agreement in restraint of trade— among partners, when valid . . . . .	„	11(2, 36(2), 54, 55.
Exemption— power to exempt province from application of Act . . . . .	IX	56.
<b>Firm—</b> continuing guarantee given to, revocation of, on change in constitution . . . . .	„	38.
dissolution of . . . . .	„	39.
by agreement . . . . .	„	40.
by Court . . . . .	„	44.
by notice of partnership at will . . . . .	„	43.
compulsory . . . . .	„	41.
liability for acts of partners after on the happening of certain contingencies . . . . .	„	45. 42.



	ACT.	SECTION.
<b>INDIAN PARTNERSHIP ACT, 1932—contd.</b>		
Firm— <i>contd.</i>		
dissolution of— <i>contd.</i>		
personal profits earned after . . . . .	IX	50.
property how applied . . . . .	"	14, 15.
return of premium on premature dissolution . . . . .	"	51.
right to restrain from use of firm name or firm property . . . . .	"	53.
sale of goodwill on . . . . .	"	55.
registration—		
application for . . . . .	"	58.
branches : noting of opening and closing : intimation to Registrar . . . . .	"	61.
how effected . . . . .	"	59.
penalty for furnishing false particulars . . . . .	"	70.
recording of alterations in firm name and principal place of business . . . . .	"	60.
registered firms : recording of changes in and dissolution of . . . . .	"	63.
registration essential for suit by partner against partner or firm and exceptions . . . . .	"	69.
words which must not be used in firm name . . . . .	"	58.
Goodwill—		
sale of, after dissolution of firm : rights of buyers and sellers . . . . .	"	55.
Indian Contract Act, 1872—		
application of, to firms . . . . .	"	3.
payment of debts of . . . . .	"	49.
registrar of . . . . .	"	57.
Partners—		
act or instrument done or executed by, how done or executed to bind firm . . . . .	"	22.
admission or representation made by, effect of . . . . .	"	23.
agreement in restraint of trade other than firm business, to be binding on . . . . .	"	11.
authority of, in emergency . . . . .	"	21.
bound by agreement in restraint of trade . . . . .	"	36.
changes in name and address, noting of, by Registrar . . . . .	"	62.
continuance of authority, rights and obligations of, after dissolution of firm . . . . .	"	47.
death of, if affects estate of deceased partner . . . . .	"	35.
duty to indemnify, firm for loss caused by . . . . .	"	10.
expulsion of . . . . .	"	33.
general duties . . . . .	"	9.
implied authority to bind firm by acts . . . . .	"	19.
agreement to vary implied authority . . . . .	"	20.
insolvency of . . . . .	"	34.
introduction of person as, subject to consent of all existing partners . . . . .	"	31.
liability of, for acts of firm . . . . .	"	25.
liability for acts of, done after dissolution of partnership . . . . .	"	45.
liability for representing as, to person giving credit . . . . .	"	28.
misapplication by, of money or property—liability of firm for . . . . .	"	27.
mutual rights and duties —		
after change in the constitution of firm . . . . .	"	17.
after expiry of the term of firm . . . . .	"	17.
where additional undertakings carried out . . . . .	"	17.
mutual rights and duties how determined . . . . .	"	11.
mutual rights and liabilities . . . . .	"	13.
notice to, effect of . . . . .	"	24.

	ACT.	SECTION.
<b>INDIAN PARTNERSHIP ACT, 1932—concl'd.</b>		
Partners— <i>cont'd.</i>		
outgoing partner, right of, to carry on competing business	IX	36.
payment of debts of	"	49.
profits earned by, to be accounted for and paid to firm	"	16.
retirement of	"	32.
right of minors to become	"	30.
right of, to have business wound up after dissolution	"	46.
right of, to take part in the conduct of business	"	12.
right of, to share subsequent profits	"	37.
settlement of accounts between	"	48.
to be agent of the firm	"	18.
transfer by, of interest in firm—rights of transferee	"	29.
wrongful acts of, liability of firm for	"	26.
Partnership—		
cessation of, in insolvency	"	34.
defined	"	4.
existence of, how determined	"	6.
how created	"	5.
minor admitted to the benefits of	"	30.
minor's election to become or not to become partner on attaining majority	"	63.
particular partnership	"	8.
partnership at will	"	7.
rescission of contract creating, on ground of fraud or misrepresentation : rights of party entitled to rescind	"	52.
Public Notice—		
under Act, how given	"	72.
Register of Firms—		
amendment of entry in	"	65.
certified copy of entry in	"	67.
entry in, as evidence	"	68.
open to inspection	"	66.
rectification of mistakes in	"	64.
Rules—		
power to make	"	71.
<i>see</i> Act IX of 1872 ; Burma Act VIII of 1920.		
<b>INDIAN PRESS (EMERGENCY POWERS)—</b>		
<i>see</i> Act XXIII of 1931.		
<b>INDIAN TARIFF (OTTAWA TRADE AGREEMENT) AMENDMENT ACT, 1932 .</b>		
	XXV	1(1).
<i>see</i> Indian Finance Act, 1931 ; Indian Finance (Supplementary and Extending) Act, 1931 ; Act VIII of 1894.		
<b>INDIAN TARIFF (WIRELESS BROADCASTING) AMENDMENT ACT, 1932</b>		
	XV	1.
<i>see</i> Act VIII of 1894.		
Indian Finance (Supplementary and Extending) Act, 1931.		
<b>LUNACY—</b>		
<i>see</i> Act IV of 1912.		
<b>MUHAMMADAN PILGRIMS—</b>		
<i>see</i> Bengal Act I of 1896.		

	ACT.	SECTION.
MUNICIPAL TAXATION— <i>see</i> Act XI of 1881.		
ORDINANCE— <i>see</i> Special Powers Ordinance, 1932.		
OTTAWA TRADE AGREEMENT— <i>see</i> Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932.		
PARTNERS— <i>see</i> Indian Partnership Act, 1932.		
PARTNERSHIP— <i>see</i> Indian Partnership Act, 1932.		
PENAL CODE— <i>see</i> Act XLV of 1860.		
PILGRIM— <i>see</i> Port Haj Committees Act, 1932.		
PILGRIMSHIP— <i>see</i> Port Haj Committees Act, 1932.		
PORT HAJ COMMITTEES ACT, 1932 . . . . .	XX	1(I).
Haj Fund—		
application of . . . . .	”	21.
creation of . . . . .	”	20.
rules as to custody, investment, etc., of . . . . .	”	22.
pilgrim, defined . . . . .	”	2.
pilgrimship, defined . . . . .	”	2.
Port Haj Committee—		
appointment by, of sub-committees for inspection of pilgrimships . . . . .	”	19.
chairman and vice-chairman of . . . . .	”	11.
power to make—		
by laws as to . . . . .	”	13.
rules as to . . . . .	”	12.
duties of . . . . .	”	18.
in Bombay . . . . .	”	3.
Calcutta . . . . .	”	6.
Karachi . . . . .	”	4.
in other ports . . . . .	”	8.
meeting of . . . . .	”	
members of . . . . .	”	
terms of office of . . . . .	”	
officers and servants of—		
local Governments power to appoint . . . . .	”	14.
payment of salaries, etc., of . . . . .	”	16.
Port Haj Committee's power to appoint . . . . .	”	15.
rules as to financial control . . . . .	”	22.
LESS—		
Emergency powers as to, <i>see</i> Act XXIII of 1931.		
PROTECTION—		
as to bamboo paper industry, <i>see</i> Act XXV of 1925 and Act XX of 1927.		
Muhammadan pilgrim, <i>see</i> Bengal Act I of 1896.		
Sugar, <i>see</i> Sugar Industry (Protection) Act, 1932.		

	ACT.	SECTION.
PROVOST MARSHAL— <i>see</i> Indian Air Force Act, 1932.		
PUBLIC SAFETY— <i>see</i> Criminal Law Amendment Act, 1932.		
PUBLIC SUITS VALIDATION ACT, 1932 . . . . .	XI	1(1).
Public Suits—		
restoration of certain dismissed suits . . . . .	"	3.
re-trial of certain appeals relating to . . . . .	"	4.
validation of certain, relating to matters specified in sections 91 and 92 of the Code of Civil Procedure, 1908 . . . . .	"	2.
RECRUITER— <i>see</i> Tea Districts Emigrant Labour Act, 1932.		
REGISTER OF FIRMS— <i>see</i> Indian Partnership Act, 1932.		
REGISTRATION OF BUSINESS NAMES— <i>see</i> Burma Act VIII of 1920.		
REPATRIATION— <i>see</i> Tea Districts Emigrant Labour Act, 1932.		
SALT ADDITIONAL IMPORT DUTY (EXTENDING) ACT, 1932 . . . . . <i>see</i> Act XIV of 1931.	VII	1.
SOLDIER'S LITIGATION— <i>see</i> Act IV of 1925.		
SPECIAL POWERS ORDINANCE, 1932—		
adoption and continuance of action taken under . . . . .	XXIII	18.
cessation of effect of section 62 . . . . .	"	17.
trial of, and completion of trials of, offences against . . . . .	"	20.
STAMPS— <i>see</i> Act II of 1899.		
SUGAR INDUSTRY (PROTECTION) ACT, 1932 . . . . .	XIII	1.
Sugar Industry—		
power to increase duty on foreign sugar . . . . .	"	4.
power to make rules requiring returns relating to production of sugar . . . . .	"	5.
power to make rules requiring notices of prices of sugarcane . . . . .	"	6.
protection of : inquiry as to ground for continuance . . . . . <i>see</i> Act VIII of 1894.	"	3.
TARIFF— <i>see</i> Act VIII of 1894.		
TEA DISTRICTS EMIGRANT LABOUR ACT, 1932 . . . . .	XXII	1(1).
Assisted Emigrants—		
action on failure to make proper arrangement for feeding, accommodation, etc., of . . . . .	"	23.
defined . . . . .	"	2.
how forwarded to Assam . . . . .	"	19.
inspection of depots, vessels and vehicles used by . . . . .	"	22.
maintenance of depots for accommodation and feeding of . . . . .	"	20.
rules relating to . . . . .	"	21.
Civil Courts—		
Bar of jurisdiction . . . . .	"	40.

	ACT.	SECTION.
<b>THE DISTRICT EMIGRATION LABOUR ACT, 1932—contd.</b>		
<b>Controlled Emigration Area—</b>		
grant of licence to local forwarding agent acting for employer of labourer in . . . . .	XXII	17.
cancellation of licence . . . . .	"	24.
power to declare . . . . .	"	16.
power to declare restricted recruiting area . . . . .	"	26.
recruits in, to be sent to forwarding agents' depots . . . . .	"	18.
<b>Controller—</b>		
exercise of powers of, by magistrates and medical officers . . . . .	"	36.
power to detain and return sick person or person improperly recruited . . . . .	"	35.
rights of, to enforce repatriation . . . . .	"	15.
Definitions . . . . .	"	2.
<b>Emigrant Labour—</b>		
emigrant labour cess, levy of . . . . .	"	5.
power to make rules for the collection of . . . . .	"	6.
Governor General in Council's power to appoint Controller and Deputy Controllers . . . . .	"	3.
powers of Controller . . . . .	"	4.
<b>Emigration—</b>		
contrary to rule, penalty for . . . . .	"	25.
<b>Recruiter—</b>		
garden sardar as . . . . .	"	28.
cancellation of garden sardar's certificate for recruiting labour . . . . .	"	30.
grant of licence to . . . . .	"	27.
cancellation and suspension of licence . . . . .	"	29.
illicit recruitment, penalty for . . . . .	"	31.
prohibition of recruitment of child . . . . .	"	32.
<b>Recruitment—</b>		
power to detain and return sick person . . . . .	"	33.
power to return person improperly recruited . . . . .	"	34.
<b>Repatriation—</b>		
controller's right to enforce . . . . .	"	15.
costs of return journey and subsistence allowance incidental to . . . . .	"	12.
court's power to order on conviction of employer or his agent . . . . .	"	11.
employer's duty to make arrangements for . . . . .	"	13.
general right as to, after three years . . . . .	"	7.
postponement, waiver and forfeiture of the right of . . . . .	"	14.
right as to, on dismissal . . . . .	"	8.
of family of deceased emigrant labourer . . . . .	"	9.
right to apply for, before expiry of three years . . . . .	"	10.
Repeals . . . . .	"	41 & Sch.
<b>Rules—</b>		
power to make—		
of Governor General in Council . . . . .	"	37.
of local Government . . . . .	"	21.
Savings . . . . .	"	39.
see Act VI of 1901.		
Act XI of 1908.		
Act VIII of 1915.		
Act XXXVIII of 1920.		
Act XXXI of 1927.		

XIV INDEX TO THE ACTS OF THE INDIAN LEGISLATURE FOR YEAR 1932.

	ACT.	SECTION.
<b>TOLLS (ARMY)—</b> <i>see</i> Act II of 1901.		
<b>TRADE AGREEMENT—</b> <i>see</i> Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932.		
<b>TRADE DISPUTES (AMENDMENT) ACT, 1932</b> . . . . . <i>see</i> Act VII of 1929.	XIX	1.
<b>WHEAT IMPORT DUTY (EXTENDING) ACT, 1932</b> . . . . . <i>see</i> Act XV of 1931.	III	1.
<b>WIRE AND WIRE NAIL INDUSTRY (PROTECTION) ACT, 1932</b> . . . . . <i>see</i> Indian Finance (Supplementary and Extending) Act, 1931. Act VIII of 1894.	V	1.
<b>WIRELESS BROADCASTING—</b> <i>see</i> Indian Tariff (Wireless Broadcasting) Amendment Act, 1932.		

# ACT No. I OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

*(Received the assent of the Governor General on the 5th  
March, 1932.)*

## **An Act to amend the Indian Companies (Amendment) Act, 1930, for a certain purpose.**

**W**HEREAS it is expedient to amend the Indian Companies (Amendment) Act, 1930, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Companies (Supplementary Amendment) Act, 1932. Short title.

2. In the proviso substituted by sub-clause (ii) of clause (a) of section 2 of the Indian Companies (Amendment) Act, 1930, for the words "whereof the partners all", the words "whereof all the partners practising in India" shall be substituted. Amendment of section 2, Act XIX of 1930.

*Price 1 anna or 1½d.]*

MGIPC—L—IX 5—29 2-32—5,000.

# ACT No. II OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

*(Received the assent of the Governor General on the 5th  
March, 1932.)*

## **An Act to repeal the Employers and Workmen (Disputes) Act, 1860.**

**IX of 1860.** **W**HEREAS it is expedient to repeal the Employers and  
Workmen (Disputes) Act, 1860; It is hereby enacted  
as follows:—

**1.** This Act may be called the Employers and Workmen Short title.  
(Disputes) Repealing Act, 1932.

**IX of 1860.** **2.** The Employers and Workmen (Disputes) Act, 1860, is Repeal of Act.  
IX of 1860.  
hereby repealed.

*Price 1 anna or 1½d.]*

MGIPC—L—IX-6—29-3-32—5,000.



# ACT No. III OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th  
March, 1932.)

## An Act to extend the operation of the Wheat (Import Duty) Act, 1931.

**W**HEREAS it is expedient to extend the operation of the  
Wheat (Import Duty) Act, 1931; It is hereby enacted  
as follows:—

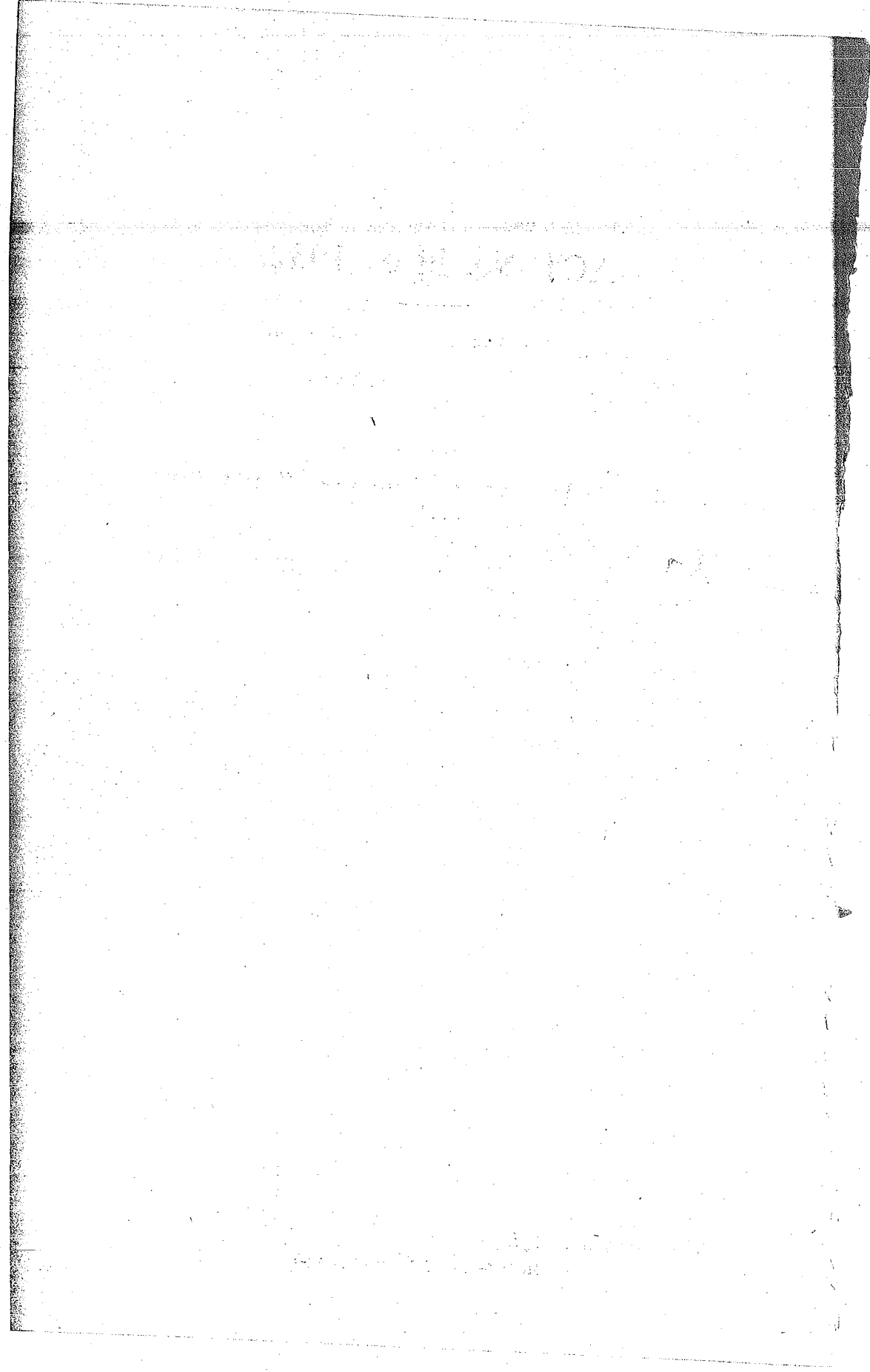
1. This Act may be called the Wheat Import Duty (Ex- short title.  
tending) Act, 1932.

2. In sub-section (3) of section 1 of the Wheat (Import Amendment  
Duty) Act, 1931, for the figures " 1932 " the figures " 1933 " of section 1,  
shall be substituted. Act XV of  
1931.

3. Section 3 of the Wheat (Import Duty) Act, 1931, is Repeal of  
hereby repealed. section 3,  
Act XV of  
1931.

*Price 1 anna or 1½d.]*

MGIPC—L—IX-7—29-3-32—5,000.



# ACT No. IV OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th March, 1932.)

## An Act to amend the Indian Finance (Supplementary and Extending) Act, 1931, for a certain purpose.

WHEREAS it is expedient to amend the Indian Finance (Supplementary and Extending) Act, 1931, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Finance (Supplementary and Extending) Amendment Act, 1932. Short title.

2. To section 7 of the Indian Finance (Supplementary and Extending) Act, 1931, the following sub-section shall be added, namely:— Amendment of section 7, Indian Finance (Supplementary and Extending) Act, 1931.

“(3) For the purpose of assessing and collecting the taxes imposed by sub-section (1), the Indian Income-tax Act, 1922, shall be deemed to be subject to the adaptations set out in Part IA of Schedule II to this Act.”

3. After Part I of Schedule II to the Indian Finance (Supplementary and Extending) Act, 1931, the following Part shall be inserted, namely:— Amendment of Part I, Schedule II to the Indian Finance (Supplementary and Extending) Act, 1931.

### “ PART IA.

(See section 7.)

*Adaptations to provide for the summary assessment of such incomes.*

1. The Income-tax Officer may, save where he has served a notice under sub-section (2) of section 22 of the Indian Income-tax Act, 1922, make a summary assessment of the income

Price 1 anna or 1½d.]

*Indian Finance (Supplementary and [ACT IV OF 1932.]  
Extending) Amendment.*

income of an assessee to the best of his judgment, and shall serve on the assessee a notice of demand in a form to be prescribed by the Central Board of Revenue; and such notice shall be deemed to be a notice of demand under section 29 of that Act.

2. Any assessee in respect of whom such summary assessment has been made may, within thirty days of receipt of the notice of demand, make an application to the Income-tax Officer for the cancellation or revision of the assessment, and the Income-tax Officer shall, after examining any accounts and documents and hearing any evidence which the assessee may produce, and such other evidence as the Income-tax Officer may require, determine, by order in writing, the amount of the tax, if any, payable by the assessee, and such determination shall be final:

Provided that, if any assessee making such application files therewith a return of his income under sub-section (2) of section 22 of the Indian Income-tax Act, 1922, the application shall be deemed to be a return under that sub-section and shall be dealt with accordingly.

3. A copy of an order under paragraph 2 shall be served on the assessee to whom it relates and shall be deemed to be a notice of demand under section 29 of the Indian Income-tax Act, 1922.

4. The above procedure shall apply also to the assessment and collection during the financial year 1932-33 of incomes of Rs. 1,000 and upward and less than Rs. 2,000 which have escaped assessment in the financial year 1931-32."

# ACT No. V OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th March, 1932.)

## An Act to provide for the fostering and development of the wire and wire nail industry in British India.

WHEREAS it is expedient, in pursuance of the policy of discriminating protection of industries in British India with due regard to the well-being of the community, to provide for the fostering and development of the wire and wire nail industry by increasing the import duty leviable, with certain exceptions, on wire and wire nails, for the period of two years; It is hereby enacted as follows:—

1. This Act may be called the Wire and Wire Nail Industry (Protection) Act, 1932. Short title.

2. (1) In Schedule II to the Indian Tariff Act, 1894, there shall be made the amendments specified in the Schedule to this Act. Amendment of Schedule II, Act VIII of 1894.

(2) The amendments made by sub-section (1) shall have effect up to the 31st day of March, 1934.

3. Notwithstanding anything contained in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duty of customs imposed by that section shall not be levied or collected on iron or steel wire or wire nails comprised in item No. 149 of Schedule II of the Indian Tariff Act, 1894, as inserted by Item No. 2 of the Schedule to this Act. Bar of operation of section 4, Indian Finance (Supplementary and Extending) Act, 1931.

THE SCHEDULE.

Price 1 anna or 1½d.]

THE SCHEDULE.

(See section 2.)

Amendments to be made in Schedule II to the Indian Tariff Act, 1894.

1. In Item No. 61,—

(a) for the sub-item—

“IRON OR STEEL nails and washers, all sorts”  
the following sub-item shall be substituted,  
namely:—

“IRON OR STEEL nails and washers, all sorts,  
not otherwise specified.” ;

and

(b) for the sub-item—

“IRON OR STEEL wire, including fencing-wire  
and wire-rope but excluding wire-netting”  
the following sub-item shall be substituted,  
namely:—

“IRON OR STEEL barbed or stranded fencing-  
wire and wire-rope”

2. In Part VII, after Item No. 148, the following item shall be inserted, namely:—

“ 149	IRON OR STEEL—	} Rs. 45 per ton.”
	(a) wire, other than barbed or stranded fencing-wire, wire- rope or wire-netting; and	
	(b) wire nails.	

# ACT No. VI OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th March, 1932.)

**An Act further to amend the law relating to the fostering and development of the bamboo paper industry in British India.**

**W**HEREAS it is expedient further to amend the law relating to the fostering and development of the bamboo paper industry in British India; It is hereby enacted as follows:—

1. This Act may be called the Bamboo Paper Industry (Protection) Act, 1932. Short title.

XXV of 1925. 2. In sub-section (2) of section 2 of the Bamboo Paper Industry (Protection) Act, 1925, for the figures "1932" the figures "1939" shall be substituted. Amendment of section 2, Act XXV of 1925.

XX of 1927. 3. In sub-section (2) of section 2 of the Bamboo Paper Industry (Protection) Act, 1927, for the figures "1932" the figures "1939" shall be substituted. Amendment of section 2, Act XX of 1927.

VIII of 1894. XX of 1927. 4. In Item No. 155 of Schedule II to the Indian Tariff Act, 1894, as enacted by the Bamboo Paper Industry (Protection) Act, 1927, for the figures and words "65 per cent." the figures and words "70 per cent." shall be substituted. Amendment of Schedule II, Act VIII of 1894, and Schedule to Act XX of 1927.

VIII of 1894. 5. (1) In Schedule II to the Indian Tariff Act, 1894,— Amendment of Schedule II, Act VIII of 1894.  
(a) for Item No. 10, the following shall be substituted, namely:—

" 10 | RAGS and other paper-making materials, excluding wood pulp";  
and

(b) in Part VII, after Item No. 159, the following item shall be inserted, namely:—

" 160	WOOD PULP . . . . .	Ton	Rs. 45."
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(2) The amendments made by sub-section (1) shall have effect up to the 31st day of March, 1939.

Price 1 anna or 1½d.]

SEP 17 1964

SEP 17 1964

SEP 17 1964

SEP 17 1964

SEP 17 1964

SEP 17 1964

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SEP 17 1964

SEP 17 1964



# ACT No. VII OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st  
March, 1932.)

## An Act to extend the operation of the Salt (Additional Import Duty) Act, 1931.

**W**HEREAS it is expedient to extend the operation of the  
Salt (Additional Import Duty) Act, 1931; It is hereby  
enacted as follows:—

1. This Act may be called the Salt Additional Import Duty Short title  
(Extending) Act, 1932.

2. In sub-section (3) of section 1 of the Salt (Additional Amendment  
of section 1,  
Act XIV of  
1931.  
Import Duty) Act, 1931 (hereinafter referred to as the said  
Act), for the figures "1932" the figures "1933" shall be  
substituted.

3. In section 3 of the said Act,—

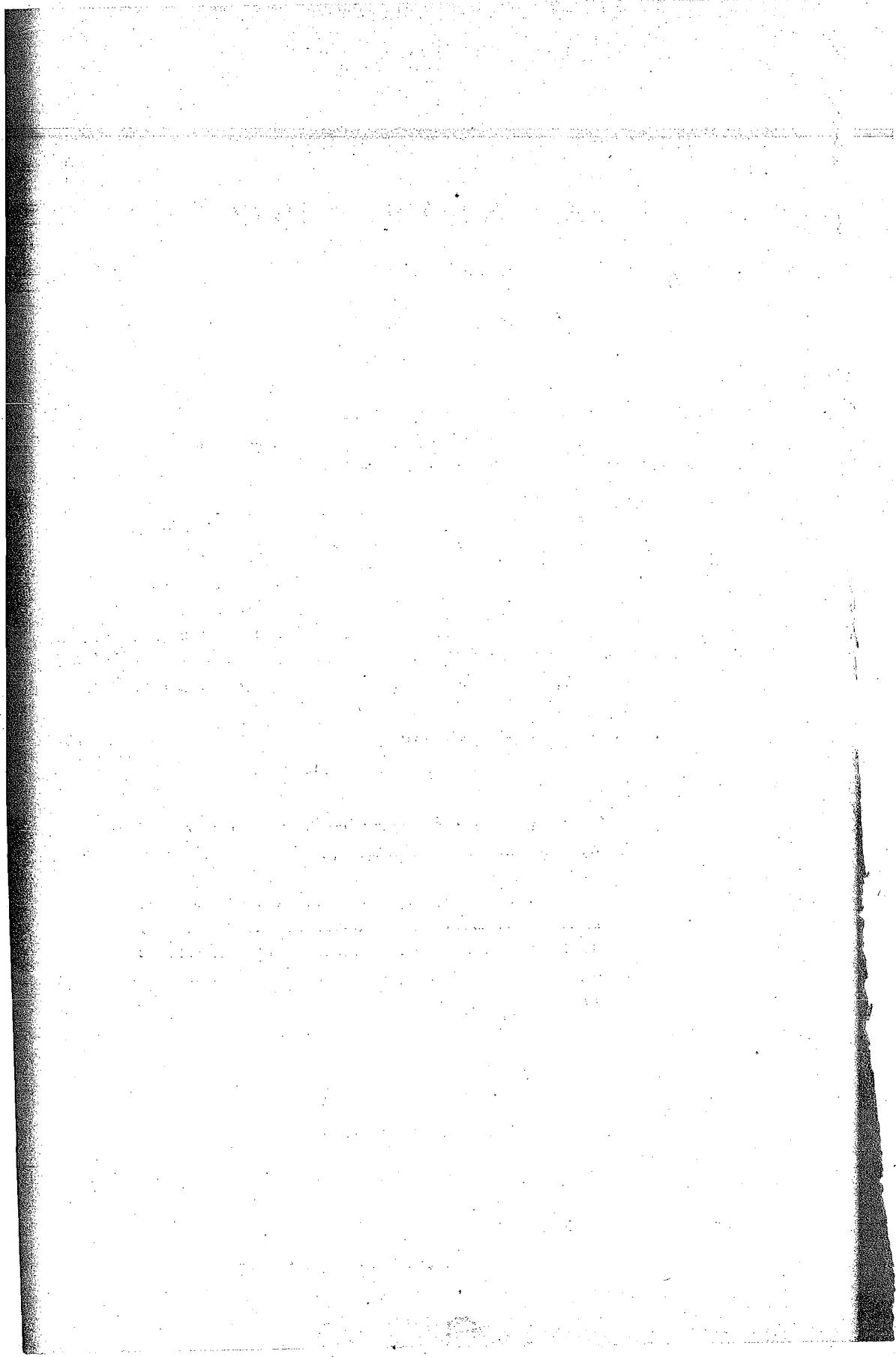
(a) the existing section shall be numbered as sub-section Amendment  
of section 3,  
Act XIV of  
1931.  
(D), and

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

"(2) Notwithstanding anything contained in section 4  
of the Indian Finance (Supplementary and  
Extending) Act, 1931, the additional duty of  
customs imposed by that section shall not be  
levied or collected in respect of the additional  
duty of customs on salt imposed by sub-section  
(D)."

Price 1 anna or 1½d.]

MGIPC—L—IX-18—23-4-32—7,000.



# ACT No. VIII OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th April, 1932.)

## An Act to supplement the Bengal Criminal Law Amendment Act, 1930.

**W**HEREAS it is expedient to supplement the Bengal Criminal Law Amendment Act, 1930; It is hereby enacted as follows:—

1. This Act may be called the Bengal Criminal Law Amendment (Supplementary) Act, 1932. Short title and duration.

It shall remain in force for a period not exceeding three years.

2. The power of the Local Government under sub-section (1) of section 2 of the Bengal Criminal Law Amendment Act, 1930 (hereinafter referred to as the local Act), to direct by order in writing that any person shall be committed to custody in jail shall be deemed to include a power to direct, by order in writing made with the previous sanction of the Governor General in Council, that such person shall be committed to custody in any jail in British India; and, for all or any of the purposes of the local Act, an order so made shall be deemed to be an order made under section 2 of that Act, and all the provisions of that Act shall apply accordingly. Power to order custody in jail outside Bengal.

Provided that the powers exercisable by the Local Government under section 11 of the local Act in respect of any person committed to custody in a jail outside Bengal, and under section 13 of that Act to provide for the manner of custody of any such person, shall be exercised by the Local Government of the province in which the jail is situated, and rules made by such Local Government in exercise of such powers shall be published in the local official Gazette.

3. References

1

Price 1 anna or 1½d.]

en. Act VI  
1930.

en. Act VI  
1930.

*Bengal Criminal Law Amendment* [ACT VIII OF 1932.]  
(*Supplementary*).

Construction.

3. References to the local Act in sections 14 and 15 of that Act shall be deemed also to be references to the local Act as supplemented by this Act.

Bar of certain legal proceedings.

4. The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of any person arrested, committed to or detained in custody under the local Act or the local Act as supplemented by this Act.

Repeals.

5. Sections 4, 5 and 6 of the Bengal Criminal Law Amendment (Supplementary) Act, 1925, are hereby repealed.

# THE INDIAN PARTNERSHIP ACT, 1932.

## CONTENTS.

### CHAPTER I.

#### PRELIMINARY.

#### SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Application of provisions of Act IX of 1872.

### CHAPTER II.

#### THE NATURE OF PARTNERSHIP.

4. Definition of "partnership", "partner", "firm" and "firm name".
5. Partnership not created by status.
6. Mode of determining existence of partnership.
7. Partnership at will.
8. Particular partnership.

### CHAPTER III.

#### RELATIONS OF PARTNERS TO ONE ANOTHER.

9. General duties of partners.
10. Duty to indemnify for loss caused by fraud.
11. Determination of rights and duties of partners by contract between the partners.  
Agreements in restraint of trade.
12. The conduct of the business.
13. Mutual rights and liabilities.
14. The property of the firm.
15. Application of the property of the firm.
16. Personal profits earned by partners.
17. Rights and duties of partners after a change in the firm,  
after the expiry of the term of the firm, and  
where additional undertakings are carried out.

### CHAPTER IV.

CHAPTER IV.

RELATIONS OF PARTNERS TO THIRD PARTIES.

SECTIONS.

18. Partner to be agent of the firm.
19. Implied authority of partner as agent of the firm.
20. Extension and restriction of partner's implied authority.
21. Partner's authority in an emergency.
22. Mode of doing act to bind firm.
23. Effect of admissions by a partner.
24. Effect of notice to acting partner.
25. Liability of a partner for acts of the firm.
26. Liability of the firm for wrongful acts of a partner.
27. Liability of firm for misapplication by partners.
28. Holding out.
29. Rights of transferee of a partner's interest.
30. Minors admitted to the benefits of partnership.

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CHAPTER V.

INCOMING AND OUTGOING PARTNERS.

31. Introduction of a partner.
32. Retirement of a partner.
33. Expulsion of a partner.
34. Insolvency of a partner.
35. Liability of estate of deceased partner.
36. Rights of outgoing partner to carry on competing business.
- Agreements in restraint of trade.
37. Right of outgoing partner in certain cases to share subsequent profits.
38. Revocation of continuing guarantee by change in firm.

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CHAPTER VI.

DISSOLUTION OF A FIRM.

39. Dissolution of a firm.
40. Dissolution by agreement.
41. Compulsory

## SECTIONS.

41. Compulsory dissolution.
42. Dissolution on the happening of certain contingencies.
43. Dissolution by notice of partnership at will.
44. Dissolution by the Court.
45. Liability for acts of partners done after dissolution.
46. Right of partners to have business wound up after dissolution.
47. Continuing authority of partners for purposes of winding up.
48. Mode of settlement of accounts between partners.
49. Payment of firm debts and of separate debts.
50. Personal profits earned after dissolution.
51. Return of premium on premature dissolution.
52. Rights where partnership contract is rescinded for fraud or misrepresentation.
53. Right to restrain from use of firm name or firm property.
54. Agreements in restraint of trade.
55. Sale of goodwill after dissolution.  
Rights of buyer and seller of goodwill.  
Agreements in restraint of trade.

## CHAPTER VII.

## REGISTRATION OF FIRMS.

56. Power to exempt from application of this Chapter.
57. Appointment of Registrars.
58. Application for registration.
59. Registration.
60. Recording of alterations in firm name and principal place of business.
61. Noting of closing and opening of branches.
62. Noting of changes in names and addresses of partners.
63. Recording of changes in and dissolution of a firm.  
Recording of withdrawal of a minor.
64. Rectification of mistakes.
65. Amendment of Register by order of Court.
66. Inspection of Register and filed documents.
67. Grant of copies.
68. Rules of evidence.

69. Effect

*Indian Partnership.* [ACT IX OF 1932.]

SECTIONS.

- 69. Effect of non-registration.
- 70. Penalty for furnishing false particulars.
- 71. Power to make rules.

---

CHAPTER VIII.

SUPPLEMENTAL.

- 72. Mode of giving public notice.
- 73. Repeals.
- 74. Savings.

---

SCHEDULE I.

SCHEDULE II.



# ACT No. IX OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1932.)

**An Act to define and amend the law relating to partnership.**

**W**HEREAS it is expedient to define and amend the law relating to partnership; It is hereby enacted as follows:—

## CHAPTER I.

### PRELIMINARY.

1. (1) This Act may be called the Indian Partnership Act, 1932. Short title, extent and commencement.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the 1st day of October, 1932, except section 69, which shall come into force on the 1st day of October, 1933.

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

(a) an "act of a firm" means any act or omission by all the partners, or by any partner or agent of the firm which gives rise to a right enforceable by or against the firm;

(b) "business" includes every trade, occupation and profession;

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

(d) "third party" used in relation to a firm or to a partner therein means any person who is not a partner in the firm; and

(e) expressions

(Chapter I.—Preliminary. Chapter II.—The nature of partnership.)

(e) expressions used but not defined in this Act and defined in the Indian Contract Act, 1872, shall have the meanings assigned to them in that Act. IX of 1872.

3. The unrepealed provisions of the Indian Contract Act, 1872, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to firms. IX of 1872.

Application of provisions of Act IX of 1872.

## CHAPTER II.

### THE NATURE OF PARTNERSHIP.

Definition of "partnership", "partner", "firm" and "firm name".

4. "Partnership" is the relation between persons who have agreed to share the profits of a business carried on by all or any of them acting for all.

Persons who have entered into partnership with one another are called individually "partners" and collectively "a firm", and the name under which their business is carried on is called the "firm name".

Partnership not created by status.

5. The relation of partnership arises from contract and not from status;

and, in particular, the members of a Hindu undivided family carrying on a family business as such, or a Burmese Buddhist husband and wife carrying on business as such, are not partners in such business.

Mode of determining existence of partnership.

6. In determining whether a group of persons is or is not a firm, or whether a person is or is not a partner in a firm, regard shall be had to the real relation between the parties, as shown by all relevant facts taken together.

*Explanation 1.*—The sharing of profits or of gross returns arising from property by persons holding a joint or common interest in that property does not of itself make such persons partners.

*Explanation 2.*—The receipt by a person of a share of the profits of a business, or of a payment contingent upon the earning of profits or varying with the profits earned by a business, does not of itself make him a partner with the persons carrying on the business;

and,

(Chapter II.—*The nature of partnership.* Chapter III.—*Relations of partners to one another.*)

and, in particular, the receipt of such share or payment—

- (a) by a lender of money to persons engaged or about to engage in any business,
- (b) by a servant or agent as remuneration,
- (c) by the widow or child of a deceased partner, as annuity, or
- (d) by a previous owner or part owner of the business, as consideration for the sale of the goodwill or share thereof,

does not of itself make the receiver a partner with the persons carrying on the business.

7. Where no provision is made by contract between the partners for the duration of their partnership, or for the determination of their partnership, the partnership is “partnership at will.”

8. A person may become a partner with another person in particular adventures or undertakings.

### CHAPTER III.

#### RELATIONS OF PARTNERS TO ONE ANOTHER.

9. Partners are bound to carry on the business of the firm to the greatest common advantage; to be just and faithful to each other, and to render true accounts and full information of all things affecting the firm to any partner or his legal representative.

10. Every partner shall indemnify the firm for any loss caused to it by his fraud in the conduct of the business of the firm.

11. (1) Subject to the provisions of this Act, the mutual rights and duties of the partners of a firm may be determined by contract between the partners, and such contract may be express or may be implied by a course of dealing.

Such contract may be varied by consent of all the partners, and such consent may be express or may be implied by a course of dealing.

(2) Notwithstanding

*Indian Partnership.*

[ACT IX

*(Chapter III.—Relations of partners to one another.)*

Agreements  
in restraint  
of trade.

(2) Notwithstanding anything contained in section 27 of the Indian Contract Act, 1872, such contracts may provide IX of 1872. that a partner shall not carry on any business other than that of the firm while he is a partner.

The conduct  
of the  
business.

12. Subject to contract between the partners—

- (a) every partner has a right to take part in the conduct of the business;
- (b) every partner is bound to attend diligently to his duties in the conduct of the business;
- (c) any difference arising as to ordinary matters connected with the business may be decided by a majority of the partners, and every partner shall have the right to express his opinion before the matter is decided, but no change may be made in the nature of the business without the consent of all the partners; and
- (d) every partner has a right to have access to and to inspect and copy any of the books of the firm.

Mutual rights  
and liabilities.

13. Subject to contract between the partners—

- (a) a partner is not entitled to receive remuneration for taking part in the conduct of the business;
- (b) the partners are entitled to share equally in the profits earned, and shall contribute equally to the losses sustained by the firm;
- (c) where a partner is entitled to interest on the capital subscribed by him such interest shall be payable only out of profits;
- (d) a partner making, for the purposes of the business, any payment or advance beyond the amount of capital he has agreed to subscribe, is entitled to interest thereon at the rate of six per cent. per annum;
- (e) the firm shall indemnify a partner in respect of payments made and liabilities incurred by him—
  - (i) in the ordinary and proper conduct of the business, and

(ii) in

*(Chapter III.—Relations of partners to one another.)*

(ii) in doing such act, in an emergency, for the purpose of protecting the firm from loss, as would be done by a person of ordinary prudence, in his own case, under similar circumstances; and

(f) a partner shall indemnify the firm for any loss caused to it by his wilful neglect in the conduct of the business of the firm.

**14.** Subject to contract between the partners, the property of the firm includes all property and rights and interests in property originally brought into the stock of the firm, or acquired, by purchase or otherwise, by or for the firm, or for the purposes and in the course of the business of the firm, and includes also the goodwill of the business.

The property of the firm.

Unless the contrary intention appears, property and rights and interests in property acquired with money belonging to the firm are deemed to have been acquired for the firm.

**15.** Subject to contract between the partners, the property of the firm shall be held and used by the partners exclusively for the purposes of the business.

Application of the property of the firm.

**16.** Subject to contract between the partners,—

Personal profits earned by partners.

(a) if a partner derives any profit for himself from any transaction of the firm, or from the use of the property or business connection of the firm or the firm name, he shall account for that profit and pay it to the firm;

(b) if a partner carries on any business of the same nature as and competing with that of the firm, he shall account for and pay to the firm all profits made by him in that business.

**17.** Subject to contract between the partners,—

(a) where a change occurs in the constitution of a firm, the mutual rights and duties of the partners in the reconstituted firm remain the same as they were immediately before the change, as far as may be;

Rights and duties of partners after a change in the firm,

(b) where a firm constituted for a fixed term continues to carry on business after the expiry of that term, the mutual rights and duties of the partners

after the expiry of the term of the firm, and

remain

(Chapter III.—Relations of partners to one another. Chapter IV.—Relations of partners to third parties.)

remain the same as they were before the expiry, so far as they may be consistent with the incidents of partnership at will; and

- (c) where a firm constituted to carry out one or more adventures or undertakings carries out other adventures or undertakings, the mutual rights and duties of the partners in respect of the other adventures or undertakings are the same as those in respect of the original adventures or undertakings.

#### CHAPTER IV.

##### RELATIONS OF PARTNERS TO THIRD PARTIES.

18. Subject to the provisions of this Act, a partner is the agent of the firm for the purposes of the business of the firm.

19. (1) Subject to the provisions of section 22, the act of a partner which is done to carry on, in the usual way, business of the kind carried on by the firm, binds the firm.

The authority of a partner to bind the firm conferred by this section is called his "implied authority".

(2) In the absence of any usage or custom of trade to the contrary, the implied authority of a partner does not empower him to—

- (a) submit a dispute relating to the business of the firm to arbitration,
- (b) open a banking account on behalf of the firm in his own name,
- (c) compromise or relinquish any claim or portion of a claim by the firm,
- (d) withdraw a suit or proceeding filed on behalf of the firm,
- (e) admit any liability in a suit or proceeding against the firm,
- (f) acquire immovable property on behalf of the firm,
- (g) transfer immovable property belonging to the firm, or

(h) enter

where additional undertakings are carried out.

Partner to be agent of the firm.

Implied authority of partner as agent of the firm.

## (Chapter IV.—Relations of partners to third parties.)

(h) enter into partnership on behalf of the firm.

20. The partners in a firm may, by contract between the partners, extend or restrict the implied authority of any partner.

Extension and restriction of partner's implied authority.

Notwithstanding any such restriction, any act done by a partner on behalf of the firm which falls within his implied authority binds the firm, unless the person with whom he is dealing knows of the restriction or does not know or believe that partner to be a partner.

21. A partner has authority, in an emergency, to do all such acts for the purpose of protecting the firm from loss as would be done by a person of ordinary prudence, in his own case, acting under similar circumstances, and such acts bind the firm.

Partner's authority in an emergency.

22. In order to bind a firm, an act or instrument done or executed by a partner or other person on behalf of the firm shall be done or executed in the firm name, or in any other manner expressing or implying an intention to bind the firm.

Mode of doing act to bind firm.

23. An admission or representation made by a partner concerning the affairs of the firm is evidence against the firm, if it is made in the ordinary course of business.

Effect of admissions by a partner.

24. Notice to a partner who habitually acts in the business of the firm of any matter relating to the affairs of the firm operates as notice to the firm, except in the case of a fraud on the firm committed by or with the consent of that partner.

Effect of notice to acting partner.

25. Every partner is liable, jointly with all the other partners and also severally, for all acts of the firm done while he is a partner.

Liability of a partner for acts of the firm.

26. Where, by the wrongful act or omission of a partner acting in the ordinary course of the business of a firm, or with the authority of his partners, loss or injury is caused to any third party, or any penalty is incurred, the firm is liable therefor to the same extent as the partner.

Liability of the firm for wrongful acts of a partner.

27. Where—

- (a) a partner acting within his apparent authority receives money or property from a third party and misapplies it, or

Liability of firm for mis-application by partners.

(b) a firm

(Chapter IV.—Relations of partners to third parties.)

(b) a firm in the course of its business receives money or property from a third party, and the money or property is misapplied by any of the partners while it is in the custody of the firm,

the firm is liable to make good the loss.

Holding out.

28. (1) Any one who by words spoken or written or by conduct represents himself, or knowingly permits himself to be represented, to be a partner in a firm, is liable as a partner in that firm to any one who has on the faith of any such representation given credit to the firm, whether the person representing himself or represented to be a partner does or does not know that the representation has reached the person so giving credit.

(2) Where after a partner's death the business is continued in the old firm name, the continued use of that name or of the deceased partner's name as a part thereof shall not of itself make his legal representative or his estate liable for any act of the firm done after his death.

Rights of transferee of a partner's interest.

29. (1) A transfer by a partner of his interest in the firm, either absolute or by mortgage, or by the creation by him of a charge on such interest, does not entitle the transferee, during the continuance of the firm, to interfere in the conduct of the business, or to require accounts, or to inspect the books of the firm, but entitles the transferee only to receive the share of profits of the transferring partner, and the transferee shall accept the account of profits agreed to by the partners.

(2) If the firm is dissolved or if the transferring partner ceases to be a partner, the transferee is entitled as against the remaining partners to receive the share of the assets of the firm to which the transferring partner is entitled, and, for the purpose of ascertaining that share, to an account as from the date of the dissolution.

Minors admitted to the benefits of partnership.

30. (1) A person who is a minor according to the law to which he is subject may not be a partner in a firm, but, with the consent of all the partners for the time being, he may be admitted to the benefits of partnership.

(2) Such minor has a right to such share of the property and of the profits of the firm as may be agreed upon, and he may



*(Chapter IV.—Relations of partners to third parties.)*

may have access to and inspect and copy any of the accounts of the firm.

(3) Such minor's share is liable for the acts of the firm, but the minor is not personally liable for any such act.

(4) Such minor may not sue the partners for an account or payment of his share of the property or profits of the firm, save when severing his connection with the firm, and in such case the amount of his share shall be determined by a valuation made as far as possible in accordance with the rules contained in section 48:

Provided that all the partners acting together or any partner entitled to dissolve the firm upon notice to other partners may elect in such suit to dissolve the firm, and thereupon the Court shall proceed with the suit as one for dissolution and for settling accounts between the partners, and the amount of the share of the minor shall be determined along with the shares of the partners.

(5) At any time within six months of his attaining majority, or of his obtaining knowledge that he had been admitted to the benefits of partnership, whichever date is later, such person may give public notice that he has elected to become or that he has elected not to become a partner in the firm, and such notice shall determine his position as regards the firm:

Provided that, if he fails to give such notice, he shall become a partner in the firm on the expiry of the said six months.

(6) Where any person has been admitted as a minor to the benefits of partnership in a firm, the burden of proving the fact that such person had no knowledge of such admission until a particular date after the expiry of six months of his attaining majority shall lie on the persons asserting that fact.

(7) Where such person becomes a partner,—

(a) his rights and liabilities as a minor continue up to the date on which he becomes a partner, but he also becomes personally liable to third parties for all acts of the firm done since he was admitted to the benefits of partnership, and

(b) his share in the property and profits of the firm shall be the share to which he was entitled as a minor.

(8) Where

(Chapter IV.—*Relations of partners to third parties.* Chapter V.—*Incoming and outgoing partners.*)

- (8) Where such person elects not to become a partner,—
- (a) his rights and liabilities shall continue to be those of a minor under this section up to the date on which he gives public notice,
  - (b) his share shall not be liable for any acts of the firm done after the date of the notice, and
  - (c) he shall be entitled to sue the partners for his share of the property and profits in accordance with sub-section (4).
- (9) Nothing in sub-sections (7) and (8) shall affect the provisions of section 28.

## CHAPTER V.

### INCOMING AND OUTGOING PARTNERS.

Introduction of a partner.

31. (1) Subject to contract between the partners and to the provisions of section 30, no person shall be introduced as a partner into a firm without the consent of all the existing partners.

(2) Subject to the provisions of section 30, a person who is introduced as a partner into a firm does not thereby become liable for any act of the firm done before he became a partner.

Retirement of a partner.

32. (1) A partner may retire—

- (a) with the consent of all the other partners,
- (b) in accordance with an express agreement by the partners, or
- (c) where the partnership is at will, by giving notice in writing to all the other partners of his intention to retire.

(2) A retiring partner may be discharged from any liability to any third party for acts of the firm done before his retirement by an agreement made by him with such third party and the partners of the reconstituted firm, and such agreement may be implied by a course of dealing between such third party and the reconstituted firm after he had knowledge of the retirement.

(3) Notwithstanding

(Chapter V.—Incoming and outgoing partners.)

(3) Notwithstanding the retirement of a partner from a firm, he and the partners continue to be liable as partners to third parties for any act done by any of them which would have been an act of the firm if done before the retirement, until public notice is given of the retirement:

Provided that a retired partner is not liable to any third party who deals with the firm without knowing that he was a partner.

(4) Notices under sub-section (3) may be given by the retired partner or by any partner of the reconstituted firm.

33. (1) A partner may not be expelled from a firm by any majority of the partners, save in the exercise in good faith of powers conferred by contract between the partners. Expulsion of a partner.

(2) The provisions of sub-sections (2), (3) and (4) of section 32 shall apply to an expelled partner as if he were a retired partner.

34. (1) Where a partner in a firm is adjudicated an insolvent he ceases to be a partner on the date on which the order of adjudication is made, whether or not the firm is thereby dissolved. Insolvency of a partner.

(2) Where under a contract between the partners the firm is not dissolved by the adjudication of a partner as an insolvent, the estate of a partner so adjudicated is not liable for any act of the firm and the firm is not liable for any act of the insolvent, done after the date on which the order of adjudication is made.

35. Where under a contract between the partners the firm is not dissolved by the death of a partner, the estate of a deceased partner is not liable for any act of the firm done after his death. Liability of estate of deceased partner.

36. (1) An outgoing partner may carry on a business competing with that of the firm and he may advertise such business, but, subject to contract to the contrary, he may not— Rights of outgoing partner to carry on competing business.

(a) use the firm name,

(b) represent himself as carrying on the business of the firm, or

(c) solicit

(Chapter V.—Incoming and outgoing partners. Chapter VI.—Dissolution of a firm.)

(c) solicit the custom of persons who were dealing with the firm before he ceased to be a partner.

(2) A partner may make an agreement with his partners that on ceasing to be a partner he will not carry on any business similar to that of the firm within a specified period or within specified local limits; and, notwithstanding anything contained in section 27 of the Indian Contract Act, 1872, <sup>IX of 1872.</sup> such agreement shall be valid if the restrictions imposed are reasonable.

**37.** Where any member of a firm has died or otherwise ceased to be a partner, and the surviving or continuing partners carry on the business of the firm with the property of the firm without any final settlement of accounts as between them and the outgoing partner or his estate, then, in the absence of a contract to the contrary, the outgoing partner or his estate is entitled at the option of himself or his representatives to such share of the profits made since he ceased to be a partner as may be attributable to the use of his share of the property of the firm or to interest at the rate of six per cent. per annum on the amount of his share in the property of the firm:

Provided that where by contract between the partners an option is given to surviving or continuing partners to purchase the interest of a deceased or outgoing partner, and that option is duly exercised, the estate of the deceased partner, or the outgoing partner or his estate, as the case may be, is not entitled to any further or other share of profits; but if any partner assuming to act in exercise of the option does not in all material respects comply with the terms thereof, he is liable to account under the foregoing provisions of this section.

**38.** A continuing guarantee given to a firm, or to a third party in respect of the transactions of a firm, is, in the absence of agreement to the contrary, revoked as to future transactions from the date of any change in the constitution of the firm.

## CHAPTER VI.

### DISSOLUTION OF A FIRM.

**39.** The dissolution of partnership between all the partners of a firm is called the "dissolution of the firm".

**40.** A firm

Agreements in restraint of trade.

Right of outgoing partner in certain cases to share subsequent profits.

Revocation of continuing guarantee by change in firm.

Dissolution of a firm.

*(Chapter VI.—Dissolution of a firm.)*

40. A firm may be dissolved with the consent of all the partners or in accordance with a contract between the partners.

Dissolution by agreement.

41. A firm is dissolved—

Compulsory dissolution.

- (a) by the adjudication of all the partners or of all the partners but one as insolvent, or
- (b) by the happening of any event which makes it unlawful for the business of the firm to be carried on or for the partners to carry it on in partnership:

Provided that, where more than one separate adventure or undertaking is carried on by the firm, the illegality of one or more shall not of itself cause the dissolution of the firm in respect of its lawful adventures and undertakings.

42. Subject to contract between the partners a firm is dissolved—

Dissolution on the happening of certain contingencies.

- (a) if constituted for a fixed term, by the expiry of that term;
- (b) if constituted to carry out one or more adventures or undertakings, by the completion thereof;
- (c) by the death of a partner; and
- (d) by the adjudication of a partner as an insolvent.

43. (1) Where the partnership is at will, the firm may be dissolved by any partner giving notice in writing to all the other partners of his intention to dissolve the firm.

Dissolution by notice of partnership at will.

(2) The firm is dissolved as from the date mentioned in the notice as the date of dissolution or, if no date is so mentioned, as from the date of the communication of the notice.

44. At the suit of a partner, the Court may dissolve a firm on any of the following grounds, namely:—

Dissolution by the Court.

- (a) that a partner has become of unsound mind, in which case the suit may be brought as well by the next friend of the partner who has become of unsound mind as by any other partner;

(b) that

*(Chapter VI.—Dissolution of a firm.)*

- (b) that a partner, other than the partner suing, has become in any way permanently incapable of performing his duties as partner;
- (c) that a partner, other than the partner suing, is guilty of conduct which is likely to affect prejudicially the carrying on of the business, regard being had to the nature of the business;
- (d) that a partner, other than the partner suing, wilfully or persistently commits breach of agreements relating to the management of the affairs of the firm or the conduct of its business, or otherwise so conducts himself in matters relating to the business that it is not reasonably practicable for the other partners to carry on the business in partnership with him;
- (e) that a partner, other than the partner suing, has in any way transferred the whole of his interest in the firm to a third party, or has allowed his share to be charged under the provisions of rule 49 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908, or has allowed it to be sold in the recovery of arrears of land-revenue or of any dues recoverable as arrears of land-revenue due by the partner;
- (f) that the business of the firm cannot be carried on save at a loss; or
- (g) on any other ground which renders it just and equitable that the firm should be dissolved.

Liability for  
acts of partners  
done after  
dissolution.

45. (1) Notwithstanding the dissolution of a firm, the partners continue to be liable as such to third parties for any act done by any of them which would have been an act of the firm if done before the dissolution, until public notice is given of the dissolution :

Provided that the estate of a partner who dies, or who is adjudicated an insolvent, or of a partner who, not having been known to the person dealing with the firm to be a partner, retires from the firm, is not liable under this section for acts done after the date on which he ceases to be a partner.

(2) Notices

*(Chapter VI.—Dissolution of a firm.)*

(2) Notices under sub-section (1) may be given by any partner.

46. On the dissolution of a firm every partner or his representative is entitled, as against all the other partners or their representatives, to have the property of the firm applied in payment of the debts and liabilities of the firm, and to have the surplus distributed among the partners or their representatives according to their rights.

Right of partners to have business wound up after dissolution.

47. After the dissolution of a firm the authority of each partner to bind the firm, and the other mutual rights and obligations of the partners, continue notwithstanding the dissolution, so far as may be necessary to wind up the affairs of the firm and to complete transactions begun but unfinished at the time of the dissolution, but not otherwise:

Continuing authority of partners for purposes of winding up.

Provided that the firm is in no case bound by the acts of a partner who has been adjudicated insolvent; but this proviso does not affect the liability of any person who has after the adjudication represented himself or knowingly permitted himself to be represented as a partner of the insolvent.

48. In settling the accounts of a firm after dissolution, the following rules shall, subject to agreement by the partners, be observed:—

Mode of settlement of accounts between partners.

- (a) Losses, including deficiencies of capital, shall be paid first out of profits, next out of capital, and, lastly, if necessary, by the partners individually in the proportions in which they were entitled to share profits.
- (b) The assets of the firm, including any sums contributed by the partners to make up deficiencies of capital, shall be applied in the following manner and order:—
  - (i) in paying the debts of the firm to third parties;
  - (ii) in paying to each partner rateably what is due to him from the firm for advances as distinguished from capital;
  - (iii) in paying to each partner rateably what is due to him on account of capital; and

(iv) the

(Chapter VI.—Dissolution of a firm.)

(iv) the residue, if any, shall be divided among the partners in the proportions in which they were entitled to share profits.

Payment of firm debts and of separate debts.

49. Where there are joint debts due from the firm, and also separate debts due from any partner, the property of the firm shall be applied in the first instance in payment of the debts of the firm, and, if there is any surplus, then the share of each partner shall be applied in payment of his separate debts or paid to him. The separate property of any partner shall be applied first in the payment of his separate debts, and the surplus (if any) in the payment of the debts of the firm.

Personal profits earned after dissolution.

50. Subject to contract between the partners, the provisions of clause (a) of section 16 shall apply to transactions by any surviving partner or by the representatives of a deceased partner, undertaken after the firm is dissolved on account of the death of a partner and before its affairs have been completely wound up:

Provided that where any partner or his representative has bought the goodwill of the firm, nothing in this section shall affect his right to use the firm name.

Return of premium on premature dissolution.

51. Where a partner has paid a premium on entering into partnership for a fixed term, and the firm is dissolved before the expiration of that term otherwise than by the death of a partner, he shall be entitled to repayment of the premium or of such part thereof as may be reasonable, regard being had to the terms upon which he became a partner and to the length of time during which he was a partner, unless—

- (a) the dissolution is mainly due to his own misconduct, or
- (b) the dissolution is in pursuance of an agreement containing no provision for the return of the premium or any part of it.

Rights where partnership contract is rescinded for fraud or misrepresentation.

52. Where a contract creating partnership is rescinded on the ground of the fraud or misrepresentation of any of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled—

- (a) to a lien on, or a right of retention of, the surplus or the assets of the firm remaining after the debts of the



## (Chapter VI.—Dissolution of a firm.)

the firm have been paid, for any sum paid by him for the purchase of a share in the firm and for any capital contributed by him;

- (b) to rank as a creditor of the firm in respect of any payment made by him towards the debts of the firm; and
- (c) to be indemnified by the partner or partners guilty of the fraud or misrepresentation against all the debts of the firm.

53. After a firm is dissolved, every partner or his representative may, in the absence of a contract between the partners to the contrary, restrain any other partner or his representative from carrying on a similar business in the firm name or from using any of the property of the firm for his own benefit, until the affairs of the firm have been completely wound up:

Right to  
restrain from  
use of firm  
name or firm  
property.

Provided that where any partner or his representative has bought the goodwill of the firm, nothing in this section shall affect his right to use the firm name.

54. Partners may, upon or in anticipation of the dissolution of the firm, make an agreement that some or all of them will not carry on a business similar to that of the firm within a specified period or within specified local limits; and notwithstanding anything contained in section 27 of the Indian Contract Act, 1872, such agreement shall be valid if the restrictions imposed are reasonable.

Agreements  
in restraint  
of trade.

55. (1) In settling the accounts of a firm after dissolution, the goodwill shall, subject to contract between the partners, be included in the assets, and it may be sold either separately or along with other property of the firm.

Sale of goodwill  
after  
dissolution.

(2) Where the goodwill of a firm is sold after dissolution, a partner may carry on a business competing with that of the buyer and he may advertise such business, but, subject to agreement between him and the buyer, he may not—

Rights of  
buyer and  
seller of a  
goodwill.

- (a) use the firm name,
- (b) represent himself as carrying on the business of the firm, or
- (c) solicit the custom of persons who were dealing with the firm before its dissolution.

(3) Any

(Chapter VI.—Dissolution of a firm. Chapter VII.—Registration of firms.)

Agreements  
in restraint  
of trade.

(3) Any partner may, upon the sale of the goodwill of a firm, make an agreement with the buyer that such partner will not carry on any business similar to that of the firm within a specified period or within specified local limits, and, notwithstanding anything contained in section 27 of the Indian Contract Act, 1872, such agreement shall be valid if the restrictions imposed are reasonable. <sup>IX of 1872.</sup>

## CHAPTER VII.

### REGISTRATION OF FIRMS.

Power to  
exempt from  
application of  
this Chapter.

56. The Governor General in Council may, by notification in the Gazette of India, direct that the provisions of this Chapter shall not apply to any province or to any part thereof specified in the notification.

Appointment  
of Registrars.

57. (1) The Local Government may appoint Registrars of Firms for the purposes of this Act, and may define the areas within which they shall exercise their powers and perform their duties.

(2) Every Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. <sup>XIV of 1860.</sup>

Application  
for registration.

58. (1) The registration of a firm may be effected at any time by sending by post or delivering to the Registrar of the area in which any place of business of the firm is situated or proposed to be situated, a statement in the prescribed form and accompanied by the prescribed fee, stating—

- (a) the firm name,
- (b) the place or principal place of business of the firm,
- (c) the names of any other places where the firm carries on business,
- (d) the date when each partner joined the firm,
- (e) the names in full and permanent addresses of the partners, and
- (f) the duration of the firm.

The statement shall be signed by all the partners, or by their agents specially authorised in this behalf.

(2) Each

## (Chapter VII.—Registration of firms.)

(2) Each person signing the statement shall also verify it in the manner prescribed.

(3) A firm name shall not contain any of the following words, namely:—

“ Crown ”, “ Emperor ”, “ Empress ”, “ Empire ”, “ Imperial ”, “ King ”, “ Queen ”, “ Royal ”, or words expressing or implying the sanction, approval or patronage of the Crown or the Government of India or a Local Government, except when the Governor General in Council signifies his consent to the use of such words as part of the firm name by order in writing under the hand of one of the Secretaries of the Government of India.

59. When the Registrar is satisfied that the provisions of section 58 have been duly complied with, he shall record an entry of the statement in a register called the Register of Firms, and shall file the statement. Registration.

60. (1) When an alteration is made in the firm name or in the location of the principal place of business of a registered firm, a statement may be sent to the Registrar accompanied by the prescribed fee, specifying the alteration, and signed and verified in the manner required under section 58. Recording of alterations in firm name and principal place of business.

(2) When the Registrar is satisfied that the provisions of sub-section (1) have been duly complied with, he shall amend the entry relating to the firm in the Register of Firms in accordance with the statement, and shall file it along with the statement relating to the firm filed under section 59.

61. When a registered firm discontinues business at any place or begins to carry on business at any place, such place not being its principal place of business, any partner or agent of the firm may send intimation thereof to the Registrar, who shall make a note of such intimation in the entry relating to the firm in the Register of Firms, and shall file the intimation along with the statement relating to the firm filed under section 59. Noting of closing and opening of branches.

62. When any partner in a registered firm alters his name or permanent address, an intimation of the alteration may be sent by any partner or agent of the firm to the Registrar, who shall deal with it in the manner provided in section 61. Noting of changes in names and addresses of partners.

63. (1) When

(Chapter VII.—Registration of firms.)

Recording of changes in and dissolution of a firm.

63. (1) When a change occurs in the constitution of a registered firm any incoming, continuing or outgoing partner, and when a registered firm is dissolved any person who was a partner immediately before the dissolution, or the agent of any such partner or person specially authorised in this behalf, may give notice to the Registrar of such change or dissolution, specifying the date thereof; and the Registrar shall make a record of the notice in the entry relating to the firm in the Register of Firms, and shall file the notice along with the statement relating to the firm filed under section 59.

Recording of withdrawal of a minor.

(2) When a minor who has been admitted to the benefits of partnership in a firm attains majority and elects to become or not to become a partner, and the firm is then a registered firm, he, or his agent specially authorised in this behalf, may give notice to the Registrar that he has or has not become a partner, and the Registrar shall deal with the notice in the manner provided in sub-section (1).

Rectification of mistakes.

64. (1) The Registrar shall have power at all times to rectify any mistake in order to bring the entry in the Register of Firms relating to any firm into conformity with the documents relating to that firm filed under this Chapter.

(2) On application made by all the parties who have signed any document relating to a firm filed under this Chapter, the Registrar may rectify any mistake in such document or in the record or note thereof made in the Register of Firms.

Amendment of Register by order of Court.

65. A Court deciding any matter relating to a registered firm may direct that the Registrar shall make any amendment in the entry in the Register of Firms relating to such firm which is consequential upon its decision; and the Registrar shall amend the entry accordingly.

Inspection of Register and filed documents.

66. (1) The Register of Firms shall be open to inspection by any person on payment of such fee as may be prescribed.

(2) All statements, notices and intimations filed under this Chapter shall be open to inspection, subject to such conditions and on payment of such fee as may be prescribed.

Grant of copies.

67. The Registrar shall on application furnish to any person, on payment of such fee as may be prescribed, a copy, certified

*(Chapter VII.—Registration of firms.)*

certified under his hand, of any entry or portion thereof in the Register of Firms.

68. (1) Any statement, intimation or notice recorded or noted in the Register of Firms shall, as against any person by whom or on whose behalf such statement, intimation or notice was signed, be conclusive proof of any fact therein stated. Rules of evidence.

(2) A certified copy of an entry relating to a firm in the Register of Firms may be produced in proof of the fact of the registration of such firm, and of the contents of any statement, intimation or notice recorded or noted therein.

69. (1) No suit to enforce a right arising from a contract or conferred by this Act shall be instituted in any Court by or on behalf of any person suing as a partner in a firm against the firm or any person alleged to be or to have been a partner in the firm unless the firm is registered and the person suing is or has been shown in the Register of Firms as a partner in the firm. Effect of non-registration.

(2) No suit to enforce a right arising from a contract shall be instituted in any Court by or on behalf of a firm against any third party unless the firm is registered and the persons suing are or have been shown in the Register of Firms as partners in the firm.

(3) The provisions of sub-sections (1) and (2) shall apply also to a claim of set-off or other proceeding to enforce a right arising from a contract, but shall not affect—

(a) the enforcement of any right to sue for the dissolution of a firm or for accounts of a dissolved firm, or any right or power to realise the property of a dissolved firm, or

(b) the powers of an official assignee, receiver or Court under the Presidency-towns Insolvency Act, 1909, or the Provincial Insolvency Act, 1920, to realise the property of an insolvent partner.

(4) This section shall not apply—

(a) to firms or to partners in firms which have no place of business in British India, or whose places of business in British India are situated in areas to which,

(Chapter VII.—Registration of firms.)

which, by notification under section 55, this Chapter does not apply, or

- (b) to any suit or claim of set-off not exceeding one hundred rupees in value which, in the Presidency-towns, is not of a kind specified in section 19 of the Presidency Small Cause Courts Act, 1882, xv of 1882. or, outside the Presidency-towns, is not of a kind specified in the Second Schedule to the Provincial Small Cause Courts Act, 1887, or to any proceeding in execution or other proceeding incidental to or arising from any such suit or claim. ix of 1887.

Penalty for furnishing false particulars.

70. Any person who signs any statement, amending statement, notice or intimation under this Chapter containing any particular which he knows to be false or does not believe to be true, or containing particulars which he knows to be incomplete or does not believe to be complete, shall be punishable with imprisonment which may extend to three months, or with fine, or with both.

Power to make rules.

71. (1) The Governor General in Council may make rules prescribing the fees which shall accompany documents sent to the Registrar of Firms, or which shall be payable for the inspection of documents in the custody of the Registrar of Firms, or for copies from the Register of Firms:

Provided that such fees shall not exceed the maximum fees specified in Schedule I.

- (2) The Local Government may make rules—
- (a) prescribing the form of statement submitted under section 58, and of the verification thereof;
  - (b) requiring statements, intimations and notices under sections 60, 61, 62 and 63 to be in prescribed form, and prescribing the form thereof;
  - (c) prescribing the form of the Register of Firms, and the mode in which entries relating to firms are to be made therein, and the mode in which such entries are to be amended or notes made therein;
  - (d) regulating the procedure of the Registrar when disputes arise;
  - (e) regulating

(Chapter VII.—Registration of firms. Chapter VIII.—  
Supplemental.)

- (e) regulating the filing of documents received by the Registrar;
  - (f) prescribing conditions for the inspection of original documents;
  - (g) regulating the grant of copies;
  - (h) regulating the elimination of registers and documents;
  - (i) providing for the maintenance and form of an Index to the Register of Firms; and
  - (j) generally, to carry out the purposes of this Chapter.
- (3) All rules made under this section shall be subject to the condition of previous publication.

## CHAPTER VIII.

### SUPPLEMENTAL.

**72.** A public notice under this Act is given—

Mode of giving  
public notice.

- (a) where it relates to the retirement or expulsion of a partner from a registered firm, or to the dissolution of a registered firm, or to the election to become or not to become a partner in a registered firm by a person attaining majority who was admitted as a minor to the benefits of partnership, by notice to the Registrar of Firms under section 63, and by publication in the local official Gazette and in at least one vernacular newspaper circulating in the district where the firm to which it relates has its place or principal place of business, and
- (b) in any other case, by publication in the local official Gazette and in at least one vernacular newspaper circulating in the district where the firm to which it relates has its place or principal place of business.

**73.** The enactments mentioned in Schedule II are hereby repealed to the extent specified in the fourth column thereof.

Repeals.

**74.** Nothing

Savings.

74. Nothing in this Act or any repeal effected thereby shall affect or be deemed to affect—

- (a) any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or
- (b) any legal proceeding or remedy in respect of any such right, title, interest, obligation or liability, or anything done or suffered before the commencement of this Act, or
- (c) anything done or suffered before the commencement of this Act, or
- (d) any enactment relating to partnership not expressly repealed by this Act, or
- (e) any rule of insolvency relating to partnership, or
- (f) any rule of law not inconsistent with this Act.

SCHEDULE I.

MAXIMUM FEES.

[See sub-section (1) of section 71.]

Document or act in respect of which the fee is payable.	Maximum fee.
Statement under section 58 . . . . .	Three rupees.
Statement under section 60 . . . . .	One rupee.
Intimation under section 61 . . . . .	One rupee.
Intimation under section 62 . . . . .	One rupee.
Notice under section 63 . . . . .	One rupee.
Application under section 64 . . . . .	One rupee.
Inspection of the Register of Firms under sub-section (1) of section 66.	Eight annas for inspecting one volume of the Register.
Inspection of documents relating to a firm under sub-section (2) of section 66.	Eight annas for the inspection of all documents relating to one firm.
Copies from the Register of Firms . . . . .	Four annas for each hundred words or part thereof.

SCHEDULE II.



of 1932.]

*Indian Partnership.*

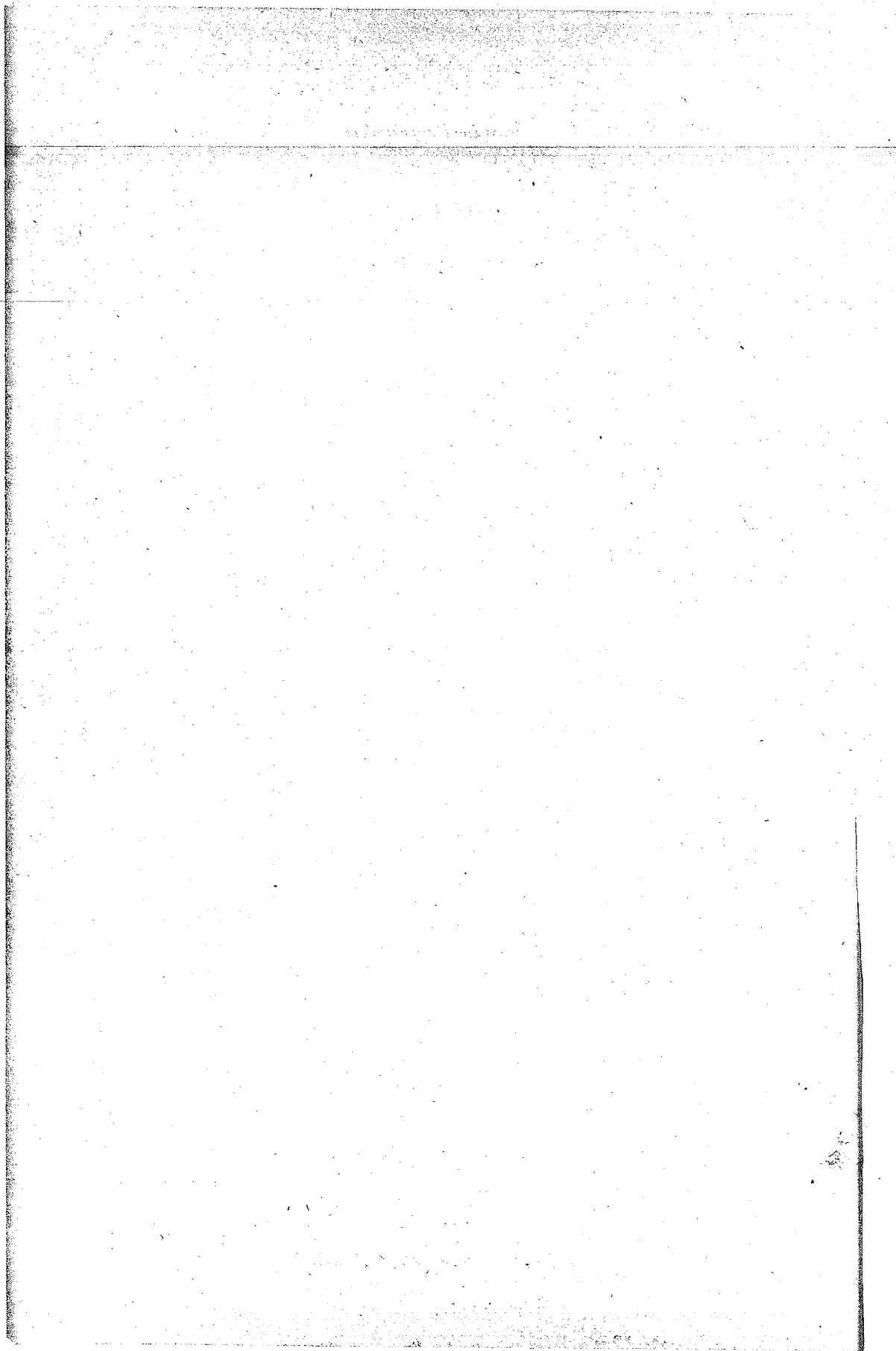
(Schedule II.—Enactments Repealed.)

SCHEDULE II.

ENACTMENTS REPEALED.

(See section 73.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1872	IX	The Indian Contract Act, 1872.	Exceptions 2 & 3 to section 27. The whole of Chapter XI.
1920	Burma Act VIII.	The Burma Registration of Business Names Act, 1920.	The whole.



# ACT NO. X OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1932.)

## An Act further to amend the Code of Civil Procedure, 1908, for a certain purpose.

**W**HEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1932. Short title.

2. In section 78 of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code),— Amendment of section 78, Act V of 1908.

(a) before the words "The provisions" the words "Subject to such conditions and limitations as may be prescribed," shall be inserted;

(b) after the words "issued by" the words "or at the instance of" shall be inserted; and

(c) in clause (c), the words "for the time being in alliance with His Majesty" shall be omitted.

3. In Order XXVI of the First Schedule to the said Code, the following heading and rules shall be added, namely:— Insertion of new rules in Order XXVI of the First Schedule, Act V of 1908.

*"Commissions issued at the instance of Foreign Tribunals.*

19. (1) If a High Court is satisfied—

(a) that a foreign court situated in a foreign country wishes to obtain the evidence of a witness in any proceeding before it,

(b) that the proceeding is of a civil nature, and

(c) that the witness is residing within the limits of the High Court's appellate jurisdiction,

it may, subject to the provisions of rule 20, issue a commission for the examination of such witness.

(2) Evidence

*Code of Civil Procedure (Amendment).* [ACT X OF 1932.]

(2) Evidence may be given of the matters specified in clauses (a), (b) and (c) of sub-rule (1)—

- (a) by a certificate signed by the consular officer of the foreign country of the highest rank in India and transmitted to the High Court through the Governor General in Council, or
- (b) by a letter of request issued by the foreign court and transmitted to the High Court through the Governor General in Council, or
- (c) by a letter of request issued by the foreign court and produced before the High Court by a party to the proceeding.

20. The High Court may issue a commission under rule 19—

- (a) upon application by a party to the proceeding before the foreign court, or
- (b) upon an application by a law officer of the Local Government acting under instructions from the Local Government.

21. A commission under rule 19 may be issued to any court within the local limits of whose jurisdiction the witness resides, or, where the High Court is established under the Indian High Courts Act, 1861, or the Government of India Act, 1915, and the witness resides within the local limits of its ordinary original civil jurisdiction, to any person whom the court thinks fit to execute the commission.

22. The provisions of rules 6, 15, 16, 17 and 18 of this Order in so far as they are applicable shall apply to the issue, execution and return of such commissions, and when any such commission has been duly executed it shall be returned, together with the evidence taken under it, to the High Court, which shall forward it to the Governor General in Council, along with the letter of request for transmission to the foreign court."

# ACT No. XI OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1932.)

## An Act to validate certain suits relating to public matters.

**W**HEREAS it is expedient to validate certain suits relating to public matters which may be or have been held to be invalid by reason of the previous sanction of the Local Government in respect thereof not having been obtained as required by section 93 of the Code of Civil Procedure, 1908; It is hereby enacted as follows:—

1. (1) This Act may be called the Public Suits Validation Act, 1932. Short title and extent.

(2) It extends to all parts of British India to which sections 91, 92 and 93 of the Code of Civil Procedure, 1908, extend.

2. Where a suit relating to any of the public matters specified in sections 91 and 92 of the Code of Civil Procedure, 1908, is pending at the commencement of this Act, the institution of such suit shall not be deemed to be invalid on the ground that the previous sanction of the Local Government in respect of such suit has not been obtained as required by section 93 of that Code. Validation of certain pending public suits.

*Explanation.*—For the purposes of this section a suit pending at the commencement of this Act includes a suit in respect of which an appeal lies or is pending at the commencement of this Act.

3. Where any suit relating to any such public matter has, after the 30th day of November, 1931, and before the commencement of this Act, been dismissed by a Court of first instance solely on the ground that the sanction of the Local Government in respect of such suit has not been obtained as required by section 93 of the Code of Civil Procedure, 1908, the Court shall, on application made within six months from

the

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Price 1 anna or 1½d.]

*Public Suits Validation.* [ACT XI OF 1932.]

the commencement of this Act, make an order setting aside its decree and shall proceed with the suit.

Retrial of  
certain appeals  
relating to  
public suits.

4. Where, in any appeal arising from a suit relating to any such public matter, a decree has been passed after the 30th day of November, 1931, and before the commencement of this Act, dismissing the appeal or dismissing the suit from which the appeal arose, solely on the ground that the previous sanction of the Local Government in respect of the suit had not been obtained as required by section 93 of the Code of Civil Procedure, 1908, the Appellate Court shall, <sup>v of 1908.</sup> on application made within six months from the commencement of this Act, make an order setting aside its decree and shall proceed with the appeal.

# ACT No. XII OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th  
April, 1932.)

**An Act to provide against the publication of statements likely to prejudice the maintenance of friendly relations between His Majesty's Government and the Governments of certain foreign States.**

**W**HEREAS it is expedient to provide against the publication of statements likely to prejudice the maintenance of friendly relations between His Majesty's Government and the Governments of certain foreign States; It is hereby enacted as follows:—

1. (1) This Act may be called the Foreign Relations Act, 1932. Short title and extent.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

2. Where an offence falling under Chapter XXI of the Indian Penal Code is committed against a Ruler of a State outside but adjoining India, or against the consort or son or principal Minister of such Ruler, the Governor General in Council may make, or authorise any person to make, a complaint in writing of such offence, and, notwithstanding anything contained in section 198 of the Code of Criminal Procedure, 1898, any Court competent in other respects to take cognizance of such offence may take cognizance thereof on such complaint. Power of Governor General in Council to prosecute in certain cases of defamation.

*Explanation.*—For the purposes of this Act Aden is not included in India.

3. The provisions of sections 99A to 99G of the Code of Criminal Procedure, 1898, and of sections 27B to 27D of the Indian Post Office Act, 1898, shall apply in the case of any book, newspaper or other document containing matter which is defamatory of a Ruler of a State outside but adjoining India or of the consort or son or principal Minister of such Ruler. Power to forfeit certain publications or to detain them in the course of transmission through post.

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Price 1 anna or 1½d.]

XLV of 1890.

V of 1898.

VI of 1898.

*Foreign Relations.* [ACT XII OF 1932.]

Ruler and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State, in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections :

Provided that for the purposes of this section the said provisions shall be construed as if for the words " Local Government " wherever they occur, the words " Governor General in Council " were substituted.

Proof of status  
of persons de-  
famed.

4. Where, in any trial of an offence upon a complaint under section 2, or in any proceeding before a High Court arising out of section 3, there is a question whether any person is a Ruler of any State, or is the consort or son or principal Minister of such Ruler, a certificate under the hand of a Secretary to the Government of India that such person is such Ruler, consort, son or principal Minister shall be conclusive proof of that fact



# ACT No. XIII OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1932.)

## An Act to provide for the fostering and development of the sugar industry in British India.

WHEREAS it is expedient, in pursuance of the policy of discriminating protection of industries in British India with due regard to the well-being of the community, to provide for the fostering and development of the sugar industry for a period ending with the 31st day of March, 1946, by determining the extent of the protection to be conferred up to the 31st day of March, 1938, and by making provision for the determination of the extent of the protection to be conferred for the remainder of the period; It is hereby enacted as follows:—

1. This Act may be called the Sugar Industry (Protection) Act, 1932. Short title.

2. (1) In the Second Schedule to the Indian Tariff Act, 1894, there shall be made the amendments specified in the Schedule to this Act. Amendment of Schedule II, Act VIII of 1894.

(2) The amendments made by sub-section (1) shall have effect up to the 31st day of March, 1938.

3. The Governor General in Council shall cause to be made, by such persons as he may appoint in this behalf, an inquiry to ascertain if the protection of the sugar industry during the period from the 31st day of March, 1938, to the 31st day of March, 1946, should be continued to the extent conferred by this Act, or to a greater or lesser extent, and shall, not later than the 31st day of March, 1938, lay his proposals in this behalf before the Indian Legislature. Statutory inquiry.

4. If the Governor General in Council is satisfied, after such inquiry as he thinks fit, that sugar not manufactured in India is being imported into British India at such a price

as

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*Price 1 anna or 1½d.]*

as is likely to render insufficient the benefits intended to be conferred upon the sugar industry by the duties imposed by section 2, he may, by notification in the Gazette of India, increase such duty to such extent as he thinks fit.

Power to make rules requiring returns.

5. The Governor General in Council may, by notification in the Gazette of India, make rules requiring the owners of sugar factories in British India to make such returns relating to the production of sugar in their factories as the Governor General in Council may consider to be desirable, prescribing the form of such returns, the dates of their submission and the authority to which they shall be submitted.

Power to make rules requiring notices of prices of sugar-cane to be posted up in sugar factories.

6. (1) The Local Government may, by notification in the local official Gazette, make rules requiring that there shall be affixed, in conspicuous places near the entrances to sugar factories, notices for the information of sellers of sugar-cane, and such rules may prescribe the form and languages of such notices, and the particulars to be included therein relating to prices at which sugar-cane is being bought at the factory.

(2) In making such rules the Local Government may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees.

*Explanation.*—In this section and in section 5 “factory” has the meaning assigned to it in clause (3) of section 2 of the Indian Factories Act, 1911.

XII of 1911.

### THE SCHEDULE.

(See section 2.)

*Amendments to be made in Schedule II to the Indian Tariff Act, 1894.*

1. In Part II,—

(a) for the heading “SUGAR” and Item No. 34, the following heading and item shall be substituted, namely:—

“OTHER FOOD AND DRINK.

34	MOLASSES	. . . .	Ad valorem	. . . .	25 per cent.”;
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(b) the heading “SACCHARINE” above Item No. 34-A shall be omitted; and

(c) the heading “OTHER FOOD AND DRINK” above Item No. 35 shall be omitted.

2. In

2. In Part VII, after Item No. 156, the following heading and item shall be inserted, namely:—

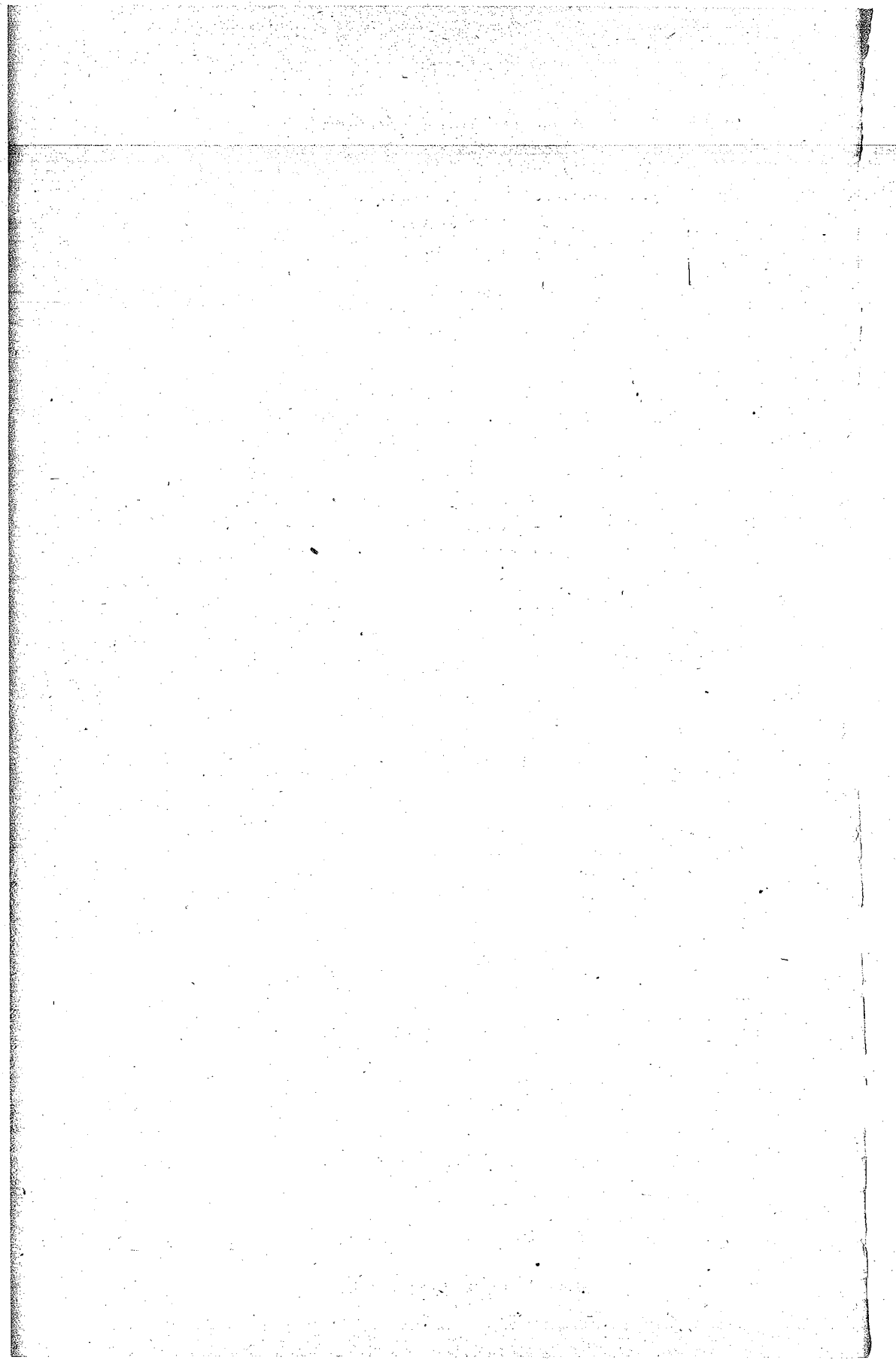
“ SUGAR.

157	SUGAR and sugar-candy, excluding confectionery	Cwt.	Rs. A. 7 4”
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3. Item No. 156A shall be re-numbered as Item No. 158.

4. In Part VII under the head “ MISCELLANEOUS ”,—

- (a) in the first column, the figures “ 157 ”, “ 158 ” and “ 159 ” shall be omitted;
- (b) the heading “ MATCHES, UNDIPPED SPLINTS AND VENEERS ” shall be numbered as Item No. 159; and
- (c) in the second column, the entries relating to “ MATCHES ”, “ UNDIPPED SPLINTS ” and “ VENEERS ” shall be lettered, respectively, as sub-items (a), (b) and (c) of Item No. 159.



# THE INDIAN AIR FORCE ACT, 1932.

## CONTENTS.

### CHAPTER I.

#### PRELIMINARY.

##### SECTIONS.

1. Short title and commencement.
2. Persons subject to this Act.
3. Special provision as to rank in certain cases.
4. Commanding officer of certain persons.
5. Officers to exercise powers in certain cases.
6. Definitions.

### CHAPTER II.

#### ENROLMENT, ATTESTATION, DISMISSAL, DISCHARGE AND REDUCTION.

7. Procedure before enrolling officer.
8. Enrolment.
9. Conditions for enrolment.
10. Presumption of enrolment in certain cases.
11. Persons to be attested.
12. Mode of attestation.
13. Dismissal by Governor General in Council.
14. Dismissal by the Air Officer Commanding or prescribed officer.
15. Discharge.
16. Certificate to person dismissed or discharged.
17. Discharge and dismissal out of India.
18. Reduction.

### CHAPTER III.

#### PUNISHMENTS AND PENAL DEDUCTIONS.

19. Punishments.
20. Power to award lower punishments.
21. Field

SECTIONS.

21. Field punishment.
22. Combination of punishments.
23. Reduction of non-commissioned officers and warrant officers to ranks.
24. Retention in the ranks of person convicted on active service.
25. Minor punishments.
26. Deductions from pay and allowances.
27. Deductions from public money other than pay.
28. Remission of deductions.
29. Provision for dependants of prisoners of war.
30. Unauthorised deductions forbidden.

CHAPTER IV.

AIR FORCE OFFENCES.

31. Service offences punishable with death.
32. Service offences punishable with long imprisonment.
33. Service offences punishable more severely if committed on active service.
34. Service offences punishable with short imprisonment.
35. Mutiny.
36. Insubordination punishable with long imprisonment.
37. Insubordination punishable more severely if committed on active service.
38. Insubordination punishable with short imprisonment.
39. Desertion.
40. Fraudulent enlistment.
41. Connivance at desertion.
42. Absence from duty without leave.
43. Scandalous conduct of officer.
44. Scandalous conduct punishable with long imprisonment.
45. Scandalous conduct punishable with short imprisonment.
46. Intoxication.
47. Permitting escape of prisoner.
48. Irregular keeping in custody.
49. Escape from custody.
50. Offences relating to property.

51. False

SECTIONS.

51. False accusations and offences relating to documents.
52. False answers on enrolment.
53. Offences relating to courts-martial.
54. Offences relating to aircraft.
55. Miscellaneous air force offences.
56. Attempts.
57. Abetment.
58. Civil offences.

---

CHAPTER V.

ARREST AND PROCEEDINGS BEFORE TRIAL.

59. Custody of offenders.
60. Arrest by civil authorities.
61. Capture of deserters.
62. Inquiry on absence without leave.
63. Provost-marshals.
64. Duties and powers.

---

CHAPTER VI.

CONSTITUTION, JURISDICTION AND POWERS OF COURTS-MARTIAL.

65. Kinds of courts-martial.
66. Power to convene general courts-martial.
67. Power to convene district courts-martial.
68. Limitation of powers of convening authorities.
69. Convening of field general courts-martial.
70. Composition of general courts-martial.
71. Composition of district courts-martial.
72. Composition of field general courts-martial.
73. Dissolution of courts-martial.
74. Jurisdiction and powers of courts-martial generally.
75. Jurisdiction and powers of general and field general courts-martial.
76. Jurisdiction and powers of district courts-martial.
77. Prohibition of second trial.
78. Limitation of trial.
79. Place of trial.
80. Order in case of concurrent jurisdiction of criminal court and court-martial.

81. Power

SECTIONS.

81. Power of criminal court to require delivery of offender.
82. Trial by court-martial no bar to subsequent trial by criminal court.

---

CHAPTER VII.

PROCEDURE OF COURTS-MARTIAL.

83. President.
84. Judge Advocate.
85. Challenges.
86. Voting of members.
87. Oaths of president and members.
88. Oaths of witnesses.
89. The summoning of witnesses and production of documents.
90. Commissions to obtain evidence.
91. Conviction of one offence permissible on charge of another.
92. General rule as to evidence.
93. Judicial notice.
94. Presumption as to signatures.
95. Enrolment paper as evidence.
96. Presumption as to certain documents.
97. Reference by accused to Government officer.
98. Evidence of previous convictions and service character.
99. Order for custody and disposal of property pending trial in certain cases.

---

CHAPTER VIII.

CONFIRMATION, REVISION, PARDON AND REMISSION OF SENTENCES.

100. Finding and sentence invalid without confirmation.
101. Power to confirm finding and sentence of general court-martial.
102. Power to confirm finding and sentence of district court-martial.
103. Limitation of powers of confirming authorities.
104. Confirmation



SECTIONS.

104. Confirmation of finding and sentence of field general court-martial.
105. Power of confirming authority to mitigate, remit or commute sentences.
106. Confirmation of finding and sentence on board ship.
107. Revision of finding or sentence.
108. Substitution of valid for invalid sentence.
109. Provision where accused is a lunatic.
110. Pardons and remissions.

---

CHAPTER IX.

EXECUTION OF SENTENCES AND DISPOSAL OF PROPERTY.

111. Sentence of death.
112. Commencement of sentence of imprisonment.
113. Execution of sentence of imprisonment.
114. Execution of sentence of imprisonment in special cases.
115. Execution of sentence of detention.
116. Communication of certain orders to civil prison officers.
117. Offenders sentenced to transportation how dealt with until transported.
118. Execution of sentence of fine.
119. Order for disposal of property regarding which offence committed.

---

CHAPTER X.

SPECIAL RULES RELATING TO PERSONS AND PROPERTY.

120. Complaints against superior officers and airmen.
121. Privileges of persons attending courts-martial.
122. Exemption from arrest for debt.
123. Property exempted from attachment.
124. Application to reservists.
125. Priority of hearing by courts of cases in which persons subject to this Act are concerned.
126. Property of deceased persons and deserters.  
Meaning of deserter.

127. Disposal

*Indian Air Force.* [ACT XIV OF 1932.]

SECTIONS.

127. Disposal of certain property without production of probate, etc.  
128. Application to lunatics and persons missing on active service.
- 

CHAPTER XI.

SUPPLEMENTAL.

129. Power to make rules.  
130. Amendment of certain enactments.
- 

THE SCHEDULE.

# ACT No. XIV OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th  
April, 1932.)

## An Act to provide for the administration and discipline of the Indian Air Force.

**W**HEREAS it is intended to establish an Indian Air  
Force;

AND WHEREAS it is expedient to provide for the administra-  
tion and discipline of that Force and for purposes connected  
therewith;

It is hereby enacted as follows:—

### CHAPTER I.

#### PRELIMINARY.

1. (1) This Act may be called the Indian Air Force Act, Short title and  
commencement.  
1932.

(2) It shall come into force on such date as the Governor  
General in Council may, by notification in the Gazette of  
India, appoint.

2. (1) The following persons shall be subject to this Act, Persons  
subject to  
this Act.  
namely:—

- (a) officers and warrant officers of the Indian Air Force;
- (b) persons enrolled under this Act;
- (c) persons not otherwise subject to military or air force  
law, who, on active service, in camp, on the march,  
or at any frontier post specified by the Governor  
General in Council by notification in this behalf,  
are employed by, or are in the service of, or are  
followers of, or accompany any portion of, the  
Indian Air Force.

(2) Every

(Chapter I.—Preliminary.)

(2) Every person who has become subject to this Act under sub-section (1), clause (a) or (b), shall remain so subject until duly discharged or dismissed.

Special provision as to rank in certain cases.

3. (1) The Governor General in Council may, by notification, direct that any persons or class of persons subject to this Act under section 2, sub-section (1), clause (c), shall be so subject as officers, warrant officers or non-commissioned officers, and may authorise any officer to give a like direction with respect to any such person and to cancel such direction.

(2) All persons subject to this Act other than officers, warrant officers and non-commissioned officers shall, if they are not persons in respect of whom a notification or direction under sub-section (1) is in force, be deemed to be of a rank inferior to that of a non-commissioned officer.

Commanding officer of certain persons.

4. Every person subject to this Act under section 2, sub-section (1), clause (c), shall, for the purposes of this Act, be deemed to be under the commanding officer of the corps, unit or detachment (if any) to which he is attached, and if he is not attached to any corps, unit or detachment, under the command of any officer who may for the time being be named as his commanding officer by the officer commanding the force with which such person may for the time being be serving, or of any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said officer commanding the force:

Provided that an officer commanding a force shall not place a person under the command of an officer of official rank inferior to that of such person if there is present at the place where such person is any officer of higher rank under whose command he can be placed.

Officers to exercise powers in certain cases.

5. (1) Whenever persons subject to this Act are serving whether within or without India under an officer not subject to this Act, the Governor General in Council may prescribe the officer by whom the powers which, under this Act, may be exercised by officers commanding units, shall, as regards such persons, be exercised.

(2) The Governor General in Council may confer such powers either absolutely or subject to such restrictions, reservations, exceptions and conditions as he may think fit.

6. In

*(Chapter I.—Preliminary.)*

6. In this Act, unless there is something repugnant in the <sup>Definitions.</sup> subject or context,—

- (1) “ officer of the Indian Air Force ” means a person commissioned, gazetted or in pay as an officer of the Indian Air Force;
- (2) “ warrant officer ” means a person appointed, gazetted or in pay as a warrant officer in the Indian Air Force;
- (3) “ non-commissioned officer ” means a person attested under this Act holding a non-commissioned rank in the Indian Air Force, and includes an acting non-commissioned officer;
- (4) “ officer ” means an officer of any of His Majesty’s naval, military or air forces, but does not include a warrant officer or non-commissioned officer;
- (5) “ airman ” means any person subject to this Act other than an officer;
- (6) “ commanding officer ”, used in relation to a person subject to this Act, means the officer for the time being in command of the unit or detachment to which such person belongs or is attached;
- (7) “ superior officer ”, when used in relation to a person subject to this Act, includes a warrant officer and a non-commissioned officer; and, as regards persons placed under his orders, an officer, a warrant officer or non-commissioned officer of any of His Majesty’s naval, military or air forces;
- (8) “ corps ” means any body of the Indian Air Force which is prescribed as a corps for the purposes of all or any of the provisions of this Act;
- (9) “ unit ” means any body of the Indian Air Force which is prescribed as a unit for the purposes of all or any of the provisions of this Act;
- (10) “ enemy ” includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of a person subject to naval, military or air force law to act;
- (11) “ active

*(Chapter I.—Preliminary.)*

- (11) "active service", as applied to a person subject to this Act, means the time during which such person is attached to, or forms part of, a force which is engaged in operations against an enemy, or is engaged in warlike operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country, and includes, in respect of a person subject to this Act attached to or forming part of a force which is about to be or has recently been on such active service, such time as the Governor General in Council may, by notification in the Gazette of India, declare to be active service in respect of such force;
- (12) "air force custody" means the arrest or confinement of a person according to the usages of His Majesty's military and air forces, and includes military custody;
- (13) "air force reward" includes any gratuity or annuity for long service or good conduct, any good conduct pay, good service pay or pension, and any other air force pecuniary reward;
- (14) "court-martial" means a court-martial held under this Act;
- (15) "criminal court" means a court of ordinary criminal justice in British India, or established elsewhere by the authority of the Governor General in Council;
- (16) "offence" means any act or omission made punishable by any law for the time being in force;
- (17) "air force offence" means any act or omission made punishable by this Act;
- (18) "civil offence" means an offence which, if committed in British India, would be triable by a criminal court;
- (19) "His Majesty's naval forces" include the Indian Marine Service;
- (20) "notification"

(Chapter I.—Preliminary. Chapter II.—Enrolment, Attestation, Dismissal, Discharge and Reduction.)

- (20) "notification" means a notification published in the Gazette of India;
- (21) "prescribed" means prescribed by rules made under this Act; and
- (22) all words and expressions used herein and defined in the Indian Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

## CHAPTER II.

### ENROLMENT, ATTESTATION, DISMISSAL, DISCHARGE AND REDUCTION.

7. Upon the appearance before the prescribed enrolling officer of any person desirous of being enrolled, the enrolling officer shall read and explain to him, or cause to be read and explained to him in his presence, the conditions of the service for which he is to be enrolled; and shall put to him the questions set forth in the prescribed form of enrolment, and shall, after having cautioned him that if he makes a false answer to any such question he will be liable to punishment under this Act, record or cause to be recorded his answer to each such question.

8. If, after complying with the provisions of section 7, the enrolling officer is satisfied that the person desirous of being enrolled fully understands the questions put to him and consents to the conditions of service, and if he perceives no impediment, he shall sign and shall cause the person to sign the enrolment paper, and the person shall be then deemed to be enrolled.

9. The enrolling officer shall not cause any person to sign the enrolment paper unless he is satisfied that such person is a subject of His Majesty or of a Prince or Chief in India, and—

- (a) is of unmixed Indian descent, or
- (b) if he is of mixed Indian and non-Indian descent, is domiciled in India, or

(c) if

(Chapter II.—Enrolment, Attestation, Dismissal, Discharge and Reduction.)

(c) if he is of unmixed non-Indian Asiatic descent, is domiciled in India and his father and grandfather were domiciled in India.

Presumption of enrolment in certain cases.

10. Every person who has for the space of six months been in the receipt of air force pay and been borne on the rolls of any unit shall be deemed to have been duly enrolled, notwithstanding any illegality or irregularity in his enrolment.

Persons to be attested.

11. The following persons shall be attested, namely:—

- (a) all persons enrolled as combatants;
- (b) all other enrolled persons prescribed by the Governor General in Council.

Mode of attestation.

12. (1) When a person who is to be attested is reported fit for duty, or has completed the prescribed period of probation, an oath or affirmation shall be administered to him in the prescribed form by his commanding officer in front of his unit or such portion thereof as may be present, or by any other prescribed person.

(2) The form of oath or affirmation prescribed under this section shall contain a promise that the person to be attested will be faithful to His Majesty, his heirs and successors, and that he will serve in the Indian Air Force and go wherever he is ordered by air, land or sea, and that he will obey all commands of any officer set over him, even to the peril of his life.

(3) The fact of an enrolled person having taken the oath or affirmation directed by this section to be taken shall be entered on his enrolment paper, and authenticated by his signature and by the signature of the officer administering the oath or affirmation.

Dismissal by Governor General in Council.

13. The Governor General in Council may at any time dismiss from the service any person subject to this Act.

Dismissal by the Air Officer Commanding or prescribed officer.

14. The Air Officer Commanding His Majesty's Air Forces in India, or any prescribed officer, may at any time dismiss from the service any person subject to this Act other than an officer.

Discharge.

15. The prescribed authority may, in conformity with any rules prescribed in this behalf, discharge from the service any person subject to this Act.

16. Any



(Chapter II.—Enrolment, Attestation, Dismissal, Discharge and Reduction. Chapter III.—Punishments and Penal Deductions.)

16. Any enrolled person who is dismissed or discharged from the service shall be furnished by his commanding officer with a certificate setting forth—

Certificate to person dismissed or discharged.

- (a) the authority dismissing or discharging him;
- (b) the cause of his dismissal or discharge; and
- (c) the full period of his service in the Indian Air Force.

17. (1) Any enrolled person who is entitled under the conditions of his enrolment to be discharged, or whose discharge is ordered by competent authority, and who, when he is so entitled or ordered to be discharged, is serving out of India, and requests to be sent to India, shall, before being discharged, be sent to India with all convenient speed.

Discharge and dismissal out of India.

(2) Any person subject to this Act who is dismissed from the service and who, when he is so dismissed, is serving out of India, shall be sent to India with all convenient speed:

Provided that, where any such person is sentenced to dismissal combined with any other punishment, such other punishment, or, in the case of a sentence of imprisonment, a portion of such other punishment, may be inflicted before he is sent to India.

18. (1) The Air Officer Commanding His Majesty's Air Forces in India, or any prescribed officer, may at any time reduce any warrant officer or any non-commissioned officer to a lower grade or to a lower rank or to the ranks, or any airman other than a warrant officer or non-commissioned officer to a lower class in the ranks.

Reduction.

(2) The commanding officer of an acting non-commissioned officer may order him to revert to his permanent grade as a non-commissioned officer or, if he has no permanent grade above the ranks, to the ranks.

### CHAPTER III.

#### PUNISHMENTS AND PENAL DEDUCTIONS.

19. Punishments may be inflicted in respect of offences committed by persons subject to this Act, and convicted by court-martial

Punishments.

*(Chapter III.—Punishments and Penal Deductions.)*

court-martial, according to the scale following, that is to say,—

- (a) death;
- (b) imprisonment, which shall be of two degrees, namely:—
  - (i) long imprisonment, which shall be rigorous and for a term not less than three years and not exceeding fourteen years, and
  - (ii) short imprisonment, which may be rigorous or simple, for a term not exceeding two years;
- (c) in the case of airmen, detention for a term not exceeding two years;
- (d) dismissal from the service;
- (e) in the case of officers and warrant officers, suspension from rank, pay and allowances for a period not exceeding two months;
- (f) reduction, in the case of a warrant officer, or a non-commissioned officer, to a lower grade, or to a lower rank or to the ranks;
- (g) in the case of officers, warrant officers and non-commissioned officers, forfeiture of seniority of rank;
- (h) in the case of officers, warrant officers and non-commissioned officers, reprimand or severe reprimand;
- (i) forfeitures and stoppages as follows, namely:—
  - (i) forfeiture of service for the purpose of promotion, increased pay, pension or any other prescribed purpose;
  - (ii) forfeiture of any military or air-force decoration or military or air force reward;
  - (iii) forfeiture, in the case of a person sentenced to dismissal from the service, of all arrears of pay and allowances due to him at the time of such dismissal;
  - (iv) stoppages of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good;
  - (v) on active service, forfeiture of pay and allowances for a period not exceeding three months.

20. Where

*(Chapter III.—Punishments and Penal Deductions.)*

20. Where in respect of any offence under this Act there is specified a particular punishment, there may be awarded in respect of that offence instead of such particular punishment (but subject to the other provisions of this Act as to punishments and regard being had to the nature and degree of the offence) any one punishment lower in the above scale than the particular punishment.

Power to award lower punishments.

21. (1) Where any person, subject to this Act and under the rank of warrant officer, on active service is guilty of any offence, it shall be lawful for a court-martial to award for that offence any such punishment as may be prescribed as a field punishment. Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb.

Field punishment.

(2) Field punishment shall, for the purpose of commutation, be deemed to stand in the scale of punishments next below dismissal.

22. A sentence of a court-martial may award, in addition to or without any one other punishment, any one or more of the punishments specified in clauses (d), (f), (h) and (i) of section 19.

Combination of punishments.

23. A warrant officer or non-commissioned officer sentenced by court-martial to imprisonment, detention, field punishment or dismissal from the service, shall be deemed to be reduced to the ranks.

Reduction of non-commissioned officers and warrant officers to ranks.

24. When any enrolled person on active service has been sentenced by court-martial to dismissal or to imprisonment, whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and where such person has been sentenced to imprisonment, such service shall be reckoned as part of his term of imprisonment.

Retention in the ranks of person convicted on active service.]

25. (1) The Governor General in Council may prescribe the minor punishments to which persons subject to this Act shall be liable without the intervention of a court-martial, and the officer or officers by whom, and the extent to which, such minor punishments may be awarded.

Minor punishments

(2) Detention and, in the case of persons subject to this Act on active service, any prescribed field punishment may be specified as minor punishments:

Provided

(Chapter III.—Punishments and Penal Deductions.)

Provided that—

- (a) the term of such detention or field punishment shall not exceed twenty-eight days; and
- (b) detention or field punishment shall not be awarded to any person of or above the rank of non-commissioned officer, or who, when he committed the offence in respect of which it is awarded, was of or above such rank.

(3) The provisions of sections 77, 78 and 79 shall apply to the proceedings of officers empowered to award minor punishments under this section as if such officers were courts-martial.

Deductions  
from pay and  
allowances.

26. (1) The following penal deductions may be made from the pay and allowances of an officer of the Indian Air Force, that is to say,—

- (a) all pay and allowances due to an officer who absents himself without leave or overstays the period for which leave of absence has been granted to him, unless a satisfactory explanation has been given to his commanding officer and has been approved by the Governor General in Council;
- (b) any sum required to make good such compensation for any expenses, loss, damage or destruction occasioned by the commission of any offence as may be determined by the court-martial by whom he is convicted of such offence;
- (c) any sum required to make good the pay of any officer or airman which he has unlawfully retained or unlawfully refused to pay;
- (d) any sum required to make good any loss, damage or destruction of public or service property which, after due investigation, appears to the Governor General in Council to have been occasioned by any wrongful act or negligence on the part of the officer.

(2) The following penal deductions may be made from the pay and allowances of an airman, that is to say,—

- (a) all pay and allowances for every day of absence either on desertion or without leave, or as a prisoner of war,

*(Chapter III.—Punishments and Penal Deductions.)*

war, and for every day of imprisonment or detention awarded by a criminal court, a court-martial or an officer exercising authority under section 25, or of field punishment, awarded by a court-martial or such officer;

- (b) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted by a criminal court or court-martial, or on a charge of absence without leave for which he is afterwards awarded imprisonment, detention or field punishment by an officer exercising authority under section 25;
- (c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by an offence under this Act committed by him;
- (d) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be prescribed;
- (e) all pay and allowances ordered by a court-martial to be suspended or forfeited;
- (f) any sum ordered by a court-martial to be stopped;
- (g) any sum required to make good such compensation for any expenses caused by him, or for any loss of or damage or destruction done by him to any arms, ammunition, equipment, clothing, instruments, service necessaries, or military decoration, or to any buildings or property, as may be awarded by his commanding officer;
- (h) any sum required to pay a fine awarded by a criminal court, a court-martial exercising jurisdiction under section 58 or an officer exercising authority under section 25:

Provided that the total deductions from the pay and allowances of a person subject to this Act made under clauses (e) to (g), both inclusive, shall not (except in the case of a person sentenced

(Chapter III.—Punishments and Penal Deductions.)

sentenced to dismissal) exceed in any one month one-half of his pay and allowances for that month.

*Explanation.*—For the purposes of clauses (a) and (b)—

- (i) no person shall be treated as absent, imprisoned, or detained, unless the absence, imprisonment, or detention has lasted six hours or upwards, except where the absence prevented the absentee from fulfilling any air force duty which was thereby thrown on some other person;
- (ii) a period of absence, imprisonment, or detention which commences before and ends after midnight may be reckoned as a day;
- (iii) the number of days shall be reckoned as from the time when the absence, imprisonment, or detention commences; and
- (iv) no period of less than twenty-four hours shall be reckoned as more than one day.

27. Any sum authorised by this Act to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a pension.

28. Any deduction from pay and allowances authorised by this Act may be remitted in such manner and to such extent and by such authority as may from time to time be prescribed.

29. In the case of all persons subject to this Act being prisoners of war, whose pay and allowances have been forfeited under section 26, but in respect of whom a remission has been made under section 28, it shall be lawful, notwithstanding any provision in any enactment or any rule of law to the contrary, for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

30. The pay of an officer or airman of the Indian Air Force shall be paid without any deduction other than the deductions authorised by this Act or by any other enactment for the time being in force or prescribed by the Governor General in Council.

CHAPTER IV.

Deductions from public money other than pay.

Remission of deductions.

Provision for dependants of prisoners of war.

Unauthorised deductions forbidden.

CHAPTER IV.

AIR FORCE OFFENCES.

31. Any person subject to this Act who—

Service offences punishable with death.

- (a) shamefully abandons or delivers up any garrison, fortress, post, or guard committed to his charge, or which it is his duty to defend, or
- (b) shamefully casts away his arms, ammunition or tools in the presence of the enemy, or
- (c) treacherously holds correspondence with or gives intelligence to the enemy, or treacherously or through cowardice sends a flag of truce to the enemy, or
- (d) assists the enemy with arms, ammunition, or supplies, or knowingly harbours or protects an enemy not being a prisoner, or
- (e) having been made a prisoner of war, voluntarily serves with or voluntarily aids the enemy, or
- (f) voluntarily does when on active service any act calculated to imperil the success of His Majesty's Forces or any part thereof, or
- (g) treacherously or shamefully causes the capture or destruction by the enemy of any of His Majesty's aircraft, or
- (h) treacherously gives any false air signal or alters or interferes with any air signal, or
- (i) when ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air, treacherously or shamefully fails to use his utmost exertions to carry such orders into effect,

shall be punishable with death.

32. Any person subject to this Act who, on active service,—

Service offences punishable with long imprisonment.

- (a) without orders from his superior officer leaves the ranks in order to secure prisoners or horses, or on pretence of taking wounded men to the rear, or
- (b) without orders from his superior officer wilfully destroys or damages any property, or

(c) is

(Chapter IV.—Air Force Offences.)

- (c) is taken prisoner by want of due precaution or through disobedience of orders or wilful neglect of duty, or, having been taken prisoner, fails to rejoin His Majesty's service when able to do so, or
- (d) without due authority either holds correspondence with, or gives intelligence, or sends a flag of truce to the enemy, or
- (e) by word of mouth, or in writing, or by signals, or otherwise spreads reports calculated to create unnecessary alarm or despondency, or
- (f) in action, or previously to going into action, uses words calculated to create alarm or despondency, or
- (g) negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft, or
- (h) when ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air, negligently or through other default fails to use his utmost exertions to carry such orders into effect, or
- (i) misbehaves before the enemy in such manner as to show cowardice,

shall be punishable with long imprisonment.

**33.** (1) Any person subject to this Act who treacherously makes known the watchword to any person not entitled to receive it, or treacherously gives a watchword different from what he received, shall, if he commits the offence on active service, be punishable with death, and, if he commits the offence not on active service, with short imprisonment.

(2) Any person subject to this Act who—

- (a) without due authority alters or interferes with any air signal, or
- (b) forces a safeguard, or
- (c) forces or strikes a sentinel, or
- (d) breaks into any house or other place in search of plunder, or
- (e) being an airman acting as sentinel, sleeps or is intoxicated, or

(f) without

Service offences punishable more severely if committed on active service.



## (Chapter IV.—Air Force Offences.)

- (f) without orders from his superior officer leaves his guard, piquet, patrol or post, or
- (g) by discharging fire arms, making signals, using words, or by any means whatever, intentionally occasions false alarms, or
- (h) being an airman acting as sentinel, leaves his post before he is regularly relieved,

shall, if he commits the offence on active service, be punishable with long imprisonment and, if he commits the offence not on active service, with short imprisonment.

## 34. Any person subject to this Act who—

- (a) by discharging fire arms, making signals, using words, or by any means whatever, negligently occasions false alarms, or
- (b) makes known the watchword to any person not entitled to receive it, or, without good and sufficient cause, gives a watchword different from what he received, or
- (c) impedes the provost-marshal or any assistant provost-marshal or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of the provost-marshal, or, when called on, refuses to assist in the execution of his duty the provost-marshal, the assistant provost-marshal, or any such officer, non-commissioned officer or other person, or
- (d) uses criminal force to or commits an assault on any person bringing provisions or supplies to the forces, or commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving, or
- (e) irregularly detains or appropriates to his own unit or detachment any provisions or supplies proceeding to the forces, contrary to orders issued in that respect,

Service offences punishable with short imprisonment.

shall be punishable with short imprisonment.

## 35. Any person subject to this Act who—

- (a) begins, incites, causes or conspires with any other persons to cause any mutiny in any of His Majesty's naval, military or air forces, or

Mutiny.

- (b) joins

(Chapter IV.—Air Force Offences.)

(b) joins in, or, being present, does not use his utmost endeavours to suppress, any such mutiny, or

(c) knowing or having reason to believe in the existence of any such mutiny, or of any intention to commit such mutiny, or of any such conspiracy, does not without delay give information thereof to his commanding or other superior officer,

shall be punishable with death.

Insubordination punishable with long imprisonment.

36. Any person subject to this Act who—

(a) uses criminal force to or assaults his superior officer, being in the execution of his office, or

(b) disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office,

shall be punishable with long imprisonment.

Insubordination punishable more severely if committed on active service.

37. Any person subject to this Act who—

(a) uses criminal force to or assaults his superior officer, or

(b) uses threatening or insubordinate language to his superior officer, or

(c) disobeys any lawful command given by his superior officer,

shall, if he commits the offence on active service, be punishable with long imprisonment, and, if he commits the offence not on active service, with short imprisonment.

Insubordination punishable with short imprisonment.

38. Any person subject to this Act who—

(a) being concerned in any quarrel, affray or disorder, refuses to obey any officer (though of inferior rank) who orders him into arrest, or uses criminal force to or assaults any such officer, or

(b) uses criminal force to or assaults any person, whether subject to this Act or not, in whose custody he is placed, whether he is or is not his superior officer, or

(c) resists an escort whose duty it is to apprehend him or to have him in charge, or

(d) being

## (Chapter IV.—Air Force Offences.)

(d) being an airman, breaks out of barracks, camp or quarters, or

(e) neglects to obey any general, local or other orders (not being orders in the nature of a rule or regulation published for the general information and guidance of the Indian Air Force),

shall be punishable with short imprisonment.

39. Any person subject to this Act who deserts or attempts <sup>Desertion.</sup> to desert the service shall, if he commits the offence when on active service or under orders for active service, be punishable with long imprisonment, and, if he commits the offence under any other circumstances, with short imprisonment.

40. Any person subject to this Act who, when belonging <sup>Fraudulent enlistment.</sup> to the Indian Air Force, without having obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist, enrol or enter, enrolls himself, or enlists in or enters any other of His Majesty's air forces, or any of His Majesty's military or naval forces, or re-enrols himself in the Indian Air Force, shall be deemed to be guilty of fraudulent enlistment, and shall be punishable with short imprisonment.

41. Any person subject to this Act who, being cognisant <sup>Connivance at desertion.</sup> of any desertion or intended desertion of a person subject to this Act, does not forthwith give notice to his commanding officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended, shall be punishable with short imprisonment.

42. Any person subject to this Act who—

(a) absents himself without leave, or

(b) fails to appear at the time fixed at a parade or place appointed for exercise or duty, or goes from thence without leave before he is relieved, or without necessity quits his duty or duties, or

(c) being an airman, when in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general, local or other order, without a pass or written leave from his superior officer, or

(d) being

(Chapter IV.—Air Force Offences.)

- (d) being an airman, without leave from his superior officer, or without due cause, absents himself from any school when duly ordered to attend there,

shall be punishable with short imprisonment.

Scandalous  
conduct of  
officer.

43. Any officer or warrant officer subject to this Act who behaves in a manner unbecoming his position and character shall, notwithstanding anything contained in section 20, be dismissed from the service.

Scandalous  
conduct  
punishable  
with long  
imprisonment.

44. Any person subject to this Act who—

- (a) steals any property of Government, or dishonestly misappropriates or converts to his own use any property of Government entrusted to him, or
- (b) dishonestly receives or retains any property in respect of which an offence under clause (a) has been committed, knowing or having reason to believe it to have been stolen or dishonestly misappropriated or converted, or
- (c) wilfully destroys or damages any property of Government entrusted to him, or
- (d) steals any property of any air force mess, band or institution, or of any person subject to this Act or serving with or attached to the Indian Air Force, or dishonestly misappropriates or converts to his own use any such property entrusted to him, or
- (e) dishonestly receives or retains any property in respect of which an offence under clause (d) has been committed, knowing or having reason to believe it to have been stolen or dishonestly misappropriated or converted,

shall be punishable with long imprisonment.

Scandalous  
conduct  
punishable  
with short  
imprisonment.

45. Any person subject to this Act who—

- (a) does any act, not otherwise specified in this Act, with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person, or
- (b) malingers or feigns or produces disease or infirmity himself, or intentionally delays his cure or aggravates his disease or infirmity, or

(c) with

*(Chapter IV.—Air Force Offences.)*

- (c) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person, or
- (d) commits any offence of a cruel, indecent or unnatural kind, or attempts to commit any such offence and does any act towards its commission,

shall be punishable with short imprisonment.

46. Any person subject to this Act who is found in a state of intoxication, whether on duty or not on duty, shall be punishable, if an officer, with dismissal from the service, and, if an airman, with short imprisonment: Intoxication.

Provided that where the offence of being intoxicated is committed by an airman not on active service or on duty, the sentence imposed shall not exceed detention for a period of six months.

47. Any person subject to this Act who—

- (a) when in command of a guard, piquet, patrol or post, releases without proper authority, whether voluntarily or otherwise, any person committed to his charge, or
- (b) voluntarily or negligently allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard,

Permitting  
escape of  
prisoner.

shall be punishable, if he has acted voluntarily, with long imprisonment, and, if he has not acted voluntarily, with short imprisonment.

48. Any person subject to this Act who—

- (a) unnecessarily detains a person in arrest or confinement without bringing him to trial or fails to bring his case before the proper authority for investigation, or
- (b) having committed a person to the custody of any officer, non-commissioned officer, provost-marshal, or assistant provost-marshal, fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost-marshal, or assistant provost-marshal,

Irregular  
keeping in  
custody.

(Chapter IV.—Air Force Offences.)

provost-marshal, into whose custody the person is committed, an account in writing signed by himself of the offences with which the person so committed is charged, or

- (c) being in command of the guard, does not as soon as he is relieved from his guard or duty, or if he is not sooner relieved, within twenty-four hours after a person is committed to his charge, give in writing to the officer to whom he may be ordered to report that person's name and offence so far as known to him, and the name and rank of the officer or other person by whom he was charged, accompanied, if he has received the account as above in this section mentioned, by that account,

shall be punishable with short imprisonment.

49. Any person subject to this Act, who, being in lawful custody, escapes or attempts to escape, shall be punishable with short imprisonment.

50. Any person subject to this Act who—

- (a) commits extortion, or without proper authority exacts from any person carriage, portage or provisions, or
- (b) in time of peace, commits house-breaking for the purpose of plundering, or plunders, destroys or damages any field, garden or other property, or
- (c) voluntarily or negligently kills, injures, makes away with, ill-treats or loses any animal used in the public service, or
- (d) makes away with, or is concerned in making away with, any arms, ammunition, equipments, instruments, tools, clothing or service necessaries issued to him or required to be maintained by him, or
- (e) loses by neglect anything mentioned in clause (d), or
- (f) wilfully damages anything mentioned in clause (d) or any property belonging to Government, or to any air force mess, band or institution, or to any person subject to air force law, or serving with, or attached to the Indian Air Force, or

(g) sells,

Escape from custody.

Offences relating to property.

(Chapter IV.—Air Force Offences.)

(g) sells, pawns, destroys or defaces any medal or decoration granted to him,

shall be punishable with short imprisonment.

51. Any person subject to this Act who—

(a) makes a false accusation against any person subject to this Act, knowing such accusation to be false, or

False accusations and offences relating to documents.

(b) in making any complaint under section 120, knowingly makes any false statement affecting the character of any person subject to this Act, or knowingly and wilfully suppresses any material fact, or

(c) obtains or attempts to obtain for himself or for any other person any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any document or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement, or

(d) knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging to such men or to Government or to any person in or attached to the Indian Air Force, or who, wilfully or negligently, omits or refuses to make or send any return or report of the matters aforesaid,

shall be punishable with short imprisonment.

52. Any person having become subject to this Act who is discovered to have made a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer shall be punishable with short imprisonment.

False answers on enrolment.

53. Any person subject to this Act who—

(a) when duly summoned to attend as a witness before a court-martial, intentionally omits to attend or refuses

Offences relating to courts-martial.

*(Chapter IV.—Air Force Offences.)*

fuses to be sworn or affirmed or to answer any question, or to produce or deliver up any document or other thing which he may have been duly warned and called upon to produce or deliver up, or

- (b) intentionally offers any insult or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign or gesture, or is insubordinate or violent in the presence of, a court-martial while sitting, or
- (c) having been duly sworn or affirmed before any court-martial or other court or officer authorised by this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true,

shall be punishable with short imprisonment.

Offences relating to aircraft.

54. Any person subject to this Act who—

- (a) voluntarily or negligently damages, destroys or loses any of His Majesty's aircraft or aircraft material, or
- (b) is guilty of any act or omission likely to cause such damage, destruction or loss, or
- (c) is guilty of any act or omission (whether voluntary or otherwise) which causes damage to or destruction of any public property by fire, or
- (d) without lawful authority disposes of any of His Majesty's aircraft or aircraft material, or
- (e) is guilty of any act or omission in flying or in the use of any aircraft, or in relation to any aircraft or aircraft material which causes or is likely to cause loss of life or bodily injury to any person, or
- (f) during a state of war voluntarily and without proper occasion or negligently causes the sequestration, by or under the authority of a neutral State, or the destruction in a neutral State of any of His Majesty's aircraft,

shall be punishable, if he has acted voluntarily, with long imprisonment, and, if he has not acted voluntarily, with short imprisonment.

55. Any



*(Chapter IV.—Air Force Offences.)*

55. Any person subject to this Act who—

Miscellaneous  
air force  
offences.

- (a) strikes or otherwise ill-treats any person subject to this Act being his subordinate in rank or position, or
- (b) 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 disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority, or
- (c) by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person, or
- (d) attempts to commit suicide and does any act towards the commission of such offence, or
- (e) being below the rank of warrant officer, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to or returning from, any town or bazar, carrying a sword, bludgeon or other offensive weapon, or
- (f) directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service, or
- (g) is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and air force discipline,

shall be punishable with short imprisonment.

56. Any person subject to this Act who attempts to commit an air force offence or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence may, where no express provision is made

*(Chapter IV.—Air Force Offences.)*

made by this Act for the punishment of such attempt, be punished with the punishment provided in this Act for such offence.

**Abetment.**

57. Any person subject to this Act who abets the commission of any air force offence, or of any offence punishable under the Army Act, the Air Force Act or the Indian Army Act, 1911, such offence being of the same nature as any air force offence, shall be punishable with the punishment provided in this Act for such air force offence. VIII of 1911.

**Civil offences.**

58. (1) Any person subject to this Act who at any place in or beyond British India commits any civil offence shall be deemed to be guilty of an air force offence, and, if charged therewith under this section, shall be liable to be tried by court-martial and to be punished as follows, that is to say:—

(a) if the offence is one which would be punishable under the law of British India with death or with transportation, he shall be liable to suffer any punishment, other than whipping, assigned for the offence by the law of British India; and

(b) in other cases, he shall be liable to suffer any punishment, other than whipping, assigned for the offence by the law of British India, or such punishment as might be awarded to him in pursuance of this Act in respect of an act prejudicial to good order and air force discipline:

Provided that a person subject to this Act who, at any place in British India or at any place in which the Governor General in Council exercises powers and jurisdiction by virtue of the Indian (Foreign Jurisdiction) Order in Council, 1902, and while not on active service, commits an offence of murder or culpable homicide against a person not subject to this Act or an offence of rape, shall not be deemed to be guilty of an air force offence and shall not be tried by court-martial.

(2) The powers of a court-martial to charge and to punish any person under this section shall not be affected by reason of the civil offence with which such person is charged being also an air force offence.

CHAPTER V.

CHAPTER V.

ARREST AND PROCEEDINGS BEFORE TRIAL.

59. (1) Any person subject to this Act who is charged with an offence may be taken into air force custody. Custody of offenders.

(2) Any such person may be ordered into air force custody by any superior officer.

(3) The charge against every person taken into air force custody shall, without unnecessary delay, be investigated by the proper authority, and as soon as may be, either proceedings shall be taken for punishing the offence, or such person shall be discharged from custody.

60. Whenever any person subject to this Act, who is accused of any offence under this Act, is within the jurisdiction of any Magistrate or police-officer, such Magistrate or officer shall aid in the apprehension and delivery to air force custody of such person upon receipt of a written application to that effect signed by his commanding officer. Arrest by civil authorities.

61. (1) Whenever any person subject to this Act deserts, his commanding officer shall give written information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a Magistrate, and shall deliver the deserter, when apprehended, to air force custody. Capture of deserters.

(2) Any police-officer may arrest without warrant any person reasonably believed to be subject to this Act and to be travelling without authority, and shall bring him without delay before the nearest Magistrate, to be dealt with according to law.

62. (1) When any person subject to this Act has been absent without due authority from his duty for a period of twenty-one days, a court of inquiry shall, as soon as practicable, be assembled and, upon oath or affirmation administered in the prescribed manner, shall inquire respecting the absence of the person, and the deficiency, if any, of property of the Government entrusted to his care, or of his arms, ammunition Inquiry on absence without leave.

(Chapter V.—Arrest and Proceedings before Trial. Chapter VI.—Constitution, Jurisdiction and Powers of Courts-martial.)

dition, equipments, instruments, clothing or necessaries; and, if satisfied of the fact of such absence without due authority or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any; and the commanding officer of the unit to which the person belongs shall enter in the court-martial book of the unit a record of the declaration.

(2) If the person declared absent does not afterwards surrender, or is not apprehended, he shall, for the purposes of this Act, be deemed to be a deserter.

Provost-  
marshal.

63. For the prompt and instant repression of irregularities and offences committed in the field or on the march, provost-marshals may be appointed by the Air Officer Commanding His Majesty's Air Forces in India; and the powers and duties of such provost-marshals shall be regulated according to the established custom of war and the rules of the service.

Duties and  
powers.

64. The duties of a provost-marshal so appointed are to take charge of persons in air force custody, to preserve good order and discipline and to prevent breaches thereof by persons subject to this Act.

He may at any time arrest and detain for trial any person subject to this Act who commits an offence and may also carry into effect any punishments to be inflicted in pursuance of the sentence of a court-martial.

## CHAPTER VI.

### CONSTITUTION, JURISDICTION AND POWERS OF COURTS-MARTIAL.

Kinds of  
courts-martial.

65. For the purposes of this Act there shall be three kinds of courts-martial, that is to say,—

- (1) general courts-martial;
- (2) district courts-martial; and
- (3) field general courts-martial.

66. A

(Chapter VI.—Constitution, Jurisdiction and Powers of  
Courts-martial.)

66. A general court-martial may be convened by the Governor General in Council, or by any officer empowered in this behalf by warrant of the Governor General in Council.

Power to convene general courts-martial.

67. A district court-martial may be convened by any authority having power to convene a general court-martial, or by any officer empowered in this behalf by warrant of any such authority.

Power to convene district courts-martial.

68. A warrant issued under section 66 or section 67 may contain such restrictions, reservations or conditions as the authority issuing it may think fit.

Limitation of powers of convening authorities.

69. The following authorities shall have power to convene a field general court-martial, that is to say,—

Convening of field general courts-martial.

(a) an authority empowered in this behalf by an order of the Governor General in Council;

(b) on active service, the commanding officer of the forces in the field, or any officer empowered by him in this behalf;

(c) the commanding officer of any detached portion of the Indian Air Force on active service, when, in his opinion, it is not practicable, with due regard to discipline or the exigencies of the service, that an offence should be tried by a general court-martial, and circumstances prevent a reference to higher authority.

70. A general court-martial shall consist of not less than five officers each of whom must have held a commission during not less than three whole years and of whom not less than four must be of a rank not below that of a flight lieutenant.

Composition of general courts-martial.

71. A district court-martial shall consist of not less than three officers.

Composition of district courts-martial.

72. A field general court-martial shall consist of not less than three officers.

Composition of field general courts-martial.

73. (1) If a court-martial after the commencement of a trial is reduced below the smallest number of officers of which it is by this Act required to consist, it shall be dissolved.

Dissolution of courts-martial.

(2) If,

(Chapter VI.—Constitution, Jurisdiction and Powers of Courts-martial.)

(2) If, on account of the illness of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(3) Where a court-martial is dissolved under this section, the accused may be tried again.

74. Save as otherwise provided by or under this Act, courts-martial shall have—

- (a) jurisdiction to try and to punish all air force offences, and all civil offences committed by persons subject to this Act;
- (b) exclusive jurisdiction to try all air force offences which are not also civil offences; and
- (c) exclusive power to award the punishments specified in this Act.

Jurisdiction and powers of courts-martial generally.

Jurisdiction and powers of general and field general courts-martial.

75. A general or field general court-martial shall have power to try any person subject to this Act for any offence made punishable therein, and to pass any sentence authorised by this Act.

Jurisdiction and powers of district courts-martial.

76. A district court-martial shall have power to try any person subject to this Act other than an officer for any offence made punishable therein, and to pass any sentence authorised by this Act other than a sentence of death or imprisonment for a term exceeding two years.

Prohibition of second trial.

77. When any person subject to this Act has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been summarily dealt with for an offence under section 25, he shall not be liable to be tried again for the same offence by a court-martial.

Limitation of trial.

78. No trial by court-martial of any person subject to this Act for any offence (other than an offence of mutiny, desertion or fraudulent enlistment) shall be commenced after the expiration of three years from the date of such offence, and no such trial for an offence of desertion (other than desertion on active service) or of fraudulent enlistment shall be commenced if the person in question has, subsequently to the commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of His Majesty's regular forces.

*Explanation.*—

(Chapter VI.—Constitution, Jurisdiction and Powers of  
Courts-martial.)

*Explanation.*—For the purposes of this section “ mutiny ” means any of the offences specified in section 35.

79. Any person subject to this Act who commits any offence against it may be tried and punished for such offence in any place whatever.

Place of trial.

80. When a criminal court and a court-martial have each jurisdiction in respect of a civil offence, it shall be in the discretion of the prescribed air force authority to decide before which court the proceedings shall be instituted, and, if that authority decides that they shall be instituted before a court-martial, to direct that the accused person shall be detained in air force custody.

Order in case of concurrent jurisdiction of criminal court and court-martial.

81. (1) When a criminal court having jurisdiction is of opinion that proceedings ought to be instituted before itself in respect of any civil offence, it may, by written notice, require the prescribed air force authority at the option of such authority either to deliver over the offender to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Governor General in Council.

Power of criminal court to require delivery of offender.

(2) In every such case the said authority shall either deliver over the offender in compliance with the requisition or shall forthwith refer the question as to the court before which the proceedings are to be instituted for the determination of the Governor General in Council, whose order upon such reference shall be final.

82. (1) Notwithstanding anything contained in section 26 of the General Clauses Act, 1897, or in section 403 of the Code of Criminal Procedure, 1898, a person convicted or acquitted by a court-martial may be afterwards tried by a criminal court for the same offence or on the same facts.

Trial by court-martial no bar to subsequent trial by criminal court.

(2) If a person sentenced by a court-martial in pursuance of this Act to punishment for an offence is afterwards tried by a criminal court for the same offence or on the same facts, that court shall, in awarding punishment, have regard to the air force punishment he may already have undergone.

## CHAPTER VII.

CHAPTER VII.

PROCEDURE OF COURTS-MARTIAL.

President.

83. At every court-martial the senior member shall sit as president.

Judge Advocate.

84. Every general court-martial shall, and every district court-martial may, be attended by a judge advocate, who shall be either an officer belonging to the department of the Judge Advocate General in India, or, if no such officer is available, a fit person appointed by the convening officer.

Challenges.

85. (1) At all trials by courts-martial, as soon as the court is assembled, the names of the president and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

(2) If the accused objects to any such officer, his objection, and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

(3) If the objection is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the accused to object.

(4) When no challenge is made, or when challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

Voting of members.

86. (1) Every decision of a court-martial shall be passed by an absolute majority of votes; and where there is an equality of votes, as to either finding or sentence, the decision shall be in favour of the accused:

Provided that no sentence of death shall be passed without the concurrence of two-thirds at the least of the members of the court.

(2) In matters other than a challenge or the finding or sentence, the president shall have a casting vote.

87. An



## (Chapter VII.—Procedure of Courts-martial.)

87. An oath or affirmation in the prescribed form shall be administered to every member of every court-martial and to the judge advocate at the beginning of the trial.

Oaths of  
president and  
members.

88. Every person giving evidence at a court-martial shall be examined on oath or affirmation, and shall be duly sworn or affirmed in the prescribed form.

Oaths of  
witnesses.

88. (1) The convening officer, the president of the court, the judge advocate, or the commanding officer of the accused person, may, by summons under his hand, require the attendance before the court, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

The summon-  
ing of witnesses  
and production  
of documents.

(2) In the case of a witness amenable to air force or military authority, the summons shall be sent to the officer commanding the corps, unit, department or detachment to which he belongs, and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be or reside, and such Magistrate shall give effect to the summons as if the witness were required in the court of such Magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with reasonable precision.

(5) Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to any document in the custody of the postal or telegraph authorities.

(6) If any document in such custody is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any court-martial, such Magistrate or Court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court may direct.

(7) If any such document is, in the opinion of any other Magistrate or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the postal or telegraph authorities, as the case may

be,

(Chapter VII.—Procedure of Courts-martial.)

be, to cause search to be made for and to detain such document pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

Commissions  
to obtain  
evidence.

90. (1) Whenever, in the course of a trial by court-martial, it appears to the court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Judge Advocate General in order that a commission to take the evidence of such witness may be issued.

(2) The Judge Advocate General may then, if he thinks necessary, issue a commission to any Presidency Magistrate, District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(3) When the witness resides in the territories of any prince or chief in India in which there is an official representing the British Indian Government, the commission may be issued to such official.

(4) The Magistrate or official to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under the Code of Criminal Procedure, 1898.

V of 1898.

(5) Where the commission is issued to such official as is mentioned in sub-section (3), he may delegate his powers and duties under the commission to any official subordinate to him whose powers are not less than those of a Magistrate of the first class in British India.

(6) When the witness resides out of India, the commission may be issued to any British consular officer, British Magistrate or other British official competent to administer an oath or affirmation in the place where such witness resides.

(7) The prosecutor and the accused person in any case in which a commission is issued may respectively forward any interrogatories in writing which the court may think relevant

to

## (Chapter VII.—Procedure of Courts-martial.)

to the issue, and the Magistrate or official to whom the commission is issued shall examine the witness upon such interrogatories.

(8) The prosecutor and the accused person may appear before such Magistrate or official by pleader or, except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

(9) After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Judge Advocate General.

(10) On receipt of a commission and deposition returned under sub-section (9), the Judge Advocate General shall forward the same to the court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person; and the commission, the return thereto and the deposition shall be open to the inspection of the prosecutor and the accused person, and may, subject to all just exceptions, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the court.

(11) In every case in which a commission is issued under this section the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

*Explanation.*—In this section, the expression “Judge Advocate General” means the Judge Advocate General in India and includes a Deputy Judge Advocate General.

91. (1) A person charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

Conviction of one offence permissible on charge of another.

(2) A person charged before a court-martial with attempting to desert may be found guilty of desertion or of being absent without leave.

(3) A person charged before a court-martial with using criminal force may be found guilty of assault.

(4) A person charged before a court-martial with using threatening language may be found guilty of using insubordinate language.

(5) A

(Chapter VII.—Procedure of Courts-martial.)

(5) A person charged before a court-martial with any of the offences specified in clause (a), clause (b), clause (d) or clause (e) of section 44 may be found guilty of any other of these offences with which he might have been charged.

(6) A person charged before a court-martial with an offence punishable under section 58 may be found guilty of any other offence of which he might have been found guilty if the provisions of the Code of Criminal Procedure, 1898, v of 1898. were applicable.

(7) A person charged before a court-martial with any other offence under this Act may, on failure of proof of an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment.

(8) A person charged before a court-martial with any offence under this Act may be found guilty of having attempted to commit or of abetment of that offence although the attempt or abetment is not separately charged.

General rule as to evidence.

92. The Indian Evidence Act, 1872, shall, subject to the provisions of this Act, apply to all proceedings before a court-martial. 1 of 1872.

Judicial notice.

93. A court-martial may take judicial notice of any matter within the general, naval, military or air force knowledge of the members.

Presumption as to signatures.

94. In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the civil, military or air force service of the Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

Enrolment paper as evidence.

95. Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given. The enrolment of such person may be proved by the production of a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper.

96. (I) A

*(Chapter VII.—Procedure of Courts-martial.)*

96. (1) A letter, return or other document respecting the service of any person in, or the dismissal or discharge of any person from, any portion of His Majesty's Forces, or respecting the circumstance of any person not having served in, or belonged to, any portion of His Majesty's Forces, if purporting to be signed by or on behalf of the Governor General in Council or the Commander-in-Chief in India or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document.

Presumption  
as to certain  
documents.

(2) An Army List, Air Force List or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers or warrant officers therein mentioned, and of any appointment held by such officers or warrant officers and of the corps, unit, battalion, arm, branch or department of the service to which such officers or warrant officers belong.

(3) Where a record is made in any service book in pursuance of this Act or of any rules made thereunder or otherwise in pursuance of air force duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated.

(4) A copy of any record in any service book purporting to be certified to be a true copy by the officer having the custody of such book shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a provost-marshal, assistant provost-marshal or other officer, or any portion of His Majesty's Forces, a certificate purporting to be signed by such provost-marshal, assistant provost-marshal or other officer, or by the commanding officer of that portion of His Majesty's Forces and stating the fact, date and place of such surrender or apprehension, shall be evidence of the matters so stated.

(6) When any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a police-officer not below the rank of an officer in charge of a police-station, a certificate purporting to be signed by such police-officer and stating the fact, date

and

(Chapter VII.—Procedure of Courts-martial.)

and place of such surrender or apprehension, shall be evidence of the matters stated.

(7) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report may be used as evidence in any proceeding under this Act.

Reference by accused to Government officer.

97. (1) If at any trial for desertion, absence without leave, over-staying leave or not rejoining when warned for service, the person tried states in his defence any sufficient or reasonable excuse for his unauthorised absence, and refers in support thereof to any officer in the civil, military or air force service of Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the court shall address such officer and adjourn until his reply is received.

(2) The written reply of any officer so referred to shall, if signed by him, be received in evidence and have the same effect as if made on oath before the court.

(3) If the court is dissolved before the receipt of such reply, or if the court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial by the same or another court-martial.

Evidence of previous convictions and service character.

98. (1) When any person subject to this Act has been convicted by a court-martial of any offence such court-martial may inquire into, and receive and record evidence of, any previous convictions of such person, either by a court-martial established under this Act or any other enactment or by a criminal court, and may further inquire into and record the service character of such person.

(2) Evidence received under this section may be either oral or in the shape of entries in, or certified extracts from, court-martial books or other official records; and it shall not be necessary to give notice before trial to the person tried that evidence as to his previous convictions or service character will be received.

Order for custody and disposal of property pending trial in certain cases.

99. When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before

(Chapter VII.—Procedure of Courts-martial. Chapter VIII.  
—Confirmation, Revision, Pardon and Remission of  
Sentences.)

before a court-martial during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

## CHAPTER VIII.

### CONFIRMATION, REVISION, PARDON AND REMISSION OF SENTENCES.

**100.** No finding or sentence of a general or district court-martial shall be valid except so far as it may be confirmed as provided by this Act. Finding and sentence invalid without confirmation.

**101.** The findings and sentences of general courts-martial may be confirmed by the Governor General in Council or by any officer empowered in this behalf by warrant of the Governor General in Council. Power to confirm finding and sentence of general court-martial.

**102.** The findings and sentences of district courts-martial may be confirmed by any authority having power to convene a general court-martial or by any officer empowered in this behalf by warrant of any such authority. Power to confirm finding and sentence of district court-martial.

**103.** A warrant issued under section 101 or section 102 may contain such restrictions, reservations or conditions as the authority issuing it may think fit. Limitation of powers of confirming authorities.

**104.** (1) Save as provided in sub-sections (2) and (3), a finding and sentence of a field general court-martial shall not require to be confirmed, and may be carried out forthwith. Confirmation of finding and sentence of field general court-martial.

(2) The finding and sentence of a field general court-martial shall require to be confirmed—

- (a) in the case of the trial of an officer,
- (b) in the case of a sentence of death or of imprisonment for a term exceeding two years, and
- (c) in any other case if so ordered by the convening authority.

(3) Such finding and sentence may be confirmed by the convening

(Chapter VIII.—Confirmation, Revision, Pardon and Remission of Sentences.

convening authority or, if the convening authority so directs, by an authority superior to the convening authority.

Power of confirming authority to mitigate, remit or commute sentences.

105. Subject to such restrictions as may be contained in any warrant issued under section 101 or section 102, a confirming authority may, if it confirms the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any punishment or punishments lower in the scale laid down in section 19.

Confirmation of finding and sentence on board ship.

106. When any person subject to this Act is tried and sentenced by court-martial while on board ship, the finding and sentence so far as not confirmed and executed on board ship may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

Revision of finding or sentence.

107. (1) Any finding or sentence of a court-martial which requires confirmation may be once revised by order of the confirming authority; and on such revision, the court, if so directed by the confirming authority, may take additional evidence.

(2) The court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided that, if a general court-martial, it still consists of five officers, or, if a district court-martial, of three officers.

Substitution of valid for invalid sentence.

108. Where a sentence passed by a court-martial which has been confirmed, or which does not require confirmation, is found for any reason to be invalid, the authority which would have had power under section 110 to commute the punishment awarded by the sentence if it had been valid may pass a valid sentence:

Provided that the punishment awarded by the sentence so passed shall not be higher in the scale of punishments than, or in excess of, the punishment awarded by the invalid sentence.

Provision where accused is a lunatic.

109. (1) Whenever, in the course of a trial by court-martial, it appears to the court that the person charged is of  
unsound



*(Chapter VIII.—Confirmation, Revision, Pardon and  
Remission of Sentences.)*

unsound mind and consequently incapable of making his defence, or that such person committed the act alleged, but was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the court shall record a finding accordingly, and the president of the court shall forthwith report the case to the confirming authority, or, in the case of a field general court-martial, to the prescribed officer.

(2) A confirming authority to whom a case is reported under sub-section (1) may, if it does not confirm the finding, take steps to have the accused person tried by the same or another court-martial for the offence with which he was originally charged.

(3) A prescribed officer to whom a case is reported under sub-section (1) and a confirming authority confirming a finding in any case so reported to it shall order the accused person to be kept in custody in the prescribed manner, and, where the confirming authority is not itself the Governor General in Council, shall report the case for the orders of the Governor General in Council.

(4) On receipt of a report under sub-section (1) or sub-section (3), the Governor General in Council may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

(5) Where an accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention, the prescribed officer may—

- (a) if such person is in custody under sub-section (3), on the report of a medical officer that he is capable of making his defence, or
- (b) if such person is detained under sub-section (4), on a certificate such as is referred to in section 473 of the Code of Criminal Procedure, 1898,

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged or, provided that the offence is a civil offence, by a criminal court.

(6) A

{Chapter VIII.—Confirmation, Revision, Pardon and Remission of Sentences. Chapter IX.—Execution of Sentences and Disposal of Property.)

(6) A copy of every order made by the prescribed officer under sub-section (5) shall forthwith be sent to the Governor General in Council.

Pardons and remissions.

**110.** (1) When any person subject to this Act has been convicted by a court-martial of any offence, the Governor General in Council or the prescribed officer may—

- (a) either without conditions or upon any conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or
- (b) mitigate the punishment awarded, or commute such punishment for any less punishment or punishments mentioned in this Act.

(2) If any condition on which a person has been pardoned or a punishment has been remitted is, in the opinion of the authority which granted the pardon or remitted the punishment, not fulfilled, such authority may cancel the pardon or remission, and thereupon the sentence of the court shall be carried into effect as if such pardon had not been granted or such punishment had not been remitted:

Provided that in the case of a person sentenced to imprisonment, such person shall undergo only the unexpired portion of his sentence.

(3) When under the provisions of section 23 a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purposes of this section, be treated as a punishment awarded by sentence of a court-martial.

CHAPTER IX.

EXECUTION OF SENTENCES AND DISPOSAL OF PROPERTY.

Sentence of death.

**111.** In awarding a sentence of death a court-martial shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead, or shall suffer death by being shot to death.

**112.** Whenever

of 1932.]

*Indian Air Force.*

*(Chapter IX.—Execution of Sentences and Disposal of Property.)*

112. Whenever any person is sentenced under this Act to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the president.

Commencement of sentence of imprisonment.

113. Whenever any sentence of imprisonment is passed under this Act, or whenever any sentence so passed is commuted to imprisonment, the commanding officer of the person under sentence, or such other officer as may be prescribed, shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined, and shall forward him to such prison with the warrant:

Execution of sentence of imprisonment.

Provided that, in the case of a sentence of imprisonment for a period not exceeding three months, the confirming authority, or, in the case of a sentence which does not require confirmation, the court, may direct that the sentence shall be carried out by confinement in air force custody:

Provided further that on active service a sentence of imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may, from time to time, appoint.

114. Whenever, in the opinion of the Air Officer Commanding His Majesty's Air Forces in India, any sentence or portion of a sentence of imprisonment cannot, for special reasons, conveniently be carried out in accordance with the provisions of section 113, such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

Execution of sentence of imprisonment in special cases.

115. When any sentence of detention is passed under this Act, or when any sentence so passed is commuted to detention, the punishment shall be carried out by detaining the offender in any military or air force detention barracks, detention cells or other military or air force custody.

Execution of sentence of detention.

116. Whenever an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil prison, a warrant in accordance with such order shall be forwarded by the prescribed

Communication of certain orders to civil prison officers.

(Chapter IX.—Execution of Sentences and Disposal of Property.)

scribed officer to the officer in charge of the prison in which such person is confined.

Offenders sentenced to transportation how dealt with until transported.

117. Where a sentence of transportation is imposed by court-martial under section 58, the offender, until he is transported, shall be dealt with in the same manner as if he had been sentenced to rigorous imprisonment, and shall be deemed to have been undergoing his sentence of transportation during the term of his imprisonment.

Execution of sentence of fine.

118. When a sentence of fine is imposed by a court-martial under section 58 whether the trial was held within British India or not, a copy of such sentence, signed and certified by the president of the court or the officer holding the trial, as the case may be, may be sent to any Magistrate in British India, and such Magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898, for the levy of fines as if it was a V of 1898. sentence of fine imposed by such Magistrate.

Order for disposal of property regarding which offence committed.

119. (1) After the conclusion of a trial before any court-martial, the court or the authority confirming its finding or sentence or any authority superior to such authority, or, in the case of a finding or sentence which does not require confirmation, the officer commanding the unit within which the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within British India or not, be sent to a Magistrate in any presidency-town or district in which such property for the time being is, and such Magistrate shall thereupon cause the order to be carried into effect as if it was an order passed by such Magistrate under the provisions of the Code of Criminal Procedure, 1898.

V of 1898.

Explanation.—

(Chapter IX.—Execution of Sentences and Disposal of Property. Chapter X.—Special Rules relating to Persons and Property.)

*Explanation.*—In this section the term “property” includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

## CHAPTER X.

### SPECIAL RULES RELATING TO PERSONS AND PROPERTY.

**120.** (1) If an officer of the Indian Air Force thinks himself wronged by his commanding officer, or other superior officer, and on due application made to his commanding officer does not receive the redress to which he may consider himself entitled, he may complain to the Governor General in Council in order to obtain justice.

Complaints  
against superior  
officers and  
airmen.

(2) If any airman thinks himself wronged in any matter by any officer other than the officer under whose command or orders he is serving, or by any airman, he may complain thereof to the officer under whose command or orders he is serving, and if he thinks himself wronged by the officer under whose command or orders he is serving, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to his commanding officer, and if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the prescribed officer; and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

**121.** (1) No president or member of a court-martial, no judge advocate, no party to any proceeding before a court-

Privileges of  
persons  
attending  
courts-martial.

martial,

(Chapter X.—Special Rules relating to Persons and Property.)

martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial, shall, while proceeding to, attending on or returning from a court-martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

Exemption  
from arrest  
for debt.

**122.** (1) No officer or person enrolled in the Indian Air Force shall be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue-officer.

(2) The judge of any such court may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section, and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no fee shall be payable to the court by the complainant.

Property  
exempted from  
attachment.

**123.** Neither the arms, clothes, equipment, accoutrements or necessaries of any person subject to this Act, nor any animal used by him for the discharge of his duty, shall be seized, nor shall the pay and allowances of any such person or any part thereof be attached, by direction of any civil or revenue court or any revenue-officer, in satisfaction of any decree or order enforceable against him.

Application to  
reservists.

**124.** Every person belonging to the Indian Air Force Reserve shall, when called out for or engaged upon or returning from training or service, be entitled to all the privileges accorded by sections 122 and 123 to a person subject to this Act.

Priority of  
hearing by  
courts of cases  
in which  
persons subject  
to this Act are  
concerned.

**125.** (1) On the presentation to any court by or on behalf of any person subject to this Act of a certificate, from the proper air force authority, of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall, on the application of such person, arrange, so far as may be possible, for the hearing and final disposal of

*(Chapter X.—Special Rules relating to Persons and Property.)*

of such suit or other proceeding within the period of the leave so granted or applied for.

(2) The certificate from the proper air force authority shall state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for.

(3) No fee shall be payable to the court in respect of the presentation of any such certificate, or in respect of any application by or on behalf of any such person for priority for the hearing of his case.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for having been unable to do so, and shall cause a copy thereof to be furnished to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(5) If in any case a question arises as to the proper air force authority qualified to grant such certificate as aforesaid, such question shall be at once referred by the court to an officer commanding a unit, whose decision shall be final.

126. The following rules are enacted respecting the disposal of the property of every person subject to this Act who dies or deserts:—

Property of  
deceased  
persons and  
deserters.

(1) The commanding officer of the unit to which the deceased person or deserter belonged shall secure all the moveable property belonging to the deceased or deserter that is in camp or quarters, and cause an inventory thereof to be made, and draw any pay and allowances due to such person.

(2) In the case of a deceased person who has left in a Government savings bank (including any post office savings bank, however named) a deposit not exceeding one thousand rupees, the commanding officer may, if he thinks fit, require the secretary or other proper official of the bank to pay the deposit to him forthwith, notwithstanding anything in any departmental rules, and after the payment thereof in accordance with such requisition, no

person

(Chapter X. Special Rules relating to Persons and Property.)

person shall have any right in respect of the deposit except as hereinafter provided.

- (3) In the case of a deceased person whose representative is on the spot and has given security for the payment of the service or other debts in camp or quarters (if any) of the deceased, the commanding officer shall deliver over any property received under clauses (1) and (2) to that representative.
- (4) In the case of a deceased person whose estate is not dealt with under clause (3), and in the case of any deserter, the commanding officer shall cause the moveable property to be sold by public auction, and shall pay the service and other debts in camp or quarters (if any), and, in the case of a deceased person, the expenses of his funeral ceremonies, from the proceeds of the sale and from any pay and allowances drawn under clause (1) and from the amount of the deposit (if any) received under clause (2).
- (5) The surplus, if any, shall, in the case of a deceased person, be paid to his representative (if any), or, in the event of no claim to such surplus being established within twelve months after the death, be remitted to the prescribed person.
- (6) In the case of a deserter, the surplus (if any) shall be forthwith remitted to the prescribed person and shall, on the expiry of three years from the date of his desertion, be forfeited to His Majesty, unless the deserter shall in the meantime have surrendered or been apprehended.

Meaning of deserter.

*Explanation.*—A person shall be deemed to be a deserter within the meaning of this section who has without authority been absent from duty for a period of twenty-one days and has not subsequently surrendered or been apprehended.

Disposal of certain property without production of probate, etc.

**127.** Property deliverable and money payable to the representative of a deceased person under section 126 may, if the total value or amount thereof does not exceed one thousand rupees, and if the prescribed person thinks fit, be delivered or paid to any person appearing to him to be entitled to receive



of 1932.]

*Indian Air Force.*

*(Chapter X.—Special Rules relating to Persons and Property,  
Chapter XI.—Supplemental.)*

receive it or to administer the estate of the deceased, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title; and such delivery or payment shall be a full discharge to those ordering or making the same and to the Secretary of State for India in Council from all further liability in respect of the property or money; but nothing in this section shall affect the rights of any executor or administrator or other representative, or of any creditor of a deceased person against any person to whom such delivery or payment has been made.

**128.** The provisions of section 126 shall, so far as they can be made applicable, apply in the case of a person subject to this Act becoming insane or who, being on active service, is officially reported missing: Application to lunatics and persons missing on active service.

Provided that, in the case of a person so reported missing, no action shall be taken under sub-sections (2) to (5), inclusive, of the said section, until one year has elapsed from the date of such report.

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CHAPTER XI.

SUPPLEMENTAL.

**129.** (1) The Governor General in Council may make rules for the purpose of carrying into effect the provisions of this Act. Power to make rules.

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

- (a) the discharge from the service of persons subject to this Act;
- (b) the specification of the punishments which may be awarded as field punishments under sections 21 and 25;
- (c) the assembly and procedure of courts of inquiry, and the administration of oaths or affirmations by such courts;
- (d) the convening and constituting of courts-martial;

(e) the

(Chapter XI.—Supplemental. The Schedule.—Amendments.)

- (e) the adjournment, dissolution and sittings of courts-martial;
- (f) the procedure to be observed in trials by courts-martial;
- (g) the confirmation and revision of the findings and sentences of courts-martial;
- (h) the carrying into effect sentences of courts-martial;
- (i) the forms of orders to be made under the provisions of this Act relating to courts-martial and imprisonment;
- (j) the constitution of authorities to decide for what persons, to what amounts and in what manner, provision should be made for dependants under section 29, and the due carrying out of such decisions; and
- (k) any matter in this Act directed to be prescribed.

(3) All rules made under this Act shall be published in the Gazette of India, and, on such publication, shall have effect as if enacted in this Act.

Amendment of certain enactments.

130. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE SCHEDULE.

AMENDMENTS.

(See section 130.)

Year.	No.	Short title.	Amendments.
1860	XLV	The Indian Penal Code.	(1) In the Explanation to section 131, for the words "or the Air Force Act" the words "the Air Force Act or the Indian Air Force Act, 1932" shall be substituted. (2) In section 139, for the words "or the Air Force Act" the words "the Air Force Act or the Indian Air Force Act, 1932" shall be substituted.

Year.	No.	Short title.	Amendments.
1881 . .	XI	The Municipal Taxation Act, 1881.	In clause (a) of section 3, for the words "or the Air Force Act" the words "the Air Force Act or the Indian Air Force Act, 1932" shall be substituted.
1899 . .	II	The Indian Stamp Act, 1899.	In Schedule I, in clause (a) of the Exemptions to Article 4, after the figures "1911" the words and figures ", or the Indian Air Force Act, 1932" shall be inserted.
1901 . .	II	The Indian Tolls (Army) Act, 1901.	In clause (b) of section 2, after the words "Air Force Act" the words ", the Indian Air Force" shall be inserted.
1912 . .	IV	The Indian Lunacy Act, 1912.	In section 12, for the words "or the Air Force Act" the words "the Air Force Act or the Indian Air Force Act, 1932" shall be substituted.
1925 . .	IV	The Indian Soldiers (Litigation) Act, 1925.	In clause (b) of section 2, after the figures "1911" the words and figures ", or the Indian Air Force Act, 1932" shall be inserted.

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# ACT No. XV OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1932.)

**An Act to provide funds to enable Government to continue wireless broadcasting in India, by increasing the import duties leviable on wireless reception apparatus.**

**W**HEREAS it is expedient to provide funds to enable Government to continue wireless broadcasting in India, by increasing the import duties leviable on wireless reception apparatus; It is hereby enacted as follows:—

1. This Act may be called the Indian Tariff (Wireless Broadcasting) Amendment Act, 1932.

VIII of 1894.

<sup>1</sup>2. In Schedule II to the Indian Tariff Act, 1894,—

Amendment of Schedule II, Act VIII of 1894.

(a) Item No. 43 shall be re-numbered as Item No. 42B; and

(b) after Item No. 42B, as so re-numbered, the following heading and item shall be inserted, namely:—

“**HARDWARE, IMPLEMENTS AND INSTRUMENTS.**”

43	WIRELESS RECEPTION INSTRUMENTS AND APPARATUS, and component parts thereof, including all electric valves, amplifiers and loud-speakers which are not specially designed for purposes other than wireless reception or are not original parts of and imported along with instruments or apparatus so designed.	<i>Ad valorem</i>	50 per cent.”
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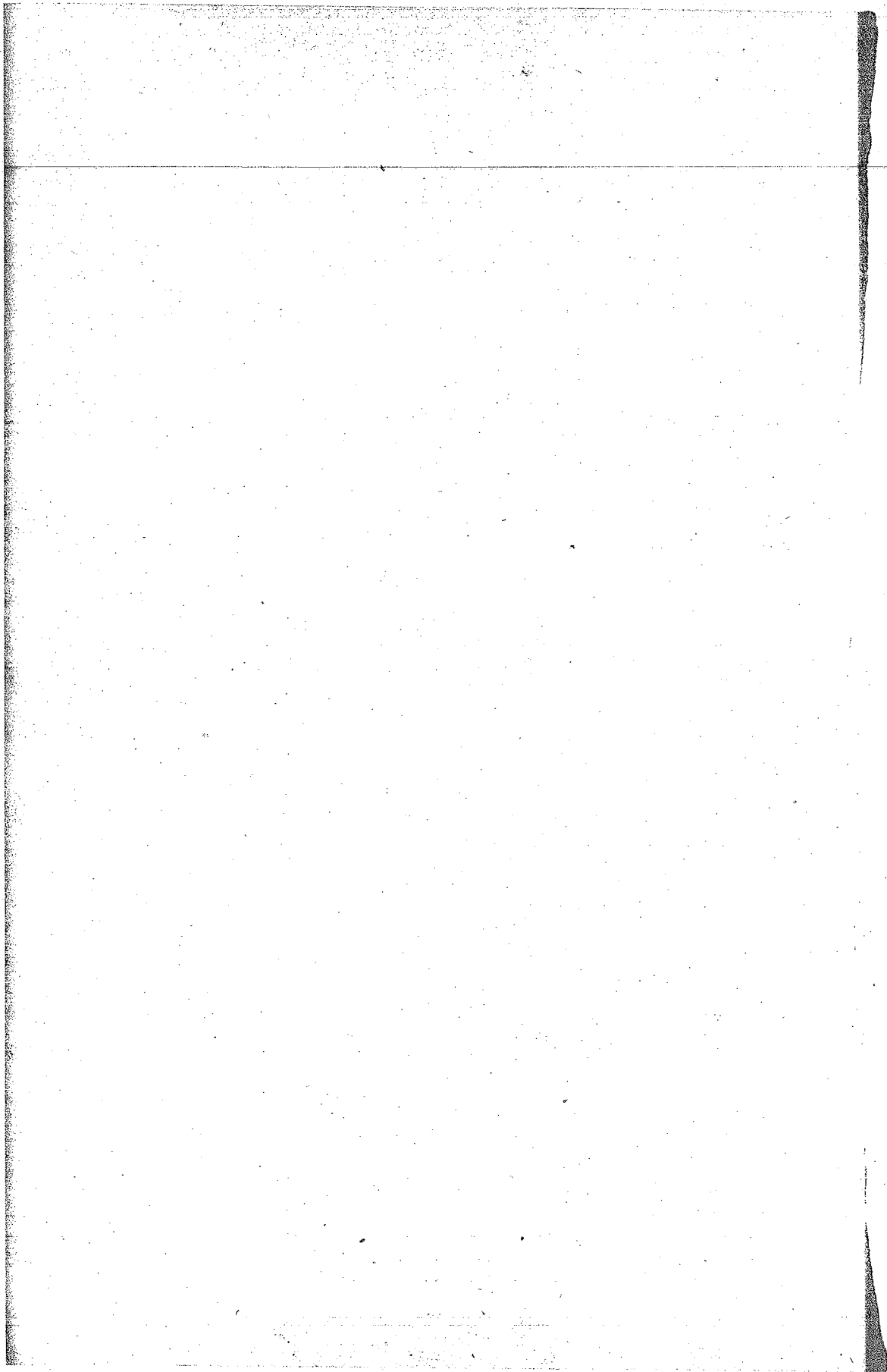
<sup>1</sup>3. Notwithstanding anything contained in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duty of customs imposed by that section shall not be levied on wireless reception apparatus comprised in Item No. 43 of Schedule II to the Indian Tariff Act, 1894, as inserted by section 2 of this Act.

VIII of 1894.

Bar of operation of section 4, Indian Finance (Supplementary and Extending) Act, 1931.

<sup>1</sup> This section came into effect on 12th March, 1932, by virtue of a declaration inserted in the Bill under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

*Price, 1 anna or 1½d.]*



# ACT No. XVI OF 1932.

[AS PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 30th  
September, 1932.)

## An Act further to amend the Indian Emigration Act, 1922, for certain purposes.

**W**HEREAS it is expedient further to amend the Indian  
Emigration Act, 1922, for the purposes hereinafter  
appearing; It is hereby enacted as follows:—

**1.** This Act may be called the Indian Emigration (Amend- Short title.  
ment) Act, 1932.

**2.** For clause (b) of sub-section (2) of section 24 of the Amendment of  
Indian Emigration Act, 1922 (hereinafter referred to as the Act VII of  
said Act), the following shall be substituted, namely:— 1922.

“(b) the licensing, supervision and control of persons in  
British India engaged in causing or assisting per-  
sons to emigrate and in the conveyance and  
accommodation of emigrants, and the prohibition  
of unlicensed persons from being so engaged;”.

**3.** In section 25 of the said Act,—

(a) in clause (b) of sub-section (2), for the words “ in- Amendment of  
duces, or attempts to induce ” the words “ causes section 25, Act  
or assists or attempts to cause or assist ” shall be VII of 1922.  
substituted; and

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

“(3) When in the course of any proceedings in con-  
nection with emigration in which a person  
licensed in accordance with rules framed under  
clause (b) of sub-section (2) of section 24 is con-  
cerned, a breach of the provisions of this Act or

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Price 1 anna or 1½d.]

*Indian Emigration (Amendment).* [ACT XVI OF 1932.]

of the rules made under this Act is committed, such person shall be liable to the punishment provided by sub-section (2), unless he shows that he was not responsible for and could not have prevented the commission of the breach."

Amendment of  
section 30, Act  
VII of 1922.

4. In sub-section (3) of section 30 of the said Act, for the words "induces, or attempts to induce" the words "causes or assists or attempts to cause or assist" shall be substituted.



# ACT No. XVII OF 1932.

[AS PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 30th  
September, 1932.)

**An Act further to amend the Cantonments Act, 1924, for a  
certain purpose.**

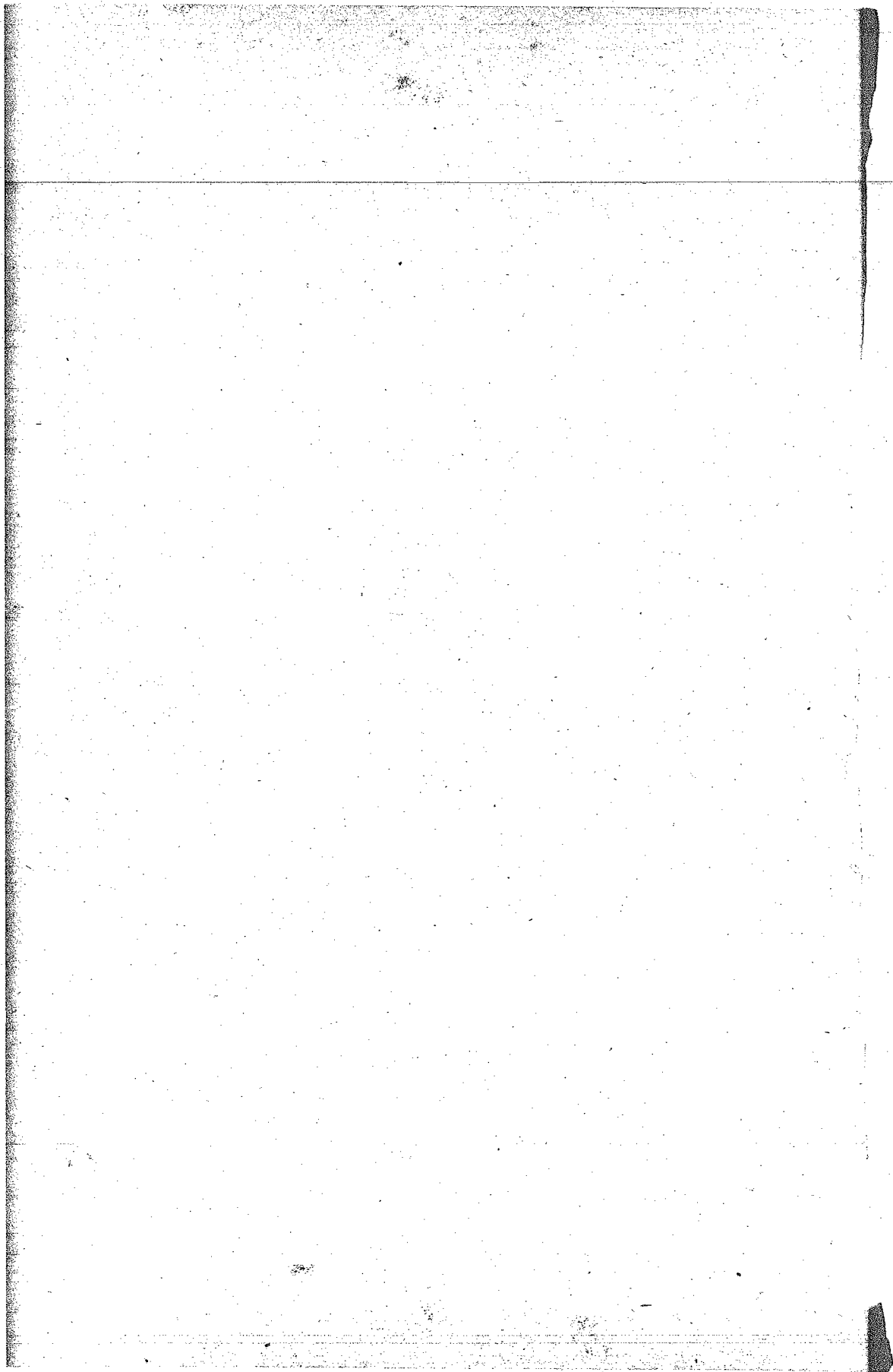
**W**HEREAS it is expedient further to amend the Canton-  
ments Act, 1924, in the manner and for the purpose  
hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Cantonments (Amendment) Act, 1932. Short title.

2. In clause (ix) of section 2 of the Cantonments Act, 1924, after the words "Officer Commanding the District", where they occur for the first time, the words "or Officer Commanding-in-Chief, the Command" shall be inserted, and after the words "Officer Commanding the District", where they occur for the second time, the words "and Officer Commanding-in-Chief, the Command" shall be added; and this insertion and addition shall be deemed to have been made on and to have effect from the 29th day of February, 1932. Amendment of clause (ix), section 2, Act II of 1924.

Price 1 anna or  $1\frac{1}{2}$ d.]

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# ACT No. XVIII OF 1932.

[AS PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 30th  
September, 1932.)

## An Act to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.

VII of 1904.

WHEREAS it is expedient to amend the Ancient Monuments Preservation Act, 1904, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Ancient Monuments Preservation (Amendment) Act, 1932. Short title.

VII of 1904.

2. After section 10 of the Ancient Monuments Preservation Act, 1904 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

“ 10A. (1) If the Local Government is of opinion that mining, quarrying, excavating, blasting and other operations of a like nature should be restricted or regulated for the purpose of protecting or preserving any ancient monument, the Local Government may, by notification in the local official Gazette, make rules—

- (a) fixing the boundaries of the area to which the rules are to apply,
- (b) forbidding the carrying on of mining, quarrying, excavating, blasting or any operation of a like nature except in accordance with the rules and with the terms of a licence, and
- (c) prescribing the authority by which, and the terms on which, licences may be granted to carry on any of the said operations.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A

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Price 1 anna or 1½d.]

*Ancient Monuments Preservation (Amendment).* [ACT XVIII

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub-section (1) proves to the satisfaction of the Local Government that he has sustained loss by reason of such land being so included, the Local Government shall pay compensation in respect of such loss."

Substitution of new sections for section 20, Act VII of 1904.

3. For section 20 of the said Act and its heading "*Excavation*", the following sections and heading shall be substituted, namely:—

*Archæological Excavation.*

Power of Governor General in Council to notify areas as protected.

20. (1) If the Governor General in Council, after consulting the Local Government, is of opinion that excavation for archæological purposes in any area should be restricted and regulated in the interests of archæological research, the Governor General in Council may, by notification in the Gazette of India specifying the boundaries of the area, declare it to be a protected area.

(2) From the date of such notification all antiquities buried in the protected area shall be the property of Government and shall be deemed to be in the possession of Government; and shall remain the property and in the possession of Government until ownership thereof is transferred; but in all other respects the rights of any owner or occupier of land in such area shall not be affected.

Power to enter upon and make excavations in a protected area.

20A. (1) Any officer of the Archæological Department or any person holding a licence under section 20B may, with the written permission of the Collector, enter upon and make excavations in any protected area.

(2) Where, in the exercise of the power conferred by sub-section (1), the rights of any person are infringed by the occupation or disturbance of the surface of any land, the Government shall pay to that person compensation for the infringement.

Power of Governor General in Council to make rules regulating archæological excavation in protected areas.

20B. (1) The Governor General in Council may make rules—

(a) prescribing the authorities by whom licences to excavate for archæological purposes in a protected area may be granted;

(b) regulating

of 1932.] *Ancient Monuments Preservation (Amendment).*

- (b) regulating the conditions on which such licences may be granted, the form of such licences, and the taking of security from licensees;
- (c) prescribing the manner in which antiquities found by a licensee shall be divided between Government and the licensee; and
- (d) generally to carry out the purposes of section 20.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) Such rules may be general for all protected areas for the time being, or may be special for any particular protected area or areas.

(4) Such rules may provide that any person committing a breach of any rule or of any condition of a licence shall be punishable with fine which may extend to five thousand rupees, and may further provide that where the breach has been by the agent or servant of a licensee the licensee himself shall be punishable.

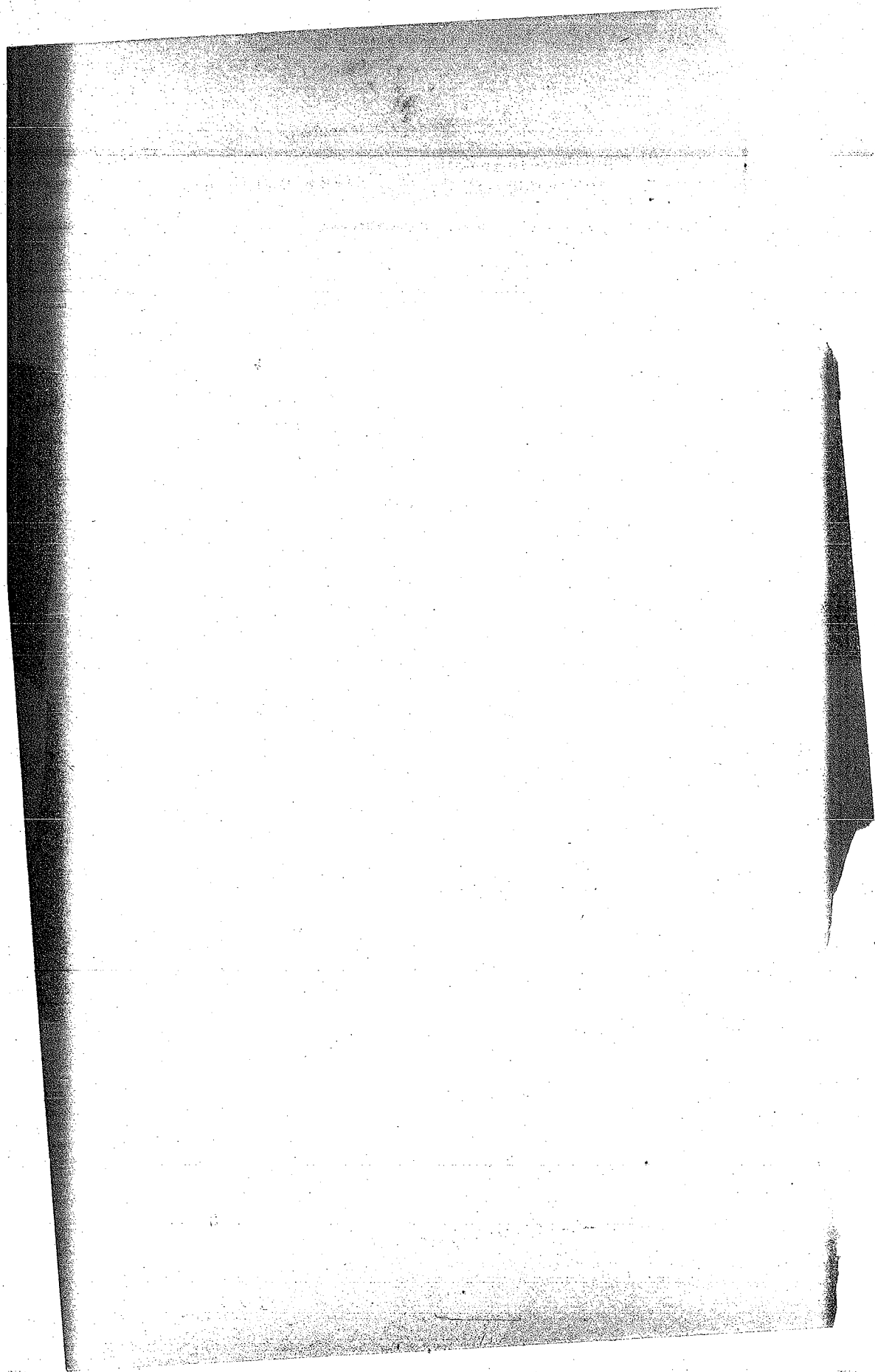
20C. If the Governor General in Council is of opinion that a protected area contains an ancient monument or antiquities of national interest and value, he may direct the Local Government to acquire such area, or any part thereof, and the Local Government may thereupon acquire such area or part under the Land Acquisition Act, 1894, as for a public purpose.”

Power to acquire a protected area.

4. In section 21 of the said Act,—

- (a) the words “ amount of ”, where they first occur, shall be omitted, and
- (b) for the words “ touching the amount ” the words “ in respect ” shall be substituted.

Amendment of section 21, Act VII of 1904.



# ACT No. XIX OF 1932.

[AS PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 30th September, 1932.)

## An Act to amend the Trade Disputes Act, 1929, for certain purposes.

**W**HEREAS it is expedient to amend the Trade Disputes Act, 1929, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Trade Disputes (Amendment) Act, 1932. Short title.

2. In section 13 of the Trade Disputes Act, 1929,—

Amendment of section 13, Act VII of 1929.

(a) in sub-section (1),—

(i) for the words “ except with the consent in writing of the Secretary of the Trade Union or of the person, firm or company in question ” the words “ if the Trade Union, person, firm or company in question has preferred a request to the Court or Board that such information shall be treated as confidential ” shall be substituted, and

(ii) for the words “ without such consent ” the words “ without the consent in writing of the Secretary of the Trade Union or the person, firm or company in question, as the case may be ” shall be substituted;

(b) in sub-section (2), after the words “ before a Court or Board ” the word “ wilfully ” shall be inserted; and

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

“ (3) No Criminal Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section.

(4) No

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Price 1 anna or 1½d.]

*Trade Disputes (Amendment).* [ACT XIX OF 1932.]

- (4) No Criminal Court shall take cognizance of any offence under this section except with the previous sanction of the authority appointing such Court or Board; and no Civil Court shall without the like sanction entertain any suit against a member of a Court or Board, or any person present at or concerned in the proceedings before a Court or Board, for any matter arising out of such proceedings."



# ACT No. XX OF 1932.

[AS PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st October, 1932.)

## An Act to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz.

WHEREAS it is expedient to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz; It is hereby enacted as follows:—

1. (1) This Act may be called the Port Haj Committees Act, 1932. Short title, extent and commencement.

(2) It extends in the first instance to the Presidencies of Bombay and Bengal, but the Governor General in Council may, by notification in the Gazette of India, extend it to any other maritime province.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force in any province to which the Act extends on such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

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

(a) a "pilgrim" means a Muslim proceeding on or returning from pilgrimage to the Hedjaz; and

(b) a "pilgrim ship" means a ship conveying or about to convey pilgrims from or to any port in British India to or from any port in the Red Sea other than Suez.

3. As soon as may be after this Act comes into force in the Presidency of Bengal, there shall be constituted a committee, to be called the Port Haj Committee of Calcutta, and as soon as this Act comes into force in the Presidency of Bombay, there shall be constituted two committees, to be called the Port Haj Committee of Bombay and the Port Haj Committee of Karachi, respectively. Initiation of Port Haj Committees.

4. (1) The  
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Price 1 anna or 1½d.]

Composition of  
Port Haj  
Committees.

4. (1) The Port Haj Committee of Calcutta shall consist of nineteen members as follows:—

- (a) seven members to be nominated by the Local Government, of whom not more than five shall be officials;
- (b) two members to be elected by the elected Muslim Councillors and elected Muslim Aldermen of the Corporation of Calcutta;
- (c) six members to be elected by an electorate consisting of—
  - (i) the elected Muslim members of the Bengal Legislative Council,
  - (ii) the Muslim members of the Council of State and of the Legislative Assembly, elected by constituencies in the Presidency of Bengal, and
  - (iii) the elected Muslim members of the Bengal Medical Council; and
- (d) four members to be co-opted by the elected members of the Committee.

(2) The Port Haj Committee of Bombay shall consist of nineteen members as follows:—

- (a) seven members to be nominated by the Local Government, of whom not more than five shall be officials;
- (b) two members to be elected by the elected Muslim members of the Municipal Corporation of the City of Bombay;
- (c) six members to be elected by an electorate consisting of—
  - (i) the elected Muslim members of the Bombay Legislative Council,
  - (ii) the Muslim members of the Council of State and of the Legislative Assembly, elected by constituencies in the Presidency of Bombay, and
  - (iii) the elected Muslim members of the Bombay Medical Council; and
- (d) four members to be co-opted by the elected members of the Committee.

(3) The

(3) The Port Haj Committee of Karachi shall consist of seventeen members as follows:—

- (a) six members to be nominated by the Local Government, of whom not more than five shall be officials;
- (b) two members to be elected by the elected Muslim members of the Municipality of Karachi;
- (c) five members to be elected by the electorate defined in clause (c) of sub-section (2); and
- (d) four members to be co-opted by the elected members of the Committee.

(4) An elected member of a Port Haj Committee need not be a member of the electorate which elects him.

(5) A member of a Port Haj Committee nominated by a Local Government may be nominated by virtue of office.

5. (1) The Local Government may propose to the Governor General in Council a draft of rules altering the composition of a Port Haj Committee, and the Governor General in Council, after previous publication of the draft in accordance with the provisions of section 23 of the General Clauses Act, 1897, shall take the draft into consideration.

Power to alter composition of Port Haj Committee.

(2) The draft in the form finally approved by the Governor General in Council shall be published in the Gazette of India and in the local official Gazette, and thereupon the composition of the Port Haj Committee shall be altered accordingly.

6. (1) When any port, other than Calcutta, Bombay or Karachi, situated in any province to which this Act extends, is appointed to be a port for pilgrim traffic in pursuance of sub-section (1) of section 150 of the Indian Merchant Shipping Act, 1923, the Governor General in Council may, subject to the condition of previous publication, make rules providing for the composition of a Port Haj Committee for such port, and shall cause the Committee to be constituted accordingly.

Constitution of Port Haj Committees in other ports.

(2) The provisions of this Act shall apply to such Committee when constituted.

7. (1) The election and co-option of members of Port Haj Committees shall be conducted in accordance with rules to be made in this behalf by the Local Government.

Nominations, elections and co-options.

(2) As soon as may be after the election and co-option of members of a Port Haj Committee, the Local Government shall make the nominations permitted by section 4, and shall publish

lish in the local official Gazette a list of the names of all members nominated, elected and co-opted :

Provided that the failure of anybody to elect or to co-opt a member shall not prevent the Local Government from making nominations or from publishing the list of members as provided in this sub-section :

Provided further that the list of members of a new Committee shall not be published before the expiry of three years from the date of the publication of the list of members of the Committee which it is replacing.

Term of office.

8. (1) Where a member of a Port Haj Committee is nominated by virtue of his office, the person for the time being holding the office shall be a member until the Local Government otherwise directs.

(2) The term of office of other members (except members filling casual vacancies) shall be not less than three years, commencing on the day following the publication of the list of members under sub-section (2) of section 7, and ending on the date of the publication of the list of members of the next Committee.

Formation of new Committees.

9. (1) At such time as the Local Government may deem to be expedient before or after the expiry of the period of three years after the publication of the list of members of a Committee under sub-section (2) of section 7, the Local Government shall take or cause to be taken all necessary steps for the election, co-option and nomination of members of the new Committee.

(2) No person shall be ineligible for election, co-option or nomination to a Port Haj Committee on the ground that he is or has been a member of a Port Haj Committee.

Rules relating to the constitution of Committees.

10. The Local Government may make rules—

- (a) prescribing the disqualifications which shall disqualify any person from being elected, co-opted or nominated as member of a Port Haj Committee;
- (b) providing for the decision of doubts and disputes relating to the election and co-option of members;
- (c) regulating the resignation of members;
- (d) prescribing the reasons for which members may be removed, and providing for their removal;
- (e) regulating

- (e) regulating the filling of casual vacancies and the term of office of members filling casual vacancies; and
- (f) providing for any other matter which the Local Government may deem to be expedient for the proper constitution of Port Haj Committees.

11. (1) After the publication of the list of members of a Port Haj Committee under sub-section (2) of section 7, the Local Government shall direct the Committee to elect one of its members to be Chairman within a time to be specified in such direction. Chairmen and Vice-Chairmen.

(2) If within the time so specified the Committee fails to elect a Chairman, the Local Government may appoint a member of the Committee to be Chairman of the Committee.

(3) An elected Chairman shall not take up his office until his election has been approved by the Local Government.

(4) A Port Haj Committee may elect from amongst its members not more than two members to be Vice-Chairmen.

(5) The appointment or election of Chairmen and Vice-Chairmen shall be notified in the local official Gazette.

12. The Local Government may make rules—

- (a) prescribing the term of office of Chairmen;
- (b) prescribing the powers and duties of Chairmen;
- (c) regulating the resignation of Chairmen;
- (d) prescribing the reasons for which Chairmen and Vice-Chairmen may be removed, and providing for their removal; and
- (e) regulating the filling of casual vacancies in the office of Chairman and the term of office of persons filling such vacancies.

Power to make rules regarding Chairmen and Vice-Chairmen.

13. A Port Haj Committee may, with the previous sanction of the Local Government, make by-laws—

- (a) prescribing the term of office of Vice-Chairmen;
- (b) prescribing the powers and duties of Vice-Chairmen, and also the powers and duties of the Chairman in so far as they have not been prescribed by rules under section 12;
- (c) regulating the resignation of Vice-Chairmen; and
- (d) regulating

Power to make by-laws regarding Chairmen and Vice-Chairmen.

- (d) regulating the filling of casual vacancies in the office of Vice-Chairman, and the term of office of persons filling such vacancies.

Officers and servants of Port Haj Committees.

14. (1) Until the expiry of a period of four years from the date of the publication of the list of members of a Port Haj Committee on its first constitution, the Local Government shall, in consultation with the Committee, appoint, for each Port Haj Committee, a person to be Executive Officer, who shall also be Secretary to the Committee, and shall also in like manner appoint such other officers and servants as it may consider necessary for the efficient discharge of the duties of the Committee.

(2) The Local Government may make rules—

- (a) regulating the relations between a Port Haj Committee and its Executive Officer;
- (b) regulating the subordination of the other officers and servants of a Port Haj Committee to the Committee and to the Executive Officer;
- (c) determining the conditions of service of an Executive Officer and other officers and servants;
- (d) prescribing the powers and duties of the Executive Officer in so far as they are not prescribed by this Act; and
- (e) prescribing the powers and duties of the other officers and servants of a Port Haj Committee.

(3) Rules made under sub-section (2) may authorise a Port Haj Committee to make by-laws providing for any of the matters specified in that sub-section in so far as such matters are not provided for in the rules.

Delegation to Port Haj Committee of control over its officers and servants.

15. (1) Within the period of four years referred to in sub-section (1) of section 14 the Local Government may, and on the expiry of that period the Local Government shall, by notification in the local official Gazette, authorise a Port Haj Committee to appoint its Executive Officer, and to appoint such other officers and servants as the Committee may deem to be necessary for the efficient discharge of its duties.

(2) Such authorisation may impose such restrictions and conditions as the Local Government may think fit.

(3) A Port Haj Committee so authorised may make by-laws providing for any of the matters specified in sub-section (2) of section

section 14, and may cancel any rule made under that sub-section in so far as it applies to such Committee and its officers and servants.

16. The pay and allowances and expenses lawfully incurred in respect of an Executive Officer or other officer or servant appointed by the Local Government under section 14 shall be paid by the Governor General in Council, and the pay, allowances and expenses lawfully incurred in respect of an Executive Officer or other officer or servant appointed by a Committee under section 15 shall be paid by the Committee out of the funds at its disposal.

Payment of salaries, etc., of officers and servants.

17. (1) A Port Haj Committee shall meet at least once in every month during the four months before the Haj Day and during the two months after the Haj Day, and at least once in each three months during the rest of the year.

Meetings of Committees and conduct of business.

(2) The number of members required to make a quorum at any meeting shall be six.

(3) All matters shall be decided by a majority of the members present, and in the event of an equality of votes the Chairman or other person presiding shall have a casting vote.

(4) A Port Haj Committee may make by-laws—

- (a) regulating the convening of its meetings;
- (b) regulating the conduct of business at its meetings;
- (c) prescribing the registers and records which shall be maintained;
- (d) providing for the publication of its proceedings and of any other matters of interest to pilgrims; and
- (e) providing for any other matter which the Committee may deem necessary for the regulation of its meetings and its business:

Provided that the Local Government may, at any time before the first meeting of a Committee after the commencement of this Act, frame instructions for the Committee on all or any of the matters specified in this sub-section, and such instructions shall be deemed to be by-laws made by the Committee under this sub-section until they are superseded by by-laws so made.

(5) Anything done or any proceeding taken by a Port Haj Committee shall not be questioned on the ground of any vacancy

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in the Committee, or on account of any defect or irregularity not affecting the merits of the case.

Duties of  
Port Haj  
Committees.

18. (1) The duties of a Port Haj Committee shall be—

- (a) to collect and disseminate information useful to pilgrims;
- (b) to advise and assist pilgrims during their stay at the port, while proceeding to or returning from the Hedjaz, in all matters including vaccination, inoculation, medical inspection and issue of passes and passports and to co-operate with the local authorities concerned in such matters;
- (c) to give relief to indigent pilgrims;
- (d) to negotiate and co-operate with railways and shipping companies for the purpose of securing travelling facilities for pilgrims;
- (e) to find suitable Muslims for employment by shipping companies on pilgrim ships;
- (f) to bring the grievances of pilgrims and any irregularities or omissions on the part of a master or owner of a pilgrim ship in the carrying out of the provisions of the Indian Merchant Shipping Act, 1923, XXI of 1923. to the notice of the authorities concerned, and to suggest remedies;
- (g) to authorise whenever practicable an individual pilgrim or a committee of pilgrims on board a pilgrim ship to represent the grievances of the pilgrims to the master or owner of the ship; and
- (h) such other duties in connection with the pilgrim traffic as may be entrusted to it by Government.

(2) The Local Government shall afford all reasonable assistance to the Port Haj Committee in the discharge of the duties imposed by this section.

Inspection of  
pilgrim ships.

19. (1) Each Port Haj Committee shall appoint one or more sub-committees composed of two of its members, whose duties shall be the inspection of pilgrim ships.

(2) Any such sub-committee when inspecting a pilgrim ship shall be accompanied by the certifying officer appointed for the port under section 151 of the Indian Merchant Shipping Act,



of 1932.]

*Port Haj Committees.*

Act, 1923, or by the Surveyor of the ship or other person deputed by the certifying officer.

(3) The Executive Officer of a Port Haj Committee or a sub-committee appointed under sub-section (1) may enter and inspect any pilgrim ship advertised or offering to sail from or which has returned to the port for which the Committee is constituted.

(4) A master or any officer of a pilgrim ship who fails to render every reasonable facility for such inspection shall be punishable with fine which may extend to five hundred rupees.

(5) No Magistrate other than a Presidency Magistrate or Magistrate of the first class shall take cognizance of an offence punishable under sub-section (4), and such Magistrates shall take cognizance of such offence only on written complaint by the Chairman of the Port Haj Committee concerned.

20. In each port in which there is a Port Haj Committee there shall be created a fund, to be called the Haj Fund of the port concerned, and there shall be placed to the credit thereof the following sums, in so far as they arise or have arisen in the port concerned, namely:—

- (a) the interest on all deposits made by pilgrims under clause (b) of section 208A of the Indian Merchant Shipping Act, 1923;
- (b) sums realised from the sale of the effects of deceased pilgrims and sums of money left by deceased pilgrims, which are unclaimed and have lapsed to Government;
- (c) any fees which may be levied for the issue of visitors' passes to friends and relations of pilgrims who desire to go on board a pilgrim ship;
- (d) the amount now standing to the credit of the fund known as the Indigent Pilgrims' Fund: provided that such amount shall be applied by the Committee solely for the relief of indigent pilgrims;
- (e) any sums received by the Haj Fund from private sources; and
- (f) any sums allotted by Government to the Haj Fund.

21. A Haj Fund of a port shall, subject to rules made under section 22, be under the control and management of the Port Haj Committee for that port, and shall be applicable to the payment

*Port Haj Committees.* [ACT XX OF 1932.]

payment of charges and expenses incidental to the objects specified in section 18, and of any other object specified by rules made under clause (c) of section 22.

Power to make rules for the financial control of Committees.

22. The Local Government may, subject to the control of the Governor General in Council, make rules—

- (a) providing for the custody of Haj Funds;
- (b) regulating the investment of balances of Haj Funds;
- (c) prescribing the objects to which Haj Funds shall be applicable, in addition to those prescribed in section 18;
- (d) fixing the limits of expenditure which may be incurred by a Committee without sanction, and providing for the grant of sanction for expenditure exceeding those limits;
- (e) regulating the preparation, submission and approval of the budgets of Committees;
- (f) prescribing the accounts to be kept by Committees, and providing for the audit and publication thereof;
- (g) prescribing the returns, statements and reports to be submitted by Committees; and
- (h) generally providing for the control of Committees in respect of financial matters.

Provisions regarding rules and by-laws.

23. (1) Rules made by the Local Government under this Act shall be made by notification in the local official Gazette and shall be subject to the condition of previous publication.

(2) By-laws made by a Port Haj Committee shall be submitted to the Local Government, and shall not take effect until they have been confirmed by the Local Government.

(3) By-laws which have been confirmed by the Local Government shall be published in the local official Gazette.

Repeals.

24. (1) On the date on which this Act comes into force in the Presidency of Bombay, sections 8, 9 and 10 of the Protection of Pilgrims Act, 1887, shall be repealed.

Bom. Act of 1887.

(2) On the date on which this Act comes into force in the Presidency of Bengal, sections 8, 9 and 10 of the Protection of Muhammadan Pilgrims Act, 1896, shall be repealed.

Ben. Act I of 1896.

# ACT No. XXI OF 1932.

[AS PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st  
October, 1932.)

## An Act further to amend the Code of Criminal Procedure, 1898, for a certain purpose.

**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 Procedure short title.  
(Amendment) Act, 1932.

2. In section 526 of the Code of Criminal Procedure, Amendment of  
section 526,  
Act V of 1898.  
1898,—

(a) in sub-section (5), for the words “ has power under  
this section to award by way of costs ” the words  
“ may under this section award by way of compen-  
sation ” shall be substituted;

(b) in sub-section (6A), for the word “ costs ” the word  
“ compensation ” shall be substituted, and for the  
words “ any expenses reasonably incurred by such  
person in consequence of the application ” the  
words “ such sum not exceeding two hundred and  
fifty rupees as it may consider proper in the cir-  
cumstances of the case ” shall be substituted;

(c) for sub-section (8) the following sub-section shall be  
substituted, namely:—

“ (8) If in any inquiry under Chapter VIII or Chapter  
XVIII or in any trial, any party interested inti-  
mates to the Court at any stage before the  
defence closes its case that he intends to make an  
application under this section, the Court shall,  
upon his executing, if so required, a bond  
without

1

without sureties, of an amount not exceeding two hundred rupees, that he will make such application within a reasonable time to be fixed by the Court, adjourn the case for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon :

Provided that nothing herein contained shall require the Court to adjourn the case upon a second or subsequent intimation from the same party, or, where an adjournment under this sub-section has already been obtained by one of several accused, upon a subsequent intimation by any other accused ” ;

(d) to sub-section (9) the following Explanation shall be added, namely :—

“ *Explanation.*—Nothing contained in sub-section (8) or sub-section (9) restricts the powers of a Court under section 344 ” ; and

(e) after sub-section (9) as so amended the following sub-section shall be added, namely :—

“(10) If, before the argument (if any) for the admission of an appeal begins, or, in the case of an appeal admitted, before the argument for the appellant begins, any party interested intimates to the Court that he intends to make an application under this section, the Court shall, upon such party executing, if so required, a bond without sureties of an amount not exceeding two hundred rupees that he will make such application within a reasonable time to be fixed by the Court, postpone the appeal for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon.”

# THE TEA DISTRICTS EMIGRANT LABOUR ACT, 1932.

## C O N T E N T S.

### CHAPTER I.

#### PRELIMINARY.

#### SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Appointment and status of Controller and Deputy  
Controllers.
4. Powers of the Controller.
5. Emigrant Labour Cess.
6. Power to make rules for the collection of the Emigrant  
Labour Cess.

### CHAPTER II.

#### REPATRIATION.

7. General right of repatriation after three years in  
Assam.
8. Right to repatriation on dismissal.
9. Rights of repatriation of family of deceased emigrant  
labourer.
10. Right to apply for repatriation in certain circum-  
stances.
11. Power of criminal Courts to order repatriation.
12. Incidents of the right of repatriation.
13. The discharge of an employer's duty to repatriate.
14. Postponement, waiver, and forfeiture of the right.
15. Power of the Controller to enforce the provisions of  
this Chapter.

### CHAPTER III.

#### CONTROLLED EMIGRATION AREAS.

16. Power to declare controlled emigration areas.
17. Power to grant licences to local forwarding agents.
18. Recruits

*Tea Districts Emigrant Labour.* [ACT XXII OF 1932.]

SECTIONS.

18. Recruits in controlled emigration areas to be sent to forwarding agents' depôts.
19. Assisted emigrants to be forwarded to Assam by local forwarding agents by prescribed routes.
20. Maintenance of depôts along prescribed routes.
21. Power of Local Government to make rules.
22. Inspection of depôts, vessels and vehicles.
23. Action where proper arrangements not made for assisted emigrants.
24. Cancellation of licences.
25. Penalty for illicit abetment of emigration.

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CHAPTER IV.

RESTRICTED RECRUITING AREAS.

26. Power to declare restricted recruiting areas.
27. Grant of licences to recruiters.
28. Grant of certificates to garden-sardars.
29. Cancellation and suspension of recruiter's licence.
30. Cancellation of garden-sardar's certificate.
31. Penalty for illicit recruitment.

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CHAPTER V.

SUPPLEMENTAL.

32. Prohibition of the recruitment of children.
33. Power to detain and return sick persons.
34. Power to return person improperly recruited.
35. Power to enforce the provisions of sections 33 and 34.
36. Magistrates and medical officers who may exercise the powers of the Controller.
37. Power of Governor General in Council to make rules.
38. Powers to extend the scope of this Act.
39. Saving for acts done in good faith under the Act.
40. Bar of jurisdiction of Civil Courts.
41. Repeal of Act VI of 1901 and certain consequences.

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THE SCHEDULE.

# ACT No. XXII OF 1932.

[AS PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th  
October, 1932.)

## An Act to amend the law relating to emigrant labourers in the tea districts of Assam.

WHEREAS it is expedient to amend the law relating to  
emigrant labourers in the tea districts of Assam; It  
is hereby enacted as follows:—

### CHAPTER I.

#### PRELIMINARY.

1. (1) This Act may be called the Tea Districts Emigrant Short title,  
Labour Act, 1932. extent and  
commencement.

(2) It extends to the whole of British India, including the  
Sonthal Parganas.

(3) It shall come into force on such date as the Governor  
General in Council may, by notification in the Gazette of  
India, appoint.

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

(a) “tea district” means any of the following districts  
in the province of Assam, namely,—

Lakhimpur, Sibsagar, Nowgong, Darrang,  
Kamrup, Goalpara, Cachar and Sylhet, and the  
Balipara Frontier Tract;

(b) “tea estate” means an estate, situated in the tea  
districts, any part of which is used or is intended  
to be used for the cultivation or manufacture of  
tea or for any purpose connected therewith;

(c) “recruiting province” means any province other  
than Assam;

(d) “adult” means a person who has completed his  
sixteenth year, and “child” means a person who  
is not an adult;

(e) a

3

*Tea Districts Emigrant Labour.* [ACT XXII

(Chapter I.—Preliminary.)

- (e) a "labourer" means an adult working on wages not exceeding fifty rupees a month, but does not include a clerk or domestic servant, or a mechanic, carpenter, mason, bricklayer or other artisan;
- (f) an "assisted emigrant" means an adult who, after the commencement of this Act, has left his home in any recruiting province or in any Indian State, is proceeding through any part of British India to any place in Assam to work as a labourer on a tea estate, and has received assistance from any person,  
but does not include any person who at any time within the two preceding years has worked as a labourer on a tea estate;
- (g) "assistance" means the gift or offer of any money, goods or ticket entitling to conveyance to any person as an inducement to such person to proceed to Assam to work as a labourer on a tea estate, and "assisted" and "with assistance" when used with reference to any person mean that such person has received assistance;
- (h) an "emigrant labourer" means a person who has last entered Assam as an assisted emigrant and is employed on a tea estate,  
and includes any person who, having accompanied an assisted emigrant to Assam as a child dependent on him, has become an adult and is so employed,  
but does not include any person who, at any time after his last entry into Assam and after he has become an adult, has taken employment not on a tea estate;
- (i) the "family" of any person includes the following, if living with him, namely,—
- (i) in the case of a male,—his wife and any child and aged or incapacitated relative dependent on him,
  - (ii) in the case of a married woman,—her husband and any child and aged or incapacitated relative dependent on her or on her husband, and
  - (iii) in the case of any other woman,—any child and aged or incapacitated relative dependent on her,  
and



(Chapter I.—Preliminary.)

and in the case of an emigrant labourer, includes any person who, having accompanied him to Assam as a child dependent on him, has become an adult and is living with him;

- (j) “employing interest” means any employer of labourers, or any group or association of such employers; and
- (k) “prescribed” means prescribed by rules made by the Governor General in Council.

3. (1) The Governor General in Council may appoint a person to be Controller of Emigrant Labour, to exercise the powers and discharge the duties conferred and imposed upon the Controller by or under this Act.

Appointment and status of Controller and Deputy Controllers.

(2) The Governor General in Council may also appoint one or more Deputy Controllers of Emigrant Labour, who shall exercise such of the powers and discharge such of the duties of the Controller as the Governor General in Council may determine.

(3) The Controller may, from time to time and subject to the control of the Governor General in Council, make a distribution of work as between himself and the Deputy Controllers.

(4) The Controller and Deputy Controllers shall be deemed to be public servants within the meaning of the Indian Penal Code.

XLV of 1860.

4. The Controller shall have power—

Powers of the Controller.

(a) to enter—

- (i) all open places on a tea estate,
- (ii) any enclosed place on a tea estate where he knows or has reason to believe emigrant labourers are working or are accommodated,
- (iii) any office of a tea estate,
- (iv) any office or depôt maintained by a labour recruiting agency, in Assam or in a recruiting province,
- (v) any train, vessel or vehicle which he knows or has reason to believe is being used for the conveyance of assisted emigrants;

(b) to

- (b) to inspect, in any office or depôt mentioned in sub-clauses (iii) and (iv) of clause (a), any register or other document required to be kept under this Act;
- (c) to carry out in any place mentioned in clause (a) any inquiry which he may deem to be expedient for carrying out the purposes of this Act; and
- (d) to do any other reasonable act which may be expedient in the discharge of his duties.

Emigrant  
Labour Cess.

5. (1) In order to meet expenditure incurred in connection with the Controller, the Deputy Controllers and their staff, or under this Act, an annual cess shall be levied, to be called the Emigrant Labour Cess.

(2) It shall be paid in respect of the entry into Assam of each assisted emigrant and shall be payable by the employing interest on whose behalf he was recruited.

(3) It shall be levied at such rate, not exceeding nine rupees, for each such emigrant as the Governor General in Council may, by notification in the Gazette of India, determine for the year of levy.

(4) The proceeds of the cess shall be credited to a fund, to be called the Emigrant Labour Fund, to be administered by the Governor General in Council.

Power to make  
rules for the  
collection of the  
Emigrant  
Labour Cess.

6. (1) The Governor General in Council may, by notification in the Gazette of India, make rules—

- (a) prescribing the agency which shall collect the Emigrant Labour Cess;
- (b) prescribing the returns to be submitted to such agency by employers of emigrant labourers, and by persons who recruit or forward emigrant labourers, and the form and date of such returns;
- (c) regulating the procedure of the collecting agency;
- (d) prescribing the mode of payment of the cess;
- (e) determining the date when any sum payable as cess shall be an arrear;
- (f) declaring that an arrear of cess may be recovered as an arrear of land-revenue and prescribing the procedure to be followed to secure such recovery; and
- (g) generally, to secure the equitable collection of the cess.

CHAPTER II.

REPATRIATION.

7. Every emigrant labourer, on the expiry of three years from the date of his entry into Assam, shall have the right of repatriation as against the employer employing him at such expiry. General right of repatriation after three years in Assam.

8. (1) Any emigrant labourer who, before the expiry of three years from his entry into Assam, is dismissed by his employer, otherwise than for wilful and serious misconduct, shall have the right of repatriation against such employer. Right to repatriation on dismissal.

(2) Where any emigrant labourer is dismissed by his employer before the expiry of three years from his entry into Assam, and his employer refuses or fails to repatriate him, the labourer may apply to the Controller, and the Controller, after such inquiry as he may think fit and after giving the employer an opportunity to be heard, may declare that the labourer has the right of repatriation against such employer.

9. (1) Where an emigrant labourer other than a married woman living with her husband and having no child living with her dies within three years of his entry into Assam, the family of such labourer shall be entitled to be repatriated by the employer last employing him. Rights of repatriation of family of deceased emigrant labourer.

(2) Where such deceased labourer leaves a widow, she shall be deemed to be an emigrant labourer in whom a right of repatriation has arisen.

(3) Where there is no such widow, the Controller shall have all powers necessary to enforce the rights of the family under this section, and may take such action as he may deem to be expedient in their interests.

10. (1) An emigrant labourer may, before the expiry of three years from his entry into Assam, apply to the Controller for a declaration of his right to repatriation on any of the following grounds, namely,— Right to apply for repatriation in certain circumstances.

(a) that his state of health makes it imperative that he should leave Assam, or

(b) that his employer has failed to provide him with work suited to his capacity, at the normal rate of wages for that class of work, or

(c) that

*Tea Districts Emigrant Labour.* [ACT XXII  
(Chapter II.—Repatriation.)

(c) that his employer has unjustly withheld any portion of any wages due to him, or

(d) any other sufficient cause.

(2) An emigrant labourer may, before the expiry of one year from his entry into Assam, apply to the Controller for a declaration of his right to repatriation on any of the following grounds, namely,—

(a) that he was recruited by coercion, undue influence, fraud or misrepresentation, or

(b) that he was recruited otherwise than in accordance with the provisions of this Act and the rules made thereunder.

(3) The Controller, after such inquiry as he may think fit and after giving the employer an opportunity to be heard, may declare that an emigrant labourer applying under this section has a right of repatriation against his employer:

Provided that a declaration in pursuance of clause (d) of sub-section (1) may be made by the Controller only and not by any other officer exercising the powers of the Controller by or under this Act.

11. Where any employer of an emigrant labourer, or any agent of such employer in authority over such labourer, is convicted of any offence committed against such labourer and punishable under Chapter XVI of the Indian Penal Code with imprisonment for one year or upwards, the convicting Court or the appellate Court or the High Court when exercising its powers of revision may declare that such labourer has a right of repatriation against such employer. XLV of 1860.

12. (1) When an emigrant labourer has a right of repatriation against any employer, the employer or his agent shall defray the cost of the return journey of the emigrant labourer and his family from the station nearest the employer's tea estate to the home of the labourer and shall provide subsistence allowances on the prescribed scale for such labourer and his family for the time requisite for him and his family to travel from such estate to his home:

Provided that where the emigrant labourer is a married woman living with her husband who is also an emigrant labourer, her right of repatriation arising under section 7 shall

Power of  
Criminal  
Courts to  
order re-  
patriation.

Incidents of  
the right of  
repatriation.

(Chapter II.—Repatriation.)

shall extend only to herself and any children dependent on her:

Provided further that a married woman living with her husband is entitled to be treated as a member of his family notwithstanding that she is herself an emigrant labourer.

(2) In the event of any dispute regarding the cost of the return journey or subsistence allowances, the question shall be referred for decision to the Controller.

13. (1) Within fifteen days from the date on which a right of repatriation arises to an emigrant labourer, or within such shorter period as the authority declaring such right may determine, the employer concerned shall, subject to any agreement under section 14, make all necessary arrangements for the homeward journey of the labourer and his family, and shall despatch them on their journey:

The discharge of an employer's duty to repatriate.

Provided that an employer shall not be required to make such arrangements for or any payment in respect of any adult person who does not wish to leave Assam.

(2) Where an employer fails to comply with the provisions of sub-section (1), the right of repatriation of the emigrant labourer concerned shall not be affected, but the employer shall be liable to pay to the labourer one rupee for each day on which he is in default:

Provided that on application made to him by either party the Controller may direct that the labourer shall be paid at a lower rate than one rupee a day or at a higher rate not exceeding two rupees a day, and may also determine the number of days, being a reasonable number regard being had to all the circumstances of the case, for which the payment shall be made.

14. (1) An emigrant labourer may, by agreement with his employer, postpone his exercise of the right of repatriation, or may waive it conditionally or unconditionally, but no such agreement shall be valid unless it is in writing and in the prescribed form and has been made not more than one month before the right of repatriation arises:

Postponement, waiver and forfeiture of the right.

Provided that the Governor General in Council may, by notification in the Gazette of India, make rules requiring that in any area such agreement shall be made in the prescribed manner.

manner before a prescribed authority and that the prescribed authority, if satisfied that the labourer understands the terms of his agreement, and his rights in regard to repatriation, shall ratify the agreement:

Provided further that after such rules come into force no such agreement shall be valid unless it is so made and ratified.

(2) Where an emigrant labourer having a right to repatriation fails without reasonable cause to proceed on his homeward journey at the time arranged by his employer, the employer may notify the Controller of such failure, and the Controller, after such inquiry as he may think fit and after giving the labourer an opportunity to be heard, may declare that the labourer has forfeited his right of repatriation, and such labourer shall not be entitled to repatriation again as against any employer, save by an order of the Court under section 11.

15. (1) Where the Controller, on information obtained from any source and after such inquiry as he may think fit and after giving the employer concerned an opportunity to be heard, is of opinion that an emigrant labourer is entitled to repatriation under any of the provisions of this Chapter, or is entitled to the payment of any sum of money under the provisions of sub-section (2) of section 13, the Controller may direct the employer concerned to despatch such labourer and his family or to pay him the sum of money within such period as the Controller may fix.

(2) If the employer fails to comply with such direction, the Controller may repatriate the labourer and his family or pay him the sum of money out of any funds at the Controller's disposal, and shall recover the costs incurred from the employer.

(3) For the purposes of such recovery the Controller may certify the costs to be recovered to the Collector, who shall recover the amount and may recover it as an arrear of land-revenue.

(4) The Controller shall have similar powers in regard to any person in Assam who he knows or has reason to believe is a member of the family of a repatriated emigrant labourer who should have been repatriated along with such labourer.

CHAPTER III.

CHAPTER III.

CONTROLLED EMIGRATION AREAS.

16. (1) Subject to the control of the Governor General in Council, the Local Government of a recruiting province may, by notification in the local official Gazette, declare any area within such province to be a controlled emigration area, and thereupon the provisions of this Chapter shall apply to that area:

Power to declare controlled emigration areas.

Provided that, subject to the like control, the Local Government may, by the same or by subsequent notification, declare that any of the provisions of this Chapter shall not apply in such area, or shall apply subject to such general or special relaxations as may be specified.

(2) A notification under sub-section (1) shall be expressed to take effect from a date not earlier than two months from the date of its publication, and during the said two months licences may be granted under section 17 and such licences shall be dated as being granted on the date on which the notification takes effect and shall not be valid until that date.

17. (1) The Local Government, or any District Magistrate empowered by it in this behalf, may grant a licence to any person to act as local forwarding agent in any part of a controlled emigration area, on behalf of an employer or employers of labourers.

Power to grant licences to local forwarding agents.

(2) Such licences shall be granted only on the application of an employing interest.

(3) No such application shall be entertained unless the Controller has certified that the employing interest making the application has made proper provision, in accordance with section 20 and rules made under section 21, for the forwarding, accommodation and feeding of assisted emigrants on their journey to the tea estates on which they are to be employed.

(4) A local forwarding agent may be granted separate licences on applications by separate employing interests.

18. (1) Whoever arranges with any person in a controlled emigration area that such person shall proceed to Assam with assistance, shall take or send such person, along with the members of his family who are to accompany him to Assam,

Recruits in controlled emigration areas to be sent to forwarding agents' depôts.

to

(Chapter III.—Controlled Emigration Areas.)

to the depôt of a local forwarding agent licensed for the area in which the arrangement was made, unless the arrangement was made at such a depôt.

(2) Whoever arranges with any person in an Indian State that such person shall proceed to Assam with assistance and brings or sends such person and any of the members of his family into any controlled emigration area, shall take or send such person and members to the depôt of a local forwarding agent licensed for that area.

(3) At every such depôt proper arrangements shall be made for the accommodation and feeding of assisted emigrants and their families.

Assisted emigrants to be forwarded to Assam by local forwarding agents by prescribed routes.

19. An assisted emigrant and his family shall be forwarded to Assam from the depôt of a local forwarding agent by such agent and only by such routes and in such manner as may be prescribed by rules made under section 37, and shall be accompanied on their journey by a competent person deputed by the local forwarding agent.

Maintenance of depôts along prescribed routes.

20. Every employing interest which recruits labour in a controlled emigration area shall maintain or have the right to use depôts at reasonable intervals on the prescribed routes by which it forwards assisted emigrants to Assam, for the accommodation and feeding of assisted emigrants and their families.

Power of Local Government to make rules.

21. (1) The Local Government may, by notification in the local official Gazette, make rules—

- (a) prescribing the form and particulars of licences to be granted to local forwarding agents, and the annual fees, not exceeding ten rupees, which may be levied from persons holding such licences;
- (b) prescribing returns relating to assisted emigrants and their families which shall be made by local forwarding agents and the registers and the form thereof which shall be maintained by such agents;
- (c) prescribing the scales of diet which shall be provided for assisted emigrants and their families at depôts;
- (d) prescribing the accommodation which shall be provided for assisted emigrants and their families at depôts,



(Chapter III.—Controlled Emigration Areas.)

depôts, and the sanitary and medical arrangements at such depôts;

- (e) providing for the detention, for a period not exceeding three days, at depôts of local forwarding agents of women unaccompanied by their husbands who propose to proceed to Assam as assisted emigrants, and for investigation into their circumstances;
- (f) prescribing the information which shall be supplied by local forwarding agents to assisted emigrants regarding the conditions of life and work on tea estates, and the methods in which it shall be supplied;
- (g) providing for any other matter which in the opinion of the Local Government may be required to give effect to the provisions of this Chapter.

(2) In making rules under clause (b), clause (e), clause (f) or clause (g) of sub-section (1), the Local Government may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

22. (1) The Civil Surgeon, the District Magistrate or the Sub-Divisional Magistrate, or any Magistrate or police officer not below the rank of Inspector, deputed by the District Magistrate or the Sub-Divisional Magistrate, may enter a local forwarding agent's depôt, or any depôt maintained by an employing interest on a prescribed route to Assam, and inspect the accommodation, feeding arrangements, and sanitary arrangements provided for assisted emigrants and their families and all registers and other documents required to be maintained or kept by or under this Act and shall record the results of such inspection in a book to be kept in such depôt for the purpose.

Inspection of depôts, vessels and vehicles.

(2) The Civil Surgeon or such Magistrate or person deputed may also enter and inspect any vessel, train or vehicle on which assisted emigrants are travelling, or on which he has reason to believe that any assisted emigrant is travelling whether along a prescribed route or not.

23. If the Governor General in Council is satisfied that an employing interest recruiting assisted emigrants in a controlled

Action where proper arrangements not made for assisted emigrants.

trolled area is not making proper provision for the forwarding, accommodation or feeding of such emigrants and their families on their journey to Assam, he may require the Local Government to direct all District Magistrates concerned to cancel or suspend all licences under section 17 held by local forwarding agents on behalf of such employing interest:

Provided that the Governor General in Council shall not make any requisition for the cancellation of licences under this section until he has given the employing interest concerned an opportunity to submit its explanation.

Cancellation  
of licences.

24. (1) The Local Government may cancel wholly or in part any licence granted to a local forwarding agent, and a District Magistrate may cancel wholly or in part any licence granted by him to a local forwarding agent,—

- (a) if, in the opinion of the Local Government or of the District Magistrate, as the case may be, such agent has been guilty of misconduct or wilful default or negligence in the discharge of the duties imposed upon him by or under this Act, or
- (b) if the employing interest, on whose application the licence was granted, has applied to the Local Government or to the District Magistrate, as the case may be, for the cancellation of the licence, or
- (c) if, in the opinion of the Local Government or of the District Magistrate, as the case may be, an employer on whose behalf the agent is licensed to act has been guilty of misconduct, or wilful default or negligence in the discharge of the duties imposed upon him by or under this Act:

Provided that no licence shall be cancelled under clause (a) until the holder thereof has or under clause (c) until the holder thereof and the employer concerned have had an opportunity to show cause against the cancellation:

Provided further that a cancellation under clause (c) shall, where the agent is licensed to act on behalf of more than one employer, operate only to prevent the agent from acting on behalf of the employer held guilty.

(2) A local forwarding agent whose licence has been cancelled by a District Magistrate under clause (a) of sub-section (1),

of 1932.] *Tea Districts Emigrant Labour.*

(Chapter III.—*Controlled Emigration Areas.* Chapter IV.—*Restricted Recruiting Areas.*)

(1), or any employing interest on whose behalf he acts, may, within three months from the date of the District Magistrate's order, appeal to the Local Government, whose decision shall be final.

25. Where any person who is required to be taken or sent to a local forwarding agent's depôt in any district under section 18 leaves that district on his journey to Assam without being so taken or sent, or, being an assisted emigrant, proceeds to Assam otherwise than in accordance with section 19, or by any route other than a route prescribed under section 37, any person who abets him in so leaving the district or in so proceeding to Assam, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for illicit abetment of emigration.

#### CHAPTER IV.

##### RESTRICTED RECRUITING AREAS.

26. (1) The Local Government of a recruiting province may with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare any controlled emigration area or any part of a controlled emigration area within such province to be a restricted recruiting area, and thereupon the provisions of this Chapter shall apply to that area:

Power to declare restricted recruiting areas.

Provided that, subject to the like sanction, the Local Government may, by the same or by subsequent notification, declare that any of the provisions of this Chapter shall not apply in such area, or shall apply subject to such general or special relaxations as may be specified.

(2) A notification under sub-section (1) shall be expressed to take effect from a date not earlier than two months from the date of its publication, and during the said two months licences may be granted under section 27 or certificates may be granted and endorsements made under section 28, and such licences, certificates and endorsements shall be dated as being granted or made on the date on which the notification takes effect and shall not be valid until that date.

27. (1) Subject

*(Chapter IV.—Restricted Recruiting Areas.)*

Grant of  
licences to  
recruiters.

27. (1) Subject to rules made under sub-section (2) and sub-section (3), the District Magistrate may grant a licence to any person to act as recruiter in the whole or any part of his district.

(2) The Governor General in Council may, by notification in the Gazette of India, make rules prescribing the qualifications for persons who may be granted licences under this section.

(3) The Local Government having jurisdiction over any restricted recruiting area may, by notification in the local official Gazette, make rules—

- (a) regulating the procedure of the District Magistrate in granting such licences,
- (b) prescribing the form and particulars of such licences, and the fees, not exceeding ten rupees, to be paid therefor.

Grant of  
certificates to  
garden-sardars.

28. (1) Subject to rules made under sub-section (2), the owner or manager of a tea estate may grant a certificate to any person employed on such estate as a labourer or in a position of supervision or management empowering him to recruit labour for such estate in the whole or any part of a restricted recruiting area, and such person shall thereupon be entitled to recruit labour for such estate as a garden-sardar in the area specified :

Provided that the Local Government having jurisdiction over any restricted recruiting area may, by notification in the local official Gazette, make rules directing that certificates of garden-sardars or of specified classes of garden-sardars shall not be valid in any district in any such area until they have been endorsed as valid for that district by the District Magistrate or a Magistrate authorised by the District Magistrate in this behalf.

(2) The Local Government of Assam may make rules—

- (a) regulating the procedure of owners and managers in granting and withdrawing such certificates,
- (b) prescribing the form and particulars of such certificates.

Cancellation  
and suspension  
of recruiter's  
licence.

29. The District Magistrate may, for reasons to be recorded by him, cancel or suspend the licence of a recruiter on the ground

(Chapter IV.—*Restricted Recruiting Areas.* Chapter V.—*Supplemental.*)

ground of his misconduct or wilful neglect or default in the discharge of the duties imposed on him by or under this Act:

Provided that no licence shall be cancelled under this section until the holder thereof has had an opportunity of showing cause against the cancellation.

30. (1) The District Magistrate of any district in respect of any part of which a garden-sardar holds a certificate may cancel the certificate if he is satisfied that the garden-sardar has contravened any of the provisions of this Act or of the rules made thereunder. Cancellation of garden-sardar's certificates.

(2) A District Magistrate cancelling a certificate under sub-section (1) shall record his reasons, and shall send intimation of his action to the District Magistrate of every other district in respect of any part of which the certificate was valid and to the person who granted the certificate.

31. Whoever, not being a licensed recruiter holding a licence under section 27, or a garden-sardar holding a valid certificate under section 28, or a local forwarding agent holding a licence under section 17, in any part of a restricted recruiting area gives or offers any money or goods to any person, or defrays or offers to defray any travelling expenses of any person, as an inducement to such person to proceed to Assam as an assisted emigrant, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both. Penalty for illicit recruitment.

## CHAPTER V.

### SUPPLEMENTAL.

32. (1) No person shall in any way assist a child to proceed from any recruiting province to Assam, to work in any capacity on a tea estate, unless such child is accompanied by a parent or other adult relative on whom he is dependent, and no person shall so assist a married woman who is living with her husband unless she is so proceeding with the consent of her husband. Prohibition of the recruitment of children.

(2) Any person who knowingly contravenes the provisions of this section shall be punishable with imprisonment which may

may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to detail and return sick persons.

**33.** (1) Where it appears to the Controller that any person proceeding to a tea garden with assistance, or any member of the family of such person, is suffering from an infectious or contagious disease, or is not in a fit state of health to proceed on his journey, the Controller may—

- (a) detain such person and his family,
- (b) send the sufferer for medical treatment to a hospital or dispensary or other suitable place, and
- (c) cause all necessary arrangements to be made for the accommodation and feeding of the other members of the party so detained,

and all arrangements for such detention and treatment shall be made by and at the cost of the employing interest on whose behalf such person was recruited.

(2) Where it appears that a sufferer detained under subsection (1) is not likely to be in a fit state of health to proceed on his journey within a reasonable time, the Controller may direct that he and the other members of his party detained with him shall be returned to the home of the person proceeding with assistance by and at the cost of the employing interest on whose behalf such person was recruited.

Power to return person im-properly recruited.

**34.** Where it appears to the Controller after such inquiry as he thinks fit to make that any person proceeding to a tea estate with assistance—

- (a) has been recruited by coercion, undue influence, fraud or misrepresentation, or
- (b) has been recruited or forwarded otherwise than in accordance with the provisions of this Act and the rules made thereunder,

the Controller may direct that such person and his family shall if such person so desires be returned to his home by and at the cost of the employing interest on whose behalf he was recruited.

Power to enforce the provisions of sections 33 and 34.

**35.** (1) If an employing interest fails to make arrangements to the satisfaction of the Controller for the detention

or

*(Chapter V.—Supplemental.)*

or treatment of any person detained under sub-section (1) of section 33, the Controller may himself make such arrangements and defray the cost out of any funds at his disposal.

(2) In making a direction under sub-section (2) of section 33 or under section 34 the Controller may fix a period within which such person and family shall be forwarded by the employing interest concerned, and shall send a copy of his direction to the employing interest concerned, and to the nearest agent, if any, of such employing interest in the province where such person then is.

(3) If the employing interest fails to comply with the direction within the time fixed, the Controller may cause such person and his family to be returned to his home and defray the costs out of any funds at the Controller's disposal.

(4) The Controller shall recover any costs incurred by him under this section from the employing interest concerned, and for the purposes of such recovery may certify the costs to be recovered to the collector of any district in which a tea estate belonging to the employing interest concerned, or to any member thereof, is situated, and the Collector shall recover the amount and may recover it as an arrear of land-revenue.

(5) Any costs so certified may, where the employing interest concerned is a group or association of employers, be recovered from any one of such employers.

36. (1) Subject to the provisions of sub-section (3) of section 10, any District Magistrate in Assam may exercise in respect of his district any power which the Controller by or under this Act could exercise in such district.

Magistrates and medical officers who may exercise the powers of the Controller.

(2) The Controller may transfer any proceeding under Chapter II pending before him to the District Magistrate having jurisdiction under sub-section (1) to dispose of it.

(3) The Local Government of a recruiting province may invest a District Magistrate or a Sub-Divisional Magistrate and the Local Government of Assam may invest a Sub-Divisional Magistrate with any of the powers of the Controller under section 4 or section 33 or section 34 or section 35 in respect of his district or sub-division, as the case may be.

(4) The

(4) The Local Government may invest any medical officer not below the rank of Assistant Surgeon with any of the powers of the Controller under section 33 and section 35.

37. (1) The Governor General in Council may, by notification in the Gazette of India, make rules—

Power of Governor General in Council to make rules.

- (a) regulating the procedure of the Controller and of persons exercising the powers of the Controller in the exercise of their powers under this Act;
- (b) where there are more authorities than one exercising any of the powers of the Controller in the same area, regulating the exercise of their powers by such authorities;
- (c) prescribing scales of subsistence allowances for the purposes of section 12;
- (d) prescribing the form of agreements under section 14;
- (e) prescribing the routes by which assisted emigrants may be forwarded from districts in controlled emigration areas to tea districts;
- (f) prescribing the manner in which assisted emigrants and their families shall be forwarded to Assam from the depôts of local forwarding agents;
- (g) prescribing the action to be taken by local forwarding agents and by persons in charge of depôts on prescribed routes where an assisted emigrant or a member of his family appears to be suffering from infectious or contagious disease or where an assisted emigrant appears to have been recruited by coercion, undue influence, fraud or misrepresentation, or to have been recruited or forwarded otherwise than in accordance with the provisions of this Act and the rules made thereunder;
- (h) directing that employers of emigrant labourers shall keep registers of such labourers and their families, and prescribing the form of such registers;
- (i) directing that employing interests which recruit emigrant labourers shall keep registers of such labourers, and their families, and of their journeys to  
and



and from Assam, and prescribing the form of such registers;

(j) requiring employers of emigrant labourers and employing interests which recruit emigrant labourers to submit such return in respect of such labourers as the Governor General in Council may think expedient for carrying out the purposes of this Act; and

(k) generally, to carry out the purposes of this Act.

(2) The Local Government of Assam may, by notification in the local official Gazette, make rules requiring employers of labourers on tea estates to submit returns of wages and earnings of labourers employed by them.

(3) In making rules under sub-section (1), the Governor General in Council, and in making rules under sub-section (2) the Local Government, may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees.

38. (1) The Governor General in Council may, by notification in the Gazette of India, declare that the provisions of this Act shall apply in respect of any lands and premises in Assam other than tea estates, and thereupon the provisions of this Act shall apply in all respects to such lands and premises as if they were tea estates.

Powers to extend the scope of this Act.

(2) Subject to the control of the Governor General in Council, the Local Government of Assam may, by notification in the local official Gazette, declare that the provisions of this Act shall apply in any area in Assam other than the districts specified in clause (a) of section 2, and thereupon the provisions of this Act shall apply in all respects to such area as if it were a tea district.

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

Saving for acts done in good faith under the Act.

40. No Civil Court shall have jurisdiction—

(a) to deal with or decide any question which the Controller is, by or under this Act, empowered to deal with or to decide, or

(b) to enforce any liability incurred under this Act.

Bar of jurisdiction of Civil Courts.

41. (1) The

*Tea Districts Emigrant Labour.* [ACT XXII OF 1932.]

(Chapter V.—Supplemental. The Schedule.)

Repeal of Act  
VI of 1901  
and certain con-  
sequences.

41. (1) The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

(2) The Assam Labour Board constituted under section 116A of the Assam Labour and Emigration Act, 1901, is hereby dissolved. VI of 1901.

(3) All accumulations of the cess leviable under section 116E of the said Act are hereby transferred to the credit of the Emigrant Labour Fund, subject to the payment of all outstanding claims payable out of the said accumulations.

THE SCHEDULE.

(See section 41.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1901	VI . . .	The Assam Labour and Emigration Act, 1901.	The whole.
1908	XI . . .	The Assam Labour and Emigration (Amendment) Act, 1908.	The whole.
1915	VIII . . .	The Assam Labour and Emigration (Amendment) Act, 1915.	The whole.
1920	XXXVIII	The Devolution Act, 1920 . . .	In Part I of the First Schedule, the entry relating to the Assam Labour and Emigration Act, 1901 (VI of 1901).
1927	XXXI . . .	The Assam Labour and Emigration (Amendment) Act, 1927.	The whole.

# ACT No. XXIII OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 19th  
December, 1932.)

## An Act to supplement the Criminal Law.

XXIII of 1931. (Emergency Powers) Act, 1931, and further to amend  
XIV of 1908. temporarily the Indian Criminal Law Amendment Act, 1908,  
for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Criminal Law Amendment Act, 1932.

Short title,  
extent,  
duration and  
commencement.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall remain in force for three years from its commencement.

(4) The whole of the Act except section 4 and section 7 shall come into force at once, and the Local Government may, by notification in the local official Gazette, direct that section 4 or section 7 shall come into force in any area on such date as may be specified in the notification.

2. Whoever wilfully dissuades or attempts to dissuade the public or any person from entering the Military, Naval, Air or Police service of His Majesty shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Dissuasion  
from  
enlistment.

*Exception 1.*—This provision does not extend to comments on or criticisms of the policy of Government in connection with the Military, Naval, Air or Police service made in good faith and without any intention to dissuade from enlistment.

*Exception 2.*—This provision does not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given or for the benefit of any member of his family or of any of his dependants.

3. Whoever

1

Price 1 anna or 1½d.

Tampering  
with public  
servants.

3. Whoever induces or attempts to induce any public servant to fail in his duty as such servant shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

*Explanation.*—For the purposes of this section, a public servant denotes a public servant as defined in section 21 of the Indian Penal Code, a servant of a local authority or railway administration, a village choukidar, and an employee of a public utility service as defined in section 2 of the Trade Disputes Act, **XIV** of 1860, **VII** of 1929, 1929.

Boycotting a  
public servant.

4. (1) Whoever, with intent to harass any public servant in the discharge of his duties, or to cause him to terminate his services or fail in his duty, refuses to deal with, whether by supplying goods to, or otherwise, or to let on reasonable rent a house usually let for hire or land not being cultivated land to, or to render any customary service to such public servant or any member of his family, on the terms on which such things would be done in the ordinary course, or withholds from such person or his family such medical services as he would ordinarily render, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

*Explanation.*—For the purposes of this section “public servant” has the same meaning as in section 3 but includes also a person in the Military, Naval or Air service of His Majesty.

(2) No Court shall take cognizance of an offence punishable under this section unless upon complaint made by order of or under authority from the Local Government or some officer empowered by the Local Government in this behalf.

Dissemination  
of contents of  
proscribed  
document.

5. (1) Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared to be forfeited to His Majesty under any law for the time being in force, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) No Court shall take cognizance of an offence punishable under this section unless the Local Government has certified that the passage published, circulated or repeated contains, in the opinion of the Local Government, seditious or other matter of the nature referred to in sub-section (1) of section 99A of the Code of Criminal Procedure, 1898, or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931. **V** of 1898, **XXIII** of 1931.

Dissemination  
of false  
rumours.

6. (1) Whoever makes, publishes or circulates any statement, rumour or report which is false and which he has no reasonable ground to believe to be true, with intent to cause or which

which is likely to cause fear or alarm to the public or to any section of the public or hatred or contempt towards any class of public servants or any class of His Majesty's subjects shall be punished with imprisonment which may extend to one year, or with fine, or with both.

*Explanation.*—For the purposes of this section public servant means a public servant as defined in section 21 of the Indian Penal Code.

XLV of 1860.

XLV of 1860.

(2) So long as this section remains in force, clause (b) of section 505 of the Indian Penal Code shall be inoperative.

7. (1) Whoever—

(a) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place, or interferes with any property owned or used by him or deprives him of or hinders him in the use thereof, or

Molesting a person to prejudice of employment or business.

(b) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

*Explanation.*—Encouragement of indigenous industries or advocacy of temperance, without the commission of any of the acts prohibited by this section is not an offence under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of officer in charge of a police station.

8. (1) Where any young person under the age of sixteen years is convicted by any Court of an offence which, in the opinion of the Court, has been committed in furtherance of a movement prejudicial to the public safety or peace and such young person is sentenced to fine, the Court may order that the fine shall be paid by the parent or guardian of such young person as if it had been a fine imposed upon the parent or guardian.

Power to order parent or guardian to pay fine imposed on young person.

*Explanation.*—In

*Explanation.*—In this section the word “guardian” includes any person who, in the opinion of the Court, has for the time being the charge of or control over the offender.

(2) Before making an order under this section the Court shall give the parent or guardian an opportunity to appear and be heard, and no such order shall be made if the parent or guardian satisfies the Court that he has not conduced to the commission of the offence by neglecting to control the offender, or that the offence was not committed in furtherance of a movement prejudicial to the public safety or peace.

(3) Where a parent or guardian is ordered to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898. V of 1898.

Procedure in offences under the Act.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898,— V of 1898.

- (i) no Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act;
- (ii) an offence punishable under section 2, 3, 5, 6 or 7 shall be cognizable by the police;
- (iii) an offence punishable under section 4 shall be an offence in which a warrant shall ordinarily issue in the first instance; and
- (iv) an offence punishable under section 7 shall be non-bailable.

Power of Local Government to make certain offences cognizable and non-bailable.

10. (1) The Local Government may, by notification in the local official Gazette, declare that any offence punishable under section 186, 188, 189, 190, 228, 295A, 298, 505, 506 or 507 of the Indian Penal Code, when committed in any area specified in the notification shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, be cognizable, and thereupon the Code of Criminal Procedure, 1898, shall, while such notification remains in force, be deemed to be amended accordingly. XLV of 1860. V of 1898. V of 1898.

(2) The Local Government may, in like manner and subject to the like conditions, and with the like effect, declare that an offence punishable under section 188 or section 506 of the Indian Penal Code shall be non-bailable. XLV of 1860.

Amendment of section 16, Act XIV of 1908.

11. So long as this Act remains in force, section 16 of the Indian Criminal Law Amendment Act, 1908, shall be deemed to be re-numbered as sub-section (1) of section 16 and to that section as so re-numbered the following sub-section shall be deemed to be added, namely:— XIV of 1908.

“(2) The Governor General in Council, if satisfied to the like effect, may, by notification in the Gazette of India,

India, declare an association to be an unlawful association, and thereupon such association shall be, so long as the declaration remains in force, an unlawful association for the purposes of this Act throughout the whole of British India."

XIV of 1908. 12. So long as this Act remains in force, to section 17 of the Indian Criminal Law Amendment Act, 1908, the following sub-section shall be deemed to be added, namely:—

Amendment of section 17, Act XIV of 1908.

V of 1908. "(3) An offence under sub-section (1) shall be cognizable by the police, and notwithstanding anything contained in the Code of Criminal Procedure, 1898, shall be non-bailable."

XIV of 1908. 13. So long as this Act remains in force, after section 17 of the Indian Criminal Law Amendment Act, 1908, the following sections shall be deemed to be inserted, namely:—

Insertion of new sections 17A, 17B, 17C, 17D, 17E and 17F in Act XIV of 1908.

"17A. (1) The Local Government may, by notification in the local official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

Power to notify and take possession of places used for the purposes of an unlawful association.

*Explanation.*—For the purposes of this section 'place' includes a house or building, or part thereof or a tent or vessel.

(2) The District Magistrate or in a Presidency-town the Commissioner of Police, or any officer authorised in this behalf in writing by the District Magistrate or Commissioner of Police, as the case may be, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking possession to the Local Government:

Provided that where such place contains any apartment occupied by women or children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of Government so long as the notification under sub-section (1) in respect thereof remains in force.

17B. (1) The District Magistrate, Commissioner of Police or officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof in the presence of two respectable witnesses.

Moveable property found in a notified place.

(2) If, in the opinion of the District Magistrate, or in a Presidency-town the Commissioner of Police, any articles specified in the list are or may be used for the purposes of the unlawful association, he may proceed subject to the provisions hereafter contained in this section to order such articles to be forfeited to His Majesty.

(3) All

(3) All other articles specified in the list shall be delivered to the person whom he considers to be entitled to possession thereof, or, if no such person is found, shall be disposed of in such manner as the District Magistrate or Commissioner of Police, as the case may be, may direct.

(4) The District Magistrate or Commissioner of Police shall publish, as nearly as may be in the manner provided in section 87 of the Code of Criminal Procedure, 1898, for the publication <sup>v of 1898,</sup> of a proclamation, a notice specifying the articles which it is proposed to forfeit and calling upon any person claiming that any article is not liable to forfeiture to submit in writing within fifteen days any representation he desires to make against the forfeiture of the article.

(5) Where any such representation is accepted by the District Magistrate or Commissioner of Police, he shall deal with the article concerned in accordance with the provisions of sub-section (3).

(6) Where any such representation is rejected, the representation, with the decision thereon, shall be forwarded to the District Judge, in the case of a decision by a District Magistrate, or, to the Chief Judge of the Small Cause Court, in the case of a decision by the Commissioner of Police, and no order of forfeiture shall be made until the District Judge or Chief Judge of the Small Cause Court, as the case may be, has adjudicated upon the representation. Where the decision is not confirmed the articles shall be dealt with in accordance with the provisions of sub-section (3).

(7) In making an adjudication under sub-section (6) the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure, 1908, for the investigation of claims so <sup>v of 1908.</sup> far as it can be made to apply, and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final.

(8) If the article seized is livestock or is of a perishable nature, the District Magistrate or Commissioner of Police may, if he thinks it expedient, order the immediate sale thereof, and the proceeds of the sale shall be disposed of in the manner herein provided for the disposal of other articles.

Trespass upon notified places.

17C. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass.

The relinquishment of property.

17D. Before a notification under sub-section (1) of section 17A is cancelled, the Local Government shall give such general or special directions as it may deem requisite regulating the relinquishment by Government of possession of notified places.

17E. (1) Where



17E. (1) Where the Local Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, declare such monies, securities or credits to be forfeited to His Majesty.

Power to  
forfeit funds of  
an unlawful  
association.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy such person shall pay or deliver the monies, securities or credits to the order of the Local Government:

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Local Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Before an order of forfeiture is made under sub-section (1) the Local Government shall give written notice to the person (if any) in whose custody the monies, securities or credits are found of its intention to forfeit, and any person aggrieved thereby may within fifteen days from the issue of such notice file an application to the District Judge in a District, or to the Chief Judge of the Small Cause Court in a Presidency-town, to establish that the monies, securities or credits or any of them are not liable to forfeiture, and if any such application is made, no order of forfeiture shall be passed in respect of the monies, securities or credits concerned until such application has been disposed of, and unless the District Judge or Chief Judge of the Small Cause Court has decided that the monies, securities or credits are liable to forfeiture.

(4) In disposing of an application under sub-section (3) the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure, 1908, for the investigation of claims so far as it can be made to apply, and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final.

(5) Where the Local Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Local Government. A copy of such order shall be served upon the person to whom it is directed.

(6) The

(6) The Local Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(7) A copy of an order under this section may be served in the manner provided in the Code of Criminal Procedure, 1898, <sup>v of 1898.</sup> for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or, where there is no registered office, at the place where it carries on business.

(8) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited, to the order of the Local Government.

(9) Where any person liable under this section to pay or deliver any monies, securities, or credits to the order of the Local Government refuses or fails to comply with any direction of the Local Government in this behalf, the Local Government may recover from such person, as arrears of land-revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(10) In this section, 'security' includes a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the Local Government in this behalf.

(11) Except so far as is necessary for the purposes of any proceeding under this section, no information obtained in the course of any investigation made under sub-section (6) shall be divulged by any officer of Government, without the consent of the Local Government.

17F. Every

17F. Every report of the taking possession of property and every declaration of forfeiture made, or purporting to be made under this Act, shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and save as provided in sections 17B and 17E no proceeding purporting to be taken under section 17A, 17B, 17C, 17D or 17E shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said sections or against Government or any person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under this Act." Jurisdiction barred.

14. In the long title and in the preamble of the Indian Press (Emergency Powers) Act, 1931, for the words "against the publication of matter inciting to or encouraging murder or violence" the words "for the better control of the Press" shall be substituted. Amendment of title and preamble of Act XXIII of 1931.

15. For sub-section (3) of section 1 of the Indian Press (Emergency Powers) Act, 1931, the following sub-section shall be substituted, namely:— Amendment of section 1, Act XXIII of 1931.

"(3) It shall remain in force until the expiration of the Criminal Law Amendment Act, 1932."

16. In sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931,— Amendment of section 4, Act XXIII of 1931.

(a) after clause (b) the following words and clauses shall be inserted, namely:—

"or which tend, directly or indirectly,—

- (c) to seduce any officer, soldier, sailor or airman in the military, naval or air forces of His Majesty or any police officer from his allegiance or his duty, or
- (d) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any class or section of His Majesty's subjects in British India, or to excite disaffection towards His Majesty or the said Government, or
- (e) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(f) to encourage

- (f) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land-revenue, tax, rate, cess or other due or amount payable to Government or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or
- (g) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or
- (h) to promote feelings of enmity or hatred between different classes of His Majesty's subjects, or
- (i) to prejudice the recruiting of persons to serve in any of His Majesty's forces, or in any police force, or to prejudice the training, discipline or administration of any such force,";
- (b) the *Explanation* shall be numbered as *Explanation 1*, and after the *Explanation* as so numbered the following *Explanations* shall be inserted, namely:—

*Explanation 2.*—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

*Explanation 3.*—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

*Explanation 4.*—Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty's subjects shall not be deemed to be words of the nature described in clause (h) of this sub-section."

Cessation of effect of section 62, Ordinance X of 1932.

17. On the commencement of this Act section 62 of the Special Powers Ordinance, 1932, shall cease to have effect.

X of 1932.

18. Anything

of 1932.]

*Criminal Law Amendment.*

18. Anything done or any proceedings commenced in pursuance of the provisions of Chapter VI of the Special Powers Ordinance, 1932, shall, upon the commencement of this Act, be deemed to have been done or to have been commenced in pursuance of the corresponding provisions of the Indian Criminal Law Amendment Act, 1908, as amended by this Act, and shall have effect as if this Act was already in force when such thing was done or such proceedings were commenced.

Adoption and continuance of action taken under Ordinance X of 1932.

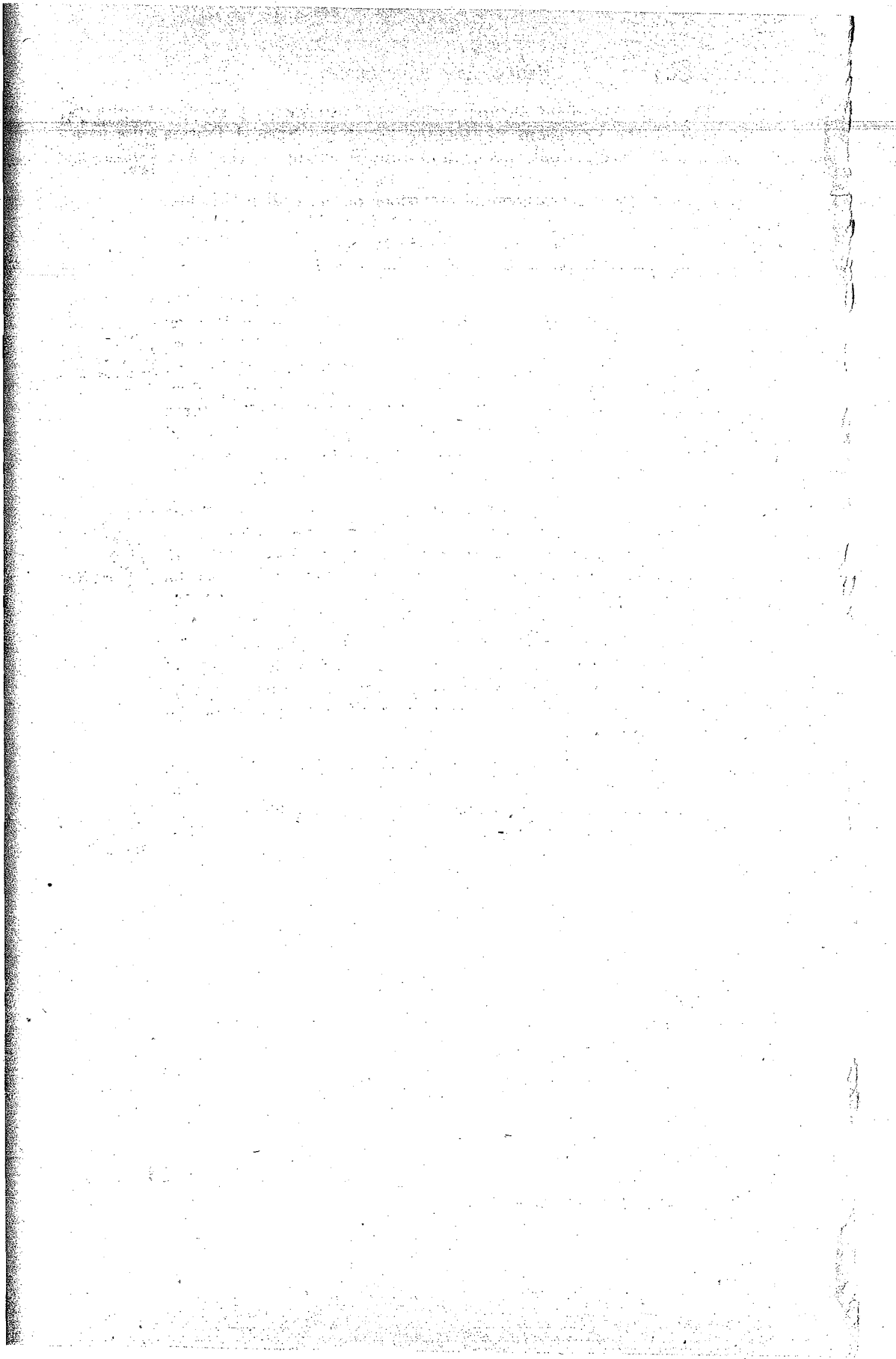
19. Anything done or any proceedings commenced in pursuance of the provisions of the Indian Press (Emergency Powers) Act, 1931, as amended by section 77 of the Special Powers Ordinance, 1932, shall, upon the commencement of this Act, be deemed to have been done or to have been commenced in pursuance of the corresponding provisions of the Indian Press (Emergency Powers) Act, 1931, as amended by this Act, and shall have effect as if this Act was already in force when such thing was done or such proceedings were commenced.

Adoption and continuance of action taken under Act XXIII of 1931 as amended by Ordinance X of 1932.

20. Any person accused of the commission of an offence punishable under section 24, 25, 26, 28, 67 or 70, or by reason of the provisions of Chapter VI of the Special Powers Ordinance, 1932, may, notwithstanding the expiry of the said Ordinance, be tried and punished as if such offence were an offence punishable under or by reason of the corresponding enactment of this Act, and as if this Act had been in force at the time of such commission; and any trial of any such offence begun but not completed at the expiry of the Special Powers Ordinance, 1932, may be continued and completed as if it had been begun after the passing of this Act:

Trial of, and completion of trials of, offences against Ordinance X of 1932.

Provided that no trial of an offence punishable under section 67 or 70 of the said Ordinance shall be begun, continued or completed in any area in which section 4 or section 7, as the case may be, is not in force.



# ACT No. XXIV OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 23rd  
December, 1932.)

## An Act to supplement the Bengal Suppression of Terrorist Outrages Act, 1932.

Ben. Act XII  
of 1932.

**W**HEREAS it is expedient to supplement the Bengal  
Suppression of Terrorist Outrages Act, 1932; It is  
hereby enacted as follows:—

1. This Act may be called the Bengal Suppression of Terrorist Short title.  
Outrages (Supplementary) Act, 1932.

2. In this Act,—

Definitions.

V of 1898.

(a) "Code" means the Code of Criminal Procedure, 1898;  
and

(b) "local Act" means the Bengal Suppression of Terror-  
ist Outrages Act, 1932.

Ben. Act XII  
of 1932.

3. (1) An appeal shall lie to the High Court of Judicature at Appeals.  
Fort William in Bengal, from—

(a) any sentence passed by a Special Magistrate in any  
trial held under the local Act in the Presidency-  
town of Calcutta,

(b) any sentence of transportation for a term exceeding  
two years, or of imprisonment for a term exceeding  
four years passed by a Special Magistrate in any  
trial under the local Act held outside the Presi-  
dency-town of Calcutta.

(2) An appeal under sub-section (1) shall be presented  
within thirty days from the date of the sentence, and shall be  
disposed of by the High Court in the manner provided in Chapter  
XXXI of the Code for the hearing of appeals.

4. Section 19 of the local Act shall have effect as if it had Effect of  
section 19 of  
local Act.  
been enacted by the Indian Legislature.

5. Notwithstanding

1

Price 1 anna or 1½d.

*Bengal Suppression of Terrorist Outrages* [ACT XXIV OF 1932.]  
(Supplementary).

Exclusion of  
interference of  
Courts with  
proceedings  
under local  
Act.

5. Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law, there shall, save as provided in the local Act as supplemented by this Act, be no appeal from any order or sentence passed by a Special Magistrate under the local Act and save as aforesaid no Court shall have authority to revise such order or sentence, or to transfer any case from any such Magistrate, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Magistrate, or of any direction made under Chapter II of the local Act:

Provided always that nothing herein contained shall affect the powers of the High Court under section 107 of the Government of India Act.



# ACT No. XXV OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 23rd  
December, 1932.)

## An Act further to amend the Indian Tariff Act, 1894, for certain purposes.

WHEREAS at the Imperial Economic Conference held at  
Ottawa between the 21st day of July and the 20th  
day of August, 1932, the Government of India by their repre-  
sentatives made with His Majesty's Government in the United  
Kingdom by their representatives a Trade Agreement;

AND WHEREAS a Supplementary Agreement regarding iron  
and steel was likewise made by the said Governments;

AND WHEREAS in pursuance of the said Trade Agreement and  
the said Supplementary Agreement it is expedient to amend  
the Indian Tariff Act, 1894, in the manner hereinafter appear-  
ing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932. Short title and commencement.

(2) It shall come into force on such date as the Governor  
General in Council may, by notification in the Gazette of India,  
appoint.

2. In section 3 of the Indian Tariff Act, 1894 (hereinafter referred to as the said Act), after sub-section (3), the following sub-sections shall be inserted, namely:— Amendment of section 3, Act VIII of 1894.

“(3A) The duty to be levied and collected on any article chargeable under Part VIII or Part IX of the Second Schedule shall be at the standard rate specified for it, unless a preferential rate is specified for such article if it is the produce or manufacture of the United Kingdom or of a British Colony, and the article is determined, in accordance with rules made under sub-section (3B), to be such produce or manufacture.

*Explanation.*—For the purposes of this section and of Parts VIII and IX of the Second Schedule, the expression “United Kingdom” means the United  
Kingdom

Price 2 annas or 3d.

Kingdom of Great Britain and Northern Ireland, and the expression "British Colony" includes a British Protectorate and any of the Mandated Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate.

- (3B) The Governor General in Council may, by notification in the Gazette of India, make rules—
- (a) for determining if any article is the produce or manufacture of the United Kingdom or a British Colony; and
  - (b) making provision, in cases where at the time of importation proof is not forthcoming where required in accordance with the rules made under clause (a) that any article is the produce or manufacture of the United Kingdom or a British Colony—
    - (i) whereby duty may be levied at the standard rate and a refund given of the extra duty paid if such proof is produced within a prescribed period, and
    - (ii) whereby duty may be accepted provisionally at the preferential rate on execution of a bond for the payment of the balance of duty if such proof is not produced within a prescribed period, and for the recovery of any balance due after the expiry of the prescribed period as if such balance were duty short-levied within the meaning of section 39 of the Sea Customs Act, 1878."

VIII of 187

Amendment of the Second Schedule, Act VIII of 1894.

3. In the Second Schedule to the said Act, there shall be made the amendments specified in the Schedule to this Act.

Bar of operation of section 4, Indian Finance Act, 1931, and section 4, Indian Finance (Supplementary and Extending) Act, 1931.

4. (1) Notwithstanding anything contained in section 4 of the Indian Finance Act, 1931, the additional duties imposed by that section shall not be levied or collected on any articles chargeable with duty under Part VIII or Part IX of the said Schedule to the said Act as amended by section 3 of this Act.

(2) Notwithstanding anything contained in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duty imposed by that section shall not be levied or collected on iron or steel sheets comprised in Item No. 148A of the Second Schedule to the said Act as inserted by section 3 of this Act.

THE SCHEDULE.

**THE SCHEDULE.**

(See section 3.)

*Amendments to the Second Schedule to the Indian Tariff Act, 1894.*

1. In Item No. 27, the words "or dry" shall be omitted.
2. In Item No. 28, for the entry in the second column the following entry shall be substituted, namely:—  
"PORTER, cider and other fermented liquors except ale and beer."
3. In Item No. 30,—
  - (a) in sub-item (1), the word "rum" shall be omitted;
  - (b) in sub-item (2), for the brackets and words "(other than drugs and medicines)" the words ", not otherwise specified" shall be substituted; and
  - (c) sub-items (3) and (4) shall be omitted.
4. Item No. 36 shall be omitted.
5. In Item No. 41, sub-item (2) shall be omitted, and sub-item (3) shall be renumbered as sub-item (2).
6. In Item No. 41B, after the word "SHOES" the words "not otherwise specified" shall be added.
7. In Item No. 42,—
  - (a) sub-item (1) shall be omitted;
  - (b) in sub-item (2), for the entry in the second column the following entry shall be substituted, namely:—  
"(2) Barrels, whether single or double, for firearms, including gas and air guns, gas and air rifles, and gas and air pistols, not otherwise specified."; and
  - (c) sub-items (2) to (8) shall be renumbered as sub-items (1) to (7).
8. For Item No. 42A the following item shall be substituted, namely:—
 

" 42A	MOTOR CYCLES and motor scooters and articles (other than rubber tyres and tubes) adapted for use as parts and accessories thereof except such articles as are also adapted for use as parts and accessories of motor cars.	Ad valorem	20 per cent."
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9. Item No. 43 with the heading thereto, Item No. 46C, and Items Nos. 60, 61 and 62 with the heading thereto shall be omitted.
10. In

10. In Item No. 65, for the words "excluding salted fish (see No. 27)", the words "not otherwise specified" shall be substituted.

11. Item No. 67 with the heading thereto shall be omitted.

12. In Item No. 69, for the words "all sorts, excluding Vinegar in casks (see No. 48)", the words "all sorts not otherwise specified; including also the following articles if canned or bottled, namely, bacon, ham, biscuits, cakes, butter, vegetable product, cheese, farinaceous and patent foods, ghee, isinglass, jams and jellies, lard, pickles, chutnies, sauces and condiments" shall be substituted.

13. Item No. 71 with the heading thereto, and Item No. 72 shall be omitted.

14. In Item No. 74, the brackets, words and figures "(see No. 10B)" shall be omitted.

15. For Item No. 75 the following item shall be substituted, namely:—

" 75 | All sorts of ANIMAL and MINERAL OILS not otherwise specified, and the following NATURAL ESSENTIAL OILS, namely, almond, bergamot, gajupatti, camphor, cloves, eucalyptus, lavender, lemon, otto rose and peppermint."

16. Item No. 82, and Item No. 85 with the heading thereto shall be omitted.

17. For Item No. 87 the following item shall be substituted, namely:—

" 87 | TRAMCARS, passenger lifts, and all other sorts of conveyances not otherwise specified and component parts and accessories thereof; also motor vans and motor lorries imported complete."

18. For Item No. 88 the following item shall be substituted, namely:—

" 88 | The following CHEMICALS, DRUGS and MEDICINES, namely, acetic, carbolic, citric and oxalic acids, naphthalene, potassium chlorate and potassium cyanide, bicarbonate of soda, borax, sodium silicate, arsenic, calcium carbide, glycerine, ferrous sulphate, lead, magnesium and zinc compounds not otherwise specified, aloes, asafoetida, cocaine, sarsaparilla and storax."

19. For Items Nos. 89, 90, 90A, 90B and 91 the following items shall be substituted, namely:—

" 89 | The following HARDWARE, IRONMONGERY and TOOLS, namely, agricultural implements not otherwise specified, buckets of tinned or galvanised iron, and pruning knives.

90 | The following ELECTRICAL INSTRUMENTS, APPARATUS and APPLIANCES, namely, telegraphic and telephonic instruments, apparatus and appliances not otherwise specified, flash lights, carbons, condensers, and bell apparatus; and switch-boards designed for use in circuits of less than ten amperes and at a pressure not exceeding 250 volts.

91 | OPTICAL INSTRUMENTS, APPARATUS AND APPLIANCES."

20. In

20. In Item No. 92, the words "and paints and colours and painters' materials, all sorts" shall be omitted.

21. For Item No. 93 with the heading thereto the following item shall be substituted, namely:—

" 93 | The following PAINTS, COLOURS and PAINTERS' MATERIALS, namely, barytes, reduced dry red lead and white lead, reduced dry zinc white and moist zinc white, turpentine, turpentine substitute, and varnish not containing dangerous petroleum within the meaning of the Indian Petroleum Act, 1899."

22. In Item No. 94, the words "earthenware, china and porcelain," shall be omitted.

22. In Item No. 94, the words "earthenware, china and namely:—

" 94A | EARTHENWARE pipes and sanitary ware."

24. For Item No. 95 the following item shall be substituted, namely:—

" 95 | HIDES AND SKINS not otherwise specified, and the following LEATHER MANUFACTURES, namely, saddlery, harness, trunks and bags."

25. Item No. 96 with the heading thereto, and Item No. 97 with the heading thereto, shall be omitted.

26. In Item No. 98, after the word "specified" the words "including unwrought ingots, blocks and bars of aluminium, scrap copper, copper braziers and lead sheets for tea chests" shall be added.

27. Item No. 99 with the heading thereto shall be omitted.

28. In Item No. 100, for the words "Haberdashery and millinery, excluding articles made of silk or artificial silk and silk or artificial silk mixtures" the words "Towels, not in the piece" shall be substituted; and for the words "Woollen yarn, knitting wool, and other manufactures of wool, including felt" the words "Woollen blankets and rugs other than floor rugs" shall be substituted.

29. Item No. 102 shall be omitted.

30. For Item No. 103 the following item shall be substituted, namely:—

" 103 | The following BUILDING and ENGINEERING MATERIALS, namely, bricks, chalk, lime and clay."

31. Item No. 105 and Item No. 106 shall be omitted.

32. In Item No. 108, after the word "MATTINGS" the words "not otherwise specified" shall be added.

33. After

Indian Tariff Amendment.

[ACT XXV

33. After Item No. 108 the following item shall be inserted, namely:—

“ 108A | NEWSPAPERS, old, in bales and bags.”

34. Item No. 110 and Item No. 111 shall be omitted.

35. In Item No. 113, for the words “ PITCH, TAR AND DAMMER ” the words “ PITCH AND TAR ” shall be substituted.

36. For Item No. 115 the following item shall be substituted, namely:—

“ 115 | SLATE PENCILS.”

37. After Item No. 116 the following item shall be inserted, namely:—

“ 117 | STRAW BOARD, all sorts.”

38. Item No. 119, Item No. 122 and Item No. 124 shall be omitted.

39. In Item No. 124A, after the word “ SPICES ” the words “ when not unground ” shall be inserted.

40. In Item No. 126, for the words “ subject to the exemptions specified in No. 12, all articles other than those specified in entries Nos. 42, 86A and 141 ” the words “ save where otherwise specified, all articles ” shall be substituted; and the words “ which are dutiable as hardware under No. 90 ” shall be omitted.

41. Item No. 128A shall be omitted.

42. For Item No. 129 the following item shall be substituted, namely:—

“ 129 | ARTICLES, other than cutlery and surgical instruments, plated with gold or silver.”

43. For Item No. 130 the following item shall be substituted, namely:—

“ 130 | The following MUSICAL INSTRUMENTS, namely, complete organs and harmoniums and records for talking machines.”

44. Item No. 140, Item No. 141, and Item No. 141A with the heading thereto, shall be omitted.

45. With effect to the 31st day of March, 1934, for sub-item (b) of Item No. 148, the following sub-item shall be deemed to be substituted, namely:—

“ (b) not fabricated, all sorts not otherwise specified—		Rs. 35 per ton.
of British manufacture . . . . .		
not of British manufacture . . . . .		
		Rs. 59 per ton.”
		46. With

of 1932.]

*Indian Tariff Amendment.*

46. With effect to the 31st day of March, 1934, after Item No. 148 the following item shall be deemed to be inserted, namely:—

“ 148A	IRON OR STEEL sheets (including cuttings, discs and circles) under 1/8 inch thick, galvanized, not fabricated—	
	of British manufacture—	
	(i) if made from Indian sheet bar . . . . .	Rs. 30 per ton.
	(ii) if made from sheet bar other than Indian sheet bar . . . . .	Rs. 53 per ton.
	not of British manufacture . . . . .	Rs. 83 per ton.”

47. After Part VII the following Parts shall be inserted, namely:—

“PART VIII.

Articles which are liable to duty at 30 per cent. *ad valorem* or to preferential duty at 20 per cent.

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
			The United Kingdom.	A British Colony.
1	2	3	4	5
	<i>I.—Food, Drink and Tobacco.</i>			
	FISH.			
161	FISH, UNSALTED, dry . . . . .	30 per cent.	..	20 per cent.
	FRUITS AND VEGETABLES.			
162	FRUITS AND VEGETABLES, all sorts, fresh, dried, salted or preserved, not otherwise specified, including vanilla beans.	30 per cent.	..	20 per cent.
	PROVISIONS AND OILMAN'S STORES.			
163	COCOA and CHOCOLATE other than confectionery.	30 per cent.	20 per cent.	..
164	COFFEE, canned or bottled . . . . .	30 per cent.	20 per cent.	20 per cent.
165	FISH, canned . . . . .	30 per cent.	20 per cent.	20 per cent.
166	FRUIT JUICES . . . . .	30 per cent.	20 per cent.	20 per cent.
167	FRUITS AND VEGETABLES, canned or bottled.	30 per cent.	20 per cent.	20 per cent.
168	MILK, condensed or preserved, including milk cream.	30 per cent.	20 per cent.	..
169	SAGO (excluding Sago flour) and TAPIOCA.	30 per cent.	..	20 per cent.
170	CANNED OR BOTTLED PROVISIONS, not otherwise specified.	30 per cent.	20 per cent.	..

*II.—Raw materials*

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
			The United Kingdom.	A British Colony.
1	2	3	4	5
	<i>II.—Raw materials and produce and articles mainly unmanufactured.</i>			
	GUMS AND RESINS.			
171	GUMS, Arable, Benjamin (ras and cowrie) and Dammer (including unrefined batu) and rosin.	30 per cent.	..	20 per cent.
	OILS.			
172	The following NATURAL ESSENTIAL OILS, namely, citronella, cinnamon, and cinnamon leaf.	30 per cent.	20 per cent.	20 per cent.
173	NATURAL ESSENTIAL OILS, all sorts not otherwise specified.	30 per cent.	20 per cent.	..
174	ESSENTIAL OILS, synthetic	30 per cent.	20 per cent.	..
175	FISH OIL including whale oil	30 per cent.	20 per cent.	..
	SEEDS.			
176	OILSEEDS, non-essential, all sorts not otherwise specified, including copra or coconut kernel.	30 per cent.	..	20 per cent.
	TEXTILE MATERIALS.			
177	SISAL and ALOE fibre	30 per cent.	..	20 per cent.
	WAX.			
178	BEEWAX	30 per cent.	..	20 per cent.
	MISCELLANEOUS.			
179	IVORY, unmanufactured	30 per cent.	..	20 per cent.
	<i>III.—Articles wholly or mainly manufactured.</i>			
	APPAREL.			
180	APPAREL, including hats, caps, bonnets and hatters' ware, second-hand clothing, drapery and uniforms and accoutrements, excluding articles made of wool, articles made of gold or silver thread or lametta, articles made of silk or silk mixtures or of artificial silk or artificial silk mixtures, uniforms and accoutrements exempted from duty under No. 11, and boots and shoes; excluding also water-proofed clothing.	30 per cent.	20 per cent.	20 per cent.
	CHEMICALS, DRUGS AND MEDICINES.			
181	CHEMICALS, DRUGS AND MEDICINES, all sorts not otherwise specified.	30 per cent.	20 per cent.	20 per cent.

*III.—Articles wholly*



No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
			The United Kingdom.	A British Colony.
1	2	3	4	5
	<i>III.—Articles wholly or mainly manufactured—contd.</i>			
	CONVEYANCES.			
182	CARRIAGES AND CARTS which are not mechanically propelled, not otherwise specified, and CYCLES (other than motor cycles) imported entire or in sections and parts and accessories thereof; excluding rubber tyres and tubes.	30 per cent.	20 per cent.	..
	CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS.			
183	CUTLERY, all sorts not otherwise specified.	30 per cent.	20 per cent.	..
184	DOMESTIC REFRIGERATORS . . .	30 per cent.	20 per cent.	..
185	HARDWARE, IRONMONGERY AND TOOLS, all sorts not otherwise specified, excluding machine tools and agricultural implements.	30 per cent.	20 per cent.	..
186	The following ELECTRICAL INSTRUMENTS, APPARATUS AND APPLIANCES, namely:— (a) ELECTRICAL CONTROL GEAR AND TRANSMISSION GEAR, namely, switches (excluding switch-boards), fuses and current-breaking devices of all sorts and descriptions, designed for use in circuits of less than ten amperes and at a pressure not exceeding 250 volts, and regulators for use with motors designed to consume less than 187 watts; bare or insulated copper wires and cables, any one core of which, not being one specially designed as a pilot core, has a sectional area of less than one-eightieth part of a square inch, and wires and cables of other metals of not more than equivalent conductivity; and line insulators, including also cleats, connectors, leading-in tubes and the like, of types and sizes such as are ordinarily used in connection with the transmission of power for other than industrial purposes, and the fittings thereof; (b) all other sorts of ELECTRICAL INSTRUMENTS, APPARATUS AND APPLIANCES not otherwise specified, excluding telegraphic and telephonic.	30 per cent.	20 per cent.	..
187	INSTRUMENTS, APPARATUS AND APPLIANCES other than electrical, all sorts not otherwise specified, including photographic, scientific, philosophical and surgical.	30 per cent.	20 per cent.	..

*III.—Articles wholly*

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
			The United Kingdom.	A British Colony.
1	2	3	4	5
	<i>III.—Articles wholly or mainly manufactured—contd.</i>			
	<b>DYES AND COLOURS.</b>			
188	Cutch and gambier, all sorts	30 per cent.	..	20 per cent.
189	PAINTS, COLOURS AND PAINTER'S MATERIALS, all sorts not otherwise specified, including paints, solutions and compositions containing dangerous petroleum within the meaning of the Indian Petroleum Act, 1899.	30 per cent.	20 per cent.	..
190	PLUMBAGO AND GRAPHITE	30 per cent.	..	20 per cent.
	<b>EARTHENWARE AND PORCELAIN.</b>			
191	EARTHENWARE, CHINA AND PORCELAIN, all sorts not otherwise specified.	30 per cent.	20 per cent.	..
	<b>FURNITURE AND CABINETWARE.</b>			
192	FURNITURE AND CABINETWARE of all materials, excluding mouldings.	30 per cent.	20 per cent.	..
	<b>LEATHER.</b>			
193	SKINS, tanned or dressed, unwrought LEATHER, LEATHER CLOTH including artificial leather, and other MANUFACTURES OF LEATHER not otherwise specified.	30 per cent.	20 per cent.	..
	<b>MACHINERY.</b>			
194	MACHINERY and component parts thereof, meaning machines or parts of machines to be worked by manual or animal labour, not otherwise specified, and any machines (except such as are designed to be used exclusively in industrial processes) which require for their operation less than one-quarter of one brake-horse-power.	30 per cent.	20 per cent.	..
	<b>METALS—IRON AND STEEL.</b>			
195	All sorts of IRON AND STEEL AND MANUFACTURES thereof not otherwise specified.	30 per cent.	20 per cent.	..

*III.—Articles wholly*

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
			The United Kingdom.	A British Colony.
1	2	3	4	5
	<i>III.—Articles wholly or mainly manufactured—contd.</i>			
	<b>METALS OTHER THAN IRON AND STEEL.</b>			
196	METALS and manufactures thereof, namely:— <i>(a) Aluminium—circles, sheets and other manufactures not otherwise specified.</i> <i>(b) Brass, bronze and similar alloys wrought, and manufactures thereof not otherwise specified.</i> <i>(c) Copper wrought, and manufactures of copper, all sorts not otherwise specified.</i> <i>(d) German silver including nickel silver.</i> <i>(e) Lead wrought—the following articles, namely, pipes and tubes and sheets other than sheets for tea chests.</i> <i>(f) Zinc or spelter wrought or manufactured not otherwise specified.</i>	30 per cent.	20 per cent.	..
	<b>PAPER, PASTEBOARD AND STATIONERY.</b>			
197	PAPER AND ARTICLES MADE OF PAPER AND PAPIER MACHÉ; PASTEBOARD, MILL-BOARD AND CARDBOARD, all sorts other than strawboard; and STATIONERY including drawing and copy books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter, and other cards, including cards in booklet form; including also waste paper but excluding paper and stationery otherwise specified.	30 per cent.	20 per cent.	..
	<b>YARNS AND TEXTILE FABRICS.</b>			
198	HABERDASHERY AND MILLINERY, all sorts, including lace and embroidery, but excluding towels not in the piece and articles made of wool or of silk or artificial silk or of silk or artificial silk mixtures.	30 per cent.	20 per cent.	..
199	WOOLLEN YARN for weaving and KNITTING WOOL.	30 per cent.	20 per cent.	..

*III.—Articles wholly*

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
			The United Kingdom.	A British Colony.
1	2	3	4	5
	<i>III.—Articles wholly or mainly manufactured—concl'd.</i>			
	MISCELLANEOUS.			
200	ASBESTOS MANUFACTURES, not otherwise specified.	30 per cent.	20 per cent.	..
201	BRUSHES, all sorts . . . .	30 per cent.	20 per cent.	..
202	BUILDING AND ENGINEERING MATERIALS, all sorts not of iron, steel or wood not otherwise specified, including CEMENT (excluding Portland cement other than white Portland cement), tiles other than glass tiles, and firebricks not being component parts of any article included in No. 59A or No. 63.	30 per cent.	20 per cent.	..
203	BUTTONS, metal . . . .	30 per cent.	20 per cent.	..
204	COIR fibre, coir yarn and coir mats and matting.	30 per cent.	..	20 per cent.
205	CORDAGE, ROPE AND TWINE of vegetable fibre other than jute and cotton, not otherwise specified.	30 per cent.	20 per cent.	..
206	CORK MANUFACTURES not otherwise specified.	30 per cent.	20 per cent.	..
207	GLUE, all sorts other than clarified liquid glue.	30 per cent.	20 per cent.	..
208	OIL CLOTH AND FLOOR CLOTH . .	30 per cent.	20 per cent.	..
209	PACKING—engine and boiler—all sorts not otherwise specified.	30 per cent.	20 per cent.	..
210	RUBBER TYRES AND TUBES and other MANUFACTURES OF RUBBER not otherwise specified, excluding apparel and boots and shoes.	30 per cent.	20 per cent.	..
211	TOILET REQUISITES not otherwise specified.	30 per cent.	20 per cent.	..
212	UMBRELLAS including parasols and sunshades, and fittings therefor.	30 per cent.	20 per cent.	..

## PART IX.

Articles which are liable to duty at special rates or to preferential duty at lower rates.

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
213	<i>I.—Food, Drink and Tobacco.</i> CONFECIONERY	<i>Ad valorem.</i>	50 per cent.	40 per cent.	..
214	FISH. FISH, salted, dry	Cwt.	Rs. a. p. 3 8 0	Rs. a. p. ..	Rs. a. p. 1 8 0
215	LIQUORS. ALE AND BEER	In barrels or other containers containing 27 oz. or more, per Imperial gallon.	1 2 0	0 14 0	..
		In bottles containing less than 27 oz. but not less than 20 oz., per bottle.	0 3 0	0 2 4	..
		In bottles containing less than 13½ oz. but not less than 10 oz., per bottle.	0 1 6	0 1 2	..
		In bottles containing less than 6½ oz. but not less than 5 oz., per bottle.	0 0 9	0 0 7	..
		In other containers, per Imperial gallon.	1 8 0	1 2 8	..
216	SPIRITS— (i) entered in such a manner as to indicate that the strength is not to be tested.	Imperial gallon.	50 0 0	..	45 0
	(ii) not so entered	Imperial gallon of the strength of London proof.	37 8 0	..	33 12 0

I.—Food,

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
	I.—Food, Drink and Tobacco—contd.		Rs. a. p.	Rs. a. p.	Rs. a. p.
	LIQUORS—contd.				
216— contd.	SPIRITS—contd.				
	(2) Drugs and medicines containing spirit—				
	(i) entered in such a manner as to indicate that the strength is not to be tested.	Imperial gallon.	40 0 0	36 0 0	36 0 0
	(ii) not so entered	Imperial gallon of the strength of London proof.	29 0 0	26 0 0	26 0 0
	(3) Perfumed spirits	Imperial gallon.	60 0 0	52 8 0	..
	(4) Rum	Imperial gallon of the strength of London proof.	37 8 0	..	33 12 0
	Provided that—				
	(a) on any article chargeable under this item with the lower rate of duty, the duty levied shall in no case be less than 20 per cent. <i>ad valorem</i> , and on any article chargeable under this item with the higher rate of duty, the duty levied shall in no case be less than 30 per cent. <i>ad valorem</i> ;				
	(b) where the unit of assessment is the Imperial gallon of the strength of London proof, the duty shall be increased or reduced in proportion as the strength is greater or less than London proof.				
	SPICES.				
217	The following UNGROUND SPICES, namely :—  Cardamoms, cassia, cinnamon, cloves, nutmegs and pepper.	<i>Ad valorem</i>	45 per cent.	..	37½ per cent.
218	The following UNGROUND SPICES, namely :—  Chillies, ginger and mace	<i>Ad valorem</i>	30 per cent.	..	22½ per cent.

I.—Food,

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
	<i>I.—Food, Drink and Tobacco—concl'd.</i>				
	TEA.				
219	TEA . . . . .	Pound .	5 annas .	..	3 annas.
	OTHER FOOD AND DRINK.				
220	COFFEE not otherwise specified.	<i>Ad valorem</i>	25 per cent., plus one anna per pound.	..	25 per cent.
	TOBACCO.				
1	TOBACCO, unmanufactured.	Pound .	Rs. 2 .	..	Rs. 1-8-0.
	<i>II.—Raw materials and produce and articles mainly unmanufactured.</i>				
	OILS.				
222	MINERAL OIL which has its flashing point at or above two hundred degrees of the Fahrenheit thermometer by Abel's close test and is such as is not ordinarily used for any other purpose than for lubrication.	Imperial gallon.	Two annas and six pies.	Six pies .	..
223	The following VEGETABLE NON-ESSENTIAL OILS, namely, coconut, groundnut, and linseed.	<i>Ad valorem</i>	35 per cent.	..	25 per cent.
224	VEGETABLE NON-ESSENTIAL OILS not otherwise specified.	<i>Ad valorem</i>	35 per cent.	25 per cent.	25 per cent.
	<i>III.—Articles wholly or mainly manufactured.</i>				
	APPAREL.				
225	BOOTS AND SHOES composed mainly of leather.	<i>Ad valorem</i>	30 per cent. or 5 annas per pair, whichever is higher.	20 per cent. or 5 annas per pair, whichever is higher.	..
	ARMS, AMMUNITION AND MILITARY STORES.				
226	CARTRIDGE CASES, filled and empty.	<i>Ad valorem</i>	50 per cent.	40 per cent.	..
227	Subject to the exemptions specified in No. 12—FIRE-ARMS, including gas and air guns, gas and air rifles and gas and air pistols, not otherwise specified, but excluding parts and accessories thereof.	Each .	Rs. 18-12-0 plus 10 per cent. <i>ad valorem</i> , or 50 per cent. <i>ad valorem</i> , whichever is higher.	Rs. 18-12-0 or 40 per cent. <i>ad valorem</i> , whichever is higher.	..

*III.—Articles wholly*

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
	<i>III.—Articles wholly or mainly manufactured—</i> contd. <b>CHEMICALS, DRUGS AND MEDICINES.</b>				
228	The following CHEMICALS, namely, cadmium sulphide, cobalt oxide, selenium, uranium oxide and zinc oxide.	<i>Ad valorem</i>	25 per cent.	15 per cent.	15 per cent.
	<b>CONVEYANCES.</b>				
229	MOTOR CARS including taxicabs and articles (other than rubber tyres and tubes) adapted for use as parts and accessories thereof provided that such articles as are ordinarily also used for other purposes than as parts and accessories of motor vehicles included in this item or in Nos. 42A and 231 shall be dutiable at the rate of duty specified for such articles.	<i>Ad valorem</i>	37½ per cent.	30 per cent.	..
230	MOTOR OMNIBUSES; CHASSIS OF MOTOR OMNIBUSES, MOTOR VANS AND MOTOR LORRIES; and parts of mechanically propelled vehicles and accessories not otherwise specified, excluding rubber tyres and tubes and such parts and accessories of motor vehicles included in this item as are also adapted for use as parts and accessories of motor cars.	<i>Ad valorem</i>	25 per cent.	17½ per cent.	..
	<b>CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS.</b>				
231	CUTLERY PLATED with gold or silver.	<i>Ad valorem</i>	50 per cent.	40 per cent.	..
232	ELECTRIC LIGHTING BULBS	<i>Ad valorem</i>	50 per cent.	40 per cent.	..
233	MUSICAL INSTRUMENTS and parts thereof, all sorts not otherwise specified.	<i>Ad valorem</i>	50 per cent.	40 per cent.	..
234	WIRELESS RECEPTION INSTRUMENTS AND APPARATUS and component parts thereof, including all electric valves, amplifiers and loud speakers which are not specially designed for purposes other than wireless reception or are not original parts of and imported along with instruments or apparatus so designed.	<i>Ad valorem</i>	50 per cent.	40 per cent.	..
	<b>METALS—IRON AND STEEL.</b>				
235	IRON ALLOYS.	<i>Ad valorem</i>	20 per cent.	10 per cent.	..
	„ angle, channel and tee not otherwise specified.				
	„ bar and rod not otherwise specified.				
	„ pig.				
	„ rice bowls.				

*III.—Articles wholly*



No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
236	<p><i>III.—Articles wholly or mainly manufactured—contd.</i></p> <p><b>METALS—IRON AND STEEL—contd.</b></p> <p>Iron or steel ANCHORS AND CABLES, hoops and strips, nails and washers, all sorts not otherwise specified, pipes, and tubes; also fittings therefor, that is to say, bends, boots, elbows, tees, sockets, flanges, plugs, valves, cocks, and the like, excluding pipes, tubes and fittings therefor otherwise specified.</p> <p>Iron or steel RAILWAY TRACK MATERIALS not otherwise specified, including bearing plates, cast iron sleepers and lever boxes.</p> <p>Iron or steel TRAMWAY TRACK MATERIALS not otherwise specified, including rails, fishplates, tie-bars, switches, crossings and the like materials of shapes and sizes specially adapted for tramway tracks.</p> <p>Iron or steel SHEETS (including cuttings, discs and circles) under 1/8 inch thick, whether fabricated or not, if coated with metals other than tin or zinc.</p> <p>Iron or steel PLATES AND SHEETS (including cuttings, discs and circles) not under 1/8 inch thick not otherwise specified, whether fabricated or not.</p> <p>Iron or steel BARRED OR STRANDED FENCING-WIRE AND WIRE ROPE.</p> <p>Iron or steel (other than bar or rod) specially designed for the reinforcement of concrete.</p> <p>" " EXPANDED METAL.</p>	<i>Ad valorem</i>	20 per cent.	10 per cent.	..

*III.—Articles wholly*

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
	<p>III.—Articles wholly or mainly manufactured— contd.</p> <p>METALS—IRON AND STEEL—contd.</p>				
237	<p>STEEL, angle and tee if galvanized, tinned or lead-coated.</p> <p>” (other than bars), alloys, crucibles, shear, blister and tub.</p> <p>” (other than bars) made for springs and cutting tools by any process.</p> <p>” ingots, blooms and billets, and slabs of a thickness of <math>1\frac{1}{2}</math> inches or more.</p> <p>” bar and rod, the following kinds—</p> <p>(a) shapes specially designed for the reinforcement of concrete, if the smallest dimension is under <math>\frac{1}{2}</math> inch ;</p> <p>(b) all shapes and sizes, if—</p> <p>(i) of alloy, crucible, shear, blister or tub steel, or</p> <p>(ii) galvanized or coated with other metals, or</p> <p>(iii) polished or finished, including bright steel shafting ;</p> <p>(c) other qualities, if of any of the following shapes and sizes—</p> <p>(i) rounds not over <math>\frac{7}{16}</math> inch diameter,</p> <p>(ii) squares not over <math>\frac{7}{16}</math> inch side,</p> <p>(iii) flats, if under 1 inch wide and not over <math>\frac{1}{8}</math> inch thick,</p> <p>(iv) flats not under 8 inches wide and not over <math>\frac{1}{2}</math> inch thick,</p> <p>(v) ovals, if the dimension of the major axis is not less than twice that of the minor axis,</p> <p>(vi) all other shapes, any size.</p>	Ad valorem	20 per cent.	10 per cent.	..

III.—Articles wholly

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
	<i>III.—Articles wholly or mainly manufactured—concl'd.</i>				
	TEXTILE FABRICS.				
238	WOOLLEN carpets, floor rugs, hosiery, piece-goods, shawls and other manufactures of WOOL not otherwise specified, including felt.	<i>Ad valorem</i>	35 per cent.	25 per cent.	..
	MISCELLANEOUS.				
239	ASPHALT . . . .	<i>Ad valorem</i>	25 per cent.	..	15 per cent.
240	CINEMATOGRAPH FILMS not exposed.	<i>Ad valorem</i>	25 per cent.	15 per cent.	..
241	PORTLAND CEMENT excluding white Portland cement.	Ton . .	Rs. 18-4-0	Rs. 13-12-0	..
242	SOAP, toilet . . . .	<i>Ad valorem</i>	35 per cent.	25 per cent.	..
243	SMOKERS' REQUISITES excluding tobacco and matches.	<i>Ad valorem</i>	50 per cent.	40 per cent.	..
244	TOYS, games, playing cards and requisites for games and sports, bird shot, toy cannons, air guns and air pistols for the time being excluded in any part of British India from the operation of all the prohibitions and directions contained in the Indian Arms Act, 1878, and bows and arrows.	<i>Ad valorem</i>	50 per cent.	40 per cent.	..
	MISCELLANEOUS AND UNCLASSIFIED.				
245	BETELNUTS . . . .	<i>Ad valorem</i>	45 per cent.	..	37½ per cent.*

