

ACTS OF THE CENTRAL LEGISLATION

1943

Short titles of Acts passed by the Central Legislature in the year 1943.

- I. The Motor Vehicles (Amendment) Act, 1943.
- II. The Government Savings Banks (Amendment) Act, 1943.
- III. The Indian Railways (Amendment) Act, 1943.
- IV. The Aligarh Muslim University (Amendment) Act, 1943.
- V. The Code of Civil Procedure (Amendment) Act, 1943.
- VI. The Indian Penal Code (Amendment) Act, 1943.
- VII. The Coffee Market Expansion (Amendment) Act, 1943.
- VIII. The Indian Finance Act, 1943.
- IX. The Reciprocity Act, 1943.
- X. The Tobacco (Excise Duty) Act, 1943.
- XI. The Vegetable Product (Excise Duty) Act, 1943.
- XII. The Indian Tea Control (Amendment) Act, 1943.
- XIII. The Delhi Muslim Wakfs Act, 1943.
- XIV. The Indian Army and Air Force (Military Prisons and Detention Barracks) Act, 1943.
- XV. The Trade Marks (Amendment) Act, 1943.
- XVI. The Muslim Personal Law (Shariat) Application (Amendment) Act, 1943.
- XVII. The Indian Boilers (Amendment) Act, 1943.
- XVIII. The Mines Maternity Benefit (Amendment) Act, 1943.
- XIX. The Motor Vehicles (Drivers) Amendment Act, 1943.
- XX. The Agricultural Produce (Grading and Marking) Amendment Act, 1943.
- XXI. The Indian Army and Indian Air Force (Amendment) Act, 1943.
- XXII. The Reciprocity (Amendment) Act, 1943.
- XXIII. The War Injuries (Compensation Insurance) Act, 1943.
- XXIV. The Delhi University (Amendment) Act, 1943.
- XXV. The Victoria Memorial (Amendment) Act, 1943.
- XXVI. The Criminal Procedure Amendment Act, 1943.
- XXVII. The Code of Criminal Procedure (Amendment) Act, 1943.
- XXVIII. The Code of Criminal Procedure (Second Amendment) Act, 1943.
- XXIX. The Indian Tea Control (Second Amendment) Act, 1943.
- XXX. The Indian Companies (Amendment) Act, 1943.

Short titles of Ordinances made by the Governor General during the year 1943.

- I. The Enemy Agents Ordinance, 1943.
- II. The Essential Services (Maintenance) Amendment Ordinance, 1943.
- III. The Penalties (Enhancement) Amendment Ordinance, 1943.
- IV. The Income-tax Proceedings Validity Ordinance, 1943.
- V. The Collective Fines (Amendment) Ordinance, 1943.
- VI. The Indian Standard Time (Interpretation of References) Ordinance, 1943.
- VII. The Civil Pioneer Force (Amendment) Ordinance, 1943.
- VIII. The War Risks (Goods) Insurance (Amendment) Ordinance, 1943.
- IX. The War Risks (Factories) Insurance (Amendment) Ordinance, 1943.
- X. The Special Criminal Courts (Amendment) Ordinance, 1943.
- XI. The Indian Navy (Discipline) Amendment Ordinance, 1943.
- XII. The Reserve Bank of India (Governor's Powers and Functions) Ordinance, 1943.
- XIII. The Essential Services (Telephone Employees) Ordinance, 1943.
- XIV. The Defence of India (Amendment) Ordinance, 1943.
- XV. The Enemy Agents (Amendment) Ordinance, 1943.
- XVI. The Excess Profits Tax Ordinance, 1943.
- XVII. The Royal Indian Navy (Powers of Command) Ordinance, 1943.
- XVIII. The Martial Law (Indemnity) Ordinance, 1943.
- XIX. The Special Criminal Courts (Repeal) Ordinance, 1943.
- XX. The Reserve Bank of India (Limitation of Dividend) Ordinance, 1943.
- XXI. The Parole Centres Ordinance, 1943.
- XXII. The Special Police Establishment (War Department) Ordinance, 1943.
- XXIII. The Civil Pioneer Force (Amendment) Ordinance, 1943.

- XXIV. The Discipline of Seamen Ordinance, 1943.
- XXV. The War Risks (In and Vessels) Insurance Ordinance, 1943.
- XXVI. The Special Criminal Courts (Repeal) Amendment Ordinance, 1943.
- XXVII. The National Service (Technical Personnel) Amendment Ordinance, 1943.
- XXVIII. The Allied Forces (Exemption from Local Taxation) Ordinance, 1943.
- XXIX. The Criminal Law Amendment Ordinance, 1943.
- XXX. The Military Nursing Services (India) Ordinance, 1943.
- XXXI. The Factories (Control of Dismantling) Ordinance, 1943.
- XXXII. The Special Criminal Courts (Repeal) Second Amendment Ordinance, 1943.
- XXXIII. The Military Stores (Unlawful Possession) Ordinance, 1943.
- XXXIV. The Subversive Activities Ordinance, 1943.
- XXXV. The Hoarding and Profiteering Prevention Ordinance, 1943.
- XXXVI. The Prisoners of War (Forfeiture of Emoluments) Ordinance, 1943.
- XXXVII. The Military Operational Area (Special Powers) Ordinance, 1943.
- XXXVIII. The Civil Pioneer Force (Third Amendment) Ordinance, 1943.
- XXXIX. The Criminal Law Amendment (Amending) Ordinance, 1943.
- XL. The Criminal Law Amendment (Second Amending) Ordinance, 1943.
- XLI. The Sugar (Temporary Excise Duty) Ordinance, 1943.
- XLII. The North-West Frontier Constabulary (Amendment) Ordinance, 1943.
- XLIII. The Penal Deductions Ordinance, 1943.
- XLIV. The Defence of India (Second Amendment) Ordinance, 1943.

ACT No. I OF 1943.

[Parliamentary and Executive Order]

(Received the assent of the Legislature on the 26th March, 1943.)

An Act further to amend the Motor Vehicles Act, 1939

WHEREAS it is expedient to amend the Motor Vehicles Act, 1939 (V of 1939) for the purposes hereinafter mentioned:

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It is hereby enacted as follows:

1. *Short title.* — This Act may be called the Motor Vehicle (Amendment) Act, 1943.
2. *Amendment of section 2 of Act of 1931.* — In subsection (2) of section 2 of the Motor Vehicle Act, 1931, the figure "1931" shall be substituted by the figure "1943".

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ACT No. 11 OF 1943

(Enacted by the Legislature)

Received by the Senate of the Legislature on the 20th March, 1943

An Act to amend the Government Savings Banks Act, 1873, and the Post Office (Savings Bank) Act, 1917.

WHEREAS it is expedient that the Government Savings Banks Act, 1873, and the Post Office (Savings Bank) Act, 1917, should be amended in the following manner:

Enactment of the Government Savings Banks Act, 1873.—The Government Savings Banks Act, 1873, shall be amended in the following manner:

Section 2.—The Government Savings Banks Act, 1873, shall be amended in the following manner:

Section 3.—The Government Savings Banks Act, 1873, shall be amended in the following manner:

Enacted on the 11th March, 1943

Government Savings Banks (Amendment)

Act II of 1919

the Indian Succession Act, 1925 (XXXIX of 1925) shall within three months of the death of the depositor produced to the Secretary of the Government Savings Bank to which the deposit is made.

(c) If the deposit does not exceed ten thousand rupees, the amount may not be made to any person appearing to the Secretary to be entitled to it as administrator of the estate of the deceased.

(d) Within the above said limit of five thousand rupees, the amount may be employed in the investment of a Government Savings Bank, which may be made by a general or special order of the Secretary of the Government Savings Bank, which is empowered by such order to invest the amount in any of the securities specified in the Schedule to the Government Savings Bank Act, 1919 (XVII of 1919).

OF THE ACT OF 1919, SECTION 8 SHALL BE AMENDED AS FOLLOWS:—

THE GOVERNMENT SAVINGS BANKS ACT, 1919

ACT No. III of 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

[Received the assent of the Governor-General on the 26th March, 1943.]

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

WHEREAS it is expedient further to amend the Indian Railways Act, 1890 (IX of 1890), for the purpose hereinafter appearing:

It is hereby enacted as follows:

1. *Short title.*—This Act may be called the Indian Railways (Amendment) Act, 1943.

2. *Insertion of new section after section 32, Act IX of 1890.*—In Chapter VII of the Indian Railways Act, 1890 (IX of 1890), after section 32 the following section shall be inserted, namely:—

“ 32A. *Liability of Railway Administration in respect of accidents to trains carrying passengers.*—(1) When in the course of working a railway an accident

Indian Railways (Amendment)

[Act no. 103.]

occurs, being either a collision between trains or which, and as a train carrying passengers or the derailment of or other accident to a train or any part of a train carrying passengers, then, whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a person who has been injured or has suffered loss to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding any other provision of law to the contrary, be liable to pay compensation to the extent set out in sub-section (2) and to that extent only for loss occasioned by the death of a passenger dying as a result of such accident, and for personal injury and loss, destruction or deterioration of animals or goods owned by the passenger and accompanying the passenger in his compartment or on the train, sustained as a result of such accident.

(2) The liability of a railway administration under this section shall in no case exceed ten thousand rupees in respect of any one person."

ACT No. IV OF 1943.

[PASSED BY THE INDIAN LEGISLATURE]

Received the assent of the Governor General on the 26th March, 1943.

An Act to amend the Aligarh Muslim University Act, 1920.

WHEREAS it is expedient further to amend the Aligarh Muslim University Act, 1920 (XL of 1920), for the purposes hereinafter mentioned;

It is hereby enacted as follows:

1. *Short title.*—This Act may be called the Aligarh Muslim University (Amendment) Act, 1943.

2. *Amendment of section 29, Act XL of 1920.*—In clause (c) of section 29 of the Aligarh Muslim University Act, 1920 (XL of 1920) (hereinafter referred to as the said Act), the word "Intermediate" shall be omitted.

Printed and Published by the Government of India.

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Algarah Muslim Under the Amendment

[Act IV of 1943.]

3. *Amendment of section 30, Act XI of 1920.*—To sub-section (3) of section 30 of the said Act the following proviso shall be added, namely:—

“Provided that until the termination of the hostilities arising on and subsequently to the 3rd day of September, 1939, a new Ordinance, or an amendment or repeal of an existing Ordinance, occasioned by an emergency having its origin in conditions due to the said hostilities, shall have validity if submitted by the Executive Council of the Province Council as the case may be, direct to the Central Government and approved by the latter.”

Provided further that any new Ordinance or amendment or repeal of an existing Ordinance made under the provisions of the foregoing proviso shall cease to have validity on the expiration of one year from the date on which the said hostilities terminate.

4. *Amendment of section 33, Act XI of 1920.*—In sub-section (2) of section 33 of the said Act for the words “a number of” the words “a teacher or a person holding paid employment under” shall be substituted.

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ACT No. V of 1943.

[PASSED BY THE MADRAS LEGISLATURE]

(Received the assent of the Governor General on the 26th March, 1943.)

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

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (V of 1908) for the purposes hereinafter appearing, it is hereby enacted as follows:

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1943.

2. In the section 10 of the Code of Civil Procedure, 1908 (V of 1908) the words "and salary" in clause (b) shall be omitted.

(a) In clause (b) the words "and salary" to the extent of the first hundred rupees and one-half the remainder of such salary shall be omitted.

(b) For clause (b) and the proviso thereto the following clause and proviso shall be substituted, to-wit:

(c) Salary to the extent of the first hundred rupees and one-half the remainder.

Provided that attachment shall not apply to the salary of a servant of the Crown or a servant of a railway, company or public authority, and the whole or any part of the portion of such salary liable to attachment has been under attachment, whether continuous or intermittent, for a total period of twenty-four months; such portion shall be exempt from attachment until the expiry of a further

Section 10 of 1908

Code of Civil Procedure (Amendment)

[ACT V OF 1943.]

period of six months and, where such attachment has been made in execution of one and the same decree, shall be liable to exemption from attachment in execution of that decree.

(b) in clause (b) for the words "public officer" the words "servant of the Crown" shall be substituted, and for the words "any such officer or servant" the words "any such servant" shall be substituted;

(c) in the explanation for the words "public officer" the words "servant of the Crown" shall be substituted;

(d) in the explanation

(e) in clause (d) for the words "public officer" the word "person" shall be substituted;

(f) in clause (e) for the words "public officer" the words "servant of the Crown" shall be substituted;

3. *Amendment of rule 48, Order XXI of 1908.*—In rule 48 of Order XXI in the Code, hereinafter referred to as the said Code—

(a) in clause (1) for the words "public officer" the words "servant of the Crown" shall be substituted;

(b) in the explanation

(c) in clauses (c) and (d) for the words "public officer" the word "person" shall be substituted;

(d) in clause (e) for the words "public officer" the words "servant of the Crown" shall be substituted.

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ACT No. VI of 1943

(ENACTED BY THE LEGISLATIVE ASSEMBLY)

Passed by the Governor-General on the 26th March, 1943.

An Act to amend the Indian Penal Code, and to amend the Currency Ordinance, 1940.

WHEREAS it is expedient further to amend the Indian Penal Code (XLV of 1860), and to amend the Currency Ordinance, 1940 (LV of 1940), for the purpose hereinafter appearing:

It is hereby enacted as follows:

1. *Short title.*—This Act may be called the Indian Penal Code (Amendment) Act, 1943.
2. *Insertion of new section 489E in Act XLV of 1860.*—In Chapter XVIII of the Indian Penal Code (XLV of 1860), after section 489D the following section shall be inserted, namely:—
“489E. *Making or using documents resembling currency-notes or bank-notes.*—
(1) Whoever makes, or causes to be made, or uses for any purpose whatsoever, or

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Indian Bank Note (Amendment)

[Act VI of 1943.]

Whoever delivers to any person any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any currency note or bank-note shall be punished with fine which may extend to one hundred rupees.

(2) If any person in whose name or in respect of whom any document which is an offence under sub-section (1) appears, without lawful excuse, fails to disclose to a police officer on being so required the name and address of the person by whom it was printed or otherwise made, he shall be punished with fine which may extend to two hundred rupees.

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under sub-section (1) or on any other document used or distributed in connection with that document it may, until the contrary is proved, be presumed that that person caused the document to be made."

3. *Amendment of section 4, Ord. IV of 1940.*—In section 4 of the Currency Ordinance, 1940 (IV of 1940), for the word, figures and letter "and 489D" the word, figures and letters "489D and 489E" shall be substituted.

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ACT No. VII OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 26th March, 1943.)

An Act to amend the Coffee Market Expansion Act, 1942.

WHEREAS it is expedient to amend the Coffee Market Expansion Act, 1942 (VII of 1942), for the purposes hereinafter appearing :

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Coffee Market Expansion (Amendment) Act, 1943.

2. *Amendment of section 3, Act VII of 1942.*—In section 3 of the Coffee Market Expansion Act, 1942 (VII of 1942) (hereinafter referred to as the said Act),—

(a) in clause (a), for the words "Indian Coffee Market Expansion Board" the words "Indian Coffee Board" shall be substituted ;

(b) to clause (i) the following words shall be added, namely :—
" , a mortgagee in possession or a lessee "

3. *Amendment of section 4, Act VII of 1942.*—In section 4 of the said Act,—

(a) in sub-section (1), for the words "Indian Coffee Market Expansion Board", where they occur for the second time, the words "Indian Coffee Board" shall be substituted ;

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

" (2) The Board shall consist of—

(a) five persons representing the agricultural departments of the Provincial Governments of Madras and Coorg and of the Governments of the States of Mysore, Travancore and Cochin, nominated, in the case of the States' Representatives, by the Government of the State concerned, and in the other cases, by the Central Government ;

(b) eleven persons representing the coffee growing industry, namely :—

(i) three persons nominated by the Government of the Mysore State ;

(ii) two persons nominated by the Central Government to represent Madras and Coorg, respectively ;

(iii) three persons nominated by the United Planters' Association of Southern India ;

(iv) one person nominated by the Coorg Planters' Association ;

(v) one person nominated by the Mysore Planters' Association ;

(vi) one person nominated by the Indian Planters' Association, Mysore ;

(c) four persons representing the coffee trade interests, nominated by the Central Government ;

(d) one person representing the Imperial Council of Agricultural Research, nominated by the Central Government ;

(e) two persons nominated by the Central Government to represent—

(i) the coffee growing industry in the Mysore State, and

(ii) the Shevaroy Planters' Association, Yercaud.

(3) Where a member of the Board dies, resigns or is removed, or ceases to reside in India, or becomes incapable of acting, the Central Government may, on the recommendation of the authority or body which was entitled to make

the first nomination under sub-section (2), or where such recommendation is made within a reasonable time, then on its own initiative, nominate a person to fill the vacancy."

4. *Amendment of section 5, Act VII of 1942.*—In section 5 of the said Act the words "Indian Coffee Market Expansion Board" the words "Indian Coffee Board" shall be substituted.

5. *Substitution of new section for section 16, Act VII of 1942.*—For section 16 of the said Act the following section shall be substituted, namely :—

"16. *Fixation of prices for sale of coffee.*—(1) The Central Government after consultation with the Board, by notification in the official Gazette, fix the price or prices at which coffee may be sold wholesale or retail in the Indian market.

(2) No registered owner or licensed curer or dealer shall sell coffee wholesale or retail in the Indian market at a price or prices higher than the price or prices fixed under this section."

6. *Amendment of section 17, Act VII of 1942.*—To the portion of section 17 of the said Act which precedes the proviso the following words shall be added, namely :

"nor shall a registered owner sell or contract to sell in the Indian market coffee produced on his estate in any year for which no internal sale quota is allotted to the estate."

7. *Amendment of section 19, Act VII of 1942.*—To section 19 of the said Act the following words shall be added, namely :—

"and no owner of a registered estate shall sell from or store on his estate or cause or permit to be sold from or stored on his estate any coffee grown on his estate not registered under this Act."

8. *Amendment of section 22, Act VII of 1942.*—In sub-section (1) of section 22 of the said Act, before the words "The Board shall" the words "Unless with the previous sanction of the Central Government the Board decides that no internal sale quotas shall be allotted" shall be inserted.

9. *Amendment of section 23, Act VII of 1942.*—In sub-section (2) of section 23 of the said Act, after the words "the Board may" the following shall be inserted, namely :—

"without prejudice to any penalty to which the said owner is liable under section 37A."

10. *Amendment of section 25, Act VII of 1942.*—In section 25 of the said Act

(a) in sub-section (1), after the words "allotted to that estate" the following words shall be inserted, namely :—

"or when no internal sale quotas have been allotted to estates, all coffee produced by the estate";

(b) in sub-section (2), after the words "in such places" the words "at such times" shall be inserted;

(c) in sub-section (4), before the word "prepare" the words "from time to time" shall be inserted;

(d) in sub-section (5), the words "before an internal sale quota has been allotted to an estate" shall be omitted.

11. *Amendment of section 29, Act VII of 1942.*—In sub-section (1) of section 29 of the said Act, after the words "having regard to the internal sale quota of that estate" the words "where one has been allotted" shall be inserted, and to the end of the sub-section the following sentence shall be added, namely :—

"Where no internal sale quotas have been allotted to estates, the curing establishment shall report merely the whole amount of coffee sent in each consignment."

or 1943.]

Coffee Market Regulation (Amendment)

12. *Amendment of section 34, Act VII of 1942.*—The sub-section (2) of section 34 the following provision shall be added, namely:

“Provided that in calculating the sum of all payments made under sub-section (1) and the value of coffee delivered to the surplus pool out of the year's crop, respectively, any payment made by a registered owner as final payment in immediate satisfaction of coffee delivered by him for inclusion in the surplus pool and the value of any such coffee shall be excluded.”

13. *Insertion of new section 37A in Act VII of 1942.*—After section 37 of the said Act the following section shall be inserted, namely:

37A. *Penalty for non-compliance.*—Any registered owner who fails to furnish the returns required by sub-section (1) of section 25 as required by that sub-section shall be punishable with fine which may extend to one thousand rupees.”

14. *Insertion of new sections 28A and 28B in Act VII of 1942.*—After section 28 of the said Act the following sections shall be inserted, namely:—

28A. *Penalty for non-compliance.*—Any registered owner or licensed dealer who fails to deliver any coffee to the Board as required by or under sub-sections (1) and (2) of section 25 shall be punishable with fine which may extend to one thousand rupees, and the Court by which such person is convicted may order the confiscation and delivery to the Board of any coffee in respect of which the offence was committed.

28B. *Power to use coffee withdrawn from inclusion in surplus pool.*—If the Board is satisfied that any coffee which is required under the provisions of

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Coffee Market Regulation (Amendment) [Act VII of 1943.

section 25 to be delivered for inclusion in the surplus pool is being or is likely to be disposed of otherwise than by such delivery, the Board may order the seizure of such coffee and may authorise an officer of the Board to effect seizure thereof for delivery for inclusion in the surplus pool and such authorisation shall be sufficient warrant for such officer to take all steps necessary to secure possession of the coffee.

15. *Amendment of section 25 of Act VII of 1942*— In sub-section (2) of section 25 of the said Act the following proviso shall be added, namely:—

Provided that the Central Government may, by notification in the official Gazette direct that the previous sanction of the Central Government shall not be necessary for complaints in such cases or classes of cases as may be specified in the notification.

16. *Amendment of section 44 of Act VII of 1942*— In section 44 of the said Act, after the words "during establishment" the words "or any place where coffee is stored or exposed for sale" shall be inserted, and the words "by the estate" shall be omitted.

17. *Amendment of section 46 of Act VII of 1942*— In section 46 of the said Act, the words "to whom an internal sale quota is allocated" shall be omitted.

18. *Insertion of new section 47 of Act VII of 1942*— After section 47 of the said Act the following section shall be inserted, namely:

47. *Provision of legal proceedings*— No suit or prosecution or other legal proceeding shall be brought by the Board or any officer of the Board for or in respect of anything to be done or omitted to be done under this Act.

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ACT No. VIII OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 29th March, 1943.)

An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, to continue for a further period of one year the additional duties of customs imposed by section 6 of the Indian Finance Act, 1942, to fix rates of income-tax and super-tax, to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged, and to amend the Indian Finance (Supplementary and Extending) Act, 1931.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898 (VI of 1898), to continue for a further period of one year the additional duties of customs imposed by section 6 of the Indian Finance Act, 1942 (XII of 1942), to fix rates of income-tax and super-tax, to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged, and to amend the Indian Finance (Supplementary and Extending) Act, 1931;

It is hereby enacted as follows:—

1. *Short title and extent.*—(1) This Act may be called the Indian Finance Act, 1943.

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

2. *Fixation of salt duty.*—The provisions of section 7 of the Indian Salt Act, 1882 (XII of 1882), shall, in so far as they enable the Central Government to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India, be construed as if, for the year beginning on the 1st day of April, 1943, they imposed such duty at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act, be deemed to have been imposed by rule made under that section.

3. *Inland postage rates.*—For the year beginning on the 1st day of April, 1943, the Schedule contained in Schedule I to this Act shall be inserted in the Indian Post Office Act, 1898 (VI of 1898), as the First Schedule to that Act.

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

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

(a) income-tax for the year beginning on the 1st day of April, 1943, shall be charged at the rates specified in Part I of Schedule II increased in the cases to which sub-paragraph (b) of paragraph A and paragraph B of that Part apply by a surcharge for the purposes of the Central Government at the rate specified therein in respect of each such rate of income-tax, and

(b) rates of super-tax for the year beginning on the 1st day of April, 1943, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922 (XI of 1922), be those specified in Part II of Schedule II increased in the cases to which paragraphs A, B and C of that Part apply by a surcharge for the purposes of the Central Government at the rate specified therein in respect of each such rate of super-tax.

(2) In making any assessment for the year ending on the 31st day of March, 1944,—

(a) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" or under the head "Interest on Securities" or any income from dividends in respect of which he is deemed under

section 49B of the Indian Income-tax Act, 1922 (XI of 1922), to have paid income-tax imposed in British India, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Indian Finance Act, 1942 (XII of 1942), on his total income the same proportion as the amount of such inclusions bears to his total income;

(b) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Indian Income-tax Act, 1922 (XI of 1922), the super-tax payable by the assessee on that portion of his total income which consists of such inclusions shall be an amount bearing to the total amount of super-tax payable according to the rates applicable under the operation of the Indian Finance Act, 1942 (XII of 1942), on his total income the same proportion as the amount of such inclusions bears to his total income.

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

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

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

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

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

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

(8) Notwithstanding anything contained in sub-section (7) of section 8 of the Indian Finance Act, 1942 (XII of 1942), the amount to be funded under this sub-section for the assessee's benefit in respect of any assessment for the year ending on the 31st day of March, 1943, shall be calculated on his total income as reduced by the income, if any, exempt from tax under any provision of the Indian Income-tax Act, 1922 (XI of 1922), or any notification issued thereunder.

(9) The Central Government may, by notification in the official Gazette, make rules prescribing the manner and conditions referred to in sub-section (5).

6. *Continuance of and rate of excess profits tax.*—(1) In sub-clause (a) of clause (c) of section 2 of the Excess Profits Tax Act, 1940 (XV of 1940), for the words and figures "31st day of March, 1943" the words and figures "31st day of March, 1944" shall be substituted.

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(2) The excess profits tax imposed by section 4 of the Excess Profits Tax Act, 1940 (XV of 1940), shall, in respect of any chargeable accounting period beginning after the 31st day of March, 1943, be an amount equal to sixty-six and two-thirds per cent. of the amount by which the profits of the business during that chargeable accounting period exceed the standard profits.

7. *Amendment of section 5, Indian Finance (Supplementary and Extending) Act, 1931.*—In section 5 of the Indian Finance (Supplementary and Extending) Act, 1931, the words "motor spirit or kerosene" and the words and figures "or under the Motor Spirit (Duties) Act, 1917, or under the Indian Finance Act, 1922" shall be omitted, and for the words "or under any of the said Acts" the words "or under the said Act" shall be substituted.

SCHEDULE I.

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

(See section 3.)

"THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

(See section 7.)

Letters.

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

Postcards.

Single Nine pies.
Reply One and a half annas.

Book, Pattern and Sample Packets.

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

Registered Newspapers.

For a weight not exceeding ten tolas Quarter of an anna
For a weight exceeding ten tolas and not exceeding twenty tolas Half an anna.
For every twenty tolas, or fraction thereof, exceeding twenty tolas Half an anna.

In the case of more than one copy of the same issue of a registered newspaper being carried in the same packet—

For a weight not exceeding ten tolas Half an anna.
For every additional five tolas, or fraction thereof, in excess of ten tolas Quarter of an anna.

Provided that such packet shall not be delivered at any addressee's residence but shall be given to a recognised agent at the post office.

Parcels.

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

SCHEDULE II.

(See section 5.)

PART I.

Rates of Income-tax.

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

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

	Rate.
1. On the first Rs. 750 of total income	Nil.
2. On the next Rs. 1,250 of total income	Six pies in the rupee.
* Provided that no tax shall be payable on a total income which does not exceed Rs. 1,500.	

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

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

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

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

PART II.

Rates of Super-tax.

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

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

B.—In the case of every local authority—

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

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

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

D.—In the case of every company—

	Rate.
On the whole of total income	Two annas in the rupee.

1943.]

ACT No. IX OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st March, 1943.)

An Act to make provisions on a basis of reciprocity in regard to entry into, travel, residence, the acquisition, holding or disposal of property, the enjoyment of educational facilities, the holding of public office, or the carrying on of any occupation, trade, business or profession in British India by and the franchise in British India of persons domiciled in British Possessions.

Preamble.—Whereas it is expedient to make provisions on a basis of reciprocity in regard to entry into, travel, residence, the acquisition, holding or disposal of property, the enjoyment of educational facilities, the holding of public office or the carrying on of any occupation, trade, business or profession in British India by, and the franchise in British India of, persons domiciled in British Possessions:

It is hereby enacted as follows:

1. *Short title, extent and commencement.*—(1) This Act may be called the Reciprocity Act, 1943.

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

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

2. *Definitions.*—In this Act, unless it appears anything repugnant in the subject or context—

(a) "British Possession" means any part of His Majesty's Dominions other

Printed and Published by the Government of India.

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than British India and includes Protectorates and territories which are administered by a Dominion as a mandatory or trustee for the League of Nations; and

(b) "entry" includes landing at any port in British India during the stay in British India of a ship or aircraft on its way to its destination outside British India.

3. *Reciprocity of rights.*—Persons not being of Indian origin domiciled in any British Possession to which this Act has been applied under section 5 shall be entitled only to such rights and privileges as regards entry, travel, residence, the acquisition, holding or disposal of property, educational facilities, franchise, the holding of public office, or the carrying on of any occupation, trade, business or profession in British India as are accorded by authority or administration of such Possession to persons of Indian origin.

Provided that the provisions of this section relating to entry, travel and residence shall not apply to any person in the armed forces of a British Possession until the expiry of one year after the termination of the present hostilities.

4. *Burden of proof in person claiming exemption.*—If any person alleged to be domiciled in any British Possession and to be subject to the provisions of this Act pleads that he is not so domiciled, or that the provisions of this Act do not apply to him, the onus of proving the truth of such a plea shall be on him.

5. *Power of Central Government to apply the Act.*—The Central Government may, by notification in the official Gazette, apply this Act to any British Possession.

6. *Power to make rules.*—The Central Government may, subject to the confirmation of previous publication, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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ACT No. X OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st March, 1943.)

An Act to provide for the imposition and collection of excise duties on tobacco.

WHEREAS it is expedient to impose excise duties on tobacco and to provide for the collection thereof;

It is hereby enacted as follows:—

1. *Short title and extent.*—(1) This Act may be called the Tobacco (Excise Duty) Act, 1943.

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

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

(a) "tobacco" means any form of tobacco, whether cured or uncured, and whether manufactured or not, and includes the leaf, stalks and stem of the tobacco plant, but does not include any part of a tobacco plant while still attached to the earth;

(b) "curing" includes wilting, drying, fermenting and any process for rendering tobacco fit for marketing or manufacture;

(c) "manufacture" means the preparation of cigarettes, cigars, cheroots, *biris*, cigarette or pipe or hookah tobacco, chewing tobacco, or snuff; and the word "manufacturer" shall be construed accordingly and shall include not only a person who employs hired labour for the production of these commodities, but also any person who engages in their production on his own account if his products are intended for sale;

(d) "sale" and "purchase", with their grammatical variations and cognate expressions, mean any transfer of the possession of goods by one person to another in the ordinary course of trade or business for cash or deferred payment or other valuable consideration;

(e) "wholesale dealer" means a person who buys or sells tobacco wholesale for the purpose of trade or manufacture, and includes a broker or commission agent who, in addition to making contracts for the sale or purchase of tobacco for others, stocks tobacco belonging to others as an agent for the purpose of sale;

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

(g) "factory" means any premises wherein tobacco is manufactured.

3. *Imposition and collection of excise duties on tobacco.*—There shall be levied and collected in such manner as may be prescribed duties of excise as, and at the rates, set forth in the Schedule on all cured tobacco in British India on the 1st day of April, 1943, on all tobacco cured in British India on or after that date, and on all tobacco products mentioned in the Schedule and manufactured in British India on or after that date.

4. *Determination of value for the purposes of duty.*—Where under this Act any article is chargeable with duty at a rate dependent on the value of the article, such value shall be deemed to be the wholesale cash price for which an article of the like kind and quality is sold or is capable of being sold for delivery at the place of manufacture and at the time of its removal therefrom, without any abatement or deduction whatever except trade discount and the amount of the duty then payable.

5. *Power of Central Government to impose customs duty on cured tobacco.*—The Central Government may, by notification in the official Gazette, impose on cured tobacco, or any tobacco product mentioned in the Schedule, brought into British India from the territory of any Indian State, not being territory which has been declared under section 5 of the Indian Tariff Act, 1934 (XXXII of 1934), to be foreign territory for the purposes of that section, a duty of customs equivalent to the excise duty imposed by this Act on the like tobacco cured or the like tobacco product manufactured in British India.

6. *Certain operations to be subject to licence.*—From such date as may be specified in this behalf by the Central Government by notification in the official Gazette, no person shall engage in the curing, wholesale purchase or sale (whether on his own account or as a broker or commission agent), storage, or manufacture, of tobacco,

except under the authority and in accordance with the terms and conditions of licence granted under this Act.

7. *Restriction on possession of unmanufactured tobacco.*—From such date as may be specified in this behalf by the Central Government by notification in the official Gazette, no person shall, except as provided by the rules made under this Act, have in his possession unmanufactured tobacco in excess of such quantity as may be prescribed for the purposes of this section as the maximum amount of unmanufactured tobacco or of any variety of unmanufactured tobacco which may be possessed at any one time by such a person.

8. *Form and conditions of licence.*—Every licence under section 6 shall be granted for such area, if any, for such period, subject to such restrictions and on such conditions, and in such form and containing such particulars, as may be prescribed.

9. *Penalty for contravention of section 6 or section 7.*—Whoever contravenes any of the provisions of section 6 or section 7 shall be punishable with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

10. *Penalty for evasion of duty or failure to supply information.*—Whoever evades or attempts to evade the payment of any duty payable under this Act or fails to supply any information which he is required by the rules made under this Act to supply, or (unless with a reasonable belief, the burden of proof which shall be upon him, that the information supplied by him is true), supplies false information, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

11. *Power of Courts to order forfeiture of tobacco.*—Any Court trying an offence under this Act may order that any tobacco in respect of which the Court is satisfied that an offence under this Act has been committed, together with the packages or coverings thereof, be forfeited to His Majesty.

12. *Recovery of duty, etc.*—In respect of duty and other sums payable to the Central Government under any of the provisions of this Act or of the rules made thereunder, the officer empowered by the Central Board of Revenue to levy such duty or require the payment of such sums may prepare a certificate signed by him specifying the amount due from the person liable to pay the same and send it to the Collector of the district in which such person resides or conducts his business and the said Collector, on receipt of such certificate, shall proceed to recover from the said person the amount specified therein as if it were an arrear of land-revenue.

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

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

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

(i) provide for the assessment and collection of the duties, the authorities to whom functions under this Act are to be discharged, the issue of notices requiring payment, the manner in which the duties shall be payable, and the recovery of duty not paid ;

(ii) prohibit the curing or manufacture of tobacco except on land and premises approved for the purpose ;

(iii) regulate the removal of tobacco from the place where grown, cured, or manufactured and its transport to or from the premises of a licensed wholesale dealer or manufacturer, or a bonded warehouse or to a market ;

(iv) regulate the curing, storage, wholesale sale and manufacture of tobacco and provide for the appointment of officers of the Crown to supervise such curing, storage, wholesale sale and manufacture within any tobacco growing or manufacturing area ;

(v) provide for the appointment, licensing, management and supervision of bonded warehouses and the procedure to be followed in entering tobacco into and clearing tobacco from such warehouses;

(vi) impose on growers, curers, wholesale dealers, brokers, commission agents, or manufacturers, the duty of furnishing information, keeping records and making returns, and prescribe the nature of such information and the form of such records and returns, the particulars to be contained therein, and the manner in which they shall be verified;

(vii) provide for the issuing of licences and transport permits and the fees, if any, to be charged therefor;

(viii) provide for the detention of tobacco for the purpose of exacting the duty, the confiscation, otherwise than under section 11, of tobacco in respect of which breaches of the Act or rules have been committed, and the disposal of tobacco so detained or confiscated;

(ix) authorise and regulate the inspection of factories, and the inspection or search of any place or conveyance used for the curing, storage, sale or transport of tobacco;

(x) authorise and regulate the composition of offences against, or liabilities incurred under, this Act or the rules made thereunder;

(xi) provide for the grant of a rebate of the duty paid on tobacco which is exported by sea to any country outside India or shipped for consumption on a voyage to any port outside India;

(xii) exempt any tobacco from the whole or any part of the duty imposed by this Act;

(xiii) authorise the Central Board of Revenue or Collectors appointed for the purposes of this Act to provide, by written instructions, for supplemental matters arising out of any rule made by the Central Government under this section.

(3) In making rules under this section the Central Government may provide that any person committing a breach of any rule shall, where no other penalty is provided by this Act, be liable to a penalty not exceeding two thousand rupees and that the article in respect of which any such breach is committed shall be confiscated.

THE SCHEDULE.

(See section 3.)

Description of tobacco.	Rate of duty.
PART I. Unmanufactured.	
I.—VIRGINIA TOBACCO—	Per lb. Rs. A.
A.— <i>Flue-cured</i> —	
(1) if intended for manufacture into—	
(a) cigarettes—	
(i) containing more than 20 per cent. weight of imported tobacco	1 12
(ii) containing 20 per cent. or less than 20 per cent. weight of imported tobacco	1 4
(iii) containing no imported tobacco	0 8
(b) <i>biris</i>	0 6
(c) cheroots	0 2
(2) if intended for any other purpose	1 12
B.— <i>Air-cured</i>	0 6
II.—COUNTRY TOBACCO—	
(1) if intended for manufacture into—	
(a) cigarettes	0 6
(b) <i>biris</i>	0 6
(c) cigars or cheroots	0 2
(d) hookah tobacco	0 1
(e) snuff	0 6
(2) if intended for sale as chewing tobacco, whether manufactured or merely cured	0 1
(3) if intended for any other purpose	0 0
III.—STALKS, STEMS AND OTHER REFUSE OF TOBACCO—	
(1) if intended for use in the preparation of any form of manufactured tobacco	0 1
(2) if intended to be used for agricultural purposes	0 0

Description of tobacco.	Rate of duty.
PART II. Manufactured.	
	Per hundred. Rs. A.
Cigars and cheroots of which the value—	
(i) exceeds Rs. 30 a hundred	6 0
(ii) exceeds Rs. 25 a hundred but does not exceed Rs. 30 a hundred	5 0
(iii) exceeds Rs. 20 a hundred but does not exceed Rs. 25 a hundred	4 0
(iv) exceeds Rs. 15 a hundred but does not exceed Rs. 20 a hundred	3 0
(v) exceeds Rs. 10 a hundred but does not exceed Rs. 15 a hundred	2 0
(vi) exceeds Rs. 5 a hundred but does not exceed Rs. 10 a hundred	1 0
(vii) exceeds Rs. 2-8-0 a hundred but does not exceed Rs. 5 a hundred	0 8
(viii) exceeds Rs. 1-4-0 a hundred but does not exceed Rs. 2-8-0 a hundred	0 4
(ix) exceeds Rs. 10 but does not exceed Rs. 1-4-0 a hundred	0 2

ACT No. XI OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st March, 1943.)

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

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

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Vegetable Product (Excise Duty) Act, 1943.

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

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

(a) “ factory ” means any premises wherein vegetable product is manufactured ;

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

(c) “ vegetable product ” means any vegetable oil or fat which, whether by itself or in admixture with any other substance, has by hydrogenation or by any other process been hardened for human consumption.

3. *Imposition of and amount of duty.*—A duty of excise at the rate of five rupees per hundredweight shall be levied on all vegetable product manufactured in any factory in British India and issued out of such factory on or after the 1st day of April, 1943, and shall be payable by the owner of the factory.

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

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

(3) Without prejudice to the provisions of sub-section (2), when under the provisions of sub-section (1) any duty is deemed to be an arrear, the authority by which the notice referred to in sub-section (1) was issued may direct that no issue of vegetable product shall be made and no plant, machinery or material shall be removed out of the factory whose owner has failed to pay the duty until the duty or the sum recoverable in lieu thereof is paid or recovered ; and such direction shall have effect notwithstanding any change in the ownership of the factory.

(4) Any vegetable product issued, and any plant, machinery or material removed in contravention of a direction under sub-section (3) shall be liable to confiscation, and any person concerned in such issue or removal shall be punishable with fine which may extend to two thousand rupees.

5. *Issue from factory.*—(1) No vegetable product shall be issued out of any factory except in accordance with the provisions of rules made under section 8 regulating such issue, or until such rules are made, in accordance with the general or special orders of the Central Government.

(2) If any vegetable product is issued out of any factory contrary to the provisions of sub-section (1), any person concerned in such issue shall be punishable with fine which may extend to one thousand rupees or to a sum equal to double the amount of the duty on the vegetable product so issued, whichever is greater.

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

7. *Power of Central Government to impose a duty of customs or to prohibit import.*—The Central Government may, by notification in the official Gazette impose on vegetable product brought into British India from the territory of any Indian State, not being territory which has been declared under section 5 of the Indian Tariff Act, 1934 (XXXII of 1934), to be foreign territory for the purposes of that section, a duty of customs equivalent to the excise duty imposed by the Act on vegetable product manufactured in British India, or prohibit absolutely or with such exceptions as it thinks fit, the bringing of vegetable product into British India from the territory of any specified Indian State.

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

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

(b) regulating the issue of vegetable product out of factories;

(c) providing for the assessment and collection of the duty, the issue of notices requiring payment, the authority to whom the duty shall be payable and the recovery of arrears;

(d) specifying the manner in which directions under the provisions of sub-section (3) of section 4 shall be made and communicated, and determining what such directions shall be deemed to become effective;

(e) authorising and providing for the inspection of factories; and

(f) generally for carrying into effect the provisions of this Act.

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

Provided that the breach of any rule made under clause (b) of sub-section (1) shall be punishable with the punishment provided for an offence against section 2

2

ACT No. XII OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st March, 1943.)

An Act further to amend the Indian Tea Control Act, 1938.

WHEREAS it is expedient further to amend the Indian Tea Control Act, 1938 (VIII of 1938), for the purposes hereinafter appearing:

It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Indian Tea Control (Amendment) Act, 1943.

(2) It shall be deemed to have taken effect immediately before the expiration of the 31st day of March, 1943.

2. *Amendment of section 1, Act VIII of 1938.*—In section 1 of the Indian Tea Control Act, 1938 (VIII of 1938) (hereinafter referred to as the said Act), for sub-section (4) the following sub-section shall be substituted, namely:—

“(4) It shall remain in force only up to the end of the twenty-four months commencing on the 1st day of April subsequent to the termination of the present hostilities.”

3. *Amendment of section 2, Act VIII of 1938.*—In section 2 of the said Act, in sub-clause (i) of clause (h), after the words and figures “and Chapter IV” the words “and in the Schedule” shall be inserted.

4. *Amendment of section 3, Act VIII of 1938.*—In section 3 of the said Act, for sub-sections (2) and (3) the following sub-sections shall be substituted, namely:—

“(2) Members nominated or elected under sub-section (1) shall hold office for the duration of this Act.

(3) The Committee shall be a body corporate by the name of the Indian Tea Licensing Committee, having perpetual succession and a common seal, with power to acquire and hold property and to contract, and shall by the said name sue and be sued.”

5. *Amendment of section 4, Act VIII of 1938.*—In section 4 of the said Act, in sub-section (2) for the words following the words “the Central Government may” the following shall be substituted, namely:—

“in the case of an elected member, nominate a successor chosen to represent the body entitled to make the first election under section 3, and in the case of a nominated member, nominate a successor on the recommendation of the authority or body entitled to make the first nomination under section 3, or, if such recommendation is not made within two months, without such recommendation”.

6. *Insertion of new section 5A in Act VIII of 1938.*—After section 5 of the said Act the following section shall be inserted, namely:—

5A. *Power of Central Government to appoint additional member of Committee to act as chairman.*—Notwithstanding anything elsewhere contained in this Act, the Central Government may appoint any person to be an additional member of, and to act as chairman of, the Committee, and on such appointment being made the chairman of the committee elected under section 5 shall cease to exercise the functions of chairman.”

7. *Amendment of section 10, Act VIII of 1938.*—In section 10 of the said Act, in clause (h), the words “the term of office of members of the Committee and” shall be omitted, and after the words “by which members” the words “of the Committee” shall be inserted.

8. *Amendment of section 11, Act VIII of 1938.*—In section 11 of the said Act,—

(a) in clause (b), after the word “vessel”, in both places where it occurs, the words “or aircraft” shall be inserted;

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

"(d) exported by a Red Cross Society with the previous sanction of the Central Government within the limits prescribed in this behalf".

9. *Amendment of section 12, Act VIII of 1938.*—In section 12 of the said Act,—

(a) in sub-section (2), after the word "tea" the words "or tea seed" shall be inserted;

(b) after sub-section (3) the following sub-section shall be added, namely:—

"(4) No tea or tea seed shall be taken by land, sea or air out of British India to any place in India other than the States of Travancore, Mysore, Cochin, Tripura and Mandi, unless covered by a permit issued by or on behalf of the Committee:

Provided that this sub-section shall have effect only if the Central Government by notification in the official Gazette so directs, and the Central Government may, by the same or a subsequent notification, direct that the sub-section shall not have effect in respect of tea or tea seed taken out of British India to any place specified in the notification."

10. *Amendment of section 14, Act VIII of 1938.*—In section 14 of the said Act,—

(a) in sub-section (1), after the words "on application made" the words "within the prescribed time and accompanied by the prescribed particulars" shall be inserted;

(b) in sub-section (2), after the word "Schedule" the words, figures and letter "or as revised by the Central Government under section 14A" shall be inserted;

(c) in clause (a) of sub-section (3) for the figures "1938" the figures "1939" shall be substituted.

11. *Insertion of new section 14A in Act VIII of 1938.*—After section 14 of the said Act the following section shall be inserted, namely:—

"14A. *Power of Central Government to revise crop basis.*—The crop basis of a tea estate as determined or re-determined by the Committee may be revised by the Central Government if the Central Government is satisfied that the Committee in determining or re-determining it acted upon information which was either incorrect or deceptive."

12. *Amendment of section 15, Act VIII of 1938.*—To sub-section (1) of section 15 of the said Act the following proviso shall be added, namely:—

"Provided that for the purpose of restricting in any year the amount of tea exported from British India the Central Government may direct that the quota shall, for the purposes of this sub-section, be deemed to be reduced by such proportion as is necessary to effect the desired restriction."

13. *Amendment of section 16, Act VIII of 1938.*—In section 16 of the said Act, in sub-section (2), after the word "quota" the following shall be inserted, namely:—

"or of the quota as deemed to be reduced in accordance with any direction made under the proviso to sub-section (1) of section 15",

and to the said sub-section the following proviso shall be added, namely:—

"Provided that, if the Central Government has at any time decided that it is desirable to restrict exports of tea from British India, the Committee may, without the general or special previous sanction of the Central Government, refuse to issue export licences."

14. *Amendment of section 17, Act VIII of 1938.*—In section 17 of the said Act,—

(a) in sub-section (2), after the words "under this Act" the words "or in respect of which an export licence would, but for the operation of a direction made under the proviso to sub-section (1) of section 15, have been obtained" shall be inserted;

Indian Tea Control (Amendment).

OF 1943.]

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

(2A) Where, in pursuance of sub-section (1) or sub-section (2) of section 7, the owner of a tea estate receives a right to obtain export licences for a further quantity of tea, he may, within one month from the date of the order whereby he receives such right, apply to the Committee for a special export licence covering that further quantity, and the Committee shall, on receipt of the requisite fee, if any, issue a special licence accordingly.

(2B) A person, to whom a special export licence has been issued under sub-section (2) or sub-section (2A), may transfer the special export licence with all the rights conferred thereby within a period of six months from the date on which it was granted to a person or persons nominated by him, but a licence once so transferred shall not be further transferable.

(c) in sub-section (3),—

(i) the words and figures "in the case of a special export licence issued in the year 1938 up to the 30th day of June of that year and in the case of a special export licence issued in any subsequent year" shall be omitted, and for the words "May of the year" the words "March of the financial year" shall be substituted;

(ii) the proviso shall be omitted;

(d) in sub-section (4), the words and figures "or under the Tea Control Act, 1938, as the case may be" shall be omitted;

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

(5) Notwithstanding anything contained in the foregoing sub-sections, the Committee may postpone for so long as the Central Government may require the issue of any special export licence.

15. *Amendment of section 19, Act VIII of 1938.*—In section 19 of the said Act,—

(a) in sub-section (2), after the word "carriage" the words "or shall be taken by land" shall be inserted;

(b) in sub-section (3), after the word "tea" the words "or tea seed" shall be inserted.

16. *Amendment of section 20, Act VIII of 1938.*—In section 20 of the said Act, in sub-section (1), the words "to enable it to discharge its duties under this Chapter" shall be omitted.

17. *Amendment of section 23, Act VIII of 1938.*—In section 23 of the said Act,—

(a) in clause (b), after the word "tea" the words "or tea seed" shall be inserted.

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

(ba) prescribing limits for the purposes of clause (d) of section 11;

(bb) prescribing the time and the particulars referred to in sub-section (1) of section 14.

18. *Insertion of new section 25A in Chapter II, Act VIII of 1938.*—In Chapter II of the said Act, after section 25 the following section shall be inserted, namely:—

25A. *Power of Central Government to make orders.*—If, in pursuance of any scheme for the control of import of Indian tea into the United Kingdom or any other country, the Central Government considers it necessary or expedient so to do, it may by order direct the Committee to apportion the requirement of the United Kingdom or such other country among the tea estates in accordance with such principles and in such manner as may be laid down in the order and to grant such export licences or special export licences as may be necessary for giving effect to the arrangements made under such scheme, and the Committee shall comply with any such order.

19. *Amendment of section 26, Act VIII of 1938.*—In section 26 of the said Act, for the figures "1938", "1933" in both places where they occur, and "1931", respectively, the figures "1943", "1938" and "1936" shall be substituted.

20. Amendment of section 27, Act VIII of 1938.—In section 27 of the said Act,—

(a) in sub-section (1), for the words after the words "shall not exceed" the following shall be substituted, namely:—

"such area as will bring the total area of the land planted with tea in British India up to one-half of one per cent. over the total area of the land which would have been planted with tea in British India on the 31st day of March, 1943, had the extensions of plantation made in the two periods of five years subsequent to the 31st day of March, 1933, each increased the area in British India planted with tea at the beginning of each such period by one-half of one per cent.";

(b) in sub-section (2),—

(i) for the words following the words "as near as may be", the following shall be substituted, namely:—

"such area as will bring the total area of the land planted with tea in the Province up to one-half of one per cent. over the total area of the land which would have been planted with tea in the Province on the 31st day of March, 1943, had the extensions of plantation made in the two periods of five years subsequent to the 31st day of March, 1933, each increased the area in the Province planted with tea at the beginning of each such period by one-half of one per cent.";

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

"Provided that the Committee may vary the total area so determined for any Province in order to increase or diminish for another Province the area in respect of which such permissions may be granted by an amount corresponding to the extent to which the area in the first mentioned Province has been diminished or increased.";

(c) in sub-section (3), for the words "after the commencement of this Act" the words, brackets and figures "after the commencement of the Indian Tea Control (Amendment) Act, 1943" shall be substituted, and the following words shall be added, namely:—

"and shall in like manner publish any subsequent variation of such total areas";

(d) sub-section (4) shall be omitted.

21. Amendment of section 28, Act VIII of 1938.—In section 28 of the said Act,—

(a) in sub-section (1), for the figures "1938" the figures "1943" shall be substituted and for the words "not later than six months from the commencement of this Act", the following shall be substituted, namely:—

"not later than six months from the commencement of the Indian Tea Control (Amendment) Act, 1943";

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

"(1A) The Committee may require an applicant to supply such information as it thinks necessary to enable the Committee to deal with the application.";

(c) in sub-section (2), after the word and figures "section 27" the words "and to any rules made in this behalf by the Committee" shall be inserted and the following provisos shall be added, namely:—

"Provided that permission shall not be granted in the case of any tea estate owned by a limited liability company if the area planted with tea in the estate exceeds three hundred acres, or in the case of any tea estate owned by an individual proprietor or proprietors if the area planted with tea in the estate exceeds one hundred and fifty acres:

Provided further that the Committee may, despite the limits laid down in section 27, grant such permission to the Tocklai and Nellakotta experimental stations."

22. Amendment of section 29, Act VIII of 1938.—In section 29 of the said Act,—

(a) in sub-section (1),—

(i) for the figures "1933" the figures "1943" shall be substituted;

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Indian Tea Control (Amendment).

(i) in clause (a), after the word "through" the words "circumstances due to existing war conditions or through" shall be inserted;

(ii) the following *Explanation* shall be added, namely:

Explanation.—Land taken for purposes connected with the prosecution of war on which tea bushes have been allowed to remain for protective purposes though no longer cultivated shall be deemed for the purposes of this sub-section to be incapable of carrying or no longer to carry tea.

(3) in sub-section (2), in the proviso, for the words "the area of the same tea estate" the words "the same or an adjacent district and shall belong to the same or an adjacent tea estate" shall be substituted.

(4) after sub-section (3) the following sub-section shall be added, namely:—

(4) If any land falling within the *Definition* to sub-section (1) is subsequently restored to the tea estate from which it was subtracted the owner of the estate shall either uproot the tea planted thereon, or uproot any tea planted by him in pursuance of a permission granted under sub-section (2).

23. *Amendment of section 30, Act VIII of 1938.*—In section 30 of the said Act, in the proviso to sub-section (d), for the words and figures "upon the 31st day of March, 1943" the words "at the termination of this Act" shall be substituted.

24. *Insertion of new Chapter VI and section 40 in Act VIII of 1938.*—After section 39 of the said Act the following Chapter and section shall be added, namely:—

CHAPTER VI

SUSPENSION OF OPERATION OF ACT

39. *Suspension of Operation of Act.*—(1) If the Central Government is satisfied that an emergency has arisen rendering it necessary for the security of India that certain of the restrictions imposed by this Act should cease to be imposed, the Central Government may, by notification in the official Gazette, suspend or relax any or all of the provisions of this Act.

(2) Where the operation of certain provisions of this Act has under sub-section (1) been suspended or relaxed indefinitely, such suspension or relaxation

Indian Tea Con-

namely:—

information

application.";

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in the estate

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may at any time while this Act remains in force be removed by the Central Government by notification in the official Gazette."

25. *Substitution of new Schedule for the Schedule to Act VIII of 1938.*—For the Schedule to the said Act the following shall be substituted, namely:—

THE SCHEDULE.

[SEE SECTION 14 (2).]

Principles to be followed in determining the Crop Basis of a Tea Estate.

1. Where a tea estate has before the 1st day of April, 1943, received an export quota under this Act, the crop basis of the estate for the financial year beginning on that date, or for any subsequent financial year shall be the highest crop basis assigned to the estate under this Act for any of the financial years beginning on the 1st day of April, 1940, 1941 or 1942 (herein referred to as the cardinal crop basis) increased by any admissible allowance of either of the following kinds, namely:—

(a) An allowance for young areas, that is, areas planted with tea on or after the 1st day of January, 1926, determined in the prescribed manner in accordance with the prescribed rules.

Provided that any young areas in respect of which an allowance has been made in determining the cardinal crop basis shall be excluded.

(b) An allowance for low producing areas determined in the prescribed manner.

Provided that any low producing areas in respect of which an allowance has been made in determining the cardinal crop basis shall be excluded.

2. Where the area of a tea estate for which a crop basis has been determined is reduced or increased by the transfer to or acquisition from another tea estate of land planted with tea, the crop basis of the estate shall be reduced or increased by an amount representing as nearly as possible the contribution made by the area transferred or acquired to the crop basis of the estate of which it previously formed a part.

3. Where a tea estate for which a crop basis has been determined subsequently becomes two or more separate estates the crop basis of each such separate estate shall be determined so as to represent as nearly as possible the contribution made by the area comprised in it to the total crop basis of the original estate.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE DELHI MUSLIM WAKFS ACT, 1943.

(XIII OF 1943)

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THE DELHI MUSLIM WAKFS ACT, 1943.

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ACT No. XIII OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st April, 1943.)

An Act to provide for the better administration of Muslim Wakfs in the Province of Delhi.

WHEREAS it is expedient to provide for the better administration of Muslim Wakfs in the Province of Delhi;
It is hereby enacted as follows :—

CHAPTER I. PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Delhi Muslim Wakfs Act, 1943.

(2) It extends to the whole of the Province of Delhi.

(3) Section 71 shall come into force at once. The rest of this Act shall come into force on such date, not being later than six months from the date on which it is first published in the official Gazette after having received the assent of the Governor General, as the Provincial Government may, by notification, appoint.

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

(a) 'committee' means a committee appointed by the Majlis under section 20;

(b) 'District Judge' includes a Subordinate Judge of the first class empowered by the District Judge to discharge any function assigned to the District Judge under this Act;

(c) 'Majlis' means the Sunni Majlis-e-Awakaf, Delhi, or the Shia Majlis-e-Awakaf, Delhi, established under this Act;

(d) 'member' means a member of the Majlis;

(e) 'mutawalli' means any person, by whatever designation known, appointed to administer any wakf either verbally or by or under any deed or instrument or in accordance with the usage of such wakf or the District Judge or any other competent authority, and includes any person appointed by a mutawalli to perform the duties of a mutawalli and any committee or any person for the time being managing or administering any wakf property as such;

(f) 'Nazir' means the person appointed to be the Nazir-e-Awakaf under this Act;

(g) 'person interested in a wakf' means any person who is entitled to receive any pecuniary or other benefit from the wakf and includes—

(i) any person who has a right to pray or to perform any religious rite in a mosque, idgah, imambara, dargah, khankah, maqbara, grave-yard, or any other religious institution connected with the wakf or to participate in any religious or charitable ministration under the wakf;

(ii) the wakif and any descendant of the wakif; and

(iii) the mutawalli;

(h) 'prescribed' means proscribed by rules made by the Provincial Government under this Act;

(i) 'qualified accountant' means any person or class of persons declared by the Provincial Government, by notification in the official Gazette, to be qualified accountants for the purposes of this Act;

(j) 'Sadr' means the person appointed to be the Sadr of the Majlis under this Act;

(k) 'wakf' means the permanent dedication of any property, movable or immovable, for any purpose recognised by Muslim law as religious, pious or charitable and includes a wakf by user; and

(l) 'wakif' means a person who makes such a dedication as is referred to in clause (k).

3. *Application of Act.*—This Act shall apply to all wakfs except the wakfs referred to in and made lawful by the Mussalman Wakf Validating Act, 1913 (VI of 1913).

4. Act XX of 1863, Act XIV of 1920, Act XLII of 1923 and section 92 of Act V of 1908 not to apply to wakfs.—The Religious Endowments Act, 1863 (XX of 1863), the Charitable and Religious Trusts Act, 1920 (XIV of 1920), the Mussalman Wakf Act, 1923 (XLII of 1923), and section 92 of the Code of Civil Procedure, 1908 (V of 1908), shall not apply to wakfs to which this Act applies.

CHAPTER II.

CONSTITUTION OF THE MAJLIS.

5. *Constitution and incorporation of the Majlis.*—(1) As soon as possible after this Act comes into force there shall be established for the Province of Delhi, a Majlis to be called the Sunni Majlis-e-Awakaf, Delhi, and a Majlis to be called the Shia Majlis-e-Awakaf, Delhi, to discharge respectively in regard to Sunni wakfs and Shia wakfs in the Province of Delhi the functions assigned to the Majlis by this Act.

(2) The Majlis shall be a body corporate by the name of the Sunni Majlis-e-Awakaf, Delhi, or Shia Majlis-e-Awakaf, Delhi, as the case may be, and shall have perpetual succession and a common seal, with power to acquire and hold property both movable and immovable, and to transfer any such property subject to the prescribed conditions and restrictions, and shall by the said name sue and be sued.

6. *Strength of the Majlis.*—The Sunni Majlis-e-Awakaf, Delhi, shall consist of fifteen members and the Shia Majlis-e-Awakaf, Delhi, shall consist of five members.

7. *Composition of Majlis.*—(1) Of the members of the Sunni Majlis-e-Awakaf, Delhi,—

(a) two shall be persons nominated by the Provincial Government;

(b) two shall be persons elected by a joint electorate consisting of the Muslim members of the Delhi Municipal Committee, the New Delhi Municipal Committee, the Notified Area Committees and the Delhi District Board;

(c) two shall be persons elected by the Muslim members of the Anglo-Arab College and Schools Society and the Jamia Millia Association jointly;

(d) one shall be a person elected by the mutawallis of wakfs registered under this Act;

(e) five shall be persons elected by the Muslim members of the two Chambers of the Central Legislature jointly;

(f) three shall be persons co-opted by the members referred to in clauses (a) to (e).

(2) Of the members of the Shia Majlis-e-Awakaf, Delhi,—

(a) one shall be a person nominated by the Provincial Government;

(b) two shall be persons elected by the members of the Anjuman-e-Shia Safa, Delhi;

(c) one shall be a person elected by the members of the Anjuman-e-I Ashariya, New Delhi;

(d) one shall be a person elected by the members of the Anjuman Husna, Delhi.

(3) The members referred to in clauses (a), (b), (c), (d) and (f) of sub-section (1) shall be persons who are and have been for at least three years resident in the Province of Delhi at the time of nomination, election or co-option.

(4) The member referred to in clause (d) of sub-section (1) may, on the constitution of the Majlis, be nominated by the Provincial Government, and a person so nominated shall hold office only until he can be replaced by a member elected as provided in that clause, and the member so elected shall hold office for so long as the member replaced would have held office had he not been replaced.

(5) Of the members referred to in clause (f) of sub-section (1) one shall be an engineer, one shall be a lawyer of not less than ten years' standing and one shall be an Alim.

8. *Appointment of Sadr and term of office of members.*—(1) The Majlis shall elect as Sadr of the Majlis one of the persons appointed to be members thereof.

(2) The term of office of a member of the Majlis shall, save as otherwise provided in this Act, be five years from the date of the publication of his name in the official Gazette under section 12, and shall include any further period which

Section 92 of Act
1863 (XX of
1920), the
Code of Civil
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9. *Disqualifications of members.*—A person shall not be eligible to be or to remain a member if such person—

(a) in the case of the Sunni Majlis-e-Awakaf, Delhi, is not a Sunni Muslim, and in the case of the Shia Majlis-e-Awakaf, Delhi, is not a Shia Muslim ;

(b) is less than twenty-five years of age ;

(c) is of unsound mind and stands so declared by a competent Court ;

(d) has applied for being adjudged an insolvent or is an undischarged insolvent ;

(e) has been convicted of any offence involving moral turpitude ;

(f) has, on any previous occasion, been removed from office under any provision of this Act, or by order of a competent Court from any position of trust for mismanagement or corruption ; or

(g) except in the case of a person to be elected by the mutawallis of wakfs registered under this Act, is a mutawalli of, or holds any office of profit under, any wakf to which this Act applies.

10. *Filling of casual vacancies.*—If any member is unable by reason of his death, resignation, removal or otherwise to complete his full term of office, the vacancy so caused shall be filled by the nomination, election, or co-option, as the case may be, of another person and the person so appointed shall fill such vacancy for the unexpired portion of the term for which the member in whose place such person is nominated, elected or co-opted would otherwise have continued in office.

11. *Procedure on failure of electorate to appoint member.*—If any of the bodies referred to in clauses (b), (c), (d), (e) or (f) of sub-section (1) or clauses (b), (c) or (d) of sub-section (2) of section 7 fails, within such time as the Provincial Government considers reasonable, to make the appointments referred to in those clauses, or, on the occurrence of any casual vacancy, to fill that vacancy as provided in section 10, the Provincial Government may nominate persons as members of the Majlis to fill such vacancies.

12. *Publication of names of Sadr and members.*—The name of the Sadr and of every member appointed under section 7, 10 or 11 shall be published by the Provincial Government in the official Gazette.

13. *Removal of Sadr and members.*—The Provincial Government may remove from office—

(i) the Sadr or any member, if the Sadr or such member—

(a) is or becomes subject to any of the disqualifications specified in section 9 ;

(b) is convicted of any such offence or is subjected by a criminal court to any such order as implies moral turpitude which, in the opinion of the Provincial Government, unfits him to hold office ;

(c) refuses to act or becomes incapable of acting or acts in a manner which the Provincial Government considers, after hearing any explanation that he may offer, to be prejudicial to the interest of wakfs ;

(ii) any member who, without reasonable cause, fails during a continuous period of twelve months to attend any meeting of the Majlis.

CHAPTER III.

MEETINGS OF THE MAJLIS AND PROCEDURE AT MEETINGS.

14. *Ordinary meetings of the Majlis.*—(1) The Majlis shall have an office at Delhi and shall meet for the transaction of business at least once in every three months and as often as it is necessary to meet for the transaction of business.

(2) Every meeting of the Majlis shall be convened by the Sadr or by the Nazir under the direction of the Sadr and at least fourteen days notice of the meeting shall be given to the members.

(3) If there be no official business to be transacted at any quarterly meeting and if no notice of any business to be transacted at such meeting is received by the Sadr from any member at least ten days before the date appointed for the meeting, the Sadr shall, instead of calling the meeting, notify the fact to each member at least one week before the said date.

15. Special meetings.—A special meeting of the Majlis shall be called by the Sadr on the receipt of a requisition signed in the case of the Sunni Majlis-e-Awkaf, Delhi, by not less than seven, or in the case of the Shia Majlis-e-Awkaf, Delhi, by not less than two members and specifying the business to be transacted at such meeting. If the Sadr fails to issue notices convening a meeting before the expiry of seven days from receipt of the requisition, or fails to convene the meeting before the expiry of twenty-one days from receipt of the requisition, the meeting may be called by the members who signed the requisition.

16. Quorum at meeting.—(1) Five members shall form the quorum for a meeting of the Sunni Majlis-e-Awkaf, Delhi, and three members shall form a quorum for a meeting of the Shia Majlis-e-Awkaf, Delhi.

(2) If, at the time appointed for a meeting or within one hour thereafter, a quorum is not present, the meeting shall stand adjourned. The Sadr shall fix a date for the adjourned meeting and fourteen days notice of such date shall be given to each member.

17. Sadr to preside at meeting.—The Sadr shall preside at every meeting of the Majlis and in his absence the members present shall elect one of their number to preside at the meeting.

18. Decision to be by majority of votes.—(1) Every matter coming before the Majlis shall be decided by a majority of votes of the members present and voting in the meeting.

(2) In the case of an equality of votes, the Sadr shall have a second or casting vote.

19. Minutes of proceedings.—(1) Minutes of proceedings of all meetings of the Majlis shall be entered in a book to be kept for the purpose and shall be signed by the Sadr.

(2) A copy of the minutes of the proceedings of every meeting shall be forthwith forwarded by the Sadr to the Provincial Government or to such authority as the Provincial Government may direct.

20. Appointment of committees and functions of such committees.—(1) The Majlis may appoint committees to assist it in the exercise of the powers or the performance of the duties conferred or imposed upon it by or under this Act, and may determine the functions and procedure of such committees.

(2) Any person who is not a member of the Majlis may be appointed to be a member of any such committee :

Provided that the number of such persons on any such committee shall not exceed one-third of the total number of members of the committee.

CHAPTER IV.

NAZIR-E-AWKAF AND OTHER OFFICERS AND SERVANTS OF THE MAJLIS.

21. Appointment of Nazir.—The Majlis may appoint a person to be Nazir-e-Awkaf :

Provided that the first Nazir, who shall hold office for four years only, but shall be eligible for re-appointment, shall be appointed by the Provincial Government.

22. Qualifications, salary and allowances of Nazir.—(1) No person shall be eligible for appointment as Nazir unless he is in the case of the Sunni Majlis-e-Awkaf a Sunni Muslim, and in the case of the Shia Majlis-e-Awkaf a Shia Muslim.

(2) The salary, allowances and other conditions of service of the Nazir of the Sunni Majlis-e-Awkaf shall be such as may be fixed by the Majlis :

Provided that the salary, allowances and other conditions of service of the first Nazir shall be such as may be fixed by the Provincial Government.

(3) The Nazir of the Shia Majlis-e-Awkaf shall be an unpaid officer.

23. Powers and duties of Nazir and other officers and servants.—The Nazir and other officers and servants of the Majlis shall exercise such powers and perform such duties as may, from time to time, be conferred or imposed on them by the Majlis.

24. Appointment of officers and servants.—(1) The Majlis may, from time to time, determine the number, designations, grades and scales of salary and other conditions of service of its officers and servants.

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(2) The power of appointing and promoting such officers and servants and of reducing them in rank or suspending or dismissing them and of dispensing with their services shall vest in—

(a) the Nazir, when the salary of the officer or servant is thirty rupees or less per mensem ;

(b) the Sadr, when the salary of the officer or servant is fifty or less but more than thirty rupees per mensem ; and

(c) the Majlis when the salary of the officer or servant exceeds fifty rupees :
Provided that the Sadr shall not exercise any of his powers under this sub-section without first consulting the Nazir.

(3) The Nazir may grant leave to any officer or servant except himself.

(4) Any officer or servant considering himself aggrieved by any order passed by the Nazir or the Sadr under sub-section (2) or sub-section (3) may appeal to the Majlis and the Majlis may confirm, modify or set aside such order or pass such other order as it thinks fit.

CHAPTER V.

POWERS AND DUTIES OF THE MAJLIS.

25. *General powers and duties of the Majlis.*—(1) The general superintendence and control of all wakfs in the Province shall be vested in the Majlis. The Majlis shall do all things reasonable and necessary to ensure that wakfs are properly supervised and administered and that the income thereof is duly appropriated to the objects and in accordance with the purpose for which such wakfs were founded or for which they exist.

(2) All the powers and duties of the Committee appointed under the agreement dated the 24th day of November, 1862, made with Government by the managers of the Jama Masjid, Delhi, and of the Committee appointed under the agreement dated the 1st day of May, 1877, made with Government by the trustees of the Fatehpuri Masjid, Delhi, and all the powers and duties of the registered society known as the Anjuman Moiyyed-ul-Islam in respect of the masjids and idgahs under its supervision shall upon its establishment vest in the Majlis, and the said Committees and Anjuman shall cease to exercise those powers and perform those duties.

(3) Without prejudice to the generality of the provisions of sub-section (1), and subject to the other provisions of this Act, the powers and duties of the Majlis shall be—

(a) to prepare and maintain in the prescribed manner a complete record containing full information relating to the origin, nature, extent, income (if any), objects and beneficiaries of the different classes of wakfs in the Province of Delhi ;

(b) to prepare and maintain a register containing true copies of all documents creating any wakf ;

(c) to prepare and settle its budget and to furnish a copy thereof to the Provincial Government or to such authority as the Provincial Government may direct ;

(d) to take measures for the recovery of lost property of any wakf to which this Act applies ;

(e) to cause inspection to be made of the property or the office of any wakf, and, for that purpose, to authorize the Nazir or any of its members, officers or servants to enter such property or office ;

(f) from time to time, to call for information, reports, budgets, returns and other documents from mutawallis ;

(g) to give directions for the proper administration of a wakf in accordance with the law governing such wakf and the wishes of the wakif in so far as such wishes can be ascertained and are not repugnant to such law ;

(h) to direct the deposit of wakf money in the hands of a mutawalli in any bank approved by the Provincial Government ;

(i) to sanction the conversion of any property of a wakf into property of a different nature, if the Majlis is satisfied that such conversion is for the advantage of the wakf ;

(j) subject to the general supervision of the Provincial Government to control and administer the Wakf Fund ;

(k) to keep true and regular accounts of its own receipts and disbursements and submit the same for audit ;

(l) to furnish to the Provincial Government or to such officer as the Provincial Government may appoint in this behalf any statement, report, return or other document and any information which the Provincial Government or, as the case may be, such officer may require to be furnished ;

(m) to institute, whenever it thinks fit, an enquiry relating to the administration of a wakf ;

(n) to direct the mutawalli of a wakf to institute in a court of law, within such time as may be fixed by the Majlis, any suit or proceeding which he is entitled to institute in accordance with the law for the time being in force in respect of the wakf and, on failure of the mutawalli to do so, to institute such suit or proceeding itself ;

(o) to defend, either on behalf of or in addition to the mutawalli, in any suit or proceeding instituted with respect to a wakf or any matter connected therewith, or, in cases where there is no mutawalli or the succession to the office of mutawalli is disputed, to defend any such suit or proceeding itself ; and

(p) to realise in the prescribed manner and subject to the prescribed conditions out of the income of any wakf the costs incurred by the Majlis in any suit or proceeding instituted by it under clause (n) or in defending any suit or proceeding under clause (o) in respect of such wakf.

(4) Save as provided in sub-section (2), where the supervision of a wakf is vested in any committee or association appointed by the wakif or by a competent Court or authority such committee or association shall continue to function under the general superintendence and control of the Majlis unless superseded by the Majlis under sub-section (5).

(5) The Majlis may supersede any committee or association referred to in sub-section (4) which in the opinion of the Majlis is not discharging its functions satisfactorily, and if it does so any decree or order of a Court or authority by which such committee or association was constituted shall cease to have effect, and the order of the Majlis shall be final and shall not be questioned in any Court.

26. Application of wakf funds, etc., where object ceases to exist or becomes impossible of achievement.—(1) When any object of a wakf has ceased to exist or has, in the opinion of the Majlis, become impossible of achievement, the Majlis may, of its own motion or on the application of any Muslim, after issuing notice in the prescribed manner to the mutawalli of such wakf and to such other person as may appear to the Majlis to be interested therein and after making such enquiry as it thinks fit, determine the object (which shall be similar or as nearly similar as practicable to the object which has ceased to exist or become impossible of achievement) to which the funds, property or income of the wakf, or so much of such fund, property or income as was previously expended on or applied to the object which has ceased to exist or become impossible of achievement, shall be applied.

(2) The applicant or the mutawalli of, or any other person interested in, such wakf may, within sixty days of any order passed under sub-section (1), make an application to the District Judge for varying, modifying, or setting aside such order ; but, subject to the decision of the District Judge on any such application, the order of the Majlis shall be final and binding upon the applicant and every person interested in the wakf.

27. Power to contract and mode of execution of contracts.—(1) The Majlis may enter into such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

(2) Every contract made on behalf of the Majlis, the value or amount of which exceeds one hundred rupees, shall be in writing and shall be signed by the Nazir, and shall be countersigned by the Sadr and be sealed with the common seal of the Majlis. Contracts the value or amount of which is one hundred rupees or less shall be in writing and shall be signed by the Nazir.

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(3) If any contract is executed on behalf of the Majlis otherwise than in conformity with the provisions of sub-section (2) it shall be voidable at the option of the Majlis.

28. *Power of Majlis to settle schemes for proper administration of wakfs.*—

(1) The Majlis may, of its own motion or on an application made to it in this behalf by two or more persons interested in any wakf,—

(a) settle a scheme for such wakf, after making such enquiry as it thinks fit and giving notice to the mutawalli of such wakf and to such other person as may appear to the Majlis to be interested therein ;

(b) in like manner and subject to the like conditions, modify any scheme settled under this section or under any other law or substitute another scheme in its stead :

Provided that any scheme so settled, modified or substituted shall be in accordance with the law governing the wakf and shall not be contrary to the wishes of the wakif so far as such wishes can be ascertained.

(2) A scheme settled, modified or substituted instead of another scheme under this section shall, unless otherwise ordered by the District Judge on an application, if any, made under sub-section (3), come into force on a day to be appointed by the Majlis in this behalf and shall be published in the official Gazette.

(3) The mutawalli of, or any other person interested in, such wakf may, within six months from the date of the publication in the official Gazette of the scheme so settled, modified or substituted instead of another scheme, as the case may be, make an application to the District Judge for varying, modifying or setting aside the scheme ; but, subject to the result of such application, the order of the Majlis under sub-sections (1) and (2) shall be final and binding upon the mutawalli of the wakf and upon every other person interested in such wakf.

(4) An order passed by the District Judge on any application made under sub-section (3) shall be final.

29. *Power of Majlis to make certain payments on behalf of wakfs.*—(1) Where a mutawalli refuses to pay or fails to pay any land-revenue, cess, rent, rates or taxes due to the Crown or to a local authority from a wakf, the Majlis may itself defray the charges from the Wakf Fund and may recover from the wakf property the amount so paid, and, if the refusal or failure of the mutawalli was in the opinion of the Majlis wilful, may recover from the mutawalli damages at the rate of twelve and one half per cent. of the amount so paid :

Provided that a mutawalli aggrieved by a decision of the Majlis to recover damages under this sub-section may apply to the District Judge to have the order annulled, and the order of the District Judge shall be final.

(2) The Majlis may pay out of the Wakf Fund land-revenue, cess, rent, rates or taxes due to the Crown or to a local authority from a wakf if the funds of the wakf are insufficient to defray such charges.

(3) The procedure provided in sub-section (4) of section 56 shall apply to the recovery by the Majlis of any sums which the Majlis is empowered by sub-section (1) to recover from a wakf or a mutawalli.

30. *Power of Majlis to borrow money.*—The Majlis may, with the previous sanction of the Provincial Government, borrow money for the purpose of giving effect to the provisions of this Act of such amount and on such conditions as the Provincial Government may determine.

31. *Majlis to keep certain registers.*—(1) The Sunni Majlis-e-Awakaf for Sunni wakfs and the Shia Majlis-e-Awakaf for Shia wakfs shall prepare and maintain in such form as it thinks fit a register of all wakfs in the Province.

(2) Entries in the register may be made by the Majlis of its own motion or on application made by any Muslim after such enquiry as the Majlis thinks fit.

(3) Any Muslim may, on payment of such fee as may be fixed by the Majlis, inspect the register and obtain a copy of any extract thereof.

32. *Exercise by Sadr of powers of Majlis.*—If any necessity arises for immediate action by the Majlis, and a meeting of the Majlis cannot be arranged in time to take such action, the Sadr may exercise any power that could be exercised by the Majlis, but the Sadr shall report in writing any action taken by him under this section to the Majlis at its next meeting together with his reasons for taking such action.

CHAPTER VI.

JUDICIAL PROCEEDINGS.

33. *Powers of Majlis to make applications to the District Judge in certain cases.*—In any of the following cases, namely,—

(a) where any question arises as to whether any property is or is not property belonging to a wakf,

(b) where a charge exists on any property for the performance of any religious, pious or charitable act recognised as such by Muslim Law and there is failure to perform such act,

(c) where any question arises as to whether a wakf is created primarily for Shias or for Sunnis, the Majlis may apply to the District Judge for an order—

(i) determining, in the case referred to in clause (a), whether the property does or does not belong to a wakf, and, if it belongs to a wakf, the wakf to which it belongs ;

(ii) directing, in the case referred to in clause (b), the person in possession of the property to perform such act or in default to pay to the Majlis the amount necessary for the performance by the Majlis, or any person appointed by the Majlis in this behalf, of the act for the performance of which the charge was created ;

(iii) determining, in the case referred to in clause (c), whether the wakf is created primarily for Shias or for Sunnis.

34. *Procedure at hearing of applications for determining whether any property is wakf property.*—(1) When an application is made under clause (a) of section 33, the District Judge shall cause a special notice of the application to be served on the person in possession of the property and a general notice thereof to be published in the prescribed manner calling upon such person and all other persons having any claim to the property to file their respective claims before him within six months from the publication of the said general notice.

(2) If, within the period specified in sub-section (1),—

(a) no claim is filed by any of the persons referred to in the said sub-section, the District Judge shall make an order declaring that such property is wakf property and determining the wakf to which it belongs ;

(b) any claim is filed by any such person, the District Judge shall proceed to determine whether the property is wakf property and, if it is, the wakf to which it belongs.

(3) If the District Judge makes an order under clause (a) of sub-section (2) and determines under clause (b) of the said sub-section that the property belongs to any wakf, he shall make a further order directing the person in possession of the property to deliver possession thereof within a period to be specified in the order to the mutawalli of the wakf concerned.

(4) Notwithstanding anything to the contrary contained in this Act or in the Indian Limitation Act, 1908 (IX of 1908), or in any other law, every proceeding under this section shall, for the purposes of the said Indian Limitation Act, be deemed to be a suit instituted on the date on which the application referred to in sub-section (1) is made to the District Judge.

(5) In disposing of any application under this section to which clause (a) of sub-section (2) applies, the District Judge shall follow as nearly as possible the procedure applicable to the trial of suits.

35. *Application to compel mutawalli to discharge obligations or for appointment of receiver.*—Where the mutawalli of a wakf wilfully fails to discharge any of the duties imposed upon him under the wakf, the Majlis or, with the previous sanction of the Majlis or the Provincial Government, any person interested in the wakf may make an application to the District Judge for an order—

(a) directing the mutawalli to discharge such obligation within a time to be specified in the order ; or

(b) appointing the Nazir as receiver of the funds and property of the wakf if the mutawalli fails to carry out such direction within the time so specified.

36. *Power of District Judge to remove mutawalli and make other orders.*—(1) Where it is alleged that the mutawalli of a wakf—

(i) acts in a manner prejudicial to the interest of the wakf, or

(ii) persistently defaults in the payment of any amount payable under any law for the time being in force in respect of the property or income of the wakf or any other statutory charge on such property or income, or

(iii) persistently defaults in the payment of any sum payable to any beneficiary under the wakf or in discharging any other duty imposed upon him under the wakf, or

(iv) is guilty of breach of trust,

the Majlis or, with the previous sanction of the Majlis or of the Provincial Government, any person interested in a wakf may institute a suit before the District Judge to obtain a decree—

(a) removing the mutawalli ;

(b) appointing a new mutawalli ;

(c) vesting any property in a mutawalli ;

(d) directing accounts and enquiries ; or

(e) granting such further or other relief as the nature of the case may require.

(2) The Majlis or, with the previous sanction of the Majlis or of the Provincial Government, any person interested in the wakf may make an application to the District Judge for an order removing the mutawalli of any wakf, if such mutawalli—

(a) is convicted of any such offence or is subjected by a criminal Court to any such order as implies moral turpitude which in the opinion of the District Judge unfits him to hold office ;

(b) refuses to act or becomes incapable of acting ;

(c) applies for being adjudged or is adjudged an insolvent ;

(d) fails without reasonable cause, the burden of proving which shall be upon him, to comply with any direction given under clause (h) or clause (n) of sub-section (3) of section 25, or with the provisions of sub-section (1) of section 43 or of sub-section (1) of section 44 ; or

(e) persistently and wilfully fails without reasonable cause to comply with the provisions of section 45 or to furnish any statement, annual account, estimate, explanation or other document or information relating to the wakf of which he is the mutawalli which he is required or called upon to furnish under any provision of this Act.

37. Notice of certain suits to be given to the Majlis and addition of Majlis as party thereto.—(1) In every suit or proceeding in respect of any wakf or property belonging to a wakf the Court shall issue a notice of the institution thereof to the Majlis.

(2) The Majlis may apply to the Court in which the suit or proceeding referred to in sub-section (1) is pending, to be added, and shall thereupon be added, as a party thereto, and shall be entitled to conduct such suit or proceeding, if instituted by the mutawalli, or to defend such suit or proceeding, if instituted by any other person against the mutawalli.

(3) If the notice required by sub-section (1) to be issued to the Majlis in respect of any suit or proceeding is not issued, the decree or order passed in such suit or proceeding shall be voidable at the option of the Majlis.

38. Proceedings in case of a wakf property under the Land Acquisition Act, 1894.—(1) In the course of a proceeding under the Land Acquisition Act, 1894 (I of 1894), the Collector, before making an award in respect of a wakf property shall issue a notice to the Majlis and shall stay further proceedings to enable it to plead as a party to the proceeding at any time within three months from the date of the receipt of the notice.

(2) Where the Majlis has reason to believe that any property under acquisition is a wakf property it may at any time before the award is made appear and plead as party to the proceedings.

(3) When the Majlis has appeared under the provisions of sub-section (2) no order shall be passed under section 31, or section 32 of the Land Acquisition Act, 1894 (I of 1894), without giving opportunity to the Majlis to be heard.

(4) Any order passed under section 31 or section 32 of the Land Acquisition Act, 1894 (I of 1894), without giving opportunity to the Majlis to be heard, shall be voidable at the option of the Majlis.

39. *Notice of sales to be given to the Majlis.*—(1) Before any wakf property is notified for sale in execution of a decree, or for the recovery of any revenue, cess, rate or tax due to the Crown or to a local authority, notice shall be given to the Majlis by the Court or Collector or other person under whose order the sale is notified.

(2) If the notice required by sub-section (1) to be issued to the Majlis in respect of any sale is not issued the sale shall be voidable at the option of the Majlis.

40. *Power of Majlis to institute suits on failure of mutawalli to do so.*—Where there is no mutawalli of a wakf or the mutawalli of a wakf refuses or neglects to act in the matter within a reasonable time, the Majlis may in its own name institute a suit or proceeding in Court against a stranger to the wakf or any other person for the recovery of any wakf property wrongfully possessed, alienated or leased, or to have any wakf property discharged of an encumbrance or obligation wrongfully created or to recover any money belonging to a wakf.

41. *Approval of Majlis required to compromise, etc.*—No arrangement, compromise or adjustment in any suit or proceeding in respect of any wakf or property belonging to a wakf shall be recorded under the provisions of Rule 3 of Order XXIII of the Code of Civil Procedure, 1908 (V of 1908), without the approval of the Majlis.

CHAPTER VII

MUTAWALLIS AND THEIR DUTIES.

42. *Mutawalli to carry out orders of the Majlis.*—Every mutawalli shall carry out all directions which may, from time to time, be issued to him by the Majlis under any of the provisions of this Act.

43. *Registration of wakfs.*—(1) (a) Within six months from the date of the publication of the notification establishing the first Majlis the mutawalli of every wakf existing on the said date shall furnish to the Majlis a statement in the prescribed form containing the prescribed particulars in respect of the wakf of which he is the mutawalli.

(b) In the case of a wakf created after the date of the publication of the said notification, such statement shall be furnished to the Majlis by the mutawalli of such wakf within six months from the date on which the wakf is created.

(2) Every such statement shall be verified by the mutawalli in the manner laid down in the Code of Civil Procedure, 1908 (V of 1908), for the verification of pleadings, and shall be accompanied by a true copy of the deed or instrument creating the wakf or, where there is no such deed or instrument, by a statement in the prescribed form setting forth the objects of the wakf and verified in like manner.

44. *Budget of wakfs and submission of such budgets to the Majlis.*—(1) The mutawalli of every wakf shall, before the fifteenth day of January in each year, prepare a budget of the estimated income and expenditure of such wakf for the next succeeding financial year and shall forthwith send a copy thereof to the Majlis.

(2) The Majlis may, within six weeks from the date on which it receives such copy, alter or modify the budget in such manner and to such extent as it thinks fit.

Provided that nothing in this sub-section shall be deemed to authorise the Majlis to alter or modify the budget unless it is inconsistent with the wishes of the wakif, so far as such wishes can be ascertained.

(3) If the Majlis alters or modifies any budget under sub-section (2), it shall forthwith send a copy of the budget as so altered or modified to the mutawalli of the wakf concerned, and the budget as so altered or modified shall be deemed to be the budget of the wakf.

(4) If the Majlis neglects or omits for two weeks after the expiration of the period mentioned in sub-section (2) to send to the mutawalli of the wakf concerned a copy of the budget altered or modified as aforesaid, the Majlis shall be deemed to have approved the budget without any alteration or modification.

(5) If the mutawalli fails to prepare and send a copy of the budget as required by sub-section (1) the Majlis shall prepare a budget for the wakf concerned and such budget shall be deemed to be the budget of that wakf for the year in question.

45. *Duties of mutawallis to give assistance in enquiries, etc.*—The mutawalli of every wakf shall offer every reasonable facility for the inspection of the documents and the property of such wakf and shall render every assistance in enquiries, when called upon to do so by the Majlis, any committee, the Sadr, the Nazir, or any other person or officer appointed by the Majlis to make such enquiries.

46. *Mutawalli or other person to deliver possession of wakf property, etc., in certain cases as ordered by the Majlis.*—(1) When the District Judge makes any order appointing a new mutawalli under clause (b) of sub-section (1) of section 36 or vesting any property in a mutawalli under clause (c) of the said sub-section the Majlis shall order the mutawalli removed from office or any person who may be in possession of any property or document belonging to the wakf concerned or in possession of any property to which the order under the said clause (c) relates to deliver, within such time as may be fixed by the Majlis, such property or document to the new mutawalli or to the mutawalli in whose favour the order under the said clause (c) has been made, and thereupon the mutawalli who has been so removed from office or the other person so ordered shall be bound to deliver such property or document as directed by the Majlis.

(2) If any person ordered under sub-section (1) to deliver any property or document of a wakf fails to do so within the time fixed by the Majlis, the Majlis may make an application to the District Judge for the recovery of such property or document.

CHAPTER VIII.

AUDIT AND RECOVERY OF IRREGULAR EXPENSES.

47. *Appointment of auditor and audit of accounts of the Majlis.*—(1) The accounts of the Majlis shall be audited and examined every year by such auditor, as may from time to time be appointed by the Provincial Government.

(2) For the purposes of any such audit and examination of accounts the auditor may, by a demand in writing, require from the Majlis or any member or servant of the Majlis the production before him of any document and papers which he deems necessary, and may require any person holding or accountable for any such books, deeds, vouchers, documents or papers to appear before him at any such audit and examination, and to answer all questions which may be put to him with respect to the same or to prepare and submit any further statement which such auditor may consider necessary.

48. *Submission of auditor's report to the Majlis and the Provincial Government.*—

(1) Within thirty days after the audit and examination have been completed the auditor shall submit a report to the Majlis upon each account audited and examined, and shall forward copies of his reports to the Provincial Government and to the Majlis.

(2) The report of the auditor shall among other matters specify all items of expenditure which in his opinion are illegal, irregular or improper, all cases of failure to recover money or property due to the Majlis, all instances of loss or wasteful expenditure of money or property due to negligence or misconduct and all instances in which any money or property has been devoted to any purpose not authorised by this Act.

(3) The Majlis shall cause the report and abstracts of each account to be published in at least one English and one Urdu newspaper printed and published in the Province of Delhi.

49. *Majlis to consider auditor's report.*—The Majlis in general meeting shall consider the reports of the auditor and satisfy itself that no expenditure shown therein has been incurred otherwise than in accordance with the provisions of this Act and shall pass such orders as are in its opinion necessary and proper to rectify any illegal, unauthorised or improper expenditure, and may pass such further orders upon the reports as it deems proper.

50. *Payment of expenses.*—(1) The expenses incurred in the audit and examination of the accounts of the Majlis shall be paid out of the Wakf Fund.

(2) If payment of the expenses referred to in sub-section (1) is not made within three months from the date of the submission of a report as described in section 48, the Provincial Government may, on application to it being made within six months

from such date by the auditor, recover the amount due as if it were an arrear of land-revenue.

51. *Audit of accounts of wakfs.*—(1) The accounts of every wakf shall be audited and examined annually by a qualified accountant appointed as auditor by the Majlis.

(2) The auditor may, by written notice, require the production before him of any document or the attendance before him of any person responsible for the preparation of the accounts, to enable the auditor to obtain such information as he may consider necessary for the proper conduct of audit.

(3) After completing the audit, the auditor shall submit a report to the Majlis: Provided that the auditor may submit an interim report at any time he thinks fit.

(4) The report of the auditor shall include a statement of—

(a) any payment which appears to him to be contrary to law;

(b) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of the mutawalli; and

(c) the amount of any sum which ought to have been but is not brought into account by the mutawalli.

(5) After considering such report, the Majlis may—

(a) order that any payment referred to in clause (a) of sub-section (4) shall be allowed or that no further action shall be taken as regards any amount referred to in clause (b) or (c) of the said sub-section, or

(b) serve a notice on the mutawalli concerned requiring him to show cause within one month from the date of the service of such notice why such payment should not be surcharged or such amount should not be charged against him.

(6) After considering such cause as may be shown by the mutawalli and affording him a reasonable opportunity of being heard, the Majlis may surcharge such payment or charge the amount of any loss or deficiency against him and shall in every case, certify the amount due from him.

(7) The cost of the audit of the accounts of a wakf shall be paid from the Wakf Fund.

52. *Certified amount recoverable as arrear of land-revenue.*—(1) Every amount certified under sub-section (6) of section 51 as due from any mutawalli shall, if not paid within sixty days next after the date of the certification thereof, be recoverable in the manner provided in sub-section (4) of section 56.

(2) The Majlis shall pay all certified amounts received or recovered by it to the mutawalli of the wakf concerned.

53. *Appeal against order of surcharge or charge.*—(1) A mutawalli aggrieved by any order of surcharge or charge made against him under sub-section (6) of section 51 may, within thirty days of such order, appeal to the prescribed authority which may, after making such enquiry as it considers proper, pass such order as it thinks fit.

(2) Notwithstanding anything to the contrary contained in sub-section (1) of section 52, pending the disposal of such appeal, all proceedings on the certificate shall be stayed.

54. *Special provisions as to audit in the case of the Shia Majlis and Shia wakfs.*—The provisions of this Chapter shall not apply to the Shia Majlis-e-Awkaf or to Shia wakfs, but the Provincial Government may at any time order the accounts of the Shia Majlis-e-Awkaf to be audited and the expenses incurred in such audit shall be payable in such manner as the Provincial Government may direct; and the Shia Majlis-e-Awkaf shall have the accounts of every Shia wakf examined annually by two persons appointed for the purpose by the Majlis.

CHAPTER IX.

THE WAKF FUND.

55. *Creation of Wakf Fund.*—(1) There shall be formed a fund to be called the Wakf Fund; and there shall be placed to the credit thereof—

(a) all sums received by the Majlis as donations and grants;

(b) all sums received as fee under section 56;

(c) all receipts in respect of fees for inspection and supplying copies of any documents;

(d) all sums received or recovered by the Majlis as costs awarded to the Majlis in any suit or proceeding; and

(e) all sums received or recovered by the Majlis on any other account except certified sums received or recovered by it under section 52.

(2) The Wakf Fund shall be vested in the Majlis and the balance standing to the credit of the Fund shall be kept in such custody as the Provincial Government may, from time to time, direct.

56. Fee payable by wakfs to the Wakf Fund.—(1) For the purpose of defraying the expenses incurred or to be incurred in the administration of this Act, the mutawalli of every wakf other than a wakf referred to in section 3 of the Mussalman Wakf Validating Act, 1913 (VI of 1913), or a wakf the annual income of which is less than five hundred rupees shall in each financial year pay to the Majlis such fee, not exceeding six and a quarter per centum of its net income in the last preceding financial year, as the Majlis may, from time to time, with the previous sanction of the Provincial Government determine.

Explanation.—In this sub-section the expression "net income" means the total income realised by the mutawalli from all sources after deducting any amount payable as revenue, rent, taxes, local or other cesses and collection charges not exceeding three per cent. of the amount collected, but does not include offerings intended explicitly for the mutawalli personally.

(2) (a) The fee referred to in sub-section (1) shall be assessed by the prescribed authority in the prescribed manner.

(b) A mutawalli, aggrieved by an order of assessment made by the prescribed authority under clause (a), may, within one month of the date of the receipt of the said order, appeal to such authority as may be prescribed, and such authority may, by order, set aside or vary such assessment and such order shall be final.

(3) Such fee shall be payable in the prescribed manner in four equal instalments on such dates as may, from time to time, be fixed by the Majlis.

(4) If any instalment of such fee is not paid on or before the date fixed by the Majlis under sub-section (3) for the payment of such instalment, the Majlis may forward to the Collector a statement specifying the amount due, and the Collector on receipt of such statement shall proceed to recover from the person responsible for paying the same the amount specified in the statement as if it were an arrear of land-revenue.

(5) The Majlis may reduce any portion of the fee payable by the mutawalli of any wakf.

57. Objects to which Wakf Fund may be applied.—The Wakf Fund shall be applicable to the following objects, and in the following order:—

(a) to the repayment of debts incurred by the Majlis for the purposes of this Act;

(b) to the payment of the salaries and allowances of the Nazir and of the establishments employed by the Majlis for the purposes of this Act;

(c) to the expenses incurred in the assessment and recovery of the fee mentioned in section 56;

(d) to the payment of the cost of audit of the Wakf Fund and of the cost of audit of the accounts of any wakf made under section 51;

(e) to the expenses of any suit or proceeding to which the Majlis is a party;

(f) to any object which may be declared by the Majlis at a meeting specially convened for the purpose, by a resolution in favour of which not less than two-thirds of the members present at such meeting shall have voted, to be an object to which the Wakf Fund may be applicable in consonance with the Muhammadan Law;

(g) to payments for the maintenance or repair of wakfs whose income is insufficient for the purpose;

(h) to payments of arrears of land-revenue, cess, rent, rates or taxes due to the Crown or a local authority from a wakf, where the mutawalli refuses or fails to pay; and

(i) to the payment of any other expense incurred by the Majlis in carrying out the provisions of this Act.

CHAPTER X.

MISCELLANEOUS.

58. Bar to transfer of immovable property of wakf.—(1) Except as provided in sub-section (2), no transfer made after the commencement of this Act by

a mutawalli of any immovable property of a wakf by way of sale, mortgage, gift or exchange, or by way of lease for a term exceeding three years shall be valid unless made with the previous sanction of the Majlis.

(2) Where any such transfer is made under an express power conferred by the wakf deed the previous sanction of the Majlis shall not be necessary, but a notice of the proposed transfer in such form and containing such particulars as may be prescribed shall be sent by the mutawalli to the Majlis one month before the transfer is made.

59. *Power of mutawalli to apply to Majlis for direction.*—The mutawalli of a wakf may apply by petition to the Majlis for the opinion, advice or direction of the Majlis on any question affecting the management or administration of the property of such wakf and the Majlis shall give its opinion, advice or direction, as the case may be, thereon.

60. *Orders of District Judge to have the force of and be appealable as decrees.*—Every order passed by the District Judge under this Act shall have the force of a decree and shall, unless otherwise provided in this Act, be appealable to the High Court.

61. *Sadr, etc., to be public servants.*—The Sadr, the Nazir and every auditor appointed under section 47 or 51 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

62. *Power to extend time.*—The Majlis may, if it is satisfied that there is sufficient reason for so doing, from time to time extend the time within which any act or thing is required or ordered to be done under any of the provisions of this Act.

63. *Power to grant copies and certify such copies.*—(1) The Majlis may grant copies of its proceedings and records and any other document in its possession on payment of such fees and subject to such condition as may, from time to time, be determined by the Majlis.

(2) Such copies may be certified in the manner provided in section 76 of the Indian Evidence Act, 1872 (I of 1872).

64. *Presumption and savings.*—(1) No act of the Majlis or of a committee shall be deemed to be invalid by reason of the existence of a vacancy in the Majlis or such committee.

(2) Accidental omission to serve notice of a meeting of the Majlis or of a committee on any member of the Majlis or such committee, as the case may be, shall not affect the validity of any such meeting.

(3) No act, order or direction of the Majlis shall be deemed to be invalid by reason of any irregularity in the constitution of the Majlis and no order or decision or direction of the Majlis or of the Sadr shall be reversed or substantially varied, nor shall any proceeding heard by the Majlis or by the Sadr be remanded, by the District Judge before whom, or any Court in which, an application is made, a suit instituted or an appeal preferred to reverse or vary such order, decision or direction, on account of any mis-joinder or non-joinder of parties or causes of action, or any error, defect or irregularity in the proceedings before the Majlis or the Sadr not affecting the merits of the case or the jurisdiction of the Majlis or the Sadr.

65. *Bar of suits.*—Save as otherwise provided in this Act, no suit shall be brought in any Civil Court to set aside or modify any order made under this Act and no suit shall lie against the Majlis, the Sadr or any other member or the Nazir for anything in good faith done or purporting to be done under this Act.

66. *No action to be brought against the Majlis or the Sadr, etc., until after notice of cause of action.*—No suit shall be brought against the Majlis or the Sadr or any other member or the Nazir or any of the officers or servants of the Majlis or any person acting under their direction or under the direction of any of them for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing has been delivered or left at the office of the Majlis and also (if the suit is intended to be brought against the Sadr or any other member or the Nazir or any of the officers or the servants of the Majlis or any person acting under their direction or under the direction of any

of them) at the place of abode of the person against whom such suit is intended to be brought, stating the cause of action and the name and place of abode of the person who intends to bring the suit.

67. *Court-fee leviable under this Act.*—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), or any other Act, in its application to the Province of Delhi, the fee payable on any application filed before the District Judge under this Act shall be such as may be prescribed.

68. *Provisions to have effect notwithstanding any other law.*—The provisions of this Act shall have effect notwithstanding anything contained in any other law or anything having the force of law ; and anything in any such law or anything having the force of law, which is inconsistent with any of the provisions of this Act, shall, to the extent of such inconsistency, be deemed to be of no effect.

69. *Power of the Provincial Government to make rules.*—(1) The Provincial Government may, after previous publication, make rules not inconsistent with this Act, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules with respect to all or any of the following matters :—

(a) the conditions and restrictions subject to which the Majlis may transfer any property under sub-section (2) of section 5 ;

(b) the manner in which members shall be elected under clauses (b), (c), (d) and (e) of sub-section (1) and clauses (b), (c) and (d) of sub-section (2) of section 7 and under section 10 ;

(c) the manner in which the record referred to in clause (a) of sub-section (3) of section 25 shall be prepared and maintained ;

(d) the manner in which and the conditions subject to which the Majlis may realise the costs referred to in clause (p) of sub-section (3) of section 25 ;

(e) the manner in which notices under sub-section (1) of section 26 shall be issued ;

(f) the manner in which general notices under sub-section (1) of section 34 shall be published ;

(g) the form of the statements referred to in sub-sections (1) and (2) of section 43 and the particulars to be contained in the statement referred to in the said sub-section (1) ;

(h) the authority to whom a mutawalli may appeal under sub-section (1) of section 53 ;

(i) the manner in which fees under section 56 shall be assessed and paid, the authority by whom such assessment shall be made and the authority to whom appeal from orders of assessment shall lie ;

(j) the form of and the particulars to be contained in the notice referred to in sub-section (2) of section 58 ; and

(k) the fee payable on any application or other document under section 67.

70. *Power of the Majlis to make bye-laws.*—(1) The Majlis may make bye-laws not inconsistent with this Act or the rules made thereunder for any matter necessary for carrying into effect the objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power the Majlis may make bye-laws with respect to—

(a) the preservation of order and the conduct of proceedings at meetings of the Majlis ;

(b) the functions and procedure of committees ;

(c) the fee to be levied on applications under this Act before it or any of its committees or before the Sadr or the Nazir or any of the officers or servants of the Majlis, and on applications for copies of proceedings or other records of the Majlis and the form of and manner of making such applications ;

(d) the fee to be paid for inspecting the register of wakfs ;

(e) the form of the register of wakfs to be prepared and maintained by the Majlis ;

(f) the books and accounts to be kept in the office of wakfs ;

(g) the accounts, reports and returns to be submitted by trustees of wakfs ;

(h) the manner in which the accounts of wakfs shall be audited and published, the time and place of such audit, the forms and contents of the auditor's reports and the scale of remuneration to be paid to auditors ;

(i) the custody and investment of the fund of any wakf ;

(j) the number, designation, grades, salaries, allowances and other conditions of service, including the powers and duties, of the officers and servants of the Majlis ;

(k) the allocation of duties to the Sadr and members of the Majlis ;

(l) the security, if any, to be furnished by officers and servants of the Majlis ;

(m) the persons by whom receipts may be granted for money received ;

(n) the custody of the common seal ;

(o) the manner in which the decisions of the Majlis may be ascertained otherwise than at meetings ;

(p) the form of and particulars to be contained in the budget referred to in section 44 ; and

(q) the publication of the notices, decisions and orders of the Majlis.

(3) Such bye-laws shall be made after previous publication and shall not take effect until they are approved and confirmed by the Provincial Government.

71. *Provisions to facilitate the bringing into force of this Act.*—(1) Notwithstanding anything contained in section 22 of the General Clauses Act, 1897 (X of 1897), but otherwise without prejudice to the provisions of that section, the Provincial Government may, immediately upon the passing of this Act, make the appointment referred to in the proviso to section 21 of this Act, and such appointment shall take effect immediately.

(2) It shall be the duty of the Nazir when so appointed to carry out or assist in carrying out under the directions and control of the Provincial Government any steps necessary for or preliminary to the bringing into force of the provisions of this Act.

(3) If any difficulty arises in the first constitution of the Majlis or otherwise in bringing this Act into force, the Provincial Government may by order direct any action necessary to overcome such difficulty.

ACT No. XIV OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 7th April, 1943.)

An Act further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932.

WHEREAS it is expedient further to amend the Indian Army Act, 1911 (VIII of 1911), and the Indian Air Force Act, 1932 (XIV of 1932), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Indian Army and Air Force (Military Prisons and Detention Barracks) Act, 1943.

2. *Amendment of section 107, Act VIII of 1911.*—For section 107 of the Indian Army Act, 1911 (VIII of 1911), the following section shall be substituted, namely:—

“107. *Execution of sentence of transportation or imprisonment.*—(1) Whenever any sentence of transportation is passed under this Act or whenever any sentence so passed is commuted to transportation, 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.

(2) Whenever any sentence of imprisonment is passed under this Act or whenever any sentence so passed is commuted to imprisonment, the confirming officer, or in the case of a sentence which does not require confirmation, the Court or in either case such officer as may be prescribed may direct either that the sentence shall be carried out by confinement in a civil prison or by confinement in a military prison, and 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 prison in which the person under sentence is to be confined and shall forward him to such prison with the warrant:

Provided that in the case of a sentence of imprisonment for a period not exceeding three months, in lieu of a direction that the sentence shall be carried out by confinement in a civil or a military prison, a direction may be made that the sentence shall be carried out by confinement in military 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.”

3. *Substitution of new section for section 109, Act VIII of 1911.*—For section 109 of the Indian Army Act, 1911 (VIII of 1911), the following section shall be substituted, namely:—

“109. *Communication of certain orders to prison officers.*—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 or military prison, a warrant in accordance with such order shall be forwarded by the prescribed officer to the officer in charge of the prison in which such person is confined.”

4. *Addition of new section 111B, Act VIII of 1911.*—To Chapter IX of the Indian Army Act, 1911 (VIII of 1911), after section 111A, the following section shall be added, namely:—

“111B. *Establishment and regulation of military prisons.*—(1) The Central Government may set apart any building or part of a building or any place under its control as a military prison for the confinement of persons sentenced to imprisonment under this Act.

(2) The Central Government may make rules providing—

- (a) for the government, management and regulation of such military prisons;
- (b) for the appointment and removal and powers of inspectors, visitors, governors and officers thereof;
- (c) for the labour of prisoners undergoing confinement therein, and for enabling persons to earn, by special industry and good conduct, a remission of a portion of their sentence; and

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(d) for the safe custody of prisoners and the maintenance of discipline among them and the punishment, by personal correction, restraint or otherwise, of offences committed by prisoners:

Provided that such rules shall not authorise corporal punishment to be inflicted for any offence nor render the imprisonment more severe than it is under the law for the time being in force relating to civil prisons in British India.

(3) Rules made under this section may provide for the application to military prisons of any of the provisions of the Prisons Act, 1894 (IX of 1894), relating to the duties of officers of prisons and the punishment of persons not prisoners."

5. *Substitution of new section for section 113, Act XIV of 1932.*—For section 113 of the Indian Air Force Act, 1932 (XIV of 1932), the following section shall be substituted, namely:—

"113. *Execution of sentence of imprisonment.*—Whenever any sentence of imprisonment is passed under this Act, or whenever any sentence so passed is commuted to imprisonment, the confirming officer, or, in the case of a sentence which does not require confirmation, the Court or in either case such officer as may be prescribed may direct either that the sentence shall be carried out by confinement in a civil prison or by confinement in a military or air force prison, and 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 prison in which the person under sentence is to be confined, and shall forward him to such prison with the warrant:

Provided that in the case of a sentence of imprisonment for a period not exceeding three months, in lieu of a direction that the sentence shall be carried out by confinement in a civil, military or air force prison, a direction may be made 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."

6. *Addition of new section 119A, Act XIV of 1932.*—To Chapter IX of the Indian Air Force Act, 1932 (XIV of 1932), after section 119, the following section shall be added, namely:—

"119A. *Establishment and regulation of air force prisons and detention barracks.*—(1) The Central Government may set apart any building or part of a building or any place under its control as an air force prison or detention barracks for the confinement of persons sentenced to imprisonment or detention under this Act.

(2) The Central Government may by rules provide—

(a) for the government, management and regulation of such air force prisons and detention barracks;

(b) for the appointment and removal and powers of inspectors, visitors, governors and officers thereof;

(c) for the labour of prisoners and persons undergoing detention therein and for enabling such prisoners or persons to earn by special industry and good conduct a remission of a portion of their sentence; and

(d) for the safe custody of such prisoners or persons and the maintenance of discipline among them and the punishment by personal correction, restraint or otherwise, of offences committed by them:

Provided that such rules shall not authorise corporal punishment to be inflicted for any offence nor render the imprisonment or detention more severe than it is under the law for the time being in force relating to civil prisons in British India.

(3) Rules made under this section may provide for the application to air force prisons or detention barracks of any of the provisions of the Prisons Act, 1894 (IX of 1894), relating to the duties of officers of prisons and the punishment of persons not prisoners."

ACT No. XV OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 7th April, 1943.)

An Act further to amend the Trade Marks Act, 1940.

WHEREAS it is expedient further to amend the Trade Marks Act, 1940 (V of 1940), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Trade Marks (Amendment) Act, 1943.

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

2. *Amendment of section 4, Act V of 1940.*—In section 4 of the Trade Marks Act, 1940 (hereinafter referred to as the said Act),—

(a) in sub-section (1), for the words "at the Patent Office" the words "at Bombay" shall be substituted, and the words "except those entered in the Bombay Register under Chapter IX" shall be omitted;

(b) in sub-section (2), for the words "the Controller of Patents and Designs" the words "an officer appointed by the Central Government" shall be substituted, and the words "for the purposes of this Act" shall be omitted.

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

"(2A) The Central Government may appoint a Deputy Registrar of Trade Marks to discharge under the superintendence and direction of the Registrar any function which under this Act may be discharged by the Registrar and any reference in this Act to the Registrar shall include a reference to the Deputy Registrar when so discharging any such function."

(d) after sub-section (3) the following sub-section shall be added, namely:—

"(4) There shall be a seal for the Trade Marks Registry."

2A. *Insertion of a new section 4A in Act V of 1940.*—After section 4 of the said Act, the following section shall be inserted, namely:—

"4A. *Branch of Trade Marks Registry.*—(1) There shall be established at Calcutta for the purpose of facilitating the registration of trade marks a branch of the Trade Marks Registry.

(2) There shall be kept at the said branch a copy of the Register and the Refused Textile Marks List, and the said copies shall at all convenient times be open to the inspection of the public in the same manner as the originals thereof."

3. *Amendment of section 16, Act V of 1940.*—In section 16 of the said Act, in sub-section (2), for the words "Patent Office" the words "Trade Marks Registry" shall be substituted.

4. *Amendment of section 53, Act V of 1940.*—In section 53 of the said Act, in sub-section (1), the words "or the Bombay Registrar, as the case may be," shall be omitted.

5. *Amendment of section 56, Act V of 1940.*—In section 56 of the said Act, in sub-section (1), for the words "Patent Office" the words "Trade Marks Registry" shall be substituted.

6. *Omission of sections 63 and 63A from Act V of 1940.*—Sections 63 and 63A of the said Act shall be omitted.

7. *Substitution of new section for section 64, Act V of 1940.*—For section 64 of the said Act the following section shall be substituted, namely:—

"64. *Restrictions on registration of textile goods.*—(1) In respect of textile goods being piece goods—

(a) no mark consisting of a line heading alone shall be registrable as a trade mark;

(b) a line heading shall not be deemed to be adapted to distinguish;

(c) the registration of a trade mark shall not give any exclusive right to the use of a line heading.

(2) In respect of any textile goods, the registration of letters or numerals, or any combination thereof, shall be subject to such conditions and restrictions as may be prescribed."

8. *Substitution of new section for section 65, Act V of 1940.*—For section 65 of the said Act the following section shall be substituted, namely:—

"65. *Refused Textile Marks List.*—Trade marks in respect of textile goods of which registration has been refused shall be entered by the Registrar in a list called the Refused Textile Marks List, and the said list shall at all convenient times be open to the inspection of the public subject to such conditions and restrictions as may be prescribed."

9. *Amendment of section 66, Act V of 1940.*—In section 66 of the said Act, in sub-section (2), the words "and the Bombay Registrar" shall be omitted.

10. *Amendment of section 69, Act V of 1940.*—In section 69 of the said Act, the words "or the Bombay Registrar" shall be omitted, and the following proviso shall be added to the section, namely:—

"Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing any such Arms, device, emblem or title to continue to use such trade mark."

11. *Amendment of section 74, Act V of 1940.*—In section 74 of the said Act,—

(a) in sub-section (2), for the words "Patent Office" the words "Trade Marks Registry" shall be substituted;

(b) sub-section (3) shall be omitted.

12. *Insertion of new section 74A in Act V of 1940.*—After section 74 of the said Act the following section shall be inserted, namely:—

"74A. *Costs of Registrar in proceedings before High Court.*—In all proceedings under this Act before a High Court the costs of the Registrar shall be in the discretion of the High Court, but the Registrar shall not be ordered to pay the costs of any of the parties."

13. *Amendment of section 75, Act V of 1940.*—In section 75 of the said Act, in sub-section (1), for the words "Patent Office" the words "Trade Marks Registry" shall be substituted.

14. *Amendment of section 76, Act V of 1940.*—In section 76 of the said Act, in sub-section (1), the words "or the Bombay Registrar" shall be omitted.

15. *Amendment of section 84, Act V of 1940.*—In section 84 of the said Act, in sub-section (2),—

(a) in clause (e), the words "the Textile Marks Records" shall be omitted and for the word "Lists" the word "List" shall be substituted;

(b) clause (r) shall be omitted.

16. *Addition of new section 86 to Act V of 1940.*—After section 85 of the said Act the following section shall be added, namely:—

"86. *Proceedings at Patent Office and the Bombay Registry to be deemed to have been taken at Trade Marks Registry.*—On the commencement of the Trade Marks (Amendment) Act, 1943, all applications made and all acts done under this Act before that time at the Patent Office or the Bombay Registry shall be deemed to have been made and done at the Trade Marks Registry, Bombay, and shall have effect as if made or done under this Act as amended by the Trade Marks (Amendment) Act, 1943."

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ACT No. XVI OF 1943.

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 7th April, 1943.)

An Act further to amend the Muslim Personal Law (Shariat) Application Act, 1937.

WHEREAS it is expedient further to amend the Muslim Personal Law (Shariat) Application Act, 1937 (XXVI of 1937);

It is hereby enacted as follows—

1. *Short title*—This Act may be called the Muslim Personal Law (Shariat) Application (Amendment) Act, 1943.

Price anna 1 or 1½.

Muslim Personal Law (Shariat) Application (Amendment). . . [ACT XVI OF 1943.]

2. *Amendment of section 3, Act XXVI of 1937.*— In sub-section (1) of section 3 of the Muslim Personal Law (*Shariat*) Application Act, 1937 (XXVI of 1937) (hereinafter referred to as the said Act), for the words "this Act" the words "the provisions of this section" shall be substituted.

3. *Amendment of section 6, Act XXVI of 1937.*— In section 6 of the said Act,—

(a) for the word "Provisions" the words "The undermentioned provisions" shall be substituted;

(b) for the purpose of reviving the operation of section 37 of the Bengal, Agra and Assam Civil Courts Act, 1887, entry (3) relating to that Act shall be omitted.

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GIPD—51—59 LD—23 6 43—4,000.

ACT No. XVII of 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 13th August, 1943.)

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

WHEREAS it is expedient further to amend the Indian Boilers Act, 1923 (V of 1923), so as to extend to feed pipes the provisions thereof relating to steam pipes:

It is hereby enacted as follows:

1. *Short title.*—This Act may be called the Indian Boilers (Amendment) Act, 1943.

2. *Amendment of section 2 of Act V of 1923.*—In section 2 of the Indian Boilers Act, 1923 (V of 1923) (hereinafter referred to as the said Act), after clause (c), the following clause shall be inserted, namely:—

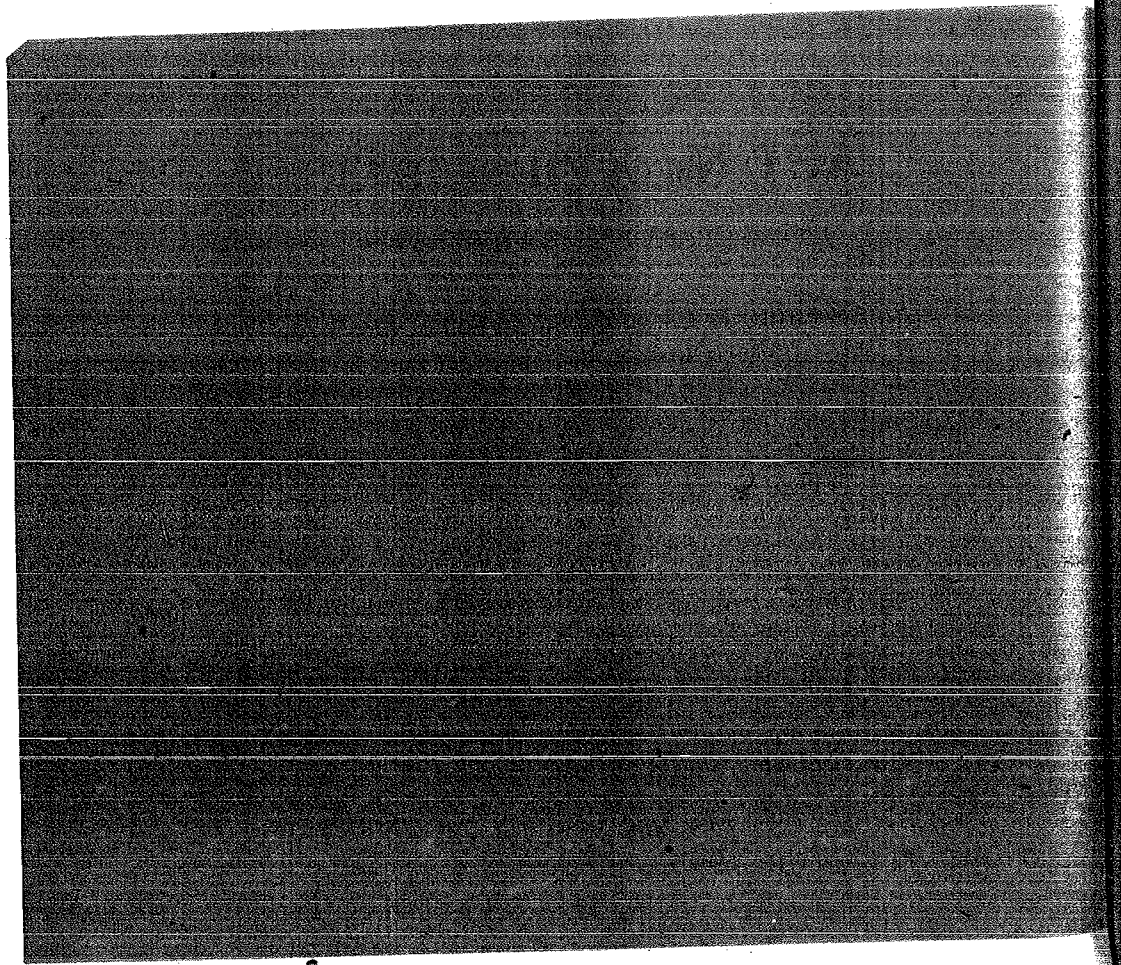
(2d) "feed pipe" means any pipe or connected fitting wholly or partly under pressure through which feed-water passes directly to a boiler."

3. *Insertion of new section 2A in Act V of 1923.*—After section 2 of the said Act, the following section shall be inserted, namely:—

2A. *Application of Act to feed pipes.*—Every reference in this Act [except when the word "steam pipe" is used in clause (f) of section 2], to a steam pipe or steam pipes shall be deemed to include also a reference to a feed pipe or feed pipes, respectively.

Price anna 1 or 44

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ACT No. XVIII OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor-General on the 13th August, 1943.)

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

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

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Mines Maternity Benefit (Amendment) Act, 1943.

2. *Amendment of section 5, Act XIX of 1941.*—In section 5 of the Mines Maternity Benefit Act, 1941 (XIX of 1941)—

(a) the words "on which she is absent from work owing to her confinement" shall be omitted;

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

"Provided that no such payment shall be made for any day on which she attends work and receives payment therefor during the four weeks preceding her delivery."

Price anna 1 or 1½d.

GIPD—SI—840 LD—10-9-43—4,200.

ACT No. XIX OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 13th August, 1943.)

An Act to amend the Motor Vehicles (Drivers) Ordinance, 1942.

WHEREAS it is expedient to amend the Motor Vehicles (Drivers) Ordinance, 1942 (V of 1942), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. *Short title*.—This Act may be called the Motor Vehicles (Drivers) Amendment Act, 1943.

2. *Insertion of a new section 6A in Ordinance V of 1942*.—After section 6 of the Motor Vehicles (Drivers) Ordinance, 1942 (V of 1942) (hereinafter referred to as the said Ordinance), the following section shall be inserted, namely:—

6A. (1) It shall be the duty of any employer by whom a person, who has been required by an order under sub-section (1) of section 4 to perform any service, was employed to reinstate him in his former employment on the termination of that service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been required to perform that service.

Provided that if the employer refuses to reinstate such person, or denies his liability to reinstate such person or if for any reason the reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the authority authorised in this behalf by the Provincial Government and such authority shall, after due consideration, pass an order either exempting the employer from the provisions of this sub-section or requiring him to re-employ such person on such terms as it thinks suitable or to pay to such person a sum in compensation for failure to re-employ him not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

Price anna 1 or 1½

Motor Vehicles (Drivers) Amendment. [ACT XIX OF 1943.]

(2) If any employer fails to obey an order passed under the proviso to sub-section (1) by the authority authorised under that proviso, he shall be punishable with fine which may extend to one thousand rupees, and the Court by which he is convicted may, in addition to any other penalty, order him (if he is not already so required by the said authority) to pay the person whom he has failed to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer; and any amount so required by the said authority to be paid or so ordered by the Court to be paid, shall be recoverable as if it were a fine imposed by such Court.

Provided that in any proceedings under this sub-section it shall be a defence for an employer to prove that the person formerly employed by him had not been in his continuous employment for six months or did not apply to him for reinstatement within a period of two months from the termination of the service which such person was required to perform by an order under sub-section (1) of section 4.

(3) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who before such person is actually required to present himself for service or to perform service under this Ordinance terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section; and such intention shall be presumed until the contrary is proved if the termination of the employment takes place after the delivery of an order under sub-section (1) of section 4 to such person.

3. *Amendment of section 8, Ordinance 2 of 1942.*—In sub-section (2) of section 8 of the said Ordinance, after clause (c) the following clause shall be added, namely—

(d) the manner of making references under the proviso to sub-section (1) of section 6A.

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ACT No. XX OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 13th August, 1943.)

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

WHEREAS it is expedient further to amend the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), for the purposes hereinafter appearing:

It is hereby enacted as follows:

1. *Short title.*—This Act may be called the Agricultural Produce (Grading and Marking) Amendment Act, 1943.

2. *Amendment of section 3, Act 1 of 1937.*—In clause (f) of section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), after the words "marked with a grade designation mark", the following shall be inserted, namely:—

"or with measures for the control of the quality of articles marked with grade designation marks including testing of samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles".

Price anna 1 or 1½d.

GIPD—1S—842 LD—10-9-43—4,400.

ACT No. XXI OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 13th August, 1943.)

An Act further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932.

WHEREAS it is expedient further to amend the Indian Army Act, 1911 (VIII of 1911), and the Indian Air Force Act, 1932 (XIV of 1932), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Indian Army and Indian Air Force (Amendment) Act, 1943.

2. *Amendment of section 50, Act VIII of 1911.*—To clause (b) of sub-section (1) of section 50 of the Indian Army Act, 1911 (VIII of 1911), the following words and figure shall be added, namely:—

“or by an officer exercising authority under section 20”.

3. *Amendment of section 86, Act VIII of 1911.*—In sub-section (2) of section 86 of the Indian Army Act, 1911 (VIII of 1911), the words “of desertion or” shall be omitted.

4. *Substitution of new section for section 103, Act VIII of 1911.*—For section 103 of the Indian Army Act, 1911 (VIII of 1911), the following section shall be substituted, namely:—

“103. *Substitution of a valid finding or sentence for an invalid finding or sentence.*—(1) Where a finding of guilty by a court-martial, which has been confirmed, or which does not require confirmation, is found for any reason to be invalid or cannot be supported by the evidence, the authority which would have had power under section 112, to commute the punishment awarded by the sentence, if the finding had been valid, may substitute a new finding, if the new finding could have been validly made by the court-martial on the charge and if it appears that the court-martial must have been satisfied of the facts establishing the offence specified or involved in the new finding, and may pass a sentence for the said offence.

(2) Where a sentence passed by a court-martial which has been confirmed, or which does not require confirmation, not being a sentence passed in pursuance of a new finding substituted under sub-section (1), is found for any reason to be invalid, the authority which would have had power under section 112 to commute the punishment awarded by the sentence if it had been valid may pass a valid sentence.

(3) The punishment awarded by a sentence passed under sub-section (1) or sub-section (2) shall not be higher in the scale of punishments than, or in excess of the punishment awarded by, the sentence for which a new sentence is substituted under this section.”

5. *Amendment of section 116, Act VIII of 1911.*—In section 116 of the Indian Army Act, 1911 (VIII of 1911),—

(a) for the word and figure “section 114” the words and figures “sections 114 and 115” shall be substituted;

(b) in the proviso, for the words “of the said section”, the words and figure “of section 114” shall be substituted.

6. *Amendment of section 26, Act XIV of 1932.*—To clause (b) of sub-section (1) of section 26 of the Indian Air Force Act, 1932 (XIV of 1932), the following words and figure shall be added, namely:—

“or by an officer exercising authority under section 25;”.

7. *Amendment of section 91, Act XIV of 1932.*—In sub-section (2) of 91 of the Indian Air Force Act, 1932 (XIV of 1932), the words "of desert shall be omitted.

8. *Substitution of new section for section 108, Act XIV of 1932.*—For 108 of the Indian Air Force Act, 1932 (XIV of 1932), the following section be substituted, namely:—

"108. *Substitution of a valid finding or sentence for an invalid finding or sentence.*—(1) Where a finding of guilty by a court-martial, which has been confirmed, or which does not require confirmation, is found for any reason to be invalid or cannot be supported by the evidence, the authority which would have had power under section 110, to commute the punishment awarded by the sentence, if the finding had been valid, may substitute a new finding, and if it appears that the court-martial must have been satisfied of the guilt of the offender on the new finding, and may substitute a new sentence, if the new finding could have been validly made by the court-martial on the facts established by the evidence, and if it appears that the court-martial must have been satisfied of the guilt of the offender on the new finding, and may substitute a new sentence for the said offence.

(2) Where a sentence passed by a court-martial, which has been confirmed, or which does not require confirmation, not being a sentence passed in pursuance of a new finding substituted under sub-section (1), 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 substitute a new sentence.

(3) The punishment awarded by a sentence passed under sub-section (2) shall not be higher in the scale of punishments than, or in excess of, the punishment awarded by the sentence for which a new sentence is substituted under this section."

9. *Substitution of new section for section 116, Act XIV of 1932.*—For 116 of the Indian Air Force Act, 1932 (XIV of 1932), the following section be substituted, namely:—

"116. *Communication of certain orders to prison officers.*—Whenever an order is duly made under this Act setting aside or varying any sentence, or a warrant under which any person is confined in a civil, military or air force prison, a warrant in accordance with such order shall be forwarded by the prison officer to the officer-in-charge of the prison in which such person is confined."

10. *Amendment of section 128, Act XIV of 1932.*—In section 128 of the Indian Air Force Act, 1932 (XIV of 1932),—

(a) for the word and figure "section 126" the words and figures "sections 126 and 127" shall be substituted;

(b) in the proviso, for the words "of the said section", the words and figures "of section 126" shall be substituted.

ACT No. XXII OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 13th August, 1943.)

An Act to amend the Reciprocity Act, 1943.

WHEREAS it is expedient to amend the Reciprocity Act, 1943 (IX of 1943), for the purposes hereinafter appearing:

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Reciprocity (Amendment) Act, 1943.

2. *Amendment of section 1, Act IX of 1943.*—For sub-section (3) of section 1 of the Reciprocity Act, 1943 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely:—

(3) It shall come into force on the 1st day of September, 1943.”

3. *Amendment of section 2, Act IX of 1943.*—In section 2 of the Reciprocity Act, 1943, for clause (a) the following clause shall be substituted, namely:—

(a) ‘British possession’ means any part of His Majesty’s dominions exclusive of British India, and includes a protectorate or other territory administered by a British possession as a mandatory on behalf of the League of Nations; and where parts of those dominions are under both a central and a local legislature, the expression shall mean either each part under a local legislature or all parts under the central legislature.

4. *Substitution of new section for section 3, Act IX of 1943.*—For section 3 of the said Act, the following section shall be substituted, namely:—

3. *Power of Central Government to impose reciprocal disabilities on persons domiciled in British possessions.*—Where by the law or practice of any British possession persons of Indian origin are subject in that British possession to disabilities in respect of entry into, or travel, residence, the acquisition, holding, or disposal of property, the enjoyment of educational facilities, the holding of public office, the carrying on of any occupation, trade, business or profession, or the exercise of the franchise in, that British possession, to which in respect of the like matters in British India persons domiciled in that British possession are not subject in British India, the Central Government may, by notification in the official Gazette, direct that the same disabilities or disabilities as similar thereto as may be shall, notwithstanding anything contained in any other law for the time being in force, be imposed in British India on persons not being of Indian origin who are domiciled in that British possession.

5. *Substitution of new section for section 5, Act IX of 1943.*—For section 5 of the said Act, the following section shall be substituted, namely:—

“5. *Direction imposing disabilities in respect of entry, travel and residence not to apply to armed forces.*—Any direction made by the Central Government under section 3 imposing disabilities in respect of entry into or travel or residence in British India upon persons domiciled in a British possession shall not, until the expiry of six months after the termination of the present hostilities, apply to any person domiciled in that British possession who is a member of its armed forces.”

6. *Substitution of new section for section 6, Act IX of 1943.*—For section 6 of the said Act, the following section shall be substituted, namely:—

“6. *Power to make rules.*—(1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules made under this section may provide—

(a) for the setting up of machinery to ascertain the disabilities in respect of any of the matters specified in section 3 to which persons of Indian origin are subject in any British possession;

(b) for the establishment of a suitable agency to administer the rules and for defining its functions and powers;

(c) for specifying the disabilities that shall, when a direction has been made under section 3, be imposed in British India on persons not being of Indian origin who are domiciled in any British possession and for the imposition on them of the disabilities so specified;

(d) for the enforcement, by the prescription of a penalty by way of imprisonment or fine or both, of any rule made under clause (c);

(e) for authorising the arrest of any person contravening or reasonably suspected of contravening any rule made under clause (c), and for prescribing the duties of public servants and others in regard to such arrests.

7. *Addition of new section 7 to Act IX of 1943.*—After section 6 of the said Act, as substituted by the foregoing section, the following section shall be added, namely:—

“7. *Repeal of Act III of 1924.*—The Immigration into India Act, 1924 (III of 1924), is hereby repealed.”

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ACT No. XXIII of 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 2nd September, 1943.)

An Act to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability.

WHEREAS it is expedient to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability;

It is hereby enacted as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the War Injuries (Compensation Insurance) Act, 1943.

(2) It extends to the whole of British India, and applies also to British subjects in any part of India.

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

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

(a) “adult” and “minor” have the meanings assigned to those expressions in the Workmen’s Compensation Act, 1923 (VIII of 1923);

(b) “employer” includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means the latter person while the workman is working for that other person;

(c) “the Fund” means the War Injuries Compensation Insurance Fund constituted under section 11;

(d) “gainfully occupied person” and “war injury” have the meanings assigned to those expressions in the War Injuries Ordinance, 1941 (VII of 1941);

(e) “partial disablement” means, where the disablement is of a temporary nature such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time the injury was sustained, and where the disablement is of a permanent nature, such disablement as reduces his earning capacity in any employment which he was capable of undertaking at that time:

Provided that every injury specified in items 2 to 9 of the Schedule shall be deemed to result in permanent partial disablement;

(f) “prescribed” means prescribed by rules made under section 20;

(g) “total disablement” means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time the injury was sustained:

Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from an injury specified in item 1 of the Schedule or from any combination of injuries specified in items 2 to 9 of the Schedule where the aggregate percentage of disability as specified in that Schedule against those injuries amounts to one hundred per cent.;

(h) the “Scheme” means the War Injuries Compensation Insurance Scheme referred to in sub-section (1) of section 7;

(i) “wages” means wages as defined in the Workmen’s Compensation Act, 1923 (VIII of 1923), and “monthly wages” has the meaning assigned to that expression by section 5 of the Workmen’s Compensation Act, 1923 (VIII of 1923), and shall be calculated for the purposes of this Act in the manner laid down in that section;

Price anna 1 or 1½

(j) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employers' trade or business) who is employed in any of the employments specified in section 6.

3. *Compensation payable under the Act by whom and how payable.*—(1) There shall, subject to such conditions as may be specified in the Scheme, be payable by an employer, in respect of a war injury sustained by a gainfully occupied person who is a workman to whom this Act applies, compensation, in addition to any relief provided under the War Injuries Ordinance, 1941 (VII of 1941), of the amount and kind provided by section 5:

Provided that where an employer has taken out a policy of insurance as required by sub-section (1) of section 9 and has made all payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, or where by the provisions of sub-section (2) of section 12 the employer is not required to insure, the Central Government shall assume and discharge on behalf of the employer the employer's liability to pay compensation under this sub-section.

(2) The compensation payable under this Act shall be payable in accordance with the provisions made in this behalf contained in the Scheme.

(3) This section shall be binding on the Crown.

4. *Limitation on right to receive compensation otherwise than under this Act and Ordinance VII of 1941.*—Where any person has a right apart from the provisions of this Act and of the War Injuries Ordinance, 1941 (VII of 1941), to receive compensation (whether in the form of gratuity, pension, commutation payment or otherwise) or damages from an employer in respect of a war injury in respect of which compensation is payable under this Act, the right shall extend only to so much of such compensation or damages as exceeds the amount of compensation payable under this Act.

5. *Amount of compensation.*—(1) The compensation payable under this Act shall be as follows, namely:—

(a) where death results from the injury—

(i) in the case of an adult—the amount payable in a like case under the Workmen's Compensation Act, 1923 (VIII of 1923), reduced by seven hundred and twenty rupees, and

(ii) in the case of a minor—two hundred rupees;

(b) where permanent total disablement results from the injury—

(i) in the case of an adult—the amount payable in a like case under the Workmen's Compensation Act, 1923 (VIII of 1923), reduced by one thousand and eight rupees, and

(ii) in the case of a minor—the monthly payment payable in a like case to an adult under the Scheme made under the War Injuries Ordinance, 1941 (VII of 1941), for so long as he remains a minor, and thereafter as in the foregoing sub-clause;

(c) where permanent partial disablement results from the injury—

(i) in the case of an injury specified in the Schedule—such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of disablement;

(ii) in the case of an injury not specified in the Schedule—the percentage of such compensation specified in the Schedule for a disablement held by a competent medical authority acting under the Scheme made under the War Injuries Ordinance, 1941 (VII of 1941), to be of corresponding degree;

(iii) where more injuries than one are sustained—the aggregate of the compensation payable in respect of those injuries, so however as not to exceed in any case the compensation which would have been payable if permanent total disability had resulted from the injuries;

(d) where temporary disablement, whether total or partial, results from the injury—

(i) in the case of an adult—the half-monthly payments payable in a like case under the Workmen's Compensation Act, 1923 (VIII of 1923), reduced in each case for so long as he receives any payment under the Scheme made under the War Injuries Ordinance, 1941 (VII of 1941), by seven rupees, and

(ii) in the case of a minor—the half-monthly payments payable in a like case under the Workmen's Compensation Act, 1923 (VIII of 1923), for so long as he remains a minor, and thereafter as in the foregoing sub-clause.

(2) Where the monthly wages of a workman are more than three hundred rupees, the compensation payable under this Act shall be the amount payable under the provisions of sub-section (1) in the case of a workman whose monthly wages are more than two hundred rupees.

6. *Workmen to whom the Act applies.*—The workmen to whom this Act applies are—

(a) workmen employed in any employment or class of employment to which the Essential Services (Maintenance) Ordinance, 1941 (XI of 1941), has been declared under section 3 of that Ordinance to apply, whether such declaration is or is not subsequently revoked;

(b) workmen employed in any factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934);

(c) workmen employed in any mine within the meaning of the Indian Mines Act, 1923 (IV of 1923);

(d) workmen employed in any major port;

(e) workmen employed on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been employed as workmen;

(f) workmen employed in any employment specified in this behalf by the Central Government by notification in the official Gazette.

7. *War Injuries Compensation Insurance Scheme.*—(1) The Central Government shall, by notification in the official Gazette, put into operation a scheme to be called the War Injuries Compensation Insurance Scheme whereby provision is made for all matters necessary to give effect to the purposes of this Act and whereby the Central Government undertakes, in relation to employers of workmen to whom this Act applies, the liabilities of insuring such employers against liabilities incurred by them to workmen under this Act and the Scheme.

(2) The Scheme shall secure that any liability of the Central Government as insurer under the Scheme is determined by a policy of insurance issued in the prescribed form by a person acting on behalf of the Central Government.

(3) The Scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(4) The Scheme may be amended at any time by the Central Government.

(5) Without prejudice to the generality of the provisions of sub-section (1), the Scheme may—

(a) make provisions regulating the payment of the compensation payable under this Act and the Scheme, including provision for punishment by fine not exceeding one thousand rupees for the contravention of any requirement of the Scheme;

(b) make provisions specifying the persons to whom and the proportions and manner in which payments under this Act shall be made;

(c) specify conditions or circumstances which will disentitle a workman to the compensation payable under this Act, and make it an express or implied condition of any policy of insurance issued under the Scheme that the payment of compensation in defiance of such specification is not covered by the policy;

(d) specify the conditions or circumstances under which the compensation payable to a workman may be withheld, cancelled, reduced or reviewed if the award made under the Scheme made under the War Injuries Ordinance, 1941 (VII of 1941), is withheld, cancelled, reduced or reviewed;

(e) provide for cases in which an employer has of his own accord undertaken a part or the whole of the liability imposed by this Act;

(f) provide for the final assessment of the total premium due on a policy of insurance under the Scheme as a percentage of the total wages bill of an employer for a period of not less than twelve or more than fifteen months immediately preceding the termination of the present hostilities, and for the assessment of the total premium due on a policy which has ceased to be in force before the termination of the present hostilities owing to the employer having gone out of business;

(g) provide for the recovery from an employer of the total premium due on a policy of insurance including provision for its recovery by periodic advance payments of an amount based on a percentage of his total wages bill for any prescribed period, the separate funding of the payments so made by each employer, and the eventual adjustment of the total premium as finally assessed against the total of such periodic payments:

Provided that the first of such periodic payments shall be an amount representing not more than four annas per hundred rupees of the wages bill for the period by reference to which the amount of the payment is fixed:

Provided further that such periodic payments shall not be more frequent than once in each quarter of a year:

Provided further that the rate of any periodic payment after the first shall not be higher than the rate estimated to raise the amount in the Fund after repayment of the advances, if any, paid into the Fund by the Central Government under sub-section (2) of section 11, to a sum of rupees fifteen lakhs.

8. *Employment of agents by the Central Government.*—The Central Government may employ or authorise the employment of any person or firm to act as its agents for any of the purposes of this Act, and may pay to persons or firms so employed such remuneration as the Central Government thinks fit.

9. *Compulsory insurance.*—(1) Every employer of workmen to whom this Act applies or is subsequently made applicable shall, before such date as may be prescribed, or before the expiry of such period as may be prescribed after having first become such an employer, take out a policy of insurance issued in accordance with the Scheme, whereby he is insured until the termination of the present hostilities or until the date, if any, prior to the termination of the present hostilities at which he ceases to be an employer to whom this section applies, against all liabilities imposed on him by this Act.

(2) Whoever contravenes the provisions of sub-section (1) or, having taken out a policy of insurance as required by that sub-section, fails to make payment by way of premium thereon which is subsequently due from him in accordance with the provisions of the Scheme shall be punishable with fine which may extend to one thousand rupees and shall also be punishable with a further fine which may extend to five hundred rupees for every day after having been so convicted on which the contravention or failure continues.

(3) This section shall not bind the Crown nor, unless the Central Government by notification in the Official Gazette otherwise orders, any Federal Railway.

10. *Prohibition of certain insurance business.*—(1) After the date on which the Scheme is put into operation no person shall, except as a person authorised by the Central Government as its agent to issue policies in pursuance of the Scheme, carry on the business of insuring employers in British India against the liabilities for insurance against which the Scheme provides.

(2) Nothing in sub-section (1) applies to any policy of insurance entered into before the date on which the Scheme is put into operation and current after that date or to any policy of insurance covering liabilities undertaken in excess of the liabilities imposed by this Act.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention continues.

11. *War Injuries Compensation Insurance Fund.*—(1) The Central Government shall establish a fund for the purposes of this Act to be called the War Injuries Compensation Insurance Fund into which shall be paid all sums received by the Central Government by way of insurance premiums under the Scheme or by way of payments made on composition of offences under section 17 or by way of expenses or compensation awarded by a Court under section 545 of the Code of Criminal Procedure, 1898 (V of 1898), out of any fine imposed under this Act, or by way of penalties imposed under the Scheme, and out of which shall be paid all sums required for the discharge by the Central Government of any of its liabilities under this Act or the Scheme, or for the payment by the Central Government of the remuneration and expenses of agents employed for the purposes of the Scheme, or for the payment by the Central Government of the costs of administering the Scheme:

Provided that no payment from the Fund shall be made in discharge of any liability of the Crown to pay compensation to workmen employed by it.

(2) If at any time the sum standing to the credit of the Fund is less than the sum for the time being necessary for the adequate discharge of the purposes of the Fund, the Central Government shall pay into the Fund as an advance out of general revenues such amount as the Central Government considers necessary.

(3) If when all payments which have to be made out of the Fund have been defrayed, any balance remains in the Fund, the balance shall be constituted into a Fund to be utilised and administered by the Central Government for the benefit of workmen.

(4) The Central Government shall prepare in such form and manner as may be prescribed and shall publish every six months an account of all sums received into and paid out of the Fund.

12. *Principals and contractors.*—(1) Where a person (in this section referred to as the principal) uses, in the course of or for the purposes of his trade or business, the services of workmen temporarily lent or let on hire to him by arrangement with another person with whom the workmen have entered into contracts of service or apprenticeship, or in the course of or for the purposes of his trade or business, contracts with any other person for the execution by or under such other person of the whole or any part of any work which is ordinarily part of the trade or business of the principal (either such other person being in this section referred to as the contractor) the principal shall obtain from the contractor the name of the agent of the Central Government acting under section 8 with whom he intends to insure, and shall report to that agent the existence of his arrangement or contract with the contractor.

(2) Notwithstanding anything elsewhere contained in this Act, in any such case as is referred to in sub-section (1), it shall not be necessary for the contractor to insure against the liabilities imposed on him by this Act in respect of workmen employed by him whose services are lent or let on hire on such an arrangement or used in the execution of work on such a contract as is referred to in sub-section (1), where the arrangement or contract is for a term of less than one month.

(3) The Scheme may make provision for the supply by a contractor to a principal of any information necessary to enable the purposes of this section to be carried out including provision for punishment by fine not exceeding one thousand rupees for the contravention of any requirement of the Scheme.

13. Power of Central Government to obtain information.—(1) Any person authorised in this behalf by the Central Government may, for the purpose of ascertaining whether the requirements of this Act and of the Scheme have been complied with, require any employer to submit to him such accounts, books or other documents or to furnish to him such information or to give such certificates as he may reasonably think necessary.

(2) Whoever wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with any request made thereunder shall, in respect of each occasion on which any such obstruction or failure takes place, be punishable with fine which may extend to one thousand rupees.

(3) Whoever in purporting to comply with his obligations under this section knowingly or recklessly makes a statement false in a material particular shall be punishable with fine which may extend to one thousand rupees.

14. Recovery of premium unpaid.—(1) Without prejudice to the provision of sub-section (2) of section 9, where any person has failed to insure as or to the full amount required by this Act and the Scheme and has thereby evaded the payment by way of premium of any money which he would have had to pay in accordance with the provisions of the Scheme but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded; and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any sum payable in accordance with the provisions of the Scheme by way of premium on a policy of insurance issued under the Scheme and the amount determined as payable under sub-section (1) shall be recoverable from the person liable to pay the same as an arrear of land-revenue.

(3) Any person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final.

15. Payment of compensation where employer has failed to insure.—Where an employer has failed to take out a policy of insurance as required by section (1) of section 9, or having taken out a policy of insurance as required by that sub-section has failed to make the payments by way of premium which are subsequently due from him in accordance with the provisions of the Scheme, payment of any compensation for the payment of which he is liable under this Act may be made out of the Fund, and the sum so paid together with a penalty of such amount not exceeding the sum so paid as may be determined by an officer authorised in this behalf by the Central Government shall be recoverable from the employer as an arrear of land revenue for payment out of the Fund.

16. Limitation of prosecutions.—No prosecution for any offence punishable under this Act shall be instituted against any person except by or with the consent of the Central Government or an authority authorised in this behalf by the Central Government.

17. Composition of offences.—Any offence punishable under sub-section (2) of section 9 may, either before or after the institution of the prosecution, be compounded by the Central Government or by any authority authorised in this behalf by the Central Government on payment for credit to the Fund of such sum as the Central Government or such authority, as the case may be, may think fit.

OF 1943.]

War Injuries (Compensation Insurance)

18. *Bar of legal proceedings.*—(1) 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.

(2) No suit shall be maintainable in any civil Court against the Central Government or a person acting as its agent under section 8 for the refund of any money paid or purporting to have been paid by way of premium on a policy of insurance taken out or purporting to have been taken out under this Act.

19. *Power to exempt employers.*—The Central Government shall exempt any employer from the provisions of this Act on the employer's request, if satisfied that he has before the commencement of this Act entered into a contract with insurers substantially covering the liabilities imposed on him by this Act, for so long as that contract continues.

20. *Power to make rules.*—(1) The Central Government may, by notification in the official Gazette, make rules to carry into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may prescribe—

(a) the principles to be followed in ascertaining the total wages bill of an employer, including provision for the exclusion therefrom of certain categories of wages or of certain elements included in the definition of wages;

(b) the form of the policies of insurance referred to in sub-section (2) of section 7;

(c) the period referred to in clause (g) of sub-section (5) of section 7;

(d) the associations referred to in the proviso to section 8;

(e) the date and the period referred to in sub-section (1) of section 9;

(f) the form of and the manner of preparing and publishing the account referred to in sub-section (4) of section 11;

(g) the periods referred to in sub-section (3) of section 14.

21. *Application of the Scheme to Indian States.*—(1) If the Central Government is satisfied that by the law of an Indian State provision has been made substantially corresponding to the provision made by this Act imposing liabilities upon employers and requiring them to take out policies of insurance covering such liabilities, the Central Government may, by notification in the official Gazette, declare that this section shall apply to that State.

(2) On the application of this section to any State the Scheme made under this Act shall extend to the undertaking by the Central Government in respect of employers in that State of the same liabilities in the same manner, to the same extent and subject to the same conditions as if such employers were in British India.

(3) On the application of this section to any State the provisions of section 10 shall be deemed to prohibit any person except a person authorised by the Central Government as its agent to issue policies in pursuance of the Scheme from carrying on after the date of the notification by which this section is applied the business of insuring employers in that State against liabilities insurance against which is provided under the Scheme.

War Injuries (Compensation Insurance) [ACT XXIII OF 1943.]

THE SCHEDULE

[See sections 2 and 5 (1).]

Item No.	Injury.	Percentage of disability.
1	Loss of two or more limbs. Lunacy. Jacksonian epilepsy. Very severe facial disfigurement.	100
2	Loss of right arm above or at the elbow.	90
3	Severe facial disfigurement. Total loss of speech. Loss of left arm above or at the elbow. Loss of right arm below the elbow. Loss of leg at or above the knee.	70
4	Loss of left arm below the elbow. Loss of leg below the knee. Permanent total loss of hearing.	60
5	Loss of one eye. Loss of right thumb or four fingers of right hand.	50
6	Loss of all toes of both feet above knuckle. Loss of left thumb or four fingers of left hand or three fingers of right hand.	40
7	Loss of all toes of one foot above knuckle. Loss of all toes of both feet at or below knuckle.	30
8	Limited restriction of movement of joints through injury without penetration, limited function of limb through fracture. Loss of two fingers of either hand. Compound fracture of thumb or two or more fingers of either hand with impaired function.	20
9	Loss of one phalanx of thumb. Loss of index finger. Loss of great toe.	10

ACT No. XXIV of 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 10th September, 1943.)

An Act further to amend the Delhi University Act, 1922.

WHEREAS it is expedient further to amend the Delhi University Act, 1922 (VIII of 1922), for the purposes hereinafter appearing ;
It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Delhi University (Amendment) Act, 1943.

2. *Amendment of section 2, Act VIII of 1922.*—In section 2 of the Delhi University Act, 1922 (VIII of 1922) (hereinafter referred to as the said Act), to clause (d) the following words shall be added, namely :—

“and includes, when there is no Principal, the person for the time being duly appointed to act as Principal, and, in the absence of the Principal or the acting Principal, a Vice-Principal duly appointed as such”.

3. *Amendment of section 4, Act VIII of 1922.*—In section 4 of the said Act,—

(a) to sub-clause (a) of clause (2) the following words shall be added, namely :—

“are non-collegiate women students, residing within the territorial jurisdiction of the University, or” ;

(b) after clause (11) the following clause shall be inserted, namely :—

“(11A) to make grants from the funds of the University for assistance to forms of extra-mural teaching.”

4. *Amendment of section 7, Act VIII of 1922.*—In section 7 of the said Act, sub-section (2) shall be omitted.

5. *Amendment of section 11, Act VIII of 1922.*—In section 11 of the said Act, to sub-section (1) the following proviso shall be added, namely :—

“Provided that, if the Chancellor of his own motion or at the instance of the Executive Council after consultation with the Academic Council is of opinion that a Vice-Chancellor should be appointed on the condition that he gives his whole time to the work of the University, the following provisions shall apply to the appointment of the Vice-Chancellor, namely :—

(a) The Vice-Chancellor shall hold office for four years ;

(b) The Vice-Chancellor shall receive salary at the rate of two thousand rupees per mensem, in addition to provision for his residence ;

(c) A committee of three persons, two of whom shall be persons not connected with the University or any College nominated by the Executive Council, and one a person nominated by the Chancellor, who shall also appoint one of the three as chairman of the committee, shall select not less than three persons and shall report its selection to the Executive Council. The Executive Council shall make its recommendations on the persons so selected to the Chancellor, who shall appoint one of such persons as Vice-Chancellor.”

6. *Amendment of section 12, Act VIII of 1922.*—In section 12 of the said Act, in sub-section (5), the words “in accordance with this Act, the Statutes and the Ordinances” shall be omitted.

7. *Amendment of section 22, Act VIII of 1922.*—In section 22 of the said Act, after clause (f) the following clause shall be inserted, namely :—

“(ff) shall have power, subject to the Statutes, to recognise or withdraw recognition from a College or Hall not maintained by the University ;”.

8. *Amendment of section 28, Act VIII of 1922.*—In section 28 of the said Act, for clause (g) the following clause shall be substituted, namely :—

“(g) the conditions for the recognition by the Executive Council of Colleges and Halls not maintained by the University and for the withdrawal of such recognition, and the management of such Colleges and Halls ;”.

Price annas 2 or 3d.

9. *Amendment of section 29, Act VIII of 1922.*—In section 29 of the said Act, for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) On the commencement of the Delhi University (Amendment) Act, 1943, the Statutes of the University shall be those set out in the Schedule.”

10. *Amendment of section 34, Act VIII of 1922.*—In section 34 of the said Act, for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) The Colleges shall be such as may, after the commencement of the Delhi University (Amendment) Act, 1943, be recognised by the Executive Council in accordance with this Act and the Statutes, but shall include all Colleges recognised at the commencement of the said Act as Colleges of the University so long as such recognition continues.”

11. *Amendment of section 36, Act VIII of 1922.*—In section 36 of the said Act,—

(a) in sub-section (2),—

(i) after the words “for the time being in force” the words “or the Higher Secondary Examination of the Board of Higher Secondary Education for the Delhi Province” shall be inserted, for the word “thereto” the words “to either such examination” shall be substituted, and after the words “such further qualifications” the words “if any” shall be inserted;

(ii) in the proviso, after the words “equivalent thereto” the words “and possesses such further qualifications as may be prescribed by the Ordinances” shall be inserted; and the following sentence shall be added at the end, namely :—

“Any such qualification may be tested by examination, notwithstanding anything contained in sub-section (5) of section 7.”;

(b) in sub-section (4), after the words “of an Indian University” the words “or to the Higher Secondary Examination of the Board of Higher Secondary Education for the Delhi Province” shall be inserted.

12. *Amendment of section 37, Act VIII of 1922.*—(a) In section 37 of the said Act, in sub-section (3), for the words “a member of the University” the words “a teacher or other person in the service of the University or a College” shall be substituted.

(b) in sub-section (4) after the words “Executive Council” the words “through the Academic Council” shall be inserted.

13. *Amendment of section 45, Act VIII of 1922.*—In section 45 of the said Act, for the words and figures “Indian Arbitration Act, 1899” the words and figures “Arbitration Act, 1940” shall be substituted.

14. *Amendment of section 46, Act VIII of 1922.*—In section 46 of the said Act in sub-section (2), after the words “so constituted” the following words shall be inserted, namely :—

“or where any such pension, insurance or provident fund has been constituted by a College under rules which have been approved by the Central Government”.

15. *Omission of sections 47 and 48, Act VIII of 1922, and heading thereto.*—Sections 47 and 48 of the said Act and the heading thereto shall be omitted.

16. *Substitution of new Schedule for the Schedule to Act VIII of 1922.*—For the Schedule to the said Act, the following Schedule shall be substituted, namely :—

‘ THE SCHEDULE.

THE STATUTES OF THE UNIVERSITY.

[See section 29 (1).]

1. *Definitions.*—In these Statutes, unless there is anything repugnant in the subject or context,—

(a) “the Act” means the Delhi University Act, 1922, as amended from time to time and “section” means a section of the Act; and

(b) “officers,” “authorities,” “Professors,” “Readers,” “Lecturers,” “clerical staff” and “servants” mean, respectively, officers, authorities, Professors, Readers, Lecturers, clerical staff and servants of the University.

2. *Constitution of the Court* [section 18 (1) (ix)].—(1) In addition to the officers mentioned in sub-section (1) of section 18, the following persons shall be *ex-officio* members of the Court, namely:—

- (i) the Chief Commissioner of Delhi;
- (ii) the Director General, Indian Medical Service;
- (iii) the Educational Adviser to the Government of India;
- (iv) the Director of Public Instruction in the Punjab;
- (v) the Superintendent of Education, Delhi and Ajmer-Merwara;
- (vi) the Chairman of the Punjab Chamber of Commerce;
- (vii) the Chairman of the Muslim Chamber of Commerce, Delhi;
- (viii) the Chairman of the Delhi Municipality;
- (ix) the Chairman of the Delhi District Board;
- (x) the Senior Officer serving in the Public Works Department under the Chief Commissioner of Delhi;
- (xi) the Senior Medical Officer, Delhi;
- (xii) the Sadr of the Majlis-e-Awakaf constituted under Act XIII of 1943;
- (xiii) the Wardens.

(2) The number of graduates to be elected as members of the Court by the registered graduates from among their own body shall be twenty-five.

(3) [Section 18 (2)].—The number of teachers to be elected as members of the Court by the teachers other than Professors and Readers shall be ten.

(4) The number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor shall not exceed twelve.

(5) The number of persons to be elected by the elected Members of the Council of State and the Legislative Assembly from among their own numbers shall be four and eight, respectively.

(6) The number of persons to be appointed by the Chancellor under clause (xv) of sub-section (1) of section 18 shall be twenty-five, of whom not less than eighteen shall be appointed to secure the representation of minorities not otherwise in his opinion adequately represented.

(7) Save as otherwise provided, members of the Court other than *ex-officio* members shall hold office for a period of three years:

Provided however that a member nominated or elected in his capacity as a member of a particular body or as the holder of a particular appointment shall hold office so long only within the said period as he continues to be a member of that body or the holder of that appointment as the case may be.

3. *Constitution of the Executive Council* (section 21).—(1) The members of the Executive Council, in addition to the Vice-Chancellor, the Rector and the Treasurer, shall be—

Class I.—Ex-officio members.

- (i) the Superintendent of Education, Delhi and Ajmer-Merwara;
- (ii) the Deans of the Faculties;
- (iii) the Principals of recognised Colleges;
- (iv) the Educational Adviser to the Government of India;

Class II.—Other members.

(v) five members of the Court elected by the Court at its annual meeting, of whom at least two shall be graduates of the University elected by the registered graduates from among their own number;

(vi) two members of the Academic Council elected by the Academic Council;

(vii) one member to be appointed by the Professors of the University (salaried and honorary) from their own number;

(viii) four persons nominated by the Chancellor, of whom at least two shall be women.

(2) Members other than *ex-officio* members shall hold office for a period of three years:

Provided that members elected by any body of persons from among their own number shall hold office so long only within the said period as they continue to be members of the body which elected them.

4. *Powers of the Executive Council* [section 28 (e)].—Subject to the provisions of the Act, the Executive Council shall have the following powers, namely:—

(a) to institute, at its discretion, such Professorships, Readerships, Lectureships or other teaching posts as may be proposed by the Academic Council;

(b) to abolish or suspend, after report from the Academic Council thereon, any Professorship, Readership, Lectureship, or other teaching post;

(c) to appoint or recognise teachers of the University and to appoint officers, clerical staff and servants, in accordance with the Statutes;

(d) to appoint all examiners after considering the recommendations of the Academic Council;

(e) to delegate, subject to such conditions as may be prescribed by Regulations made by the Executive Council, its power to appoint officers, clerical staff and servants to such person or authority as the Executive Council may determine;

(f) to manage and regulate the finances, accounts, investments, property and all administrative affairs whatsoever of the University, and, for that purpose, to appoint such agents as it may think fit;

(g) to accept bequests, donations and transfers of property to the University. Provided that all such bequests, donations and transfers shall be reported to the Court at its next meeting;

(h) to provide the buildings, premises, furniture, apparatus, equipment and other means needed for carrying on the work of the University;

(i) after report from the Finance Committee, to enter into, vary, carry out, confirm and cancel contracts on behalf of the University;

(j) to invest any monies belonging to the University, including any unapplied income, in any of the securities described in section 20 of the Indian Trusts Act, 1882 (II of 1882), or in the purchase of immovable property in India, with the like power of varying such investments; or to place on fixed deposit in any bank approved in this behalf by the Central Government any portion of such monies not required for immediate expenditure.

5. *The Academic Council* (section 23).—(1) The members of the Academic Council, in addition to the Vice-Chancellor and the Rector shall be—

Class I.—Ex-officio members.

- (i) the Deans of the Faculties;
- (ii) the Principals;
- (iii) the Professors and Readers;
- (iv) the Librarian of the University;

Class II.—Other members.

(v) persons, if any, not exceeding three in number and not being teachers appointed by the Chancellor on account of their possessing expert knowledge in such subjects of study as may be selected by the *ex-officio* members of the Academic Council;

(vi) five persons appointed by the Chancellor who are capable of advising the Academic Council on subjects connected with Islamic learning and culture;

(vii) two persons elected by the Court.

(2) The Academic Council as constituted under sub-clause (1) shall co-opt as members, teachers of the University not exceeding one-tenth of its numbers as so constituted.

(3) Members other than *ex-officio* members shall hold office for a period of three years:

Provided that teachers of the University co-opted as such shall hold office so long only within the said period as they continue to be teachers of the University.

6. *Powers of the Academic Council* (section 23).—The Academic Council shall have the following powers, namely:—

(a) to make proposals to the Executive Council for the institution of Professorships, Readerships, Lectureships or other teaching posts, and in regard to the duties and emoluments thereof;

(b) to make Regulations for, and to award in accordance with such Regulations, Fellowships, Scholarships, Exhibitions, bursaries, medals and other rewards;

(c) to recommend examiners for appointment after report from the Faculties concerned;

(d) to control the University Library, to frame Regulations regarding its use, and to appoint a Library Committee under the general control of the Academic Council to manage the affairs of the Library;

(e) to assign subjects to the Faculties;

(f) to assign teachers to the Faculties;

(g) to promote research within the University and to require reports on such research from the persons employed thereon;

(h) to provide for the inspection of Colleges and Halls in respect of the instruction and discipline therein, and to submit reports thereon to the Executive Council;

(i) to organise the teaching of the University and to control the work of teachers and Colleges.

7. *The Faculties* [section 24 (2)].—(1) Each Faculty shall consist of—

(i) the heads of the Departments comprised in the Faculty;

(ii) such teachers of subjects assigned to the Faculty as may be appointed to the Faculty by the Academic Council;

(iii) such teachers of subjects not assigned to the Faculty but having, in the opinion of the Academic Council, an important bearing on those subjects, as may be appointed to the Faculty by the Academic Council;

(iv) such other persons as may be appointed to the Faculty by the Academic Council on account of their possessing expert knowledge in a subject or subjects assigned to the Faculty.

(2) The total number of members of each Faculty shall not exceed, in the case of the Faculties of Arts and Science, twenty-five, and in the case of any other Faculty, fifteen, except with the sanction of the Chancellor given on the request of the Academic Council.

8. *Powers of the Faculties* [section 24 (2)].—Subject to the provisions of the Act each Faculty shall have the following powers, namely:—

(a) to constitute Committees of Courses and Studies; (b) to recommend to the Academic Council the courses of studies for the different examinations, after consulting the Committees of Courses and Studies; (c) to recommend to the Academic Council, after consulting the Committees of Courses and Studies, the names of examiners in subjects assigned to the Faculty; (d) to recommend to the Academic Council the conditions for the award of degrees, diplomas and other distinctions; (e) subject to the control of the Academic Council, to organise research in the subjects assigned to the Faculty; and (f) to deal with any matter referred to it by the Academic Council.

9. *Board of Co-ordination* (section 26).—There shall be a Board of Co-ordination composed of the Vice-Chancellor, who shall be Chairman thereof, the Rector, the Deans of the Faculties and the Registrar, to co-ordinate the teaching of the University, and in particular to co-ordinate the work and time-tables of the various Faculties, and to assign lecture-rooms, laboratories and other rooms to the Faculties.

10. *The Dean* [sections 16 and 24 (5)].—(1) The Dean of each Faculty shall be the executive officer of the Faculty, and shall preside at its meetings. He shall hold office for three years.

(2) He shall issue the lecture lists of the University in the Departments comprised in the Faculty, and shall be responsible for the conduct of teaching therein.

(3) He shall have the right to be present and to speak at any meeting of any committee of the Faculty, but not to vote unless he is a member of the committee.

11. *The Warden* [section 35 (2)].—The appointment of a Warden shall, in the case of a Hall maintained by the University, be made by the Executive Council, and in other cases be subject to the approval of the Executive Council.

12. *Attachment to Colleges and Halls* (section 33).—Every student not residing in a College or Hall shall be attached to a College or Hall for tutorial help and disciplinary supervision and for such other purposes as may be prescribed by the Ordinances:

Provided that special exemption from the provisions of this Statute may be made available to women students under conditions to be prescribed by the Ordinances.

13. *Withdrawal of degrees and diplomas* (section 20).—The Court may, on the recommendation of the Executive Council, by a resolution passed with the concurrence of not less than two-thirds of the members voting, withdraw any degree or diploma conferred by the University.

14. *Honorary degrees* [sections 4 (3) and 28 (a)].—(1) All proposals for the conferment of honorary degrees shall be made by the Academic Council to the Executive Council, and shall require the assent of the Court before submission to the Chancellor for confirmation :

Provided that, in cases of urgency, the Chancellor may act on the recommendation of the Executive Council only.

(2) Any honorary degree conferred by the University may, with the previous approval of two-thirds of the members present at any meeting of the Court and the sanction of the Chancellor, be withdrawn by the Executive Council.

15. *Registered graduates* [sections 2(e) and 28 (j)].—The following persons shall on payment of such fees as may be prescribed by the Statutes, be entitled to have their names enrolled in the register of registered graduates, namely, all graduates of the University of three years' standing and upwards.

16. *Officers* [section 8 (VIII)].—There shall be the following officers, namely

(i) two Proctors to assist the Vice-Chancellor in the maintenance of discipline in the University and (ii) a Librarian for the University Library.

17. *Committee of Selection* [section 28 (h)].—(1) No person shall be appointed or recognised as a teacher of the University except on the recommendation of the Committee of Selection constituted for the purpose.

(2) The Committee of Selection shall consist of the following members, namely :—

(i) the Vice-Chancellor,

(ii) the Educational Adviser to the Government of India,

(iii) a person elected by the Academic Council, who need not be a member of the Academic Council but shall be a person unconnected with any of the Colleges,

(iv) a person nominated by the Chancellor, and, where the appointment or recognition of a Professor is in question,

(v) a person, not connected with the University or any College, with expert knowledge of the subject concerned, appointed by the Executive Council, and

(vi) the Dean of the Faculty concerned unless he is himself a candidate; where the appointment or recognition of a Reader is in question,

(v) a person, not connected with the University or any College, with expert knowledge of the subject concerned, appointed by the Executive Council, and

(vi) the head of the Department concerned; where the appointment or recognition of a teacher other than a Professor or Reader is in question,

(v) a person not connected with the University or any College, appointed by the Executive Council, and

(vi) the head of the Department concerned: provided that the Principal of the College concerned shall serve as an Adviser on the Committee of Selection.

(3) The Committee of Selection appointed under sub-clause (1) shall report to the Executive Council which shall, if it accepts the recommendation of the Committee, make the appointment or confirm the recognition as the case may be. If the Executive Council does not accept the recommendation of the Committee, it shall refer the case to the Chancellor, who shall appoint or recognise such person as he thinks fit :

Provided that before referring the case to the Chancellor, the Executive Council shall inform the College concerned of its decision and the grounds therefor, and the College shall be entitled to make representation thereon. The representation of the College, if any, together with the decision of the Executive Council and the grounds therefor, shall be laid before the Chancellor.

(4) Nothing in this Statute shall be construed as prohibiting the University from accepting a gift for the establishment of a Professorship, Lectureship or other post, subject to a condition that the person appointed to the post shall be selected in such manner as shall have been agreed between the donor and the University.

18. *Recognition of teachers.*—(1) The qualifications of recognised teachers of the University shall be such as may be determined by the Ordinances.

(2) All applications for the recognition of teachers of the University shall be made in such manner as may be laid down by the Regulations made by the Executive Council in that behalf.

(3) The period of recognition of a teacher of the University as Professor, Reader or Lecturer shall be determined by the Ordinances made in that behalf. A person in the service of a College, recognised as a teacher of the University otherwise than as a Professor, Reader or Lecturer, shall continue to be recognised so long as he is in the service of the College.

(4) The Executive Council may, on a reference from the Vice-Chancellor, withdraw recognition from a teacher :

Provided that the teacher or the College concerned may, within a period of thirty days from the date of the order of withdrawal, appeal against the order to the Chancellor whose decision shall be final.

19. *Recognition of Colleges* [section 34(1)].—(1) The following Colleges, namely :—

(a) St. Stephen's College, (b) Hindu College, (c) Ramjas College, (d) Anglo-Arabic College, (e) Commercial College, and (f) Indraprastha Girls' College shall be recognised as Colleges of the University, teaching in such subjects as the Executive Council, on the recommendation of the Academic Council, may, from time to time, authorise them to teach.

(2) Nothing in this Statute shall be deemed to restrict any powers conferred on the Executive Council to withdraw recognition from any College in accordance with these Statutes.

20. *The Faculties* [section 24 (1)].—(1) The following Faculties shall be included in the University, namely :—

(a) the Faculty of Arts, (b) the Faculty of Science, and (c) the Faculty of Law.

(2) The Members of each Faculty other than those mentioned in sub-clause (i) of clause (1) of Statute 7 shall hold office for a period of two years.

21. *The University teachers* [section 2 (h) and Statute 4 (c)].—(1) Teachers of the University shall be :—

(i) Appointed teachers of the University ;

(ii) Recognised teachers of the University.

(2) Appointed teachers of the University shall be either —

(a) servants of the University paid by the University and appointed by the Executive Council as Professors, Readers, or Lecturers or otherwise as teachers of the University, or (b) persons appointed by the Executive Council as Honorary Professors, Readers or Lecturers or otherwise as teachers of the University.

(3) "Recognised teachers of the University" shall be members of the staff of a recognised College of the University, recognised by the Executive Council as Professors, Readers, or Lecturers, or otherwise as teachers of the University, whose teaching in their own College, in subjects for which they are recognised, shall be regarded as recognised teaching in Courses of Study pursued in the University.

22. *Registration of graduates* [sections 2 (e) and 28 (j). Statute 15].—(1) Application for enrolment in the register of registered graduates shall be made in the applicant's own handwriting to the Registrar in the form prescribed for the purpose by Regulations.

(2) No graduate shall be entitled to have his name enrolled, and retained in the register of registered graduates except on payment of the following fees, namely:—

(a) an initial fee of three rupees and (b) an annual fee of two rupees for ten years or a compounded fee of fifteen rupees.

(3) On the Registrar being satisfied that the application is in order, and after receipt of the prescribed fee, he shall cause the name of the applicant to be enrolled in the register.

(4) The annual fee shall be payable in advance by the 1st day of December every year. If any registered graduate fails to pay the fee by that day, the Registrar shall cause his name to be removed from the register.

(5) A registered graduate whose name has been removed under sub-clause (4) of this Statute may, by payment of all arrears to the University, have his name reenrolled in the register of registered graduates.

(6) No graduate shall be enrolled or re-enrolled under sub-clause (3) or (5) during a period of thirty days immediately preceding an election of graduates of the University for membership of the Court.

23. *Term of office of Vice-Chancellor* [sections 11 (1) and 28 (c)].—Except as provided in the Act the Vice-Chancellor shall hold office for a period of two years.

24. *Fellowship in Economics or History* [sections 4 (8) and 28 (b)].—There may be a University Fellowship in Economics or History of the value of one hundred rupees per mensem for one year which may be extended on the recommendation of the Dean of the Faculty concerned for another year, for the encouragement of research or original work under such conditions as the Academic Council may prescribe by Regulations.

25. *University scholarships* [sections 4 (8) and (28) (b)].—(1) Two scholarships each year of the value of twenty-five rupees per mensem for students for the M.A. examination and two scholarships each year of the value of twenty-five rupees per mensem for students for the M.Sc. shall be awarded for merit on the result of the B.A. or B.Sc. examination:

Provided that if less than two suitable candidates are available for either M.A. or M.Sc., the scholarship, or scholarships, thus set free, may be transferred for the occasion to the M.Sc. and M.A., respectively, but only to candidates who have been placed in the first class.

(2) Eight scholarships each year of the value of ten rupees per mensem, plus tuition fee each, shall be awarded—five on the result of the Intermediate examination, Faculty of Arts, and three on the result of the Intermediate examination, Faculty of Science.

(3) One scholarship each year of the value of ten rupees per mensem, plus tuition fee, shall be awarded on the results of the Intermediate examination (Arts or Science) to the best woman candidate, provided she has secured at least 50 per cent of the aggregate marks in the examination.

(4) (a) Three scholarships each year of the value of ten rupees per mensem plus tuition fee each, shall be awarded to students who have secured the highest percentage of marks in the Matriculation examination of any University established by law for the time being in force in British India or an examination recognised as equivalent thereto, and who also satisfy the University in any supplementary examination that may be demanded by the University.

(b) Three scholarships each year of the value of ten rupees per mensem, plus tuition fee each, shall be awarded to students who have secured the highest percentage of marks in the High School examination of the Board of Secondary Education, Delhi.

26. *Endowed scholarships* [sections 4 (8) and 28 (b)].—(1) There shall be the following scholarships and medals:—

(i) Harichand Puranchand Khatri Scholarship of the value of twelve rupees and annas eight per mensem awarded for one year to the best Hindu Khatri student who stands highest in the Matriculation examination or an examination recognised by the University as equivalent to the Matriculation examination held in Delhi.

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during a period of five years from the commencement of the Delhi University Act and such further period, as the Central Government may direct, and joins any one of the Colleges of the University either in the Faculty of Arts or Science.

(ii) Tulsanrani Harichand Puranchand Khatri Scholarship of the value of twelve rupees and annas eight per mensem awarded for one year to the best Hindu Khatri student who stands highest in the Faculty of Arts or Science in the Intermediate examination of the University or an examination recognised as equivalent thereto, and joins any one of the Colleges of the University in the Faculty of Arts or Science.

(iii) Rai Bahadur Brijmohanlal Saheb Sudhi Memorial Scholarship of the value of fifteen rupees per mensem, tenable for two years for training in higher grade electrical engineering, awarded every second year to a Science graduate selected in accordance with, and under conditions prescribed by, Regulations made in that behalf.

(2) *Endowed medals* [sections 4 (8) and 28 (b)].—(i) M. Makhan Lal Gold Medal of the value of one hundred rupees awarded to the best Hindu lady candidate in the University every year.

(ii) M. Bhola Nath Gold Medal of the value of one hundred rupees awarded every year to the best Hindu candidate in the B.A. examination provided he knows Sanskrit.

(iii) L. Jageshar Nath Goela Medal of the value of one hundred rupees awarded to the best candidate in Technical education every year :

Provided that so long as the University does not provide for Technical education the medal shall be awarded to the best candidate in Law.

(iv) Rai Bahadur Brijmohanlal Saheb Memorial Gold Medal awarded to the candidate who passes the examination for the degree of B.A. or B.Sc. of the University being or having been a student of a constituent College of the University with the highest percentage of marks.

(v) Pandit Raghubar Dayal Gold Medal of the value of fifty rupees awarded annually to the best candidate in Sanskrit under conditions prescribed by Regulations made in that behalf.

(vi) Ravi Kanta Devi Gold Medal awarded annually to the lady candidate who passes the Intermediate examination of the University with the highest percentage of marks under conditions prescribed by Regulations made in that behalf.

27. *Prizes* [sections 4 (8) and 28 (b)].—(1) There shall be a Rector's Prize of the value of one hundred and fifty rupees to be given annually to the best under-graduate in the form of books, instruments or apparatus for the encouragement of general knowledge and ability under such Regulations as the Academic Council may prescribe.

(2) There shall be a prize called "Hiralal Bhargava Prize" of the value of forty rupees to be awarded annually to the best Bhargava student under conditions to be prescribed by Regulations :

Provided that the prize shall not be awarded to the same student twice.

28. *Law Prize* [sections 4 (8) and 28 (b)].—A candidate who is placed first in the first class at the LL.M. examination shall receive an honorarium or a prize of books to the value of two hundred rupees.

29. *Provident (Permanent Appointments) Fund* [sections 46 (1) and 28 (i)].—

(1) There shall be a Provident Fund for the benefit of the permanent officers, teachers, clerical staff and servants of the University.

(2) The management of the Provident Fund shall vest in the Executive Council which may, from time to time, make Regulations or issue such general or special directions as may be consistent with the Statutes as to—

(a) the conduct of the business of the Fund and (b) any matter relating to the Fund, or its management or the privileges of the depositors, not herein expressly provided for, or vary, or cancel any Regulations made or directions given.

(3) (i) Every servant of the University holding a permanent substantive appointment and receiving a salary of thirty rupees per mensem or more shall be entitled and required to subscribe to the Provident Fund. Part-time, temporary or officiating servants, or servants appointed for fixed periods, shall not be so entitled.

(ii) Persons appointed on probation to substantive appointments will be entitled to subscribe to the Provident Fund, but in case their services terminate before their confirmation they shall not be entitled to receive any portion of the University contribution or the interest accruing thereon.

(iii) No employee of the University shall be entitled to the benefits of the Provident Fund whose services in the University entitle him to a pension or on whose account the University contributes towards his pension or who has been appointed by the University on a consolidated salary or on special terms.

(4) Every servant of the University entitled to the benefits of the Provident Fund shall be required to sign a written declaration in the prescribed form that he has read this Statute and agrees to abide by it, and shall hand in for registration in the University Office the names of the person or persons to whom he wishes the balance at his credit to be paid in the event of his death.

The subscriber may, from time to time, add or change his nominee by written application to the Executive Council.

A register of such nominees shall be kept in the University Office.

(5) The rate of subscription shall be 8 per cent. of the monthly salary and the amount calculated on this basis shall be deducted from the monthly salary of the employee.

NOTE.—No subscription or contribution shall be made to the Provident Fund of an employee who is on leave without pay.

(6) The University shall, in the case of each subscriber, make a monthly contribution at the rate of 12 per cent. of his salary.

(7) (i) The amounts accruing to the Fund shall be placed in such Bank or Banks as may be approved, from time to time, by the Executive Council, or invested in securities authorised by the Indian Trusts Act, 1882 (II of 1882), at the discretion of the Executive Council.

Interest at the rate fixed for the purpose by the Executive Council, from time to time, shall be credited to each subscriber's account.

(ii) The subscription paid by a subscriber and the contribution by the University shall be entered monthly in a separate account for each subscriber.

(iii) The accounts of the Fund shall be audited once a year and a statement of the total amount to the credit of each subscriber shall be furnished to him.

(8) A subscriber at the termination of his service shall be entitled to receive the amount which accumulates to his credit.

(9) On a subscriber's death, the amount at the credit of the subscriber shall be paid to the person or persons duly nominated by him or when no such nomination is made, to his legal heir or heirs.

(10) The amount at the credit of a subscriber shall not be subject to any deduction even to cover loss or damage sustained by the University through the subscriber's misconduct or negligence.

(11) (i) No final withdrawal shall be allowed until the termination of the subscriber's service or his death. But in case of necessity of which the Executive Council shall be the sole judge, the Executive Council may allow a subscriber in advance of a sum not exceeding the total amount subscribed by him at a rate of interest one per cent. higher than the rate at which interest is credited to subscribers.

(ii) Recoveries towards the amount advanced shall be made with interest in monthly instalments not exceeding thirty as may be decided by the Executive Council, commencing from the first payment of a full month's salary after the advance is granted, but no recovery shall be made from a subscriber when he is on leave otherwise than on full pay.

(iii) When a subscriber has already taken an advance, he shall not be eligible for a fresh advance until the amount already advanced has been fully paid up.

(12) Notwithstanding the provisions of the preceding clauses of this Statute, all matters relating to, or arising out of, the constitution and management of the Provident Fund specified in clause (1) of this Statute, shall, in respect of the period prior to the 19th day of June, 1928, be governed and regulated by the original Statute made in that behalf on the 28th day of September, 1922, by the Government-General in Council in exercise of the power conferred on him by section 47.

NOTE.—In the foregoing clauses of this Statute, "subscription" means the amount paid by the subscriber, and "contribution" means the amount contributed by the University.

30. (Section 38).—The Annual Report of the University shall be submitted to the Court one month before the annual meeting of the Court.

31. [Section 39 (2)].—The Executive Council shall submit to the Court one month before the annual meeting of the Court a statement of the financial estimates for the ensuing year.

32. *Provident (Temporary Appointments) Fund* [sections 46 (I) and 28 (i)].—
(1) There shall be a Provident Fund for the benefit of the officers, teachers, clerical staff and servants of the University, appointed to a substantive post for a period of not less than two years.

(2) The management of the Provident Fund shall vest in the Executive Council which may, from time to time, make Regulations or issue such general or special directions as may be consistent with the Statutes as to—

(a) the conduct of the business of the Fund and (b) any matter relating to the Fund, or its management or the privileges of the depositors, not herein provided for, or vary, or cancel any Regulations made or directions given.

(3) (i) Every whole-time servant of the University appointed to a substantive post for a period of not less than two years and receiving a salary of thirty rupees per mensem or more shall be entitled and required to subscribe to the Provident Fund.

(ii) Persons appointed on probation to substantive appointments will be entitled to subscribe to the Provident Fund, but in case their services terminate before their confirmation they shall not be entitled to receive any portion of the University contribution or the interest accruing thereon.

(iii) No employee of the University shall be entitled to the benefits of the Provident Fund whose services in the University entitle him to a pension or on whose account the University contributes towards his pension or who has been appointed by the University on a consolidated salary or on special terms.

(4) Every servant of the University entitled to the benefits of the Provident Fund shall be required to sign a written declaration in the prescribed form that he has read this Statute and agrees to abide by it, and shall hand in for registration in the University Office the names of the person or persons to whom he wishes the balance at his credit to be paid in the event of his death.

The subscriber may, from time to time, add or change his nominee by written application to the Executive Council.

A register of such nominees shall be kept in the University Office.

(5) The rate of subscription shall be 8 per cent. of the monthly salary, and the amount calculated on this basis shall be deducted from the monthly salary of the employee.

NOTE.—No subscription or contribution shall be made to the Provident Fund of an employee who is on leave without pay.

(6) The University shall, in the case of each subscriber, make a monthly contribution at the rate of 12 per cent. of his salary.

(7) (i) The amounts accruing to the Fund shall be placed in such Bank or Banks as may be approved, from time to time, by the Executive Council or invested in securities authorised by the Indian Trusts Act, 1882 (II of 1882), at the discretion of the Executive Council.

Interest at the rate fixed for the purpose by the Executive Council, from time to time, shall be credited to each subscriber's account.

(ii) The subscription paid by a subscriber and the contribution by the University shall be entered monthly in a separate account for each subscriber.

(iii) The accounts of the Fund shall be audited once a year and a statement of the total amount to the credit of each subscriber shall be furnished to him.

(8) A subscriber at the termination of his service shall be entitled to receive the amount which accumulates to his credit.

(9) On a subscriber's death, the amount at the credit of the subscriber shall be paid to the person or persons duly nominated by him or when no such nomination is made, to his legal heir or heirs.

(10) The amount at the credit of a subscriber shall not be subject to any deduction even to cover loss or damage sustained by the University through the subscriber's misconduct or negligence.

(11) (i) No financial withdrawal shall be allowed until the termination of the subscriber's service or his death. But in case of necessity of which the Executive Council shall be the sole judge, the Executive Council may allow a subscriber an advance of a sum not exceeding the total amount subscribed by him at a rate of interest one per cent. higher than the rate at which interest is credited to subscribers.

(ii) Recoveries towards the amount advanced shall be made with interest in monthly instalments not exceeding thirty as may be decided by the Executive Council, commencing from the first payment of a full month's salary after the advance is granted, but no recovery shall be made from a subscriber when he is on leave otherwise than on full pay.

(iii) When a subscriber has already taken an advance, he shall not be eligible for a fresh advance until the amount already advanced has been fully paid up.

(12) Notwithstanding the provisions of the preceding clauses of this Statute, all matters relating to, or arising out of, the constitution and management of the Provident Fund specified in clause (1) of this Statute shall, in respect of the period prior to the 19th day of June, 1928, be governed and regulated by the original Statute made in that behalf on the 28th day of September, 1922, by the Governor General in Council in exercise of the power conferred on him by section 47.

NOTE.—In the foregoing clauses of this Statute, "subscription" means the amount paid by the subscriber, and "contribution" means the amount contributed by the University.

33. *General provisions relating to Colleges* [section 28 (g)].—(1) Save as otherwise provided in the Act, all Degree Colleges shall be in close proximity to one another and to the University and shall ordinarily be located on the University estate :

Provided that the Executive Council shall have the power to exempt from the provisions of the foregoing clause, temporarily, or, if necessary, permanently, a College which is unable to comply therewith for want of a suitable site or an adequate grant-in-aid for building or maintenance.

(2) *Management*.—Every recognised College shall be a public educational institution ; the whole of its funds shall be appropriated to its own educational purposes and shall be fully controlled by its Governing Body.

(3) Each College recognised by the University shall be managed by a regularly constituted Governing Body which shall include the Principal and at least two other members of the teaching staff of the College elected by the teaching staff including the Principal and not less than two members appointed by the University. The rules relating to the constitution and powers of the Governing Body and the appointment, powers and duties of the Chairman and other officers of the Governing Body shall be such as may be prescribed by the Ordinances.

(4) Any change in the constitution, powers or personnel of the Governing Body of a recognised College shall be reported forthwith to the Executive Council.

(5) The Principal of a College shall be responsible for the internal administration and discipline of the College.

(6) Every College shall have a duly constituted College Council properly representative of the teaching staff, to advise the Principal in the administration of the College.

(7) Every College shall satisfy the Executive Council that adequate financial provision is available for its continued and efficient maintenance, either in the form of an endowment or by an undertaking given by the person or body maintaining it.

(8) Tuition and other fees fixed by a College shall not be below the minimum rates prescribed by the Ordinances in this behalf.

(9) Every College shall maintain such registers and records as may be prescribed by the Ordinances and furnish such statistical and other information as the University may, from time to time, specify.

(10) Every College shall submit each year by a date to be fixed by the Executive Council a report to the Executive Council on the working of the College during the previous year, giving the particulars and circumstances of any change in the staff or the management, the number of students and a statement of income and expenditure and such other information as may be required.

(11) *Recognition.*—A College applying for recognition by the University shall make a written application to the Registrar so as to reach him not later than 15th October preceding the academic year from which the recognition sought is to take effect.

(12) A College applying for recognition shall satisfy the University on the following points :—

(a) that it guarantees a satisfactory standard of educational efficiency for the purpose for which recognition is sought, and that it is established on a permanent basis ;

(b) that its financial resources are such as to make due provision for its continued maintenance ;

(c) that it is under proper management and is suitably organised ;

(d) that its buildings are suitable and sufficient ;

(e) that the furniture and library and laboratory equipment are adequate ;

(f) that the provision for the residence, discipline and supervision of students is satisfactory ;

(g) that due provision is made for the health and recreation of students ;

(h) that the qualifications and number of its teaching staff are adequate, and the conditions of their service such as may be approved by the University ;

(i) such other matters as are necessary for the maintenance of the tone and standards of University education.

(13) A College applying for recognition shall give full information in the application on the following matters :—

(a) constitution and personnel of its Governing Body ;

(b) standards and subjects in respect of which recognition is sought ;

(c) accommodation, library and laboratory equipment and strength of the College ;

(d) number, qualifications, work, emoluments and conditions of service of teachers ;

(e) provision for hostels, playgrounds and the residence of the Principal and other members of the staff ;

(f) fees proposed to be levied ;

(g) the financial provision made for the continued maintenance of the College ;

(h) such other matters as may be prescribed by the Ordinances.

(14) Every College shall comply with the relevant Statutes, Ordinances and Regulations of the University.

(15) Recognition shall in no case be granted with retrospective effect beyond the date on which the application was made.

(16) Where a College desires to raise the standard or alter the subjects in respect of which it is recognised, the procedure hereinbefore prescribed shall, so far as applicable, be followed.

(17) *Teaching staff.*—Every College shall have on its staff a minimum number of teachers maintained for co-operative teaching. The number of teachers and the scope of teaching shall be specified in each case by the University.

(18) Every teacher in a College shall be employed under a written contract stating the conditions of his service and the salary to be paid to him ; a copy of this contract shall be given to each teacher and a copy shall be lodged with the University

(19) Any difference or dispute of any kind whatsoever arising out of a contract between a recognised College and a member of its teaching staff including the Principal shall be referred to the arbitration of an Appeal Committee of three independent persons appointed by the Chancellor. This Appeal Committee will deal with all matters under this clause which occur during the period for which such Committee is appointed which period shall not be less than two years. The Appeal Committee shall have power to enquire into facts and to interpret the terms of the agreement, if any. The decision of the Appeal Committee shall be final and binding on both parties and the Arbitration Act, 1940 (X of 1940), shall apply to such arbitration:

Provided that this clause shall not apply in the case of a dispute arising in connection with the termination of the services of either the Principal or any member of the teaching staff of a recognised College who is on probation or on a temporary basis.

(20) Every College shall maintain a reasonable proportion of recognised teachers to students on its rolls. Such proportion and the maximum number of students on the rolls shall be determined by an Ordinance.

(21) In the case of a College for women the staff shall, as far as possible, be composed of women only.

(22) The rules framed by the Governing Body of each College regarding the qualifications, emoluments and the conditions of service of every teacher in that College shall be such as may be approved by the University.

(23) A teacher dismissed for misconduct by a recognised College shall not be employed by any other recognised College without the previous consent in writing of the College dismissing.

(24) *Admission of students.*—Admission of students to a College shall be subject to the conditions prescribed by the Ordinances in this behalf.

(25) *Terms and holidays.*—Each College shall conform to the University terms, vacations and holidays.

(26) *Residence, health and discipline.*—Every College shall make adequate provision for the residence of its students not residing with their parents or recognised guardians and shall provide adequate facilities for the physical exercise, discipline and health of its students. Every College shall conform to the conditions of residence prescribed by the Ordinances and be subject to the control of the Board of Residence Health and Discipline.

(27) The conditions of residence in a College shall be prescribed by the Ordinances and every College shall be subject to inspection by any member of the Residence, Health and Discipline Board authorised in this behalf by the Board and by any other person authorised in this behalf by the Executive Council.

(28) Every College to which women students as well as men are admitted shall provide separate reading and retiring rooms and other necessary conveniences for women students.

(29) *Inspection and enquiry.*—The Academic Council shall provide for the periodical inspection of each College in respect of the instruction, education and discipline therein and shall submit reports thereon to the Executive Council.

(30) The Executive Council may, whenever necessary, cause an inspection of a College to be made by such person or persons as it may deem fit.

(31) The Executive Council shall also have the power to cause an enquiry to be made in respect of any matter connected with a College. In every case notice shall be given to the management of the College of the intention to cause an enquiry to be made and the management shall be entitled to be represented thereat.

(32) The Executive Council may, on the report of the Academic Council, as the result of the inspection or the enquiry made under the foregoing clause (30) and (31) advise the College concerned on any matter relating to the report, inspection or enquiry, or direct the College, after considering any representation that it may make, to take such action as may be specified; and the College shall take action as directed within such period as may be fixed.

(33) *Withdrawal of recognition.*—The Executive Council may, after due enquiry and after consultation with the Academic Council, by a majority of all the then members of the Executive Council withdraw the recognition granted to a College which has failed to comply with the conditions prescribed by the Statutes and Ordinances or imposed by the Executive Council at the date of recognition or at any later date. The Executive Council shall give the College an opportunity of appearing at any such enquiry as aforesaid and of making representations on its own behalf. The Executive Council shall inform the College of its decision and the College shall be entitled to appeal to the Central Government within thirty days of the receipt of any decision of the Executive Council to withdraw recognition, and the decision of the Central Government on the appeal shall be final.

(34) *Budget of financial requirements.*—Every College shall submit on or before 15th November each year a full statement of its financial requirements to the Executive Council for submission to the Central Government.

(35) When a College ceases to exist with the sanction of the University, the disposal of its assets, where not specifically provided for, shall be settled by the Governing Body, the University and the Central Government in consultation. If these bodies should fail to reach an agreement, the Central Government shall appoint an arbitrator whose decision shall be final.

(36) Every Governing Body shall maintain a Provident Fund for the benefit of members of its teaching staff, in accordance with rules prescribed by the Central Government.

(37) All trust funds belonging to the College or under the control of the Governing Body shall be shown separately in the accounts of the College.

(38) Investment of funds belonging to the College or under the control of the Governing Body shall be made in property and securities authorised by law for the investment of trust funds or such other classes of security as may, from time to time, be approved by the Central Government.

34. *Instruction provided by Colleges* [section 2 (a)].—(1) A College shall provide instruction in such subjects and up to such standard as it may be authorised to do, from time to time, by the Executive Council on the advice of the Academic Council.

(2) A College may not, without the previous permission of the Executive Council and the Academic Council, suspend instruction in any subject which it is authorised to teach and teaches.

(3) All recognised teaching in connection with the University courses shall be conducted under the control of the Academic Council by teachers of the University (section 7).

(4) "Recognised teachers of the University" shall be members of the staff of a recognised College of the University, recognised by the Executive Council as Professors, Readers, or Lecturers, or otherwise as teachers of the University, whose teaching in their own College, in subjects for which they are recognised, shall be regarded as recognised teaching in Courses of Study pursued in the University (Statute 21).

(5) No person shall be recognised by the Executive Council as a teacher of the University except on the recommendation of the Committee of Selection constituted for the purpose (Statute 17).

(6) The number of recognised teachers in a College, their qualifications, emoluments and the conditions of their service shall be such as may be determined by the Ordinances.

(7) The teaching work of Colleges shall be subject to the control of the Academic Council. The Executive Council may, after considering the advice of the Academic Council and in consultation with the authorities of the recognised College or Colleges of the University, direct that such part of the teaching of the University as may be prescribed by the Ordinances may be provided on a basis of co-operation among the Colleges or among the Colleges and the University.

(8) Teaching in the B.A. Honours and Post-graduate courses may be organised by the Academic Council on a basis of co-operation between the University and the Colleges or among the Colleges themselves through the Deans of Faculties concerned, and co-ordinated by the Board of Co-ordination. The principle of co-operative teaching may likewise be extended to the B.A. Pass in some selected departments or subjects where the small size of the classes makes its application possible or the nature of the subjects taught makes it desirable. Lectures delivered by a recognised teacher of a College under this clause, or by an appointed teacher of the University, shall be open to all students pursuing the course of study concerned in any College in the University.

(9) Arrangements for teaching other than B.A. Honours, Post-graduate courses and the courses of study in B.A. Pass on a co-operative basis, scheduled in the Ordinances according to the foregoing clause, shall be made by the Principal of a recognised College for the students of his own College. The time-table of each College for this teaching shall be framed by the Principal in co-operation with the Deans of the Faculties concerned.

(10) Lectures delivered by a recognised teacher of the University for the benefit of students of his own College may be open to students of any other College or Colleges, either by mutual agreement between the Colleges concerned, or under the direction of the Academic Council after securing the consent of the authorities of the College to which the teacher belongs.

(11) Every College shall be subject to inspection, from time to time, in respect of the instruction, education and discipline therein by one or more persons appointed by the Academic Council in this behalf. The Executive Council may, on the report of the Academic Council, advise the College concerned, on any matter relating to the report or direct the College, after considering any representation that it may make, to take such action as may be specified; and the College shall take such action as directed within such period as may be fixed.

35. There shall be a Board of Diploma Courses in Domestic Sciences. The constitution, powers and duties of the Board shall be prescribed by the Ordinances.

ACT No. XXV OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 27th November, 1943.)

An Act further to amend the Victoria Memorial Act, 1903.

WHEREAS it is expedient further to amend the Victoria Memorial Act, 1903 (X of 1903) for the purposes hereinafter appearing, It is hereby enacted as follows:—

1. Short title.— This Act may be called the Victoria Memorial (Amendment) Act, 1943.

Price anna 1 or 1½.

Victoria Memorial (Amendment)

[Act xxv of 1943.]

2. Amendment of section 2, Act X of 1903. — For sub-section (3) of section 2 of the Victoria Memorial Act, 1903 (X of 1903) (hereinafter referred to as the said Act) the following sub-section shall be substituted and shall be deemed always to have been substituted, namely:

(3) All acts done by a majority of those present and voting at a meeting of the Trustees, and all acts done in pursuance of a majority decision of the Trustees obtained by circulation to the Trustees of the matter requiring decision, shall be deemed to be acts of the Trustees.

3. Amendment of section 5, Act X of 1903. — After clause (d) of sub-section (2) of section 5 of the said Act, the following clause shall be inserted, namely:—

“(bb) for the manner in which a majority decision of the Trustees shall be obtained by circulation to the Trustees of the matter requiring decision”.

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ACT No. XXVI OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 27th November, 1943.)

An Act to make certain provision for appeals in criminal cases tried by a High Court exercising original criminal jurisdiction.

WHEREAS it is expedient to make certain provision for appeals in criminal cases tried by a High Court exercising original criminal jurisdiction;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Criminal Procedure Amendment Act, 1943.

2. **Insertion of new section 411A in Act V of 1898.**—After section 411 of the Code of Criminal Procedure, 1898 (V of 1898) (hereinafter referred to as the said Code), the following section shall be inserted, namely:—

“411A. **Appeal from sentence of High Court.**—(1) Without prejudice to the provisions of section 449 any person convicted on a trial held by a High Court in the exercise of its original criminal jurisdiction may, notwithstanding anything contained in section 418 or section 423, sub-section (2), or in the Letters Patent of any High Court, appeal to the High Court—

(a) against the conviction on any ground of appeal which involves a matter of law only;

(b) with the leave of the appellate Court, or upon the certificate of the judge who tried the case that it is a fit case for appeal, against the conviction on any ground of appeal which involves a matter of fact only, or a matter of mixed law and fact, or any other ground which appears to the appellate Court to be a sufficient ground of appeal; and

(c) with the leave of the appellate Court, against the sentence passed unless the sentence is one fixed by law.

(2) Notwithstanding anything contained in section 417, the Provincial Government may direct the Public Prosecutor to present an appeal to the High Court from any order of acquittal passed by the High Court in the exercise of its original criminal jurisdiction, and such appeal may, notwithstanding anything contained in section 418, or section 423, sub-section (2), or in the Letters Patent of any High Court, but subject to the restrictions imposed by clause (b) and clause (c) of sub-section (1) of this section on an appeal against a conviction, lie on a matter of fact as well as a matter of law.

(3) Notwithstanding anything elsewhere contained in any Act or Regulation, an appeal under this section shall be heard by a Division Court of the High Court composed of not less than two judges, being judges other than the judge or judges by whom the original trial was held; and if the constitution of such a Division Court is impracticable, the High Court shall report the circumstances to the Provincial Government which shall take action with a view to the transfer of the appeal under section 527 to another High Court.

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(4) Subject to such rules as may from time to time be made by His Majesty in Council in this behalf, and to such conditions as the High Court may establish or require, an appeal shall lie to His Majesty in Council from any order made on appeal under sub-section (1) by a Division Court of the High Court in respect of which order the High Court declares that the matter is a fit one for such appeal.

3. Amendment of section 412, Act V of 1898.—In section 412 of the said Code, after the word “by” the words “a High Court,” shall be inserted.

4. Amendment of section 413, Act V of 1898.—In section 413 of the said Code, after the words “in which” where they occur for the first time, the words “a High Court passes a sentence of imprisonment not exceeding six months only or of fine not exceeding two hundred rupees only or in which” shall be inserted.

5. Amendment of sections 422, 423, 427 and 431, Act V of 1898.—In sections 422, 423, 427 and 431 of the said Code, for the word and figures “section 417”, the words, figures, brackets and letter “section 411A, sub-section (2), or section 417” shall be substituted.

6. Omission of section 434, Act V of 1898.—Section 434 of the said Code shall be omitted.

7. Amendments of Letters Patent of High Courts and certain Acts.—
(1) Clauses 25, 26 and 41 of the Letters Patent for the High Courts at Bombay, at Madras and at Fort William in Bengal, clauses 18, 19 and 32 of the Letters Patent for the High Court at Allahabad, clauses 18, 19 and 31 of the Letters Patent for the High Courts at Lahore and at Nagpur, and clauses 18, 19 and 33 of the Letters Patent for the High Court at Patna shall cease to have effect.

(2) In the Oudh Courts Act, 1925 (U. P. Act IV of 1925),—

(a) to sub-section (1) of section 14, the following proviso shall be added, namely:—

“Provided that nothing in this sub-section shall apply to a judge or Bench of Judges exercising original criminal jurisdiction.”;

(b) section 15 shall be omitted.

(3) In the Sindh Courts Act, 1926 (Bom. Act VII of 1926),—

(a) to section 12, the following proviso shall be added, namely:—

“Provided that nothing in this section shall apply to a judge of the Chief Court exercising the jurisdiction of the Chief Court as the principal criminal Court of original jurisdiction for the sessions division of Karachi.”;

(b) section 13 shall be omitted.

8. Amendment of First Schedule, Act XI of 1908.—In the First Schedule to the Indian Limitation Act, 1908 (XI of 1908), in article 150, to the entry in the first column, the words “or by a High Court in the exercise of its original criminal jurisdiction” shall be added.

ACT No. XXVII OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor-General on the 27th November, 1943.)

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

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

1. **Short title.**— This Act may be called the Code of Criminal Procedure (Amendment) Act, 1943.

2. **Amendment of section 503, Act V of 1898.**— In section 503 of the Code of Criminal Procedure, 1898 (V of 1898) (hereinafter referred to as the said Code),—

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

(2) When the witness resides in an Indian State the commission may be issued to the officer, who is, for the time being, the Political Agent for such State, and when the witness resides in a Tribal Area, the commission may be issued to the officer exercising the powers of a District Magistrate in, or in relation to, such area? ;

(b) for sub-section (4), the following sub-section shall be substituted, namely :—

(4) Where the commission is issued to such officer as is mentioned in sub-section (2), he may, in lieu of proceeding in the manner laid down in sub-section (3),

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(a) delegate his powers and duties under the commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in British India, or

(b) where the commission is for the examination of a witness residing in an Indian State, forward it for execution to the State Court, if any, recognised by the Crown Representative by notification in the official Gazette as a Court to which commissions may be forwarded under this sub-section, within the local limits of whose jurisdiction the witness resides."

3. Amendment of section 505, Act V of 1898.—In section 505 of the said Code,—

(a) in sub-section (1),—

(i) for the words "and the Magistrate", the following shall be substituted, namely,—

"and, except in a case to which clause (b) of sub-section (4) of section 503 applies, the Magistrate"

(ii) after the words "such interrogatories" the following sentence shall be added, namely,—

"In a case to which clause (b) of sub-section (4) of section 503 applies, the officer to whom the commission is issued shall forward such interrogatories to the Court to which he forwards the commission for execution."

(b) in sub-section (2), for the word "officer" the following shall be substituted, namely,—

"except in a case to which clause (b) of sub-section (4) of section 503 applies, before such officer"

4. Amendment of section 507, Act V of 1898.—In sub-section (7) of section 507 of the said Code, after the words "duty executed", the following shall be inserted, namely—

"or, in a case to which clause (b) of sub-section (4) of section 503 applies, has been again received by the officer by whom it was forwarded to the State Court."

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ACT No. XXVIII OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 27th November, 1943.)

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

WHERRAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898), for the purposes hereinafter appearing.

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Code of Criminal Procedure (Second Amendment) Act, 1943.

2. **Amendment of section 198, Act V of 1898.**—To section 198 of the Code of Criminal Procedure, 1898 (V of 1898) hereinafter referred to as the said Code, the following further proviso shall be added, namely:—

“Provided further that where the husband aggrieved by an offence under section 494 of the said Code is serving in any of His Majesty's armed forces under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, some other person authorised by the husband in accordance with the provisions of sub-section (1) of section 199B may, with the leave of the Court, make a complaint on his behalf.”

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Code of Criminal Procedure (Second Amendment). [ACT XXVIII of 1943.]
3. Amendment of section 199, Act V of 1898. To section 199 of the said Code, the following further proviso shall be added, namely:—

Provided further that where such husband is serving in any of His Majesty's armed forces under conditions which are certified by the Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, and where for any reason no complaint has been made by a person having care of the woman as aforesaid, some other person authorised by such husband in accordance with the provisions of sub-section (7) of section 199B may, with the leave of the Court, make a complaint on his behalf.

4. Insertion of new section 199B in Act V of 1898. After section 199A of the said Code, the following section shall be inserted in Chapter XV, namely:—

199B. Form of authorisation under second proviso to section 198 or 199.—
(1) The authorisation of a husband given to another person to make a complaint on his behalf under the second proviso to section 198 or the second proviso to section 199 shall be in writing, shall be signed or otherwise attested by the husband, shall contain a statement to the effect that he has been informed of the allegations upon which the complaint is to be founded, shall be countersigned by the Officer referred to in the said provisos, and shall be accompanied by a certificate signed by that Officer to the effect that leave of absence for the purpose of making a complaint in person cannot for the time being be granted to the husband.

(2) Any document purporting to be such an authorisation and complying with the provisions of sub-section (1), and any document purporting to be a certificate required by that sub-section shall, unless the contrary is proved, be presumed to be genuine, and shall be received in evidence.

ACT XXVII OF 1943.]

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ACT No. XXIX OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 27th November, 1943.)

An Act further to amend the Indian Tea Control Act, 1938.

WHEREAS it is expedient further to amend the Indian Tea Control Act, 1938 (VIII of 1938) for the purposes hereinafter appearing:

It is hereby enacted as follows:

1. **Short title.**—This Act may be called the Indian Tea Control (Second Amendment) Act, 1943.

2. **Amendment of section 11, Act VIII of 1938.**—By section 11 of the Indian Tea Control Act, 1938 (VIII of 1938) (hereinafter referred to as the said Act), for clause (d), the following clause shall be substituted, namely:—

(d) exported with the previous sanction of the Central Government, within the limits prescribed to the holder by a Tea Growers' Society or by any organisation for providing amenities for troops overseas.

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ACT No. XXX OF 1943.

[PASSED BY THE INDIAN LEGISLATURE.]

(Enacted by the Council of Ministers on the 27th November, 1943.)

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

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

1. **Short title.**—This Act may be called the Indian Companies (Amendment) Act, 1943.

2. **Amendment of section 132, Act VII of 1913.**—In sub-section (1) of section 132 of the Indian Companies Act, 1913 (VII of 1913) (hereinafter referred to as the said Act), after the word "company", the following shall be inserted and shall be deemed always to have been inserted, namely:—

"in accordance with the requirements indicated by the items contained in the form marked F in the Third Schedule"

3. **Amendment of section 151, Act VII of 1913.**—In sub-section (3) of section 151 of the said Act, for the words "Any such table or form, when altered, shall be published in the official Gazette, and on such publication shall have effect as if enacted in this Act," the following shall be substituted and shall be deemed always to have been substituted, namely:—

Price anna 1 or 1½.

Indian Companies (Amendment)

[Act xxx of 1943.]

Any alteration or addition made under sub-section (7) shall be published in the official Gazette, and on such publication the table or form as so altered or the added form as the case may be, shall have effect as if enacted in this Act.

4. **Amendment of First Schedule, Act VII of 1913.**—In Table A in the First Schedule to the said Act, in Regulation 107, after the words "the amount of gross income" the brackets and words "(diminished in the case of a banking company by the amount of any provision made to the satisfaction of the auditors for bad and doubtful debts)" shall be inserted and shall be deemed always to have been inserted.

5. **Amendment of Third Schedule, Act VII of 1913.**—In the form marked F in the Third Schedule to the said Act, the following substitutions shall be made and shall be deemed always to have been made, namely:—

(a) in the column headed "CAPITAL AND LIABILITIES" for the sub-head "Provision for Bad and Doubtful Debts" the following sub-head shall be substituted, namely:—

"PROVISION FOR BAD AND DOUBTFUL DEBTS IN THE CASE OF COMPANIES OTHER THAN BANKING COMPANIES"

(b) in the column headed "PROPERTY AND ASSETS" for the sub-head "Book Debts" the following sub-head shall be substituted, namely:—

"BOOK DEBTS (OTHER THAN BAD AND DOUBTFUL DEBTS OF A BANKING COMPANY FOR WHICH PROVISION HAS BEEN MADE TO THE SATISFACTION OF THE AUDITORS)"

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