

Checked

Adv. (A) (23)

A

COLLECTION

OF

THE ORDINANCES

MADE BY THE

GOVERNOR GENERAL OF INDIA

FROM THE YEAR

1861 to 1930.



CALCUTTA  
GOVERNMENT OF INDIA PRESS  
1931





Adv (A) (23)

TITLES OF ORDINANCES.

Year and number.	Date.	Short title or subject.
1	2	3
1861	27th Dec.	Export of Saltpetre.
1862	3rd Jan.	Export of Saltpetre.
1869	4th Oct.	Agror Valley.
"	"	Duty on Salt, Madras and Bombay.
1876	29th Feb.	Dramatic Performances.
1907	11th May	The Regulation of Meetings Ordinance, 1907.
1912	13th Dec.	The Bengal Cotton Gambling Ordinance, 1912.
1 of 1914	7th Aug.	The Indian Naval and Military News (Emergency) Ordinance, 1914.
2 of 1914	14th Aug.	The Impressment of Vessels Ordinance, 1914.
3 of 1914	20th Aug.	The Foreigners Ordinance, 1914.
4 of 1914	22nd Aug.	The Indian Volunteers Ordinance, 1914.
5 of 1914	5th Sept.	The Ingress into India Ordinance, 1914.
6 of 1914	14th Oct.	The Commercial Intercourse with Enemies Ordinance, 1914.
7 of 1914	14th Oct.	The Foreigners (Amendment) Ordinance, 1914.
8 of 1914	14th Nov.	The Foreigners (Further Amendment) Ordinance, 1914.
9 of 1914	30th Nov.	The Articles of Commerce Ordinance, 1914.
1 of 1915	16th Jan.	The Indian Paper Currency (Amendment) Ordinance, 1915.
2 of 1915	5th May	The Indian Soldiers (Litigation) Ordinance, 1915.
3 of 1915	10th Nov.	The Defence of India Ordinance, 1915.
1 of 1916	11th Jan.	The Indian Paper Currency (Amendment) Ordinance, 1916.

Year and number.	Date.	Short title or subject
1	2	3
2 of 1916	19th Jan. . .	The Dutiable Goods and Sa nance, 1916.
3 of 1916	26th Jan. . .	The Foreigners (Trial by Martial) Ordinance, 1916.
4 of 1916	14th June . . .	The Import and Export of Ordinance, 1916.
5 of 1916	27th June . . .	The Enemy Trading Ord 1916.
6 of 1916	11th Nov. . . .	The Indian Paper Currency ther Amendment) Ord 1916.
7 of 1916	13th Dec. . . .	The Second Indian Paper Cu (Further Amendment) nance, 1916.
8 of 1916	26th Dec. . . .	The Indian Legislative C (Election Inquiries) Ord 1916.
1 of 1917	2nd Feb. . . .	The Registration Ordinance,
2 of 1917	18th April . . .	The Indian Paper Cu (Amendment) Ordinance, 1
3 of 1917	29th June . . .	The Gold (Import) Ordinance,
4 of 1917	11th July . . .	The Silver (Import) Ordin 1917.
1 of 1918	15th April . . .	The Indian Paper Currency nance, 1918.
2 of 1918	14th June . . .	The Gold Coinage Ordinance,
3 of 1918	7th Dec. . . .	The Indian Paper Cur (Amendment) Ordinance, 19
1 of 1919	14th April . . .	The Martial Law Ordinance,
2 of 1919	16th April . . .	The Martial Law (Extension) nance, 1919.
3 of 1919	18th April . . .	The Martial Law (Sentences) nance, 1919.
4 of 1919	21st April . . .	The Martial Law (Further E sion) Ordinance, 1919.
5 of 1919	6th May . . .	The Bombay District Police nance, 1919.

Year and number.	Date.	Short title or subject.
1	2	3
6 of 1919	27th May . . .	The Martial Law (Trials Continuance) Ordinance, 1919.
7 of 1919	6th Dec. . . .	The Rouble Note Ordinance, 1919.
1 of 1920	7th Jan. . . .	The Treaty of Peace Ordinance, 1920.
2 of 1920	5th June, 1920 . .	The Rouble Note Ordinance, 1920.
3 of 1920	21st June, 1920 . .	The Gold Ordinance.
4 of 1920	30th July . . .	The Treaty of Peace (Austria) Ordinance, 1920.
1 of 1921	11th July, 1921 . .	The Treaty of Peace (Hungary) Ordinance, 1921.
2 of 1921	26th Aug. . . .	The Martial Law Ordinance, 1921.
3 of 1921	5th Sept. . . .	The Martial Law (Supplementary) Ordinance, 1921.
4 of 1921	15th Oct. . . .	The Martial Law (Military Courts) Ordinance, 1921.
5 of 1921	11th Nov. . . .	The Martial Law (Special Magistrates) Ordinance, 1921.
1 of 1922	25th Feb. . . .	The Malabar (Restoration of Order) Ordinance, 1922.
2 of 1922	29th Mar. . . .	The Malabar (Restoration of Order) Amendment Ordinance, 1922.
3 of 1922	19th Aug. . . .	The Malabar (Completion of Trials) Ordinance, 1922.
1 of 1924	25th Oct., 1924 . .	The Bengal Criminal Law Amendment Ordinance, 1924.
1 of 1925	1st Dec., 1925 . .	The Cotton Excise Duty (Suspension) Ordinance, 1925.
1 of 1929	13th April, 1929 . .	The Public Safety Ordinance, 1929.
1 of 1930	19th April, 1930 . .	The Bengal Criminal Law Amendment Ordinance, 1930.
2 of 1930	27th April, 1930 . .	The Indian Press Ordinance, 1930.
3 of 1930	1st May, 1930 . .	The Lahore Conspiracy Case Ordinance, 1930.
4 of 1930	15th May, 1930 . .	The Sholapur Martial Law Ordinance, 1930.
5 of 1930	30th May, 1930 . .	The Prevention of Intimidation Ordinance, 1930.

Year and number.	Date.	Short title or subject.
1	2	3
6 of 1930	30th May, 1930 .	The Unlawful Instigation Ordinance, 1930.
7 of 1930	2nd July, 1930 .	The Unauthorised News-sheets and Newspapers Ordinance, 1930.
8 of 1930	15th Aug., 1930 .	The Martial Law Ordinance, 1930.
9 of 1930	10th Oct., 1930 .	The Unlawful Association Ordinance, 1930.
10 of 1930	23rd Dec., 1930 .	The Indian Press and Unauthorised News-sheets and Newspaper Ordinance, 1930.
11 of 1930	23rd Dec., 1930 .	The Unlawful Instigation (Second) Ordinance, 1930.

or subject.

Investigation Ordi-

News-sheets and  
Ordinance, 1930.

Ordinance, 1930.  
Association Ordi-

and Unauthorised  
Newspapers

igation (Second)

LEGISLATIVE.—DECEMBER 31, 1861.

NOTIFICATION.—No. 2293, dated the 27th December 1861.

The following Ordinance, passed by the Governor General of India on this date, is hereby promulgated for general information :—

ORDINANCE.

An Ordinance to prohibit the exportation of Saltpetre, except in British Vessels bound to the Ports of London or Liverpool, passed by the Governor General of India, under the provisions of 24 and 25 Vic., cap. 67, on the 27th December 1861.

Whereas information has reached the Governor General by public Telegraph that the exportation of Saltpetre from the United Kingdom has been interdicted by Royal Proclamation, and it is therefore expedient that the exportation of Saltpetre from India, except in British Vessels bound to the Port of London or to the port of Liverpool, should be prohibited; it is ordered as follows :—

- I. Until the Governor General in Council shall otherwise order, it shall not be lawful for any person to export Saltpetre from any part of Her Majesty's Territories in India, except in a British Vessel bound either to the Port of London or to the Port of Liverpool.
- II. If any person shall attempt to export Saltpetre contrary to the provisions of this Ordinance, the same shall be seized and confiscated.
- III. No Collector or other Officer of Customs shall after this date grant a pass or permit for the exportation, or shipment for exportation, of Saltpetre from any part of the said Territories, except in a British Vessel bound for the Port of London or for the Port of Liverpool.
- IV. Nothing in this Ordinance shall extend to any Saltpetre shipped prior to this date or to any Saltpetre for the exportation or shipment whereof a permit or pass has been granted on or before this date.

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LEGISLATIVE.—JANUARY 4, 1862.

*The 3rd January 1862.*

The following Ordinance, passed by the Governor General of India on this date, is promulgated for general information :—

AN Ordinance *to prohibit the exportation of Saltpetre, except in British Vessels bound to the United Kingdom, passed by the Governor General of India, under the provisions of 24 and 25 Vic., cap. 67, on the 3rd of January 1862.*

Whereas in a Despatch from the Secretary of State for India, dated the 3rd of December 1861, the instructions of Her Majesty's Government have been received by the Governor General in Council to take immediate measures for preventing the exportation of Saltpetre from India, except in British Vessels bound for the Ports of the United Kingdom, and to cause any Saltpetre which previously to the receipt and contrary to the conditions of the said instructions may have been placed on board Vessels still in Port to be re-landed; and whereas in consequence of the said instructions the Governor General in Council has this day ordered that it shall be lawful to export Saltpetre on British Vessels bound to any Port of the United Kingdom, anything in the Ordinance of the Governor General of the 27th of December 1861 notwithstanding; and whereas it is expedient to make further provision for giving effect to the instructions now received from Her Majesty's Government; it is therefore ordered as follows :—

I. Until the Governor General in Council shall otherwise order, it shall not be lawful to export Saltpetre from any part of Her Majesty's Territories in India, except in a British Vessel bound to a Port of the United Kingdom.

II. All Saltpetre which previously to the promulgation of this Ordinance may have been placed for exportation on any Vessel still being within a Port of Her Majesty's Territories in India, and not being a British Vessel bound for a Port of the United Kingdom, shall be re-landed.



- III. No Collector of Customs or other Officer shall grant a port clearance to any Vessel having on board Saltpetre, other than a British Vessel bound for the United Kingdom.
- IV. If any person shall attempt to export Saltpetre contrary to the provisions of this Ordinance, the same shall be seized and confiscated.
- V. Any Custom House Officer may without warrant seize Saltpetre liable to confiscation under this Ordinance.

(Sd.) W. GREY,  
*Secretary to the Government of India.*



An Ordinance to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes.

In exercise of the power conferred upon him by the Indian Council's Act, 1861, section twenty-three, His Excellency the Governor-General is pleased to make and promulgate the following Ordinance :—

1. Save as hereinafter provided, the territory known as the Agror Valley is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the offices of revenue constituted by the Rules, Regulations and Acts in force in the territories under the control of the Lieutenant-Governor of the Punjab, as well as from the law prescribed for the said Courts and offices by the Rules, Regulations and Acts aforesaid ;

and no Act hereafter passed by the Council of the Governor General for making Laws and Regulations, shall be deemed to extend to any part of the said territory, unless the same be specially named therein.

2. The administration of civil and criminal justice within the said territory, and the superintendence of the settlement and realization of the public revenue and of all matters relating to the peace and good government of the same territory and to rent payable therein are hereby vested in such officers as the said Lieutenant-Governor may, for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint.

The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant Governor, and be guided by such instructions as he may from time to time issue.

3. Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea under any order or sentence passed by any officer or court empowered as provided in this Ordinance, may be imprisoned in any civil or criminal jail, or transported to any place which the said Lieutenant-Governor may direct.

4. The said Lieutenant-Governor may, from time to time, by notification in the official gazette, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his Government, or which may hereafter be enacted by the Council of the Governor General for the purpose of making Laws and Regulations ;

and may, on making such extension, direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

5. Whenever a question arises whether any place falls within the boundary of the said territory, such officer as the said Lieutenant-Governor shall from time to time appoint may consider and determine on which side of the boundary such place may lie, and the order made thereon by such officer shall be final.

6. For the purposes of this Ordinance, the said territory shall be deemed to include such portions of the Districts of Hazara, Attok and Rawal Pindi, as the said Lieutenant Governor shall from time to time appoint in this behalf.

SIMLA ;

(Sd.) MAYO,

*Dated the fourth day      Viceroy and Governor General.  
of October, 1869.*

(Sd.) WHITLEY STOKES,

*Secretary to the Council of the Governor General for making  
Laws and Regulations.*

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

*An Ordinance to enhance the duty on Salt in the Presidencies of Madras and Bombay.*

WHEREAS the financial condition of British India requires an immediate enhancement of the price of Salt manufactured and sold in the Presidency of Fort St. George and of the duty leviable on Salt manufactured in or imported into the Presidency of Bombay : And whereas, pending the re-assembly in Calcutta of the Council of the Governor General for the purpose of making Laws and Regulations, it is expedient that such enhancement should be effected by an Ordinance under Section 23 of the Indian Councils Act, 1861 ;

In exercise of the power conferred upon him by the said section, His Excellency the Governor General is pleased to make and promulgate the following Ordinance :—

1. Notwithstanding anything contained in Act No. XIX of 1866 (*to enhance the price of Salt manufactured and sold under the orders of the Government of the Presidency of Fort St. George in Council*), section one, and in Act No. VII of 1861 (*to empower the Governor General in Council to increase the rate of duty leviable on Salt manufactured in or imported into any part of the Presidency of Bombay*), section two,

the price to be paid to the Local Government for Salt manufactured and sold under the orders of the Governor of the Presidency of Fort St. George in Council for consumption within the territories subordinate to that Presidency shall be two rupees for every three thousand two hundred tolas weight of Salt ;

And an Excise duty of one rupee and thirteen annas per maund shall be levied on Salt manufactured in, and a Customs duty of one rupee and thirteen annas per maund shall be levied on Salt imported either by sea or by land into any part of the Presidency of Bombay.

2. Nothing hereinbefore contained shall affect any duty now leviable on Salt in the Province of Sindh.

3. So far as it relates to the Presidency of Fort St. George, this Ordinance shall be read with and taken as part of Act No. VI of 1844 (*for abolishing the levy of transit or inland customs duties, for revising the duties on imports and exports by sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort St. George*).

SIMLA ;

(Sd.) MAYO,

*Dated 4th October, 1869. Viceroy and Governor General.*

(Sd.) WHITLEY STOKES,

*Secretary to the Council of the Governor General for making  
Laws and Regulations.*

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

*Fort William, the 29th February 1876.*

AN ORDINANCE

*To empower the Government of Bengal to prohibit certain dramatic performances.*

WHEREAS it is expedient to empower the Lieutenant-Governor of Bengal to prohibit dramatic performances which are scandalous, defamatory, seditious, obscene or otherwise prejudicial to the public interest; and whereas, pending the consideration and enactment by the Governor General in Council of a law conferring such power, it is expedient to confer the same by an Ordinance under section twenty-three of the Indian Councils Act:

In exercise of the power vested in him by the said section, His Excellency the Governor General is pleased to make and promulgate the following Ordinance:—

1. Whenever the Lieutenant-Governor of Bengal is of opinion that any play, pantomime, or other drama performed or about to be performed is—

Power to prohibit certain dramatic performances.

- (a) of a scandalous or defamatory nature, or
- (b) likely to excite feelings of disaffection to the Government established by law in British India, or
- (c) likely to deprave and corrupt persons present at such performance, or
- (d) otherwise prejudicial to the interests of the public, the said Lieutenant-Governor, or such officer as he may generally or specially empower in this behalf, may by order prohibit such performance.

2. A copy of any such order may be served on any person about to take part in the performance so prohibited, or on the owner or occupier of any house, room or

Power to serve order of prohibition.

Penalty for  
disobeying  
order.

place in which such performance is intended to take place, and any person on whom such copy is served and who does, or willingly permits, any act in disobedience to such order, shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

Power to  
notify order.

3. Any such order may be notified by proclamation, and a written or printed notice thereof may be struck up at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

Penalty for  
disobeying  
prohibition.

4. Whoever, after the notification of any such order—

- (a) takes part in the performance prohibited thereby, or in any performance substantially the same as the performance so prohibited, or
- (b) in any manner assists in conducting any such performance, or
- (c) is present as a spectator during the whole or any part of any such performance, or
- (d) being the owner or occupier, or having the use of any house, room or place, opens, keeps or uses the same for any such performance, or permits the same to be opened, kept or used for any such performance,

shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

Power to  
grant warrant  
to Police to  
enter and  
arrest and  
seize.

5. If any Magistrate has reason to believe that any house, room or place is used, or is about to be used, for any performance prohibited under this Ordinance, he may, by his warrant, authorise any officer of police to enter with such assistance as may be requisite, by night or by day, and by force, if necessary, any such house, room or place, and to take into custody all persons whom he finds therein, and to seize all scenery, dresses and other articles found therein and reasonably suspected to have been used, or to be intended to be used, for the purpose of such performance.



6. No conviction under this Ordinance shall bar a prosecution under section 124-A or section 294, of the Indian Penal Code. Saving of Penal Code, sections 124A and 294.

7. In this Ordinance, the term "Magistrate" includes a Magistrate of Police in Calcutta. Definition of "Magistrate."

8. This Ordinance extends only to the territories under the government of the Lieutenant-Governor of Bengal: it shall come into force at once; and it shall remain in force till the thirty-first day of May 1876. Local extent, commencement and duration of Ordinance.

(Sd.) NORTHBROOK,

Viceroy and Governor General.





## HOME DEPARTMENT.

### NOTIFICATION.

*Simla, the 11th May, 1907.*

WHEREAS an emergency has arisen which makes it necessary to regulate the holding of meetings in the Provinces of Eastern Bengal and Assam and of the Punjab ; Now, therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, 1861, the Governor General is pleased to make and promulgate the following Ordinance :—

#### ORDINANCE No. 1 of 1907.

1. (1) This Ordinance may be called the Regulation of Meetings Ordinance, 1907. Short title and extent.

(2) It extends to the Provinces of Eastern Bengal and Assam and of the Punjab, but shall only come into operation in such areas (hereinafter called "proclaimed areas") as the Lieutenant-Governor of each Province respectively may from time to time notify in the local official Gazette.

(3) Any notification made under sub-section (2) may in like manner from time to time be amended, added to or cancelled by the Lieutenant-Governor.

2. (1) No public meeting shall be held in any proclaimed area for the discussion of public or political matters unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Superintendent of Police at least seven days previously. Notice to be given of certain meetings.

(2) Any officer of Police, not below the rank of an officer in charge of a police-station, may, by order in writing, depute one or more Police-officers or other persons to attend any such meeting for the purpose of causing a report to be taken of the proceedings. Power of Police to take report.

3. The District Magistrate may at any time, by order in writing, of which public notice shall forthwith be given, prohibit any meeting in a proclaimed area if in Power to prohibit certain meetings.

his opinion such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

*Penalties.*

4. (1) Any person concerned in the promotion or conduct of a meeting of which due notice has not been given as required by section 2, sub-section (1), shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(2) Any meeting which has been prohibited under section 3 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code and of Chapter IX of the Code of Criminal Procedure, 1898.

MINTO,

*Viceroy and Governor General.*

H. H. RISLEY,

*Secretary to the Government of India.*

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

*Delhi, the 13th December, 1912.*

BENGAL COTTON GAMBLING ORDINANCE, 1912.

WHEREAS it is expedient to prohibit the practice of cotton gambling in the Presidency of Fort William in Bengal ;

And whereas pending the consideration by the Governor in Council of a law to effect this object an emergency has arisen which makes it expedient to prohibit such gambling by an Ordinance under section 23 of the Indian Councils Act, 1861. In the exercise of the power vested in him by the said section the Governor General is pleased to make and promulgate the following Ordinance :—

ORDINANCE No. 1 OF 1912.

1. (1) This Ordinance may be called the Bengal Cotton-gambling Ordinance, 1912 ; and, Short title and extent.

(2) It extends to the Presidency of Fort William in Bengal.

2. The definitions of "gaming" "instruments of gaming" and "common gaming-house," in section 59 of the Howrah Offences Act, 1857, section 3 of the Calcutta Police Act, 1866, and section 1 of the Bengal Public Gambling Act, 1867, as amended by the Bengal Râin-gambling Act, 1897, shall respectively be deemed to include— Extension of gaming provisions to cotton-gambling.

XXI of 1857.  
Ben. Act IV  
of 1866.  
Ben. Act II  
of 1867.  
Ben. Act III  
of 1897.

Cotton-gambling (that is to say, wagering on a number to be arrived at by a manipulation of figures showing rates for the sale of cotton or other marketable commodity),

books or registers in which cotton-gambling wagers are entered, all other documents containing evidence of such wagers, and any thing used as a means of cotton-gambling, and,

any house, room, tent, enclosure, vehicle, vessel or place in which cotton-gambling is carried on for the profit or gain of the person owning, occupying, using or keeping such house, room, tent, enclosure, vehicle, vessel or place.

HARDINGE OF PENSHURST,

*Viceroy and Governor General.*

W. H. VINCENT,

*Secretary to the Government of India.*

## ORDINANCE No. I OF 1914.

[7th August, 1914.]

Ordinance for securing the control of the  
Press during war.

WHEREAS an emergency has arisen which makes it necessary to control the publication of naval or military news or information;

24 and 25  
Vict., c. 67.

Now, therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, 1861. the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. I OF 1914.

1. (1) This Ordinance may be called the Indian Naval and Military News (Emergency) Ordinance, 1914. Short title and extent.

(2) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas, the District of Angul, the Shan States and the Pargana of Spiti; and it applies also to:—

- (a) All Native Indian subjects of His Majesty in any place without and beyond British India;
- (b) All other British subjects within the territories of any Native Prince or Chief in India; and
- (c) All servants of His Majesty, whether British subjects or not, within the territories of any Native Prince or Chief in India.

2. It shall not be lawful to publish any information with reference to movements or dispositions of troops, ships, air-craft or war material or to the strategic or other plans or schemes of the naval or Prohibition of publication of naval or military news or information.

[Price one anna and nine pies.]



military authorities of any part of the British Empire or to any works or measures undertaken for or connected with the defence or fortification of the British Empire or any part thereof or any statement, comment or suggestion calculated directly or indirectly to convey any such information except when such information has been supplied for publication under the authority of the Governor General in Council or of a Local Government, or has been approved for publication by an officer appointed in this behalf,

(a) by the Governor General in Council; or

(b) by any officer to whom the Governor General in Council has delegated the power of such appointment.

*Explanation.*—In this section the expression “British Empire” includes all territories under the suzerainty or protection of His Majesty.

Penalties.

3. The publisher, editor and printer of any newspaper, magazine, book, pamphlet or other document by means of which any information, statement, comment or suggestion is published in contravention of this Ordinance shall severally be punishable in respect of each offence with imprisonment of either description for a term which may extend to one year or with fine which may extend to five thousand rupees or with both and any other person who sells any newspaper, magazine, book, pamphlet or other document knowing it to contain any such information, statement, comment or suggestion or who is otherwise knowingly responsible for the publication of any such information, statement, comment or suggestion shall be liable to a similar penalty.

Restriction  
on trial of  
offences.

4. (1) No court shall proceed to the trial of any offence punishable under this Ordinance unless upon complaint made by order of or under authority from, the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council in this behalf.

(2) No magistrate other than a presidency magistrate, district magistrate, or sub-divisional magis-

trate shall take cognizance of or try any offence punishable under this Ordinance.

5. Any police officer may seize any newspaper, magazine, book, pamphlet or other document in which any information, statement, comment or suggestion is published in contravention of this Ordinance and such officer shall forward anything seized to a presidency magistrate, district magistrate, or sub-divisional magistrate, having jurisdiction in the place where such thing was seized.

Power of police officer to seize documents publishing information in contravention of this Ordinance.

6. (1) Whenever any newspaper, magazine, book, pamphlet or other document is published in contravention of this Ordinance a presidency magistrate, district magistrate or sub-divisional magistrate may, whether the offender is convicted or not, order that all copies of such newspaper, magazine, book, pamphlet or other document within the limits of his jurisdiction shall be confiscated.

Power of magistrate to confiscate documents published in contravention of Ordinance.

(2) A magistrate making an order under sub-section (1) may issue a warrant to any police officer to seize and detain anything confiscated under that sub-section and to search for such thing in any place where such thing is known or reasonably suspected to be.

7. (1) Whenever a presidency magistrate, district magistrate, or sub-divisional magistrate is satisfied from a police report or otherwise that any information, statement, comment or suggestion is being or is likely to be published in contravention of this Ordinance within the limits of his jurisdiction he may issue a warrant to a police officer to search for, seize and detain any document containing such information, statement, comment or suggestion.

Power of magistrate to issue search warrants and order confiscation in certain cases.

(2) Such magistrate may order that anything seized under a warrant issued under sub-section (1) shall be confiscated.

8. A police officer to whom a warrant under section 6 or section 7 is directed may search in any place and seize and detain anything in accordance with the provisions of the warrant and shall forward anything seized to the magistrate by whom the warrant was issued.

Power of police officer executing search warrant.

*Indian Naval and Military* [ORDINANCE. I,  
*News (Emergency) Ordinance.* 1914.]

Bar of  
jurisdiction  
of courts.

9. No order made or purporting to be made in accordance with the provisions of this Ordinance directing or relating to the issue of a search-warrant or the confiscation of anything shall be called in question in any court, and no civil or criminal proceeding shall be instituted against any magistrate or police officer for anything done in good faith under this Ordinance or purporting to be so done.

Certificate  
by Secretary  
to Govern-  
ment to be  
evidence of  
certain facts.

10. A certificate signed by a Secretary to the Government of India to the fact that any territory is or is not under the suzerainty or protection of His Majesty shall, in any proceeding under this Ordinance be conclusive evidence of such fact.

Application  
of Code of  
Criminal  
Procedure,  
1898, to  
proceedings  
under this  
Ordinance.

11. Save as otherwise expressly provided the provisions of the Code of Criminal Procedure, 1898, Act V of 1898, shall apply to all proceedings under this Ordinance.

HARDINGE OF PENSHURST,  
*Viceroy and Governor-General.*



ORDINANCE. I,  
1914.]

to be made in  
this Ordinance  
search-warrant  
be called in  
criminal pro-  
magistrate or  
faith under  
done.

ary to the  
territory  
on of His  
under this  
act.

ded the  
re, 1898, Act V of  
inance. 1898.

24 & 25  
Vict., c. 67.

XIV of 1887.

## ORDINANCE No. II OF 1914.

[14th August, 1914.]

An Ordinance to provide for the impressment  
of vessels for the service of His Majesty.

[Published in the Gazette of India Extraordinary of the  
14th August, 1914.]

WHEREAS an emergency has arisen which  
makes it necessary to provide for the impress-  
ment of vessels for the service of His Majesty;

Now, therefore, in exercise of the power con-  
ferred by section 23 of the Indian Councils Act,  
1861, the Governor General is pleased to make and  
promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Short title  
and extent.  
Impressment of Vessels Ordinance, 1914.

(2) It extends to the Provinces of Madras,  
Bombay, Bengal and Burma.

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

(a) the expression “gazetted officer” has the  
same meaning as in the Indian Marine  
Act, 1887;

(b) “owner of a vessel” includes the agent of  
any such owner in any port in which such  
vessel may be; and

(c) “vessel” means any ship or boat or any  
other description of vessel used for  
navigation, and includes all tackle,  
appliances, coal, stores and other move-  
able property of any description on or

[Price one anna and six pies.]

*Impressment of Vessels.* [ORDINANCE II

appertaining to such vessel, except cargo and the personal effects of passengers or of the officers and crew of such vessel.

Power to impress vessels for His Majesty's Service.

3. The Governor General in Council may, by notification in the Gazette of India, empower the Director or any gazetted officer of the Indian Marine Service to impress temporarily for the service of His Majesty vessels in any specified port.

Requisition upon owners and masters of vessels required for such service.

4. (1) Any officer empowered under section 3 may issue a requisition in writing to the owner of any vessel in the port specified in the notification or in the absence of such owner from such port, or if the name and address of such owner cannot after reasonable inquiry be ascertained, to the master of any such vessel to furnish the same for the service of His Majesty.

(2) An officer making a requisition under subsection (1) shall state therein, if possible, the approximate period for which the vessel will be required, and

(3) Any such officer may at the time of making the requisition, or subsequently, exempt therefrom any tackle, appliances, coal, stores or other moveable property on or appertaining to any vessel requisitioned.

Payment of compensation for vessels impressed and assessment thereof.

5. (1) Compensation shall be paid by the Government of India to the owner of any vessel impressed under this Ordinance.

(2) Such compensation shall be assessed by agreement between the officer making the requisition and the owner of the vessel impressed, or failing such agreement, in such manner as may be prescribed by the Governor General in Council by rules in this behalf.

Powers of requisitioning officer in case of failure of owner, etc., to furnish vessel.

6. If the owner, or master of any vessel requisitioned for the service of His Majesty under the provisions of section 4 fails to furnish such vessel in accordance with the terms of the requisition, the officer by whom the requisition was made may, whether the compensation payable in respect of the impressment of such vessel has been assessed or not

1914.]

*Impressment of Vessels.*

seize, retain and use such vessel for the service of His Majesty, using such force as may be required, and all magistrates and police-officers shall be bound to render such assistance as he may reasonably demand in seizing and retaining a vessel under this section.

7. No requisition made under this Ordinance shall be called in question in any Court, and save as herein provided no liability civil or criminal shall be incurred by any officer of Government by reason of anything done or purporting to be done in accordance with the provisions of this Ordinance.

Bar of jurisdiction of courts.

8. Nothing in this Ordinance shall be deemed—

(a) to affect or derogate from any power of seizure or requisition exercised in pursuance of any Proclamation or Order in Council of His Majesty; or

Saving of powers conferred by Proclamations or Orders in Council of His Majesty.

(b) to authorize any seizure or requisition in contravention of any such Proclamation or Order in Council.

HARDINGE OF PENSHURST,

*Viceroy and Governor-General.*

CALCUTTA  
SUPERINTENDENT GOVERNMENT PRINTING, INDIA  
8, HASTINGS STREET

## ORDINANCE No. III OF 1914.

[20th August, 1914.]

An Ordinance to provide for the exercise of more effective control over foreigners in British India.

[Published in the Gazette of India Extraordinary of the 20th August, 1914.]

WHEREAS an emergency has arisen which makes it necessary to provide for the exercise of more effective control over foreigners in British India;

24 & 25 Vict.,  
c. 67.

Now, therefore, in exercise of the powers conferred by section 23 of the Indian Councils Act, 1861, the Governor General is pleased to make and promulgate the following Ordinance.

1. (1) This Ordinance may be called "The Foreigners Ordinance, 1914." Short title and extent

(2) It extends to the whole of British India including British Baluchistan, the Sonthal Parganas, the district of Angul, the Shan States and the Pargana of Spiti.

2. In this Ordinance—

Definitions.

III of 1864.

(a) "foreigner" has the same meaning as in the Foreigners Act, 1864.

(b) "prescribed" means prescribed by rules made under this Ordinance.

3. (1) The Governor General in Council may by order—

Power to prohibit or regulate entry, departure and residence of foreigners.

(a) prohibit, or regulate and restrict in such manner as he thinks fit, the entry of foreigners into British India and their departure from British India; and

[Price one anna and nine pies.]



(b) regulate or restrict in such manner as he thinks fit the liberty of foreigners residing or being in British India.

(2) In particular and without prejudice to the generality of the foregoing power orders under subsection (1) may provide —

(a) that no foreigner shall enter into or depart from British India, save within such period and by such route, or by such port or place as may be specified in such order;

(b) that foreigners shall be prohibited from entering or remaining in any specified area in British India or shall only be permitted to enter or remain in British India or any specified area therein subject to such conditions and restrictions as the Governor General in Council may impose; and

(c) that foreigners residing or being in British India shall remove themselves to and remain in any specified area, or if such an order is necessary for the public safety, or in the interests of the State, that such foreigners shall be arrested and interned or confined in such manner as the Governor General in Council may think fit.

Penalties.

4. Any foreigner who contravenes or attempts to contravene the provisions of any order made under section 3, shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.

Householder to report residence of any foreigner in his house to prescribed authority in specified areas.

5. (1) The Governor General in Council or any local Government may, by notification in the *Gazette of India* or the local official Gazette, as the case may be, direct that within any area specified in such notification, every householder in whose house a foreigner is residing either temporarily or permanently shall forthwith report to the prescribed authority in the prescribed manner, the name of

such foreigner, and such other particulars respecting him and the period of his residence in such house as may be prescribed.

(2) Any householder who fails to comply with the provisions of any notification issued under subsection (1) shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

6. Where under the provisions of this Ordinance the Governor General in Council or any Local Government is authorised to make any order or issue any notification in respect of foreigners, such order may be made or such notification issued in respect of foreigners generally or in respect of any class or description of foreigners, or in respect of any individual foreigner, and different orders or notifications may be made or issued in respect of different classes of foreigners.

Orders under Ordinance may be general or special.

7. (1) The Governor General in Council may make rules for the purpose of carrying into effect the provisions of this Ordinance:

Power to make rules.

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

- (a) the authority to whom, and the manner in which, reports under section 5 shall be made and the particulars to be stated therein; and
- (b) the manner in which orders under this Ordinance shall be enforced.

(2) All rules made under this section shall have effect as if enacted in this Ordinance.

8. The Governor General in Council or the Local Government may at any time rescind or modify any order, rule or notification made or issued under this Ordinance, and the Governor General in Council may delegate, subject to such conditions and restrictions as he thinks fit, all or any of his powers under this Ordinance to any civil or military authority in

Power to rescind or modify rules or orders.

*The Foreigners.* [ORDINANCE III, 1914.]

British India either by name or in virtue of his office.

Saving of  
powers under  
existing law.

9. Nothing in this Ordinance shall be deemed to affect or derogate from any power which may be exercised under the Foreigners Act, 1864, or under any other law for the time being in force in respect of foreigners generally or in respect of foreigners who are subjects of a State which is at war with His Majesty. III of 1864.

Power of  
exemption.

10. The Governor General in Council may exempt, either absolutely or conditionally, any foreigner or any class or description of foreigners from all or any of the provisions of this Ordinance.

Bar of  
jurisdiction  
of Courts.

11. No order made under section 3 of this Ordinance shall be called in question in any Court.

HARDINGE OF PENSHURST,  
*Viceroy and Governor General.*



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## ORDINANCE No. IV OF 1914.

[22nd August, 1914.]

An Ordinance to render members of the Indian Volunteer force on actual military service subject to military law, as officers or soldiers.

[Published in the Gazette of India Extraordinary of the 22nd August, 1914.]

WHEREAS an emergency has arisen which renders it necessary that the officers, non-commissioned officers and men of volunteer corps, called out for actual military service, shall be subject to military law in all respects as officers or soldiers, as the case may be.

Now, therefore, in exercise of the powers conferred by section 23 of the Indian Councils Act, 1861, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Indian Volunteers Ordinance, 1914. Short title and extent.

(2) It extends to the whole of British India, including British Baluchistan and the Santhal Parganas, and applies also to British subjects within the territories of any Native Prince or Chief in India.

2. The members of any corps or portion of a corps of volunteers called out for actual military service under section 27 of the Indian Volunteers Act, 1869 (hereinafter referred to as the said Act), shall, whether enrolled before or after the promulgation of this Ordinance, and notwithstanding anything contained in the said Act, be subject in all respects to military law, the officers as officers, Law applicable to volunteers on actual military service.

[Price one anna and three pies.]

24 & 25 Vict.,  
c. 67.

XX of 1869.

*Indian Volunteer.* [ORDINANCE IV, 1914.]

and the non-commissioned officers and men as soldiers, and the Army Act shall apply to them accordingly. <sup>44 & 45 Vict. c. 58.</sup>

Resignation  
of volunteers  
enrolled prior  
to promulga-  
tion of this  
Ordinance.

3. Any non-commissioned officer or man of any corps of volunteers who has been enrolled before the promulgation of this Ordinance shall, whether on actual military service or not, and notwithstanding anything contained in section 13 of the said Act, be entitled to quit such corps within one month from the date of promulgation of this Ordinance; and seven days previous notice in writing shall not be required in the case of non-commissioned officers and men quitting a corps in accordance with this section.

HARDINGE OF PENSHURST,  
*Viceroy and Governor General.*

44 & 45 Vict.,  
c. 58.

## ORDINANCE No. V OF 1914.

[5th September, 1914.]

An Ordinance to provide for the control of persons entering British India, whether by sea or land, in order to protect the State from danger of anything prejudicial to its safety, interests or tranquillity.

[Published in the Gazette of India Extraordinary of the 5th September, 1914.]

WHEREAS an emergency has arisen which makes it necessary to provide for the control of persons entering British India, whether by sea or land, in order to protect the State from danger of anything prejudicial to its safety, interests or tranquillity :

24 & 25  
Vict., c. 67.

Now, therefore, in exercise of the powers conferred by section 23 of the Indian Councils Act, 1861, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Ingress into India Ordinance, 1914. Short title  
and extent.

(2) It extends to the whole of British India including British Baluchistan, the Sonthal Parganas, the district of Angul, the Shan States and the Pargana of Spiti.

2. The Foreigners Ordinance, 1914, shall have effect as if references therein to foreigners, included references also to persons not being foreigners as therein defined, who enter British India, whether by sea or land, after the commencement of this Ordinance, subject to the following modifications, namely :— Application  
of Ordinance  
III of 1914.

(1) The power to prohibit entry, conferred by the said Ordinance, shall not be exercised.

[Price one anna and three pies.]

*Ingress into India.* [ORDINANCE V, 1914.]

(2) No power under the said Ordinance as applied by this Ordinance shall be exercised, unless the authority exercising the same is satisfied that the exercise thereof is desirable in order to protect the State from the prosecution of some purpose prejudicial to its safety, interests or tranquillity.

(3) For the imprisonment provided by section 4 and section 5 (2) of the said Ordinance, the following imprisonment shall be substituted, namely, in section 4, one year, and in section 5 (2), one month.

**Construction.** 3. This Ordinance shall be construed with, and deemed to be part of, the Foreigners Ordinance, 1914.

HARDINGE OF PENSHURST,  
*Viceroy and Governor General.*

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## ORDINANCE No. VI OF 1914.

[14th October, 1914.]

Ordinance to prohibit financial and other dealings with any State at war with His Majesty and to provide for the punishment of persons contravening any Proclamation or Order in Council of His Majesty the King-Emperor, relating to trade, commercial intercourse or other dealings with His Majesty's enemies.

[Published in the Gazette of India Extraordinary of the 14th October, 1914.]

WHEREAS an emergency has arisen which makes it necessary to prohibit financial and other dealings with any State at war with His Majesty and to provide for the punishment of persons contravening the provisions of any Proclamation or Order in Council of His Majesty the King-Emperor, for the time being in force, relating to trade, commercial intercourse or other dealings with His Majesty's enemies;

24 & 25  
Vict., c. 67.

Now, therefore, in exercise of the powers conferred by section 23 of the Indian Councils Act, 1861, the Governor General is pleased to make and promulgate the following Ordinance.

1. (1) This Ordinance may be called The Commercial Intercourse with Enemies Ordinance, 1914. Short title and extent.

(2) It extends to the whole of British India including British Baluchistan, the Sonthal Parga-

[Price one anna and nine pies.]

nas, the district of Angul, the Shan States and the Pargana of Spiti and it applies also to—

- (a) all British and Native Indian subjects of His Majesty within the territories of any Native Prince or Chief in India; and
- (b) all servants of His Majesty whether British subjects or not within the territories of any Native Prince or Chief in India.

Prohibition  
against  
financial and  
other dealings  
with hostile  
State.

2. (1) During the continuance of a state of war between His Majesty and any State it shall not be lawful to contribute to, or participate in, or assist in the floating of, any loan raised by or on behalf of the Government of such State, or to advance money to, or enter into any contract or dealings with, or otherwise to aid, abet or assist the Government of such State.

(2) Any person contravening the provisions of this section shall be punishable as if he had committed an offence under section 121 of the Indian Penal Code.

Act XLV of  
1860.

Penalty for  
trading in  
contraven-  
tion of His  
Majesty's  
direction.

3. During the continuance of a state of war between His Majesty and any State, any person who contravenes any of the provisions of any Proclamation or Order in Council of His Majesty for the time being in force, relating to trade, commercial intercourse or other dealings with any subject of such State, or any person residing, carrying on business or being in the territories, colonies or dependencies of such State, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Provision  
relating to  
companies  
and associa-  
tions.

4. Where a company, association or body of individuals, whether incorporated or not, has done any act which is an offence under this Ordinance, every member or officer of such company, association or body who is knowingly a party to such act, shall be deemed to have committed such offence.

Certificate of  
Secretary to  
Government  
to be  
conclusive  
evidence of  
certain facts.

5. A certificate signed by a Secretary to the Government of India, or by any officer of Government authorised in this behalf by the Governor General in Council, certifying to the fact that on the date specified in such certificate any State was or was not at



1914.]

*Commercial Intercourse.*

war with His Majesty, shall be conclusive evidence of such fact.

6. Nothing in this Ordinance shall be deemed to <sup>Saving.</sup> prohibit anything done by command of, or under license granted by or under the authority of His Majesty or the Governor General.

7. (1) No Court shall proceed to the trial of any <sup>Trial of</sup> offence under this Ordinance unless upon complaint <sup>offences.</sup> made by order of, or under the authority of the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

(2) No Court inferior to a Court of Session shall try any offence punishable under section 2, and no Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence punishable under section 3.

HARDINGE OF PENSHURST,

*Viceroy and Governor General.*

CALCUTTA  
SUPERINTENDENT GOVERNMENT PRINTING, INDIA  
8. HASTINGS STREET

## ORDINANCE NO. VII OF 1914.

[14th October, 1914.]

### An Ordinance to amend the Foreigners Ordinance, 1914.

[Published in the Gazette of India Extraordinary of the 14th October, 1914.]

III of 1914. **W**HEREAS an emergency has arisen which makes it necessary to amend the Foreigners Ordinance, 1914;

24 & 25 Viet., c. 67. Now, therefore, in exercise of the powers conferred by section 23 of the Indian Councils Act, 1861, the Governor General is pleased to make and promulgate the following Ordinance.

1. This Ordinance may be called the Foreigners Short title. (Amendment) Ordinance, 1914.

III of 1914. 2. In section 3, sub-section (2), of the Foreigners Ordinance, 1914, hereinafter called "the said Ordinance," the following amendments shall be made, namely— Amendment of section 3, Foreigners Ordinance, 1914.

(a) in clause (b), the word "and" where it occurs for the second time shall be omitted;

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

"and

(d) that foreigners residing or being in British India, shall be prohibited from carrying on trade or business or from dealing with any property, moveable or immoveable, or shall only carry on trade or business, subject to such conditions and restrictions

[Price one anna and three pies.]

*Foreigners (Amendment).* [ORDINANCE VII, 1914.]

as the Governor General in Council may impose or shall deal with any such property in such manner as the Governor General in Council may direct."

Insertion of  
new section,  
after  
section 3.  
Power as to  
Companies  
and Associa-  
tions.

3. After section 3 of the said Ordinance the following section shall be inserted, namely—

" 3A. The power conferred by section 3 may be exercised, so far as the same may be applicable, in respect of any company or association, or body of individuals, whether incorporated or not, of which any member or officer is a foreigner and which has an office, agency or place of business in British India."

Amendment  
of section 4,  
*Foreigners*  
Ordinance,  
1914.

4. (1) Section 4 of the said Ordinance shall be renumbered section 4, sub-section (1), and in the said sub-section as renumbered, for the word " foreigner " the word " person " shall be substituted.

(2) After section 4 (1) as renumbered, the following sub-section shall be added, namely :—

" (2) Where a company, association, or body of individuals has done any act which is an offence under sub-section (1), every member or officer of such company, association or body who is knowingly a party to such act, shall be deemed to have committed an offence under the said sub-section."

HARDINGE OF PENSHURST,  
*Viceroy and Governor General.*

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## ORDINANCE No. VIII OF 1914.

[14th November, 1914.]

An Ordinance further to amend the Foreigners Ordinance, 1914.

[Published in the Gazette of India Extraordinary of the  
14th November, 1914.]

WHEREAS an emergency has arisen which makes it necessary further to amend the Foreigners Ordinance, 1914.

Now therefore, in exercise of powers conferred  
24 & 25 Vict., by section 23 of the Indian Councils Act, 1861, the  
c. 67. Governor General is pleased to make and promulgate the following Ordinance:—

1. This Ordinance may be called the Foreigners Short title.  
(Further Amendment) Ordinance, 1914.

2. In section 3A of the Foreigners Ordinance, 1914, as amended by the Foreigners (Amendment) Ordinance, 1914, after the word "foreigner" the following words shall be inserted, namely:—  
"or of which a foreigner was, on the 3rd day of August, 1914, a member or officer."

Amendment  
of section 3A  
of the  
Foreigners  
Ordinance,  
1914.

HARDINGE OF PENSHURST,  
Viceroy and Governor General.

[Price one anna.]

CALCUTTA : PRINTED BY SUPDT. GOVT. PRINTING, INDIA, 8, HASTINGS STREET.





## ORDINANCE No. IX OF 1914.

[30th November, 1914.]

An Ordinance to provide power to obtain information as to stocks of articles of commerce and to enable possession to be taken of stocks of articles of commerce unreasonably withheld from the market.

[Published in the Gazette of India Extraordinary of the  
30th November, 1914.]

WHEREAS an emergency has arisen which makes it necessary to provide power to obtain information as to stocks of articles of commerce and to enable possession to be taken of stocks of articles of commerce unreasonably withheld from the market.

24 & 25  
Vict., c. 67.

Now therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, 1861, the Governor General is pleased to make and promulgate the following Ordinance.

1. (1) This Ordinance may be called the Articles of Commerce Ordinance, 1914. Short title and extent.

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

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

(a) "owner" in relation to any article of commerce includes any person who as agent or otherwise has power to sell the article;

(b) "prescribed" means prescribed by rules made under this Ordinance.

3. (1) The Governor General in Council, as regards the whole or any part of British India, and Power to call for returns of articles of commerce.

[Price two annas and three pies.]

each Local Government, as regards the whole or any part of the province, may, by general or special order, require any person or class of persons to make a return, giving such particulars as may be required in the order, of any article of commerce of which he or any person belonging to such class is the owner, and to submit such return to such authority, within such time, as may be specified in the order.

(2) The Governor General in Council, or the Local Government, may, for the purpose of testing the accuracy of any return made in accordance with the provisions of sub-section (1), or of obtaining information in case of a failure to make a return, empower, by general or special order, any person to enter and search any place in which such person has reason to believe that there are kept or stored any articles which have been or were required to be included in the return and of which the person making or required to make the return is or was the owner, and a person so empowered may take such measures as he thinks necessary for testing the accuracy of the return or for obtaining such information.

Returns or  
information  
not to be  
disclosed.

4. No individual return or part of a return made, and no information obtained, in accordance with the provisions of section 3 shall be published or disclosed except for the purposes of a prosecution under this Ordinance.

Penalties.

5. Whoever—

- (a) intentionally omits to make a return when so required by an order under section 3; or
- (b) makes or causes to be made any return which he knows or believes to be false or does not believe to be true; or
- (c) obstructs or impedes any person empowered under section 3, sub-section (2), in the exercise of any of his powers under that sub-section; or

- (d) refuses to answer or gives an answer which he knows or believes to be false or does not believe to be true to any question necessary for obtaining the information required to be furnished under this Ordinance,

shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to rupees one thousand, or with both.

6. (1) If the Governor General in Council or the Local Government is of opinion that any article of commerce is being unreasonably withheld from the market, the Governor General in Council or the Local Government may, by notification in the *Gazette of India* or the local official Gazette, as the case may be, make a declaration to that effect.

Power to declare that article of commerce is unreasonably withheld from the market.

(2) The power conferred by sub-section (1) may be exercised in respect of any article of commerce generally or any class of such article or any particular supplies thereof and may be exercised by the Governor General in Council in respect of the whole or any part of British India and by the Local Government in respect of the whole or any part of the province.

(3) Nothing in this Ordinance shall be construed as preventing the authorities mentioned in this section from exercising the power conferred thereby without having first obtained or endeavoured to obtain returns under this Ordinance.

7. On the issue of a notification under section 6, any person empowered by the Governor General in Council or by the Local Government, by general or special order in that behalf, may take possession of any supplies of the article so notified which may be found within any area to which such notification extends, on paying the owner such compensation as may be determined by agreement between the person so empowered and the owner of such supplies or, in default of agreement, on payment or tender of payment of such compensation as the person so empowered considers reasonable.

Power to take possession of stocks of article unreasonably withheld.

Appeal by  
owner of  
supplies.

8. (1) If the owner of any supplies taken possession of in accordance with the provisions of section 7 is dissatisfied with the compensation paid or tendered to him in default of agreement, such owner, notwithstanding the fact that he may have accepted payment, may, within fourteen days from the date of such payment or tender of payment or within such longer period as may be prescribed, appeal to the prescribed authority.

(2) The prescribed authority shall consist of at least three persons, one of whom at least shall have commercial experience.

(3) The prescribed authority in deciding the appeal shall have regard to all the circumstances of the case, and may either enhance or reduce the compensation determined as reasonable by the person taking possession of the supplies. If such authority enhances the compensation any sum due in accordance with the award shall be paid to the owner of the supplies. If such authority reduces the compensation any excess which the owner of the supplies has received shall be recoverable from such owner as if it were an arrear of land revenue.

Rule-making  
power.

9. (1) The Governor General in Council or the Local Government may make rules for the purpose of carrying into effect the provisions of this Ordinance.

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

- (a) the forms in which any return required by this Ordinance shall be submitted;
- (b) subject to the provisions of section 8, subsection (2), the constitution of an authority for the hearing of appeals under section 8, and the procedure to be followed by such authority and by persons appealing to such authority; and
- (c) any other purpose ancillary to this Ordinance.

1914.]

*Articles of Commerce.*

(3) All rules made under this section shall have effect as if enacted in this Ordinance.

10. No Court shall call into question any order or award made under this Ordinance; and 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 Ordinance. Barring of jurisdiction of Courts.

HARDINGE OF PENSHURST,  
*Viceroy and Governor General.*



CALCUTTA  
SUPERINTENDENT GOVERNMENT PRINTING, INDIA  
8, HASTINGS STREET



## ORDINANCE NO. I OF 1915.

[16th January, 1915.]

An Ordinance further to amend the Indian  
Paper Currency Act, 1910.

[Published in the Gazette of India Extraordinary of the 16th  
January, 1915.]

II of 1910. **W**HEREAS an emergency has arisen which makes  
it necessary further to amend the Indian Paper  
Currency Act, 1910 ;

24 & 25  
Vict., c. 67.

Now, therefore, in exercise of the power conferred  
by section 23 of the Indian Councils Act, 1861, the  
Governor General is pleased to make and promulgate  
the following Ordinance :—

1. This Ordinance may be called the Indian Short title.  
Paper Currency Amendment Ordinance, 1915.

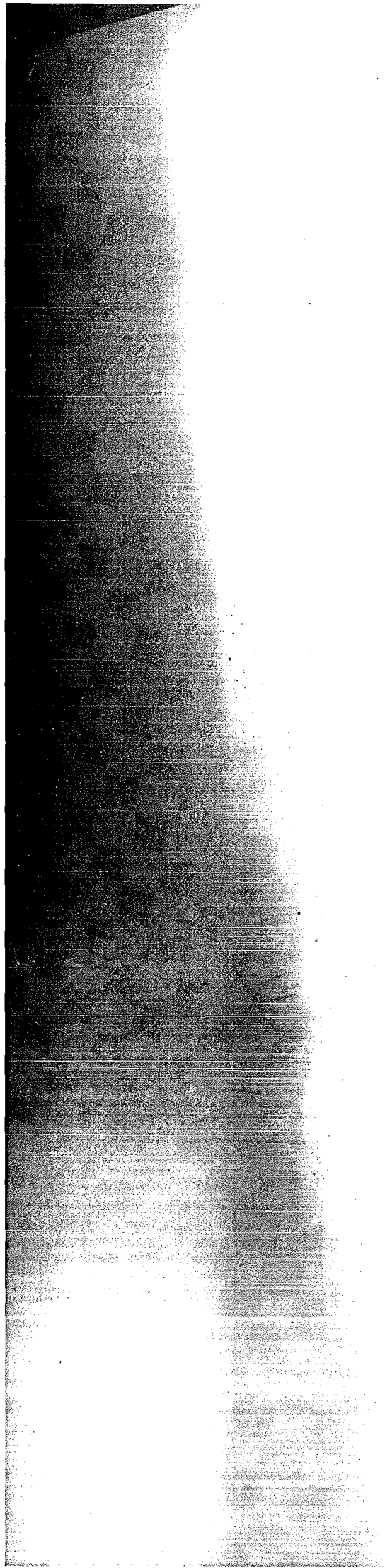
II of 1910.

2. In section 22 of the Indian Paper Currency Amendment  
of section 22,  
Act II of  
1910.  
Act, 1910, for the words "one hundred and forty  
millions" the words "two hundred millions" shall  
be substituted.

HARDINGE OF PENSHURST,  
*Viceroy and Governor General.*

CALCUTTA : PRINTED BY SUPDT. GOVT. PRINTING, INDIA, 8, HASTINGS STREET.

[Price one anna.]



## ORDINANCE NO. II OF 1915.

[5th May, 1915.]

An Ordinance to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under war conditions.

[Published in the Gazette of India Extraordinary of the 5th May, 1915.]

WHEREAS an emergency has arisen which renders it necessary to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under war conditions.

24 & 25  
Vict., c. 67.

Now, therefore, in exercise of the power conferred by section 23 of the Indian Councils Act, 1861, the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. II OF 1915.

1. (1) This Ordinance may be called the Indian Soldiers (Litigation) Ordinance, 1915. Short title and extent.

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

2. In this Ordinance, "Indian soldier" means Definitions.  
VIII of 1911. any person subject to the Indian Army Act, 1911,

"prescribed" means prescribed by rules made under this Ordinance,

"proceeding" includes suit and appeal,

"serving under war conditions" means serving out of India or serving in India when such service

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has been declared by notification of the Governor General in Council in the *Gazette of India* to be service under war conditions.

Particulars to be furnished in plaints, applications or appeals to Civil or Revenue Court.

3. If any person presenting any plaint, application or appeal to any Civil or Revenue Court has reason to believe that any adverse party is an Indian soldier who is serving under war conditions, he shall state the fact in his plaint, appeal or application.

Notice to be given in case of unrepresented Indian soldier.

4. If any Civil or Revenue Court has reason to believe that any party to any proceeding pending before such Court is an Indian soldier who is serving under war conditions and that such soldier is not represented in the proceeding by any person duly authorized to appear, plead, or act on his behalf, such Court shall give notice thereof in the prescribed manner to the prescribed authority.

Postponement of proceedings.

5. On receipt of a notice under section 4, the prescribed authority may, if it is of opinion that a postponement of the proceeding as against such soldier is necessary in the interests of justice, certify the fact in the prescribed manner to the Court in which the proceeding is pending and thereupon such Court shall postpone the proceeding as against such soldier for the prescribed period or, if no period has been prescribed, for such period as it thinks fit.

Court may proceed when no certificate received within certain period.

6. If, after the issue of a notice under section 4, the prescribed authority either certifies that such postponement is not necessary or fails to certify, in the case of a soldier resident in the district in which the Court is situate within two months, or in any other case within three months from the date of the issue of the notice under section 4, that such postponement is necessary, the Court may, if it thinks fit, continue the proceeding.

Power of Collector to intervene *suo motu*.

7. If the Collector has reason to believe that any Indian soldier who ordinarily resides, or who has property, in his district and is serving under war conditions, is a party to any proceeding pending before any Civil or Revenue Court and that such soldier is not represented in such proceeding by any person duly authorized to appear, plead, and act in his behalf, the Collector may, if he is of opinion

that a postponement of the proceeding as against such soldier is necessary in the interests of justice, certify the fact in the prescribed manner to such Court, and if the Court is satisfied that such Indian soldier is not so represented, the Court shall postpone the proceeding as against such soldier in the manner provided in section 5.

8. (1) In any proceeding before a Civil or Revenue Court in which a decree or order has been passed against any Indian soldier whilst such soldier was serving under war conditions, such soldier may apply to the Court which passed the same for an order to set it aside; and if he satisfies the Court that default after the commencement of this Ordinance has been made in complying with the provisions of sections 3 or 4, the Court shall, or, in any other case if the interests of justice require such a course, the Court subject to such conditions (if any) as it thinks fit to impose, may, make an order setting aside the decree or order as against such soldier :

Power to set aside decrees and orders passed against an Indian soldier serving under war conditions.

Provided, firstly, that any such application is made within three months from the date on which such soldier ceased to serve under war conditions; secondly, that no decree or order shall be set aside on any such application unless notice thereof has been served on the opposite party; and thirdly, that when the decree or order is of such a nature that it cannot be set aside as against such soldier only, it may be set aside as against all or any of the parties against whom it has been made.

IX of 1908. (2) The provisions of section 5 of the Indian Limitation Act, 1908, shall apply to applications under this section.

(3) Where an order is made in the exercise of the power conferred by sub-section (1) the Court shall continue the proceeding.

9. If any Civil or Revenue Court is in doubt whether any Indian soldier is or was at any particular time serving under war conditions, such Court may refer the point for the decision of the prescribed authority and the certificate of such authority shall be conclusive evidence on the point.

Power of Civil or Revenue Court to refer question of whether service was under war conditions or not.

*Indian Soldiers (Litigation).* [ORDINANCE II, 1915.]

Rule-making  
power.

10. The Local Government, after consulting the High Court, may, by notification in the local official gazette, make rules—

- (a) prescribing the manner and form in which any notice or certificate under this Ordinance shall be given and the authorities to whom such notices shall be given and by whom the powers under this Ordinance shall be exercised,
- (b) the period for which proceedings or any class of proceeding shall be suspended under this Ordinance, and
- (c) generally providing for any matters incidental to the purposes of this Ordinance.

Modification  
of law of  
limitation in  
the case of  
Indian  
soldiers  
serving  
under war  
conditions.

11. In computing the period of limitation prescribed by the Indian Limitation Act, 1908, or any other law for the time being in force for any suit, appeal or application to any Civil or Revenue Court in which the plaintiff, appellant or applicant is an Indian soldier, the time during which such soldier has been serving under war conditions, since the 4th of August, 1914, shall be excluded.

HARDINGE OF PENSHURST,  
*Viceroy and Governor-General.*



## ORDINANCE NO. III OF 1915.

[10th November, 1915.]

An Ordinance to extend the powers conferred by the Defence of India (Criminal Law Amendment) Act, 1915.

[Published in the Gazette of India Extraordinary of the 10th November, 1915.]

IV of 1915. **WHEREAS** an emergency has arisen which makes it necessary to extend the powers conferred by the Defence of India (Criminal Law Amendment) Act, 1915 ;

24 & 25 Vict.,  
c. 67. Now, therefore, in the exercise of the powers conferred by section 23 of the Indian Councils Act, 1861, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Defence of India Ordinance, 1915. Short title and extent.

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

IV of 1915. 2. Section 2 of the Defence of India (Criminal Law Amendment) Act, 1915, shall be construed as if after clause (l) of sub-section (1), the following clauses were inserted, namely :— Extension of powers contained in section 2 of Act IV of 1915.

“(m) to require that there shall be placed, at the disposal of the Governor General in Council, the whole or any part of the output of any factory, workshop, mine or other industrial concern for the manufacture, preparation or extraction of any article or thing which, in his opinion, can be utilised in the prosecution of the present war,

(n) to take possession of, and use for the purpose of the Governor General in Council, any such factory,

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*Defence of India.* [ORDINANCE III OF 1915.]

workshop, mine or industrial concern or any appurtenances or plant thereof,

(o) to require any work in any such factory, workshop, mine or industrial concern to be done in accordance with the directions of the Governor General,

(p) to regulate or restrict the carrying out of work in any such factory, workshop, mine or industrial concern, or to remove the plant therefrom with the object of increasing the output of any other such factory, workshop, mine or industrial concern,

(q) to provide for any other action which may be necessary to regulate the possession, or to facilitate the collection, manufacture, preparation or extraction of any article or thing, which can, in the opinion of the Governor General in Council, be utilised in the prosecution of the present war, and

(r) to regulate the sailings of British steamers from any port in British India, and to reserve, for the use of the Governor General in Council, all or any accommodation of whatever kind for the carriage of persons, animals or goods on any such steamers."

HARDINGE OF PENSHURST,  
*Viceroy and Governor General.*

## ORDINANCE No. I OF 1916.

[11th January, 1916.]

### An Ordinance to amend temporarily the Indian Paper Currency Act, 1910.

[Published in the Gazette of India Extraordinary of the  
11th January, 1916.]

WHEREAS an emergency has arisen which renders it necessary further to amend, temporarily, the Indian Paper Currency Act, 1910;

II of 1910.

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

5 & 6 Geo. V,  
c. 61.

## ORDINANCE No. I OF 1916.

1. This Ordinance may be called the Indian Paper Currency (Amendment) Ordinance, 1916.

II of 1910.

2. Section 22 of the Indian Paper Currency Act, 1910 (hereinafter called the said Act), shall be construed as if for the words "forty millions" in the proviso to that section, the words "one hundred millions" were substituted.

Amendment  
of section 22  
of the Indian  
Paper  
Currency Act,  
1910.

3. Notwithstanding anything to the contrary in the said Act, any securities created by the Government of India and issued to the Head Commissioner of Paper Currency shall, for the purposes of the said Act, be deemed to be securities purchased by the Governor General in Council, and the market-price, on the day such securities are issued to the

Power to  
include  
securities  
created by  
Government  
of India in  
reserve  
provided for  
by said Act.

[Price one anna and three pies.]

*Indian Paper Currency (Amendment).* [ORD. I, 1916.]

Head Commissioner of Paper Currency, of similar securities shall be deemed to be the price at which the securities so created were purchased; and all references to securities so purchased wherever occurring in the said Act shall be deemed also to refer to securities so created, and all references to sums expended in such purchases or to prices paid therefor shall be deemed, in the case of securities so created, to refer to such market-price, and the said Act shall be construed accordingly.

HARDINGE OF PENSHURST,  
*Viceroy and Governor General.*

## ORDINANCE No. II OF 1916.

[19th January, 1916.]

An Ordinance to take power to prevent the clearance for home consumption, whether from a ship or from a warehouse, of dutiable goods, the demand for which is excessive having regard to the ordinary course of such transactions, and to take power to limit or restrict the clearance or removal of salt from salt works.

[Published in the Gazette of India Extraordinary of the 19th January, 1916.]

**W**HEREAS an emergency has arisen which makes it necessary to take power to prevent the clearance for home consumption, whether from a ship or from a warehouse, of dutiable goods, the demand for which is excessive having regard to the ordinary course of such transactions, and to take power to limit or restrict the clearance or removal of salt from salt works;

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. II OF 1916.

1. This Ordinance may be called the Dutiable Goods and Salt Ordinance, 1916. Short title.

2. All words and expressions used in section 3 of this Ordinance, and defined in the Sea Customs Act, 1878, shall be deemed to have the meanings respectively attributed to them by that Act. Definitions.

[Price one anna and three pies.]

“Salt work” means any place where salt is kept and issued subject to the control of Government.

Power to Governor General in Council to authorize by order Chief Customs Officers to refuse excessive clearances.

3. If, in the opinion of the Governor General in Council, such a course is desirable in the public interest, the Governor General in Council may, notwithstanding anything to the contrary in the Sea Customs Act, 1878, or any other law for the time being in force, by order in writing, authorize Chief Customs Officers or any Chief Customs Officer to refuse to allow clearance for home consumption, whether from a ship or from a warehouse, on payment of duty of any dutiable goods, where, in the opinion of the Chief Customs Officer, the demand for clearance of such goods is excessive having regard to the ordinary course of such transactions. VIII of 1878

Power to restrict clearances or removals of salt from salt works.

4. The Governor General in Council may, in like circumstances to those referred to in section 3, and notwithstanding anything to the contrary in any Act relating to salt revenue or any other law for the time being in force, by order in writing, authorize any person having control, on behalf of Government, over salt works, to limit or restrict in such way as such person thinks fit, the clearance or removal of salt therefrom, notwithstanding that all sums due or leviable in respect of such salt have been paid.

Barring of jurisdiction of Courts.

5. No Court shall call into question any order made under this Ordinance, and 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 Ordinance or any order made thereunder.

HARDINGE OF PENSHURST,

*Viceroy and Governor General.*



## ORDINANCE No. III OF 1916.

VIII of 1878.

[26th January, 1916.]

An Ordinance to provide for the trial by court-martial of foreigners for offences against the Defence of India Rules.

[Published in the Gazette of India Extraordinary of the 26th January, 1916.]

WHEREAS an emergency has arisen which makes it necessary to provide for the trial by court-martial of foreigners for offences against the Defence of India Rules;

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

5 & 6 Geo. V,  
c. 61.

### ORDINANCE No. III OF 1916.

1. This Ordinance may be called the Foreigners Short title.  
(Trial by Court-martial) Ordinance, 1916.

2. In this Ordinance—

(a) "British subject" has the same meaning as Definitions.  
4 & 5 Geo. V, in section 27 of the British Nationality and Status  
c. 17. of Aliens Act, 1914:

Provided that any person who holds a certificate of naturalization as a British subject granted under any Act of the Governor General in Council for the time being in force shall, for the purposes of this Ordinance, be deemed to be a British subject.

(b) "Defence of India Rules" means any rules for the time being in force made under section 2 of the Defence of India (Criminal Law Amendment) Act, 1915.

IV of 1915.

[Price one anna and three pies.]

*Foreigners (Trial by Court-martial).* [ORD. III, 1916.]

(c) "Foreigner" means any person who is not a British subject.

Trial of  
foreigners  
contravening  
rules under  
section 2 of  
the Defence  
of India Act,  
1915.

3. (1) The Governor General in Council may, by order in writing, direct that a foreigner accused of anything which is an offence in virtue of the Defence of India Rules shall be tried by court-martial.

(2) An order made under sub-section (1) may be made in respect of all foreigners or any particular foreigner or any class of foreigners, and in respect of all offences against the said rules or any particular offence or any class of offences.

(3) An order made under sub-section (1) may be made in respect of, or include, any foreigner so accused whether such offence was committed before or after the commencement of this Ordinance.

Procedure on  
making of  
order under  
section 3.

4. When an order under section 3 has been made in respect of, or includes any foreigner, such foreigner, when so accused, may be taken into military custody, and shall, if he is already in other custody, be handed over to military custody, and shall be proceeded against and dealt with as if he was a person subject to military law in accordance with the Army Act, and as if the offence of which he is accused was an offence against military law; and may, on conviction, be sentenced to, and shall be liable to suffer, any punishment assigned by the Defence of India Rules for the offence of which he is found guilty. <sup>44 & 45 Vict., c. 58.</sup>

Procedure  
on trial.

5. The trial and all matters precedent thereto and attendant thereon shall be held and carried out in accordance with the provisions of the Army Act <sup>44 & 45 Vict., c. 58.</sup> and the rules for the time being in force thereunder :

Provided that the Governor General in Council may, by general or special order, modify, in such way as he may direct, any of the said provisions.

HARDINGE OF PENSHURST,  
*Viceroy and Governor General.*

## ORDINANCE No. IV OF 1916.

[14th June, 1916.]

An Ordinance to provide further power to prohibit or restrict the import and export of goods to and from British India.

[Published in the Gazette of India Extraordinary of the 14th June, 1916.]

WHEREAS an emergency has arisen which renders it necessary to provide further power to prohibit or restrict the import and export of goods to and from British India;

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

5 & 6 Geo. V,  
c. 61.

### ORDINANCE No. IV OF 1916.

1. (1) This Ordinance may be called the Import and Export of Goods Ordinance, 1916. Short title and extent.

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

2. In this Ordinance—

Definitions.

“export” means the taking by sea or land out of British India;

“import” means the bringing by sea or land into British India.

3. The Governor General in Council may, by notification in the Gazette of India, prohibit or restrict in any way he may specify in such notification, the import or export of all or any goods or any class of goods from or to any country or place, or from or to any person or class of persons. Power to prohibit or restrict import or export of goods from or to any country or place, or any person or class of persons.

[Price one anna and three pies.]

*Import and Export of Goods.* [ORD. IV, 1916.]

Application  
of the pro-  
visions of  
the Sea  
Customs Act,  
1878.

4. Where, by a notification issued under section 3, the import or export of any goods is prohibited or restricted, such goods shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and the provisions of the said Act shall have effect accordingly :

Provided that, in any proceedings for the adjudication of confiscation of any goods to which the provisions of any notification under this Ordinance is alleged to apply, the goods shall be deemed to be goods of which the import or export has been so prohibited or restricted, as the case may be, unless the contrary is proved.

Summary  
procedure  
for recovery  
of penalty of  
bond.

5. (1) Where any bond has been executed for the due performance of any condition imposed in the exercise or by virtue of the power of restriction conferred by section 3, the officer in whose favour the bond has been executed or his successor in office may, if he is satisfied that such bond has been forfeited, call upon the person bound thereby to pay the penalty to show cause why it should not be paid by him.

(2) If, in the opinion of such officer, sufficient cause is not shown and the penalty is not paid, he may, in addition to all other legal remedies, proceed to recover the same as if it were an arrear of land-revenue, and shall, for that purpose, have all the powers conferred upon the Collector by any enactment relating to land-revenue for the time being in force in any part of the province in which the bond was executed.

Certain  
notifications  
under the  
Sea Customs  
Act, 1878, to  
be deemed to  
be issued  
under this  
Ordinance.

6. All notifications under section 19 of the Sea Customs Act, 1878, issued after the 3rd of August, 1914, and in force at the commencement of this Ordinance, shall be deemed to have been issued under the provisions of section 3, and any action taken after the said date which, if this Ordinance had been in force, could have been validly taken, is hereby validated.

CHELMSFORD,

*Viceroy and Governor General.*

## ORDINANCE No. V OF 1916.

[27th June, 1916.]

An Ordinance to prohibit or control trading by hostile foreigners and hostile firms and for other purposes.

[Published in the Gazette of India Extraordinary of the 27th June, 1916.]

**W**HEREAS an emergency has arisen which makes it necessary to take powers further to prohibit or control trading by hostile foreigners and hostile firms and for other purposes;

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

5 & 6 Geo.,  
V, Ch. 61.

### ORDINANCE No. V OF 1916.

1. This Ordinance may be called the Enemy Short title.  
Trading Ordinance, 1916.

2. In this Ordinance—

Definitions.

“Company” means any company, firm or association, or body of individuals whether incorporated or not;

“Hostile foreigner” means a subject of a State for the time being at war with His Majesty, and includes any company constituted according to the laws of such State, and the ruler or government of any such State; and

“Hostile firm” means any of the following, namely:—

- (a) any hostile foreigner who has, or at any date subsequent to the 3rd day of August, 1914 had, an office, agency or place of business in British India;

[Price annas two and nine pies.]

- (b) any company of which any member or officer is a hostile foreigner, or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, and which has or has had since that date an office, agency or place of business in British India;
- (c) any person, or company who or which has, at any time since the 3rd day of August, 1914, carried on business in British India, and whose business is, or was, in the opinion of the Governor General in Council, either by reason of its nature or of the persons who carry or carried it on, or for any other cause whatsoever, carried on either under the control whether direct or indirect of any hostile foreigner, or carried on wholly or mainly for the benefit of hostile foreigners generally, or any class of hostile foreigners or any individual hostile foreigner.

Power to  
appoint  
Inspectors.

3. (1) The Governor General in Council may, by general or special order, appoint Inspectors for the purpose of determining whether any business is or was carried on by a hostile firm within the meaning of this Ordinance.

(2) The Inspector may summon before him any person whom he believes to be capable of giving information concerning the trade, dealings, affairs or property of such business, and of the antecedents and nationality of those by whom it is or was carried on or controlled.

(3) The Inspector may examine such person on oath concerning the same, and may reduce his answers to writing, and require him to sign them.

(4) The Inspector may require such person to produce any documents in his custody or power in any way relating to such business or to the persons by whom it is or was carried on or controlled.

(5) If any person so summoned refuses to come before the Inspector at the time appointed, the



Inspector may cause him to be apprehended and brought before him for examination.

(6) If any person refuses to answer any question or to produce any document, which under this section the Inspector is empowered to ask or require production of, such person shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

4. (1) The Governor General in Council may make an order either—

Power to prohibit or restrict, or wind up hostile firms.

(a) prohibiting any hostile firm from carrying on business except for the purposes and subject to the conditions, if any, specified in the order; or

(b) requiring the business of such firm to be wound up; and may in any case, where he has made an order prohibiting or limiting the carrying on of the business, at any time, if he thinks it expedient, substitute for that order an order requiring the business to be wound up.

(2) Every order made under sub-section (1) shall be published by notification in the Gazette of India.

(3) If any person contravenes the provisions of any order made under this section, he shall be punishable with imprisonment which may extend to one year, and shall also be liable to fine.

(4) An order made under this section shall continue in force, notwithstanding the termination of the present war, until determined by order of the Governor General in Council.

5. (1) Where the Governor General in Council makes an order under this Ordinance requiring a business to be wound up, the order shall, on notification in the Gazette of India, have effect as if it were a winding up order made by a Court under the Indian Companies Act, 1913, and the provisions of that Act relating to winding up by the Court and the rules made thereunder subject to such excep-

Winding up order.

tions, restrictions, extensions, modifications and adaptations as the Governor General in Council may, by general or special order, prescribe, or such other rules as may be prescribed by him, shall apply to the winding up of the business :

Provided that, for the purposes of any winding up order under this Ordinance, all powers exercisable by the Court under the said Act shall be exercisable by the Governor General in Council or by such other authority as he may appoint either generally or specially in that behalf :

Provided also that the assets of the business and any money resulting from the realization of any part thereof shall be dealt with in accordance with such rules as the Governor General in Council may make in that behalf.

(2) Where an order has been made under this Ordinance directing the winding up of the business of a hostile firm, the hostile firm shall not, nor shall any other person, commence or initiate, whilst that order remains in force, any other proceedings of a like nature or calculated in any way to interfere with the carrying out of such order.

Contracts or transfers against the public interest.

6. Where it appears to the Governor General in Council that a contract entered into before or during the war, or a transfer of property, moveable or immoveable, made during the war, with or by a hostile foreigner or a hostile firm is injurious to the public interest, or was made with the object of evading any provision of the law, the Governor General in Council may by order cancel or determine such contract, either unconditionally or upon such conditions as he thinks fit, or declare such transfer to be void either in whole or in part, or may impose such conditions on the transferee as he thinks fit.

Power of the Governor General in Council to vest property in Custodian under the Enemy Trading Act, 1915.

7. (1) The Governor General in Council, in any case where it appears to him to be expedient to do so, may by order vest in any Custodian appointed under the Enemy Trading Act, 1915, any property, moveable or immoveable, belonging to or managed or held whether in trust or otherwise, for, or on behalf of, a hostile foreigner, a hostile firm, or any person or

X IV of 1915

company residing in, or carrying on business in the dominions of, a State at war with His Majesty, or the right to transfer that property, and may by any such order or any subsequent order confer on the Custodian such powers of selling, managing and otherwise dealing with the property as to the Governor General in Council may seem proper.

(2) A vesting order under this section shall, notwithstanding the provisions of any other law to the contrary, be sufficient to vest in the Custodian any property or the right to transfer any property as provided by the order without the necessity of any further document.

(3) Where, in the exercise of the powers conferred on him by the Governor General in Council, the Custodian proposes to sell any shares or stock forming part of the capital of any company or any securities issued by the company in respect of which a vesting order under this Ordinance has been made, the company may, with the consent of the Governor General in Council, purchase the shares, stock or securities, notwithstanding anything to the contrary in any law or in any regulation of the company, and any shares, stock or securities so purchased may, from time to time, be re-issued by the company.

(4) The transfer by the Custodian of any property shall be conclusive evidence in favour of the transferee and of the Custodian that the requirements of this section have been complied with.

(5) All property vested in the Custodian under this section and the proceeds of the sale of, or money arising from, any such property, shall be dealt with by him in accordance with such directions as he may receive from the Governor General in Council; and no such property or money shall be liable to be attached or otherwise taken in execution.

8. Where a vesting order has been made under this Ordinance as respects any property belonging to, or held or managed for, or on behalf of, a person who appeared to the Governor General in Council to be a person to whom the provisions of section 7 were applicable, the order shall not, nor shall any

Validity of  
vesting  
orders.

proceedings thereunder or in consequence thereof, be invalidated or affected by reason only of such person having, prior to the date of the order, died or ceased to be a person to whom the said provisions were applicable, or subsequently dying or ceasing to be such a person or by reason of its being subsequently ascertained that he was not such a person, as the case may be.

Registration  
of transfer  
without pro-  
duction of  
certificates,  
etc.

9. Where the Custodian executes a transfer of any shares, stock or securities which he is empowered to transfer by a vesting order made under this Ordinance, the company in whose books the shares, stock or securities are registered shall, upon the receipt of the transfer so executed by the Custodian, and upon being required by him so to do, register the shares, stock or securities in the name of the Custodian or other transferee, notwithstanding any regulation or stipulation of the company, and notwithstanding that the Custodian is not in possession of the certificate, scrip or other document of title relating to the shares, stock or securities transferred; but such registration shall be without prejudice to any lien or charge in favour of the company or to any other lien or charge of which the Custodian has express notice.

Power to  
make rules

10. (1) The Governor General in Council may make rules for all or any of the following purposes, namely:—

- (a) providing for the distribution or disposal of any assets, or any money resulting from the realization of any part thereof, of any business in respect of which a winding up order has been made under this Ordinance;
- (b) prescribing that hostile foreigners and hostile firms or any class of hostile foreigners or hostile firms shall, when required by the Custodian, furnish to him such particulars as he may require of all or any moveable or immoveable property in their possession, or under their control whether direct or indirect;

- (c) requiring persons in British India to furnish to the Custodian such particulars as he may require of all or any class of debts or other property due by them to any person to whom the provisions of section 7 are or may be applicable;
- (d) prescribing the remuneration payable to the Custodian in respect of his duties under this Ordinance, the fund from which it shall be paid, and the method of collecting the same; and
- (e) generally for carrying out the purposes of this Ordinance.

(2) In making any rule under this section, the Governor General in Council may direct that a breach of it shall be punishable with imprisonment which may extend to a term not exceeding six months, or with fine which may extend to one thousand rupees, or with both.

11. Every license for the time being in force granted under the Hostile Foreigners (Trading) Order permitting the licensee to trade or carry on business subject to conditions or restrictions shall be deemed to be an order made under section 4 (1) (a) of this Ordinance, and this Ordinance shall have effect accordingly.

Certain licenses under the Hostile Foreigners (Trading) Order to be deemed to be orders issued under section 4 (1) (a).

12. (1) The Governor General in Council may, by notification in the Gazette of India, declare that the powers conferred by section 7 in regard to the property, moveable or immoveable, of the persons referred to therein shall extend to the property, moveable or immoveable, in British India, of any company specified in such notification of which any member is a hostile foreigner, or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, notwithstanding that such company is not a company trading in British India.

Power to deal with non-trading companies.

(2) On the publication of a notification under sub-section (1), the company shall be deemed to be



a person referred to in section 7 of this Ordinance, and this Ordinance shall have effect accordingly.

Validation of  
past action.

13. Any act done after the 3rd day of August, 1914 by, or under the orders of, any officer of Government in respect of the property, moveable or immoveable, of any hostile foreigner or hostile firm which, if this Ordinance had been in force, could have been validly done in the exercise of the powers conferred thereby, or which could have been conferred thereunder, is hereby validated.

CHELMSFORD,  
*Viceroy and Governor General.*



## ORDINANCE No. VI OF 1916.

[11th November, 1916.]

An Ordinance to amend temporarily the Indian Paper Currency (Temporary Amendment) Act, 1916.

[Published in the Gazette of India Extraordinary of the 13th November, 1916.]

IX of 1916. **W**HEREAS an emergency has arisen which renders it necessary to amend temporarily the Indian Paper Currency (Temporary Amendment) Act, 1916;

5 & 6 Geo. V, c. 61. Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. VI OF 1916.

1. This Ordinance may be called the Indian Paper Currency (Further Amendment) Ordinance, 1916.

IX of 1916. 2. Section 3 of the Indian Paper Currency (Temporary Amendment) Act, 1916, shall be construed as if for the words "sixty millions" the words "one hundred and eighty millions" were substituted. Amendment of section 3 of the Indian Paper Currency (Temporary Amendment) Act, 1916.

CHELMSFORD,

*Viceroy and Governor General.*

[Price one anna.]



## ORDINANCE No. VII OF 1916.

[13th December, 1916.]

An Ordinance to amend temporarily the Indian Paper Currency (Temporary Amendment) Act, 1916.

[Published in the Gazette of India Extraordinary of the 14th December, 1916.]

WHEREAS an emergency has arisen which renders it necessary further to amend temporarily the Indian Paper Currency (Temporary Amendment) Act, 1916;

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. VII OF 1916.

1. This Ordinance may be called the Second short title Indian Paper Currency (Further Amendment) Ordinance, 1916.

IX of 1916. 2. Section 3 of the Indian Paper Currency (Temporary Amendment) Act, 1916, shall be construed as if for the words "sixty millions" the words "three hundred millions" were substituted. Amendment of section 3, Act IX of 1916.

VI of 1916. 3. The Indian Paper Currency (Further Amendment) Ordinance, 1916, is hereby repealed. Repeal of Ordinance No. VI of 1916.

CHELMSFORD,  
Viceroy and Governor General.

[Price one anna.]



## ORDINANCE No. VIII OF 1916.

[26th December, 1916.]

An Ordinance to provide power for enforcing the attendance of witnesses at inquiries held into any matters relating to, or connected with, elections to the Indian Legislative Council and for other purposes in connection with such inquiries.

[Published in the Gazette of India Extraordinary of the 27th December, 1916.]

**W**HEREAS an emergency has arisen which renders it necessary to provide power for enforcing the attendance of witnesses at inquiries held into any matters relating to, or connected with, elections to the Indian Legislative Council and for other purposes in connection with such inquiries;

5 & 6 Geo.  
V, c. 61.

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. VIII OF 1916.

1. This Ordinance may be called the Indian Legislative Council (Elections Inquiries) Ordinance, 1916. Short title.

2. (1) Where, in the opinion of the Governor General in Council, it is desirable that an inquiry should be held into any matter relating to, or connected with, any election to the Indian Legislative Council, the Governor General in Council may, by order in writing, appoint any person he may specify in the order to be a Commissioner for the purpose of holding such inquiry. Power to direct inquiry and enforce the giving of evidence on oath, etc.

[Price one anna and three pies.]

*Indian Legislative Council* [ORD. VIII OF 1916.]  
(*Elections Inquiries*).

(2) A Commissioner appointed under sub-section (1) shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when V of 1908. trying a suit in respect of the following matters:—

- (a) enforcing the attendance of witnesses and examining them on oath or affirmation;
- (b) compelling the production of documents; and
- (c) issuing commissions for the examination of witnesses;

and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898. V of 1898.

The expression “witnesses” in this sub-section shall include parties or persons in the position of parties to such inquiry.

(3) A Commissioner may authorise the representation before him of any person appearing to him to be sufficiently interested in such inquiry, by counsel or pleader or otherwise as he may direct.

Witness not  
excused from  
answering  
from fact  
that answer  
will crimi-  
nate.

3. A person examined as a witness by a Commissioner holding an inquiry under section 2 shall not be excused from answering any question put to him, upon the ground that the answer thereto will criminate or may tend directly or indirectly to criminate him, or tend directly or indirectly to expose him to a penalty or forfeiture of any kind:

Provided that no such answer which a witness shall be compelled to give shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

CHELMSFORD,  
*Viceroy and Governor General.*



## ORDINANCE No. I OF 1917.

[2nd February, 1917.]

An Ordinance to provide for the registration of certain European British subjects.

[Published in the Gazette of India Extraordinary of the 2nd February, 1917.]

WHEREAS an emergency has arisen which renders it necessary to require certain European British subjects to register themselves in the manner hereinafter provided;

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

5 & 6 Geo.  
V, C. 61.

### ORDINANCE No. I OF 1917.

1. (1) This Ordinance may be called the Registration Ordinance, 1917. Short title and extent.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas, and applies also to European British subjects within the territories of any Native Prince or Chief in India.

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

“European British subject” means a European British subject as defined in the Code of Criminal Procedure, 1898;

“Prescribed” means prescribed by rules made under this Ordinance.

3. (1) Every male European British subject for the time being in India (not being a member of His Majesty's naval or military forces otherwise than as Obligation to register.

[Price two annas.]

a volunteer enrolled under the Indian Volunteers' Act, 1869) who, for the time being, has attained the age of 16 years and had not attained the age of 50 years on the first day of February, 1917, shall within the prescribed period fill up, or cause to be filled up, sign and lodge with the registration authority specified in Schedule I, or such other registration authority as may be prescribed, Form A set out in that Schedule, and if any such person claims—

(i) not to be ordinarily resident in British India, or

(ii) to be within exceptions number (2) or (3) set out in Schedule II, he shall lodge with the said form a statement of his claim.

(2) If any registration authority has reason to believe that any person is a person to whom the provisions of sub-section (1) are applicable, he may, if he thinks fit, by order in writing require such person to furnish such particulars as may be specified in the order within such time as may be so specified, and such person, whether he is or is not a person to whom that sub-section applies, shall within the specified time furnish the said particulars to such registration authority in such form or manner as such order may require, and shall duly sign the same.

(3) If any person refuses, or without lawful excuse (the burden of proving which shall lie upon such person) neglects—

(a) within the prescribed period to fill up or cause to be filled up to the best of his knowledge and belief the form required by sub-section (1), or to sign or to lodge it with the registration authority as required by that sub-section; or

(b) to comply with the requirements of any order under sub-section (2),

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

1917.]

*Registration.*

(4) Every registration authority under this Ordinance shall be deemed to be a public servant XLV of 1860. within the meaning of the Indian Penal Code.

4. If any question arises with reference to this Ordinance whether any person is a European British subject or is within the exceptions set out in Schedule II, or as to the age of any person, the prescribed authority may apply to the District Magistrate or to an officer specially empowered in this behalf by the Local Government in the district in which the person to whom the dispute relates is for the time being, and such Magistrate or other officer, after hearing such person or giving him a reasonable opportunity of being heard, shall summarily determine the question, and the decision of such Magistrate or other officer shall be final.

Determination of disputes as to residence and age.

5. (1) The Governor General in Council may make rules to carry out the purposes of this Ordinance.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe registration authorities, provide for the issue of certificates of registration, and the preparation of a register, and for the compilation and correction thereof, and for the attendance of persons for that purpose, and for the notification of the address and changes of address of registered persons.

(3) Rules made under this section may provide that any contravention thereof or of any order or notice issued under the authority of any such rule shall be punishable with fine which may extend to five hundred rupees.

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

6. Nothing in this Ordinance shall apply to any person confined in a prison or lunatic asylum.

Ordinance not to apply to persons confined in a prison or lunatic asylum.

SCHEDULE I.

(See section 3.)

PART 1.

*Registration Authorities.*

In the case of any person in Government employ.	The Head of the Department.
In the case of any person in the employ of any public authority.	The Chief Executive Officer of such authority.
In the case of any person in the employ of any railway.	The head of the Railway Administration.
In any other case where no special authority is prescribed.	The District Magistrate of the district where the person for the time being is resident, or, in the case of a person resident in a presidency-town, the Commissioner of Police.

PART 2.

Form A.

*Particulars.*

- (a) Name . . . . .
- (b) Place of residence . . . . .
- (c) Date of birth . . . . .
- (d) Whether single, married or widower .
- (e) Number of dependants, if any, distinguishing wife, children and other dependants . . . . .
- (f) Profession or occupation, if any, name of business, address of employer, if any, and nature of employer's business . . . . .
- (g) Whether the work on which he is employed, if any, is work for or under any Government department .
- (h) Whether he has undergone military or naval training of any description. If so, what and for what period . . . . .

*Signature and date.*

1917.]

*Registration.*

NOTE.—Section 4 (I) (i) of the Code of Criminal Procedure is as follows:—

- (i) “European British subject” means—
- (i) any subject of Her Majesty born, naturalised or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American or Australian Colonies or possessions of Her Majesty or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;
  - (ii) any child or grand-child of any such person by legitimate descent.

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SCHEDULE II.

*Exceptions.*

- (1) Members of His Majesty’s naval and military forces other than Volunteers enrolled under the Indian Volunteers’ Act, 1869.
- (2) Persons in Holy Orders or regular Ministers of any British denomination.
- (3) Persons who have at any time since the beginning of the war been prisoners of war, captured or interned by the enemy or have been released or exchanged.

CHELMSFORD,  
*Viceroy and Governor General.*





## ORDINANCE No. II OF 1917.

[18th April, 1917.]

An Ordinance to amend temporarily the Indian Paper Currency (Temporary Amendment) Act, 1917.

[Published in the Gazette of India Extraordinary of the 18th April, 1917.]

XI of 1917. WHEREAS an emergency has arisen which renders it necessary to amend temporarily the Indian Paper Currency (Temporary Amendment) Act, 1917;

S & J Geo.  
V, C. 61.

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. II OF 1917.

1. This Ordinance may be called the Indian Paper Currency (Amendment) Ordinance, 1917.

XI of 1917. 2. Section 3 of the Indian Paper Currency (Temporary Amendment) Act, 1917, shall be construed as if for the words "three hundred millions," the words "four hundred and twenty millions" were substituted. Amendment of section 3, Act XI of 1917.

CHELMSFORD,  
Viceroy and Governor General.

[Price one anna.]



## ORDINANCE No. III OF 1917.

[29th June, 1917.]

An Ordinance to provide for the acquisition  
of gold imported into British India.

[Published in the Gazette of India Extraordinary of the  
29th June, 1917.]

WHEREAS an emergency has arisen which makes it necessary to provide for the acquisition by the Governor General in Council of gold imported into British India after the commencement of this Ordinance;

5 & 6 Geo.  
V., O. 61.

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. III OF 1917.

1. (1) This Ordinance may be called the Gold (Import) Ordinance, 1917. Short title and extent.

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

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

‘coin’ means metal used for the time being as money, and stamped and issued by the authority of some State or sovereign power in order to be so used,

‘gold’ means gold coin or gold bullion,

‘import’ means the bringing by sea or land into British India.

3. (1) Subject to the provisions of this Ordinance, the Governor General in Council or any person appointed by him in this behalf may by order in Power to take possession of imported gold.

[Price one anna and three pies.]

*Gold (Import)* [ORD. III OF 1917.]

writing within ten days from the date of import, take possession of any gold imported into British India after the commencement of this Ordinance, and such gold shall thereupon vest absolutely in His Majesty.

(2) Where any gold is taken possession of in the exercise of the powers conferred by sub-section (1), the Governor General in Council shall pay to the owner thereof on production of such documents as the authority making the order under sub-section (1) may require, a sum in respect of such gold calculated at the rate set out in the Schedule.

(3) If any dispute arises as to the fineness of any such gold, a certificate of assay by the Assay Master of any mint established under the Indian Coinage Act, 1906, shall be conclusive.

III of 1906.

SCHEDULE.

<i>Class of gold.</i>	<i>Rate.</i>
(1) Gold coins coined at His Majesty's Royal Mint in England or at any Mint established in pursuance of a Proclamation of His Majesty as a branch of His Majesty's Royal Mint.	Rs. 15 for one sovereign.

Provided that such coins have not been called in by any Proclamation made in pursuance of the Coinage Act, 1870, or have not lost weight so as to be of less weight than that for the time being prescribed for like coins by or under the said Statute as the least current weight.

33 & 34 Vict.,  
C. 10.

(2) All other gold not included in entry No. 1.	Re. 1 for every 7·53344 grains Troy of fine gold.
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CHELMSFORD,

*Viceroy and Governor General.*

ORDINANCE No. IV OF 1917.

[11th July, 1917.]

An Ordinance to provide for the acquisition of silver imported into British India.

[Published in the Gazette of India Extraordinary of the 11th July, 1917.]

WHEREAS an emergency has arisen which makes it necessary to provide for the acquisition by the Governor General in Council of silver imported into British India after the commencement of this Ordinance.

5 & 6 Geo.  
V., C. 61.

Now therefore in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance :—

ORDINANCE No. IV OF 1917.

1. (1) This Ordinance may be called the Silver (Import) Ordinance, 1917. Short title  
and extent.

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

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

“Coin” means metal used for the time being as money, and stamped and issued by the authority of some State or Sovereign power in order to be so used ;

“Import” means the bringing, by sea or land, into British India.

“Silver” means silver coin or silver bullion other than silver coin which has been issued by the Government of India and which is legal tender within the meaning of the Indian Coinage Act, 1906.

II of 1906.

Power to  
take posses-  
sion of the  
imported sil-  
ver.

3. (1) Subject to the provisions of this Ordinance, the Governor General in Council or any person appointed by him in this behalf may, by order in writing, within ten days from the date of import, take possession of any silver imported into British India after the commencement of this Ordinance, and such silver shall thereupon vest absolutely in His Majesty.

(2) Where any silver is taken possession of in exercise of the powers conferred by sub-section (1), the Governor General in Council shall pay or shall provide for payment either in London or at such other place as may be agreed upon, to the owner of such silver or his duly authorised agent, upon the production, either at the place of import or at the place of payment, of the necessary documents, a sum calculated according to the weight of such silver at a rate five per centum below the rate of the London Silver Market for silver of like fineness in London on the day on which the order under sub-section (1) was made.

(3) If any dispute arises at the place of import as to the fineness of any such silver, a certificate of assay by the Assay Master of any mint established under the Indian Coinage Act, 1906, shall be conclusive.

III of 1916.

CHELMSFORD,

*Viceroy and Governor General.*



## ORDINANCE No. I OF 1918.

[15th April, 1918.]

An Ordinance to provide that silver held on behalf of the Secretary of State for India in Council or the Governor General in Council may, if so held in the United States of America or in course of transmission therefrom, be deemed to be part of the reserve referred to in section 19 of the Indian Paper Currency Act, 1910.

[Published in the Gazette of India Extraordinary of the  
15th April, 1918.]

WHEREAS an emergency has arisen which makes it necessary to provide that silver held on behalf of the Secretary of State for India in Council or the Governor General in Council may, if so held in the United States of America or in course of transmission therefrom, be deemed to be part of the reserve referred to in section 19 of the Indian Paper Currency Act, 1910;

II of 1910.

5 & 6 Geo.  
V., c. 61.

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

## ORDINANCE No. I OF 1918.

1. This Ordinance may be called the Indian Short title.  
Paper Currency Ordinance, 1918.

2. In this Ordinance—

Definition.

“Silver” means silver coin or silver bullion.

[Price one anna and three pies.]

*Indian Paper Currency.* [ORD. I OF 1918.]

11 of 1910.

3. Notwithstanding anything contained in the Indian Paper Currency Act, 1910, the Governor General in Council may, by order in writing, direct—

Power to direct that silver held in the United States of America or in transmission therefrom may be deemed to be part of the Paper Currency Reserve.

- (a) that silver held in the United States of America on behalf of the Secretary of State for India in Council or the Governor General in Council, shall be deemed to be part of the reserve referred to in section 19 of the said Act; or
- (b) that silver in course of transmission from the United States of America, which is, at the commencement of such transmission or at any period thereafter, held on behalf of the Secretary of State for India in Council or the Governor General in Council for transmission to India shall, during the period it is so held, be deemed to be a part of the reserve referred to in section 19 of the said Act.

CHELMSFORD,  
*Viceroy and Governor General.*

## ORDINANCE No. II of 1918.

[14th June, 1918.]

An Ordinance to provide for the coinage of gold coin at the Mints referred to in the Indian Coinage Act, 1906.

[Published in the Gazette of India Extraordinary of the 14th June, 1918.]

III of 1906. **W**HEREAS an emergency has arisen that makes it necessary to provide for the coinage of a gold coin at the Mints referred to in the Indian Coinage Act, 1906;

5 & 6 Geo. V., c 61. Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. II of 1918.

1. This Ordinance may be called the Gold Short title. Coinage Ordinance, 1918.

2. All words and expressions used in this Interpreta-  
tion. Ordinance and defined in the Indian Coinage Act, 1906, shall be deemed to have the meanings respectively attributed to them by that Act.

3. The following gold coin shall be coined at Gold coinage the Mint for issue under the authority of the Governor General in Council, namely, a gold mohur or fifteen rupee piece.

4. The standard weight of the said gold mohur Standard  
weight and  
fineness. shall be 123.27447 grains troy. Its standard fineness shall be as follows, namely: eleven-twelfths fine gold and one-twelfth of alloy:

Provided that in the making of the coin a remedy shall be allowed not exceeding one-fifth of a grain in weight and two-thousandths in fineness.

[Price one anna and six pies.]

Power to direct coining and to prescribe dimensions and designs.

5. The Governor General in Council may, by notification in the Gazette of India, direct the coining and issuing of gold mohurs and determine the dimensions of, and designs for, such coins.

Gold mohurs when legal tender.

6. The gold mohur shall be a legal tender in payment or on account, at the rate of fifteen rupees for one gold mohur :

Provided that the coin—

(a) has not lost in weight so as to be of less weight than  $122\frac{1}{2}$  grains, and

(b) has not been defaced.

Power to cut diminished or defaced gold mohurs.

7. (1) Where any gold mohur which has been coined and issued under the authority of the Governor General in Council is tendered to any person authorised to act under section 16 of the Indian Coinage Act, 1906, and such person has reason to believe that the coin,

(a) has been diminished in weight so as to be of less weight than  $122\frac{1}{2}$  grains, or

(b) has been defaced,

he shall, by himself or another, cut or break the coin.

(2) A person cutting or breaking coin under the provisions of sub-section (1) shall return the pieces to the person tendering the coin who shall bear the loss caused by such cutting or breaking :

Provided that in the case of a defaced coin, if the person so cutting or breaking has reason to believe that the coin has not been fraudulently defaced within the meaning of section 18 of the Indian Coinage Act, 1906, and the coin is not of less weight than  $122\frac{1}{2}$  grains, he shall receive and pay for the coin at its nominal value.

Power to cut counterfeit gold coin.

8. The provisions of section 20 of the Indian Coinage Act, 1906, shall apply in the case of gold mohurs as if that section referred to gold coin and gold bullion, and any person authorised under that section may exercise in respect of gold mohurs the powers conferred thereby.

OF 1918.]

*Gold Coinage.*

9. The Governor General in Council may make <sup>Rule-making power.</sup> rules to carry out the purposes and objects of this Ordinance.

10. No suit or other proceeding shall lie against <sup>Bar of suits.</sup> any person in respect of anything in good faith done, or intended to be done, under or in pursuance of the provisions of this Ordinance.

CHELMSFORD,

*Viceroy and Governor General.*





## ORDINANCE NO. III OF 1918.

[7th December, 1918.]

An Ordinance further to amend the Indian  
Paper Currency (Amendment) Act, 1917.

[Published in the Gazette of India Extraordinary of the  
7th December, 1918.]

WHEREAS an emergency has arisen which  
makes it necessary further to amend the  
XIX of 1917. Indian Paper Currency (Amendment) Act, 1917;

Now, therefore, in exercise of the powers con-  
ferred by section 72 of the Government of India  
Act, 1915, the Governor General is pleased to make  
and promulgate the following Ordinance:—

### ORDINANCE No. III OF 1918.

1. This Ordinance may be called the Indian Paper Currency (Amendment) Ordinance, 1918. Short title.

2. In section 2 of the Indian Paper Currency (Amendment) Act, 1917, for the words "six hundred and sixty millions," the words "eight hundred millions" shall be substituted. Amendment of section 2, Act XIX of 1917.

CHELMSFORD,

Viceroy and Governor General.

[Price one anna.]

SGF1—143 L. D.—27-12-18—8,000.



## ORDINANCE No. I OF 1919.

[14th April, 1919.]

An Ordinance to provide for the trial of persons charged with offences under the Bengal State Offences Regulation, 1804.

[Published in the Gazette of India Extraordinary of the 14th April, 1919.]

WHEREAS the Governor General is satisfied that a state of open rebellion against the authority of the Government exists in certain parts of the Province of the Punjab;

X of 1804.

And whereas the Governor General in Council has, in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1804, suspended, in respect of offences described in the said Regulation with which any person of the classes therein referred to may be charged, the functions of the ordinary Courts of Judicature within the districts of Lahore and Amritsar in the aforesaid Province and has established martial law in the said districts; and has directed the immediate trial by courts-martial of all such persons charged with such offences;

And whereas an emergency has arisen which makes it expedient to provide that such trials shall be held in the manner and by the tribunals herein-after provided;

5 & 6 Geo. V,  
C. 61.

Now, therefore, the Governor General, in exercise of the power conferred by section 72 of the Government of India Act, 1915, is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Martial Law Ordinance, 1919.

Short title  
and com-  
mencement.

(2) It shall come into operation at midnight between the 15th and the 16th April, 1919.

2. (1) Every

1

[Price one anna and nine pies.]

## ORDINANCE NO. I OF 1919.

[14th April, 1919.]

An Ordinance to provide for the trial of persons charged with offences under the Bengal State Offences Regulation, 1804.

[Published in the Gazette of India Extraordinary of the 14th April, 1919.]

**W**HEREAS the Governor General is satisfied that a state of open rebellion against the authority of the Government exists in certain parts of the Province of the Punjab;

X of 1804.

And whereas the Governor General in Council has, in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1804, suspended, in respect of offences described in the said Regulation with which any person of the classes therein referred to may be charged, the functions of the ordinary Courts of Judicature within the districts of Lahore and Amritsar in the aforesaid Province and has established martial law in the said districts; and has directed the immediate trial by courts-martial of all such persons charged with such offences;

And whereas an emergency has arisen which makes it expedient to provide that such trials shall be held in the manner and by the tribunals hereinafter provided;

5 & 6 Geo. V,  
C. 61.

Now, therefore, the Governor General, in exercise of the power conferred by section 72 of the Government of India Act, 1915, is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Martial Law Ordinance, 1919.

Short title  
and com-  
mencement.

(2) It shall come into operation at midnight between the 15th and the 16th April, 1919.

2. (1) Every

1

[Price one anna and nine pies.]

*Martial Law Ordinance.*

[ ORD. I

Trials under  
Regulation  
X of 1804 to  
be held by  
Commissions.

2. (1) Every trial held under the Bengal State Offences Regulation, 1804 (hereinafter called the said Regulation), shall, instead of being held by a court-martial, be held by a Commission consisting of three persons appointed in this behalf by the Local Government. X of 1804.

(2) The Local Government may appoint as many Commissions for this purpose as it may deem expedient.

(3) At least two members of every such Commission shall be persons who have served as Sessions Judges or Additional Sessions Judges for a period of not less than three years, or persons qualified under section 101 of the Government of India Act, 1915, for appointment as Judges of a High Court. The Local Government shall nominate one of the members of the Commission to be President thereof. 5 & 6 Geo.  
V, C. 61.

Convening  
authority.

3. A Commission shall be convened by the Local Government or by such officer as the Local Government may authorise in this behalf.

Powers and  
procedure of  
Commissions.

4. A Commission shall have all the powers of a general court-martial under the Indian Army Act, 1911, and shall, subject to the provisions of this Ordinance, in all matters follow so far as may be the procedure regulating trials by such courts-martial prescribed by or under the said Act : VIII of 1911.

Provided that where, in the opinion of the convening authority, a summary trial is necessary in the interests of the public safety, such authority may direct that the Commission shall follow the procedure prescribed for a summary general court-martial by or under the said Act, and the Commission shall, so far as may be and subject to the provisions of this Ordinance, follow such procedure accordingly :

Provided further, that sections 78, 80 and 82 of the said Act shall not apply to any trial under this Ordinance.

Confirmation  
of finding and  
sentence un-  
necessary.  
Saving of pro-  
ceedings of  
courts-martial  
already begun

5. The finding and sentence of a Commission shall not be subject to confirmation by any authority.

6. Nothing in this Ordinance shall affect any trial held or begun to be held by court-martial under the

OF 1919.] *Martial Law Ordinance.*

the said Regulation prior to the commencement of this Ordinance.

7. Save as provided by section 6, the provisions of this Ordinance shall apply to all persons referred to in the said Regulation who are charged with any of the offences therein described, committed on or after the 13th April, 1919. <sup>Retrospective effect.</sup>

CHELMSFORD,  
*Viceroy and Governor General.*



## ORDINANCE No. II OF 1919.

[ 16th April, 1919.]

### An Ordinance to extend the operation of the Martial Law Ordinance, 1919.

[Published in the Gazette of India Extraordinary of the 16th  
April, 1919.]

WHEREAS the Governor General is satisfied that a state of open rebellion against the authority of the Government exists in certain parts of the province of the Punjab;

X of 1804.

AND WHEREAS the Governor General in Council has, in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1804, suspended, in respect of offences described in the said Regulation with which any person of the classes therein referred to may be charged, the functions of the ordinary Courts of Judicature within the district of Gujranwala in the aforesaid province, and has established martial law in the said district, and has directed the immediate trial by courts-martial of all such persons charged with such offences;

I of 1919.

AND WHEREAS an emergency has arisen which makes it expedient to provide that such trials shall be held in the manner and by the tribunals provided in the Martial Law Ordinance, 1919, and also to provide for the same matter in any other area in which by order of the Governor General in Council the provisions of the aforesaid Regulation may be brought into operation;

5 & 6 Geo. V,  
c. 61.

NOW, THEREFORE, the Governor General, in exercise of the power conferred by section 72 of the Government of India Act, 1915, is pleased to make and promulgate the following Ordinance:—

1. This Ordinance may be called the Martial Law Short title.  
(Extension) Ordinance, 1919.

2. With

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[ Price one anna and three pies]

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## ORDINANCE No. III OF 1919.

[18th April, 1919.]

An Ordinance to provide that persons convicted of any of the crimes specified in the Bengal State Offences Regulation, 1804, shall be punishable with penalties other than those provided in the said Regulation.

[Published in the Gazette of India Extraordinary of the 18th April, 1919.]

X of 1804.

WHEREAS an emergency has arisen which renders it necessary to provide that persons convicted of any of the crimes specified in the Bengal State Offences Regulation, 1804, shall be punishable with penalties other than those provided in the said Regulation;

5 & 6 Geo.  
V, C. 61.

NOW, THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

1. This Ordinance may be called the Martial Law (Sentences) Ordinance, 1919.

X of 1804.

2. Notwithstanding anything contained in section 3 of the Bengal State Offences Regulation, 1804,

Provision  
for minor  
punishments  
in case of  
convictions  
under Regula-  
tion X of  
1804.

I of 1919.

(a) any court-martial or any commission appointed and convened under the Martial Law Ordinance, 1919, may, when convicting any person of any of the crimes specified in the said Regulation, sentence such person to transportation for life or for any period not less than ten years, or to rigorous imprisonment for a term which

shall  
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[Price one anna and three pies.]

*Martial Law (Extension.)* [ORD. II OF 1919.]

Provisions  
of the Martial  
Law Ordinance,  
1919, to apply  
in the district  
of Gujranwala.

2. With effect from midnight between the 16th and 17th April, 1919, the provisions of sections 2 to 6 of the Martial Law Ordinance, 1919, shall apply to I of 1919. the trial of all persons in the district of Gujranwala in the province of the Punjab of the classes referred to in the Bengal State Offences Regulation, 1804, X of 1804. who may be charged with any of the offences therein described, committed on or after the 15th April, 1919.

Power to  
apply the provisions  
of the Martial Law  
Ordinance,  
1919, in any  
area in which  
Regulation X  
of 1804 is in  
operation.

3. Where, after the commencement of this Ordinance, the Governor General in Council, in exercise of the powers conferred by section 2 of the Bengal State Offences Regulation, 1804, suspends, in respect X of 1804. of offences described in the said Regulation with which any person of the classes therein referred to may be charged, the functions of the ordinary Courts of Judicature within any area, and establishes martial law therein, and directs the immediate trial by courts-martial of all such persons charged with such offences, the Governor General in Council may, by order in writing, declare that the provisions of sections 2 to 5 of the Martial Law Ordinance, 1919, shall apply to I of 1919. such trials in the said area.

CHELMSFORD,

*Viceroy and Governor General.*

## ORDINANCE NO. IV OF 1919.

[21st April, 1919.]

An Ordinance further to extend the application of the Martial Law Ordinance, 1919.

[Published in the Gazette of India Extraordinary of the 21st April, 1919.]

I of 1919.

WHEREAS an emergency has arisen which renders it necessary to provide that commissions appointed under the Martial Law Ordinance, 1919, shall have power to try persons and offences other than those specified in the said Ordinance ;

5 & 6 Geo.  
V, C. 61.

Now, THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance :—

1. This Ordinance may be called the Martial Law (Further Extension) Ordinance, 1919. Short title.

I of 1919.

2. Notwithstanding anything contained in the Martial Law Ordinance, 1919, the Local Government may, by general or special order, direct that any commission appointed under the said Ordinance shall try any person charged with any offence committed on or after the 30th March, 1919, and thereupon the provisions of the said Ordinance shall apply to such trials accordingly, and a commission may pass in respect of any such offence any sentence authorised by law.

Commissions under Martial Law Ordinance, 1919, to try such cases as the Local Government may direct.

CHELMSFORD,  
Viceroy and Governor General.

[ Price one anna and three pies.]

*Martial Law (Sentences).* [ORD. III OF 1919.]

shall not be less than seven years and shall not exceed fourteen years ;

- (b) no person so convicted shall be liable to forfeiture of property as provided in the said Regulation unless such court or commission so directs.

CHELMSFORD,  
*Viceroy and Governor General.*



# ORDINANCE No. V OF 1919.

[6th May, 1919.]

[Published in the Gazette of India Extraordinary of the 6th May, 1919.]

An Ordinance to provide for the exercise by certain police-officers in the Presidency of Bombay of the powers of a Superintendent of Police.

**W**HEREAS an emergency has arisen which renders it necessary to provide for the exercise by certain police-officers in the Presidency of Bombay of the powers of a Superintendent of Police ;

Now, **THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Bombay District Police Ordinance, 1919. Short title and extent.

(2) It extends to the Presidency of Bombay.

2. The Local Government may, by general or special order, authorize any police-officer appointed under the Bombay District Police Act, 1890, and not below the rank of an Assistant or Deputy Superintendent, to exercise all or any of the powers of a Superintendent of Police under the said Act in any district or part thereof. Bom. Act IV of 1890. Power to confer on subordinate police-officers the powers of a Superintendent of Police.

CHELMSFORD,

*Viceroy and Governor General.*

[Price one anna and three pies.]

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## ORDINANCE NO. VI OF 1919.

[27th May, 1919.]

An Ordinance to provide for the continuance of trials held by commissions and summary courts under martial law.

[Published in the Gazette of India Extraordinary of the 27th May, 1919.]

X of 1801.

WHEREAS, in exercise of the power conferred by section 2 of the Bengal State Offences Regulation, 1804, the Governor General in Council has been pleased to issue orders suspending in certain districts of the Punjab the functions of the ordinary criminal Courts of Judicature in so far as the trial of persons of the classes referred to in the said Regulation charged with the offences therein described is concerned, and to establish martial law in the said districts ;

I of 1919.  
II of 1919.

AND WHEREAS the Governor General has been pleased to make provision by the Martial Law Ordinance, 1919, and by the Martial Law (Extension) Ordinance, 1919, for the holding of such trials by commissions ;

IV of 1919.

AND WHEREAS the Governor General in Council has further been pleased, in exercise of the powers conferred by the aforesaid Regulation, to suspend the functions of the ordinary criminal Courts of Judicature in the said districts in so far as trials held by commissions in accordance with the provisions of the Martial Law (Further Extension) Ordinance, 1919, are concerned ;

AND WHEREAS an emergency has arisen which renders it necessary to provide for the continuance  
and

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*Martial Law (Trials Continuance.)* [ORD. VI

and completion of all such trials pending before the said commissions at the time of the cancellation of the said orders and for other matters in connection therewith ;

Now, THEREFORE, the Governor General, in exercise of the power conferred by section 72 of the Government of India Act, 1915, is pleased to make<sup>5 and 6 Geo. V, c. 61.</sup> and promulgate the following Ordinance :—

Short title.

1. This Ordinance may be called the Martial Law (Trials Continuance) Ordinance, 1919.

Continuance of trials after the cancellation of orders establishing martial law.

2. When an order under section 2 of the Bengal State Offences Regulation, 1804, suspending the functions of the ordinary criminal Courts in any district has been cancelled and martial law has ceased to operate, every trial which may at the time of such cancellation be pending before any commission appointed, as a result of such order, under the Martial Law Ordinance, 1919, shall be continued<sup>X of 1804.</sup> by such commission, and any person accused in any such trial may be convicted and sentenced and any such sentence shall be carried into execution, as if such order had not been cancelled.<sup>I of 1919.</sup>

*Explanation :—*A trial for the purposes of which an order has been made convening a commission under either the Martial Law Ordinance, 1919, or<sup>I of 1919.</sup> the Martial Law (Further Extension) Ordinance, 1919, shall be deemed to be a trial pending before such commission within the meaning of this section.<sup>IV of 1919.</sup>

Provision for trials pending before summary courts on cessation of martial law.

3. Notwithstanding that the functions of the ordinary criminal Courts have been suspended in any district and that a trial has commenced before a summary Court other than an ordinary criminal Court, such trial shall, when the summary Court ceases, by reason of the cessation of martial law, to exercise jurisdiction therein, be continued before any competent criminal Court which would have had jurisdiction therein save for the existence of martial law, and such Court may act on the evidence recorded by the summary Court or partly recorded by such Court and partly recorded by itself, or it may re-summon the witnesses and re-commence the trial :

OF 1919.] *Martial Law (Trials Continuance.)*

Provided that the accused may at the commencement of the proceedings before the second Court demand that the witnesses or any of them be re-summoned and re-heard :

Provided further that nothing in this section shall be deemed to apply to the trial of an offence which is not punishable under any law for the time being in force.

SIMLA,

Dated 27th May, 1919.

CHELMSFORD,

} *Viceroy and Governor General.*



ORDINANCE NO. VII OF 1919.

[6th December, 1919.]

An Ordinance to prohibit the possession of  
rouble notes.

[Published in the Gazette of India Extraordinary of the 6th  
December, 1919.]

WHEREAS an emergency has arisen which makes it necessary to prohibit the possession of rouble notes;

5 & 6 Geo.  
V., C. 61.

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

ORDINANCE No. VII OF 1919.

1. This Ordinance may be called the Rouble Short title.  
Note Ordinance, 1919.

2. In this Ordinance, "rouble note" means any note being or purporting to be in the nature of a currency note issued by or on behalf of any form of government in the territories which, on the fourth day of August, 1914, constituted the Russian Empire, or purporting to be so issued, and expressed to be payable in roubles. Definition.

3. After the expiration of six weeks from the commencement of this Ordinance, no person shall have in his possession any rouble note. Prohibition of possession of rouble notes.

4. (1) During the said period of six weeks any person who has in his possession a rouble note may dispose of the same by either of the following methods but not otherwise:— Rouble notes may be deposited in a currency office or treasury or exported.

(a) he may deposit the same in a Government currency office or treasury, or

(b) he

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## ORDINANCE No. I OF 1920.

[7th January, 1920.]

An Ordinance to prohibit certain transactions in order to give effect to the provisions of the Treaty of Peace made at Versailles on the twenty-eighth day of June, 1919.

[Published in the Gazette of India Extraordinary of the 7th January, 1920.]

WHEREAS an emergency has arisen which makes it expedient, for the purpose of enabling effect to be given in due course to the provisions of the Treaty of Peace made at Versailles on the twenty-eighth day of June, 1919, to prohibit certain transactions as from the date on which the said Treaty comes into force;

5 & 6 Geo.  
V., c. 61.

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. I OF 1920.

1. (1) This Ordinance may be called the Treaty of Peace Ordinance, 1920;

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas, the District of Angul, the Shan States and the Pargana of Spiti; and it applies also to—

(a) all British and Indian subjects of His Majesty within any State in India; and

(b) all servants of His Majesty, whether British subjects or not, within any State in India; and

(3) It shall come into force on the date on which the Treaty comes into force.

[Price one anna and six pies.]

(b) he may export the same to any place outside India.

(2) Where under the provisions of sub-clause (a) of sub-section (1) any person has deposited a rouble note in a Government currency office or treasury, he shall not be entitled to any compensation therefor, nor shall he be entitled to withdraw the same therefrom, except subject to the conditions of a license issued by an officer of Government authorised by the Governor General in Council in this behalf.

Penalties,

5. Any person who—

(a) has in his possession or disposes of a rouble note in contravention of the provisions of this Ordinance, or

(b) fails to comply with the conditions of a license for the withdrawal of a note from a Government currency office or treasury issued under sub-section (2) of section 4,

shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both; and any rouble note in respect of which an offence has been committed under this section shall be confiscated and shall be disposed of in such manner as the Governor General in Council may direct.

CHELMSFORD,

*Viceroy and Governor General.*

2

Definitions.

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

(a) “custodian” means a custodian of enemy property appointed under the Enemy Trading Act, 1915;

XIV of 1915.

(b) “enemy debt” means any pecuniary obligation of the kind referred to in the first paragraph of Article 296 of the Treaty, as set out in the Schedule, and includes any sum which under the Treaty has to be treated or dealt with in like manner as an enemy debt;

(c) “national” in relation to any State other than a State in India means a subject of that State, and includes any company or corporation incorporated therein according to the law of that State, and, in the case of a Protectorate, the natives thereof; and

“British national in India” includes any person being a British national who resides or carries on business in India and any subject of a State in India; and

(d) “the Treaty” means the Treaty of Peace with Germany made and signed on behalf of His Majesty at Versailles on the twenty-eighth day of June, 1919, together with all Protocols annexed thereto.

Prohibition of payment or receipt of payment of enemy debts.

3. (1) No person shall pay or accept payment of any enemy debt, nor shall any person interested in any such debt as debtor or creditor have any communications with any other person interested therein as creditor or debtor.

(2) Any person contravening the provisions of this section shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Prohibition of legal proceedings for recovery of enemy debts.

4. No suit or other legal proceeding shall lie in any Court of law for the recovery of any enemy debt.

OF 1920.]

*Treaty of Peace.*

5. All property, rights and interests belonging to German nationals at the date when the Treaty comes into force (not being property, rights or interests acquired under any general licence issued by or on behalf of His Majesty) and the net proceeds of their sale, liquidation or other dealings therewith are hereby charged—

Creation of charge on enemy property.

(a) in the first place, with the payment of the amounts due in respect of claims by British nationals in India with regard to their property, rights and interests, including companies and associations in which they are interested in German territory and debts owing to them by German nationals, and with the payment of any compensation which may hereafter be awarded by any Tribunal which may be set up under or in pursuance of the terms of the Treaty or by any arbitrator appointed by any such Tribunal and with payment of claims growing out of acts committed by the German Government or by German authorities since the thirty first day of July and before the fourth day of August, 1914;

(b) secondly, with payments of the amounts due in respect of claims by British nationals in India with regard to their property, rights and interests in the territories of Austria-Hungary, Bulgaria and Turkey, in so far as those claims are not otherwise satisfied;

(c) thirdly, with payments of amounts due in respect of claims by any British nationals of the nature referred to in clauses (a) and (b):

Provided, that any particular property, rights or interests so charged may at any time be released from the charge so created by order of the Governor General in Council.

6. (1) No person shall, without the consent of the custodian appointed for the Province in which

Prohibition of transactions in



enemy  
property.

such person resides or carries on business, transfer, part with or otherwise deal in any property, right or interest which has become subject to a charge by virtue of section 5.

(2) Any person contravening the provisions of this section shall be punishable with imprisonment which may extend to three years or with fine or with both.

Cognisance of  
offences  
against the  
Act.

7. No Court shall take cognisance of any offence punishable under this Act, unless the Local Government has by order in writing consented to the initiation of the proceedings.

#### THE SCHEDULE.

[See section 2 (b).]

The following are the classes of pecuniary obligations referred to in the first paragraph of Article 296 of the Treaty:—

- (1) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory;
- (2) Debts which became payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the declaration of war;
- (3) Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;
- (4) Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

CHELMSFORD,

*Viceroy and Governor General.*

## ORDINANCE No. II OF 1920.

[5th June, 1920.]

An Ordinance to impose restrictions in respect  
of rouble notes.

[Published in the Gazette of India Extraordinary of the 5th  
June, 1920.]

WHEREAS an emergency has arisen which makes  
it necessary to impose restrictions in respect of  
rouble notes;

Now, therefore, in exercise of the power conferred  
by section 72 of the Government of India Act, 1915,  
the Governor General is pleased to make and pro-  
mulgate the following Ordinance:—

5 & 6 Geo. V.  
Ch. 61.

### ORDINANCE No. II OF 1920.

1. (1) This Ordinance may be called the Rouble Note Ordinance, 1920. Short title and extent.

(2) It extends to the whole of British India, in-  
cluding British Baluchistan.

2. In this Ordinance "rouble note" means any  
note being or purporting to be in the nature of a  
currency note issued by or on behalf of any form of  
government in the territories which, on the fourth  
day of August, 1914, constituted the Russian Empire,  
or purporting to be so issued, and expressed to be  
payable in roubles. Definition.

3. All rouble notes which are at the commencement  
of this Ordinance held in deposit in a Government  
currency office or treasury shall continue to be so  
held, and no person shall be entitled to withdraw  
the same except in accordance with a general or  
special order of the Governor General in Council or of  
an

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[Price one anna and three pies.]

*Rouble Note Ordinance.* [ORD. II OF 1920.]

an officer of Government authorised by him in this behalf.

Prohibition of  
import.

4. No person shall bring any rouble note, whether by sea or land or air into British India, and if any person contravenes this provision he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and any rouble note in respect of which any offence under this section has been committed shall be confiscated and shall be disposed of in such manner as the Governor General in Council may direct.

Presumption  
of import.

5. Any rouble note (not being a note held in deposit in a Government currency office or treasury) which is found in British India after the commencement of this Ordinance shall be deemed to have been brought into British India in contravention of the provisions of section 4, and any person in whose possession such a note is found shall be deemed to have committed an offence under that section.

CHELMSFORD,  
*Viceroy and Governor General.*

ORDINANCE No. III OF 1920.

[ 21st June, 1920.]

An Ordinance to deal with certain gold coins.

[Published in the Gazette of India Extraordinary of the 21st June 1920.]

III of 1906. **W**HEREAS an emergency has arisen which makes it expedient to declare that the gold coins referred to in section 11 of the Indian Coinage Act, 1906, shall cease to be legal tender, and to make other provision in this connection :

5 and 6 Geo. v. c. 61. Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance :—

ORDINANCE No. III OF 1920.

1. This Ordinance may be called the Gold Ordinance 1920. Short title.

III of 1906. 2. Notwithstanding anything contained in section 11 of the Indian Coinage Act, 1906, the gold coins referred to in that section shall cease to be legal tender in payment or on account : Gold coin no longer to be legal tender.

II of 1910. Provided that if any person within twenty-one days from the commencement of this Ordinance tenders any such coins at an office of a circle of issue established under section 5 of the Indian Paper Currency Act, 1910, he shall be entitled on demand to receive currency notes of the denominational values prescribed under that Act in exchange therefor at the rate of fifteen rupees for one sovereign.

II of 1910. 3. In determining, for the purposes of the Indian Paper Currency Act, 1910, the value of sovereigns and half sovereigns held in the reserve, such sovereigns and half sovereigns shall be valued at the rate of fifteen rupees for one sovereign. Valuation of gold coin for the purposes of the Indian Paper Currency Act.

CHELMSFORD,

*Viceroy and Governor General.*

[ Price one anna and three pics.]

## ORDINANCE No. IV OF 1920.

[30th July, 1920.]

An Ordinance to prohibit certain transactions in order to give effect to the provisions of the Treaty of Peace made at St. Germain-en-Laye on the tenth day of September, 1919.

[Published in the Gazette of India of the 31st July, 1920.]

WHEREAS an emergency has arisen which makes it expedient, for the purpose of enabling effect to be given to the provisions of the Treaty of Peace made at St. Germain-en-Laye on the tenth day of September, 1919, to prohibit certain transactions :

5 & 6 Geo.  
V, c. 61.

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

### ORDINANCE No. IV OF 1920.

1. (1) This Ordinance may be called the Treaty of Peace (Austria) Ordinance, 1920. Short title  
and extent.

(2) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas, the District of Angul, the Shan States and the Pargana of Spiti; and it applies also to—

- (a) all British and Indian subjects of His Majesty within any State in India; and
- (b) all servants of His Majesty, whether British subjects or not, within any State in India.

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

- (a) “custodian” means a custodian of enemy property appointed under the Enemy Trading Act, 1915;

XIV of 1915.

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## ORDINANCE No. I OF 1921.

[11th July, 1921.]

An Ordinance to prohibit certain transactions in order to give effect to the provisions of the Treaty of Peace made at Trianon on the fourth day of June, 1920.

[Published in the Gazette of India Extraordinary of the 12th July, 1921.]

**W**HEREAS an emergency has arisen which makes it expedient, for the purpose of enabling effect to be given to the provisions of the Treaty of Peace made at Trianon on the fourth day of June, 1920, to prohibit certain transactions;

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Treaty of Peace (Hungary) Ordinance, 1921.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas, the District of Angul, the Shan States and the Pargana of Spiti; and it applies also to—

(a) all British and Indian subjects of His Majesty within any State in India; and

(b) all servants of His Majesty, whether British subjects or not, within any State in India.

(3) It shall come into force on the date on which the Treaty comes into force.

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

Definitions.

(a) “custodian,” means a custodian of enemy property

*Treaty of Peace (Austria).* [ORD. IV OF 1920.]

ment has by order in writing consented to the initiation of the proceedings.

Ordinance  
to stand  
repealed if  
Order in  
Council is  
made.

8. If His Majesty is pleased to make an Order in Council for the purpose of giving effect to the Treaty, then from the date of such Order, this Ordinance shall be repealed.

THE SCHEDULE.

[See section 2 (b).]

The following are the classes of pecuniary obligations referred to in the first paragraph of Article 248 of the Treaty —

- (1) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory;
- (2) Debts which become payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the existence of a state of war;
- (3) Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued or taken over by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;
- (4) Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued or taken over by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

CHELMSFORD,

*Viceroy and Governor General.*

trator appointed by any such Tribunal and with payment of claims growing out of acts committed by the former Austro-Hungarian Government or by Austrian authorities since the thirty-first day of July and before the twelfth day of August, 1914;

- (b) secondly, with payments of the amounts due in respect of claims by British nationals in India with regard to their property, rights and interests in the territories of Germany, Bulgaria and Turkey, in so far as those claims are not otherwise satisfied; and
- (c) thirdly, with payments of amounts due in respect of claims by any British nationals of the nature referred to in clauses (a) and (b):

Provided that any particular property, rights or interests so charged may at any time be released from the charge so created by order of the Governor General in Council.

4. (1) No person shall, without the consent of the custodian appointed for the Province in which such person resides or carries on business, transfer, part with or otherwise deal in any property, right or interest which has become subject to a charge by virtue of section 3.

Prohibition of transactions in enemy property.

(2) Any person contravening the provisions of this section shall be punishable with imprisonment which may extend to three years or with fine or with both.

5. No person shall pay or accept payment of any enemy debt, and any person contravening this provision shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Prohibition of payment or receipt of payment of enemy debts.

6. No suit or other legal proceeding shall lie in any Court of law for the recovery of any enemy debt.

Prohibition of legal proceedings for recovery of enemy debts. Cognisance of offences against the Act.

7. No Court shall take cognisance of any offence punishable under this Act, unless the Local Govern-

(b) "enemy debt" means any pecuniary obligation of the kind referred to in the first paragraph of Article 248 of the Treaty, as set out in the Schedule, and includes any sum which under the Treaty has to be treated or dealt with in like manner as an enemy debt;

(c) "national" in relation to any State includes the subject of that State, and any company or corporation incorporated therein according to the law of that State, and, in the case of a Protectorate, the natives thereof; and

"British national in India" includes any person being a British national who resides or carries on business in India and any subject of a State in India; and

(d) "the Treaty" means the Treaty of Peace with Austria made and signed on behalf of His Majesty at St. Germain-en-Laye on the tenth day of September, 1919, together with all Protocols annexed thereto.

Creation of  
charge on  
enemy pro-  
perty.

3. All property, rights and interests belonging to nationals of the former Austrian Empire at the date when the Treaty comes into force (not being property, rights or interests acquired under any general licence issued by or on behalf of His Majesty) and the net proceeds of their sale, liquidation or other dealings therewith are hereby charged—

(a) in the first place, with the payment of the amounts due in respect of claims by British nationals in India with regard to their property, rights and interests, including companies and associations in which they are interested in the territories of the former Austrian Empire and debts owing to them by Austrian nationals, and with the payment of any compensation which may hereafter be awarded by any Tribunal which may be set up under or in pursuance of the terms of the Treaty or by any arbi-



awarded by any Tribunal which may be set up under or in pursuance of the terms of the Treaty or by any arbitrator appointed by any such Tribunal and with payment of claims growing out of acts committed by the former Austro-Hungarian Government or by Hungarian authorities since the twenty-eighth day of July and before the twelfth day of August, 1914;

(b) secondly, with payments of the amounts due in respect of claims by British nationals in India with regard to their property, rights and interests in the territories of Germany, Austria, Bulgaria and Turkey, in so far as those claims are not otherwise satisfied; and

(c) thirdly, with payments of amounts due in respect of claims by any British nationals of the nature referred to in clauses (a) and (b):

Provided that any particular property, rights or interests so charged may at any time be released from the charge so created by order of the Governor General in Council.

4. (1) No person shall, without the consent of the custodian appointed for the Province in which such person resides or carries on business, transfer, part with or otherwise deal in any property, right or interest which has become subject to a charge by virtue of section 3.

Prohibition of transactions in enemy property.

(2) Any person contravening the provisions of this section shall be punishable with imprisonment which may extend to three years, or with fine or with both.

5. No suit or other legal proceeding shall lie in any Court of law for the recovery of any enemy debt.

Prohibition of legal proceedings for recovery of enemy debts.

6. No Court shall take cognisance of any offence punishable under this Ordinance, unless the Local Government

Cognisance of offences against the Ordinance.

property appointed under the Enemy Trading Act, 1915;

XIV of 1915.

- (b) "enemy debt" means any pecuniary obligation of the kind referred to in the first paragraph of Article 231 of the Treaty, as set out in the Schedule, and includes any sum which under the Treaty has to be treated or dealt with in like manner as an enemy debt;
- (c) "national" in relation to any State includes the subjects of that State and any company or corporation incorporated therein according to the law of that State, and, in the case of a Protectorate, the natives thereof; and "British national in India" includes any person being a British national who resides or carries on business in India and any subject of a State in India; and
- (d) "the Treaty" means the Treaty of Peace with Hungary made and signed on behalf of His Majesty at Trianon on the fourth day of June, 1920, together with all Protocols annexed thereto.

Creation of charge on enemy property.

3. All property, rights and interests belonging to nationals of the former Kingdom of Hungary at the date when the Treaty comes into force (not being property, rights or interests acquired under any general licence issued by or on behalf of His Majesty) and the net proceeds of their sale, liquidation or other dealings therewith are hereby charged—

- (a) in the first place, with the payment of the amounts due in respect of claims by British nationals in India with regard to their property, rights and interests, including companies and associations in which they are interested in the territories of the former Kingdom of Hungary or debts owing to them by Hungarian nationals, and with the payment of any compensation which may hereafter be awarded



*Treaty of Peace (Hungary).* [ORD. I OF 1921.]

Government has, by order in writing, consented to the initiation of the proceedings.

Ordinance  
to stand  
repealed if  
Order in  
Council is  
made.

7. If His Majesty is pleased to make an Order in Council for the purpose of giving effect to the Treaty, then from the date of such Order this Ordinance shall be repealed.

THE SCHEDULE.

[See section 2 (b).]

The following are the classes of pecuniary obligations referred to in the first paragraph of Article 231 of the Treaty :—

(1) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory ;

(2) Debts which became payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the existence of a state of war ;

(3) Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued or taken over by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war ;

(4) Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

READING,

*Viceroy and Governor General.*

## ORDINANCE No. II OF 1921.

[26th August, 1921.]

An Ordinance to provide for the proclamation of Martial Law, to empower military authorities to make regulations for administering it, and to provide for other matters connected therewith.

[Published in the *Gazette of India Extraordinary of the 26th August, 1921.*]

**W**HEREAS an emergency has arisen which makes it necessary to provide for the proclamation of Martial Law, to empower military authorities to make regulations and issue orders to provide for the public safety and the maintenance and restoration of order, to authorise the trial of certain offences by Special Courts constituted under this Ordinance, and to provide for other matters connected with the administration of Martial Law ;

Now, therefore, the Governor General, in exercise of the powers conferred by section 72 of the Government of India Act, is pleased to make and promulgate the following Ordinance :—

1. This Ordinance may be called the Martial Law Short title. Ordinance, 1921.

2. Martial Law shall be in force and the provisions of this Ordinance shall apply in the area which is specified in the Schedule and in such other areas as the Governor General in Council may, by notification in the Gazette of India, direct, and in all such areas Martial Law shall be proclaimed by such means and in such manner as the Local Government may direct ; and shall remain in force in any such area until withdrawn by the Governor General in Council by notification

Proclamation  
of Martial  
Law.

[ Price three annas.]

cation in the Gazette of India, whereupon the provisions of this Ordinance shall cease to apply in such area :

Provided that no failure to comply with any directions of the Local Government as to the manner of proclamation in any area shall invalidate anything done in the administration of Martial Law in pursuance of this Ordinance in that area :

Provided further that the validity of any sentences passed, or of anything already done or suffered, or any liability incurred or indemnity granted in accordance with the provisions of this Ordinance shall not be affected by reason only of the fact that this Ordinance has ceased to be in force.

Administra-  
tion of  
Martial Law.

3. In any area in which Martial Law is for the time being in force, the Commander-in-Chief in India or an officer not below the rank of Major-General empowered by him in this behalf, shall appoint one or more military officers, not being lower in rank than a Lieutenant-Colonel, to be Military Commanders to administer Martial Law (any such officer being hereinafter referred to in this Ordinance as "the Military Commander"), and the Military Commander shall exercise his powers in respect of such area or such part thereof (hereinafter referred to as an "administration area") as the appointing authority may direct.

Regulations.

4. (1) Subject to the provisions of this Ordinance, the Military Commander shall have power to make regulations to provide for the public safety and the maintenance and restoration of order and as to the powers and duties of military officers and others in furtherance of that purpose.

(2) Such regulations may provide that any contravention thereof, or of any order issued thereunder or supplementary thereto, shall be punishable with any punishment authorised by any law in force in any part of British India, and any such contravention shall, for the purposes of this Ordinance, be deemed to be an offence against a regulation or an order, as the case may be.

(3) The

(3) The power to make regulations shall be subject to the following conditions, namely :—

- (i) in making any regulation the Military Commander shall interfere with the ordinary avocations of life as little as may be consonant with the exigencies of the measures which he deems to be required to be taken for the purposes of Martial Law;
- (ii) before making any regulation the Military Commander shall, if possible, consult the senior civil officer in direct charge of the administration area in which he exercises power, but shall not be bound to follow his advice; and
- (iii) the penalty, if any, for the contravention of a regulation shall be specified therein.

(4) The Military Commander shall cause any regulation made by him to be published in such manner as he thinks best fitted to bring it to the notice of those affected, and shall transmit through the normal channel a copy of every regulation so made to the Commander-in-Chief in India.

5. (1) The Military Commander may, by order in writing, empower any Magistrate or any military officer of seven years' service not below the rank of a Captain to make Martial Law Orders in any part of the administration area for the purpose of supplementing the regulations in that area, and the punishment for the contravention of any such Order shall be that specified in the regulations for the contravention of a Martial Law Order :

Provided that no Order shall be made which is inconsistent with the regulations.

(2) Every Magistrate or officer making a Martial Law Order under sub-section (1) shall cause the same to be published in such manner as he thinks best fitted to bring it to the notice of those affected.

(3) A copy of every such Order shall, as soon as may be, be submitted to the Military Commander, who

who shall have power to add to, modify or rescind any such Order in such way as he thinks fit.

(4) Where a Military Commander has under sub-section (3) added to, modified or rescinded any such Order, he shall forthwith communicate the fact to the Magistrate or officer who made the Order, and such Magistrate or officer shall thereupon cause to be published in the manner hereinbefore mentioned the Order as so added to or modified, or the fact that the Order has been rescinded, as the case may be.

Courts  
under the  
Ordinance.

6. (1) Summary Courts of criminal jurisdiction may be constituted for the purposes of this Ordinance in any administration area in the manner hereinafter provided.

(2) The Military Commander may, by general or special order in writing, empower any Magistrate appointed under the provisions of the Code of Criminal Procedure, 1898, to exercise the powers of <sup>v of 1898.</sup> a Summary Court.

Limitation of  
jurisdiction  
of Summary  
Courts.

7. No Summary Court shall try any offence unless such offence was committed—

- (a) in the administration area in which such Court was constituted, and
- (b) after such date (whether before or after the date of the proclamation of Martial Law in the area) as the Governor General in Council may, in respect of such area, by notification in the Gazette of India, direct in this behalf.

Trial of  
offences  
against regula-  
tions or  
Martial Law  
Orders.

8. (1) Every offence against a regulation or a Martial Law Order which is triable by a Summary Court shall be tried by such Court, unless the Military Commander directs that it be tried by the ordinary Criminal Courts.

(2) The ordinary Criminal Courts are hereby empowered to try any offence in respect of which a Military Commander has made a direction under sub-section (1) and any offence against a regulation or Martial Law Order which is not triable by a Summary Court.

(3) Contraventions



(3) Contraventions of any regulation or order made or issued in any area, after the date notified in respect of that area by the Governor General in Council under clause (b) of section 7 and prior to the enforcement of Martial Law by or under this Ordinance in that area, by any officer acting in the exercise of military control for the purpose of providing for the public safety or the maintenance or restoration of order shall be deemed to be offences against a regulation or a Martial Law Order in force in that area under this Ordinance, and shall be triable and punishable as if any sentence authorised by any such aforesaid regulation or order were a sentence authorised by a regulation under this Ordinance.

9. (1) Subject to the provisions of section 7, offences, other than offences of the kind referred to in section 8, connected with the events which have necessitated the enforcement or continuance of Martial Law, or any class of such offences, may, if the Military Commander by general or special order so directs, be tried by Summary Courts. Trial of offences connected with events necessitating Martial Law.

(2) If any question arises whether or not an offence is an offence of the nature described in subsection (1), the decision of the Summary Court shall be conclusive on the point, and such decision shall not be questioned in any Court.

(3) The Military Commander or any authority empowered by him in this behalf may, by a general or special order, give directions as to the distribution among the Summary Courts of cases to be tried by them under section 8 or this section.

10. Save as otherwise provided in this Ordinance, all offences shall be dealt with by the ordinary Criminal Courts exercising jurisdiction in the administration area in the ordinary course of law. Trial of other offences.

11. The ordinary Civil Courts shall continue to exercise civil jurisdiction in the areas in which Martial Law is in force by or under this Ordinance, provided that no Civil Court shall exercise any jurisdiction by way of interference with any regulation Jurisdiction of ordinary Civil Courts.



regulation or Martial Law Order made under this Ordinance.

Procedure of  
Summary  
Courts.

12. In the trial of any case a Summary Court shall, as far as possible, follow the procedure laid down in the Code of Criminal Procedure, 1898, for the trial of warrant-cases, and shall have all the powers conferred by the said Code on a Magistrate in regard to the issue of processes to compel appearance and to compel the production of documents and other moveable property. V of 1898.

Provided that the Court shall not be required to record more than a memorandum of the evidence or to frame a formal charge :

Provided further that, in the trial of any offence punishable with imprisonment for a term not exceeding one year, the Court may follow the procedure for the summary trial of cases in which an appeal lies laid down in Chapter XXII of the said Code.

Sentences by  
Summary  
Courts.

13. Summary Courts may pass any sentence authorised by law or by regulations under this Ordinance provided that such Courts shall not pass a sentence of imprisonment for a term exceeding two years, or of fine exceeding one thousand rupees.

Jurisdiction  
of Summary  
Courts.

14. (1) No person shall be tried by a Summary Court for an offence which is punishable with imprisonment for a term exceeding five years.

(2) If a Summary Court is of opinion that the offence disclosed is one which it is not empowered to try, it shall send it for trial to an ordinary Criminal Court having jurisdiction.

(3) If a Summary Court is of opinion that an offence which it is empowered to try should be tried by an ordinary Criminal Court, or that it requires a punishment in excess of that which it is empowered to inflict, it shall stay proceedings and report the case for the orders of the Military Commander, who may direct that the case shall be tried by a Summary Court, or may send it to an ordinary Criminal Court having jurisdiction.

15. Every

**15.** Every person accused of an offence before a Summary Court shall be entitled to be defended by a legal practitioner:

Provided that the Court shall not be required to grant an adjournment for the purpose of securing the attendance of a legal practitioner if, in the opinion of the Court, such adjournment would cause unreasonable delay in the disposal of the case.

**16.** (1) Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of a Summary Court, and no Court shall have authority to revise such order or sentence, or to transfer any case from a Summary Court, or to make any order under section 491 of the Code of Criminal Procedure, 1898, or have any jurisdiction of any kind in respect of any proceedings of a Summary Court.

(2) The power of the Governor General in Council or the Local Government to make orders under section 401 or section 402 of the Code of Criminal Procedure, 1898, shall apply in respect of persons sentenced by Summary Courts.

**17.** Notwithstanding anything contained in sub-section (2) of section 4, no Summary Court shall pass a sentence of whipping, for any offence against a regulation or Martial Law Order except where the offender has in the commission of the offence used criminal force within the meaning of the Indian Penal Code.

**18.** In the execution of any sentence of whipping passed by a Summary Court, the provisions of sub-section (2) of section 392 and the provisions of sections 393 and 394 of the Code of Criminal Procedure, 1898, shall apply, and every such sentence shall, as far as possible, be carried out in a place to which the public shall not be admitted.

**19.** Unless there is anything repugnant in the subject or context, the word "offence" shall be deemed

for

for the purposes of this Ordinance and of sections 401 and 402 of the Code of Criminal Procedure, V of 1898, to include an act which is, or which under the provisions of this Ordinance is deemed to be, an offence against a regulation or a Martial Law Order.

Saving.

20. Nothing in this Ordinance shall be construed as in derogation of any powers for the maintenance of law and order exercisable by the Governor General in Council or any other authority.

Validation of Martial Law sentences prior to proclamation.

21. Any sentence passed in any area, after the date notified in respect of that area by the Governor General in Council under clause (b) of section 7 and prior to the enforcement of Martial Law by or under this Ordinance in that area, in respect of any contravention of a regulation or order made or issued within the same period by any officer acting in the exercise of military control for the purpose of providing for the public safety or the maintenance or restoration of order shall be deemed to be as valid as if it were a sentence passed under this Ordinance in respect of an offence against a regulation or a Martial Law Order in force in that area under this Ordinance.

Sentences Summary Courts.

Proceedings not invalidated by certain irregularities.

Jurisdiction of Summary Courts.

22. No sentence, finding or order passed by a Summary Court shall be invalid by reason only of any error, omission or irregularity in any proceedings before or during the trial, unless such error, omission or irregularity has in fact occasioned a failure of justice.

Protection of bona fide action.

23. No suit, prosecution or other legal proceeding whatsoever shall lie against any person for or on account of or in respect of any act, matter or thing ordered or done, or purporting to have been ordered or done,

(a) under this Ordinance, or

(b) in the exercise of military control in any area for the purpose of providing for the public safety or the maintenance or restoration of order, after the date notified in respect of that area by the Governor General in Council under clause (b) of section

OF 1921.]

*Martial Law.*

section 7 and prior to the enforcement of  
Martial Law by or under this Ordinance  
in that area :

Provided that such person has acted in good faith  
and in a reasonable belief that his action was necessary  
for the said purposes :

Provided further that nothing in this section shall  
prevent the institution of proceedings by or on behalf  
of the Government against any person in respect of  
any matter whatsoever.

THE SCHEDULE.

(See section 2.)

The area comprised within the following taluks  
in the Malabar district of the Madras Presidency,  
namely :—

Walavanad,  
Ponnani,  
Ernad and  
Calicut.

READING,

*Viceroy and Governor General.*

## ORDINANCE No. III OF 1921.

[5th September, 1921.]

An Ordinance to supplement the provisions of the Martial Law Ordinance, 1921.

(Published in the Gazette of India Extraordinary of the 5th September, 1921.)

II of 1921.

**W**HEREAS an emergency has arisen which makes it necessary to supplement the provisions of the Martial Law Ordinance, 1921 ;

Now, **THEREFORE**, the Governor General, in exercise of the powers conferred by section 72 of the Government of India Act, is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Martial Law (Supplementary) Ordinance, 1921. Short title and extent.

II of 1921.

(2) It shall have the same extent as the Martial Law Ordinance, 1921, and shall apply also in any area in which the said Ordinance applies by virtue of a notification under section 2 thereof.

II of 1921.

2. Notwithstanding anything contained in the Martial Law-Ordinance, 1921 (hereinafter referred to as the principal Ordinance), Special Tribunals may be constituted for the purposes of that Ordinance in any administration area or areas in the manner hereinafter provided. Special Tribunals.

24 & 25 Vict.,  
c. 104.

3. A Special Tribunal shall consist of three persons who shall be appointed by the Local Government. The President of the Tribunal shall be a person who has acted or is acting as a Judge of a High Court, established under the Indian High Courts Act, 1861, or the Government of India Act, and the other two members shall be persons who have acted for a period

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8, HASTINGS STREET



*Martial Law (Supplementary).* [ ORD. III

of at least two years in the exercise of the powers of a Sessions Judge under the Code of Criminal Procedure, 1898.

V of 1898.

Application  
of provisions  
of principal  
Ordinance.

4. The provisions of sections 7, 15, 17, 18, 22 and 23 of the principal Ordinance shall apply to Special Tribunals in the same manner and to the same extent as they apply to Summary Courts and, for the purposes of this Ordinance, the word "offence" shall have the meaning ascribed to it by section 19 of the principal Ordinance :

Provided that a Special Tribunal constituted in more administration areas than one shall, subject to the provisions of this and the principal Ordinance, have jurisdiction in all such areas.

Jurisdiction  
of Special  
Tribunals.

5. (1) Subject to the provisions of section 4, a Special Tribunal shall, notwithstanding anything contained in the principal Ordinance, try such offences, connected with the events which have necessitated the enforcement or continuance of Martial Law, as the Local Government may, by general or special order in writing, direct.

(2) If any question arises whether or not an offence is an offence of the nature described in subsection (1), the decision of the Special Tribunal shall be conclusive on the point, and such decision shall not be questioned in any Court.

(3) Special Tribunals may pass any sentence authorised by law or by regulations under the said Ordinance.

(4) When an accused person is sentenced to death by a Special Tribunal, the President shall inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Procedure of  
Special Tribu-  
nals.

6. (1) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial and, in trying accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trying of warrant-cases by Magistrates :

Provided that the Special Tribunal shall make a memorandum only of the substance of the evidence  
of

of 1921.] *Martial Law (Supplementary)*.

of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.

(2) Nothing in the proviso to sub-section (1) shall be deemed to affect the provisions of section 15 of the principal Ordinance as applied to the proceedings of Special Tribunals by this Ordinance.

V of 1898.

(3) A Special Tribunal shall have all the powers conferred by the Code of Criminal Procedure, 1898, on a Court of Session exercising original jurisdiction.

(4) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.

V of 1898.

7. (1) Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as hereinafter provided, be no appeal from any order or sentence of a Special Tribunal, and no Court shall have authority to revise such order or sentence, or to transfer any case from a Special Tribunal, or to make any order under section 491 of the said Code, or have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal, and no order of confirmation shall be necessary in the case of any such sentence.

Limitation of powers of interference of other Courts.

IX of 1908.

V of 1898.

(2) An appeal shall lie to the High Court in the case of any sentence, passed by a Special Tribunal, of death or of transportation for life or of imprisonment for a term of ten years or more, and the provisions of the Indian Limitation Act, 1908, shall apply as though the appeal were an appeal to a High Court under the Code of Criminal Procedure, 1898, from a sentence passed by a Court of Session.

(3) The power of the Governor General in Council or the Local Government to make orders under section 401 or section 402 of the said Code shall apply in respect of persons sentenced by Special Tribunals.

8. The

*Martial Law (Supplementary).* [ORD. III OF 1921.]

Rules.

8. The Local Government may, by notification in the local official Gazette, make rules providing for—

- (i) the times and places at which Special Tribunals may sit; and
- (ii) the procedure of Special Tribunals, including the powers of the President, and the procedure to be adopted in the event of the President or any member being prevented from attending throughout the trial of any accused person.

Citation of Ordinance.

9. The provisions of this Ordinance shall be construed with, and read as part of, the Martial Law Ordinance, 1921, and this Ordinance and the principal Ordinance may be cited together as the Martial Law Ordinances, 1921. II of 1921.

READING,

*Viceroy and Governor General.*

## ORDINANCE No. IV OF 1921.

[15th October, 1921.]

An Ordinance to provide for the constitution of Military Courts for the trial of certain offences committed in any area in which Martial Law is in force.

[Published in the Gazette of India Extraordinary of the 15th October, 1921.]

WHEREAS an emergency has arisen which makes it necessary to provide for the constitution of Military Courts for the trial of certain offences committed in any area in which Martial Law is in force;

Now, therefore, the Governor General, in exercise of the powers conferred by section 72 of the Government of India Act, is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Martial Law (Military Courts) Ordinance, 1921. Short title and extent.

II of 1921.

(2) It shall have the same extent as the Martial Law Ordinance, 1921, and shall apply also in any area in which the said Ordinance applies by virtue of a notification under section 2 thereof.

2. In this Ordinance—

Definitions.

(a) the expression “enemy” means any mutineers, rebels or rioters against whom operations are being carried out by His Majesty’s forces or the police for the purpose of restoring or maintaining order in any area in which Martial Law is in force by or under the provisions of the Martial Law Ordinance, 1921;

II of 1921.

(b) all

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[Price one anna and nine pies.]

*Martial Law (Military Courts).* [ORD. IV

- (b) all words and expressions used in this Ordinance and defined in the Martial Law Ordinance, 1921, shall be deemed to have the meanings respectively attributed to them by that Ordinance. <sup>II of 1921.</sup>

Offences.

3. (1) No person shall—

- (a) communicate to the enemy, or  
(b) with the intention of communicating it to the enemy, collect, publish or attempt to elicit,

any information with respect to the movements, numbers, description, condition or disposition of any of His Majesty's forces or any police force engaged in administering Martial Law or in restoring or maintaining order, or with respect to the plans or conduct or supposed plans or conduct of any military operations by any such forces, or with respect to any works or measures undertaken for, or connected with or intended for, the defence of any place.

(2) No person shall commit any act, which is calculated to mislead or hamper the movements or imperil the success of any operations of His Majesty's forces or any police force engaged in administering Martial Law, or in restoring or maintaining order.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be deemed to have committed an offence under section 121 of the Indian Penal Code.

XLV of 1860.

(4) Any person who voluntarily assists or relieves with money, victuals or ammunition, or knowingly harbours, protects or conceals any enemy, shall be punishable with rigorous imprisonment which may extend to ten years, or with fine, or with both.

Military Courts.

4. (1) Notwithstanding anything contained in the Martial Law Ordinances, 1921, or in any other law for the time being in force, the Military Commander may, where in his opinion the exigencies of the situation require the adoption of this course for the purpose of restoring or maintaining order, by order in writing, direct that— <sup>III of 1921.</sup>

- (a) any offence against section 121 or section 122 of the Indian Penal Code;

XLV of 1860.

- (b) any

OF 1921.] *Martial Law (Military Courts).*

- (b) any offence against section 302 of the said Code, where, in the opinion of the Military Commander, such offence was connected with the events which have necessitated the enforcement or continuance of Martial Law ;
- (c) any offence under this Ordinance ;
- (d) any offence specified in this behalf by the Local Government with the previous sanction of the Governor General in Council, by notification in the local official Gazette ; or
- (e) any attempt to commit or the abetment of any offence hereinbefore mentioned ;

II of 1921. committed after the commencement of this Ordinance, or committed in any area after the date notified in respect of that area under clause (b) of section 7 of the Martial Law Ordinance, 1921, by any person captured or arrested after the commencement of this Ordinance, shall be tried by a Military Court to be convened by him.

III of 1921. (2) Subject to the provisions of this Ordinance and of the Martial Law Ordinances, 1921, a Military Court, for the purposes of such trial, shall be constituted in the same manner, and shall exercise the same powers and follow the same procedure as a Summary General Court Martial convened under the Indian Army Act, 1911, for the trial of a person subject to that Act, who had on active service committed an offence under that Act, and the provisions of that Act and of the rules made thereunder shall apply to and govern all such proceedings :

1860. Provided that any person exercising the powers of a Magistrate of the first class or of a Sessions Judge may be appointed a member of a Military Court under this Ordinance :

21. Provided, further, that a memorandum of the evidence given at the trial and the statement, if any, made by the accused shall always be recorded.

1860. (3) The finding and sentence of a Military Court under this Ordinance shall require to be confirmed by the convening officer :

Provided



*Martial Law (Military Courts).* [ ORD. IV OF 1921.]

Provided that every sentence of death shall be reserved for confirmation by the General Officer Commanding the District.

(4) The Military Commander may, by general or special order in writing, delegate his powers under this section to any officer not below the rank of Field Officer.

Application of  
Ordinance II  
of 1921.

5. Subject to the provisions of this Ordinance, the provisions of sections 15, 16, 18, 22 and 23 of the Martial Law Ordinance, 1921, shall apply to the II of 1921. proceedings of Military Courts under this Ordinance as they apply to the proceedings of Summary Courts under that Ordinance.

READING,  
*Viceroy and Governor General.*

## ORDINANCE NO. V OF 1921.

[11th November, 1921.]

An Ordinance to provide for the trial by Special Magistrates of certain offences committed in any area in which Martial Law is in force.

(Published in the Gazette of India Extraordinary of the 11th November, 1921.)

WHEREAS an emergency has arisen which makes it necessary to provide for the trial by Special Magistrates of certain offences committed in any area in which Martial Law is in force ;

Now, therefore, the Governor General, in exercise of the powers conferred by section 72 of the Government of India Act, is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Martial Law (Special Magistrates) Ordinance, 1921. Short title and extent.

II of 1921. (2) It shall have the same extent as the Martial Law Ordinance, 1921, and shall apply also in any area in which the said Ordinance applies by virtue of a notification under section 2 thereof.

II of 1921. 2. All words and expressions used in this Ordinance and defined in the Martial Law Ordinance, 1921, shall be deemed to have the meaning respectively attributed to them by that Ordinance. Interpretation.

II of 1921. 3. Any Magistrate of the first class who has exercised the powers of a Magistrate of the first class for a period of not less than two years, and who has been empowered, under the provisions of section 6 of the Martial Law Ordinance, 1921, to exercise the powers of a Summary Court, may be invested by the Special Magistrates.

Local

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[ Price one anna and six pies.]

*Martial Law (Special Magistrates).* [ORD. V

Local Government with the powers of a Special Magistrate under this Ordinance.

Jurisdiction  
of Special  
Magistrates.

4. (1) Notwithstanding anything contained in the Martial Law Ordinances, 1921, or in any other law for the time being in force, a Special Magistrate shall have power to try such offences as the Local Government or an officer empowered by the Local Government in this behalf may, by general or special order in writing, direct: II of 1921.  
III of 1921.

Provided that a Special Magistrate shall not try—

- (a) any offence other than an offence connected with the events which have necessitated the enforcement or continuance of Martial Law,
- (b) any offence other than an offence committed in any area after the date notified in respect of that area under clause (b) of section 7 of the Martial Law Ordinance, II of 1921. 1921, or
- (c) any offence punishable with death.

(2) If any question arises whether or not an offence is an offence of the nature described in clause (a) of sub-section (1), the decision of the Special Magistrate shall be conclusive on the point, and such decision shall not be questioned in any Court.

Procedure of  
Special  
Magistrates.

5. In the trial of any case under this Ordinance, a Special Magistrate shall follow the procedure laid down in section 6 of the Martial Law (Supplementary) Ordinance, 1921, for the trial of cases by a Special Tribunal. III of 1921.

Sentences by  
Special  
Magistrates.

6. A Special Magistrate may pass any sentence which may be passed by the Court of a Magistrate specially empowered under section 30 of the Code of Criminal Procedure, 1898. V of 1898.

Powers of  
transfer.

7. Notwithstanding anything contained in the Martial Law Ordinances, 1921, the Local Government may transfer to a Special Magistrate any case which is pending before a Summary Court or II of 1921.  
III of 1921.

a

OF 1921.] *Martial Law (Special Magistrates).*

a Special Tribunal constituted under those Ordinances.

8. (1) Where a Special Magistrate passes a sentence of transportation or of imprisonment for a term exceeding two years, an appeal shall lie to a Special Tribunal constituted in the same area under the Martial Law (Supplementary) Ordinance, 1921.

(2) An appeal under sub-section (1) shall be presented within seven days from the date of the sentence.

(3) In disposing of an appeal under this section, the Special Tribunal shall follow the same procedure and exercise the same powers as an Appellate Court under the Code of Criminal Procedure, 1898.

9. Subject to the provisions of section 8 of this Ordinance, the provisions of sections 15, 16, 18, 22 and 23 of the Martial Law Ordinance, 1921, shall apply to the proceedings of the Courts of Special Magistrates under this Ordinance as they apply to the proceedings of Summary Courts under that Ordinance.

10. Notwithstanding anything contained in any law for the time being in force, the Local Government may, by general or special order, appoint places outside the area in which Martial Law is in force at which any Summary Court, constituted under the Martial Law Ordinance, 1921, or Special Magistrate may sit for the trial of offences.

11. Nothing in this Ordinance shall be deemed to be in derogation of, or to interfere with, the power of a Military Commander to direct that offences shall be tried by a Military Court under the provisions of the Martial Law (Military Courts) Ordinance, 1921.

READING,

*Viceroy and Governor General.*

## ORDINANCE No. I OF 1922.

[25th February, 1922.]

An Ordinance to provide for the speedy trial of certain offences committed during the period while Martial Law was in force or arising out of the circumstances which necessitated the enforcement or continuance of Martial Law, in certain areas in the Malabar District of the Madras Presidency, and also to enable the Local Government to take certain steps for the protection of law-abiding citizens and for the restoration and maintenance of order in those areas.

[Published in the Gazette of India Extraordinary of the 25th February, 1922.]

**W**HEREAS Martial Law has been in force in certain areas in the Malabar District of the Madras Presidency and has now been withdrawn therefrom ;

AND WHEREAS an emergency has thereby arisen which makes it necessary to provide for the speedy trial of certain offences committed during the period while Martial Law was in force, or arising out of the circumstances which necessitated the enforcement or continuance of Martial Law, and also to enable the Local Government to take certain steps for the protection of law-abiding citizens and for the restoration and maintenance of order in those areas ;

Now,  
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*Malabar (Restoration of Order.)* [ORD. I

NOW, THEREFORE, the Governor General, in exercise of the powers conferred by section 72 of the Government of India Act, is pleased to make and promulgate the following Ordinance:—

Short title.

1. This Ordinance may be called the Malabar (Restoration of Order) Ordinance, 1922.

Definition.

2. In this Ordinance "the Local Government" means the Local Government of Madras.

Local Government's powers to make regulations.

3. (1) The Local Government may make regulations for the protection of law-abiding citizens and for the restoration and maintenance of order in the area specified in the Schedule (hereinafter referred to as the Scheduled area).

(2) Without prejudice to the generality of the foregoing power such regulations may provide—

(a) for the circumstances, in addition to the circumstances laid down in the Code of Criminal Procedure, 1898, in which, and the purposes for which, military force may be utilised in the assistance of the civil authorities; V of 1898.

(b) for control of the distribution of food-stuffs within the Scheduled area;

(c) for the prohibition of the export of food-stuffs from the Scheduled area.

(3) Such regulations may provide that any contravention thereof or of any order issued thereunder shall be punishable with imprisonment which may extend to two years, or with fine, or with both. Any person who contravenes any such regulation or order may be arrested without warrant.

(4) Such regulations shall be published in the Fort St. George Gazette and in such other manner as the Local Government may direct, and shall thereupon have effect as if enacted in this Ordinance.

Courts.

4. (1) For the purposes of this Ordinance the Local Government may constitute the following classes of Courts, namely:—

(a) Summary Courts;

(b) Courts

OF 1922.] *Malabar (Restoration of Order.)*

(b) Courts of Special Magistrates ;

(c) Courts of Special Judges.

(2) The Local Government may appoint—

(a) any Magistrate to exercise the powers of a Summary Court ;

(b) any Magistrate who has exercised the powers of a first class Magistrate for not less than two years to be a Special Magistrate ;

(c) any officer who has acted for a period of at least two years in the exercise of the powers of a Sessions Judge under the Code of Criminal Procedure, 1898, to be a Special Judge.

5. Subject to the provisions of this Ordinance, Courts constituted under section 4 may try the following offences, namely :—

Offences  
triable by  
Courts under  
this Ordinance.

(a) any offence which might have been tried under the Martial Law Ordinance, 1921, the Martial Law (Supplementary) Ordinance, 1921, the Martial Law (Military Courts) Ordinance, 1921, or the Martial Law (Special Magistrates) Ordinance 1921, by Courts constituted under those Ordinances ;

(b) any act made punishable under sub-section (3) of section 3 ;

(c) any offence committed in the Scheduled area after the cessation of Martial Law which the District Magistrate may certify to have arisen out of the circumstances which necessitated the enforcement or continuance of Martial Law :

Provided that Courts constituted under section 4 shall not try as an offence any act which is an offence by reason only of the fact that it constituted a contravention of a regulation or Martial Law Order made under the Martial Law Ordinance, 1921.

6. (1) Subject

Distribution  
and transfer  
of cases.

6. (1) Subject to the provisions of this Ordinance, the Local Government or any officer authorised by it in this behalf may, by general or special order, give directions as to the distribution among the various Courts constituted under this Ordinance of cases triable thereunder, and as to the transfer of cases from one Court to another.

(2) Courts constituted under this Ordinance shall sit at such places as the Local Government may, by general or special order, determine.

Jurisdiction  
of Summary  
Courts.

7. (1) A Summary Court may try any offence mentioned in clause (a), clause (b), or clause (c) of section 5 other than an offence punishable with death or transportation or with imprisonment for a term exceeding five years.

(2) No Summary Court shall pass a sentence of imprisonment for a term exceeding two years or of fine exceeding one thousand rupees.

Jurisdiction  
of Special  
Magistrates.

8. A Special Magistrate may try any offence mentioned in clause (a), clause (b), or clause (c) of section 5 other than an offence punishable with death, and may pass any sentence which may be passed by a Magistrate specially empowered under section 30 of the Code of Criminal Procedure, 1898.

V of 1898.

Jurisdiction  
of Special  
Judges.

9. A Special Judge may try any offence mentioned in clause (a), clause (b), or clause (c) of section 5, and may pass any sentence authorised by law or by regulations under this Ordinance.

Procedure of  
Courts under  
this Ordinance.

10. In the trial of cases under this Ordinance the Courts shall follow the procedure laid down in the Code of Criminal Procedure, 1898, for the trial of V of 1898.  
warrant cases, and shall have all the powers conferred by the said Code on a Magistrate in regard to the issue of processes to compel appearance and to compel the production of documents and other moveable property:

Provided that—

(a) a Court shall not be required to record more than a memorandum of the evidence and shall not be bound to adjourn any trial

for

OF 1922.] *Malabar (Restoration of Order.)*

for any purpose, unless such adjournment is in its opinion necessary in the interests of justice ;

(b) in the trial of any offence punishable with imprisonment for a term not exceeding one year, a Court may follow the procedure for the summary trial of cases in which an appeal lies laid down in Chapter XXII of the said Code ; and

(c) where the accused has cross-examined or had the opportunity of cross-examining any witness, a Court shall not be bound to recall such witness for the purpose of cross-examination.

11. (1) An appeal shall lie from the judgment Appeals.  
of a Summary Court to the Court of a Special Judge, empowered by the Local Government to hear appeals from the judgment of such Summary Court, in any case where, under the provisions of Chapter XXXI of the Code of Criminal Procedure, 1898, an appeal would lie to a Court of Session if the Summary Court were the Court of a Magistrate of the first class.

v of 1898.

(2) An appeal shall lie from the judgment of a Special Magistrate to the Court of a Special Judge empowered by the Local Government to hear appeals from the judgment of such Special Magistrate :

Provided that, where in any case a Special Magistrate passes any sentence of imprisonment for a term exceeding four years or any sentence of transportation, the appeal shall lie to the High Court.

(3) An appeal shall lie under the said provisions from the judgment of a Special Judge, and the provisions of sections 371 (3) and 374 of the said Code shall apply, as if such Judge were a Sessions Judge.

(4) The period within which an appeal under this section shall be preferred shall be, in the case of an appeal against a sentence of death, seven days, and, in any other case, fifteen days from the date of the sentence.

(5) A

(5) A Court disposing of an appeal under this section may exercise all the powers conferred on, and shall, so far as may be, follow the procedure prescribed for, an appellate Court by the provisions of Chapter XXXI of the said Code.

Reference and revision.

12. The powers of reference and revision conferred on Courts by Chapter XXXII of the Code of Criminal Procedure, 1898, shall be exercisable in respect of proceedings before Courts constituted under this Ordinance as if a Summary Court were the Court of a Magistrate of the first class, a Special Magistrate were a Magistrate specially empowered under section 30 of the said Code, and a Special Judge were a Sessions Judge : V of 1898.

Provided that the powers conferred by this section shall be exercisable only by such Special Judge as has been empowered by order in writing by the Local Government in this behalf.

Suspension, remission and commutation of sentences.

13. The powers of the Governor General in Council or the Local Government to make orders under section 401 or section 402 of the Code of Criminal Procedure, 1898, shall apply in respect of persons sentenced under this Ordinance. V of 1898.

Limitation of interference of other Courts.

14. Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force or of anything having the force of law by whatsoever authority made or done, save as provided in this Ordinance,— V of 1898.

(a) there shall be no appeal from any sentence or order of a Court constituted under section 4,

(b) no Court shall have authority to transfer any case from a Court so constituted, or to make any order under section 491 of the said Code, or have any jurisdiction of any kind in respect of any judicial proceedings under this Ordinance, and

(c) no order of confirmation shall be necessary in the case of any such sentence.

Cases pending under the Martial Law Ordinances.

15. (1) The Local Government or any officer authorised by it in this behalf may, by general or special

of 1922.] *Malabar (Restoration of Order.)*

II of 1921.  
III of 1921.

V of 1921.

special order, transfer any case which, immediately prior to the cessation of Martial Law, was pending before any Court constituted under the Martial Law Ordinance, 1921, the Martial Law (Supplementary) Ordinance, 1921, or the Martial Law (Special Magistrates) Ordinance, 1921, to a Court constituted under this Ordinance, having jurisdiction hereunder to try the same.

V of 1898.

(2) Where any case has been transferred under the provisions of sub-section (1), the provisions of section 350 of the Code of Criminal Procedure, 1898, shall apply as if the Courts constituted under any of the said Ordinances were Courts of Magistrates exercising jurisdiction under the said Code :

Provided that, where the person presiding over a Court constituted under this Ordinance is the person who presided over the Court before which the proceedings began, it shall not be necessary in any case for him to re-summon and re-hear any of the witnesses.

IV of 1921.

(3) The Local Government may direct that any case which, immediately prior to the cessation of Martial Law, was pending before a Military Court constituted under the provisions of the Martial Law (Military Courts) Ordinance, 1921, shall be tried by a Court constituted under this Ordinance having jurisdiction hereunder to try the same, and such Court shall in every such case re-summon and re-hear the witnesses.

(4) A case in which a Military Court so constituted has recorded its finding and sentence before the cessation of Martial Law shall not be deemed to be pending within the meaning of sub-section (3), and in any such case all powers vested in a confirming authority or in any other authority, whether by way of confirmation of the sentence or of mitigation, remission or commutation of the sentence or of pardon or otherwise shall be exerciseable, and any sentence confirmed or imposed by any such authority shall be carried into execution, as if Martial Law had not ceased to be in force and as if the Martial Law

(Military



*Malabar (Restoration of Order)* [ORD. I OF 1922.]

(Military Courts) Ordinance, 1921, had continued in IV of 1921. force:

Provided that the confirming authority shall not have power to order revision of the finding or sentence of a Military Court under section 100 of the Indian Army Act, 1911.

VIII of 1911.

Proceedings  
not invali-  
dated by  
certain  
irregularities.

**16.** No sentence, finding or order passed by a Court constituted under this Ordinance shall be invalid by reason only of any error, omission or irregularity in any of the proceedings before or during the trial unless such error, omission or irregularity has in fact occasioned a failure of justice.

Protection of  
*bona fide*  
action.

**17.** No suit, prosecution or other legal proceedings whatsoever shall lie against any person for or on account of or in respect of any act, matter or thing ordered or done, or purporting to have been ordered or done, in the exercise of any powers conferred by or under this Ordinance:

Provided that nothing in this section shall prevent the institution of proceedings by or on behalf of the Government against any person in respect of any matter where such person has not acted in good faith and a reasonable belief that his action was necessary.

Repeals.

**18.** The Martial Law Ordinance, 1921, the Mar- II of 1921.  
tial Law (Supplementary) Ordinance, 1921, the Mar- III of 1921.  
tial Law (Military Courts) Ordinance, 1921, and the IV of 1921.  
Martial Law (Special Magistrates) Ordinance, 1921, V of 1921.  
are hereby repealed.

THE SCHEDULE.

(See section 3.)

The area comprised within the following taluks in the Malabar district of the Madras Presidency, namely:—

Walavanad,  
Ponnani,  
Ernad, and  
Calicut.

READING,

*Viceroy and Governor General.*

IV of 1921.

III of 1911.

## ORDINANCE NO. II OF 1922.

[29th March, 1922.]

### An Ordinance to amend the Malabar (Restoration of Order) Ordinance, 1922.

[Published in the Gazette of India Extraordinary of the 30th March, 1922.]

I of 1922.

WHEREAS an emergency has arisen which makes it necessary to amend the Malabar (Restoration of Order) Ordinance, 1922;

Now, therefore, the Governor General, in exercise of the powers conferred by section 72 of the Government of India Act, is pleased to make and promulgate the following Ordinance:—

1. This Ordinance may be called the Malabar Short title. (Restoration of Order) Amendment Ordinance, 1922.

I of 1922.

2. In the Malabar (Restoration of Order) Ordinance, 1922, the following amendments shall be made Amendment of Ordinance I of 1922. and shall be deemed to have been made from the commencement of the said Ordinance, namely:—

(i) In sub-section (1) of section 7 for the words "five years," the words "seven years" shall be substituted;

(ii) In the proviso to section 12, after the word "section" the words "on a Special Judge" shall be inserted;

(iii) After section 15 the following section shall be inserted, namely:—

"15A. Any appeal which immediately prior to the cessation of Martial Law was pending from the judgment of a Special Magistrate appointed under the Martial Law (Special Magistrates) Ordinance, 1921, shall be deemed to be an appeal from the judgment of a Special Magistrate appointed under this Ordinance, and the provisions of section 11 shall apply accordingly."

V of 1921.

READING,

Viceroy and Governor General.

[Price one anna.]

## ORDINANCE NO. III OF 1922.

[19th August, 1922.]

An Ordinance to provide for the trial of certain persons whose trials have commenced before, or who are awaiting trial by, the Courts constituted under the Malabar (Restoration of Order) Ordinance, 1922, and for the disposal of appeals pending under that Ordinance.

[Published in the Gazette of India Extraordinary of the 19th August, 1922.]

I of 1922.

**W**HEREAS an emergency has arisen which renders it necessary to provide for the trial of certain persons whose trials have commenced before, or who are awaiting trial by, the Courts constituted under the Malabar (Restoration of Order) Ordinance, 1922, and for the disposal of appeals pending under that Ordinance ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance :—

1. This Ordinance may be called the Malabar Short title.  
(Completion of Trials) Ordinance, 1922.

I of 1922.

2. Any Court constituted under the Malabar Completion of  
(Restoration of Order) Ordinance, 1922, may— trials pending  
under Ordi-  
nance I of  
1922.

(i) complete the trial of any person whose trial has commenced before it prior to the expiration of the said Ordinance, and

(ii) try any person who prior to such expiration has been arrested and is awaiting trial under the provisions of the said Ordinance :

Provided

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[Price one anna and three pies only.]

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## ORDINANCE No. I of 1924.

(Published in the Gazette of India Extraordinary of the 25th October, 1924.)

### An Ordinance to supplement the ordinary criminal law in Bengal.

**W**HEREAS an emergency has arisen which makes it necessary to supplement the ordinary criminal law in Bengal ;

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Bengal Criminal Law Amendment Ordinance, 1924. Short title and extent.

(2) It extends to the whole of Bengal.

2. In this Ordinance, unless there is anything repugnant in the subject or context, " the Code " means the Code of Criminal Procedure, 1898. Definition.

3. (1) The Local Government may, by order in writing, direct that any person accused of any offence specified in the First Schedule shall be tried by Commissioners appointed under this Ordinance. Power of Local Government to direct trial by Commissioners in certain cases.

(2) Orders under sub-section (1) may be made in respect of persons accused of any offence specified in the First Schedule or in respect of any class of person so accused, or in respect of persons or classes of persons accused of any such offence or of any class of such offences.

(3) No order under sub-section (1) shall be made in respect of, or be deemed to include, any person who has been committed under the Code for trial before a High Court, but, save as aforesaid, an order under that sub-section may be made in respect of, or may include, any person accused of any offence specified in the First Schedule whether such offence was committed before or after the commencement of this Ordinance.

4. (1) Commissioners for the trial of persons under this Ordinance shall be appointed by the Local Government. Appointment and qualification of Commissioners.

(2) Such Commissioners may be appointed for the whole of Bengal or for any part thereof, or for the trial of any particular accused person or class of accused persons.

[Price One Anna or Three-half Pence.]

*Malabar (Completion of Trials).* [ORD. III OF 1922.]

Provided that nothing in this section shall be deemed to empower any such Court to try —

(a) any offence which it could not have tried under the provisions of the said Ordinance, or

(b) as an offence any act which is an offence by reason only of the provisions of the Martial Law Ordinance, 1921, the <sup>II of 1921.</sup> Martial Law (Military Courts) Ordinance, <sup>IV of 1921.</sup> 1921, or the Malabar (Restoration of Order) Ordinance, 1922. <sup>I of 1922.</sup>

Application of the provisions of Ordinance I of 1922.

3. Save as provided in section 2 of this Ordinance, the provisions of sections 6 to 15 of the Malabar (Restoration of Order) Ordinance, 1922, as <sup>I of 1922.</sup> amended by the Malabar (Restoration of Order) Amendment Ordinance, 1922, shall, so far as the <sup>II of 1922.</sup> same are applicable, apply in respect of any trial held or completed under the provisions of this Ordinance.

Appeals pending under Ordinance I of 1922.

4. Notwithstanding the expiration of the Malabar (Restoration of Order) Ordinance, 1922, an appeal <sup>I of 1922.</sup> shall lie in any case in which an appeal would have lain but for such expiration, and every such appeal and every appeal pending at the date of such expiration shall be heard and decided by the authority by which it would have been heard and decided if the said Ordinance had not expired.

Execution of orders of Courts ceasing to exercise jurisdiction.

5. When any Court ceases to exercise jurisdiction under this Ordinance, any action which is necessary for the purpose of giving effect to the orders of such Court or of any order made in appeal from the judgment or order of such Court may be taken—

(a) where such Court is the Court of a Special Judge—by the Sessions Court, South Malabar, and

(b) in any other case—by the District Magistrate having jurisdiction in the place which was the place of sitting of such Court.

READING,

*Viceroy and Governor General.*



## ORDINANCE No. I OF 1925.

[30th November, 1925.]

An Ordinance to suspend the levy and collection of the cotton excise duty.

(Published in the Gazette of India Extraordinary of the 1st December, 1925.)

WHEREAS an emergency has arisen which makes it necessary to suspend, in respect of cotton goods produced during the months of December, 1925, and January and February, 1926, the levy and collection of the excise duty imposed by the Cotton Duties Act, 1896;

II of 1896.

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

Short title.

1. This Ordinance may be called the Cotton Excise Duty (Suspension) Ordinance, 1925.

Interpretation.

2. Words and expressions used in this Ordinance and defined or explained in the Cotton Duties Act, 1896, have the meanings assigned to them respectively by that Act.

Suspension of cotton excise duty.

3. The duty imposed by section 6 of the Cotton Duties Act, 1896, shall not be levied and collected or be assessed in respect of any cotton goods produced in any mill in British India on or after the first day of December, 1925, and before the first day of March, 1926.

II of 1896.

Saving of section 8 of the Cotton Duties Act, 1896.

4. Notwithstanding anything hereinbefore contained, the provisions of section 8 of the Cotton Duties Act, 1896, shall continue to have the same force and effect as if this Ordinance had not been made and promulgated.

II of 1896.

READING,

Viceroy and Governor General.

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(3) All trials under this Ordinance shall be held by three Commissioners, of whom at least two shall be persons who are serving, and have for a period of not less than three years served, as Sessions Judges or Additional Sessions Judges, or are persons qualified under sub-section (3) of section 101 of the Government of India Act for appointment as Judges of a High Court.

Procedure of  
Commission-  
ers.

5. (1) Commissioners appointed under this Ordinance may take cognizance of offences without the accused being committed to them for trial, and in trying accused persons shall record evidence in the manner prescribed in section 356 of the Code and shall, in other respects also, subject to this Ordinance and to any rules made thereunder, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates :

Provided that such Commissioners shall not be bound to adjourn any trial for any purpose unless such adjournment is in their opinion necessary in the interests of justice.

(2) In the event of any difference of opinion among the Commissioners, the opinion of the majority shall prevail.

Powers of  
Commission-  
ers.

6. (1) The Commissioners may pass upon any person convicted by them any sentence authorised by law for the punishment of the offence of which such person is convicted.

(2) If in any trial under this Ordinance it is found that the accused person has committed any offence, whether such offence is or is not an offence specified in the First Schedule, the Commissioners may convict such person of such offence and pass any sentence authorised by law for the punishment thereof.

Application  
of Code of  
Criminal  
Procedure,  
1898, to  
proceedings  
of Commis-  
sioners.

7. The provisions of the Code, so far only as they are not inconsistent with the provisions of, or the special procedure prescribed by or under, this Ordinance shall apply to the proceedings of Commissioners appointed under this Ordinance, and such Commissioners shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

Tender of  
pardon.

8. (1) Commissioners trying an offence under this Ordinance may, with a view to obtaining the evidence of any person supposed to have been directly concerned in, or privy to, the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned whether as principal or abettor in the commission thereof.

(2) Where, in the case of any offence for the trial of which by Commissioners an order has been made under sub-section (1) of section 3, a pardon has, before the passing of such order, been tendered to and accepted by any person under section 337 of the Code, the provisions of sub-sections (2) and (3) of that section of the Code shall apply as if the accused person had been committed for trial to the Commissioners.

(3) For the purposes of sections 339 and 339A of the Code, pardons tendered under sub-section (1) and sub-section (2) shall be deemed respectively to have been tendered under sections 338 and 337 of the Code.

9. (1) Any person convicted on a trial held by Commissioners under this Ordinance may appeal to the High Court, and such appeal shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code. <sup>Appeals and confirmation.</sup>

(2) When the Commissioners pass sentence of death the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

10. Notwithstanding anything contained in the Indian <sup>Special rule</sup> Evidence Act, 1872, when the statement of any person has been <sup>of evidence.</sup> recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Ordinance if such person is dead or cannot be found, or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance, or incapacity has been caused in the interests of the accused.

11. The Local Government may, by notification in the local official Gazette, make rules consistent with this Ordinance to <sup>Rule-making powers of Local Government.</sup> provide for all or any of the following matters, namely :—

- (i) the times and places at which Commissioners appointed under this Ordinance may sit ;
- (ii) the procedure of such Commissioners, including the appointment and powers of their President, and the procedure to be adopted in the event of any Commissioner being prevented from attending throughout the trial of any accused person ;
- (iii) the manner in which prosecutions before such Commissioners shall be conducted and the appointment and powers of persons conducting such prosecutions ;
- (iv) the execution of sentences passed by such Commissioners ;
- (v) the temporary custody or release on bail of persons referred to or included in any order made under sub-section (1) of section 3, and the transmission of records to the Commissioners ; and
- (vi) any matter which appears to the Local Government to be necessary for carrying into effect the provisions of this Ordinance relating or ancillary to trials before Commissioners.

Power of  
Local  
Government  
to deal with  
certain  
suspects.

12. (1) Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person—

- (i) has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908 ; XI  
or VI
- (ii) has committed, is committing or is about to commit any offence specified in the Second Schedule ; or
- (iii) has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice ;

the Local Government, if it is satisfied that such person is a member, or is being controlled or instigated by a member, of any association of which the objects or methods include the doing of any of such acts or the commission of any of such offences, may, by order in writing, give all or any of the following directions, namely, that such person—

- (a) shall notify his residence and any change of residence to such authority as may be specified in the order ;
- (b) shall report himself to the police in such manner and at such periods as may be so specified ;
- (c) shall conduct himself in such manner or abstain from such acts as may be so specified ;
- (d) shall reside or remain in any area in British India so specified ;
- (e) shall not enter, reside in, or remain in any area specified in such order ;
- (f) shall be committed to custody in any jail :

Provided that the Local Government shall not in an order under clause (d) or clause (f) specify an area or a jail outside Bengal without the previous sanction of the Governor General in Council.

(2) The Local Government in its order under sub-section (1) may direct—

- (a) the arrest without warrant of the person in respect of whom the order is made at any place where he may be found by any police officer, or other officer of Government, to whom the order may be directed or endorsed by or under the general or special authority of the Local Government ;
- (b) the search of any place specified in the order which in the opinion of the Local Government has been, is being, or is about to be used by such person for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1).

13. An order made under sub-section (1) of section 12 shall be served on the person in respect of whom it is made in the manner provided in the Code for service of a summons, and upon such service such person shall be deemed to have had due notice thereof.

Service of orders under section 12.

14. (1) Any officer of Government, authorised in this behalf by general or special order of the Local Government, may arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 12.

Power to arrest without warrant.

(2) Any officer exercising the power conferred by sub-section (1) may, at the time of making the arrest, search any place and seize any property which is, or is reasonably suspected of being, used by such person for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1) of section 12.

(3) Any officer making an arrest under sub-section (1) shall forthwith report the fact to the Local Government, and pending receipt of the orders of the Local Government may, by order in writing, commit any person so arrested to such custody as the Local Government may, by general or special order, specify in this behalf :

Provided that no person shall be detained in custody under this section for a period exceeding fifteen days save under a special order of the Local Government, and no person shall in any case be detained in custody under this section for a period exceeding one month.

15. The Local Government and every officer of Government to whom any copy of any order made under section 12 has been directed or endorsed by or under the general or special authority of the Local Government, and every officer exercising the powers conferred by section 14, may use any and every means necessary to enforce the same.

Enforcement of orders.

16. Whoever, being a person in respect of whom an order has been made under sub-section (1) of section 12, knowingly disobeys any direction in such order, shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Penalty for breach of order under section 12.

17. (1) Every person in respect of whom an order has been made under sub-section (1) of section 12 shall, if so directed by any officer authorised in this behalf by general or special order of the Local Government,—

Power of photographing, etc., persons in respect of whom order has been made under section 12.

- (a) permit himself to be photographed ;
- (b) allow his finger impressions to be taken ;
- (c) furnish such officer with specimens of his handwriting and signature ;



(d) attend at such times and places as such officer may direct for all or any of the foregoing purposes.

(2) If any person fails to comply with or attempts to avoid any direction given in accordance with the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Powers of  
search.

18. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence specified in the First Schedule has been, is being, or is about to be committed, and the seizure of anything found therein or thereon which the officer executing the warrant has reason to believe is being used or intended to be used for the commission of any such offence; and the provisions of the Code, so far as they can be made applicable, shall apply to searches made under the authority of any warrant issued under this section, and to the disposal of any property seized in any such search; and an order for search issued by the Local Government under sub-section (2) of section 12 shall be deemed to be a search warrant issued by the District Magistrate having jurisdiction in the place specified therein, and may be executed by the person to whom the order is addressed in the manner provided in this section.

Scrutiny of  
case by two  
Judges.

19. (1) Within one month from the date of the issue of an order by the Local Government under sub-section (1) of section 12, the Local Government shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges having, in either case, exercised for at least five years the powers of a Sessions Judge or Additional Sessions Judge, the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any materials relating to the case which may have subsequently come into its possession, and a statement of the allegations against the person in respect of whom the order has been made and his answers to them, if furnished by him, and the said Judges shall consider the said material facts and circumstances and the allegations and answers, and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order.

(2) On receipt of the said report, the Local Government shall consider the same and shall pass such order thereon as appears to the Local Government to be just or proper.

(3) Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 12 to appear or to act by pleader in any matter connected with the reference to the said Judges, and the proceedings and report of the said Judges shall be confidential.

20. (1) The Local Government shall, by order in writing, appoint such persons as it thinks fit to constitute Visiting Committees for the purposes of this Ordinance, and shall by rules prescribe the functions which these Committees shall exercise.

(2) Such rules shall provide for periodical visits to persons under restraint by reason of an order made under sub-section (1) of section 12.

(3) No person in respect of whom any such order has been made requiring him to notify his residence or change of residence or to report himself to the police or to abstain from any specified act, shall be deemed to be under restraint for the purpose of sub-section (2).

21. The Local Government shall make to every person who is placed under restraint by reason of an order made under sub-section (1) of section 12 a monthly allowance for his support of such amount as is, in the opinion of the Local Government, adequate for the supply of his wants, and shall also make to his family, if any, and to such of his near relatives, if any, as are in the opinion of the Local Government dependent on him for support, an allowance for the supply of their wants according to their rank in life.

*Explanation.*—In this section the expression “under restraint” has the same meaning as in section 20.

22. The Local Government may make rules providing for the procedure to be followed regarding the notification of residence and report to the police by persons in respect of whom orders have been made under section 12, and for the intermediate custody of persons arrested under this Ordinance.

23. All rules made under this Ordinance shall be published in the local official Gazette, and on such publication shall have effect as if enacted in this Ordinance.

24. (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 Ordinance.

(2) Nothing in section 491 of the Code shall apply to any person in respect of whom an order has been made under section 3 or section 12 or who has been arrested under section 14.

#### THE FIRST SCHEDULE.

(See section 3, etc.)

Any of the following offences, if in the opinion of the Local Government there are reasonable grounds for believing that such offence has been committed by a member, or a person controlled or instigated by a member, of any association of

which the objects or methods include the commission of any of such offences, namely :—

- (a) any offence under any of the following sections of the Indian Penal Code, namely, sections 148, 302, 304, 326, 327, 329, 332, 333, 385, 386, 387, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 454, 455, 457, 458, 459, 460 and 506 ;
- (b) any offence under the Explosive Substances Act, 1908 ;
- (c) any offence under the Indian Arms Act, 1878 ;
- (d) any attempt or conspiracy to commit, or any abetment of, any of the above offences.

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THE SECOND SCHEDULE.

(See section 12.)

(1) Any offence under any of the following sections of the Indian Penal Code, namely, sections 148, 302, 304, 326, 327, 329, 332, 333, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 457 and 506.

(2) Any attempt or conspiracy to commit, or any abetment of, any of the above offences.

READING,

*Viceroy and Governor General.*

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## ORDINANCE No. I OF 1925.

[30th November, 1925.]

An Ordinance to suspend the levy and collection of the cotton excise duty.

(Published in the Gazette of India Extraordinary of the 1st December, 1925.)

**W**HEREAS an emergency has arisen which makes it necessary to suspend, in respect of cotton goods produced during the months of December, 1925, and January and February, 1926, the levy and collection of the excise duty imposed by the Cotton Duties Act, 1896;

II of 1896.

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

Short title.

1. This Ordinance may be called the Cotton Excise Duty (Suspension) Ordinance, 1925.

Interpretation.

2. Words and expressions used in this Ordinance and defined or explained in the Cotton Duties Act, 1896, have the meanings assigned to them respectively by that Act.

II of 1896.

Suspension of cotton excise duty.

3. The duty imposed by section 6 of the Cotton Duties Act, 1896, shall not be levied and collected or be assessed in respect of any cotton goods produced in any mill in British India on or after the first day of December, 1925, and before the first day of March, 1926.

II of 1896.

Saving of section 8 of the Cotton Duties Act, 1896.

4. Notwithstanding anything hereinbefore contained, the provisions of section 8 of the Cotton Duties Act, 1896, shall continue to have the same force and effect as if this Ordinance had not been made and promulgated.

II of 1896.

READING,

Viceroy and Governor General.

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[Price One Anna or Three-half Pence.]

# ORDINANCE No. I OF 1929.

[12th April, 1929.]

**An Ordinance to check the dissemination in British India from other countries of certain forms of propaganda.**

[Published in the Gazette of India Extraordinary of the 13th April, 1929.]

**W**HEREAS an emergency has arisen which makes it necessary in the interests of public safety to check the dissemination in British India from other countries of certain forms of propaganda, and for this purpose to provide for the removal of certain persons from British India and for the seizure or control of money or other valuables in certain cases;

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

**1.** (1) This Ordinance may be called the Public Safety Ordinance, 1929. Short title and extent.

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

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

(1) “excepted person” means any person who is—

- (a) an Indian British subject, or
- (b) a British subject ordinarily resident in India, or
- (c) the subject of a State in India;

and a person shall be deemed to be “ordinarily resident” in India who, for a period of not less than five years immediately preceding the date on which the question of the application to him of this Ordinance arises,—

- (i) has regularly resided or maintained a residence in India, or

(ii) has

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- (ii) has carried on any trade, business or profession, or held any office or employment, in India and for the purposes thereof has resided in India at regular intervals during that period;
- (2) "order of forfeiture" means an order made under clause (i) of section 4;
- (3) "person to whom this Ordinance applies" means any person (not being an excepted person) who—
- (a) directly or indirectly advocates the overthrow by force or violence of the government established by law in British India, or the unlawful destruction of property, or unlawful interference with the ownership of property; or
- (b) seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the object, directly or indirectly, of subverting by force or violence organised government in British India; or
- (c) is a member of, or is acting in association with, any society or organisation, whether in British India or elsewhere, which advocates or encourages any such doctrine or activity as is described in sub-clause (a) or sub-clause (b) of this clause, or which is affiliated to, or acts in connection with, any such society or organisation;
- (4) "prohibition order" means an order made under clause (ii) of section 4; and
- (5) "removal order" means an order made under section 3.

*Removal from British India.*

Order of  
removal.

3. (1) If the Governor General in Council is satisfied that any person is a person to whom this Ordinance applies, he may, by order in writing, direct such person to remove himself from British India within such time and in such manner and by such route and means as may be specified in the order and not to return thereto without the permission in writing of the Governor General in Council.

(2) A removal order may further direct the person in respect of whom it is made to appear, within such time as may be

be specified in the order, before any Presidency or District Magistrate so specified and execute a bond, with or without sureties, containing such conditions to ensure his good behaviour pending his departure from British India as may be specified in the order.

*Seizure or control of monies, etc.*

4. If the Governor General in Council is satisfied that, for the purpose of the furtherance of any such doctrine or activity as is described in clause (3) of section 2,—

Confiscation or control of money or other valuables.

- (a) any monies, securities, goods or credits have been or are about to be transmitted from any place outside British India to any place in British India by or on behalf of any such person as is described in sub-clause (a), sub-clause (b) or sub-clause (c) of that clause, or by or on behalf of any society or organisation such as is described in sub-clause (c) of that clause, or
- (b) any monies, securities, goods or credits, or the sale proceeds of any securities or goods, are intended to be applied in British India in accordance with any directions or instructions given from outside British India by any such person, society or organisation as aforesaid,

he may, by order in writing,—

- (i) declare any such monies, securities or goods to be forfeited to His Majesty or, if they have not been brought into British India, that they shall be so forfeited on being brought therein, or
- (ii) prohibit any person to whom any such monies, securities, goods or credits have been or are about to be transmitted, or with whom they may have been or are about to be deposited or established, or in whose possession they may be, from paying, transferring or otherwise dealing in any manner whatsoever with the same, save under and in accordance with the conditions of a licence in writing from the Governor General in Council in that behalf.

*Execution of orders.*

5. (1) A removal order or order of forfeiture, or a copy thereof, may be directed for execution to any officer of

Service and execution of orders.

Government

*Applications and appeals.*

6. The High Court may, on application made by or on behalf of any person in respect of whom a removal order has been made, set aside the order on the ground that such person is an excepted person, but on no other ground.

Application to  
High Court in  
respect of  
removal order.

7. (1) Any person in respect of whom a removal order has been made may, within ten days from the service upon him of the order, appeal against the order to the Governor General in Council on the ground that he is not a person such as is described in sub-clause (a), sub-clause (b), or sub-clause (c) of clause (3) of section 2.

Appeal against  
removal order.

(2) On receipt of the appeal, the Governor General in Council shall appoint for the hearing of the appeal a Bench consisting of three persons, each of whom has exercised for not less than five years the powers of a Sessions Judge, and shall lay before the Bench all the material facts and circumstances in his possession or knowledge upon which the removal order is based.

(3) The Bench shall sit at such time and place and shall follow such procedure as the Governor General in Council may in each case direct, and shall consider the facts and circumstances laid before it by the Governor General in Council and report to the Governor General in Council whether or not in its opinion the appeal should be allowed on the ground specified in sub-section (1).

(4) If the Bench reports that the appeal should be allowed on the above-mentioned ground and that the order should be cancelled, the Governor General in Council shall forthwith cancel the order.

(5) The person appealing against the removal order shall be given an opportunity to attend before the Bench in person or by pleader and show cause against the making of the order, and for this purpose the Bench shall, if he so attends, furnish him with a general statement of the grounds on which the removal order was based, together with such details or particulars, if any, as the Bench, with the consent of the Governor General in Council, may include therein, but neither he nor any pleader appearing on his behalf shall be entitled to be made acquainted with any details or particulars of the facts or circumstances laid before the Bench by the Governor

General

Government or may be directed to any Local Government and executed by any officer to whom it or a copy of it may be endorsed by the Local Government for execution.

(2) A removal order or prohibition order may be served on the person in respect of whom it is made in the manner provided in the Code of Criminal Procedure, 1898, for service of a summons, and upon such service such person shall be deemed to have had notice thereof. V of 1898

(3) The Governor General in Council or any Local Government to which a removal order or an order of forfeiture has been directed, or any officer to whom such order has been directed or endorsed for execution under sub-section (1), may use all reasonable means necessary to enforce compliance with the order.

(4) In particular and without prejudice to the generality of the foregoing power, any officer executing an order of forfeiture may, with such assistance as he may require, enter upon, and search for any monies, securities or goods referred to in the order in, any premises where they or any of them may reasonably be suspected to be, and may seize the same:

Provided that the order of forfeiture, or the copy of it, as the case may be, shall first be shown to the person whom there is reason to believe to be in possession of the monies, securities or goods, and to the owner or occupier of the premises in which search is to be made, if such person, owner or occupier so requests.

(5) Where the person to be served with any order under this section is a corporation, company, bank or association of persons, the order or requisition may be served on any secretary, director or other officer or person concerned with the management thereof by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office or, if there is no registered office, at the place where it carries on business.

(6) Any charges and expenses incidental to the removal from British India of any person in respect of whom a removal order has been made and of his dependants, if any, and to his or their conveyance to such place outside British India as the Governor General in Council may direct, may be borne by the Governor General in Council.

*Applications*

General in Council, and the Bench shall, save as herein otherwise provided, treat all such facts and circumstances as confidential.

(6) The Governor General in Council shall extend the time specified in the removal order by such period, if any, as may be necessary to enable the appeal to be heard and final orders to be passed thereon.

Appeals against  
order of forfei-  
ture or prohi-  
bition order.

8. (1) Any person having a direct interest in any monies, securities, goods or credits in respect of which an order of forfeiture or a prohibition order has been made may, within fifteen days from the date on which the order is first executed or served, as the case may be, whether on him or on any other person, appeal to the Governor General in Council on the ground that there is not sufficient reason to believe that the monies, securities, goods or credits have been or are about to be transmitted or are intended to be applied for any purpose or in any manner described in clause (a) or clause (b) of section 4:

Provided that an appeal may be admitted after the period herein prescribed if the appellant satisfies the Governor General in Council that he had sufficient cause for not preferring it within that period.

(2) On receipt of the appeal, the Governor General in Council shall appoint for the hearing thereof a Bench constituted as provided in sub-section (2) of section 7, and the provisions of that section shall apply for the purposes of the appeal in like manner as they apply for the purposes of that section, and the appellant shall be given an opportunity of attending and, if he does so, shall, subject to the provisions of that section as regards the confidential character of the facts and circumstances laid before the Bench by the Governor General in Council, be furnished with a general statement of the grounds on which the order under appeal was based, together with such details or particulars, if any, as the Bench, with the consent of the Governor General in Council, may include therein.

(3) If the Bench reports that the appeal should be allowed on any ground specified in sub-section (1) and that the order should be cancelled, the Governor General in Council shall forthwith cancel the order.

*Requisition*



*Requisition of information.*

9. (1) The Governor General in Council may require any bank or other person to furnish such information as the Governor General in Council may deem necessary for the furtherance of the purposes of section 4, and such bank or person shall thereupon be bound to furnish the required information if and so far as it is in its or his possession. Requisition of information.

(2) A requisition under this section shall be served in the manner provided in this Ordinance for the service of a prohibition order.

*Penalties.*

10. If any person in respect of whom a removal order or a prohibition order has been made knowingly disobeys any direction contained in such order, or if any person who has entered into a bond in pursuance of a removal order knowingly violates the conditions of any such bond, he shall be liable to be arrested without warrant, and shall be punishable with imprisonment which may extend to one year and shall also be liable to fine. Failure to comply with order or conditions of bond.

11. If any person fails to comply to the best of his ability with a requisition made upon him under section 9, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two thousand rupees, or with both. Failure to comply with requisition.

12. Where a person contravening or otherwise failing to comply with a prohibition order or failing to comply with a requisition made under section 9 is a corporation, company, bank or association of persons, any secretary, director or other officer or person concerned with the management thereof shall be punishable as provided in section 10 or section 11, as the case may be, unless he proves that the offence was committed without his knowledge or without his consent. Offences by corporations, etc.

13. (1) If any person who has been directed by a removal order to appear before a Magistrate and execute a bond for his good behaviour fails within the time specified in the order to appear before such Magistrate, or refuses to execute such bond, or fails to provide to the satisfaction of the Magistrate any sureties which he may be required by or under the order to provide, he may be committed to and kept in such custody as the Governor General in Council or the Local Refusal to execute and forfeiture of bonds.

Government



Government may direct pending his removal from British India.

(2) A bond taken under this Ordinance shall be deemed to be a bond taken under the Code of Criminal Procedure, 1898, and the provisions of section 514 of that Code shall v of 1898, apply accordingly.

*Miscellaneous.*

Jurisdiction of  
Courts.

14. No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Ordinance, and no Court shall take cognisance of such an offence save upon complaint made by order of, or under authority from, the Governor General in Council.

Protection,  
finality of  
orders and  
indemnity.

15. (1) If the fulfilment by any person of any contract or other legal obligation is interfered with by the execution of any order made under this Ordinance or by the necessity on the part of himself or any other person of complying with any such order or with a requisition under section 9, that execution or that necessity, as the case may be, shall be a good defence to any action or proceedings taken against that person in respect of the non-fulfilment of the contract or other legal obligation, in so far as it is due to such interference.

(2) Save as expressly provided in this Ordinance, no removal order, no order of forfeiture, and no prohibition order shall be called in question in any Court or by or before any other authority whatsoever, and nothing in section 491 of the Code of Criminal Procedure, 1898, shall apply to any person v of 1898, in respect of whom any such order has been made.

(3) No prosecution or other legal proceeding whatsoever shall lie against any person in respect of anything in good faith done or intended to be done under this Ordinance.

# ORDINANCE No. I OF 1930.

[19th April, 1930.]

## An Ordinance to supplement the ordinary criminal law in Bengal.

[Published in the Gazette of India Extraordinary of the 19th April, 1930.]

WHEREAS an emergency has arisen which makes it necessary to supplement the ordinary criminal law in Bengal:

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Bengal Criminal Law Amendment Ordinance, 1930. Short title and extent.

(2) It extends to the whole of Bengal.

2. (1) Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person— Power of Local Government to deal with certain suspects.

(i) has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908; or

(ii) has committed, is committing or is about to commit any offence specified in the First Schedule; or

(iii) has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice;

the Local Government, if it is satisfied that such person is a member, or is being controlled or instigated by a member, of any association of which the objects or methods include the doing of any of such acts or the commission of any of such offences, may, by order in writing, give all or any of the following directions, namely, that such person—

(a) shall notify his residence and any change of residence to such authority as may be specified in the order;

(b) shall

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Price 1 anna or 1½d.]

XI of 1878.  
VI of 1908.

- (b) shall report himself to the police in such manner and at such periods as may be so specified;
  - (c) shall conduct himself in such manner or abstain from such acts as may be so specified;
  - (d) shall reside or remain in any area so specified;
  - (e) shall not enter, reside in, or remain in any area so specified;
  - (f) shall be committed to custody in jail:
- and may at any time add to, amend, vary or rescind any order made under this section.

(2) The Local Government in its order under sub-section (1) may direct—

- (a) the arrest without warrant of the person in respect of whom the order is made at any place where he may be found by any police officer or by any officer of Government to whom the order may be directed or endorsed by or under the general or special authority of the Local Government;
- (b) the search of any place specified in the order which in the opinion of the Local Government has been, is being, or is about to be used by such person, for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1).

Service of  
orders under  
section 2.

3. An order made under sub-section (1) of section 2 shall be served on the person in respect of whom it is made in the manner provided in the Code of Criminal Procedure, 1898, V of 1898, for service of a summons, and upon such service such person shall be deemed to have had due notice thereof.

Power to arrest  
without  
warrant.

4. (1) Any officer of Government authorised in this behalf by general or special order of the Local Government may arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 2.

(2) Any officer exercising the power conferred by sub-section (1) may, at the time of making the arrest, search any place and seize any property which is, or is reasonably suspected of being, used by such person for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1) of section 2.

(3) Any

(3) Any officer making an arrest under sub-section (1) shall forthwith report the fact to the Local Government, and may, by order in writing, commit any person so arrested to custody pending receipt of the orders of the Local Government; and the Local Government may by general or special order specify the custody to which such person shall be committed:

Provided that no person shall be detained in custody under this section for a period exceeding fifteen days save under a special order of the Local Government, and no person shall in any case be detained in custody under this section for a period exceeding one month.

5. (1) The Local Government and every officer of Government to whom any copy of any order made under section 2 has been directed or endorsed by or under the general or special authority of the Local Government may use any and every means necessary to enforce compliance with such order.

Enforcement of orders.

(2) Any officer exercising any of the powers conferred by section 4 may use any and every means necessary to the full exercise of such powers.

6. Whoever, being a person in respect of whom an order has been made under sub-section (1) of section 2, knowingly disobeys any direction in such order, shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Penalty for breach of order under section 2.

7. (1) Every person in respect of whom an order has been made under sub-section (1) of section 2 shall, if so directed by any officer authorised in this behalf by general or special order of the Local Government,—

Power of photographing, etc., persons in respect of whom order has been made under section 2.

- (a) permit himself to be photographed;
- (b) allow his finger impressions to be taken;
- (c) furnish such officer with specimens of his handwriting and signature;
- (d) attend at such times and places as such officer may direct for all or any of the foregoing purposes.

(2) If any person fails to comply with or attempts to avoid any direction given in accordance with the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

8. The



Powers of  
search.

8. The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure, 1898, shall be deemed to include a power to issue warrants authorising the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence specified in the Second Schedule has been, is being, or is about to be committed, and the seizure of anything found therein or thereon which the officer executing the warrant has reason to believe has been, is being, or is intended to be, used for the commission of any such offence; and the provisions of the said Code, so far as they can be made applicable, shall apply to searches made under the authority of any warrant issued under this section, and to the disposal of any property seized in any such search; and an order for search issued by the Local Government under sub-section (2) of section 2 shall be deemed to be a search warrant issued by a Presidency Magistrate or the District Magistrate having jurisdiction in the place specified therein, and may be executed by the person to whom the order is addressed in the manner provided in this section.

Scrutiny of case  
by two Judges.

9. (1) Within one month from the date of an order by the Local Government under sub-section (1) of section 2, the Local Government shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges having, in either case, exercised for at least five years the powers of a Sessions Judge, or Additional Sessions Judge, the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any such facts and circumstances relating to the case which may have subsequently come into its possession, and a statement of the allegations against the person in respect of whom the order has been made and his answers to them, if furnished by him. The said Judges shall consider the said material facts and circumstances and the allegations and answers and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order.

(2) On receipt of the said report, the Local Government shall consider the same and shall pass such order thereon as appears to the Local Government to be just or proper.

(3) Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 2 to attend in person or to appear by pleader in any matter connected

connected with the reference to the said Judges, and the proceedings and report of the said Judges shall be confidential.

10. (1) When an order under sub-section (1) of section 2 has been made against a person, the Local Government may at any time, without conditions or upon any conditions which such person accepts, direct the suspension or cancellation of such order. Power to suspend operation of orders under section 2.

(2) If any condition on which an order has been suspended or cancelled is in the opinion of the Local Government not fulfilled, the Local Government may revoke the suspension or cancellation, and thereupon the person in whose favour such suspension or cancellation was made may, if at large, be arrested by any police officer without warrant, and the order under sub-section (1) of section 2 shall be deemed to be in full force.

(3) If the conditions on which such suspension or cancellation has been made include the execution of a bond with or without sureties, the Local Government may at once proceed to recover the penalty of such bond.

(4) A Presidency Magistrate or Magistrate of the first class shall in default of payment of such penalty issue, on application made in this behalf by an officer of the Local Government specially empowered, a warrant for the attachment and sale of the moveable property belonging to the defaulter or his estate if he be dead. On the issue of such warrant the provisions of sub-sections (3) and (4) of section 514 of the Code of Criminal Procedure, 1898, shall apply to such recovery.

11. (1) The Local Government shall, by order in writing, appoint such persons as it thinks fit to constitute Visiting Committees for the purposes of this Ordinance, and shall by rules prescribe the functions which these Committees shall exercise. Visiting Committees.

(2) Such rules shall provide for periodical visits to persons under restraint by reason of an order made under sub-section (1) of section 2.

(3) No person in respect of whom any such order has been made requiring him to notify his residence or change of residence or to report himself to the police or to abstain from any specified act, shall be deemed to be under restraint for the purpose of sub-section (2).

12. The



Allowances to persons under restraint and their dependants.

12. The Local Government shall make to every person, who is placed under restraint by reason of an order made under sub-section (1) of section 2, a monthly allowance for his support of such amount as is, in the opinion of the Local Government, adequate for the supply of his wants, and shall also make to his family, if any, and to such of his near relatives, if any, as are in the opinion of the Local Government dependent on him for support, an allowance for the supply of their wants suitable in the opinion of the Local Government to their rank in life.

*Explanation.*—In this section the expression “under restraint” has the same meaning as in section 11.

Power to make rules.

13. (1) The Local Government may make rules providing for the procedure to be followed regarding the notification of residence and report to the police by persons in respect of whom orders have been made under section 2, and for the place and manner of custody of all persons arrested or committed to or detained in custody under this Ordinance.

Publication of rules.

(2) Such rules shall be published in the *Calcutta Gazette*, and on such publication shall have effect as if enacted in this Ordinance.

Bar to suits, prosecutions and other legal proceedings.

14. 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 Ordinance.

## THE FIRST SCHEDULE.

(See section 2.)

(1) Any offence punishable under any of the following sections of the Indian Penal Code, namely, sections 148, 302, 304, 326, 327, 329, 332, 333, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 457 and 506. XLV of 1860

(2) Any attempt or conspiracy to commit, or any abetment of, any of the above offences.

## THE SECOND SCHEDULE.

(See section 8.)

(a) Any offence punishable under any of the following sections of the Indian Penal Code, namely, sections 148, 302, 304, XLV of 1860

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304, 326, 327, 329, 332, 333, 385, 386, 387, 392, 394, 395,  
396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438,  
440, 454, 455, 457, 458, 459, 460 and 506.

(b) Any offence under the Explosive Substances Act, 1908. VI of 1908.

(c) Any offence under the Indian Arms Act, 1878. XI of 1878.

(d) Any attempt or conspiracy to commit, or any abet-  
ment of, any of the above offences.

IRWIN,

*Viceroy and Governor General.*

# ORDINANCE No. II OF 1930.

[27th April, 1930.]

## An Ordinance to provide for the better control of the Press.

[Published in the Gazette of India Extraordinary of the 27th April, 1930.]

**W**HEREAS an emergency has arisen which makes it necessary to provide for the better control of the Press;

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Indian Press Ordinance, 1930. Short title and extent.

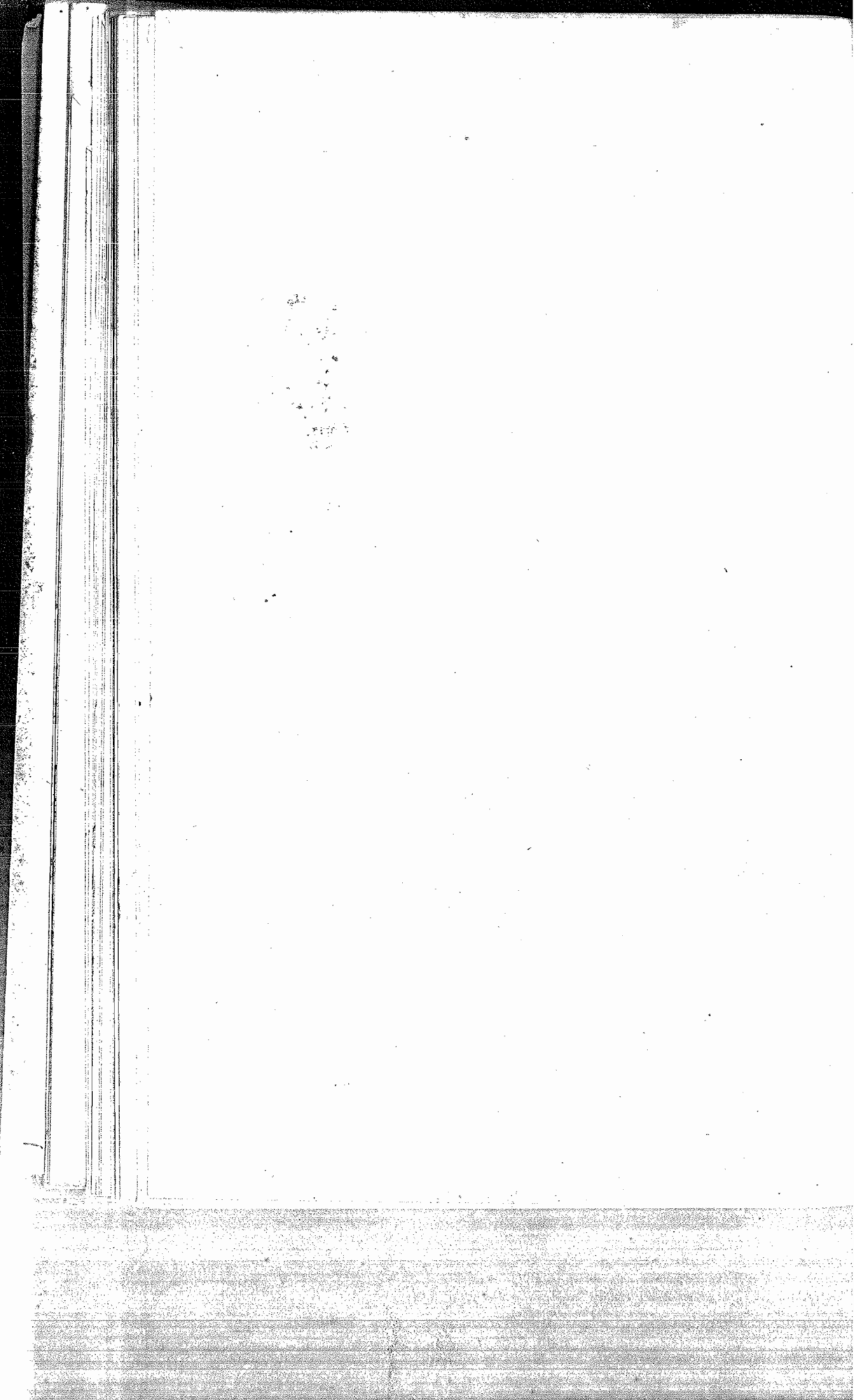
(2) It extends to the whole of British India, inclusive of British Baluchistan, the Sonthal Parganas and the Pargana of Spiti.

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

- (a) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed:
- (b) "document" includes also any painting, drawing or photograph or other visible representation:
- (c) "High Court" means the highest Civil Court of Appeal for any local area except in the case of the province of Coorg where it means the High Court of Judicature at Madras:
- (d) "Magistrate" means a District Magistrate or Chief Presidency Magistrate:
- (e) "newspaper" means any periodical work containing public news or comments on public news: and
- (f) "printing-press" includes all engines, machinery, types, lithographic stones, implements, utensils and

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Price 1 anna or 1½d.]





and other plant or materials used for the purpose of printing.

Deposit of security by keepers of printing-presses.

3. (1) Every person keeping a printing-press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, shall, at the time of making the same, deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than five hundred or more than two thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India: XXV of 1867.

Provided that the Magistrate may, if he thinks fit, for special reasons to be recorded by him, dispense with the deposit of any security.

(2) The Magistrate may, at any time, cancel an order dispensing with security and require security to be deposited, and he may, at any time, vary any order fixing the amount of security under this sub-section or under sub-section (1).

(3) Whenever it appears to the Local Government that any printing-press kept in any place in the territories under its administration, in respect of which a declaration was made prior to the commencement of this Ordinance under section 4 of the Press and Registration of Books Act, 1867, is used for any of the purposes described in section 4, sub-section (1), the Local Government may, by notice in writing, require the keeper of such press to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than five thousand rupees, as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India. XXV of 1867.

Power to declare security forfeited in certain cases.

4. (1) Whenever it appears to the Local Government that any printing-press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise—

(a) to incite to murder or to any offence under the Explosive Substances Act, 1908, or to any act of violence, or VI of 1908.

(b) to

OF 1930.]

*Indian Press Ordinance.*

- (b) to seduce any officer, soldier, sailor or airman in the Army, Navy or Air Force of His Majesty or any police officer from his allegiance or his duty, or
- (c) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any Indian Prince or Chief under the suzerainty of His Majesty, or any class or section of His Majesty's subjects in British India, or to excite disaffection towards His Majesty or the said Government or any such Prince or Chief, or
- (d) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security, or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or
- (e) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land-revenue, tax, rate, cess or other due or amount payable to Government or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or
- (f) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or
- (g) to promote feelings of enmity or hatred between different classes of His Majesty's subjects, or
- (h) to prejudice the recruiting of persons to serve in any of His Majesty's forces, or in any police force, or to prejudice the training, discipline or administration of any such force,

the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare the security deposited in respect of such press and all copies of such newspaper, book or other document wherever found in British India to be forfeited to His Majesty.

*Explanation I.*



*Explanation I.*—In clause (c) the expression “disaffection” includes disloyalty and all feelings of enmity.

*Explanation II.*—Comments expressing disapproval of the measures of the Government or of any such Indian Prince or Chief as aforesaid with a view to obtain their alteration by lawful means, or of the administrative or other action of the Government or of any such Indian Prince or Chief or of the administration of justice in British India without exciting or attempting to excite hatred, contempt or disaffection do not come within the scope of clause (c).

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall be deemed to be XXV of 18 annulled.

Deposit of  
further security.

5. Where the security given in respect of any press has been declared forfeited under section 4, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall XXV of 18 deposit with the Magistrate before whom such declaration is made security to such amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India.

Power to  
declare further  
security,  
printing-press  
and publica-  
tions forfeited.

6. If after such further security has been deposited the printing-press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Local Government, are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing such words, signs or visible representations, declare—

(a) the further security so deposited,

(b) the printing-press used for the purpose of printing or publishing such newspaper, book or other document or found in or upon the premises where such newspaper, book or other document is, or at the time of printing the matter complained of was, printed, and

(c) all

- (c) all copies of such newspaper, book or other document wherever found in British India

to be forfeited to His Majesty.

7. (1) Where any printing-press is, or any copies of any newspaper, book or other document are, declared forfeited to His Majesty under this Ordinance, the Local Government may direct a Magistrate to issue a warrant empowering any police-officer, not below the rank of a Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

Issue of search-warrant.

(i) where any such property may be or may be reasonably suspected to be, or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution, publication or public exhibition or reasonably suspected to be so kept.

(2) Every warrant issued under this section shall, so far as relates to a search, be executed in manner provided for the execution of search-warrants under the Code of Criminal Procedure, 1898.

V of 1898.

8. (1) Every publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, shall, at the time of making the same, deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than five hundred or more than two thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India:

Deposit of security by publisher of newspaper.

XXV of 1867.

Provided that the Magistrate may, if he thinks fit, for special reasons to be recorded by him, dispense with the deposit of any security.

(2) The Magistrate may, at any time, cancel an order dispensing with security and require security to be deposited, and he may, at any time vary any order fixing the amount of security under this sub-section or under sub-section (1).

(3) Whenever it appears to the Local Government that a newspaper published within its territories, in respect of which a declaration was made by the publisher thereof prior to the commencement of this Ordinance under section 5 of the Press and Registration of Books Act, 1867, contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by

notice

notice in writing, require the publisher to deposit with the Magistrate, within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than five thousand rupees, as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India.

Power to declare security forfeited in certain cases.

9. (1) If any newspaper in respect of which any security has been deposited as required by section 8 contains any words, signs or visible representations, which in the opinion of the Local Government, are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare such security and all copies of such newspaper, wherever found in British India, to be forfeited to His Majesty.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, shall be deemed XXV of 186 to be annulled.

Deposit of further security.

10. Where the security given in respect of any newspaper is declared forfeited, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, as publisher of such newspaper, or any other newspaper XXV of 186 which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made security to such amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India.

Power to declare further security and newspapers forfeited.

11. If, after such further security has been deposited, the newspaper again contains any words, signs or visible representations which, in the opinion of the Local Government, are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(a) the further security so deposited, and

(b) all copies of such newspaper wherever found in British India,

to be forfeited to His Majesty.

12. (1) Where

**12.** (1) Where any newspaper, book or other document wherever printed appears to the Local Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police-officer may seize the same wherever found in British India, and any Magistrate may by warrant authorise any police-officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

Power to declare certain publications forfeited and to issue search-warrants for same.

(2) Every warrant issued under this section shall, so far as relates to a search, be executed in manner provided for the execution of search-warrants under the Code of Criminal Procedure, 1898.

V of 1903.

**13.** The Chief Customs-officer or other officer authorized by the Local Government in this behalf may detain any package brought, whether by land, sea or air, into British India which he suspects to contain any newspapers, books or other documents of the nature described in section 4, sub-section (1), and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

Power to detain packages containing certain publications when imported into British India.

**14.** No newspaper printed and published in British India shall be transmitted by post unless the printer and publisher have made a declaration under section 5 of the Press and Registration of Books Act, 1867, and the publisher has deposited security when so required under this Ordinance.

Prohibition of transmission by post of certain newspapers.

XXV of 1867.

**15.** Any officer in charge of a post-office or authorized by the Post-Master General in this behalf may detain any article other than a letter or parcel in course of transmission by post, which he suspects to contain—

Power to detain articles being transmitted by post.

- (a) any newspaper, book or other document containing words, signs or visible representations of the nature described in section 4, sub-section (1), or
- (b) any newspaper in respect of which the declaration required by section 5 of the Press and Registration

of



of Books Act, 1867, has not been made, or the security required by this Ordinance has not been deposited by the publisher thereof,

and shall deliver all such articles to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

Application to High Court to set aside order of forfeiture.

16. Any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, 6, 9, 11 or 12 may, within two months from the date of such order, apply to the High Court for the local area in which such order was made, to set aside such order on the ground that the newspaper, book or other document in respect of which the order was made did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).

Hearing by Special Bench.

17. Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges, or, where the High Court consists of less than three Judges, of all the Judges.

Order of Special Bench setting aside forfeiture.

18. (1) If it appears to the Special Bench that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Special Bench shall set aside the order of forfeiture.

(2) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority (if any) of those Judges.

(3) Where there is no such majority which concurs in setting aside the order in question, such order shall stand.

Evidence to prove nature or tendency of newspapers.

19. On the hearing of any such application with reference to any newspaper, any copy of such newspaper published after the commencement of this Ordinance may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order of forfeiture was made.

Procedure in High Court.

20. Every High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed the

of 1930.]

*Indian Press Ordinance.*

the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

21. Every declaration of forfeiture purporting to be made under this Ordinance shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Ordinance shall be called in question by any Court, except the High Court on such application as aforesaid, and no civil or criminal proceeding, except as provided by this Ordinance, shall be instituted against any person for anything done or in good faith intended to be done under this Ordinance.

Jurisdiction  
barred.

22. (1) Whoever keeps in his possession a press for the printing of books or papers without making a deposit under section 3 or section 5, when required so to do, shall on conviction by a Magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

Penalty for  
keeping press or  
publishing  
newspaper  
without making  
deposit.

XXV of 1867.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, when required so to do, or publishes such newspaper knowing that such security has not been deposited, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

XXV of 1867.

23. (1) Where a deposit is required from the keeper of a printing-press under sub-section (1) or sub-section (3) of section 3 or under section 5, such press shall not be used for the printing or publishing of any newspaper, book or other document until the deposit has been made.

Power to  
declare print-  
ing-press  
forfeited if  
used before  
deposit is made.

(2) Where any printing-press is used in contravention of sub-section (1), the Local Government may, by notice in writing to the keeper thereof, declare the press so used and any other printing-press found in or upon the premises where such press was so used, to be forfeited to His Majesty; and the provisions of section 7 shall apply.

24. Where any person has deposited any security under this Ordinance and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under section 8 of the Press and Registration of

Return of  
deposited  
security in  
certain cases.

Books



Books Act, 1867, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person. XXV of 1867

Service of  
notices.

25. Every notice under this Ordinance shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1898. V of 1898.

Operation of  
other laws not  
barred.

26. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Ordinance.

27. So long as this Ordinance remains in force, all declarations required to be made under section 4, section 5, section 8 and section 8A of the Press and Registration of Books Act, 1867, shall be made, in a Presidency town before the Chief Presidency Magistrate, and elsewhere before the District Magistrate. XXV of 1867

IRWIN,

*Viceroy and Governor General.*

# ORDINANCE No. III OF 1930.

[1st May, 1930.]

**An Ordinance to make provision for the trial of the persons  
accused in the Lahore conspiracy case.**

*(Published in the Gazette of India Extraordinary of the 1st  
May, 1930.)*

**W**HEREAS an emergency has arisen which makes it necessary to provide specially for the trial of the accused in the cases known as the Lahore conspiracy case;

NOW, THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

1. This Ordinance may be called the Lahore Conspiracy Short title.  
Case Ordinance, 1930.

2. In this Ordinance—

Definitions.

(a) the "Code" means the Code of Criminal Procedure, 1898;

V of 1898.

(b) the "High Court" means the High Court of Judicature at Lahore; and

(c) the "said cases" mean the cases specified in section 3.

3. Notwithstanding anything contained in the Code, all cases pending in the Court of Rai Sahib Pandit Sri Kishan, Magistrate of the First Class, Lahore, against any or all of the persons named in the Schedule shall be tried by the Tribunal to be constituted under section 4.

Trial of Lahore  
conspiracy cases  
by Special  
Tribunal.

4. (1) As soon as may be after the commencement of this Ordinance, the Chief Justice of the High Court shall constitute a Tribunal for the trial of the said cases consisting of three persons who at the time of such constitution are Judges, Additional Judges or officiating Judges of the High Court.

Constitution of  
the Tribunal.

(2) The

1

*Price 1 anna or 1½d.]*

(2) The Chief Justice shall appoint one of the members of the Tribunal to be President of the Tribunal.

Appointment of  
new member  
where member  
unable to  
attend.

5. (1) If, for any reason, any member of the Tribunal is unable to discharge his duties, the Chief Justice shall appoint another Judge, Additional Judge, or officiating Judge of the High Court to be member of the Tribunal.

(2) Notwithstanding any change in the composition of the Tribunal, it shall not be incumbent on the Tribunal to re-call or re-hear any witness who has already given evidence, and it may act on any evidence already recorded by or produced before it.

Procedure of  
the Tribunal.

6. (1) When the Tribunal has been constituted it shall have cognisance of the said cases and the jurisdiction of the aforesaid Magistrate shall cease.

(2) The Tribunal shall, subject to the provisions of this Ordinance, follow the procedure prescribed in Chapter XXI of the Code for the trial of warrant cases by Magistrates.

(3) In matters not coming within the scope of sub-section (2), the provisions of the Code, so far as they are not inconsistent with this Ordinance, shall apply to the proceedings of the Tribunal; and for the purpose of applying the said provisions, the proceedings already taken before the aforesaid Magistrate shall be deemed to be proceedings under Chapter XVIII of the Code whereunder the accused persons have been committed to the Tribunal for trial, and the Tribunal shall be deemed to be a Court of Session to whom the accused persons have been duly committed by the aforesaid Magistrate.

(4) In the event of any difference of opinion among the members of the Tribunal, the opinion of the majority shall prevail.

Conduct of the  
prosecution.

7. (1) The Local Government may appoint a person to be prosecutor for the conduct of the prosecution of the said cases, and such other persons to assist him as it may think fit.

(2) The prosecutor appointed under this section shall have the powers and shall discharge the duties of a Public Prosecutor under the Code.

Powers of the  
Tribunal.

8. The Tribunal may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted, and no order of confirmation

confirmation shall be necessary in respect of any sentence passed by it.

9. (1) The Tribunal shall have powers to take such measures as it may think necessary to secure the orderly conduct of the trial; and where any accused by his voluntary act has rendered himself incapable of appearing before the Tribunal, or resists his production before it, or behaves before it in a persistently disorderly manner, or in any other way wilfully conducts himself to the serious prejudice of the trial, the Tribunal may, at any stage of the trial, dispense with the attendance of such accused for such period as it may think fit and proceed with the trial in his absence.

Special powers  
of the Tribunal.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial.

10. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by a Magistrate, such statement may be admitted in evidence before the Tribunal if such person is dead or cannot be found or is incapable of giving evidence, and the Tribunal is of opinion that such death, disappearance or incapacity has been caused in the interests of any accused.

Special rule of  
evidence.

11. The judgment of the Tribunal shall be final and conclusive and, notwithstanding the provisions of the Court or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of the Court, and the High Court shall not have authority to revise any such order or sentence or to transfer any case from the Tribunal, or to make any order under section 491 of the Code or have any jurisdiction of any kind in respect of any proceedings under this Ordinance.

Finality of  
proceedings  
of Tribunal.

12. (1) The President may make all necessary orders for the transfer to the custody of the Tribunal of all records, documents, exhibits and other things connected with the said cases.

Powers of the  
President in  
ancillary  
matters.

(2) The

(2) The President may also, from time to time, make orders consistent with this Ordinance to provide for the place and conduct of the trial, and all other ancillary matters which he may deem necessary to carry into effect the provisions of this Ordinance.

SCHEDULE.

1. Sukh Dev *alias* Dyal *alias* Swami *alias* Villager, son of Ram Lal, Thaper Khatri, of Mohalla Arya Samaj, Lyallpur.
2. Agya Ram *alias* Masterji, son of Nand Lal, Brahman, of Lalla, police station Killa Sobha Singh, District Sialkot.
3. Kishori Lal Rattan *alias* Deo Dutt Rattan *alias* Mast Ram Shastri, son of Raghbar Dutt, Brahman, of Dharampur, police station Hajipur, District Hoshiarpur.
4. Des Raj, son of Ram Kishan, Khatri, of Balgan, police station Sambrial, District Sialkot.
5. Prem Dutt *alias* Master *alias* Amrit Lal, son of Ram Dutt, Khatri, of Gujrat.
6. Surindra Nath Pandey *alias* Stone, son of Hira Lal Pandey, Brahman, resident of Mohalla Sabzimandi, Cawnpore.
7. Jai Dev *alias* Harish Chander, son of Babu Salig Ram, Khatri Kapur, Saddar Bazaar, Hardoi.
8. Sheo Varma *alias* Parbhat *alias* Harnarain *alias* Ram Narain Kapur, son of Kanhiya Lal Varma, Khatri, of Hardoi.
9. Gya Parshad *alias* Dr. B. S. Nigham *alias* Ram Lal *alias* Ram Nath *alias* Desh *alias* Bhagat, Kurmi, resident of Khajuri Khurd, police station Billhaur, District Cawnpore.
10. Mahabir Singh *alias* Partab, of Shahpore Tehla, post office Raja ke Rampur, District Eta.
11. Bhagat Singh, son of Kishan Singh of Khawasrian, Lahore.
12. Bhatkeshwar Dutt *alias* Battu *alias* Mohan, son of G. D. Dutt, of Bedwan, Bengal.
13. Ajoy Kumar Ghosh *alias* Negro General, son of Dr. Ghosh, of Cawnpore.
14. Jatin

14. Jatin Sanyal (Jatindra Nath Sanyal), son of Hira Nath Sanyal, of Allahabad.

15. Bijoy Kumar Sinha *alias* Bachu, son of Markando Kumar Sinha, of Mohalla Karachi Ganj, Cawnpore.

16. Shivram Rajguru *alias* "M", son of Hari Raj Guru, of Sadashiv Peth, Poona.

17. Kundan Lal *alias* Partap *alias* No. 1, of Fyzabad.

18. Kanwal Nath Trivedi *alias* Kanwal Nath Tewari, son of Pandit Surej Nath Tewari, of Sarya, police station Govindagunj, Champaran (student, Vidya Sagar College, Calcutta).

19. Bhagwan Dass *alias* Gunthala, of Jhansi.

20. Chander Shekar Azad *alias* Panditji, son of Baij Nath Ram *alias* Sita Ram, Brahman, of Baij Nath Tula, police station Bhilopur, Benares.

21. Kelash Patti *alias* Kali Charan, son of Harde Narain, Kayasth, of Mongranwan, police station Chamirpur, District Azamgarh.

22. Bhagwati Charan *alias* B. C. Vohra, son of Rai Sahib Shiv Charan Dass, Brahman, of Lahore.

23. Yashpal, son of Hira Lal, Khatri, of Nidhon, police station Hamirpur, District Kangra, and of Wachhowali, Lahore.

24. Satgurdyal, son of Pandit Sukhbasi Lal Avasthi, Brahman, of Mohalla Bama Khori, Cawnpore.

IRWIN,

Viceroy and Governor General.



# ORDINANCE No. IV OF 1930.

[15th May, 1930.]

**An Ordinance to provide for the proclamation of martial law in the town of Sholapur and its vicinity, to empower military authorities to make regulations for administering it, and to provide for other matters connected therewith.**

[Published in the Gazette of India Extraordinary of the 15th May, 1930.]

**W**HEREAS an emergency has arisen which makes it necessary to provide for the proclamation of martial law in the town of Sholapur and its vicinity, to empower military authorities to make regulations and issue orders to provide for the public safety and the restoration and maintenance of order, and to provide for other matters connected with the administration of martial law;

NOW THEREFORE, the Governor General, in exercise of the powers conferred by section 72 of the Government of India Act, is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Sholapur Martial Law Ordinance, 1930. Short title and extent.

(2) It shall extend to the area comprised in the municipal limits of the town of Sholapur in the Bombay Presidency:

Provided that the Governor General in Council may, by notification in the Gazette of India, extend this Ordinance to any other area comprised in, or to the whole of, the District of Sholapur.

2. In any area to which this Ordinance extends martial law shall be in force and shall be proclaimed by such means and in such manner as the Local Government may direct;

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and shall remain in force in any such area until withdrawn by the Governor General in Council by notification in the Gazette of India, whereupon the provisions of this Ordinance shall cease to apply in such area :

Provided that no failure to comply with any directions of the Local Government as to the manner of proclamation in any area shall invalidate anything done in the administration of martial law in pursuance of this Ordinance in that area :

Provided further that the validity of any sentences passed, or of anything already done or suffered, or any liability incurred or indemnity granted in accordance with the provisions of this Ordinance, shall not be affected by reason only of the fact that this Ordinance has ceased to be in force.

**Administration  
of martial law.**

3. In any area in which martial law is for the time being in force, the Commander-in-Chief in India or the General Officer Commanding-in-Chief, the Command, shall appoint one or more military officers, not being lower in rank than a Lieutenant-Colonel, to be Military Commanders to administer martial law (any such officer being hereinafter referred to in this Ordinance as "the Military Commander"), and the Military Commander shall exercise his powers in respect of such area or such part thereof (hereinafter referred to as an "administration area") as the appointing authority may direct.

**Regulations.**

4. (1) Subject to the provisions of this Ordinance, the Military Commander shall have power to make regulations to provide for the public safety and the restoration and maintenance of order and as to the powers and duties of military officers and others in furtherance of that purpose.

(2) Such regulations may provide that any contravention thereof, or of any order issued thereunder or supplementary thereto, shall be punishable with any punishment authorised by any law in force in any part of British India, and any such contravention shall, for the purposes of this Ordinance, be deemed to be an offence against a regulation or an order, as the case may be.

(3) The power to make regulations shall be subject to the following conditions, namely:—

- (i) in making any regulation the Military Commander shall interfere with the ordinary avocations of life

life as little as may be consonant with the exigencies of the measures which he deems to be required to be taken for the purposes of martial law;

(ii) before making any regulation the Military Commander shall, if possible, consult the senior civil officer in direct charge of the administration area in which he exercises power, but shall not be bound to follow his advice; and

(iii) the penalty, if any, for the contravention of a regulation shall be specified therein.

(4) The Military Commander shall cause any regulation made by him to be published in such manner as he thinks best fitted to bring it to the notice of those affected, and shall transmit through the normal channel a copy of every regulation so made to the Commander-in-Chief in India.

5. (1) The Military Commander may, by order in writing, empower any Magistrate or any military officer of seven years' service, not below the rank of a Captain, to make martial law orders in any part of the administration area for the purpose of supplementing the regulations in that area, and the punishment for the contravention of any such order shall be that specified in the regulations for the contravention of a martial law order:

Provided that no order shall be made which is inconsistent with the regulations.

(2) Every Magistrate or officer making a martial law order under sub-section (1) shall cause the same to be published in such manner as he thinks best fitted to bring it to the notice of those affected.

(3) A copy of every such order shall, as soon as may be, be submitted to the Military Commander, who shall have power to add to, modify or rescind any such order in such way as he thinks fit.

(4) Where a Military Commander has added to, modified or rescinded any order under sub-section (3), he shall forthwith communicate the fact to the Magistrate or officer who made the order, and such Magistrate or officer shall thereupon cause to be published in the manner hereinbefore mentioned the order as so added to or modified, or the fact that the order has been rescinded, as the case may be.

6. (1) No

Offences.

6. (1) No person shall—

- (a) communicate to the enemy, or
- (b) with the intention of communicating it to the enemy, collect, publish or attempt to elicit,

any information with respect to the movements, numbers, description, condition or disposition of any of His Majesty's forces or any police force engaged in administering martial law or in restoring or maintaining order, or with respect to the plans or conduct or supposed plans or conduct of any military operations by any such forces, or with respect to any works or measures undertaken for, or connected with or intended for, the defence of any place.

(2) No person shall commit any act which is calculated to mislead or hamper the movements or imperil the success of any operations of His Majesty's forces or any police force engaged in administering martial law, or in restoring or maintaining order.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be deemed to have committed an offence under section 121 of the Indian Penal Code. XLV of 1860.

(4) Any person who voluntarily assists or relieves with money, victuals or ammunition, or knowingly harbours, protects or conceals any enemy, shall be punishable with rigorous imprisonment which may extend to ten years, or with fine, or with both.

*Explanation.*—For the purposes of this section, the expression "enemy" means any mutineers, rebels or rioters against whom operations are being carried out by His Majesty's forces or the police for the purpose of restoring or maintaining order in any area in which martial law is in force by or under the provisions of this Ordinance.

Jurisdiction  
of ordinary  
Criminal  
Courts.

7. All offences punishable under this Ordinance shall be dealt with by the ordinary Criminal Courts exercising jurisdiction in the administration area, in the ordinary course of law.

Limitation of  
power to whip.

8. Notwithstanding anything contained in sub-section (2) of section 4, no Court shall pass a sentence of whipping for any offence against a regulation or martial law order except where the offender has, in the commission of the offence, used criminal force within the meaning of the Indian Penal Code.

XLV of 1860.

9. The

9. The ordinary Civil Courts shall continue to exercise civil jurisdiction in the areas in which martial law is in force by or under this Ordinance: Jurisdiction of ordinary Civil Courts.

Provided that no Civil Court shall exercise any jurisdiction by way of interference with any regulation or martial law order made under this Ordinance.

10. Contraventions of any regulation or order, made or issued in any administration area on or after the 12th day of May, 1930, and prior to the proclamation of martial law in such area under section 2, by any officer acting in the exercise of military control for the purpose of providing for the public safety or the restoration or maintenance of order, shall be deemed to be offences against a regulation or a martial law order in force in that area under this Ordinance, and shall be triable and punishable as if any sentence authorised by any such aforesaid regulation or order were a sentence authorised by a regulation under this Ordinance. Validation of regulations and orders made before proclamation of martial law.

11. Where, on or after the 12th day of May, 1930, and prior to the proclamation of martial law under section 2, in any administration area, any sentence has been passed by any officer acting in the exercise of military control for the purpose of providing for the public safety or the restoration or maintenance of order in respect of any contravention of a regulation or order made or issued within the same period by any such officer, such sentence shall be deemed to be as valid as if it were a sentence passed under this Ordinance in respect of an offence against a regulation or a martial law order in force in that area under this Ordinance. Validation of martial law sentences prior to proclamation.

12. No suit, prosecution or other legal proceeding whatsoever shall lie against any person for, or on account of, or in respect of, any act, matter or thing ordered or done, or purporting to have been ordered or done, Protection of bono fide action.

(a) under this Ordinance, or

(b) in the exercise of military control in any area for the purpose of providing for the public safety or the restoration or maintenance of order, on or after the 12th day of May, 1930, and prior to the proclamation of martial law in such area under section 2:

Provided that nothing in this section shall prevent the institution of proceedings by or on behalf of the Government against



against any person in respect of any matter where such person has not acted in good faith and a reasonable belief that his action was necessary for the aforementioned purposes.

Saving.

13. Nothing in this Ordinance shall be construed as in derogation of any powers for the maintenance of law and order exercisable by the Governor General in Council or any other authority.

IRWIN,

*Viceroy and Governor General.*

# ORDINANCE No. V OF 1930.

[30th May, 1930.]

## An Ordinance to provide against certain forms of intimidation,

[Published in the Gazette of India Extraordinary of the 30th May, 1930.]

**W**HEREAS an emergency has arisen which makes it necessary to provide against certain forms of intimidation;

NOW THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Prevention of Intimidation Ordinance, 1930. Short title and extent.

(2) It shall extend only to such provinces as the Governor General in Council may, by notification in the Gazette of India, specify.

### CHAPTER I.

#### Molestation.

2. This Chapter shall have effect in specified areas in any province, or throughout a province, as the Local Government may, by notification in the local official Gazette, direct. Application of Chapter I.

3. For the purposes of this Chapter, a person is said to molest another person who, with a view to cause such other person to abstain from doing or to do any act which such other person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such other person or anyone in whom such person is interested, or loiters at or near a house where such person or anyone in whom such person is interested resides or works or carries on business or happens to be, or persistently follows him from place to place, or interferes with

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Price 1 anna or 1½d.]

any property owned or used by him or deprives him of or hinders him in the use thereof.

Punishment for molestation.

4. Whoever molests or abets the molestation of any person shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Special rules of procedure.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under section 4 shall be cognisable and non-bailable, and no Magistrate shall take cognisance of any such offence except upon a report in writing of facts which constitute such offence made by a police officer. V of 1898.

## CHAPTER II.

### Boycotting.

Application of Chapter II.

6. This Chapter shall have effect in specified areas in a province, or throughout a province, as the Local Government may, by notification in the local official Gazette, direct.

Definition of "boycotting".

7. For the purposes of this Chapter,—

(a) a person is said to "boycott" another person who refuses to deal or do business with, or to supply goods to, or to let a house or land to, or to render any customary service to such person or any person in whom such person is interested, or refuses to do so on the terms on which such things would be done in the ordinary course, or abstains from such professional or business relations as he would ordinarily maintain with such person; and

Definition of "public servant".

(b) a "public servant" includes a public servant as defined in section 21 of the Indian Penal Code, and a servant of a local authority, and a person belonging to any class of persons which the Local Government may, by notification in the local official Gazette, declare to be public servants for the purposes of this Chapter. XLV of 1860.

Punishment for boycotting of a public servant.

8. Whoever boycotts or abets the boycotting of a public servant, or threatens a public servant with boycotting, shall be punishable with imprisonment which may extend to six months, or with fine, or with both:

Provided that no person shall be convicted under this section if the Court is satisfied that his acts were not intended to

of 1930.]

*Prevention of Intimidation.*

to prejudice the public servant boycotted, or proposed or threatened to be boycotted, in the discharge of the duties of his office, or to cause such public servant to terminate or withhold his services in the discharge of such duties, or to commit a breach of discipline.

9. (1) An offence punishable under section 8 shall be non-cognisable, and, notwithstanding anything contained in the Second Schedule to the Code of Criminal Procedure, 1898, a case relating to such an offence shall, for the purposes of section 204 of the said Code, be deemed to be one in which a warrant should issue in the first instance.

Special rules of procedure.

(2) Where information is given to the officer in charge of a police-station of the commission within the limits of such station of an offence punishable under section 8, he shall deal with it in the manner provided in section 154 of the said Code, and, notwithstanding anything contained in sub-section (1) of section 155 of the said Code, he shall investigate the case as if he had received an order from a competent Magistrate under sub-section (2) of that section.

CHAPTER III.

*Supplemental.*

10. No Magistrate other than a Presidency Magistrate or a Magistrate of the first class shall take cognisance of or try any offence under this Ordinance.

Jurisdiction.

11. The Local Government may, by notification in the local official Gazette, declare that any offence punishable under section 188 of the Indian Penal Code, or any offence of criminal intimidation, when committed in any area specified in the notification, shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, be cognisable and non-bailable, and thereupon the said Code shall, while such notification remains in force, be deemed to be amended accordingly.

Power to declare certain non-cognisable and bailable offences to be cognisable and non-bailable.

IRWIN,

*Viceroy and Governor General.*

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# ORDINANCE No. VI OF 1930.

[30th May, 1930.]

**An Ordinance to provide against instigation to the refusal of the payment of certain liabilities.**

[Published in the Gazette of India Extraordinary of the 30th May, 1930.]

**W**HEREAS an emergency has arisen which makes it necessary to provide against instigation to the illegal refusal of the payment of certain liabilities;

NOW THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Unlawful Instigation Ordinance, 1930. Short title and extent.

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

2. (1) The Governor General in Council may, by notification in the Gazette of India, empower any Local Government to make declarations under sub-sections (2) and (3). Power to declare notified areas and notified liabilities.

(2) A Local Government empowered in this behalf may, by notification in the local official Gazette, declare that any part of the province or the whole province shall be a notified area for the purposes of this Ordinance.

(3) Such Local Government may further, by the same or by subsequent notification, declare that in such notified area, land revenue or any sum recoverable as arrears of land-revenue, or any tax, rate, cess or other due or amount payable to Government or to any local authority, or rent of agricultural land, or anything recoverable as arrears of or along with such rent, shall be a notified liability.

3. Whoever, by words either spoken or written, or by signs or by visible representations, or otherwise, instigates, expressly or by implication, any person or class of persons not to pay or to defer payment of any notified liability, Punishment for unlawful instigation to the non-payment of notified liability.

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*Unlawful Instigation.* [ORD. VI OF 1930.]

and whoever does any act, with intent or knowing it to be likely that any words, signs or visible representations containing such instigation shall thereby be communicated directly or indirectly to any person or class of persons in a notified area, in any manner whatsoever,

shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Special rules of procedure.

4. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Ordinance shall be cognisable and non-bailable. V of 1898.

(2) No Magistrate shall take cognisance of any offence punishable under this Ordinance except upon a report in writing of facts which constitute such offence made by a police-officer not below the rank of sub-inspector.

Power to declare certain publications forfeited and to issue such warrants for the same.

5. (1) Where—

(a) any newspaper or book as defined in the Press and Registration of Books Act, 1867, or

(b) any document,

XXV of 1867.

wherever made, appears to the Local Government to contain any matter the publication of which is punishable under section 3, the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police-officer may seize the same, wherever found in British India, and any Magistrate may by warrant authorise any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

(2) In sub-section (1) "document" includes also any painting, drawing or photograph, or other visible representation.

(3) An order of forfeiture under sub-section (1) shall be deemed to be an order of forfeiture under section 99A of the Code of Criminal Procedure, 1898, and sections 99B, 99C, 99D, 99E, 99F and 99G shall apply thereto, with such modifications as may be required to adapt them to the provisions of this Ordinance. V of 1898.

IRWIN,

Viceroy and Governor General.

# ORDINANCE No. VII OF 1930.

[2nd July, 1930.]

## **An Ordinance to provide for the control of unauthorised news-sheets and newspapers.**

[Published in the Gazette of India Extraordinary of the 2nd July, 1930.]

**W**HEREAS an emergency has arisen which makes it necessary to provide for the control of unauthorised news-sheets and newspapers;

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Unauthorised News-sheets and Newspapers Ordinance, 1930. Short title, extent and duration.

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

(3) It shall remain in force so long as the Indian Press Ordinance, 1930, remains in force. II of 1930.

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

(a) “newspaper” means any periodical work containing public news or comments on public news;

(b) “news-sheet” means any non-periodical document containing public news or comments on public news or any matter described in sub-section (1) of section 4 of the Indian Press Ordinance, 1930; II of 1930.

(c) “press” includes a printing-press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(d) “unauthorised

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(d) "unauthorised newspaper" means—

- (i) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, and

XXV of 1867

- (ii) any newspaper in respect of which security has been required under the Indian Press Ordinance, 1930, but has not been furnished;

II of 1930.

(e) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 3 to publish it;

(f) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867; and

XXV of 1867

(g) "document" and "printing-press" have the meanings assigned to them in the Indian Press Ordinance, 1930.

II of 1930.

Authorisation  
of persons to  
publish news-  
sheets.

3. (1) The Chief Presidency Magistrate or the District Magistrate may, by order in writing, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Chief Presidency Magistrate or District Magistrate may at any time revoke an order made by him under sub-section (1).

Power to seize  
and destroy  
unauthorised  
news-sheets  
and newspapers.

4. (1) Any police-officer may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class may by warrant authorise any police-officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police-officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class, and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898.

5. (1) Where a Presidency Magistrate, District Magistrate or Sub-divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police-officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police-officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

Power to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

(2) The police-officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized :

Provided that where any press which has been seized cannot be readily removed, the police-officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to His Majesty. If, after such inquiry, the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898.

(4) The



*Unauthorised News-sheets and Newspapers.* [ORD. VII OF 1930]

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 4.

Conduct of  
searches.

6. Every warrant issued under this Ordinance shall, so far as it relates to a search, be executed in the manner provided for the execution of search-warrants under the Code of Criminal Procedure, 1898.

V of 1898

Jurisdiction  
barred.

7. Every declaration of forfeiture purporting to be made under this Ordinance shall, as against all persons, be conclusive evidence that the forfeiture has taken place, and no proceedings purporting to be taken under this Ordinance shall be called in question by any Court, and no civil or criminal proceedings shall be instituted against any person for anything done or in good faith intended to be done under this Ordinance.

IRWIN,

*Viceroy and Governor General.*

## ORDINANCE No. VIII OF 1930.

[15th August, 1930.]

**An Ordinance to provide for the proclamation of martial law, to empower authorities to make regulations for administering it, and to provide for other matters connected therewith.**

[Published in the Gazette of India Extraordinary of the 15th August, 1930.]

**W**HEREAS an emergency has arisen which makes it necessary to provide for the proclamation of martial law, to empower authorities to make regulations and issue orders to provide for the public safety and the restoration and maintenance of order, to authorise the trial of certain offences by Special Courts constituted under this Ordinance, and to provide for other matters connected with the administration of martial law;

NOW THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Martial Law Ordinance, 1930.

Short title,  
extent and  
commencement.

(2) It shall extend to the district of Peshawar in the North-West Frontier Province.

(3) This section and Part I shall come into force at once in the said district; and the Governor General in Council may, by notification in the Gazette of India, direct that the provisions of Part II, or any of them, shall come into force in the said district on such date as may be appointed in the notification.

(4) The Governor General in Council may, by notification in the Gazette of India, extend this Ordinance to any area in the North-West Frontier Province other than that specified in sub-section (2), and thereupon this section and Part I shall come into force at once in that area; and the Governor General

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*(Part I.—Proclamation and enforcement of martial law.)*

in Council may further, by like notification, direct that the provisions of Part II, or any of them, shall come into force in that area on such date as may be appointed in the notification.

**PART I.—PROCLAMATION AND ENFORCEMENT OF MARTIAL LAW.**

Proclamation of martial law.

**2.** In any area to which this Ordinance extends martial law shall be in force and shall be proclaimed by such means and in such manner as the Local Government may direct; and shall remain in force in any such area until withdrawn by the Governor General in Council by notification in the Gazette of India, whereupon the provisions of this Ordinance shall cease to apply in such area:

Provided that no failure to comply with any directions of the Local Government as to the manner of proclamation in any area shall invalidate anything done in the administration of martial law in pursuance of this Ordinance in that area:

Provided further that the validity of any sentences passed, or of anything already done or suffered, or any liability incurred or indemnity granted in accordance with the provisions of this Ordinance, shall not be affected by reason only of the fact that this Ordinance has ceased to be in force.

Notification of date on which emergency arose.

**3.** The Governor General in Council may, by notification in the Gazette of India, in respect of any area to which this Ordinance extends, specify a date as being the date on which the emergency arose which made it necessary to proclaim martial law in that area.

Administration of martial law.

**4. (1)** The General Officer Commanding-in-Chief, Northern Command, shall be the chief administering authority of martial law in all areas to which this Ordinance for the time being extends (such areas being hereinafter referred to as "the martial law area").

**(2)** The General Officer Commanding-in-Chief may divide the martial law area into administration areas, and may appoint a District Magistrate or Additional District Magistrate, or a military officer not below the rank of Lieutenant-Colonel to be the Administrator of martial law in each administration area.

**(3)** The General Officer Commanding-in-Chief may delegate any or all of his powers under this Ordinance to such person as he may select.

**5. (1) Regulations**

*(Part I.—Proclamation and enforcement of martial law.)*

5. (1) Regulations may be made, in accordance with the <sup>Regulations.</sup> provisions of this Ordinance, to provide for the public safety and the restoration of peace and order, and as to the powers and duties of administrators, military officers and other persons in furtherance of that purpose.

(2) The General Officer Commanding-in-Chief may make regulations for the whole martial law area, and an Administrator may make regulations for the administration area to which he is appointed.

(3) A regulation made by an Administrator shall not be inconsistent with any regulation made by the General Officer Commanding-in-Chief, and a copy of every such regulation shall, as soon as may be, be submitted to the General Officer Commanding-in-Chief, who shall have power to add to, modify or rescind any such regulation in such way as he thinks fit.

(4) Where the General Officer Commanding-in-Chief has added to, modified or rescinded any regulation under subsection (3), he shall forthwith communicate the fact to the Administrator who made the regulation, and such Administrator shall thereupon cause to be published in the manner hereinafter provided the regulation as so added to or modified, or the fact that the regulation has been rescinded, as the case may be.

(5) Regulations may provide that any contravention thereof, or of any order issued thereunder or supplementary thereto, shall be punishable with any punishment authorised by any law in force in any part of British India, and any such contravention shall, for the purposes of this Ordinance, be deemed to be an offence against a regulation or an order, as the case may be.

(6) The power to make regulations shall be subject to the following conditions, namely:—

(i) in making any regulation the authority making it shall interfere with the ordinary avocations of life as little as may be consonant with the exigencies of the measures which he deems to be required to be taken for the purposes of martial law;

(ii) before making any regulation an Administrator shall, if possible, consult the senior civil officer in direct charge

*(Part 1.—Proclamation and enforcement of martial law.)*

charge of the administration area in which he exercises power, but shall not be bound to follow his advice; and

(iii) the penalty, if any, for the contravention of a regulation shall be specified therein.

(7) The authority making a regulation shall cause any regulation made by him to be published in such manner as he thinks best fitted to bring it to the notice of those affected, and a copy of every regulation made under this Ordinance shall be transmitted to the Commander-in-Chief in India.

Martial law orders.

6. (1) An Administrator may, by order in writing, empower any Magistrate, or any military officer of seven years' service not below the rank of a Captain, to make martial law orders in any part of the administration area for the purpose of supplementing the regulations in that area, and the punishment for the contravention of any such order shall be that specified in the regulations for the contravention of a martial law order:

Provided that no order shall be made which is inconsistent with the regulations.

(2) Every Magistrate or officer making a martial law order under sub-section (1) shall cause the same to be published in such manner as he thinks best fitted to bring it to the notice of those affected.

(3) A copy of every such order shall, as soon as may be, be submitted to the Administrator who shall have power to add to, modify or rescind any such order in such way as he thinks fit.

(4) Where an Administrator has added to, modified or rescinded any order under sub-section (3), he shall forthwith communicate the fact to the Magistrate or officer who made the order, and such Magistrate or officer shall thereupon cause to be published in the manner hereinbefore mentioned the order as so added to or modified, or the fact that the order has been rescinded, as the case may be.

Prohibition of and punishment for certain activities.

7. (1) No person shall—

- (a) communicate to the enemy, or
- (b) with the intention of communicating it to the enemy, collect, publish or attempt to elicit,

any

## (Part I.—Proclamation and enforcement of martial law.)

any information with respect to the movements, numbers, description, condition or disposition of any of His Majesty's forces, or of any police force engaged in administering martial law or in restoring or maintaining order, or with respect to the plans or conduct or supposed plans or conduct of any military operations by any such forces, or with respect to any works or measures undertaken for, or connected with or intended for, the defence of any place.

(2) No person shall commit any act which is calculated to mislead or hamper the movements or imperil the success of any operations of His Majesty's forces, or of any police force engaged in administering martial law or in restoring or maintaining order.

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(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be deemed to have committed an offence under section 121 of the Indian Penal Code.

(4) Any person who voluntarily assists or relieves with money, victuals or ammunition, or knowingly harbours, protects or conceals any enemy, shall be punishable with rigorous imprisonment which may extend to ten years, or with fine, or with both.

*Explanation.*—For the purposes of this section, the expression "enemy" includes any mutineers, rebels or rioters against whom operations are being carried out by His Majesty's forces or the police for the purpose of restoring or maintaining order in any area in which martial law is in force by or under the provisions of this Ordinance.

8. Save as otherwise provided in this Ordinance, all offences punishable under this Ordinance shall be dealt with by the ordinary criminal courts exercising jurisdiction in the administration area in the ordinary course of law, and those courts are hereby empowered to try any offence against a regulation or martial law order which is not tried under the provisions of this Ordinance by a court constituted thereunder.

Jurisdiction of  
ordinary  
criminal courts.

9. The ordinary civil courts shall continue to exercise civil jurisdiction in the areas in which martial law is in force by or under this Ordinance:

Jurisdiction of  
ordinary civil  
courts.

Provided that no civil court shall exercise any jurisdiction by way of interference with any regulation or martial law order made under this Ordinance.

10. Notwithstanding



*(Part I.—Proclamation and enforcement of martial law.)*

Limitation of  
power to  
whip.

10. Notwithstanding anything contained in this Ordinance or in any regulation made thereunder, no court, whether it be an ordinary criminal court or a court constituted under this Ordinance, shall pass a sentence of whipping for any offence against a regulation or martial law order except where the offender has, in the commission of the offence, used criminal force within the meaning of the Indian Penal Code.

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Validation of  
regulations and  
orders made  
before procla-  
mation of mar-  
tial law.

11. Where any regulation or order is made or issued in any area to which this Ordinance extends, after the date notified in respect of that area under section 3 and before the proclamation of martial law in that area under section 2, by any officer acting in the exercise of military control for the purpose of providing for the public safety or the restoration or maintenance of order, contraventions of such regulation or order shall be deemed to be offences against a regulation or a martial law order in force in that area under this Ordinance, and shall be triable and punishable as if any sentence authorised by any such aforesaid regulation or order were a sentence authorised by a regulation under this Ordinance.

Validation of  
martial law  
sentences prior  
to procla-  
mation.

12. Where, in any area to which this Ordinance extends, after the date notified in respect of that area under section 3 and before the proclamation of martial law in that area under section 2, any sentence has been passed by any officer acting in the exercise of military control for the purpose of providing for the public safety or the restoration or maintenance of order in respect of any contravention of a regulation or order made or issued within the same period by any such officer, such sentence shall be deemed to be as valid as if it were a sentence passed under this Ordinance in respect of an offence against a regulation or a martial law order in force in that area under this Ordinance.

Protection of  
*bond fide* action.

13. No suit, prosecution or other legal proceeding whatsoever shall lie against any person for, or on account of, or in respect of, any act, matter or thing ordered or done, or purporting to have been ordered or done,

- (a) under this Ordinance, or
- (b) in the exercise of military control in any area for the purpose of providing for the public safety or the restoration or maintenance of order, after the date notified in respect of that area under section 3 and before

of 1930.]

*Martial Law.*

(Part I.—Proclamation and enforcement of martial law.  
Part II.—Special Courts.)

before the proclamation of martial law in that area  
under section 2:

Provided that nothing in this section shall prevent the institution of proceedings by or on behalf of the Government against any person in respect of any matter where such person has not acted in good faith and a reasonable belief that his action was necessary for the aforementioned purposes.

14. Nothing in this Ordinance shall be construed as in Saving.  
derogation of any powers for the maintenance of law and order  
exercisable by the Governor General in Council or any other  
authority.

PART II.—SPECIAL COURTS.

15. In this Part, "the Code" means the Code of Criminal Definition.  
Procedure, 1898.

16. Courts of criminal jurisdiction may be constituted Special Courts.  
under this Ordinance of the following classes, namely:—

- (i) Special Tribunals;
- (ii) Special Judges;
- (iii) Special Magistrates;
- (iv) Summary Courts;
- (v) Military Courts.

17. A Special Tribunal may be constituted by the Local Constitution of  
Government for one or more administration areas, and shall Special  
consist of three persons who shall be appointed by the Local Tribunals.  
Government. The President of the Tribunal shall be a person  
who has acted or is acting as Judge of a High Court, and the  
other two members shall be persons who have acted for a period  
of at least two years in the exercise of the powers of a Sessions  
Judge under the Code.

*Explanation.*—For the purposes of this section, the  
expression "High Court" means any Court which is a High  
Court for any of the purposes of the Code.

18. Subject to the provisions of section 38, a Special Jurisdiction of  
Tribunal shall try such offences as the Local Government may, Special  
by general or special order in writing, direct. Tribunals.

19. (1) A Special Tribunal may take cognizance of Procedure of  
offences without the accused being committed to it for trial Special  
and, in trying accused persons, shall follow the procedure Tribunals.  
prescribed



(Part II.—Special Courts.)

prescribed by the Code for the trying of warrant cases by Magistrates:

Provided that the Special Tribunal shall make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.

(2) A Special Tribunal shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

(3) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.

Sentences by  
Special  
Tribunals.

20. (1) Special Tribunals may pass any sentence authorised by law or by regulations under this Ordinance.

(2) When an accused person is sentenced to death by a Special Tribunal, the President shall inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Appeals.

21. An appeal shall lie in the case of any sentence passed by a Special Tribunal of death, or of transportation or imprisonment for a term of ten years or more, and the provisions of the Code and of the Indian Limitation Act, 1908, shall apply in respect of such appeal as though it were an appeal under the said Code from a sentence passed by a Court of Session exercising jurisdiction in the administration area in which the offence was committed. IX of 1908.

Rules.

22. The Local Government may, by notification in the local official Gazette, make rules providing for—

- (i) the times and places at which Special Tribunals may sit; and
- (ii) the procedure of Special Tribunals, including the powers of the President, and the procedure to be adopted in the event of the President or any member being prevented from attending throughout the trial of any accused person.

Special Judges.

23. The Local Government may appoint to be a Special Judge for one or more administration areas any officer who has acted for a period of not less than two years in the exercise of the powers of a Sessions Judge under the Code.

24. (1) Subject

24. (1) Subject to the provisions of section 38, a Special Judge shall try such offences as the Local Government, or an officer empowered by the Local Government in this behalf, may, by general or special order in writing, direct. Jurisdiction, procedure and powers of Special Judges.

(2) A Special Judge shall follow the same procedure and shall have the same powers as a Special Tribunal follows and has under sections 19 and 20.

IX of 1908.

25. An appeal shall lie in the case of any sentence passed by a Special Judge of death, or of transportation or imprisonment for a term of five years or more, and the provisions of the Code and of the Indian Limitation Act, 1908, shall apply in respect of such appeal as though it were an appeal under the said Code from a sentence passed by a Court of Session exercising jurisdiction in the administration area in which the offence was committed. Appeals.

26. Any Magistrate of the first class who has exercised the powers of a Magistrate of the first class for a period of not less than two years may be invested by the Local Government with the powers of a Special Magistrate under this Ordinance. Special Magistrates.

IX of 1908.

27. Subject to the provisions of section 38, a Special Magistrate shall try such offences, other than offences punishable with death, as the Local Government or an officer empowered by the Local Government in this behalf may, by general or special order in writing, direct. Jurisdiction of Special Magistrates.

28. In the trial of any case under this Ordinance, a Special Magistrate shall follow the procedure laid down in sub-section (1) of section 19 for the trial of cases by a Special Tribunal, and shall have all the powers conferred by the Code on a Magistrate. Procedure of Special Magistrates.

29. A Special Magistrate may pass any sentence which may be passed by the Court of a Magistrate specially empowered under section 30 of the Code. Sentences by Special Magistrates.

30. (1) Where a Special Magistrate passes a sentence of transportation or imprisonment for a term exceeding two years, an appeal shall lie to the Special Tribunal constituted for the area in which the offence was committed, or, if no Special Tribunal has been so constituted, to the Court to which an appeal would lie under the Code if the sentence had been passed by a Court of Session exercising jurisdiction in the administration area in which the offence was committed. Appeals.

(2) An

*(Part II.—Special Courts.)*

(2) An appeal under sub-section (1) shall be presented within seven days from the date of the sentence.

(3) In disposing of an appeal under this section, a Special Tribunal shall follow the same procedure and exercise the same powers as an Appellate Court under the Code.

**Distribution of cases.**

31. If any question arises whether, under any order made under section 18, section 24, or section 27, an offence is triable by a Special Tribunal, a Special Judge or a Special Magistrate, the question shall be referred for decision to the Local Government, and its decision shall be final.

**Summary Courts.**

32. An Administrator may, by general or special order in writing, empower any Magistrate appointed under the provisions of the Code to exercise the powers of a Summary Court in any administration area specified in the order.

**Jurisdiction of Summary Courts.**

33. (1) Subject to the provisions of section 38, a Summary Court shall have power to try such offences as the Administrator may, by general or special order, direct:

Provided that no person shall be tried by a Summary Court for an offence which is punishable with imprisonment for a term exceeding five years.

(2) The Administrator or any authority empowered by him in this behalf may, by a general or special order, give directions as to the distribution among the Summary Courts of cases triable by them under sub-section (1).

**Procedure of Summary Courts.**

34. In the trial of any case a Summary Court shall, as far as possible, follow the procedure laid down in the Code for the trial of warrant cases, and shall have all the powers conferred by the Code on a Magistrate:

Provided that the Court shall not be required to record more than a memorandum of the evidence or to frame a formal charge:

Provided further that, in the trial of any offence punishable with imprisonment for a term not exceeding one year, the Court may follow the procedure for the summary trial of cases in which an appeal lies laid down in Chapter XXII of the Code.

**Sentences by Summary Courts.**

35. Summary Courts may pass any sentence authorised by law or by regulations under this Ordinance:

Provided

(Part 11.—*Special Courts.*)

Provided that such Courts shall not pass a sentence of imprisonment for a term exceeding two years, or of fine exceeding one thousand rupees.

36. (1) If a Summary Court is of opinion that the offence disclosed is one which it is not empowered to try, it shall send the case for trial to the Special Tribunal, Special Judge or Special Magistrate empowered to try the case under this Ordinance, or, if no such Court has been so empowered, to an ordinary Criminal Court having jurisdiction.

Procedure when Summary Court considers case triable by another Court.

(2) If the Summary Court is of opinion that an offence which it is empowered to try should be tried by a Court of superior jurisdiction, or that it requires a punishment in excess of that which the Summary Court is empowered to inflict, it shall stay proceedings and report the case to the Administrator who may—

- (a) direct that the case shall be tried by a Summary Court, or
- (b) send it to an ordinary Criminal Court having jurisdiction, or
- (c) if he is of opinion that it should be tried by a Special Tribunal, Special Judge or Special Magistrate, report it for the orders of the Local Government.

37. (1) Subject to the provisions of section 38, the Administrator, or any officer, not below the rank of a Field Officer, authorised by him by general or special order in this behalf, may, where in his opinion the exigencies of the situation require the adoption of this course for the purpose of restoring or maintaining order, by order in writing, direct that—

Military Courts.

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- (a) any offence against section 121 or section 122 or section 302 of the Indian Penal Code, or
- (b) any offence punishable under this Ordinance, or
- (c) any offence specified in this behalf by the Local Government with the previous sanction of the Governor General in Council, by notification in the local official Gazette, or
- (d) any attempt to commit or the abetment of any offence hereinbefore mentioned,

committed in any area to which this Ordinance extends by any person captured or arrested after this Part has come into force



*(Part II.—Special Courts.)*

force in that area, shall be tried by a Military Court to be convened by him.

(2) Subject to the provisions of this Ordinance, a Military Court, for the purposes of such trial, shall be constituted in the same manner, and shall exercise the same powers and follow the same procedure, as a Summary General Court-Martial convened under the Indian Army Act, 1911, for the trial of a person subject to that Act, who has on active service committed an offence under that Act, and the provisions of that Act and of the rules made thereunder shall apply to and govern all such proceedings:

VIII of 1911.

Provided that any person exercising the powers of a Magistrate of the first class or of a Sessions Judge may be appointed a member of a Military Court under this Ordinance:

Provided further that a memorandum of the evidence given at the trial and the statement, if any, made by the accused shall always be recorded.

(3) The finding and sentence of a Military Court under this Ordinance shall be subject to confirmation by the convening officer:

Provided that every sentence of death shall be reserved for confirmation by the General Officer Commanding-in-Chief.

Limitation of jurisdiction of Special Courts.

**38.** (1) No Court constituted under this Ordinance shall try any offence unless such offence was—

- (a) committed within an area to which this Ordinance extends,
- (b) committed after the date notified in respect of that area under section 3, and
- (c) connected with the events which have necessitated the proclamation or continuance of martial law.

(2) If any question arises whether or not an offence is an offence of the nature described in clause (c) of sub-section (1), the decision of the Court taking cognizance of the case under this Ordinance or, in the case of a Military Court, of the Administrator, shall be conclusive on the point, and such decision shall not be questioned in any Court.

Place of sitting.

**39.** Notwithstanding anything contained in this Ordinance, the Local Government may, by general or special order, appoint places outside the area in which martial law is in force

or 1930.]

*Martial Law.*

*(Part II.—Special Courts.)*

force at which any Court constituted under this Ordinance may sit for the trial of offences.

40. Every person accused of an offence before a Court constituted under this Ordinance shall be entitled to be defended by a legal practitioner:

Legal practitioners

Provided that the Court shall not be required to grant an adjournment for the purpose of securing the attendance of a legal practitioner if, in the opinion of the Court, such adjournment would cause unreasonable delay in the disposal of the case.

41. In the execution of any sentence of whipping passed by a Court constituted under this Ordinance, only the provisions of sub-section (2) of section 392, and the provisions of sections 393, 394 and 395 of the Code shall apply, and every such sentence shall, as far as possible, be carried out in a place to which the public shall not be admitted.

Execution of sentences of whipping.

42. No sentence, finding or order passed by a Court constituted under this Ordinance shall be invalid by reason only of any error, omission or irregularity in any proceedings before or during the trial, unless such error, omission or irregularity has in fact occasioned a failure of justice.

Proceedings not invalidated by certain irregularities.

43. (1) Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided by this Ordinance, be no appeal from any order or sentence of a Court constituted under this Ordinance, and, save as aforesaid, no Court shall have authority to revise such order or sentence, or to transfer any case from any such Court, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Court, and, save as provided in section 37, no sentence shall be subject to confirmation.

Exclusion of interference of other Courts.

(2) The power of the Governor General in Council or the Local Government to make orders under section 401 or section 402 of the Code, shall apply in respect of persons sentenced by Courts constituted under this Ordinance.



# ORDINANCE No. IX OF 1930.

[10th October, 1930.]

**An Ordinance to make further provision against associations dangerous to the public peace.**

[Published in the Gazette of India Extraordinary of the 10th October, 1930.]

**W**HEREAS an emergency has arisen which makes it expedient to make further provision against associations dangerous to the public peace;

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Unlawful Association Ordinance, 1930. Short title,  
extent and  
commencement.

(2) This section and section 8 extend to the whole of British India, including British Baluchistan and the Sonthal Parganas, and the remaining provisions of this Ordinance shall extend only to such provinces or parts of provinces as the Governor General in Council may, by notification in the Gazette of India, specify.

(3) This section and section 8 shall come into force at once, and the remaining provisions of this Ordinance shall come into force in any area to which they have been extended on such date as the Local Government may, by notification in the local official Gazette, appoint in this behalf, and any such notification may relate to the whole of the area to which the said provisions have been extended in the province or to any part of such area.

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

(a) "Magistrate" means, in a Presidency-town, the Chief Presidency Magistrate, and elsewhere the District Magistrate;

(b) "notified

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[Price 1 anna or 1½d.]



- (b) "notified place" means a place notified under sub-section (1) of section 3;
- (c) "place" includes also a house, building, tent and vessel; and
- (d) "unlawful association" means an unlawful association within the meaning of section 15 of the Indian Criminal Law Amendment Act, 1908. XIV of 1908.

Power to notify and take possession of places used for the purposes of an unlawful association.

3. (1) The Local Government may, by notification in the local official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

(2) The Magistrate, or any officer authorised in this behalf in writing by the Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking of possession to the Local Government.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of Government so long as the notification under sub-section (1) in respect thereof remains in force.

Moveable property found in a notified place.

4. (1) The Magistrate or officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Local Government.

(2) If, in the opinion of the Local Government, any articles specified in the list are or may be used for the purposes of the unlawful association, it may, by order in writing, declare such articles to be forfeited to His Majesty, and may give such directions for the disposal thereof as it may think fit.

(3) All articles specified in the list which are not so forfeited shall be deemed to remain in the possession of Government so long as the notified place in which they were found remains in the possession of Government, and such articles may be used in such manner as the Magistrate may direct.

Trespass upon notified places.

5. Any person who enters or remains upon a notified place without the permission of the Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and, notwithstanding anything contained in

OF 1930.]

*Unlawful Association.*

v of 1898.

in the Code of Criminal Procedure, 1898, any such offence of criminal trespass shall be cognizable and non-bailable.

6. Before this Ordinance ceases to have effect, or before a notification under sub-section (1) of section 3 is cancelled, the Local Government shall give such general or special directions as it may deem requisite regulating the relinquishment by Government of possession of notified places and of moveable property found thereon which has not been forfeited to His Majesty.

The relinquishment of property.

7. Every report of the taking of possession of property and every declaration of forfeiture, made or purporting to be made under this Ordinance, shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and no proceeding purporting to be taken under this Ordinance shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Ordinance, or against Government or any person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under this Ordinance.

Jurisdiction barred.

Vo 1898.

XIV of 1903.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under sub-section (1) of section 17 of the Indian Criminal Law Amendment Act, 1908, shall be cognizable and non-bailable.

All offences under Act XIV of 1908 to be cognizable and non-bailable.

IRWIN,

*Viceroy and Governor General.*

# ORDINANCE No. X OF 1930.

[23rd December, 1930.]

## **An Ordinance to provide for the better control of the Press and of unauthorised news-sheets and newspapers.**

*(Published in the Gazette of India Extraordinary of the 23rd December, 1930.)*

**W**HEREAS an emergency has arisen which makes it necessary to provide for the better control of the Press and of unauthorised news-sheets and newspapers;

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

**1. (1)** This Ordinance may be called the Indian Press and Unauthorised News-sheets and Newspapers Ordinance, 1930. Short title and extent.

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

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

**(1)** “book” includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

**(2)** “document” includes also any painting, drawing or photograph or other visible representation;

**(3)** “High Court” means the highest Civil Court of Appeal for any local area except in the case of the province of Coorg where it means the High Court of Judicature at Madras;

**(4)** “Magistrate” means a District Magistrate or Chief Presidency Magistrate;

**(5)** “newspaper” means any periodical work containing public news or comments on public news;

**(6)** “news-sheet”





*Indian Press and Unauthorised News-sheets* [ORD. X  
and Newspapers.

- (6) "news-sheet" means any non-periodical document containing public news or comments on public news or any matter described in sub-section (1) of section 4;
- (7) "press" includes a printing-press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;
- (8) "printing-press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;
- (9) "unauthorised newspaper" means—
  - (a) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, XXV of 1867, and
  - (b) any newspaper in respect of which security has been required under this Ordinance, but has not been furnished;
- (10) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 15 to publish it; and
- (11) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867.

XXV of 1867.

*Control of printing-presses and newspapers.*

Deposit of  
security by  
keepers of  
printing-presses.

3. (1) Every person keeping a printing-press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, shall, at the time of making the same, deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than five hundred or more than two thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India:

Provided that the Magistrate may, if he thinks fit, for special reasons to be recorded by him, dispense with the deposit of any security:

Provided

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and Newspapers.*

Provided further that if a deposit has been required under sub-section (3) from any previous keeper of the printing-press, the security which may be required under this sub-section may amount to five thousand rupees.

(2) The Magistrate may, at any time, cancel an order dispensing with security and require security to be deposited, and he may, at any time, vary any order fixing the amount of security under this sub-section or under sub-section (1).

XXV of 1867.

(3) Whenever it appears to the Local Government that any printing-press kept in any place in the territories under its administration, in respect of which a declaration was made prior to the commencement of this Ordinance under section 4 of the Press and Registration of Books Act, 1867, is used for any of the purposes described in section 4, sub-section (1), the Local Government may, by notice in writing, require the keeper of such press to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than five thousand rupees as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India.

XXV of 1867.

4. (1) Whenever it appears to the Local Government that any printing-press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise—

Power to  
declare security  
forfeited in  
certain cases.

VI of 1908.

- (a) to incite to murder or to any offence under the Explosive Substances Act, 1908, or to any act of violence, or
- (b) to seduce any officer, soldier, sailor or airman in the Army, Navy or Air Force of His Majesty or any police-officer from his allegiance or his duty, or
- (c) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any Indian Prince or Chief under the suzerainty of His Majesty, or any class or section of His Majesty's

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Government or of any such Indian Prince or Chief or of the administration of justice in British India without exciting or attempting to excite hatred, contempt or disaffection do not come within the scope of clause (c).

XXV of 1867. (2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled.

XXV of 1867. 5. (1) Where the security given in respect of any press, or any portion thereof, has been declared forfeited under section 4, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India. Deposit of further security

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 4, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

6. If after such further security has been deposited the printing-press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Local Government, are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing such words, signs or visible representations, declare— Power to declare further security, printing-press and publications forfeited.

(a) the further security so deposited, or any portion thereof,

(b) the printing-press used for the purpose of printing or publishing such newspaper, book or other document or found in or upon the premises where such newspaper, book or other document is, or at the time of printing the matter complained of was, printed, and

(c) all

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Majesty's subjects in British India or to excite disaffection towards His Majesty or the said Government or any such Prince or Chief, or

- (d) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security, or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or
- (e) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse, or defer payment of any land-revenue, tax, rate, cess or other due or amount payable to Government or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or
- (f) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or
- (g) to promote feelings of enmity or hatred between different classes of His Majesty's subjects, or
- (h) to prejudice the recruiting of persons to serve in any of His Majesty's forces, or in any police force, or to prejudice the training, discipline or administration of any such force,

the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare the security deposited in respect of such press, or any portion thereof, and all copies of such newspaper, book or other document wherever found in British India to be forfeited to His Majesty.

*Explanation I.*—In clause (c) the expression "disaffection" includes disloyalty and all feelings of enmity.

*Explanation II.*—Comments expressing disapproval of the measures of the Government or of any such Indian Prince or Chief as aforesaid with a view to obtain their alteration by lawful means or of the administrative or other action of the Government



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(c) all copies of such newspaper, book or other document  
wherever found in British India

to be forfeited to His Majesty.

Deposit of  
security by  
publisher of  
newspaper.

7. (1) Every publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, shall, at the time of making the same, deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than five hundred or more than two thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India: XXV of 1867

Provided that the Magistrate may, if he thinks fit, for special reasons to be recorded by him, dispense with the deposit of any security:

Provided further that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to five thousand rupees.

(2) The Magistrate may, at any time, cancel an order dispensing with security and require security to be deposited, and he may, at any time, vary any order fixing the amount of security under this sub-section or under sub-section (1).

(3) Whenever it appears to the Local Government that a newspaper published within its territories, in respect of which a declaration was made by the publisher thereof prior to the commencement of this Ordinance under section 5 of the Press and Registration of Books Act, 1867, contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing, require the publisher to deposit with the Magistrate, within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than five thousand rupees, as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India. XXV of 1867.

Power to  
declare security  
forfeited in  
certain cases.

8. (1) If any newspaper in respect of which any security has been deposited as required by section 7 contains any words, signs or visible representations which, in the opinion of the Local Government, are of the nature described in section

4,

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and Newspapers.*

4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare such security, or any portion thereof, and all copies of such newspaper, wherever found in British India, to be forfeited to His Majesty.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled.

9. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 8 or section 10, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India.

Deposit of  
further security.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 8 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

10. (1) If, after such further security has been deposited, the newspaper again contains any words, signs or visible representations which, in the opinion of the Local Government, are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

Power to  
declare further  
security and  
newspapers  
forfeited.

(a) the further security so deposited, or any portion thereof, and

(b) all copies of such newspaper wherever found in British India

to be forfeited to His Majesty.

(2) After



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*and Newspapers.*

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Local Government. XXV of 1867.

Penalty for  
keeping press  
or publishing  
newspapers  
without making  
deposit.

11. (1) Whoever keeps in his possession a press for the printing of books or papers without making a deposit under section 3 or section 5, when required so to do, shall on conviction by a Magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867. XXV of 1867.

(2) Whoever publishes any newspaper without making a deposit under section 7 or section 9, when required so to do, or publishes such newspaper knowing that such security has not been deposited, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867. XXV of 1867.

Power to  
declare  
printing-press  
forfeited if  
used before  
deposit is  
made.

12. (1) Where a deposit is required from the keeper of a printing-press under sub-section (1) or sub-section (3) of section 3 or under section 5, such press shall not be used for the printing or publishing of any newspaper, book or other document until the deposit has been made.

(2) Where any printing-press is used in contravention of sub-section (1), the Local Government may, by notice in writing to the keeper thereof, declare the press so used and any other printing-press found in or upon the premises where such press was so used, to be forfeited to His Majesty.

Return of  
deposited  
security in  
certain cases.

13. Where any person has deposited any security under this Ordinance and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person. XXV of 1867.

14. Where

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and Newspapers.*

14. Where any printing-press is, or any copies of any news-  
paper, book or other document are, declared forfeited to His  
Majesty under section 4, section 6, section 8, section 10 or  
section 12, the Local Government may direct a Magistrate to  
issue a warrant empowering any police-officer, not below the  
rank of Sub-Inspector, to seize and detain any property ordered  
to be forfeited and to enter upon and search for such property  
in any premises—

Issue of search  
warrant.

- (i) where any such property may be or may be reasonably  
suspected to be, or
- (ii) where any copy of such newspaper, book or other  
document is kept for sale, distribution, publication  
or public exhibition or is reasonably suspected to be  
so kept.

*Unauthorised news-sheets and newspapers.*

15. (1) The Magistrate may, by order in writing and sub-  
ject to such conditions as he may think fit to impose, authorise  
any person by name to publish a news-sheet, or to publish  
news-sheets from time to time.

Authorisation  
of persons to  
publish news-  
sheets.

(2) A copy of an order under sub-section (1) shall be fur-  
nished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made  
by him under sub-section (1).

16. (1) Any police-officer, or any other person empowered  
in this behalf by the Local Government, may seize any un-  
authorised news-sheet or unauthorised newspaper, wherever  
found.

Power to  
seize and  
destroy  
unauthorised  
news-sheets  
and newspapers.

(2) Any Presidency Magistrate, District Magistrate, Sub-  
divisional Magistrate or Magistrate of the first class may by  
warrant authorise any police-officer not below the rank of Sub-  
Inspector to enter upon and search any place where any stock  
of unauthorised news-sheets or unauthorised newspapers may  
be or may be reasonably suspected to be, and such police-officer  
may seize any documents found in such place which, in his  
opinion, are unauthorised news-sheets or unauthorised news-  
papers.

(3) All documents seized under sub-section (1) shall be  
produced as soon as may be before a Presidency Magistrate,  
District

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*and Newspapers.*

District Magistrate, Sub-divisional Magistrate or Magistrate of the first class, and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898.

V of 1898.

Power to seize  
and forfeit  
undeclared  
presses  
producing  
unauthorised  
news-sheets  
and newspapers.

17. (1) Where a Presidency Magistrate, District Magistrate or Sub-divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police-officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police-officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police-officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized :

Provided that where any press which has been seized cannot be readily removed, the police-officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to His Majesty. If, after such inquiry, the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898.

V of 1898.

(4) The

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and Newspapers.*

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 16.

18. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspaper, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Penalty for disseminating unauthorised news-sheets and newspapers.

v of 1898.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence punishable under sub-section (1), and any abetment of any such offence, shall be cognisable and non-bailable.

*Special provisions relating to the seizure of certain documents.*

19. Where any newspaper, book or other document wherever made appears to the Local Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police-officer may seize the same wherever found in British India, and any Magistrate may by warrant authorise any police-officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

Power to declare certain publications forfeited and to issue search warrants for same.

20. The Chief Customs-officer or other officer authorised by the Local Government in this behalf may detain any package brought, whether by land, sea or air, into British India which he suspects to contain any newspapers, books or other documents of the nature described in section 4, sub-section (1), and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

Power to detain packages containing certain publications when imported into British India.

21. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Prohibition of transmission by post of certain documents.

22. Any



*Indian Press and Unauthorised News-sheets* [ORD. X  
and Newspapers.

Power to  
detain articles  
being trans-  
mitted by post.

22. Any officer in charge of a post-office or authorised by the Post-Master General in this behalf may detain any article other than a letter or parcel in course of transmission by post, which he suspects to contain—

(a) any newspaper, book or other document containing words, signs or visible representations of the nature described in section 4, sub-section (1), or

(b) any unauthorised news-sheet or unauthorised newspaper,

and shall deliver all such articles to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

*Powers of High Court.*

Application to  
High Court  
to set aside  
order of  
forfeiture.

23. Any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, section 6, section 8, section 10 or section 19 may, within two months from the date of such order, apply to the High Court for the local area in which such order was made, to set aside such order on the ground that the newspaper, book or other document in respect of which the order was made did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).

Hearing by  
Special Bench.

24. Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges, or, where the High Court consists of less than three Judges, of all the Judges.

Order of  
Special Bench  
setting aside  
forfeiture.

25. (1) If it appears to the Special Bench that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Special Bench shall set aside the order of forfeiture.

(2) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority (if any) of those Judges.

(3) Where there is no such majority which concurs in setting aside the order in question, such order shall stand.

26. On

OF 1930.] *Indian Press and Unauthorised News-sheets  
and Newspapers.*

26. On the hearing of any such application with reference to any newspaper, any copy of such newspaper published after the commencement of this Ordinance may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order of forfeiture was made. Evidence to prove nature or tendency of newspapers.

27. Every High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications. Procedure in High Court.

*Supplemental.*

28. Every notice under this Ordinance shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1898: Service of notices.

V of 1898.

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

XXV of 1867.

29. Every warrant issued under this Ordinance shall, so far as it relates to a search, be executed in the manner provided for the execution of search-warrants under the Code of Criminal Procedure, 1898. Conduct of searches.

V of 1898.

30. Every declaration of forfeiture purporting to be made under this Ordinance shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Ordinance shall be called in question by any Court, except the High Court on application under section 23, and no civil or criminal Jurisdiction barred.



*Indian Press and Unauthorised News-sheets [ORD. X OF 1930.]  
and Newspapers.*

criminal proceeding, except as provided by this Ordinance, shall be instituted against any person for anything done or in good faith intended to be done under this Ordinance.

Operation of  
other laws not  
barred.

31. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Ordinance.

Declarations  
under Act  
XXV of 1867  
to be made  
before certain  
Magistrates.

32. So long as this Ordinance remains in force, all declarations required to be made under section 4, section 5, section 8 and section 8A of the Press and Registration of Books Act, 1867, shall be made, in a Presidency-town before XXV of 1867, the Chief Presidency Magistrate, and elsewhere before the District Magistrate.

IRWIN,

*Viceroy and Governor General.*

# ORDINANCE No. XI OF 1930.

[23rd December, 1930.]

**An Ordinance to provide against instigation to the refusal of the payment of certain liabilities.**

*(Published in the Gazette of India Extraordinary of the 23rd December, 1930.)*

**W**HEREAS an emergency has arisen which makes it necessary to provide against instigation to the illegal refusal of the payment of certain liabilities;

NOW THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Unlawful Instigation (Second) Ordinance, 1930. Short title and extent.

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

2. (1) The Governor General in Council may, by notification in the Gazette of India, empower any Local Government to make declarations under sub-sections (2) and (3). Power to declare notified areas and notified liabilities.

(2) A Local Government empowered in this behalf may, by notification in the local official Gazette, declare that any part of the province or the whole province shall be a notified area for the purposes of this Ordinance.

(3) Such Local Government may further, by the same or by subsequent notification, declare that in such notified area, land-revenue or any sum recoverable as arrears of land-revenue, or any tax, rate, cess or other due or amount payable to Government or to any local authority, or rent of agricultural land, or anything recoverable as arrears of or along with such rent, shall be a notified liability.

3. Whoever,

1

*Price 1 anna or 1½d.]*

*Unlawful Instigation (Second).* [ORD. XI OF 1930.]

Punishment for  
unlawful  
instigation to  
the non-pay-  
ment of notified  
liability.

3. Whoever, by words either spoken or written, or by signs or by visible representations, or otherwise, instigates, expressly or by implication, any person or class of persons not to pay or to defer payment of any notified liability,

and whoever does any act, with intent or knowing it to be likely that any words, signs or visible representations containing such instigation shall thereby be communicated directly or indirectly to any person or class of persons in a notified area, in any manner whatsoever,

shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Special rules of  
procedure.

4. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Ordinance shall be cognisable and non-bailable.

(2) No Magistrate shall take cognisance of any offence punishable under this Ordinance except upon a report in writing of facts which constitute such offence made by a police-officer not below the rank of sub-inspector.

IRWIN,

*Viceroy and Governor General.*

