

# ORDINANCE No. 1 OF 1945

Rep. by Act  
II of 1948

An Ordinance to amend the Factories (Control of Dismantling) Ordinance, 1943

*(Published in the Gazette of India Extraordinary, dated the 13th January, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to amend the Factories (Control of Dismantling) Ordinance, 1943 (XXXI of 1943), for the purpose hereinafter appearing ;

Now, **THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of

*Price anna 1 or 1½d.*

Applied to the Darjeeling district and the partially excluded areas of the Mymensingh district with effect from 22-2-45, see Bengal Govt. Notifn. No. 685-Com., dated 17-2-45.

Applied to Br. Baluchistan, see No. 3-W, d/ 23-1-45.

*Factories (Control of Dismantling) Amendment* [ORD. I OF 1945]

India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Factories (Control of Dismantling) Amendment Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 2, Ordinance XXXI of 1943.**—In clause (b) of section 2 of the Factories (Control of Dismantling) Ordinance, 1943, after the words “at any time” the words “whether before or” shall be inserted.

WAVELL,

*Viceroy and Governor General.*

GIPD—SI—1573 LD—20-3-45 —16,00.



*Rep. by Act II of 1948*

## ORDINANCE No. II OF 1945

An Ordinance further to amend the National Service (European British Subjects) Act, 1940

*(Published in the Gazette of India Extraordinary, dated the 30th January, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the National Service (European British Subjects) Act, 1940 (XVIII of 1940), for the purposes hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

- 1. Short title and commencement.**—(1) This Ordinance may be called the National Service (European British Subjects) Amendment Ordinance, 1945.  
(2) It shall come into force at once.

*Price anna 1 or 1½d.*

2      *National Service (European British Subjects) Amendment*      [ORD. II OF 1945]

**2. Amendment of section 7C, Act XVIII of 1940.**—In section 7C of the National Service (European British Subjects) Act, 1940 (XVIII of 1940) (hereinafter referred to as the said Act), after the words “ so long as he remains in His Majesty’s Forces ” the words “ or in any other employment under the Crown to which he may be temporarily assigned while serving in those Forces ” shall be inserted, and shall be deemed always to have been inserted.

**3. Amendment of section 8, Act XVIII of 1940.**—After sub-section (2) of section 8 of the said Act, the following sub-section shall be added and shall be deemed always to have been added, namely,—

“(3) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall not be extinguished or affected by the fact that such person is, while serving in the capacity by virtue of which such duty was incurred by the employer, temporarily assigned to any employment under the Crown ; nor shall any such assignment be deemed to have terminated or interrupted his service in the capacity by virtue of which such duty was incurred by the employer.”.

WAVELL,

*Viceroy and Governor General.*

*Rep. by Act II of 1948*

# ORDINANCE No. III OF 1945

An Ordinance to amend the Delhi Rent Control Ordinance, 1944

*(Published in the Gazette of India Extraordinary, dated the 30th January, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to amend the Delhi Rent Control Ordinance, 1944 (XXV of 1944), for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Delhi Rent Control (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

*Price anna 1 or 1½d.*



**2. Amendment of section 9, Ordinance XXV of 1944.**—In Section 9 of the Delhi Rent Control Ordinance, 1944,—

(a) for the words “or order evicting any tenant”, the words “or make any order whether in execution of a decree or otherwise evicting any tenant” shall be substituted;

(b) in clause (a) and clause (e) for the words “the application for eviction,” the words “the date of the institution of the suit for ejectment” shall be substituted;

(c) in the proviso for the words “the application for eviction”, the words “the institution of the suit for ejectment” shall be substituted.

WAVELL,

*Viceroy and Governor General.*



*Rep. by Act II of 1948.*

## ORDINANCE No. IV OF 1945

An Ordinance to amend the Military Safety (Powers of Detention) Ordinance, 1944

*(Published in the Gazette of India Extraordinary, dated the 30th January, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to amend the Military Safety (Powers of Detention) Ordinance, 1944 (IV of 1944), for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Military Safety (Powers of Detention) Amendment Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 2, Ordinance IV of 1944.**—In sub-section (1) of section 2 of the Military Safety (Powers of Detention) Ordinance, 1944 (IV of 1944), hereinafter referred to as the said Ordinance, after the word "person" the words "brought into," shall be inserted.

*Price anna 1 or 1½d.*

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**3. Insertion of new sections 5A and 5B in Ordinance IV of 1944.**—After section 5 of the said Ordinance the following sections shall be inserted, namely:—

“5A.—*Delivery of persons in British India from Burma.*—Any officer empowered under section 3 to make an order of detention under sub-section (1) of section 2 may receive and keep in military custody any person delivered in custody to him by an authority in Burma acting under provisions of law corresponding to those contained in this Ordinance, and may deal with such person in the manner provided by sections 2 and 5.

5B.—*Delivery of persons in Burma from British India.*—Any person kept in military custody under this Ordinance, or the subject of an order under sub-section (1) of section 2, may be delivered in custody by an officer empowered under section 3 to any authority in Burma acting under provisions of law corresponding to those contained in this Ordinance.”

WAVELL,

*Viceroy and Governor General.*

# ORDINANCE No. V OF 1945

An Ordinance to provide for the exemption of certain goods from payment of taxes imposed by local authorities

(Published in the Gazette of India Extraordinary, dated the 30th January, 1945)

**W**HEREAS an emergency has arisen which makes it necessary to provide for the exemption of the goods hereinafter referred to from payment of taxes imposed by local authorities;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Canteen Stores (Exemption From Local Taxation) Ordinance, 1945.

(2) It extends to ~~the whole of British India.~~ *all the Provinces of India*

Price anna 1 or 1½.

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(3) It shall come into force at once.

**2. Exemption of certain goods from local taxation.**—Notwithstanding anything contained in any enactment for the time being in force no tax, duty, cess, toll, due or other impost however named imposed by a Municipal Committee, Cantonment Board, or any other local authority whatever shall be payable in respect of any goods, including "alcoholic liquors for human consumption" and tobacco, which—

(a) are the property of, or consigned or under transport for ultimate delivery to, the Canteen Stores Department, the Indian Red Cross Society or the St. John Ambulance Association, or

(b) have been issued from the Canteen Stores Department for sale to members of the Armed Forces, to contractors authorised to purchase stores from that Department for such sale.

**WAVELL;**

*Viceroy and Governor General.*



Rep. by Ord. 44 of 1945  
(from 30-11-45)

## ORDINANCE No. VI OF 1945

An Ordinance to constitute the Defence of India Reserve as a Reserve Force of the Defence of India Corps and to regularize certain enlistments in the Defence of India Corps.

*(Published in the Gazette of India Extraordinary, dated the 3rd February, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to constitute the Defence of India Reserve as a Reserve Force of the Defence of India Corps and to regularize certain enlistments in the Defence of India Corps;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Defence of India Reserve Ordinance, 1945.

(2) It shall come into force at once.

**2. Defence of India Reserve.**—The body known as the Defence of India Reserve is hereby constituted a Reserve Force of the Defence of India Corps under the name of the Defence of India Reserve.

**3. Power to make rules for the regulation of the Defence of India Reserve.**—The Central Government may make rules and orders for the government, discipline and regulation of the Defence of India Reserve.

**4. Service in Defence of India Reserve.**—(1) Any member, whether an officer or an enrolled or enlisted person, of the Defence of India Corps may be transferred by the authority appointed in this behalf by a rule or order made under section 3, when occasion requires, to service in the Defence of India Reserve, and may at any time

*Price anna 1 or 1½d.*

be recalled by the said authority from the Defence of India Reserve to service in the Defence of India Corps.

(2) A member of the Defence of India Corps transferred to the Defence of India Reserve shall not while he belongs to the Defence of India Reserve be subject to military law.

**5. Penalty for failure to comply with order of recall.**—(1) If a person belonging to the Defence of India Reserve, when recalled to service in the Defence of India Corps, fails without reasonable excuse to comply with the order of recall, he shall be liable, on conviction by a Presidency Magistrate or a Magistrate of the first class, to imprisonment for a term which may extend, in the case of a first offence under this section, to six months, and in the case of any subsequent offence thereunder to one year.

(2) Where a person belonging to the Defence of India Reserve is recalled to service in the Defence of India Corps, a certificate purporting to be signed by an officer appointed in this behalf by a rule or order made under section 3 and stating that the person recalled failed to comply with the order of recall, shall without proof of the signature or appointment of such officer, be evidence of the matters stated therein.

**6. Validity of enlistment in Defence of India Corps.**—All persons serving at the commencement of this Ordinance in the Defence of India Corps, or serving at the commencement of this Ordinance in the Defence of India Reserve having been transferred thereto from the Defence of India Corps, shall be deemed to be duly enlisted in the Defence of India Corps.

WAVELL,

*Viceroy and Governor General*



# ORDINANCE No. VII of 1945

An Ordinance to make certain provisions for the discipline of persons subject to the Indian Army Act, 1911, or the Indian Air Force Act, 1932, when embarked on a naval vessel.

*(Published in the Gazette of India Extraordinary, dated the 3rd February, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to make certain provisions for the discipline of persons subject to the Indian Army Act, 1911 (VIII of 1911), or the Indian Air Force Act, 1932 (XIV of 1932), when embarked on a naval vessel;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Naval Discipline Ordinance, 1945.

*Price anna 1 or 1½d.*

(2) It shall come into force at once

**2. Discipline of military and air force personnel on board naval vessels.**—Any person subject to the Indian Army Act, 1911 (VIII of 1911), or the Indian Air Force Act, 1932 (XIV of 1932), when embarked on board any ship of His Majesty's Navy shall be subject to the provisions of the Naval Discipline Act (29 & 30 Vict., c. 109), and, when embarked on board any ship of the Indian Navy, to the provisions of the Naval Discipline Act as applied to the Indian Navy by the Indian Navy (Discipline) Act, 1934 (XXXIV of 1934) to such extent and under such regulations as the Central Government shall at any time or times direct.

WAVELL,

*Viceroy and Governor General.*



*Rep. by Act II of 1948*

## ORDINANCE No. VIII of 1945

An Ordinance to secure the continuance in employment of certain persons employed in connection with the construction, maintenance and operation of the Dibru Sadiya Railway and the Colliery Branch Railway on the transfer by purchase of these Railways to the Central Government.

*(Published in the Gazette of India Extraordinary, dated the 17th March, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to secure the continuance in employment of certain persons employed in connection with the construction, maintenance and operation of the Dibru Sadiya Railway and the Colliery Branch Railway on the transfer by purchase of these Railways to the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Essential Services (Dibru Sadiya and Colliery Branch Railways) Ordinance, 1945.  
(2) It shall come into force at once.

2. Prohibition of abandonment of employment.—Any person employed on the 31st day of March, 1945, by the Assam Railways and Trading Company Limited in connection with the construction, maintenance and operation of the Dibru Sadiya Railway or the Colliery Branch Railway, whose services with the company

*Price anna 1 or 1½d.*

2 *Essential Services (Dibru Sadiya and Colliery Branch Railways)* [ORD. VIII OF 1945]  
are terminated on that day in view of the transfer of the said Railways to the Central Government, shall, unless the Central Government has before that date intimated that his services will not be required, be deemed to have been taken into employment under the Crown in connection with railways immediately before the 1st day of April, 1945, and thereupon the provisions of the Essential Services (Maintenance) Ordinance, 1941 (XI of 1941), with respect to employment under the Crown shall apply to that person.

3. **Disposal of accumulations in provident funds.**—Notwithstanding anything to the contrary in any provision of law, or in any rule having the force of law, or in the trust deeds or other instruments governing the funds known as the Provident Institution and the Workmen's Provident Fund maintained by the Assam Railways and Trading Company Limited for the benefit of its employees engaged in work on the aforementioned Railways, the trustees of the said Funds shall not pay therefrom to any subscriber who is deemed to be taken into employment under the Crown by virtue of section 2 the accumulated balance due to him on his ceasing to be an employee of the company, but shall pay therefrom to the Central Government a sum of money equivalent to the aggregate of the amounts standing on the 31st day of March, 1945 to the credit of all subscribers to the said Funds who are so deemed to be taken into employment under the Crown.

WAVELL,

*Viceroy and Governor General*



*Rep. by Act II of 1948*

# ORDINANCE No. IX OF 1945

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

*Published in the Gazette of India Extraordinary, dated the 28th April, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Indian Income-tax Act, 1922 (XI of 1922), for the purposes hereinafter appearing :

**NOW, THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5 c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Indian Income-tax (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 2, Act XI of 1922.**—In section 2 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), after clause (6A) the following clause shall be inserted, namely :—

“(6A) “earned income” means any income of an assessee who is an individual, Hindu undivided family, unregistered firm or other association of persons not being a company, a local authority, a registered firm or a firm treated as registered under clause (b) of sub-section (5) of section 23—

(a) which is chargeable under the head “Salaries”; or

(b) which is chargeable under the head “Profits and gains of business, profession or vocation” where the business, profession or vocation is carried on by the assessee or, in the case of a firm, where the assessee is a partner actively engaged in the conduct of the business, profession or vocation; or

(c) which is chargeable under the head “Other sources” if it is immediately derived from personal exertion or represents a pension or superannuation or other allowance given to the assessee in respect of his past services or the past services of any deceased person;

Applied to Br. Baluchistan, see No. 7-W, d/ 8-5-45.

Applied to the Chittagong Hill-tracts subject to the exception that none of its provisions shall apply to the indigenous hill-men in the said tracts, with effect from 7-6-45, see Ben. Govt. Notfn. No. 1482-S, dated 2-6-45.

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh district with effect from 21-6-45, see Ben. Govt. Notfn. No. 1156 A.R., dated 7-6-45.

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28-6-45, see Ben. Govt. Notfn. No. 1979-S, d/ 23-6-45.

and includes any such income which, though it is the income of another person, is included in the assessee's income under the provisions of this Act, but does not include any such income which is exempt from tax under sub-section (2) of section 14 or under a notification issued under section 60 ;”

**3. Insertion of new section 15A in Act XI of 1922.**—After section 15 of the said Act, the following section shall be inserted, namely :—

“ 15A. *Exemption of portion of earned income*.—The tax shall not be payable by an assessee in respect of such portion, if any, of the earned income included in his total income as is directed by the annual Act of the Central Legislature fixing the rate or rates of tax for any year to be deducted in making an assessment for that year, and for the purposes of determining the rates at which income-tax (but not super-tax) is payable by the assessee for that year his total income shall be deemed to be the total income reduced by the said portion.”

**4. Amendment of section 16, Act XI of 1922.**—To clause (a) of sub-section (1) of section 16 of the said Act, the following shall be added, namely :—

“ and any sum exempted under section 15A shall also be included except for the purpose of determining the rates at which income-tax (but not super-tax) is payable by the assessee to whom the exemption is given ”.

**5. Amendment of section 17, Act XI of 1922.**—To section 17 of the said Act the following sub-section shall be added, namely :—

“(5) Where the amount of the total income of any assessee is deemed to be the total income reduced under the provisions of section 15A by an allowance for earned income, the expression ‘ total income ’ in this section shall, for the purpose of determining the amount of income-tax (but not super-tax) payable by the assessee, be deemed to refer to his total income so reduced.”

**6. Amendment of section 56, Act XI of 1922.**—In section 56 of the said Act, after the words “ Except in cases to which ” the words, figures and letter “ section 15A applies or to which ” shall be inserted.

**7. Amendment of section 58, Act XI of 1922.**—In sub-section (1) of section 58 of the said Act, after the words and figures “ and sections 15 ” the figures and letter “ 15A ” shall be inserted.

JOHN COLVILLE,

*Viceroy and Acting Governor General.*



Exp. by Act I  
of 1946

# ORDINANCE No. X OF 1945

An Ordinance further to amend the War Injuries Ordinance, 1941

*(Published in the Gazette of India Extraordinary, dated the 28th April, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the War Injuries Ordinance, 1941 (VII of 1941), for the purpose hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the War Injuries (Amendment) Ordinance, 1945.

*Price anna 1 or 1½d.*

(2) It shall come into force at once.

**2. Amendment of section 2, Ordinance VII of 1941.**—To clause (6) of section 2 of the War Injuries Ordinance, 1941, the following word and sub-clause shall be added, namely :—

“ or

(c) caused by any explosion or fire which involves any explosives or munitions or other dangerous things required for war purposes and which happens or is caused by, through, or in connection with the manufacture, storage or transportation of any such explosives, munitions or other dangerous things ; ”.

JOHN COLVILLE,

*Viceroy and Acting Governor General.*

*Rep. by Act II of 1948*

## ORDINANCE No. XI of 1945

An Ordinance temporarily to validate certain Provincial laws in so far as they relate to promissory notes

*(Published in the Gazette of India Extraordinary, dated the 5th May, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary temporarily to validate the provisions of certain Provincial debt enactments in so far as they relate to promissory notes;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title, commencement and duration.**—(1) This Ordinance may be called the Provincial Debt Laws (Temporary Validation) Ordinance, 1945.

(2) It shall come into force at once, and shall remain in force up to the 31st day of March 1947.

**2. Temporary validation of Provincial debt laws in certain respects.**—While this Ordinance remains in force—

(a) the provisions of the Acts set out in the First Schedule and of the amendments enacted after the 1st day of April 1937 and before the 12th day of December 1944 to the Acts set out in the Second Schedule shall, in so far as they relate to or affect promissory notes, transactions based on promissory notes or proceedings arising out of such transactions, be deemed to be and always to have been as valid and effectual for all purposes as if they had been, in relation to such matters as aforesaid, enacted by the Central Legislature; and

(b) no decree, declaration or order of any Court or debt settlement tribunal (by whatsoever name called) made whether before the commencement or during the continuance of this Ordinance shall be called in question or subjected to modification on the ground that such of the said provisions as are relevant are invalid and ineffectual by reason of the incompetence of the Provincial Legislature concerned to make laws relating to the aforesaid matters.



*Provincial Debt Laws (Temporary Validation)* [ORD. XI OF 1945]

*The First Schedule*

- (1) The Madras Agriculturists Relief Act, 1938 (Madras Act IV of 1938).
- (2) The Punjab Registration of Money-lenders Act, 1938 (Punjab Act III of 1938).
- (3) The Bihar Money-lenders (Regulation of Transactions) Act, 1939 (Bihar Act VII of 1939).
- (4) The Orissa Money-lenders Act, 1939 (Orissa Act III of 1939).
- (5) The Central Provinces and Berar Relief of Indebtedness Act, 1939 (Central Provinces and Berar Act XIV of 1939).
- (6) The Bombay Agricultural Debtors Relief Act, 1939 (Bombay Act XXVIII of 1939).
- (7) The Sind Agriculturists Relief Act, 1940 (Sind Act VIII of 1940).
- (8) The Bengal Money-lenders Act, 1940 (Bengal Act X of 1940).
- (9) The United Provinces Debt Redemption Act, 1940 (United Provinces Act XIII of 1940).
- (10) The Sind Debt Conciliation Act, 1941 (Sind Act IX of 1941).
- (11) The Sind Money-lenders Act, 1944 (Sind Act XIV of 1944).
- (12) All Acts enacted before the 12th day of December 1944 amending any of the above Acts.

*The Second Schedule*

- (1) The Central Provinces Debt Conciliation Act, 1933 (Central Provinces Act II of 1933).
- (2) The Punjab Relief of Indebtedness Act, 1934 (Punjab Act VII of 1934).
- (3) The Assam Money-lenders Act, 1934 (Assam Act IV of 1934).
- (4) The Central Provinces Money-lenders Act, 1934 (Central Provinces Act XIII of 1934).
- (5) The Bengal Agricultural Debtors Act, 1935 (Bengal Act VII of 1936).
- (6) The Central Provinces Reduction of Interest Act, 1936 (Central Provinces Act XXXII of 1936).

JOHN COLVILLE,

*Viceroy and Acting Governor General.*

*Rep. by Act II of 1948*

## ORDINANCE No. XII OF 1945

An Ordinance further to amend the Criminal Law Amendment Ordinance, 1943

*(Published in the Gazette of India Extraordinary, dated the 12th May, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943), for the purposes hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Criminal Law (1943 Amendment) Amending Ordinance, 1945.

2) It shall come into force at once.

2. **Amendment of section 3, Ordinance XXIX of 1943.**—In section 3 of the Criminal Law Amendment Ordinance, 1943 (hereinafter referred to as the said Ordinance),—

(a) for the word “hereinafter” the words “which may be” shall be substituted;

(b) after the words “and Amraoti, respectively” the following shall be inserted, namely:—

“and may from time to time by like notification—

(a) constitute for the said purposes such further Special Tribunals as may appear to it to be necessary to sit at such places as shall be specified in the notification;

(b) direct that any Special Tribunal shall sit at a place other than the place specified for it by or under this section;”;

(c) in the proviso, the words “such” and “hereinbefore” shall be omitted.

3. **Amendment of section 5, Ordinance XXIX of 1943.**—In section 5 of the said Ordinance,—

(a) sub-sections (1) and (2) shall be renumbered as sub-sections (2) and (3) respectively, and before sub-section (2) as so renumbered the following sub-section shall be inserted, namely:—

“(1) The Central Government may from time to time by notification in the official Gazette allot cases for trial to each Special Tribunal, and may also from time to time by like notification transfer any case from one Special Tribunal to another or withdraw any case from the jurisdiction of a Special Tribunal or make such modifications in the description of a case (whether in the names of the accuseds or in the charges preferred or in any other manner) as may be considered necessary.”;

*Price anna 1 or 11d.*

Applied to the Chittagong Hill-tracts with effect from 28-6-45, see Ben. Govt. Notifn. No. 1979-S, d/ 23-6-45.



(b) in sub-section (2) as so renumbered,—

(i) for the words “in the First Schedule” the words, brackets and figure “under sub-section (1)” shall be substituted;

(ii) the word “Second” shall be omitted;

(c) in sub-section (3) as so renumbered, the word “Second” shall be omitted.

**4. Amendment of section 9, Ordinance XXIX of 1943.**—In sub-section (1) of section 9 of the said Ordinance, for the words, figures and brackets “punishable under section 161 or section 165 of the Indian Penal Code (XLV of 1860)” the words “specified in the Schedule” shall be substituted.

**5. Substitution of new section for section 10, Ordinance XXIX of 1943.**—For section 10 of the said Ordinance the following section shall be substituted, namely—

“10. *Special provision regarding punishment.*—When any person charged before a Special Tribunal with an offence specified in the Schedule is found guilty of that offence, the Special Tribunal shall, notwithstanding anything contained in the Indian Penal Code (XLV of 1860), whether or not it imposes a sentence of imprisonment, impose a sentence of fine which shall not be less in amount than the amount of money or value of other property found to have been procured by the offender by means of the offence.”

**6. Omission of First Schedule, Ordinance XXIX of 1943.**—The First Schedule to the said Ordinance shall be omitted:

Provided that every case therein shall be deemed to have been allotted by notification under sub-section (1) of section 5 of the said Ordinance to the Special Tribunal specified in the heading of that Part of the said Schedule in which it was, immediately prior to the commencement of this Ordinance, contained.

**7. Amendment of Second Schedule, Ordinance XXIX of 1943.**—In the Second Schedule to the said Ordinance,—

(a) in the heading, the word “SECOND” shall be omitted;

(b) in items 3 and 3A, after the word and figures “section 406” the words and figures “or section 408” shall be inserted.

JOHN COLVILLE,  
Viceroy and Acting Governor General.



Rep. by Ord. 1 of 1946

# ORDINANCE No. XIII OF 1945

An Ordinance further to amend the War Risks (Factories) Insurance Ordinance, 1942

*(Published in the Gazette of India Extraordinary, dated the 16th May, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Factories) Insurance Ordinance, 1942 (XII of 1942), for the purposes hereinafter appearing

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the War Risks (Factories) Insurance (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

*Price anna 1 or 1½d.*

2 *War Risks (Factories) Insurance (Amendment)* [ORD. XIII OF 1945]

† 2. **Amendment of section 2, Ordinance XII of 1942.**—In clause (k) of section 2 of the War Risks (Factories) Insurance Ordinance, 1942,—

(a) sub-clauses (ii), (iii), (iv) and (v) shall be renumbered as sub-clauses (iii), (iv), (v) and (vi) respectively ;

(b) after sub-clause (i) the following sub-clause shall be inserted, namely :—

“(ii) any explosion or fire which involves any explosives or munitions or other dangerous things required for war purposes and which happens or is caused by, through, or in connection with the manufacture, storage or transportation of any such explosives, munitions or other dangerous things, ” ;

(c) in sub-clause (iii) as hereinbefore renumbered, for the word “ aforesaid ” the following shall be substituted, namely:—

“ is described in sub-clause (i) or of any such explosion or fire as is described in sub-clause (ii) ”.

JOHN COLVILLE,

*Viceroy and Acting Governor General.*

*Rep. by Act II of 1948*

# ORDINANCE No. XIV OF 1945

**An Ordinance to amend the Criminal Law Amendment Ordinance, 1944**

*(Published in the Gazette of India Extraordinary, dated the 16th May, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to amend the Criminal Law Amendment Ordinance, 1944 (XXXVIII of 1944), for the purposes hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Criminal Law (1944 Amendment) Amending Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 12, Ordinance XXXVIII of 1944.**—To section 12 of the Criminal Law Amendment Ordinance, 1944 (hereinafter referred to as the said Ordinance), the following sub-sections shall be added, namely :—

“(4) Where the accused is convicted of a scheduled offence other than one specified in item 1 of the Schedule to this Ordinance and where it appears that the offence has caused loss to more than one Government referred to in the said Schedule or local authority, the finding referred to in this section shall indicate the amount of loss sustained by each such Government or local authority.

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh District, see Ben. Gov Notification No. 4167-J, dated 3-12-45.

Applied to Br. Baluchistan, see No. 10-W, dated 4-6-45.



*Criminal Law (1944 Amendment) Amending* [ORD. XIV OF 1945]

- (5) Where the accused is convicted at the same trial of one or more offences specified in item 1 of the Schedule to this Ordinance and of one or more offences specified in any of the other items of the said Schedule, the finding referred to in this section shall indicate separately the amounts procured by means of the two classes of offences."

**3. Amendment of section 13, Ordinance XXXVIII of 1944.**—To section 13 of the said Ordinance the following sub-section shall be added, namely:—

- "(6) Every sum ordered to be forfeited under this section in connection with any scheduled offence other than one specified in item 1 of the Schedule to this Ordinance shall, after deduction of the costs of attachment as determined by the District Judge, be credited to the Government (being a Government referred to in the said Schedule) or local authority to which the offence has caused loss, or where there is more than one such Government or local authority, the sum shall, after such deduction as aforesaid, be distributed among them in proportion to the loss sustained by each."

**4. Amendment of Schedule, Ordinance XXXVIII of 1944.**—In the Schedule to the said Ordinance,—

- (a) to item 1 the words "or any conspiracy to commit or any attempt to commit or any abetment of such offence" shall be added ;  
(b) in items 2 and 3, after the word and figures "section 406" the words and figures "or section 408" shall be inserted ;  
(c) in item 5, for the words "aforesaid offences" the words and figures "offences specified in items 2, 3 and 4" shall be substituted.

**JOHN COLVILLE,**

*Viceroy and Acting Governor General.*

GIPD—S1—279 LD—4-10-45—2,000.



Rep. Decl. I of 1946

# ORDINANCE No. XV OF 1945

An Ordinance to provide for the maintenance and enforcement of discipline among members of the Civil Affairs (Malaya) Police Force who are temporarily in British India.

*(Published in the Gazette of India Extraordinary, dated the 19th May, 1945)*

**W**HEREAS an emergency has arisen which renders it necessary to make provision for the maintenance and enforcement of discipline among members of the Civil Affairs (Malaya) Police Force (hereinafter referred to as the Force), being a force raised and trained in British India under the authority of His Majesty's Principal Secretary of State for War for the purpose of accompanying the Allied Forces into Malaya as part of the liberating forces in order to assist in maintaining public order and safety in Malaya;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Civil Affairs (Malaya) Police Force (Discipline) Ordinance, 1945.

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

(3) It shall come into force at once.

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

(a) "Commandant" means a senior military officer appointed by or under the authority of His Majesty's Principal Secretary of State for War to be the Commandant of the Force or any detachment thereof, and includes his duly appointed deputy, and "gazetted officer" means a military officer similarly appointed to be a gazetted officer of the Force;

(b) "member of the Force" means a person who, after the commencement of this Ordinance, has engaged to serve in the Force and has signed an agreement so to serve in the form set out in the Schedule to this Ordinance:

Provided that every person who—

(i) is at the commencement of this Ordinance a pensioner or superior or subordinate police officer or police constable of the former Straits Settlements, Federated Malay States or Johore Police Force, or

(ii) was prior to the commencement of this Ordinance recruited in British India for service in the Force,—

and who is in receipt of pay as a member of the Force and is borne on the rolls of the Force, shall be deemed to be a member of the Force, notwithstanding that he has not signed an agreement to serve therein, or that such an agreement signed by him is not in the form set out in the Schedule to this Ordinance;

(c) "the Police Force Enactment" means the Federated Malay States Police Force Enactment (Chapter 34 of 1924);

(d) "superior police officer", "subordinate police officer" and "peace officer" have the meanings respectively assigned to them in the Police Force Enactment.

**3. Powers of command.**—The Commandant and every gazetted officer shall possess and may exercise such power and authority over the superior and subordinate police officers and men of the Force at any time under their respective commands as are provided by or under this Ordinance.



**4. Appointments.**—(1) The appointment of all superior and subordinate police officers and men of the Force shall rest with the Commandant who may exercise in this behalf all such powers as are vested in the Inspector General of Police by or under the Police Force Enactment.

(2) Every person who after the commencement of this Ordinance engages to serve in the Force and is selected for such service by the Commandant shall sign an agreement of service in the form set out in the Schedule to this Ordinance, and every person referred to in the proviso to clause (b) of section 2 shall be deemed to have signed an agreement in the said form on the date on which he engaged himself to serve in the Force.

**5. Application of Federated Malay States Police Force Enactment in British India.**—The provisions of the Federated Malay States Police Force Enactment (Chapter 34 of 1924) and of the Police Regulations made thereunder shall, subject to the provisions of this Ordinance and in so far as they may be applicable, have effect in British India in relation to the appointment and discipline of members of the Force as if such provisions were laws of British India, and notwithstanding anything contained in the Army Act, all members of the Force shall be subject in all matters concerning discipline to the said Police Force Enactment and the Police Regulations made thereunder:

Provided that in having such effect as aforesaid, the said provisions shall be construed as if references therein to—

- (i) the High Commissioner or the Federal Secretary were references to His Majesty's Principal Secretary of State for War or an officer authorised by him in this behalf;
- (ii) the Inspector General of Police were references to the Commandant;
- (iii) other classes of officers were references to the officers of equivalent rank in the Force;
- (iv) dollars were references to rupees.

**6. Summary powers of punishment.**—Without prejudice to the powers conferred on the Commandant by or under the Police Force Enactment, where any act, not being grave in character which constitutes an offence against any law of British India is committed by a member of the Force within the precincts of the depot, camp or other place in which the Force or any detachment thereof is for the time being located, the Commandant may deal with the offender in the manner provided in the Police Regulations made under the Police Force Enactment, and may, in lieu of or in addition to any punishment provided in the said Enactment, sentence the offender to imprisonment in cells for a term not exceeding twenty-eight days.

**7. Resignation and withdrawal from the Force.**—(1) No member of the Force shall, without the permission in writing previously obtained of the Commandant, resign his appointment during the term of his engagement or withdraw himself from all or any of the duties of his appointment, and any member of the Force who contravenes the provisions of this sub-section shall be deemed to have deserted within the meaning of section 25 of the Police Force Enactment.

(2) The grant of permission referred to in sub-section (1) shall be within the absolute discretion of the Commandant whose decision in the matter shall be final.

**8. Jurisdiction of British Indian Courts.**—Any act committed in British India by a member of the Force which if committed in the Federated Malay States by a peace officer would be punishable under any law of the Federated Malay States for the government of the police, shall be punishable in British India as if the act constituted an offence under the law of British India and as if the law of the Federated Malay States for the government of the police was a law of British India for the government of the Force.

**9. Saving of jurisdiction of British Indian Courts.**—Nothing in the foregoing provisions of this Ordinance shall affect the jurisdiction of any criminal Court in British India to try any member of the Force for any act constituting an offence under the law of British India.



**10. Validation of past disciplinary action and bar to legal proceedings.**—All punishments awarded before the commencement of this Ordinance under any Police Regulation (by whatsoever name called) made or purporting to have been made under the Police Force Enactment shall be deemed for all purposes to have been as validly awarded as if this Ordinance had been in force at the time when the punishments were awarded and undergone, and as if the said Police Regulation had been duly made under section 47 of the Police Force Enactment as having effect in British India by virtue of this Ordinance ; and no suit, prosecution or other legal proceeding whatsoever shall be brought or maintained against any person for anything in good faith done or ordered to be done, whether before or after the commencement of this Ordinance, in furtherance of the maintenance and enforcement of discipline and good order among members of the Force.

#### THE SCHEDULE

[See section 4 (2)]

#### *A g r e e m e n t*

I AGREE to serve faithfully under the provisions of the Federated Malay States Police Force Enactment (Chapter 34 of 1924) and to obey all lawful orders issued to me by my superior officers and I undertake not to resign my appointment within



4

*Civil Affairs (Malaya) Police Force (Discipline)* [ORD. XV OF 1945]

five years without the permission in writing previously obtained of the Commandant.

Date.....

.....

Signature or left thumb print  
of recruit in the presence of  
the enrolling officer.

Under the provisions of section 10 of the Federated Malay States Police Force  
Enactment (Chapter 34 of 1924), I HEREBY APPOINT .....  
.....  
a Peace Officer in the Civil Affairs (Malaya) Police Force.

Date .....

*Commandant,*

JOHN COLVILLE,

*Viceroy and Acting Governor General.*

*Rep. by Act II of 1948*  
**ORDINANCE No. XVI OF 1945**

**An Ordinance to amend the Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1944**

*(Published in the Gazette of India Extraordinary, dated the 19th May, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to amend the Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1944 (XLV of 1944), for the purpose hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Income-tax and Excess Profits Tax (Validity of Notices) Amendment Ordinance, 1945.

*Price anna 1 or 1½d.*

Applied to Br. Baluchistan, see No. 9-W, dated 20-5-45.  
Applied to all the partially excluded areas of the  
Province of Orissa, see Orissa Govt. Notifn. No. 2983-C  
~~dated 2-7-45. 3846-F, 23-6-1945~~



*Income-tax and Excess Profits Tax (Validity of Notices)* [ORD. XVI OF 1945]  
*Amendment*

(2) It shall come into force at once.

**2. Amendment of section 2, Ordinance XLV of 1944.**—In section 2 of the Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1944, after the words “commencement of this Ordinance” where they occur for the first time, the words and figures “but not later than the 19th day of May 1945” shall be inserted.

JOHN COLVILLE,

*Viceroy and Acting Governor General.*

# ORDINANCE No. XVII OF 1945

An Ordinance further to amend the Indian Mines Act, 1923

*(Published in the Gazette of India Extraordinary, dated the 26th May, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Indian Mines Act, 1923 (IV of 1923), for the purposes herein after appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Mines (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

*Price anna 1 or 1½d.*

Applied to Br. Baluchistan, see No. 12-W, d/ 6-6-45.  
Applied to all the partially excluded areas of the Province of Orissa, see Orissa Govt. Notifn. No 2983-Com., dated 2-7-45.

*Rep. by  
Act II of  
1948*



**2. Amendment of section 30, Act IV of 1923.**—In section 30 of the Indian Mines Act, 1923, after clause (b) the following clause shall be inserted, namely :—

“(bb) for requiring the maintenance in mines wherein any women are ordinarily employed of suitable rooms to be reserved for the use of children under the age of six years belonging to such women, and for prescribing, either generally or with particular reference to the number of women ordinarily employed in the mine, the number and standards of such rooms, and the nature and extent of the supervision to be provided therein ;”.

**3. Amendment of section 31, Act IV of 1923.**—To section 31 of the Indian Mines Act, 1923, the following sub-section shall be added, namely :—

“(5) The provisions of sub-sections (1), (2) and (3A) shall not apply to the first occasion on which rules referred to in clause (bb) of section 30 are made ”

JOHN COLVILLE,

*Viceroy and Acting Governor General*



*Rep. by Act II of 1948*

# ORDINANCE No. XVIII OF 1945

An Ordinance further to amend the Indian Explosives Act, 1884

*(Published in the Gazette of India Extraordinary, dated the 2nd June, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Indian Explosives Act, 1884 (IV of 1884), for the purposes herein-after appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Explosives (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 8, Act IV of 1884.**—(1) Section 8 of the Indian Explosives Act, 1884 (hereinafter referred to as the said Act) shall be renumbered as sub-section (1) of that section, and in the said section as so renumbered, for the words “ forthwith give notice thereof ” the words “ within such time and in such manner as may be by rule prescribed give notice thereof and of the attendant loss of human life or personal injury, if any, to the Chief Inspector of Explosives in India and ” shall be substituted.

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

“(2) Whoever in contravention of sub-section (1) fails to give notice of any accident shall be punishable with fine which may extend to five hundred rupees or if the accident is attended by loss of human life, with imprisonment for a term which may extend to three months, or with fine, or with both.”

**3. Substitution of new sections for section 9, Act IV of 1884.**—For section 9 of the said Act the following sections shall be substituted, namely :—

“9. *Inquiry into accidents.*—(1) Where any accident such as is referred to in section 8 occurs in or about or in connection with any place, carriage or vessel under the control of any of His Majesty's Forces, an inquiry into the causes of the accident shall be held by the naval, military, or air force authority concerned, and where any such accident occurs in any other circumstances, the District Magistrate (or in a Presidency-town, the Commissioner of Police) shall, in cases attended by loss of human life, or may, in any other case, hold or direct a Magistrate subordinate to him to hold, such an inquiry.

(2) Any person holding an inquiry under this section shall have all the powers of a Magistrate in holding an inquiry into an offence under the Code of Criminal Procedure, 1898 (V of 1898), and may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(3) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances.

(4) The Central Government may make rules—

(a) to regulate the procedure at inquiries under this section ;

(b) to enable the Chief Inspector of Explosives in India to be present or represented at any such inquiry ;

(c) to permit the Chief Inspector of Explosives in India or his representative to examine any witnesses at the inquiry ;

(d) to provide that where the Chief Inspector of Explosives in India is not present or represented at any such inquiry, a report of the proceedings thereof shall be sent to him ;

(e) to prescribe the manner in which and the time within which notices



9A. *Inquiry into more serious accidents.*—(1) The Central Government may where it is of opinion, whether or not it has received the report of an inquiry under section 9, that an inquiry of more formal character should be held into the causes of an accident such as is referred to in section 8, appoint the Chief Inspector of Explosives in India or any other competent person to hold such inquiry, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) Where the Central Government orders an inquiry under this section, it may also direct that any inquiry under section 9 pending at the time shall be discontinued.

(3) The person appointed to hold an inquiry under this section shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908) for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Indian Penal Code (XLV of 1860).

(4) Any person holding an inquiry under this section may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(5) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make; and the Central Government shall cause every report so made to be published at such time and in such manner as it may think fit.

(6) The Central Government may make rules for regulating the procedure at inquiries under this section."

4. **Substitution of new section for section 14, Act IV of 1884.**—For section 14 of the said Act the following section shall be substituted, namely:—

"14. *Saving and power to exempt.*—(1) Nothing in this Act, except sections 8, 9 and 9A, shall apply to the manufacture, possession, use, transport or importation of any explosive—

(a) by any of His Majesty's Forces in accordance with rules or regulations made by His Majesty's Government in the United Kingdom or the Central Government;

(b) by any person employed under any Government in British India in execution of this Act.

(2) The Central Government may by notification in the official Gazette exempt, absolutely or subject to any such conditions as it may think fit to impose, any explosive from all or any of the provisions of this Act."

5. **Temporary amendment of section 18, Act IV of 1884.**—During the continuance of this Ordinance, sub-sections (1), (2), (3) and (4) of section 18 of the said Act shall be deemed to be omitted.

JOHN COLVILLE,  
Viceroy and Acting Governor General.



# ORDINANCE No. XIX OF 1945

Rep. Act 11  
of 1947

An Ordinance temporarily to amend the Reserve Bank of India Act, 1934  
(Published in the Gazette of India Extraordinary, dated the 9th June, 1945)

**W**HEREAS an emergency has arisen which renders it necessary temporarily to amend the Reserve Bank of India Act, 1934 (II of 1934), for the purposes hereinafter appearing, and to make certain consequential provision;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Reserve Bank of India (Temporary Amendment) Ordinance, 1945.

(2) It shall come into force at once.

**2. Temporary amendment of Act II of 1934.**—So long as this Ordinance remains in force, the Reserve Bank of India Act, 1934, shall have effect subject to the following provisions, namely:—

(1) In clauses (1) and (5) of section 17, after the words "Government of Burma" the words "the British Military Administration, Burma," shall be deemed to be inserted.

(2) After section 20 the following section shall be deemed to be inserted, namely:—

"20A. *Transaction of business for British Military Administration, Burma.*—

(1) Notwithstanding anything contained in this Act, the Bank may—

(a) accept monies for account of the British Military Administration, Burma, make payments up to the amount standing to the credit of its

Applied to the Darjeeling district and to the partially  
excluded areas of the Mymensingh district with effect from  
1-11-45, see Ben. Govt. Notification No. 4698-Com.,  
dated 2-11-45.

a camp (otherwise than on transfer from another camp) except on



*Reserve Bank of India (Temporary Amendment)* [ORD. XIX OF 1935]

account, carry out its exchange, remittance and other banking operations, and generally afford to it similar facilities to those which the Bank affords to the Central Government :

(b) perform such functions and exercise such powers in relation to the currency and coinage of Burma and in relation to other business of the British Military Administration, Burma (being business similar to that in respect of which the Bank is required or enabled under this Act to perform functions or exercise powers) as the British Military Administration, Burma, may from time to time authorise it to perform or exercise.

(2) For performing such functions and exercising such powers as are referred to in sub-section (1) on the authority or on behalf of the British Military Administration, Burma, the Bank shall receive from the British Military Administration, Burma, such remuneration as may be agreed upon between the Bank and the said Administration."

**3. Interpretation of certain provisions.**—The references to Government in clause (i) of sub-section (1) of section 10 of the Imperial Bank of India Act, 1920 (XLVII of 1920), and in that portion of the agreement made in pursuance of section 45 of the Reserve Bank of India Act, 1934 (II of 1934) between the Reserve Bank of India and the Imperial Bank of India which corresponds to paragraph 2 of the Third Schedule to the last-mentioned Act, shall be construed as including references to the British Military Administration, Burma.

WAVELL,

*Viceroy and Governor General.*

*Rep. by Act II of 1948.*  
**ORDINANCE No. XX OF 1945**

**An Ordinance further to amend the Excess Profits Tax Ordinance, 1943**

*(Published in the Gazette of India Extraordinary, dated the 30th June, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Excess Profits Tax Ordinance, 1943 (XVI of 1943), for the purposes hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Excess Profits Tax (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

*Price anna 1 or 1½d.*

*Applied to Br. Baluchistan, see No. 15-W, 5718-7-45*



**2. Amendment of section 2, Ordinance XVI of 1943.**—In section 2 of the Excess Profits Tax Ordinance, 1943,—

(a) in sub-section (1), after the first proviso the following proviso shall be inserted, namely :—

“ Provided further that, in respect of any chargeable accounting period ending after the 31st day of December, 1944, the provisions of this sub-section as modified by the first proviso shall have effect as if for the words ‘ nineteen-sixtyfourths ’ the figures ‘ 37/128ths ’ were substituted : ”

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

“ Provided that, in respect of any chargeable accounting period ending after the 31st day of December, 1944, the provisions of this sub-section shall have effect as if for the words ‘ nineteen-sixtyfourths ’ the figures ‘ 37/128ths ’ were substituted. ”

**WAVELL,**

*Viceroy and Governor General.*



*Rep. by Act II of 1948*

## ORDINANCE No. XXI OF 1945

An Ordinance to provide for and regularise the establishment of refugee camps

*(Published in the Gazette of India Extraordinary, dated the 4th July, 1945).*

**W**HEREAS an emergency has arisen which makes it necessary to provide for and regularise the accommodation in refugee camps of refugees entering British India from certain war areas and the maintenance of essential discipline in such camps ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Refugee Camps Ordinance, 1945.

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

(3) It shall come into force at once.

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

(a) “camp” means a camp established by the Central Government for the accommodation of refugees ;

(b) “the Commandant” of a camp means the person appointed by the Central Government to be in charge of the camp ;

(c) “refugee” means any person who has entered British India from Burma, having left his place of residence in Burma or elsewhere on account of enemy occupation of that place or the threat of such occupation.

**3. Accommodation of refugees in camps.**—(1) It shall be lawful, and shall be deemed always to have been lawful, to take any refugee under escort to a camp and to require him to remain there or in any other camp to which he may be transferred until such time as it is possible to arrange for returning him to his place of residence in Burma or elsewhere.

(2) No refugee shall, after the commencement of this Ordinance, be admitted to a camp (otherwise than on transfer from another camp) except on the authority of a certificate issued by an officer appointed by the Central Government in that behalf to the effect that the refugee has no or insufficient means of support in British India.

**4. Refugees not to leave camp without permission.**—(1) Subject to the provisions of this section, no refugee may, until such time as is referred to in sub-section (1) of section 3, leave the camp in which he is for the time being accommodated.

(2) The Commandant may for reasons appearing to him sufficient grant to a refugee permission in writing to leave the camp for a period not exceeding thirty days, and where the refugee does not return to camp before the expiry of the period specified in the permit, he shall be deemed to have contravened the provisions of this section.

(3) The Central Government may permit a refugee to leave the camp permanently if it is satisfied, after causing such inquiries to be made as it thinks fit, that he has in India relatives able and willing to support him and that he intends to take up his residence with them until he is able to return to his place of residence in Burma or elsewhere.

(4) Nothing in this section shall apply to the transfer of a refugee from one camp to another, or to his temporary absence from camp for recreation or other purposes in the company of an officer of the camp administration.

(5) Any refugee who contravenes any provision of this section shall, on conviction by a Court, be punishable with simple imprisonment for a period which may extend to three months.

(6) When convicting a refugee for an offence punishable under sub-section (5), the Court shall order that on the expiry of his sentence the refugee shall be returned to the camp in which he was last accommodated.

(7) Notwithstanding anything in the Code of Criminal Procedure, 1898 (V of 1898), an offence punishable under this section shall be cognizable.



**5. Power to make regulations for maintaining essential discipline.**—(1) Subject to the provisions of this section, the Commandant may make regulations for the maintenance of health and good order in the camp and of harmonious relations among the refugees accommodated therein.

(2) All regulations made under this section shall be forwarded without delay to the Central Government, and the Central Government may cancel or modify any such regulation in such manner as it thinks fit.

(3) All regulations made under this section shall be read out to the refugees in a language which they understand as soon as may be after they are made and thereafter at intervals of not more than two months.

**6. Camp offences.**—(1) The following shall be camp offences for the purposes of this Ordinance:—

(a) any offence punishable under section 4, if the Commandant thinks fit so to regard it;

(b) any contravention of or failure to comply with any regulation made under section 5;

(c) any act, not being grave in character, which constitutes an offence against any other law and which in the opinion of the Commandant should be dealt with as a camp offence.

(2) It shall not be a camp offence to submit a petition or make a complaint in regard to conditions in the camp, even though such petition or complaint is found upon investigation to be groundless.

**7. Procedure and penalties.**—(1) Every charge against a refugee in respect of a camp offence shall be dealt with by the Commandant summarily, that is to say, it shall not be necessary for him to make a record of the evidence adduced, but he shall record in a register to be maintained for the purpose his decision in each case and a brief statement of the facts together with, where he finds the charge proved, the reasons for his decision and the punishment awarded.

(2) For the commission of a camp offence the Commandant may award any one of the following punishments, namely:—

(i) Detention in a place in the camp set apart for the purpose for any period not exceeding twenty-eight days:

Provided that a refugee shall not again be committed to detention within three days after the termination of a previous period of detention.

(ii) Confinement to quarters for any period not exceeding fourteen days, during which the offender may be employed on fatigue duties.

(iii) Suspension for a period not exceeding seven days of the right to all or any of the amenities provided in the camp.

**8. Bar to legal proceedings.**—(1) No suit or other legal proceedings whatsoever shall lie against the Crown or any person for anything in good faith—

(a) done or ordered to be done in bringing any refugee or any person believed to be a refugee under escort to a camp and requiring him to remain there;

(b) done or ordered to be done before the commencement of this Ordinance in furtherance of the maintenance of health and discipline in a camp;

(c) done, intended to be done or ordered to be done in pursuance of this Ordinance.

(2) No refugee shall be liable—

(a) to be tried by any criminal Court in respect of any charge which has been dealt with by the Commandant under section 7, whether or not the charge was found to be proved by the Commandant;

(b) to be dealt with by the Commandant under section 7 in respect of any charge which has formed the basis of his discharge, acquittal or conviction by a competent criminal Court.

WAVELL,

Viceroy and Governor General.



# ORDINANCE No. XXII OF 1945

An Ordinance further to amend the Criminal Law Amendment Ordinance, 1943

(Published in the Gazette of India Extraordinary, dated the 4th July, 1945)

Rep. by Act  
I of 1948

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943), for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Criminal Law (1943 Amendment) Second Amending Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of long title and preamble, Ordinance XXIX of 1943.**—(1) In the long title of the Criminal Law Amendment Ordinance, 1943 (hereinafter referred to as the said Ordinance), the words “punishable under the Indian Penal Code” shall be omitted.

(2) In the preamble to the said Ordinance, the words, brackets and figures “punishable under the Indian Penal Code (XLV of 1860)” shall be omitted.

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

**“4. Composition of Special Tribunals.**—(1) A Special Tribunal constituted under this Ordinance shall consist of three members, each of whom shall, except as provided in sub-section (2), be a person who—

(a) is qualified under sub-section (3) of section 220 of the Government of India Act, 1935 (26 Geo. 5, c. 2) for appointment as a Judge of a High Court, or

(b) has for a period of not less than three years exercised, whether continuously or not, the powers under the Code of Criminal Procedure, 1898 (V of 1898), of any one or more of the following, namely, Sessions Judge, Additional Sessions Judge, Chief Presidency Magistrate, Additional Chief Presidency Magistrate, Presidency Magistrate, District Magistrate, Additional District Magistrate,—

and at least one shall have the qualification specified in clause (a).

(2) One of the members may, instead of being a person qualified under sub-section (1), be an officer of His Majesty's forces who is a barrister of England or Northern Ireland of at least five years' standing or a member of the Faculty of Advocates in Scotland of at least five years' standing.

Price anna 1 or 1½d.



(3) The Central Government shall appoint one of the members qualified under sub-section (1) to be the President of the Special Tribunal."

**4. Substitution of new sections for sections 7 and 8, Ordinance XXIX of 1943.**—For sections 7 and 8 of the said Ordinance the following sections shall be substituted, namely :—

"7. *Appeal and revision.*—The High Court within the local limits of whose jurisdiction the offence charged in a case before a Special Tribunal is alleged to have taken place may, in relation to that case and subject to the provisions of section 8 regarding the transfer of cases, exercise so far as they may be applicable all the powers conferred by Chapters XXXI and XXXII of the Code of Criminal Procedure, 1898 (V of 1898), on a High Court, as if the Special Tribunal were a Court of Session trying cases without a jury within the local limits of that High Court's jurisdiction.

8. *Bar of certain jurisdiction.*—No Court shall have authority to transfer any case from a Special Tribunal, or to make any order under section 491 of the Code of Criminal Procedure, 1898 (V of 1898) or, save as provided in section 7, have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal."

**5. Amendment of section 9, Ordinance XXIX of 1943.**—In sub-section (2) of section 9 of the said Ordinance, for the words "a person or the agent of a person seeking to obtain facilities for transport or holding or seeking to obtain a contract from His Majesty's Government in the United Kingdom or in any part of His Majesty's dominions, or the Central or a Provincial Government or a department of any such Government or a local authority, or from any person acting on behalf of any such Government or department or authority," the words "any person," shall be substituted.

**6. Amendment of Schedule, Ordinance XXIX of 1943.**—In the Schedule to the said Ordinance,—

(a) for items 1 and 2 the following item shall be substituted, namely :—

"1. An offence punishable under section 161 or section 165 of the Indian Penal Code." ;

(b) items 3, 3A and 5 shall be renumbered as items 2, 3 and 6 respectively ;

(c) after item 4 the following item shall be inserted, namely :—

"5. An offence punishable under the Hoarding and Profiteering Prevention Ordinance, 1943 (XXXV of 1943), or under any rule made or deemed to have been made under the Defence of India Act, 1939 (XXXV of 1939)."

WAVELL,

*Viceroy and Governor General.*

# ORDINANCE No. XXIII OF 1945

An Ordinance to define "present war" and like expressions occurring in certain contexts

*(Published in the Gazette of India Extraordinary, dated the 14th July, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to define the meaning of the expression "present war" and like expressions when used in certain contexts prior to the outbreak of war between His Majesty and Japan ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Present War (Definition) Ordinance, 1945,

(2) It extends to ~~the whole of British India~~ *[all the Provinces of India]*

(3) It shall come into force at once.

Price anna 1 or 1½d.

*Applied to Br. Baluchistan, see No. 20-4, 5/8-8-45*  
*Applied to all Tribal areas, see No. 21-2, 5/8-8-45*  
*1) Subs. by the A-0-1948-*



**2. Meaning of "present war" and like expressions in certain contexts.**—For the removal of doubts it is hereby declared that any reference, express or implied and in whatever form of words, in any provision made during the period commencing on the 3rd day of September 1939 and ending on the 8th day of December 1941 in any enactment or in any notification, rule or order under any enactment or in any contract, deed or other instrument, to the present war or the present hostilities shall, unless in the case of such a reference in any contract, deed or other instrument as aforesaid the subject or context otherwise requires, be deemed to include and always to have included a reference to the present war with Japan, notwithstanding that war had not, when the said provision was made, broken out between His Majesty and Japan :

Provided that nothing in this section shall prejudice the exercise of any power conferred in whatever form of words in any such provision as aforesaid on any Government, authority or person to declare for the purposes of such provision on what specified date the present war or the present hostilities shall be deemed to terminate.

WAVELL,

*Viceroy and Governor General.*

# ORDINANCE No. XXIV OF 1945

An Ordinance to exempt certain war gratuities from liability to income-tax

*(Published in the Gazette of India Extraordinary, dated the 14th July, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to provide for exempting certain war gratuities from liability to income-tax;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the War Gratuities (Income-tax Exemption) Ordinance, 1945.

(2) It shall come into force at once.

*Price anna 1 or 1½d.*



*War Gratuities (Income-tax Exemption)* [ORD. XXIV OF 1945]

**2. Interpretation.**—In this Ordinance “war gratuity” means any gratuity paid in respect of any person’s service in His Majesty’s Forces in connection with any hostilities in which His Majesty has been or may be engaged during the period commencing on the 3rd day of September 1939 and ending on such date as the Central Government may by notification in the official Gazette specify in this behalf, but does not include a gratuity (by whatever name called) payable under a contract of service.

**3. Exemption of war gratuities from liability to income-tax.**—Notwithstanding anything contained in the Indian Income-tax Act, 1922 (XI of 1922), any war gratuity paid whether after the commencement of this Ordinance or not to any person shall not for the purposes of that Act be included in the total income or total world income of that person.

WAVELL,

*Viceroy and Governor General.*

GIPD—S1—582 LD—27-11-45—2,000.

*Rep. by Act II of 1948*

## ORDINANCE No. XXV of 1945

**An Ordinance further to amend the Defence of India Act, 1939**

*(Published in the Gazette of India Extraordinary, dated the 14th July, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 1939). for the purposes hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Defence of India (Amendment) Ordinance, 1945.

*Price anna 1 or 1½.*

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh district with effect from 22-11-45, see Ben. Govt. Notifn. No. 9037-Def., dated 12-11-45.



*Defence of India (Amendment)*

[ORD. XXV OF 1945]

(2) It shall come into force at once.

**2. Amendment of section 2, Act XXXV of 1939.**—In sub-section (3) of section 2 of the Defence of India Act, 1939, at the end of clauses (i), (v), (vi) and (vii) the words “or any order issued thereunder” shall be inserted, and shall be deemed always to have been inserted.

**3. Amendment of section 17, Act XXXV of 1939.**—To sub-sections (1) and (2) of section 17 of the Defence of India Act, 1939, the words “or any orders issued under any such rule” shall be added, and shall be deemed always to have been added.

WAVELL,

*Viceroy and Governor General.*

GIPD—S1—583 LD—27-11-45—2,000.

# ORDINANCE No. XXVI OF 1945

An Ordinance temporarily to regulate the Andaman and Nicobar Islands Police Force

*(Published in the Gazette of India Extraordinary, dated the 21st July, 1945)*

**W**HEREAS an emergency has arisen which renders it necessary to make temporary provision to regulate the Andaman and Nicobar Islands police force while it is elsewhere in British India, and in particular to provide for the maintenance of discipline among members of the said police force ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Andaman and Nicobar Islands Police Force (Temporary Provisions) Ordinance, 1945.

*Price anna 1 or 1½d.*



2      *Andaman and Nicobar Islands Police Force (Temporary Provisions)*      [ORD. XXVI OF 1945]

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

(3) It shall come into force at once.

**2. Temporary provisions for Andaman and Nicobar Islands Police Force.—**

During the continuance of this Ordinance and notwithstanding anything to the contrary in any other law but subject to any orders which the Central Government may make in this behalf, members of the Andaman and Nicobar Islands police force shall have, within the Province in which they for the time being are, such powers, duties, privileges and liabilities, including liability to discipline, as have members of the police force of that Province :

Provided that the exercise of powers and jurisdiction in any Province by members of the Andaman and Nicobar Islands police force shall be subject to the general or special consent of the Government of that Province.

WAVELL,  
*Viceroy and Governor General.*

GIPD—S1—634 LD—27-11-45—2000.

*Rep. by Act II of 1948*

## ORDINANCE No. XXVII of 1945

An Ordinance further to amend the Civil Pioneer Force Ordinance, 1942

*(Published in the Gazette of India Extraordinary, dated the 4th August, 1945.)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Civil Pioneer Force Ordinance, 1942 (X of 1942), for the purposes hereinafter appearing ;

Now, **THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Civil Pioneer Force (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of long title and preamble, Ordinance X of 1942.**—In the long title and preamble of the Civil Pioneer Force Ordinance, 1942 (hereinafter referred to as the said Ordinance), the words “ for service in India ” shall be omitted.

**3. Amendment of section 1, Ordinance X of 1942.**—In sub-section (2) of section 1 of the said Ordinance, after the words “ Civil Pioneer Force ” the words “ who are

*Price anna 1 or 1½d.*

*Applied to Br. Baluchistan, see No 22-W, 17 8-8-45*



British subjects domiciled in any part of India, wherever they may be, and to other members of the said Force," shall be inserted.

**4. Amendment of section 3, Ordinance X of 1942.**—In section 3 of the said Ordinance,—

(a) in sub-section (1) the words "in India" shall be omitted;

(b) in sub-section (2), for the words "in any part of India," the word "elsewhere," shall be substituted.

**5. Amendment of section 4, Ordinance X of 1942.**—(1) In sub-section (2) of section 4 of the said Ordinance, the words "in any part of India" shall be omitted.

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

"Provided that a member of the Civil Pioneer Force who is a British subject domiciled in any part of India shall not be liable, without his own consent given in the prescribed form, to service outside India, and any other member of the said Force shall not be liable in any circumstances to such service."

WAVELL,

*Viceroy and Governor General.*

Rep. by Ord. 1 of 1946

# ORDINANCE No. XXVIII OF 1945

An Ordinance to amend the Military Operational Area (Special Powers) Ordinance, 1943

*(Published in the Gazette of India Extraordinary, dated the 23rd August, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to amend the Military Operational Area (Special Powers) Ordinance, 1943. (XXXVII of 1943), for the purposes hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Military Operational Area (Special Powers) Amendment Ordinance, 1945.

(2) It shall be deemed to have come into force on the 1st day of June 1945.

*Price anna 1 or 1½d.*



2 *Military Operational Area (Special Powers) Amendment* [ORD. XXVIII OF 1945]

2. **Amendment of section 3, Ordinance XXXVII of 1943.**—In section 3 of the Military Operational Area (Special Powers) Ordinance, 1943 (hereinafter referred to as the said Ordinance),—

(a) for the words “the General Officer Commanding the military forces” the words “any General Officer Commanding military forces” shall be substituted;

(b) for the words “that General Officer Commanding” the word “he” shall be substituted.

3. **Amendment of section 9, Ordinance XXXVII of 1943.**—In section 9 of the said Ordinance, for the words “The General Officer Commanding the military forces” the words “Any General Officer Commanding military forces” shall be substituted.

4. **Amendment of sections 10 and 13, Ordinance XXXVII of 1943.**—In the proviso to sub-section (2) of section 10 of the said Ordinance and in sub-section (2) of section 13 thereof, for the words “the General Officer Commanding the military forces” the words “a General Officer Commanding military forces” shall be substituted.

WAVELL,

*Viceroy and Governor General.*

# ORDINANCE No. XXIX of 1945 <sup>Insurance</sup>

An Ordinance to terminate the War Risks (Factories) Scheme

(Published in the Gazette of India Extraordinary, dated the 31st August, 1945)

**W**HEREAS an emergency has arisen which makes it necessary to make provision for the immediate termination of the War Risks (Factories) Scheme;

Now, **THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the War Risks (Factories) Insurance (Termination) Ordinance, 1945.

(2) It shall come into force at midnight between the 31st day of August and the 1st day of September, 1945.

Applied to the Chota Nagpur Division and to the Santal Parganas district, see Bihar Govt. Notifn. No. 307-1-Ins.-8/45-L.T., dated 21-9-45.

Applied to the British Baluchistan, see No. 23-W, Dated 5-9-45.

1. Ins. by s. 3 of Ord. 34 of 1945 (retrospectively).

Price anna 1 or 1½d.



2. Repeal of certain provisions of Ordinances XII of 1942 and XXV of 1943.—Sections 3, 5, 6, 16 and 17 of the War Risks (Factories) Insurance Ordinance, 1942, and section 3 of the War Risks (Inland Vessels) Insurance Ordinance, 1943, are hereby repealed.

*(Insurance) L*

3. Termination of policies of insurance.—All policies of insurance issued under the provisions of the War Risks (Factories) Insurance Ordinance, 1942 (XII of 1942), and the War Risks (Factories) Scheme or under those provisions construed with the provisions of the War Risks (Inland Vessels) Insurance Ordinance, 1943 (XXV of 1943) shall, notwithstanding anything contained in any other law or in the said policies of insurance, be determined on the commencement of this Ordinance and cease thereafter to have effect.

JOHN COLVILLE,

*Viceroy and Acting Governor General.*

GIPD—S1—856 LD—26-11-45—2,000

*in Ins. lgs. 3 of ord. 34 of 45 (retrospectively)*

# ORDINANCE No. XXX OF 1945

An Ordinance to validate a certain marriage solemnized in Secunderabad

*(Published in the Gazette of India Extraordinary, dated the 1st September, 1945.)*

**W**HEREAS the Reverend Harold William Sibree Page, a Minister of the Methodist Church, having been granted by the Resident in Hyderabad a licence under section 9 of the Indian Christian Marriage Act, 1872 (XV of 1872) to grant certificates of marriage between Indian Christian subjects of His Majesty in the Hyderabad State, did on the 20th day of April 1944 at Secunderabad solemnize a marriage between Christian, but not Indian Christian, subjects of His Majesty in the belief that he was by the aforesaid licence authorised so to do ;

AND WHEREAS the parties to the said marriage believed that the said Reverend Harold William Sibree Page was duly authorised to solemnize the marriage and that the marriage was valid in law ;

AND WHEREAS the said parties being Christian, but not Indian Christian, subjects of His Majesty, the said Reverend Harold William Sibree Page had not the requisite authority under the licence held by him to solemnize the said marriage ;

AND WHEREAS, the said marriage having been solemnized in good faith, an emergency has arisen which renders it necessary to provide for the validation thereof ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of

*Price anna 1 or 1½d.*



India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title.**—This Ordinance may be called the Secunderabad Marriage Validating Ordinance, 1945.

**2. Validation of a certain irregular marriage and the records thereof.**—(1) The marriage solemnized in St. Andrew's Church at Secunderabad on the 20th day of April 1944 between persons being Christian, but not Indian Christian, subjects of His Majesty by the Reverend Harold William Sibree Page, a Minister of the Methodist Church, shall be, and shall be deemed to have been with effect on and from the said date, as good and valid in law as if it had been solemnized under a licence granted under section 6 of the Indian Christian Marriage Act, 1872 (XV of 1872), authorising the solemnization of marriages between persons being Christian, but not necessarily Indian Christian, subjects of His Majesty in the Hyderabad State.

(2) Certificates of the marriage declared by sub-section (1) to be good and valid in law, and register-books and certified copies of true and duly authenticated extracts therefrom, deposited in compliance with the provisions of the Indian Christian Marriage Act, 1872, in so far as the register-books and extracts relate to the said marriage, shall be received as evidence of the marriage as if it had been duly solemnized under Part I of the said Act.

JOHN COLVILLE,

*Viceroy and Acting Governor-General.*

Rep. by Act II of 1948.

**ORDINANCE No. XXXI of 1945****An Ordinance further to amend the Defence of India Act, 1939***(Published in the Gazette of India Extraordinary, dated the 1st September, 1945.)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 1939), for the purposes hereinafter appearing :

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 G.O. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance —

**1. Short title and commencement.**—(1) This Ordinance may be called the Defence of India (Second Amendment) Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 6, Act XXXV of 1939.**—For clause (6) of section 6 of the Defence of India Act, 1939, the following shall be substituted, namely :—

(6) The Motor Vehicles Act, 1939 (IV of 1939) (in this clause referred to as the said Act) shall have effect subject to the following provisions, namely :—

(a) Notwithstanding anything to the contrary in section 58 or section 62 of the said Act, the Provincial Transport Authority or a Regional Transport Authority, acting in accordance with such directions as the Provincial Transport Authority may think fit to issue, may grant a permit or a temporary permit under Chapter IV of the said Act to be effective for any specified period not exceeding five years in the case of a permit or one year in the case of a temporary permit.

(b) Without prejudice to the provisions of section 60 of the said Act, the Provincial Transport Authority may, if for reasons to be recorded in

Applied to the Partially Excluded Areas in Assam, see Assam Govt. Notifn. No. A.W.R. 7/48/62, dated 20-9-45.

Applied to Br. Baluchistan, see No. 25-W, dated 19-9-45.

more than the aggregate than such quantity (hereinafter referred to as the prescribed



writing it is of opinion that the public interest so requires, direct by order passed not later than the 28th day of February 1946, that any permit under Chapter IV of the said Act shall, on a specified date not earlier than six months after the date of the passing of the order, cease to be effective without renewal.

(c) The Provincial Government may—

(i) by general or special order in writing exempt from all or any of the provisions of Chapter IV of the said Act any transport vehicle used or required for use in connection with any work or purpose declared by the Provincial Government in the order to be a work or purpose connected with the defence of British India or the prosecution of war ;

(ii) by the same or a like order authorise any authority to issue temporary permits and give directions, not inconsistent with the other provisions of the said Chapter, in respect of any such transport vehicles.

(d) If the Provincial Government by general or special order in writing so directs, the provisions of sub-section (2) of section 38 of the said Act shall have effect in relation to any controlled motor vehicle or class of controlled motor vehicles specified in the order as if the words "not being in any case less than six months" were omitted.

*Explanation.*—In sub-clause (d) "controlled motor vehicle" means a motor vehicle to which the provisions of the Civil Motor Transport Vehicles Control Order, 1944, or of any other substantially similar Order for the time being in force, apply.

JOHN COLVILLE,

*Viceroy and Acting Governor General.*



# ORDINANCE No. XXXII OF 1945

An Ordinance to incorporate and regulate the Bengal Textiles Association

Rep. by Act  
40 of 1949

(Published in the Gazette of India Extraordinary, dated the 8th September, 1945.)

**W**HEREAS an emergency has arisen which makes it necessary to incorporate and regulate a trading corporation in the Province of Bengal for the purpose of improving the procurement and wholesale distribution of piecegoods in that Province;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Bengal Textiles Association Ordinance, 1945.

(2) It extends to the Province of Bengal.

(3) It shall come into force at once.

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

(a) “Calcutta” means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866 (Bengal Act IV of 1866), together with the suburbs of the town of Calcutta as defined in the notification for the time being in force under section 1 of the Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866);

(b) “piecegoods” means piecegoods either manufactured wholly from cotton or manufactured partly from cotton and partly from any other material and containing not less than ten *per centum* of cotton by weight;

(c) “prescribed” means prescribed by rules made under this Ordinance;

(d) “regulations” means regulations made under sub-section (2) of section 11,

(e) “scheduled bank” means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (II of 1934);

(f) “wholesale dealer” means a person engaged during any one year within the period beginning on the 1st day of January 1940 and ending on the 31st day of December 1944 in wholesale business in piecegoods in Calcutta, who in the said one year (hereinafter in relation to a wholesale dealer referred to as his qualifying year) purchased otherwise than directly from a manufacturer a quantity of piecegoods not less in the aggregate than such quantity (hereinafter referred to as the prescribed minimum) as may be prescribed in this behalf, and sold wholesale in Calcutta a quantity of piecegoods not less in the aggregate than the prescribed minimum.

**3. Establishment and incorporation of the Bengal Textiles Association.**—(1) As soon as may be after the commencement of this Ordinance, there shall be established in the manner hereinafter provided a trading corporation for the purpose of improving the procurement and wholesale distribution of piecegoods in the Province of Bengal.

(2) The said trading corporation (hereinafter referred to as the Association) shall be a body corporate by the name of the Bengal Textiles Association, having perpetual succession and a common seal, and shall by the said name sue and be sued.

**4. Management of Association.**—(1) There shall be constituted for the purposes of administering the affairs of the Association a Board of Control and an Executive Committee.

(2) The Board of Control (hereinafter referred to as the Board) shall consist of nine persons appointed by the Central Government, two of whom shall be nominated by the Central Government to be Chairman and Vice-Chairman, respectively, of the Board.

(3) The Executive Committee (hereinafter referred to as the Committee) shall consist of the Chairman and Vice-Chairman of the Board (who shall be respectively

Price anna 1 or 1½d.



the Chairman and Vice-Chairman of the Committee), the other members of the Board and not more than seventeen other persons appointed as follows, namely :—

(a) two persons nominated by each of the following bodies, namely :—

- (i) the Bengal Chamber of Commerce ;
- (ii) the Muslim Chamber of Commerce ;
- (iii) the Bengal National Chamber of Commerce ;

(b) on the first constitution of the Committee, eight persons to hold office for a prescribed period, not being less than three months, nominated in the following manner, namely :—

- (i) four by the Central Government ;
- (ii) two by the Marwari Chamber of Commerce ;
- (iii) two by the Indian Chamber of Commerce ;

and after such period, eight members of the Association elected by the said members at a general meeting called for the purpose :

Provided that of the eight persons so elected, two shall be members of the Marwari Chamber of Commerce and two shall be members of the Indian Chamber of Commerce ;

(c) not more than three persons appointed by the Central Government.

(4) Members of the Board or of the Committee may, save as provided in clause (b) of sub-section (3), be persons who are not under section 6 eligible to be members of the Association :

Provided that, notwithstanding anything contained elsewhere in this Ordinance, any member of the Board or of the Committee not so eligible may become a member of the Association by subscribing thereto any number of units, within the meaning of sub-section (1) of section 7, not exceeding four.

(5) Subject to the provisions of clause (b) of sub-section 3, the term of office of members of the Board and of the Committee shall be such as may be prescribed.

(6) No act done or decision taken by the Board or the Committee shall be called in question on the ground merely of the existence of any vacancy therein or defect in its constitution, or on the ground that the Association is not at any time fully established.

**5. Members of Board or Committee not to be remunerated.**—No member of the Board or of the Committee or of any sub-committee and no person co-opted to serve on any sub-committee shall be entitled to receive for his services in such capacity any remuneration from the funds of the Association or otherwise, except such allowances as may be prescribed.

**6. Membership of Association.**—(1) Subject to the provisions of this Ordinance, a person shall be eligible to be a member of the Association who—

(a) is at the commencement of this Ordinance engaged under agreement with the Government of Bengal in dealing wholesale in piecegoods and is certified by the said Government to have carried out his obligations under such agreement satisfactorily, or

(b) is a wholesale dealer.

(2) Any person claiming to be eligible, and desiring, to be a member of the Association shall apply to the Board in this behalf in the prescribed form not later than the prescribed date.

(3) The Board shall not entertain any application received by it after the said prescribed date, unless it is satisfied that there existed sufficient reasons for the delay.

(4) The Board shall consider all applications received by it in due time under this section, and where it is satisfied that the applicant is eligible under sub-section 1) to be a member of the Association, shall notify the applicant in writing that his eligibility for membership as aforesaid has been admitted.



(5) In considering an application under this section, the Board may require the applicant to furnish it with such further evidence of his eligibility for membership of the Association as it may specify.

(6) The decisions of the Board under this section shall be final, and no order of the Board admitting or rejecting an application under this section shall be called in question on any ground in any Court.

**7. Subscriptions, liability and interest of members.**—(1) For the purposes of this section one unit shall be deemed to represent fifteen thousand rupees.

(2) Every person applying to be a member of the Association shall, not later than one month after receiving a notice under sub-section (4) of section 6, subscribe to the funds of the Association in accordance with the following scale, namely:—

Units.

(a) each member eligible under clause (a) of sub-section (1) of section 6 . . . . .	4
(b) each member eligible under clause (b) of the said sub-section whose purchases during his qualifying year were—	
(i) not less than four times the prescribed minimum . . . . .	4
(ii) less than four times, but not less than three times, the prescribed minimum . . . . .	3
(iii) less than three times, but not less than twice, the prescribed minimum . . . . .	2
(iv) less than twice the prescribed minimum . . . . .	1,

and upon making such subscription as aforesaid the said person shall become a member of the Association.

(3) The Board may from time to time by resolution passed at a meeting decide to increase the funds of the Association, and for such purpose may invite members of the Association to make further subscriptions, subject to such limits as may be specified in the resolution:

Provided that no member shall be under obligation to make any further subscriptions as aforesaid.

(4) Any member of the Association may, with the previous approval in writing of the Board, transfer to any other member the whole or any part of his subscription.

(5) The liability of each member of the Association shall be limited to the amount subscribed by, or transferred to, him and for the time being standing to his credit in the books of the Association.

(6) The interest of each member of the Association in the earnings of the Association available at any time for distribution among its members shall be in proportion to the amount at that time standing to his credit in the books of the Association, and each such member shall at general meetings be entitled to one vote for each complete unit contained in the amount at the time of the meeting standing to his credit in the books of the Association.

**8. Conduct of business of the Association.**—(1) Subject to the provisions of section 9, all matters involving in the opinion of the Board substantial questions of policy and all such other matters as may be specified in the regulations shall be decided by the Board, and save as expressly provided in this Ordinance, the other affairs of the Association shall be administered by the Committee:

Provided that the decision of the Committee in any such matter as may be specified in this behalf in the regulations shall be submitted for the approval of the Board.

(2) The Committee may, subject to any regulations made in this behalf, authorise the Chairman or any other member of the Board to exercise any of its functions.

(3) All instruments of the Association shall be expressed to be made on behalf of the Association, and shall be executed by and authenticated by the signature of, the Chairman or Vice-Chairman of the Board or such other member of the Board as may be authorised by the Board in this behalf.



**9. General control by Government.**—The activities of the Association shall be subject to the general control of the Government of Bengal, and the Association shall comply with any directions of a general nature which that Government or any officer authorised by that Government in this behalf may give to it under this section.

**10. Accounts and finance.**—(1) The accounts of the Association shall be maintained and audited in such manner and in accordance with such provisions as may be prescribed, and the funds of the Association shall be deposited in one or more scheduled banks.

(2) Subject to such conditions as may be prescribed, the Board may on behalf of the Association take such loans from, or enter into such other arrangements with, any scheduled bank or banks, as are in the opinion of the Board necessary in the interests of members of the Association or for forwarding the purposes of the Association.

**11. Procedure.**—(1) General meetings of members of the Association shall be convened at such times, at such places and in such manner as may be prescribed, and the procedure at such meetings shall be such as may be prescribed.

(2) The Board may make regulations, not inconsistent with the provisions of this Ordinance and the rules made thereunder,—

(a) specifying the matters to be decided by the Board, and the matters in respect of which decisions of the Committee shall be submitted for the approval of the Board;

(b) imposing such conditions or restrictions as it thinks fit on the power of the Committee to delegate its functions under sub-section (2) of section 8;

(c) enabling the Committee to constitute sub-committees from among its members, and empowering such sub-committees to co-opt additional members, whether members of the Association or not, having special knowledge of the subject with which the particular sub-committee is concerned;

(d) providing for the convening of meetings of the Board, the Committee and sub-committees, the time and place at which such meetings shall be held, the number of members necessary to constitute a quorum at such meetings, and the procedure and conduct of business thereat.

**12. Winding up of Association.**—The Association shall continue in being until such date as the Central Government may, by notification in the *Calcutta Gazette*, not being less than three months after the date of the said notification, appoint in this behalf, and shall thereafter be wound up in accordance with the provisions, so far as they can be made applicable, of Part IX of the Indian Companies Act, 1913 (VII of 1913), as if the Association were an unregistered company within the meaning of section 270 of that Act.

**13. Power to make rules.**—(1) The Central Government may, by notification in the *Calcutta Gazette*, make rules to carry out the purposes of this Ordinance.

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

(a) fix the prescribed minimum for the purposes of clause (f) of section 2;

(b) prescribe the period referred to in clause (b) of sub-section (3) of section 4;

(c) fix the term of office of members of the Board and of the Committee;

(d) provide for the filling of casual vacancies in the Board and in the Committee;

(e) prescribe the allowances admissible to members of the Board or the Committee or sub-committees under section 5;

(f) provide for the manner in which the accounts of the Association shall be maintained and audited, and generally for all matters relating to the finances of the Association for which it is necessary or expedient to make provision;

(g) lay down the conditions subject to which the Board may take loans from, or enter into arrangements with, scheduled banks under sub-section (2) of section 10;

(h) provide for the convening of general meetings of members of the Association the times and places at which such meetings shall be held, and the procedure and conduct of business thereat;

(i) provide for any other matter which is under this Ordinance to be prescribed.

(3) Rules made under this section may apply to the Association any of the provisions of the Indian Companies Act, 1913 (VII of 1913), with such modifications as may be considered necessary for adapting them to the requirements of the Association.

**14. Act VII of 1913 not to apply to Association.**—Save as expressly provided by or under this Ordinance, the provisions of the Indian Companies Act, 1913, shall not apply to, or in relation to, the Association.



**15. Protection to persons acting under this Ordinance.**—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 in pursuance of this Ordinance or any rules made thereunder.

JOHN COLVILLE,  
*Viceroy and Acting Governor General.*

GIPD—S1—861 LD—27-11-45 —2,000.

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## ORDINANCE No. XXXIII OF 1945

An Ordinance to exclude periods spent in enemy territory in computing limitation

(Published in the Gazette of India Extraordinary, dated the 8th September, 1945.)

**W**HEREAS an emergency has arisen which makes it necessary to provide that the period of limitation prescribed by law for suits shall not run in the period during which persons instituting suits have been detained in enemy territory by circumstances attributable to war;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Limitation (War Conditions) Ordinance, 1945.

(2) It extends to ~~the whole of British India~~ [all the Provinces of India]

(3) It shall come into force at once.

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

(a) "enemy subject" means any individual who possesses the nationality of a State which is, or at any time since the 3rd day of September, 1939, has been, at war with His Majesty, or who, having possessed such nationality at any time has lost it without acquiring another nationality, or any body of persons constituted or incorporated in or under the laws of such State;

(b) "enemy territory" means any area under the sovereignty of, or administered by, or for the time being in the occupation of, a State at war with His Majesty.

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Applied to Br. Baluchistan, see No. 29-W, d/2-10-45. -45.



Majesty, not being an area in the occupation of His Majesty or of a State allied with His Majesty, and includes any area which the Central Government may, by notification in the official Gazette, declare either generally or in respect of any particular period to be enemy territory for the purposes of this Ordinance.

3. *Suspension of limitation for suits in certain circumstances.*—If at any time before the expiration of the period of limitation prescribed for any suit by the Indian Limitation Act, 1908 (IX-of 1908), or by any other law for the time being in force, any person who could have instituted the suit has been detained in enemy territory by circumstances attributable to war, the said period of limitation, as regards the institution of the suit by such person, shall be deemed not to have run in the period during which it is shown to the satisfaction of the Court that such person was so detained, and shall, notwithstanding anything contained in the said Act or in any other law, in no case expire before the end of six months from the date, as determined by the Court, when such person ceased to be so detained or from the date of the commencement of this Ordinance, whichever is later :

Provided that where two or more periods have occurred in which a person was so detained, those periods shall be treated for the purposes of this section as one continuous period beginning with the beginning of the first period and ending with the end of the last period :

Provided further that this section shall not apply to suits instituted to enforce rights of pre-emption or to suits of any description which may be instituted by enemy subjects.

JOHN COLVILLE,  
*Viceroy and Acting Governor General.*

# ORDINANCE No. XXXIV OF 1945

An Ordinance to terminate the War Risks (Goods) Insurance Scheme

*(Published in the Gazette of India Extraordinary, dated the 14th September, 1945.)*

**W**HEREAS an emergency has arisen which makes it necessary to make provision for the early termination of the War Risks (Goods) Insurance Scheme, and to amend the War Risks (Factories) Insurance (Termination) Ordinance, 1945 (XXIX of 1945) for the purpose hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India

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to Mr. B. B. B. B.

Notification No.

Director, Secy



(2) It shall come into force at once.

**2. Repeal of certain provisions of Ordinance IX of 1940.**—With effect at and after midnight between the 30th day of September and the 1st day of October, 1945, sections 5, 5A, 7, 8 and 15 of the War Risks (Goods) Insurance Ordinance, 1940, shall be repealed.

**3. Amendment of Ordinance XXIX of 1945.**—In the War Risks (Factories) Insurance (Termination) Ordinance, 1945, before the word "Scheme" wherever it appears, the word "Insurance" shall be inserted, and shall be deemed always to have been inserted.

JOHN COLVILLE,  
*Viceroy and Acting Governor General.*

GIPD—S1—898 LD—27-11-45—2,000.

GIPD—S1—861A LD—26-11-45—2,000.

*Rep. by Act II of 1948*

## ORDINANCE No. XXXV OF 1945

An Ordinance further to amend the Defence of India Act, 1939

*(Published in the Gazette of India Extraordinary, dated the 14th September, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 1939), for the purpose hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Defence of India (Third Amendment) Ordinance, 1945.

*Price anna 1 or 1½d.*

*Applied to Br. Baluchistan, see No. 28-W, 57 1-10-45*



(2) It shall come into force at once.

**2. Amendment of section 2, Act XXXV of 1939.**—In sub-section (3) of section 2 of the Defence of India Act, 1939, to clause (iii) the following shall be added, namely :—

“ and for the adjudication of such forfeiture whether by a Court or by any other authority ”.

JOHN COLVILLE,  
*Viceroy and Acting Governor General.*

*Rep. by Act II of 1948.*

## ORDINANCE No. XXXVI OF 1945

An Ordinance to amend the Armed Forces (Special Powers) Ordinance, 1942

*(Published in the Gazette of India Extraordinary, dated the 18th September, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary to amend the Armed Forces (Special Powers) Ordinance, 1942 (XLI of 1942), for the purpose hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Armed Forces (Special Powers) Amendment Ordinance, 1945

(2) It shall come into force at once.

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh District, see Ben. Govt. (Home Department) Notifn. No. 8392-P, dated 13-12-1945.

Applied to Br. Baluchistan, see No. 29-W, d/2-10-45.

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2. **Substitution of new section for section 3, Ordinance XLI of 1942.**—For section 3 of the Armed Forces (Special Powers) Ordinance, 1942, the following section shall be substituted, namely:—

“3. *Arrested persons to be made over to appropriate authority.*—Any person arrested and taken into custody under this Ordinance shall as soon as practicable, be made over, together with a report of the circumstances occasioning the arrest, to the officer in charge of the nearest police station, or where the said person is a person subject to military law, to the appropriate military officer.”

WAVELL,

*Viceroy and Governor General.*

Rep. by Act II of 1948

## ORDINANCE No. XXXVII OF 1945

An Ordinance further to amend the Indian Army Act, 1911

(Published in the Gazette of India Extraordinary, dated the 29th September, 1945.)

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Indian Army Act, 1911 (VIII of 1911), for the purposes herein-after appearing :

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :-

**1. Short title and commencement.**—(1) This Ordinance may be called the Indian Army (Amendment) Ordinance, 1945.

(2) Section 5 shall be deemed to have come into force on the 1st day of July 1944, and the other provisions of this Ordinance shall be deemed to have come into force on the 1st day of November 1943.

**2. Amendment of section 50, Act VIII of 1911.**—In sub-section (2) of section 50 of the Indian Army Act, 1911 (hereinafter referred to as the said Act), after clause (d) the following clause shall be inserted, namely :-

- “(dd) all pay and allowances for every day between his being recovered from the enemy and his dismissal from the service in consequence of his conduct when being taken by, or whilst in the hands of, the enemy ;”

Price anna 1 or 1½d.

Applied to the Darjeeling district and to the partially excluded areas of the Mymensingh district, see Ben. Govt. (Home Department) Notification No. 8450-P, dated 14-12-45.

Applied to Br. Baluchistan, see No. 30-W, d/ 10-10-45.

Applied to the Chittagong Hill-tracts with effect from 15-11-45 see Ben. Govt. Notifn. No. 5254-S, d/ 5-11-45.



*Indian Army (Amendment)*

[ORD. XXXVII OF 1945]

**3. Insertion of new section [51A in Act VIII of 1911.]**—After section 51 of the said Act the following section shall be inserted, namely:—

*"51A. Power to withhold pay and allowances pending inquiry into conduct as prisoner of war.*—Where the conduct of any person subject to this Act when being taken by, or whilst in the hands of, the enemy, is to be inquired into under this Act or any other law, the Commander-in-Chief in India or any officer authorised by him in this behalf may order that the whole or any part of the pay and allowances of such person shall be withheld pending the result of such inquiry."

**4. Amendment of section 52A, Act VIII of 1911.**—To section 52A of the said Act the following sub-section shall be added, namely:—

*"(3) For the purposes of this section, a person shall be deemed to continue to be a prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 51A, and if he is dismissed the service in consequence of such conduct, until the date of such dismissal."*

**5. Amendment of section 52B, Act VIII of 1911.**—To section 52B of the said Act the following sub-section shall be added, namely:—

*"(3) For the purposes of this section, a person shall be deemed to continue to be a prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 51A, and if he is dismissed the service in consequence of such conduct, until the date of such dismissal."*

WAVELL,

*Viceroy and Governor General.*

Rep. by Act II of 1948

## ORDINANCE No. XXXVIII OF 1945

An Ordinance further to amend the National Service (European British Subjects) Act, 1940

*(Published in the Gazette of India Extraordinary, dated the 6th October, 1945.)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the National Service (European British Subjects) Act, 1940 (XVIII of 1940), for the purposes hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the National Service (European British Subjects) Amendment Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 2, Act XVIII of 1940.**—In section 2 of the National Service (European British Subjects) Act, 1940 (hereinafter referred to as the said Act), for clause (a) the following clause shall be substituted, namely :—

‘(a) “competent authority” means, with reference to any person liable under this Act to be called up for national service, the General Officer Commanding-in-Chief, Army or Command, within whose area of command that

*Price anna 1 or 1½d.*



- 2 *National Service (European British Subjects) Amendment* [ORD. XXXVIII OF 1945]  
person is for the time being resident, or any officer not below the rank of Brigadier subordinate to the said General Officer whom he may authorise to exercise his functions as competent authority in respect of any area in his area of command :

Provided that for the purposes of this clause, the area of command of the General Officer Commanding-in-Chief, Eastern Command, shall be deemed to include in addition to his actual area of command all that part of India lying to the east thereof and extending to the eastern frontier of India.

3. **Substitution of new section for section 11, Act XVIII of 1940.**—For section 11 of the said Act, the following section shall be substituted, namely :—

“ 11. *Notices.*—(1) Any notice to be served on any person for the purposes of this Act may be sent by post addressed to that person at his last known address.

(2) No notice purporting to have been issued under this Act shall be deemed to be, or at any time to have been, invalid for any purpose on the ground only that the authority issuing it had not jurisdiction or command over the area in which the person to whom the notice was directed was for the time being resident.”

WAVELL,  
Viceroy and Governor General.

Rep. by Act II of 1948

## ORDINANCE No. XXXIX of 1945

An Ordinance to make provision in connection with war conditions with respect to bills of exchange payable outside British India

*(Published in the Gazette of India Extraordinary, dated the 20th October, 1945.)*

**W**HEREAS an emergency has arisen which renders it necessary to make provision in connection with war conditions with respect to bills of exchange payable outside British India;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title, extent, commencement and duration.**—(1) This Ordinance may be called the Bills of Exchange Ordinance, 1945.

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

Applied to Br. Baluchistan, see No. 33-W, dated 15-11-45.  
Applied to the Chota Nagpur Division and to the Santal Parganas District, see Bihar Govt. Notifn. No. 3735-J, dated ~~xxxxx~~ 7-11-45.

to have deserted to the enemy or



(3) It shall come into force at once, and shall remain in force up to the 31st day of December 1946.

**2. Provision for bills lost owing to war conditions.**—Where in any suit or other proceeding founded upon a bill of exchange payable outside British India, and instituted or commenced at any time before the expiration of this Ordinance, there is reason to believe that the bill has been lost, and that the loss can reasonably be presumed to be due, either directly or indirectly, to war conditions, the Court may allow proof of the bill to be given by means of a copy thereof certified by a notary public or by means of such other evidence as the Court thinks reasonable under the circumstances, and may pass a decree thereon notwithstanding any rule of law of the place where the bill is made payable :

Provided that such indemnity shall be given against the claims of other persons as the Court may require.

WAVELL,  
*Viceroy and Governor General.*

# ORDINANCE No. XL OF 1945

An Ordinance to provide for the forfeiture in certain cases not provided for by the Army Act of pay and allowances of certain persons subject to that Act.

(Published in the Gazette of India Extraordinary, dated the 27th October, 1945.)

**W**HEREAS an emergency has arisen which makes it necessary to provide for the forfeiture in certain cases not provided for by the Army Act (44 & 45 Vict., c. 58) of pay and allowances of certain persons subject to that Act;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Army (Forfeiture of Emoluments) Ordinance, 1945.

(2) It shall come into force at once.

**2. Forfeiture of emoluments in certain cases.**—(1) The whole or any part of the pay and allowances of a person subject to the Army Act (44 & 45 Vict., c. 58) as an officer may be forfeited by order of the Central Government if the said person is found by a military Court of Enquiry constituted under this Ordinance—

(a) to have deserted to the enemy, or

Price anna 1 or 1½d.

*4 Omitted by S. 2 of Ord. 13 of 1946*



*Army (Forfeiture of Emoluments)*

[ORD. XL OF 1945]

(b) while in enemy hands, to have served with, or under the orders of, the enemy, or in any manner to have aided the enemy, or

(c) to have allowed himself to be taken prisoner by the enemy through want of due precaution, or through disobedience of orders or wilful neglect of duty, or

(d) having been taken prisoner by the enemy, to have failed to rejoin His Majesty's service when it was possible to do so.

(2) The Central Government may at any time cancel in whole or in part any order made under sub-section (1), and any such cancellation may be with retrospective effect.

**3. Courts of Enquiry.**—The Commander-in-Chief of His Majesty's Forces in India or any officer authorised by him in this behalf may constitute a military Court of such composition as the constituting authority thinks fit to enquire into and report to the Central Government on any case of the nature referred to in sub-section (1) of section 2.

**4. Power to withhold emoluments pending enquiry.**—Where the conduct of any person is to be enquired into under this Ordinance, the Commander-in-Chief of His Majesty's Forces in India or any officer authorised by him in this behalf may order that the whole or any part of the pay and allowances of such person shall be withheld pending the orders of the Central Government on the report made on the case under section 3.

WAVELL,

*Viceroy and Governor General.*

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Rep. by Act II of 1948

## ORDINANCE No. XLI OF 1945

An Ordinance further to amend the War Injuries (Compensation Insurance) Act,  
1943

(Published in the Gazette of India Extraordinary, dated the 27th October, 1945.)

**W**HEREAS an emergency has arisen which makes it necessary further to amend the War Injuries (Compensation Insurance) Act, 1943 (XXIII of 1943), for the purpose hereinafter appearing ;

**N**OW, **THEREFORE**, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the War Injuries (Compensation Insurance) Amendment Ordinance, 1945.

(2) It shall come into force at once.

Price anna 1 or 1½d.  
Applied to Br. Bahuchistan, see NO. 31-W, D/13-11-45.



2      *War Injuries (Compensation Insurance) Amendment*      [ORD. XLI OF 1945]

**2. Amendment of section 2, Act XXIII of 1943.**—In section 2 of the War Injuries (Compensation Insurance) Act, 1943, after clause (f) the following clause shall be inserted, namely :—

‘ (ff) “ termination of the present hostilities ” means such date as the Central Government may, by notification in the official Gazette, declare to be the date on which the said hostilities terminated ; ’.

**WAVELL,**

*Viceroy and Governor General.*

*Rep. by Act II of 1948*

## ORDINANCE No. XLII of 1945

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

*(Published in the Gazette of India Extraordinary, dated the 31st October, 1945.)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Indian Army Act, 1911 (VIII of 1911) and the Indian Air Force Act, 1932 (XIV of 1932), for the purposes hereinafter appearing :

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Indian Army and Indian Air Force (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 67, Act VIII of 1911.**—In section 67 of the Indian Army Act, 1911, the following amendments shall be made, and shall with effect from the 7th day of December 1941 be deemed always to have been made, namely :—

(1) After the words “ other than ” where they occur for the first time, the following shall be inserted, namely :—

“ an offence committed after the 7th day of December 1941 while the person in question was a prisoner of war or was present in enemy territory or ”.

(2) For the words “ expiration of three years ” the words and brackets “ expiration of a period of three years (in the computation of which period any time spent

*Applied to Br. Baluchistan, see 32-w, 713-11-45*  
*Price anna 1 or 1½d.*



*Indian Army and Indian Air Force (Amendment)* [ORD. XLII OF 1945]

by the person in question after the aforesaid date as a prisoner of war or in enemy territory or in evading arrest shall be excluded) " shall be substituted.

(3) To the *Explanation* the following shall be added, namely :—

" and ' enemy territory ' means any area at the time of the presence therein of the person in question under the sovereignty of or administered by or in the occupation of a State at that time at war with His Majesty ".

**3. Amendment of section 78, Act XIV of 1932.**—In section 78 of the Indian Air Force Act, 1932, the following amendments shall be made, and shall with effect from the 7th day of December 1941 be deemed always to have been made, namely :—

(1) After the words " other than " where they occur for the first time, the following shall be inserted, namely :—

" an offence committed after the 7th day of December 1941 while the person in question was a prisoner of war or was present in enemy territory or ".

(2) For the words " expiration of three years " the words and brackets " expiration of a period of three years (in the computation of which period any time spent by the person in question after the aforesaid date as a prisoner of war or in enemy territory or in evading arrest shall be excluded) " shall be substituted.

(3) To the *Explanation* the following shall be added, namely :—

" and " enemy territory " means any area at the time of the presence therein of the person in question under the sovereignty of or administered by or in the occupation of a State at that time at war with His Majesty '.

WAVELL,

*Viceroy and Governor General.*

*Appointed to be Secretary to the Government of India*



Rep. by Act II of 1948.

## ORDINANCE No. XLIII OF 1945

An Ordinance further to amend the Hoarding and Profiteering Prevention Ordinance 1943

(Published in the Gazette of India Extraordinary, dated the 17th November, 1945.)

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Hoarding and Profiteering Prevention Ordinance, 1943 (XXXV of 1943) for the purposes hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Hoarding and Profiteering Prevention (Amendment) Ordinance, 1945.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance XXXV of 1943.—In clause (c) of section 2 of the Hoarding and Profiteering Prevention Ordinance, 1943 (hereinafter referred to as the said Ordinance), for the words “the Deputy Controller General or Assistant Controller General” the words “any Deputy Controller General, Assistant Controller General or Deputy Assistant Controller General” shall be substituted.

3. Amendment of section 5, Ordinance XXXV of 1943.—For clauses (a) and (b) of section 5 of the said Ordinance, the following shall be substituted, namely:—

“(a) no dealer shall have in his possession at any one time a quantity of any article in which he deals exceeding—

(i) if he was in business in the year 1939, one-quarter of the total quantity of that article held by him in the course of that year, or

(ii) if he was not in business in that year, the total quantity of that article sold by him in the course of any period of four consecutive months after that year, or

(iii) in either case, such greater quantity as the Controller General or other officer empowered in this behalf by the Central or the Provincial Government may by general or special order specify;

(b) no producer shall have in his possession at any one time a quantity of any article which he produces exceeding—

(i) if he was in business in at least one of the years 1940, 1941 and 1942, one-quarter of his total production of that article during that one of the said three years in which his production of the article was greatest, or

(ii) if he was not in business in at least one of the said three years, the total quantity of that article produced by him in the course of any period of four consecutive months after the year 1942, or

(iii) in either case, such greater quantity as the Controller General or other officer empowered in this behalf by the Central or the Provincial Government may by general or special order specify;

(c) no producer shall have in his possession at any one time a quantity of any article used by him as raw material in his business exceeding the quantity thereof sufficient for the production of the maximum quantity which he may have in his possession under clause (b) of the article for the production of which it is required as raw material.”

Applied to Br. Baluchistan, Price anna 1 or 1½d. See M. 35-W, 5/5-12-45.



**4. Amendment of section 6, Ordinance XXXV of 1943.**—In section 6 of the said Ordinance, after sub-section (3) the following sub-section shall be inserted, namely:—

“(3A) For the purposes of this section the landed cost of any imported article shall, save as hereinafter provided, be the cost thereof to the importer, that is to say, the sum of—

- (i) the price of the article charged by the exporter in the country of origin;
- (ii) freight, marine and war risks insurance and other charges, incurred in respect of the article up to the time when it is delivered to the transit sheds at the port of entry;
- (iii) the amount of duties payable on the importation of the article:

Provided that if, in the opinion of the Controller General, there is substantial disparity—

- (a) between the landed cost so determined of the article and the landed cost of any other similar article, or
- (b) between the consideration for the sale of the article computed on the basis of its landed cost so determined and the maximum price fixed under this Ordinance at which any other similar article, whether imported or not, may be sold,—

the Controller General may, in making a certificate referred to in sub-section (3) in respect of the article, take such disparity into consideration and fix the landed cost of the article at such amount as he thinks equitable.”

**5. Amendment of section 10, Ordinance XXXV of 1943.**—In section 10 of the said Ordinance,—

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

“*Memorandum of sale to be given.*—(1) Every dealer or producer selling any articles to any person, whether a dealer or a consumer or otherwise, shall give to the purchaser at or before the time of delivery of the articles a memorandum containing the particulars of the transaction prescribed under sub-section (2):

Provided that where the total amount of the purchases at the transaction is less than ten rupees it shall be obligatory to give such memorandum only if the purchaser so requires.”

(b) in sub-section (2) for the words “cash memorandum” the words “memorandum, and different particulars may be so prescribed in respect of different classes of transactions” shall be substituted.

**6. Amendment of section 12, Ordinance XXXV of 1943.**—In sub-section (1) of section 12 of the said Ordinance, to clause (a) the words “in such manner as he may require” shall be added.

**7. Amendment of section 14, Ordinance XXXV of 1943.**—In section 14 of the said Ordinance,—

(a) after the words “in a Presidency-town” the brackets, words and figures “(including in the case of the Presidency-town of Calcutta, the suburbs of the town of Calcutta as defined in the notification for the time being in force under section 1 of the Calcutta Suburban Police Act, 1866)” shall be inserted;

(b) after the words “District Magistrate” the words “or anywhere of a Deputy Controller General of Civil Supplies,” shall be inserted.

**8. Substitution of new section for section 14A, Ordinance XXXV of 1943.**—For section 14A of the said Ordinance the following shall be substituted, namely:—

“14A. *Summary trials.*—(1) Notwithstanding anything contained in section 260 of the Code of Criminal Procedure, 1898 (V of 1898), a Magistrate empowered to act under that section may try any offence punishable under this Ordinance



in a summary way under the provisions of Chapter XXII of the said Code, and shall so try any such offence unless he is of opinion that in the event of the offence being proved a sentence which he is empowered under that Chapter to impose would be insufficient.

(2) Notwithstanding anything contained in section 362 of the said Code, a Presidency Magistrate trying an offence punishable under this Ordinance shall not record the evidence or frame a charge unless he is of opinion that in the event of the offence being proved a sentence against which, in accordance with the provisions of sections 404 and 411 of the said Code no appeal lies, would be insufficient:

Provided that, where at any subsequent stage of a trial commenced in accordance with this sub-section, it appears to the Presidency Magistrate that in the event of the offence being proved such sentence as aforesaid would be insufficient, he shall recall any witnesses who may have been examined and proceed to rehear the case in the manner provided in the said section 362 for a case in which an appeal lies.

(3) Notwithstanding anything contained in section 526 of the said Code, no decision of a Court to try any offence punishable under this Ordinance otherwise than in the summary manner provided by this section shall be valid ground on which to make an application under that section."

**9. Amendment of section 14B, Ordinance XXXV of 1943.**—In section 14B of the said Ordinance,—

(a) in sub-section (2) the words "by the Controller General" shall be omitted;



4      *Hoarding and Profiteering Prevention (Amendment)* [ORD. XLIII OF 1945]

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

“(3) For the purposes of section 6 a certificate signed by or under authority from the Central Government or the Controller General or an officer authorised in such behalf under section 14D, as to the landed cost of any article shall be conclusive proof of that landed cost, and shall not be called in question on the ground that the said landed cost was not determined in conformity with the provisions of sub-section (3A) of section 6.”

**10. Insertion of new section 14D in Ordinance XXXV of 1943.**—After section 14C of the said Ordinance the following section shall be inserted, namely:—

“14D. *General powers of Central Government.*—The Central Government may—

(a) exercise all the powers of the Controller General under this Ordinance;

(b) authorise any officer to exercise all or any of the powers of the Controller General under sections 6, 7 and 9A, and sub-section (1) of section 11.”

**11. Amendment of section 15, Ordinance XXXV of 1943.**—In section 15 of the said Ordinance, after the word “Government” the words, brackets, letters and figures “or authorised for any purpose under clause (b) of section 14D” shall be inserted.

WAVELL,

*Viceroy and Governor General.*

*Rep. by Act II of 1946*

# ORDINANCE No. XLIV OF 1945

An Ordinance to disband the Defence of India Reserve

*(Published in the Gazette of India Extraordinary, dated the 24th November, 1945.)*

**W**HEREAS an emergency has arisen which makes it necessary to disband the Defence of India Reserve;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Defence of India Reserve (Disbandment) Ordinance, 1945.

(2) It shall come into force at once.

*Applied to Br. Baluchistan* Price anna 1 or 1½d.  
*vide Notifn. no. 36-W. 875-12-45.*



*Defence of India Reserve (Disbandment)*

[ORD. XLIV OF 1945]

**2. Disbandment of Defence of India Reserve.**—The Defence of India Reserve constituted under section 2 of the Defence of India Reserve Ordinance, 1945 (VI of 1945) shall be disbanded on the 30th day of November 1945.

**3. Repeal of Ordinance VI of 1945.**—Immediately following the disbandment under section 2 of the Defence of India Reserve, the Defence of India Reserve Ordinance, 1945, shall be repealed:

Provided that such repeal shall be without prejudice to the validity of the enlistments referred to in section 6 of the said Ordinance.

WAVELL,

*Viceroy and Governor General.*

*Rep. by Act II of 1948.*

## ORDINANCE No. XLV OF 1945

An Ordinance further to amend the Defence of India Act, 1939

*(Published in the Gazette of India Extraordinary, dated the 11th December, 1945.)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939 (XXXV of 1939), for the purposes hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Defence of India (Fourth Amendment) Ordinance, 1945.

(2) It shall come into force at once.

**2. Amendment of section 19, Act XXXV of 1939.**—In sub-section (1) of section 19 of the Defence of India Act, 1939 (hereinafter referred to as the said Act),—

(a) after the word “Where” where it occurs for the first time, the words, figures and letter “under section 19A or” shall be inserted;

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

“Provided that where any property requisitioned under any rule made under this Act is subsequently acquired under section 19A or any such rule, the arbitrator in any proceedings in connection with such acquisition shall, for the purposes of the provisions of the said section 23, take into consideration the market-value of the property at the date of its requisition as aforesaid and not at the date of its subsequent acquisition.”

**3. Insertion of new sections 19A and 19B in Act XXXV of 1939.**—After section 19 of the said Act the following sections shall be inserted, namely :—

“19A. *Power to acquire requisitioned property.*—(1) Without prejudice to any power to acquire property conferred by any rule made under this Act, any immovable property which has been requisitioned under any rule so made may, in the manner provided by any such rules for the acquisition of property, be acquired in the circumstances and by the Government hereinafter specified, namely,—

(a) where any works have, during the period of requisition, been constructed on, in or over the property wholly or partly at the expense of any Government, by that Government if it decides that the value of, or the right to use, such works shall, by means of the acquisition of the property, be preserved or secured for the purposes of any Government, or

*Price anna 1 or 1½.*

*applied to Br. Baluchistan, vide notifi. No. 42-W, D/24-12-45*



- (b) where the cost to any Government of restoring the property to its condition at the time of its requisition as aforesaid would, in the determination of that Government, be excessive having regard to the value of the property at that time, by that Government ;—

and at the beginning of the day on which notice of such acquisition is served or published under the aforesaid rules, the immovable property shall vest in the acquiring Government free from any mortgage, pledge, lien or similar encumbrance, and the period of the requisition thereof shall end.

(2) Any decision or determination of a Government under sub-section (1) shall be final, and shall not be called in question in any Court.

(3) For the purposes of this section, "works" includes buildings, structures and improvements of the property, of every description.

19B. *Release from requisition.*—(1) Where any property requisitioned under any rule made under this Act is to be released from such requisition, the Government by which or under whose authority the property was requisitioned or any person generally or specially authorised by it in this behalf may, after such enquiry, if any, as it or he may in any case consider it necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order under sub-section (1) shall be a full discharge of the Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is given."

**4. Declaration as to application to pending proceedings.**—For the avoidance of doubts it is hereby declared that the provisions of section 19 of the said Act as amended by clause (b) of section 2 of this Ordinance shall apply to proceedings before an arbitrator under the said section 19 pending on the date of the commencement of this Ordinance, but such amendment shall not affect any case in which the arbitrator has before the said date made his award under that section, or operate to revive or reopen any case in which, before the said date,—

- (i) compensation has been paid and accepted without protest formally recorded in writing, or
- (ii) the amount of compensation payable has been fixed by agreement, whether or not at the said date such amount has been paid.

WAVELL,  
Viceroy and Governor General.

Applied to Br. Baluchistan, see No. 5-W, 730-1-48

# ORDINANCE No. XLVI of 1945

An Ordinance to vest Pensions Appeal Tribunals with certain powers

(Published in the Gazette of India Extraordinary, dated the 22nd December, 1945)

**W**HEREAS an emergency has arisen which makes it necessary to vest Pensions Appeal Tribunals with certain powers;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Pensions Appeal Tribunals (Powers) Ordinance, 1945.

Price anna 1 or 1½d.



*Pensions Appeal Tribunals (Powers)*

[ORD. XLVI OF 1945]

- (2) It extends to ~~the whole of British India~~ *[all the Provinces of India]*
- (3) It shall come into force at once.

**2. Powers of Pensions Appeal Tribunals.**—Every Pensions Appeal Tribunal constituted under the Pensions Appeal Tribunals Rules, 1945, appended to the Resolution of the Government of India in the War Department, No. 1770, dated the 19th November 1945, shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and compelling the discovery and production of documents, 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).

WAVELL,  
Viceroy and Governor General.

GIPD—S1—1550 LD—16.1.46—2,000.

1) Rules by the A.O. 1948.

# ORDINANCE No. XLVII of 1945

An Ordinance to implement the International Monetary Fund and Bank Agreements

(Published in the Gazette of India Extraordinary, dated the 24th December, 1945)

**W**HEREAS, at the United Nations Monetary and Financial Conference held at Bretton Woods, New Hampshire, in July 1944, Articles of the following agreements were drawn up, and set out in the Final Act of the said Conference that is to say,—

(a) an agreement (hereinafter referred to as the Fund Agreement) for the establishment and operation of an international body to be called the International Monetary Fund (hereinafter referred to as the International Fund), and

(b) an agreement (hereinafter referred to as the Bank Agreement) for the establishment and operation of an international body to be called the International Bank for Reconstruction and Development (hereinafter referred to as the International Bank);

AND WHEREAS an emergency has arisen which renders it necessary to make certain provision for the purpose of implementing the aforesaid Agreements;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance:—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the International Monetary Fund and Bank Ordinance, 1945.

(2) It extends to ~~the whole of British India~~ *[all the Provinces of India]*

(3) It shall come into force at once.

**2. Payments to International Fund and Bank.**—(1) There shall be paid out of the revenues of the Central Government all such sums as may from time to time be required for the purpose of paying—

(a) the subscriptions payable by the Central Government, to the International Fund under paragraph (a) of section 3, and paragraph (a) of section 4, of Article III of the Fund Agreement, and to the International Bank under paragraph (a) of section 3 of Article II of the Bank Agreement;

(b) any sums payable by the Central Government to the International Fund under paragraph (b) of section 8 of Article IV of the Fund Agreement, and to the International Bank under section 9 of Article II of the Bank Agreement;

(c) any charges payable by the Central Government to the International Fund under section 8 of Article V of the Fund Agreement;

(d) any sums required for implementing the guarantee of the Central Government referred to in section 3 of Article XIII of the Fund Agreement;

(e) any compensation required to be paid by the Central Government to the International Fund or to any member thereof under Schedule D or Schedule E to the Fund Agreement.

(2) The Central Government may, if it thinks fit so to do, create and issue to the International Fund or International Bank, in such form as it thinks fit, any such non-interest bearing and non-negotiable notes or other obligations as are provided for by section 5 of Article III of the Fund Agreement and section 12 of Article V of the Bank Agreement.

**3. Reserve Bank to be depository for International Fund and Bank.**—The Reserve Bank of India (hereinafter referred to as the Reserve Bank) shall be the depository of the British Indian currency holdings of the International Fund and International Bank.

Price anna 1 or 1½d.

*Applied to Br Baluchistan. see no 16 W, 5727-2-45.  
1) Sules. by the A-O. 1948.*



**4. Power to call for information.**—(1) Where under section 5 of Article VIII of the Fund Agreement, the International Fund requires the Central Government to furnish it with any information, the Central Government, or if generally or specially authorised by the Central Government in this behalf, the Reserve Bank, may by order in writing require any person to furnish to such officer or other person as may be specified in the order such detailed information as the Central Government or the Reserve Bank, as the case may be, may determine to be essential for the purpose of complying with the request of the International Fund; and any person so required shall be bound to furnish such information.

(2) Every officer or person to whom any information is required to be furnished under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

(3) No information obtained under this section shall be furnished to the International Fund in such detail as to disclose the affairs of any person, and the provisions of sub-sections (1), (2) and (3) of section 54 of the Indian Income-tax Act, 1922 (XI of 1922) shall apply in relation to information obtained under this section as they apply to the particulars referred to in that section.

(4) A determination of the Central Government or the Reserve Bank under sub-section (1) as to the extent of detail in which information is to be furnished shall be final, and in any prosecution under section 176 or section 177 of the Indian Penal Code in respect of any information required to be furnished under this section, it shall not be a defence to assert that the information was required to be furnished in greater detail than was essential for the purpose of complying with the request of the International Fund.

(5) No prosecution for an offence in respect of any information required to be furnished under this section shall be instituted except with the previous sanction of the Central Government.

**5. Certain provisions of Agreements to have force of law.**—Notwithstanding anything to the contrary contained in any other law, the provisions of the Fund and Bank Agreements set out in the Schedule shall have the force of law in British India:

Provided that nothing in section 9 of Article IX of the Fund Agreement or in section 9 of Article VII of the Bank Agreement shall be construed as—

(a) entitling the International Fund or International Bank to import into British India goods free of any duty of customs without any restriction on their subsequent sale therein, or

(b) conferring on the International Fund or International Bank any exemption from duties or taxes which form part of the price of goods sold or which are in fact no more than charges for services rendered.

**6. Amendment of section 17, Act II of 1934.**—In section 17 of the Reserve Bank of India Act, 1934, the word “and” at the end of clause (15) shall be omitted, and after that clause the following clause shall be inserted, namely:—

“(15A) the performance of the functions of the Bank under the International Monetary Fund and Bank Ordinance, 1945 (XLVII of 1945);”.

**7. Power to make rules.**—The Central Government may, by notification in the official Gazette, make rules for giving effect to the provisions set out in the Schedule, and generally for carrying out the purposes of this Ordinance.

## THE SCHEDULE

(See section 5)!

### PROVISIONS OF AGREEMENTS WHICH SHALL HAVE FORCE OF LAW

#### PART I

#### FUND AGREEMENT

##### Paragraph (b) of section 2 of Article VIII

Exchange contracts which involve the currency of any member and which are contrary to the exchange control regulations of that member maintained or imposed

1) Rules by the A-0-1948-



consistently with this Agreement shall be unenforceable in the territories of any member.....

## ARTICLE IX

### STATUS, IMMUNITIES AND PRIVILEGES

#### Section 1. *Purpose of Article*

To enable the fund to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Fund in the territories of each member.

#### Section 2. *Status of the Fund*

The Fund shall possess full juridical personality, and, in particular, the capacity

- (i) to contract ;
- (ii) to acquire and dispose of immovable and movable property ;
- (iii) to institute legal proceedings.

#### Section 3. *Immunity from judicial process*

The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

#### Section 4. *Immunity from other action*

Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

#### Section 5. *Immunity of archives*

The archives of the Fund shall be inviolable.

#### Section 6. *Freedom of assets from restrictions*

To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

#### Section 7. *Privilege for communications*

The official communications of the Fund shall be accorded by members the same treatment as the official communications of other members.

#### Section 8. *Immunities and privileges of officers and employees*

All governors, executive directors, alternates, officers and employees of the Fund

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity ;
- (ii) not being local nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members ;
- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

#### Section 9. *Immunities from taxation*

(a) The Fund, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.



(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held

(i) which discriminates against such obligation or security solely because of its origin ; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

## PART II

### BANK AGREEMENT

#### ARTICLE VII

#### STATUS, IMMUNITIES AND PRIVILEGES

##### Section 1. *Purpose of Article*

To enable the Bank to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Bank in the territories of each member.

##### Section 2. *Status of the Bank*

The Bank shall possess full juridical personality, and, in particular, the capacity

(i) to contract ;

(ii) to acquire and dispose of immovable and movable property ;

(iii) to institute legal proceedings.

##### Section 3. *Position of the Bank with regard to judicial process*

Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

##### Section 4. *Immunity of assets from seizure*

Property and assets of the Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

##### Section 5. *Immunity of archi*

The archives of the Bank shall be inviolable.

##### Section 6. *Freedom of assets from restrictions*

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from any restrictions, regulations, controls and moratoria of any nature.

##### Section 7. *Privilege for communications*

The official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

##### Section 8. *Immunities and privileges of officers and employees*

All governors, executive directors, alternates, officers and employees of the Bank

(i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Bank waives this immunity

- (ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members ;
- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

#### Section 9. *Immunities from taxation*

(a) The Bank, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Bank shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to executive directors, alternates, officials or employees of the Bank who are not local citizens, local subjects, or other local nationals.



(c) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held

(i) which discriminates against such obligation or security solely because it is issued by the Bank ; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held

(i) which discriminates against such obligation or security solely because it is guaranteed by the Bank ; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

WAVELL,

*Viceroy and Governor General.*

*Rep. by Act II of 1948*

## ORDINANCE No. XLVIII OF 1945

An Ordinance further to amend the Indian Army Act, 1911

*(Published in the Gazette of India Extraordinary, dated the 24th December, 1945)*

**W**HEREAS an emergency has arisen which makes it necessary further to amend the Indian Army Act, 1911 (VIII of 1911), for the purpose hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

*Price anna 1 or 1½d.*

*Applied to Br. Baluchistan, see No. 6-W, D/30-1-46.*



2

*Indian Army (Second Amendment)*

[ORD. XLVIII OF 1945]

**1. Short title and commencement.**—(1) This Ordinance may be called the Indian Army (Second Amendment) Ordinance, 1945.

(2) It shall come into force at once.

**2: Amendment of section 99, Act VIII of 1911.**—In section 99 of the Indian Army Act, 1911, after the words "sentenced by the court-martial" the words "or if that punishment is death or transportation for life, then for any less punishment or punishments mentioned in this Act" shall be inserted.

WAVELL,

*Viceroy and Governor General.*

GIPD—S1—1552 LD—18-2-46.—2,000