

Revised by Ordinance 1 of 1946
ORDINANCE No. I of 1944.

An Ordinance to amend the Allied Forces (Exemption from Local Taxation) Ordinance, 1943.

(Published in the Gazette of India Extraordinary, dated the 13th January, 1944.)

WHEREAS an emergency has arisen which makes it necessary to amend the Allied Forces (Exemption from Local Taxation) Ordinance, 1943 (XXVIII 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 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 Allied Forces (Exemption from Local Taxation) Amendment Ordinance, 1944.

(2) It shall come into force at once.

Price anna 1 or 1½d.

2. *Allied Forces (Exemption from Local Taxation) Amendment* [ORD. I OF 1944]

2. Amendment of section 3, Ordinance XXVIII of 1943.—To section 3 of the Allied Forces (Exemption from Local Taxation) Ordinance, 1943 (XXVIII of 1943) the following sub-section shall be added, namely:—

“(4) The provisions of this section apply to taxes which had become payable before the commencement of this Ordinance as they apply to taxes which would but for the provisions of this section have become payable after the commencement of this Ordinance.”

WAVELL.

Viceroy and Governor General.

Repealed by Act 36 of 1957
ORDINANCE No. II OF 1944.

An Ordinance to regulate the prices which may be charged in sales of cotton cloth and yarn under contracts.

(Published in the Gazette of India Extraordinary, dated the 13th January, 1944.)

WHEREAS an emergency has arisen which makes it necessary to regulate the prices which may be charged in sales of cotton cloth and yarn under contracts;

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 Cotton Cloth and Yarn (Contracts) Ordinance, 1944.

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

(3) It shall come into force at once.

2. *Sales in pursuance of contracts.*—(1) Where after the making of any contract for the sale of cotton cloth or cotton yarn by one wholesale dealer to another or

Price anna 1 or 1½d.

Cotton Cloth and Yarn (Contracts).

[ORD. II OF 1944.]

by a wholesale dealer to a retail dealer the maximum prices ex-factory and retail at which such cloth or yarn may be sold have been fixed by an order made under the Cotton Cloth and Yarn (Control) Order, 1943, then, notwithstanding anything to the contrary in such contract, when any delivery takes place in pursuance of that contract on or after the date of the said order, the maximum price which may be charged for such cloth or yarn shall not in any case exceed the maximum retail price fixed by the said order, nor shall it in the case of a first or any subsequent sale after delivery from the manufacturer exceed by more than a percentage to be fixed in this behalf by the Textile Commissioner the price paid on the occasion of the last preceding transfer, or, if the said order has fixed a maximum price in respect of such sale, that maximum price; and where, in pursuance of any such contract, the buyer has paid a price exceeding that laid down in this section, whether voluntarily or in execution of a decree passed by a Court or otherwise, he shall be entitled to receive from the seller any sum so paid in excess.

(2) The provisions of this section apply to contracts made whether before or after the commencement of this Ordinance, and to sales made in pursuance of any such contract on or after the 15th day of August, 1943.

WAVELL,

Viceroy and Governor General.

Repealed by Act 35 of 1950

ORDINANCE No. III OF 1944.

An Ordinance to empower the Central Government and the Provincial Government and any officer or authority to whom the Central Government or the Provincial Government may delegate its powers in this behalf to restrict the movements and actions of and to place in detention and detain certain persons, to regulate the exercise of these powers and the duration of orders made in such exercise, and to confirm the validity of the past exercise of such powers under rule 26 of the Defence of India Rules.

(Published in the Gazette of India Extraordinary, dated the 15th January, 1944.)

WHEREAS an emergency has arisen which makes it necessary to empower the Central Government and the Provincial Government and any officer or authority to whom the Central Government or the Provincial Government may delegate its powers in this behalf to restrict the movements and actions of and to place in detention and detain certain persons, to regulate the exercise of these powers and the duration of orders made in such exercise, and to confirm the validity of the past exercise of such powers under rule 26 of the Defence of India Rules ;

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, application and commencement.*—(1) This Ordinance may be called the Restriction and Detention Ordinance, 1944.

(2) It extends to the whole of British India, and it applies also—

(a) to British subjects and servants of the Crown in any part of India,

(b) to British subjects who are domiciled in any part of India wherever they may be,

(c) in respect of the regulation and discipline of any naval, military or air force raised in British India, to members of and persons attached to, employed with, or following, that force wherever they may be ; and

(d) to, and to persons on, ships and aircraft registered in British India wherever they may be.

(3) It shall come into force at once.

2. *Interpretation.*—In this Ordinance, unless there is anything repugnant in the subject or context, “Provincial Government” means, in relation to a Chief Commissioner’s Province, the Chief Commissioner.

3. *Power to make orders restricting the movements or actions of or detaining certain persons.*—(1) The Central Government or the Provincial Government, if satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the defence of British India, the public safety, the maintenance of public order, His Majesty’s relations with foreign powers or Indian States, the maintenance of peaceful conditions in Tribal Areas or the efficient prosecution of the war it is necessary so to do, may make an order—

(a) directing such person to remove himself from British India in such manner, by such time and by such route as may be specified in the order, and prohibiting his return to British India ;

(b) directing that he be detained ;

(c) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in British India as may be specified in the order ;

(d) requiring him to reside or remain in such place or within such area in British India as may be specified in the order and if he is not already there to proceed to that place or area within such time as may be specified in the order ;

- (e) requiring him to notify his movements or to report himself or both to notify his movements and report himself in such manner at such time and to such authority or person as may be specified in the order ;
- (f) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions ;
- (g) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order ;
- (h) otherwise regulating his conduct in any such particular as may be specified in the order :

Provided that no order shall be made under clause (a) of this sub-section in respect of any British Indian subject of His Majesty :

Provided further that no order shall be made by the Provincial Government under clause (c) of this sub-section directing that any person ordinarily resident in the Province shall not be in the Province.

(2) An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions made in the order as may be specified in the order.

(3) If any person is in any area or place in contravention of an order made under the provisions of this section, or fails to leave any area or place in accordance with the requirements of such an order, then, without prejudice to the provisions of sub-section (8), he may be removed from such area or place by any police officer or by any person acting on behalf of Government.

(4) So long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be removed to and detained in such place and under such conditions, including conditions as to maintenance, discipline and the punishment of offences and breaches of discipline, as the Central Government or the Provincial Government, as the case may be, may from time to time by general or special order specify.

(5) Where the power to specify the place of detention is exercisable by the Provincial Government, the power of the Provincial Government shall include power to specify a place of detention outside the Province :

Provided that—

- (a) no such place shall be specified save with the previous consent of the Provincial Government of the Province in which the place is situate, or, where the place is situate in a Chief Commissioner's Province, of the Central Government ;
 - (b) the power to specify the conditions of detention shall be exercised by the Provincial Government of the Province in which the place is situate, or, where the place is situate in a Chief Commissioner's Province, by the Central Government.
- (6) If the Central Government or the Provincial Government, as the case may be, has reason to believe that a person in respect of whom such an order as aforesaid has been made directing that he be detained has absconded or is concealing himself so that the order cannot be executed, that Government may—
- (a) make a report in writing of the fact to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides ; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898 (V of 1898) shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate ;
 - (b) by order notified in the official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order ; and if the said person fails to comply with such direction he

shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

(7) The Central Government or the Provincial Government may, by general or special order made with the consent of the Crown Representative, provide for the removal of any person detained by it under sub-section (1) to, and for the detention of such person in, any area administered by the Crown Representative.

(8) If any person contravenes any order made under this section, other than an order of the nature referred to in clause (b) of sub-section (6), he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both, and if such person has entered into a bond in pursuance of the provisions of sub-section (2), his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

(9) Any order made under the powers given by this section shall have effect notwithstanding anything inconsistent therewith contained in any Act, Ordinance or Regulation other than this Ordinance, or in any instrument having effect by virtue of any such Act, Ordinance or Regulation.

4. *Powers of photographing, etc., persons.*—(1) The Central Government or the Provincial Government may, by order, direct that any person, in respect of whom an order has been made under sub-section (1) of section 3, shall—

(a) allow himself to be photographed,

(b) allow his finger and thumb impressions to be taken,

(c) furnish specimens of his handwriting and signature, and

(d) attend at such time and place before such authority or person as may be specified in the order for all or any of the purposes mentioned in this sub-section.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

5. *Delegation of powers and duties of Central and Provincial Governments to other authorities and to officers.*—(1) The Central Government may by order direct that any power or duty which under section 3 or section 4 is conferred or imposed upon the Central Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged—

(a) by any officer or authority subordinate to the Central Government, or

(b) by any Provincial Government or by any officer or authority subordinate to such Government.

(2) A Provincial Government may by order direct that any power or duty which by or under section 3 or by section 4 is conferred or imposed on the Provincial Government shall, in such circumstances and under such conditions, if any, as may be specified in that direction, be exercised or discharged by any officer or authority, not being (except in the case of a Chief Commissioner's Province) an officer or authority subordinate to the Central Government.

6. *Validation of orders made under rule 26, Defence of India Rules.*—(1) No order made before the commencement of this Ordinance under rule 26 of the Defence of India Rules shall after such commencement be deemed to be invalid or be called in question on the ground merely that the said rule purported to confer powers in excess of the powers that might at the time the said order was made be legally conferred by a rule made under section 2 of the Defence of India Ordinance, 1939 (V of 1939) or under section 2 of the Defence of India Act, 1939 (XXXV of 1939).

(2) Every such order shall on the commencement of this Ordinance be deemed to have been, and shall have effect as if it had been, made under this Ordinance, and as if this Ordinance had been in force at the time the order was made:

Provided that section 7 and section 9 of this Ordinance shall apply in relation to any order made under clause (b) of sub-rule (1) of rule 26 of the Defence of India Rules as if that order had been made on the date of the commencement of this Ordinance, and section 8 of this Ordinance shall not apply to any such order.

(3) Nothing in the foregoing provisions of this section shall apply to any such order which has already been cancelled by or in consequence of an order of a competent Court :

Provided that any such cancellation shall not prevent the making under this Ordinance of a fresh order to the same effect as the order cancelled.

7. Grounds of order of detention to be disclosed to person affected by the order.—Where an order is made in respect of any person under clause (b) of sub-section (1) of section 3, as soon as may be after the order is made, and where before the commencement of this Ordinance an order has been made in respect of any person under clause (b) of sub-rule (1) of rule 26 of the Defence of India Rules, as soon as may be after the commencement of this Ordinance, the authority making or which made the order shall communicate to the person affected thereby so far as such communication can be made without disclosing facts which the said authority considers it would be against the public interest to disclose, the grounds on which the order has been made against him and such other particulars as are in the opinion of such authority sufficient to enable him to make if he wishes a representation against the order, and such person may at any time thereafter make a representation in writing to such authority against the order, and it shall be the duty of such authority to inform such person of his right of making such representation and to afford him the earliest practical opportunity of doing so.

8. Order of detention made in pursuance of delegation under section 5 to be reported to Government for confirmation.—When any order is made in respect of any person under clause (b) of sub-section (1) of section 3 by an officer or authority empowered in pursuance of section 5, that officer or authority shall forthwith report the fact to the Government to which he or it is subordinate, and that Government shall, after considering all the circumstances of the case including any representation made by the person affected by the order, make an order confirming or cancelling the order.

9. Duration of orders of detention made under section 3.—No order made or deemed under the provisions of section 6 to have been made under clause (b) of sub-section (1) of section 3 shall be in force for more than six months from the date on which it is made :

Provided that the Government which made the order, or where the order was made by an officer or authority empowered in pursuance of section 5 of this Ordinance or sub-section (4) or sub-section (5) of section 2 of the Defence of India Ordinance, 1939 (V of 1939), or the Defence of India Act, 1939 (XXXV of 1939), the Government to which such officer or authority is subordinate, may after a further consideration of all the circumstances of the case direct that the order shall continue in force notwithstanding that the said period of six months has expired, and the order as so extended shall continue in force for a further period of six months and thereafter if and so often as it is again extended by a further similar direction made in the same manner.

10. Saving as to orders.—(1) No order made under this Ordinance, and no order having effect by virtue of section 6 as if it had been made under this Ordinance, shall be called in question in any Court, and no Court shall have power to make any order under section 491 of the Code of Criminal Procedure, 1898 (V of 1898) in respect of any order made under or having effect under this Ordinance, or in respect of any person the subject of such an order.

(2) If at the commencement of this Ordinance there is pending in any Court any proceeding by which the validity of an order having effect by virtue of section 6 as if it had been made under this Ordinance is called in question, that proceeding is hereby discharged.

(3) Where an order purports to have been made by any authority in exercise of any power conferred by or under this Ordinance, the Court shall, within the meaning of the Indian Evidence Act, 1872 (I of 1872), presume that such order was so made by that authority.

11. *Disclosure of grounds of detention, etc., communicated or of contents of written representation made under section 7.*—(1) No Court shall allow any statement to be made or any evidence to be given before it of the substance of any communication made under section 7 of the grounds on which an order under clause (b) of subsection (1) of section 3 has been made against any person, or of any particulars disclosed in connection therewith under section 7, or of any representation made under that section against any order, and, notwithstanding anything contained in the Indian Evidence Act, 1872 (I of 1872), no Court shall be entitled to require any public officer to produce before it, or to disclose the substance of, any such communication of grounds, particulars disclosed, or representation made.

(2) It shall be an offence punishable with imprisonment for a term which may extend to two years, or with fine, or with both, for any person to disclose or publish without the previous authorization of the Central Government or the Provincial

Government any contents of any such communication of grounds, particulars disclosed, or representation made :

Provided that nothing in this sub-section shall apply to a disclosure made by a person the subject of an order under this Ordinance to his legal adviser.

12. *Protection of action taken under this Ordinance.*—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Ordinance.

13. *Application of other laws not barred.*—The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of any other Act, Ordinance or Regulation for the time being in force.

WAVELL,

Viceroy and Governor General.

Repealed by Ad-2 of 1948

ORDINANCE No. IV OF 1944.

An Ordinance to empower the Central Government and any officer to whom the Central Government may delegate its powers in this behalf to place in detention and detain persons entering or having entered British India from territory for the time being occupied by the enemy where such detention is necessary in the interests of military safety.

(Published in the Gazette of India Extraordinary, dated the 15th January, 1944.)

WHEREAS an emergency has arisen which makes it necessary to empower the Central Government and any officer to whom the Central Government may delegate its powers in this behalf to place in detention and detain persons entering or having entered British India from territory for the time being occupied by the enemy, where such detention is necessary in the interests of military safety.

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 Military Safety (Powers of Detention) Ordinance, 1944.

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

(3) It shall come into force at once.

2. *Power to order detention.*—(1) The Central Government or an officer to whom the Central Government has under section 3 delegated its powers in this behalf, if satisfied with respect to any person entering or having whether before or after the commencement of this Ordinance entered British India from or after having been in territory for the time being occupied by the enemy that it is necessary in the interests of military safety that he should be detained, may make an order directing his detention.

(2) An order under sub-section (1) may be made for the detention of a person against whom there is subsisting an order of detention made under rule 26 of the Defence of India Rules.

(3) So long as there is in force in respect of any person an order made under sub-section (1), that person shall be liable to be removed to and detained in such place and under such conditions as to maintenance, discipline, and the punishment of offences and breaches of discipline, as the Central Government or an officer to whom the Central Government has under section 3 delegated its powers in this behalf may from time to time by general or special order specify.

(4) Any order made under the powers given by this section shall have effect notwithstanding anything inconsistent therewith contained in any Act, Ordinance or Regulation other than this Ordinance, or any instrument having effect by virtue of any such Act, Ordinance, or Regulation.

Price anna 1 or 1½d.

3. *Delegation of powers and functions.*—The Central Government may by order direct that the powers conferred upon it by section 2 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by any officer nominated or designated in the order :

Provided that no order of detention made in exercise of powers delegated under this section shall remain in force for more than one year unless it is confirmed by the Central Government.

4. *Powers of arrest.*—(1) Any police officer and any member of His Majesty's forces may arrest without warrant any person found by him entering British India from or after having been in territory for the time being occupied by the enemy, or any person having so entered British India whom he has reason to believe to have so entered after the 1st day of June, 1943, without the knowledge of the military authorities of the operational area adjoining such territory.

(2) A police officer making an arrest under this section shall at once cause the person arrested to be produced before a District Magistrate or Sub-Divisional Magistrate who shall take steps to forward the person arrested in custody to the nearest military authority.

(3) A member of His Majesty's forces making any such arrest shall at once produce the person arrested before his immediately superior officer, who shall take steps to forward the person arrested in custody to an officer empowered under section 3 to make an order under sub-section (1) of section 2 for his detention.

5. *Custody pending the making of an order under section 2 (1).*—Any person arrested under sub-section (1) of section 4 may be kept in military custody until an officer empowered under section 3 to make an order of detention under sub-section (1) of section 2 has ordered his release or has made an order under sub-section (1) of section 2 for his detention.

6. *Saving as to orders.*—No order made under this Ordinance shall be called in question by any Court, and no Court shall have power to make any order under section 491 of the Code of Criminal Procedure, 1898 (V of 1898), in respect of any order made under this Ordinance or in respect of any person, the subject of such an order, or held in custody under this Ordinance.

7. *Protection of action taken under this Ordinance.*—No suit, prosecution, or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Ordinance.

8. *Application of other laws not barred.*—The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of any other Act, Ordinance, or Regulation for the time being in force.

WAVELL,

Viceroy and Governor General

Repealed by Ordinance 1 of 1946

ORDINANCE No. V OF 1944.

An Ordinance further to amend the Indian Army Act, 1911.

(Published in the Gazette of India Extraordinary, dated the 31st January, 1944.)

WHEREAS 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

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 and commencement.*—(1) This Ordinance may be called the Indian Army (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. *Amendment of section 111B, Act VIII of 1911.*—To sub-section (1) of section 111B of the Indian Army Act, 1911 (VIII of 1911), the words “or under the Burma Army Act” shall be added.

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946
ORDINANCE No. VI of 1944.

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

(Published in the Gazette of India Extraordinary, dated the 31st January, 1944.)

WHEREAS an emergency has arisen which renders it necessary to correct an error and omit an entry in and to make certain additions to the First Schedule to the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943);

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 Amendment (Amending) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of the First Schedule, Ordinance XXIX of 1943.—In the First Schedule to the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943)—

(a) in Part I—

(i) entry No. 2 shall be omitted, and shall be deemed never to have been included;

(ii) in entry No. 23, for the word “Wadiad” the word “Nadiad” shall be substituted;

(iii) the following entries shall be added after entry No. 25, namely:—

- | | | |
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| 26. (1) Haridhone Daw | } | (1) Section 120B, I. P. C.
(2) Section 406, I. P. C. |
| (2) Subodh Krishna Dutta | | |
| (3) Gobordhan Bhattacharyya of Messrs. Daw and Company, 18, Raja Woodmunt Street, Calcutta. | | |
| 27. (1) Haridhone Daw | } | (1) Section 120B, I. P. C.
(2) Section 420, I. P. C.
(3) Sections 420/511, I. P. C. |
| (2) Subodh Krishna Dutta of Messrs. Daw & Company, 18, Raja Woodmunt Street, Calcutta. | | |
| | | |
| 28. Tarapada Banerjee, Station Master, Kalia-gunge Railway Station, B. & A. Railway. | | Section 161, I. P. C. |
| 29. Dhirendra Nath Ghoshal of the Agricultural Development Syndicate, 41/4, Russa Road South, Tollygunge, Calcutta. | } | (1) Section 420, I. P. C.
(2) Section 406, I. P. C. |
| | | |
| 30. Major T. H. O'Beney, Commander, R. I. A. S. C., 39, Indian Light Division, No. 10 Advance Base Post Office, India. | | Section 161, I. P. C. |
| 31. Benjamin Lyall, Head Clerk, Bengal Aviation Division No. 1, Central P. W. D., 15/1, Chowringhee Square, Calcutta. | | Section 161, I. P. C. |
| 32. (1) Chote Lal of 116/1/1, Harrison Road, Calcutta. | } | (1) Section 120B, I. P. C.
(2) Section 406, I. P. C. |
| (2) Noor Mahammad, Proprietor of Messrs. Gaya Star Tailoring Company of 28/B, Narkeldanga Main Road, Calcutta. | | |
| 33. Sushil Kumar Mukherjee of Messrs. The Victory Engineering Works, 26-2, Barrack-pore Trunk Road, Cossipore, Calcutta. | | Sections 161/116, I. P. C. |

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34. Subedar J. H. Abraham, R. I. A. S. C., Gudivada, Madras. Section 161, I. P. C.
35. Ignacio Francisco Miranda, Club of Dramaparcaries, Sidwa Building, 66, Old Sonapur Lane, Dhobi Talao, Bombay. } (1) Sections 161/116, I. P. C.
(2) Sections 161/116 read with section 511, I. P. C.
36. Fazlullah Mehdi, Official representative of Bengal Government for purchases of pulses, working in the Central Provinces and Berar. Section 161, I. P. C.
37. (1) Jamansha Gulam Kadar } (1) Section 406, I. P. C.
(2) Sayed Kasam Ali Akbar, Tactical Training School, Poona. } (2) Sections 406/109, I. P. C.”;
- (b) in Part II, the following entries shall be added after entry No. 29, namely :—
“30. Mani Ram, Chief Goods Clerk, N. W. R., Delhi. Section 161, I. P. C.
31. Madan Gopal, Incharge Goods Clerk, E. I. R., Tundla Railway Station. Section 161, I. P. C.
32. (1) Ismail, son of Hassanali, Contractor, Saddar Bazar, Rawalpindi.
(2) Ram Dass, son of Gurdass Mall, Clerk, Ordnance Depot, Chaklala (under suspension), now residing at Rawalpindi.
(3) Amrik Lall, son of Ram Dass, Clerk, Ordnance Depot, Chaklala (under suspension), now residing at Rawalpindi.
(4) Naeem Ullah, son of Azim Ullah, formerly Clerk, Ordnance Depot, Chaklala, now residing at Rawalpindi. } (1) Section 120B, read with section 420, I. P. C.
(2) Sections 420/109, I. P. C.
(3) Section 420, I. P. C.
33. Kartar Singh, Military Contractor, College Road, Rawalpindi. Sections 161/116, I. P. C.
34. (1) Kirpal Singh, Divisional Transportation Officer, N. W. R., Lahore, now at Quetta.
(2) Kanhaya, son of Nagahia, ex-peon to Kirpal Singh, N. W. R., Lahore. } (1) Section 161, I. P. C.
(2) Sections 161/109, I. P. C.
35. (1) Kirpal Singh, Divisional Transportation Officer, N. W. R., Lahore, now at Quetta.
(2) Kanhaya, son of Nagahia, ex-peon to Kirpal Singh, N. W. R., Lahore. } (1) Section 161, I. P. C.
(2) Sections 161/109, I. P. C.
36. (1) Kirpal Singh, Divisional Transportation Officer, N. W. R., Lahore, now at Quetta.
(2) Sadhu Ram, Station Master, N. W. R., Phagwara, now at Pattoke. } (1) Section 161, I. P. C.
(2) Sections 161/109, I. P. C.
37. Ganpat Rai, Station Master, N. W. R., Kot Radha Kishan, now at Mangwal. Section 161, I. P. C.
38. Jagan Nath, Station Master, N. W. R., Jallalabad. Section 161, I. P. C.
39. Naseer Ahmad, Goods Clerk, Goods Office, N. W. R., Sibi. Section 161, I. P. C.
40. (1) Ganpat Rai Gadi, son of Dayal Dass Gadi, E-3, C. R. E. Air Fields, Karachi.
(2) Hardayal Jaswant Rai Hardy, Advocate, Karachi.
(3) Asanand Chagpal Joshi, Advocate, Karachi.
(4) Anoopchand, son of Kirpa Ram Mehta, School Master, Middle School, Khamari, Karachi. } (1) Section 120B, read with section 420, I. P. C.
(2) Section 420, I. P. C.
(3) Sections 420/109, I. P. C.
(4) Section 417, I. P. C.
(5) Section 161, I. P. C.
(6) Sections 161/109, I. P. C.

41. (1) W. J. Farrell, Station Master, N. W. R., Quetta.
(2) E. H. Moore, Chief Controller, N. W. R., Quetta.
(3) Moolchand Chandiram, Chief Parcel Clerk, N. W. R., Quetta.
(4) Abdul Ghafoor of Messrs. Abdul Jalal Abdul Ghafoor, Fruit Merchants, Quetta.
42. (1) Prakash Chandra Nayer, son of Harkishen Dass Nayer, Contractor, Qarol Bagh, Delhi.
(2) Amrit Lal Nayer, son of Harkishen Dass Nayer, Contractor, Qarol Bagh, Delhi.
(3) Sohan Lal Vohra, son of Lachhman Dass Vohra, Contractor, Qarol Bagh, Delhi.
- (1) Section 120B, I. P. C.
(2) Section 161, I. P. C.
(3) Sections 161/109, I. P. C.
- Sections 161/116, read with section 34, I. P. C.

43. (1) Manohar Lal Kapur, Contractor, Saddar Bazar, Lahore Cantonment.

(2) Sardari Lal, Charge Electrician, M. E. S., Lahore Cantonment.

(3) K. Chandra, S. D. O., E. & M. (1), Lahore Cantonment.

(4) Lt. S. C. Keelan, A. G. E., Lahore Division, Lahore Cantonment.

(5) I. K. Kaul, A. G. E., Reserve Base, Lahore Cantonment.

(1) Section 120B, read with section 420, I. P. C.

(2) Section 161, I. P. C.

(3) Sections 161/109, I. P. C.

44. Daya Ram, Yard Supervisor, N. W. R., Sibi. Section 161, I. P. C."

WAVELL,

Viceroy and Governor General.

Repealed by Act- 32 of 1947.
ORDINANCE No. VII OF 1944

An Ordinance to constitute a fund for the financing of activities to promote the welfare of labour employed in the coal-mining industry.

(Published in the Gazette of India Extraordinary, dated the 31st January, 1944.)

WHEREAS an emergency has arisen which makes it necessary to constitute a fund for the financing of activities to promote the welfare of labour employed in the coal-mining industry :

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 Coal Mines Labour Welfare Fund Ordinance, 1944.

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

(3) It shall come into force at once.

2. Interpretation.—In this Ordinance—

(a) “Advisory Committee” means the Advisory Committee constituted under section 5 ;

(b) “Fund” means the Coal Mines Labour Welfare Fund referred to in sub-section (1) of section 4.

3. Imposition and collection of a cess.—(1) With effect from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, there shall be levied and collected, as a cess for the purposes of this Ordinance, on all coal and soft coke despatched from collieries in British India, a duty of excise at such rate, not less than one anna nor more than four annas per ton, as may, from time to time be fixed by the Central Government by notification in the official Gazette after consultation with the Advisory Committee :

Provided that the Central Government may, by notification in the official Gazette, exempt from liability to the duty a specified class or classes of coal or soft coke.

(2) The duty imposed by sub-section (1) shall, subject to and in accordance with the rules made in this behalf, be collected on behalf of the Central Government by such agencies and in such manner as may be prescribed by the rules, and shall be paid by the collecting agencies into the Reserve Bank of India at Calcutta to the credit of the Central Government.

4. The Coal Mines Labour Welfare Fund.—(1) The proceeds of the duty imposed by sub-section (1) of section 3 shall be credited to a fund to be called the Coal Mines Labour Welfare Fund, which shall be applied by the Central Government to meet expenditure incurred in connection with measures in the opinion of the Central Government necessary or expedient to promote the welfare of labour employed in the coal-mining industry.

(2) Without prejudice to the generality of the foregoing sub-section, the Fund may be utilised to defray—

(a) the cost of administering the Fund ;

(b) the allowances, if any, of the members of the Advisory Committee, and the salaries and the allowances, if any, of Inspectors, Welfare Administrators or other officers appointed to supervise or carry out the activities financed from the Fund ;

Price anna 1 or 1½d.

(c) the cost of measures for the benefit of labour employed in the coal-mining industry directed towards—

- (i) the improvement of public health and sanitation, the prevention of disease, the provision of medical facilities and the improvement of existing medical facilities,
- (ii) the provision of water supplies and facilities for washing, and the improvement of existing supplies and facilities,
- (iii) the provision or improvement of educational facilities,
- (iv) the improvement of standards of living, including housing and nutrition, the amelioration of social conditions, and the provision of recreational facilities,
- (v) the provision of transport to and from work ;

(d) the grant to a Provincial Government, a local authority, or the owner, agent or manager of a coal mine of money in aid of any scheme approved by the Central Government for any purpose for which the Fund may be utilised :

Provided that before any such grant is made to the owner, agent or manager of a coal mine, the Advisory Committee shall be consulted ;

(e) any other expenditure which the Central Government directs to be defrayed from the Fund.

(3) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund, and its decision shall be final.

(4) The Central Government shall publish annually in the official Gazette an estimate of receipts into and expenditure from the Fund, and a statement of accounts.

5. The Advisory Committee.—(1) The Central Government shall constitute an Advisory Committee, to advise the Central Government on the matters on which the Central Government is required by this Ordinance to consult it, and upon any other matters arising out of the administration of this Ordinance which the Central Government may refer to it for advice.

(2) The members of the Advisory Committee shall be appointed by the Central Government and shall be of such number and chosen in such manner as may be prescribed by rules made under this Ordinance :

Provided that the Committee shall include an equal number of members representing colliery owners and workmen employed in the coal-mining industry, and that at least one member of the Committee shall be a woman.

(3) The chairman of the Advisory Committee shall be an officer of the Central Government, appointed by the Central Government.

(4) The Central Government shall publish in the official Gazette the names of all members of the Advisory Committee.

6. Appointment and powers of officers.—(1) The Central Government may appoint Inspectors, Welfare Administrators and other officers to supervise or carry out the activities financed from the Fund.

(2) Any officers so appointed shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(3) Any Inspector or Welfare Administrator may, with such assistance if any, as he thinks fit, enter at any reasonable time any place which he considers it necessary to enter for the purpose of supervising or carrying out the activities financed from the Fund, and may do therein anything necessary for the proper discharge of his duties.

7. Power to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules to carry into effect the purposes and the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, rules made under this section may provide for—

- (i) the manner in which the excise duty imposed by sub-section (1) of section 3 shall be collected, the persons who shall be liable to make the payments, the making of refunds, remissions and recoveries, the deduction by collecting agencies of a percentage of the realisations to cover the cost of collection, and the procedure to be followed in remitting the proceeds to the credit of the Central Government ;
- (ii) the composition of the Advisory Committee, the manner in which its members shall be chosen, the term of office of its members, the allowances, if any, payable to them, and the manner in which the Advisory Committee shall conduct its business ;

- (iii) the conditions governing the grant of money from the Fund to a Provincial Government, a local authority or an employer ;
- (iv) the conditions of service and the duties of the officers appointed to supervise or carry out the activities financed from the Fund ;
- (v) the form of the estimate and statement referred to in sub-section (4) of section 4 ;
- (vi) the furnishing by owners or agents or managers of coal mines of statistical or other information, and the punishment by fine of failure to comply with the requirements of any rule made under this clause.

WAVELL,

Viceroy and Governor General.

Repealed by ordinance I of 1946.

ORDINANCE No. VIII OF 1944.

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

(Published in the Gazette of India Extraordinary, dated the 31st January, 1944.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Excess Profits Tax Act, 1940 (XV of 1940), 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 Excess Profits Tax (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

Price anna 1 or 1½d.

Excess Profits Tax (Amendment)

[ORD. VIII OF 1944.]

2. *Amendment of section 4 (1), Act XV of 1940.*—In sub-section (1) of section 4 of the Excess Profits Tax Act, 1940 (XV of 1940), after the proviso, the following proviso shall be added, namely :—

“ Provided further that, in the case of any business which includes the mining of any mineral, any bonus paid by or through the Central Government in respect of increased output of the mineral shall be totally exempt from excess profits tax under this Act.”

WAVELL,
Viceroy and Governor General.

Repealed by Ordinance 1 of 1946
ORDINANCE No. IX OF 1944

An Ordinance to extend the period in respect of which policies of insurance under the War Risks (Factories) Insurance Ordinance, 1942, have been issued under that Ordinance, and to amend the War Risks (Inland Vessels) Insurance Ordinance, 1943.

(Published in the Gazette of India Extraordinary, dated the 11th March, 1944.)

WHEREAS it is expedient to extend the period in respect of which policies of insurance under the War Risks (Factories) Insurance Ordinance, 1942 (XII of 1942), have been issued under that Ordinance, and to amend the War Risks (Inland Vessels) Insurance Ordinance, 1943 (XXV of 1943) ;

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 Insurance (Extending) Ordinance, 1944.

(2) It shall come into force at once.

2. *Extension of period of insurance policies.*—Where a policy of insurance has been issued under the War Risks (Factories) Insurance Scheme operated under the War Risks (Factories) Insurance Ordinance, 1942 (XII of 1942), in respect of any property insurable under that Ordinance and the prescribed period in respect of which the policy was issued ends on the 31st day of March, 1944, the policy shall, notwithstanding anything to the contrary in the policy, be deemed to be extended up to the 31st day of March, 1945, and thereafter, if and so often as the Central Government, by notification in the official Gazette, directs that it be further extended to any subsequent date ; and the said Scheme may provide for the rate or rates of premium to be payable under the policy during the period ending on the 31st day of March, 1945, or during any subsequent period for which it may be extended under the provisions of this section.

Price anna 1 or 1½d.

3. *Amendment of section 3, Ordinance XII of 1942.*—In sub-section (6) of section 3 of the War Risks (Factories) Insurance Ordinance, 1942 (XII of 1942),—

(a) for the words “ Different rates of premium ” the words “ Different forms of policies, different rates of premium and different periods of insurance ” shall be substituted ;

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

“ (aa) premises which were factories on the 29th day of May, 1942, but were not insured under this Ordinance before the 31st day of March, 1944 ; ”.

4. *Amendment of section 3, Ordinance XXV of 1943.*—In sub-section (2) of section 3 of the War Risks (Inland Vessels) Insurance Ordinance, 1943 (XXV of 1943),—

(a) in clause (a)—

(i) for the words “ whose inland vessels are insurable ” the words “ whose inland vessels become insurable ” shall be substituted ;

(ii) after the words “ take out ” the following shall be inserted, namely, “ in the case of inland vessels becoming insurable at any time before the 31st day of October, 1943 ” ;

(iii) after the words “ official Gazette ” the following shall be inserted, namely, “ and, in the case of inland vessels becoming insurable at any time after the 31st day of October, 1943, before the beginning of the quarter next following that in which they become insurable ” ;

(b) in clause (d) for the words “ or the prescription of a period ” the following shall be substituted, namely:—

“ or the prescription for the time being of any period or periods ”.

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946.

ORDINANCE No. X OF 1944

An Ordinance to extend the term of certain contracts for the supply of coal and coke to railways.

(Published in the Gazette of India Extraordinary, dated the 11th March, 1944.)

WHEREAS an emergency has arisen which makes it necessary to extend the term of certain contracts for the supply of coal and coke to railways ;

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 Railways (Coal Contracts Extension) Ordinance, 1944.

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

(3) It shall come into force at once.

2. *Interpretation.*—In this Ordinance “ railway administration ” has the meaning assigned to that expression in the Indian Railways Act, 1890 (IX of 1890).

3. *Extension of contracts.*—(1) Any contract limited to expire on the 31st day of March, 1944, entered into between any person with the Central Government or

Price anna 1 or 1½d

a railway administration for the supply of coal or coke to a railway administration shall, notwithstanding anything to the contrary in such contract, not expire on that date, but shall be extended and continue in force up to the 30th day of June, 1944, or such date prior thereto as may be fixed by the Central Government under section 4 as the date on which this section shall cease to have effect.

(2) Any contract so extended shall be deemed to provide for the supply during the period of three months beginning on the 1st day of April, 1944, in accordance with the terms contained in the contract, of one half the amount of coal or coke which was to be supplied during the six months covered by the contract.

(3) Notwithstanding anything contained in any such contract so extended, any stipulation therein contained as to the price at which coal or coke is to be supplied, may, in respect of the period for which the contract is so extended, be varied to such extent as the Central Government may think fit to order, having regard to any increase in the cost of producing the coal or coke which has taken place since the contract was entered into.

4. *Power to terminate effect of section 3.*—The Central Government may, by notification in the official Gazette, direct that the provisions of section 3 shall cease to have effect on any specified date before the 30th day of June, 1944.

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946
ORDINANCE No. XI OF 1944

An Ordinance further to amend the Enemy Agents Ordinance, 1943

(Published in the Gazette of India Extraordinary, dated the 8th April 1944)

WHEREAS an emergency has arisen which makes it necessary further to amend the Enemy Agents Ordinance, 1943 (I 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 Enemy Agents (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 3, Ordinance I of 1943.—In section 3 of the Enemy Agents Ordinance, 1943 (I of 1943) (hereinafter referred to as the said Ordinance), after the words “ His Majesty’s Forces ” the words “ or the Forces of a foreign Power allied with His Majesty or of any Indian State ” shall be inserted.

3. Amendment of section 9, Ordinance I of 1943.—To sub-section (2) of section 9 of the said Ordinance the following proviso shall be added, namely :—

“ Provided that, where in the exercise of these powers the Judge reviewing the proceedings directs a retrial of the accused, or directs further evidence to be taken, the reviewing Judge may direct the retrial to

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be held or the further evidence to be taken by the Special Judge by whom the case was tried in the first instance, or by any other Special Judge, or by a Special Judge to be appointed for the purpose by the Central Government."

4. *Insertion of new section 14A in Ordinance I of 1943.*—After section 14 of the said Ordinance the following section shall be inserted, namely:—

"14A. *Copies of proceedings.*—(1) Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, no person other than the accused or his pleader shall be entitled to be furnished with a copy of any part of the records of, or of any document relating to, any proceedings under this Ordinance.

(2) Any such copy furnished to the accused or his pleader shall be kept by the person to whom it was furnished in his personal custody, and it shall be an offence punishable under section 16 for that person to show it to any person other than his pleader or his client as the case may be, or to divulge its contents except in the course of the proceedings for the purpose of which it was obtained.

(3) Any such copy shall be returned to the authority from which it was obtained within ten days of the conclusion of the proceedings for the purpose of which it was furnished, and any failure so to do shall be punishable with the punishment provided for an offence under section 16."

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946

ORDINANCE No. XII OF 1944

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

(Published in the Gazette of India Extraordinary, dated the 8th April 1944)

WHEREAS an emergency has arisen which makes it necessary 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, 1944.
(2) It shall come into force at once.

2. *Amendment of section 2, Ordinance XXXV of 1943.*—In section 2 of the Hoarding and Profiteering Prevention Ordinance, 1943 (XXXV of 1943) (hereinafter referred to as the said Ordinance),—

(a) to clause (d) the words “and includes an assistant inspector” shall be added;

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

‘(g) the expression “offer for sale” shall be deemed to include a reference to an intimation by a person of the price proposed by him for a sale of an article, made by the publication of a price list, by exposing the article for sale in association with a mark indicating price, by the furnishing of a quotation, or otherwise howsoever.’

3. *Amendment of section 3, Ordinance XXXV of 1943.*—To sub-section (2) of section 3 of the said Ordinance the words “or for different classes of dealers or producers” shall be added.

4. *Amendment of section 4, Ordinance XXXV of 1943.*—(1) Section 4 of the said Ordinance shall be renumbered as sub-section (1) of the said section, and in the sub-section as so renumbered, in clause (c), after the words “offer for sale” the words “or otherwise dispose of” shall be inserted.

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

(2) Where a dealer or producer disposes of an article by having it sold by auction on his behalf, the auctioneer as well as the dealer or producer shall be liable to the punishment provided by sub-section (1) of section 13, if in any such sale there is a contravention of clause (c) of sub-section (1).”

5. *Amendment of section 6, Ordinance XXXV of 1943.*—For sub-sections (2) and (3) of section 6 of the said Ordinance the following sub-sections shall be substituted, namely:—

“(2) For the purposes of this section a consideration is unreasonable if, whether it is exclusively in money or not,—

(a) the purchaser is, as a condition of sale, required to purchase at the same time any other article;

(b) where the sale is by a dealer, the consideration exceeds the amount represented by the addition allowed by the normal trade practice in force on the 31st day of August, 1939, to—

(i) the landed cost of the article, in the case of an article imported into British India, or, where the article is delivered to the consignee elsewhere than at a port, that cost increased by any charges incurred for freight and octroi or other duties before delivery, or,

(ii) the price at which the producer sold the article, in the case of an article which is not imported;

Price anna 1 or 1½d.

- (c) where the sale is by a producer, the consideration exceeds the amount represented by the addition allowed by the normal trade practice in force on the 31st day of August, 1939 to the cost of production :

Provided that, where the addition allowed by such normal trade practice exceeds or is alleged to exceed 20 per cent., the dealer or producer, as the case may be, shall report the fact to the Controller General who may either sanction such addition or, for reasons to be recorded in writing, order its variation ; and, unless such report has been made and the price charged is within the limits approved by the Controller General under this proviso, the dealer or producer, as the case may be, shall be deemed to sell for a consideration which is unreasonable.

(3) The Controller General may make or cause to be made a certificate stating the landed cost of any imported article dealt in by a dealer, and shall, on request made by any dealer, grant or cause to be granted to that dealer a certificate stating the landed cost of any such imported article.

(4) Where a dealer or producer disposes of an article by having it sold by auction on his behalf, the auctioneer as well as the dealer or producer shall be liable to the penalty provided by sub-section (1) of section 13, if in any such sale there is a contravention of sub-section (1)."

6. *Insertion of new section 9A in Ordinance XXXV of 1943.*—After section 9 of the said Ordinance, the following section shall be inserted, namely :—

"9A. *Power of Controller General to order sale.*—The Controller General may, by order in writing, direct any producer or dealer to sell to any specified person any specified article or articles in such quantity, within the limits as to quantity imposed by this Ordinance, as may be specified by the Controller General."

7. *Amendment of section 11, Ordinance XXXV of 1943.*—In section 11 of the said Ordinance, after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) The Controller General may, by order published in the official Gazette, issue a direction under sub-section (1) generally to all dealers in or producers of a particular article or particular articles."

8. *Insertion of new section 13A in Ordinance XXXV of 1943.*—After section 13 of the said Ordinance, the following section shall be inserted, namely :—

"13A. *Right of buyer to avoid prohibited transactions or to recover excess price.*—(1) Where any person has been convicted of the offence specified in sub-section (1) of section 6, then,—

- (a) if the prosecution was in respect of a sale, the buyer at that sale, and
- (b) if the prosecution was in respect of a sale or an offer to sell or a disposal otherwise than by sale, the buyer under any sale of similar articles effected at the same or a higher price in the course of that business in contravention of the provisions of sub-section (1) of section 6 before the date of the conviction,

may at his option—

- (i) either treat the sale as void, and recover from the seller, as money received by him for the use of the buyer, any amount paid by the buyer as consideration therefor, or
- (ii) affirm the sale but recover as aforesaid to the extent of any loss sustained by him by reason of the contravention, regard being had to any consideration received or to be received by him for a resale of the articles :

Provided that the buyer shall not be entitled to exercise the right conferred by clause (i) if any rights acquired by a third-party would be prejudiced thereby, or after the lapse of an unreasonable time from the date of the sale, or unless he tenders the articles to the seller in substantially the same state as that in which they were when the property passed to the buyer.

- (2) Any sum recoverable under this section shall be recoverable with interest thereon at the rate of 5 per cent. per annum from the date when it was paid.
- (3) No person may exercise any right conferred by this section who is himself liable to punishment as an abettor of the contravention in question."

9. *Insertion of new sections 14A, 14B and 14C in Ordinance XXXV of 1943.*—After section 14 of the said Ordinance, the following sections shall be inserted, namely :—

“14A. *Summary trials.*—Notwithstanding anything contained in section 260 in Chapter XXII 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 that Chapter, unless the District Magistrate directs that the case should not be so tried.

14B. *Special rules of evidence.*—(1) In any prosecution for a contravention of the provisions of section 5 the burden of proving that the quantity of an article in the possession of an accused person was not in excess of the limits specified in that section shall lie on the accused person.

(2) In any prosecution for a contravention of the provisions of section 6, when the sale of or offer to sell or disposal of the article in question and the price at which it was made have been proved, then, if it is also proved that such price exceeded by more than 20 per cent. the amount specified in sub-clause (i) or (ii) of clause (b) of sub-section (2) of section 6 or in clause (c) of that sub-section as the case may be, it shall lie on the accused person to prove that the sale price charged was within the limits approved by the Controller General under the proviso to the said sub-section.

(3) For the purposes of section 6 a certificate signed by or under authority from the Controller General as to the landed cost of any article shall be conclusive evidence of that landed cost.

14C. *Offences by corporations.*—If the person contravening any provision of this Ordinance is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.”

10. *Addition of new section 18 to Ordinance XXXV of 1943.*—After section 17 of the said Ordinance, the following section shall be added, namely :—

“ 18. *Exception of certain articles.*—The provisions of this Ordinance shall not apply—

- (a) to the possession or sale of any article intended for export from British India by a person holding an export license for the export of that article ;
- (b) to the possession or sale of any article by a person discharging a contract entered into with the Central or a Provincial Government where the possession or sale is in pursuance of that contract.”

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946
ORDINANCE No. XIII OF 1944

An Ordinance to provide for the maintenance and enforcement of discipline among members of the police forces of British Burma who are temporarily in British India

(Published in the Gazette of India Extraordinary on the 15th April, 1944)

WHEREAS an emergency has arisen which renders it necessary to make provision for the maintenance and enforcement of discipline among members of the police forces of British Burma who are temporarily in 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 and commencement.*—(1) This Ordinance may be called the Burma Police Forces (Discipline Enforcement) Ordinance, 1944.

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

(3) It shall come into force at once.

Price anna 1 or 1½d.

2. *Interpretation.*—In this Ordinance “police” means all persons, and “police-officer” means a person, enrolled or appointed under either the Police Act (V of 1861), as in force in British Burma, or the Rangoon Police Act (Burma Act IV of 1899), and not having resigned or been discharged in accordance with the provisions of the aforesaid Acts.

3. *Application of Burma police law in British India.*—Any law of British Burma for the government of the police shall, in relation to a police-officer who is for the time being in British India, have effect in British India as if such law was a law of British India.

4. *Jurisdiction of British Indian Courts in respect of offences under the Burma police law.*—Any act committed in British India by a police-officer which, if committed in British Burma, would be punishable under any law of British Burma 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 British Burma for the government of the police was a law of British India.

5. *Saving of jurisdiction of British Indian Courts.*—Nothing in this Ordinance shall affect the jurisdiction of any criminal Court in British India to try any police-officer for any act constituting an offence under the law of British India.

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 19 1946

ORDINANCE No. XIV OF 1944.

An Ordinance further to amend the Indian Soldiers (Litigation) Act, 1925.

(Published in the Gazette of India Extraordinary, dated the 29th April, 1944.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Soldiers (Litigation) Act, 1925 (IV of 1925), 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 Soldiers (Litigation) Amendment Ordinance, 1944.

(2) It shall come into force at once.

Price anna 1 or 1½d.

Indian Soldiers (Litigation) Amendment [ORD. XIV OF 1944]

2. *Amendment of section 11, Act IV of 1925.*—In section 11 of the Indian Soldiers (Litigation) Act, 1925 (IV of 1925) (hereinafter referred to as the said Act), to the proviso the following words shall be added, namely :—

“except in such areas, and subject to such modifications, if any, as the Central Government may, by notification in the official Gazette, specify in this behalf”.

3. *Insertion of new section 14A in Act IV of 1925.*—After section 14 of the said Act the following section shall be inserted, namely :—

“14A. *Power to apply the provisions of the Act to members of Indian State forces.*—The Central Government may, by notification in the official Gazette, direct that all or any of the provisions of this Act shall apply to members of the forces of any Indian State or of all Indian States in the same manner as they apply to Indian soldiers.”

WAVELL,
Viceroy and Governor General.

Repeated by Ordinance 1 of 1946
ORDINANCE No. XV OF 1944.

An Ordinance to vest a Commission of Inquiry with certain powers.

(Published in the Gazette of India Extraordinary, dated the 6th May, 1944.)

WHEREAS a Commission of Inquiry has been appointed to inquire into the causes of the fire and explosions in the Bombay docks on the 14th April, 1944;

AND WHEREAS an emergency has thereby arisen which makes it necessary to vest the said Commission of Inquiry with powers of a Civil Court;

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 Bombay Commission of Inquiry Ordinance, 1944.
- (2) It extends to the whole of British India.
- (3) It shall come into force at once.

Price anna 1 or 1½d.

2. *Powers of Commission of Inquiry.*—The Commission of Inquiry appointed under the Resolution of the Government of India in the Department of War Transport, No. 8-P (29)/44, dated the 2nd May, 1944 (hereinafter referred to as the Commission), 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 (Act V of 1898).

3. *Proceedings of Commission not to be disclosed.*—It shall be an offence punishable with imprisonment for a term which may extend to two years or with fine or with both for any person to disclose or publish without the previous authorization of the Central Government anything being or purporting to be the proceedings of the Commission or any part thereof or any matter or thing transpiring before the Commission :

Provided that nothing in this section shall apply to the publication of any communiqué issued by or under the authority of the President of the Commission.

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946

ORDINANCE No. XVI OF 1944.

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

(Published in the Gazette of India Extraordinary, dated the 13th May, 1944.)

WHEREAS 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 Amendment (Second Amending) Ordinance, 1944.

(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 words “ two Special Tribunals, one to sit at Calcutta and the other at Lahore ” the words “ three Special Tribunals to sit at Calcutta, Lahore and Lucknow respectively ” shall be substituted ;

(b) in the proviso, for the word “ either ” the word “ any ”, and for the words “ Calcutta or Lahore ” the words “ the place hereinbefore specified for it ”, shall be substituted.

3. *Amendment of section 5, Ordinance XXIX of 1943.*—In sub-section (1) of section 5 of the said Ordinance,—

(a) after the words “ to try the cases ” the words “ for the time being ” shall be inserted ;

(b) for the words “ pending before any Court shall be deemed to be transferred from that Court to the Special Tribunal to which it is allotted ” the words “ or at the time of such allotment pending before any Court or another Special Tribunal shall be deemed to be transferred to the Special Tribunal to which it is so allotted.”

4. *Amendment of section 11, Ordinance XXIX of 1943.*—To section 11 of the said Ordinance the following clause shall be added, namely :—

“ (c) the inspection, and grant of copies, of records of Special Tribunals, and the fees for such inspection and grant.”

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

(a) in Part I—

(i) entries Nos. 14, 23, 24, 35 and 37 shall be omitted, and entry No. 35 shall be deemed never to have been included ;

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

“ 38. Harendra Nath Roy, Assistant Station Master, Lalgola Railway Station, B. & A. Railway. Section 161, I. P. C.

39. Umadas Banerji, Viewer, Ordnance Inspection Depot, Hastings, Calcutta. Section 161, I. P. C.

40. Kamala Kanto Dass, Loader, Chitpur Goods Shed, B. & A. Railway. Section 161, I. P. C.

41. (1) Govind Rao Neelay, Hire Transport Contractor, R. I. A. S. C., Jubbulpore Cantonment. } Sections 161/116, I. P. C.

(2) Satya Narain Khandelwal, Hire Transport Contractor, R. I. A. S. C., Tumsar Road, District Bhandara, C.P. }

42. Ram Prashad Sharma (Tiwari), Station Master, Madan Mahal, Jubbulpore, G. I. P. Railway. Section 161, I. P. C.

43. (1) Romesh Chandra Chakraborty, ex-Station Master, Jalpaiguri, B. & A. Railway. }

(2) Rama Krishna Ganguli, Head Goods Clerk, Jalpaiguri, B. & A. Railway. } (1) Section 120B, I. P. C.

(3) Sudhir Kumar Kundu, Assistant Goods Clerk, Jalpaiguri, B. & A. Railway. } (2) Section 409, I. P. C.

(4) Ram Narayan Misir, Cartman, Jalpaiguri } (3) Section 420, I. P. C. ;

(5) Prayagdutta Misir, Cartman, Jalpaiguri }

(b) in Part II—

(i) entries Nos. 30, 31 and 42 shall be omitted ;

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

- “ 45. Man Mohan Puri, formerly Aerodrome Transport Section 409, I. P. C. (Three separate cases.)
Officer, Fatehjang, Katchery Road, Rawalpindi.
- 46.
- 47.
48. Ram Lal, Station Master, Sarna, N. W. Railway Section 161, I. P. C.
49. Kapur Chand, Parcel Transit Supervisor, Lahore, N. W. Railway. Section 161, I. P. C.
50. Gopal Dass, Parcel Clerk, Lahore, N. W. Railway Section 161, I. P. C.
51. (1) Bakhshish Singh, son of Kishan Singh, Sadar Bazar, Kharas Mahallah, Lahore Cantonment. }
(2) Ram Nath Sethi, son of Lala Tara Chand, Mochi Gate, Lahore. } Section 161, I. P. C.
(3) Des Raj, son of Niranjan Dass Khatri, Guru Tegh Bahadar Road, Krishan Nagar, Lahore. }
52. (1) Joginder Singh, S. D. O., M. E. S., Chaklala (1) Section 120B, read with section 409, I. P. C.
(2) Teja Singh, Overseer, M. E. S., Chaklala (2) Section 409, I. P. C.
(3) Nanak Singh, Work Munshi, M. E. S., Chaklala (3) Sections 409/109, I. P. C.”

(c) after Part II and the entries therein the following Part and entries shall be inserted, namely :—

“ PART III.

Cases for trial by the Tribunal with headquarters at Lucknow.

- | Name of accused person or persons. | Offences punishable under the Indian Penal Code charged against the accused. |
|---|--|
| 1. B. Balnathan, Agent, Messrs. K. P. Ahmed Alladin and Co., Secunderabad. | Sections 161/116, I. P. C. |
| 2. Shiva Bhai Naran Das Gajjar, Ticket Collector, Nadiad, B., B. & C. I. Railway. | Section 161, I. P. C. |
| 3. Nautamal Venishanker, Station Master, Koth Gangad Station, Ahmedabad District, B., B. & C. I. Railway. | Section 161, I. P. C. |
| 4. (1) Jamansha Gulam Kadar
(2) Sayed Kasam Ali Akbar, Tactical Training School, Poona. | (1) Section 406, I. P. C.
(2) Sections 406/109, I. P. C. |
| 5. Mani Ram, Chief Goods Clerk, N. W. Railway, Delhi | Section 161, I. P. C. |
| 6. Madan Gopal, Goods Clerk, E. I. Railway, Tundla Railway Station. | Section 161, I. P. C. |
| 7. (1) Prakash Chandra Nayer, son of Harkishen Dass Nayer, Contractor, Qarol Bagh, Delhi.
(2) Amrit Lal Nayer, son of Harkishen Das Nayer, Contractor, Qarol Bagh, Delhi.
(3) Sohan Lal Vohra, son of Lachhman Dass Vohra, Contractor, Qarol Bagh, Delhi. | Sections 161/116, read with section 34, I. P. C. |
| 8. Ganpat Janardhan Dhuru, Clerk, Office of the Export Trade Controller, Bombay. | Section 161, I. P. C. |
| 9. Govindarajapuram Krishnaiyer Ramakrishnan, Clerk, Reservation Office, Victoria Terminus, Bombay. | Section 161, I. P. C. |
| 10. Jethoo Ram, Assistant Parcel Clerk, N. W. Railway, Delhi | Section 161, I. P. C. |
| 11. Ganpat Rai, son of Sukhdeo Singh, Malakpur, Alwar State, representative of Messrs. Karam Chand Thapar Bros., Ltd., Delhi. | Sections 161/116, I. P. C. |
| 12. Suresh Chandra, son of Kanshi Ram, Examiner 'A' Grade, O. I. D., Fort, Delhi. | Section 161, I. P. C. |
| 13. Chanderpai Singh, Loading Foreman, G. I. P. Railway, Gwalior Railway Station. | Section 161, I. P. C. |
| 14. (1) Ram Narain Misra, Station Master, Unao, E. I. Railway.
(2) Salig Ram Gupta, Circulating Clerk, Divisional Superintendent's Office, Lucknow, E. I. Railway. | Section 161, read with section 34, I. P. C. |
| 15. G. E. Morrison, Station Master, Khandwa, District Nimar. | Section 161, I. P. C.” |

6. Amendment of the Second Schedule, Ordinance XXIX of 1943.—In the Second Schedule to the said Ordinance, after item 3 the following item shall be inserted, namely :—

“ 3A. An offence punishable under section 411 or section 414 of the Indian Penal Code, where the stolen property in respect of which the offence is committed is property such as is described in the preceding item and in respect of which an offence punishable under section 406 or section 409 of the said Code has been committed.”

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946
ORDINANCE (No. XVII OF 1944.

An Ordinance further to amend the Indian Navy (Discipline) Act, 1934.

(Published in the Gazette of India Extraordinary, dated the 13th May, 1944.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Navy (Discipline) Act, 1934 (XXXIV of 1934), 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 Indian Navy (Discipline) Amendment Ordinance, 1944.

Price anna 1 or 1½d.

Indian Navy (Discipline) Amendment.

[ORD. XVII OF 1944.]

(2) It shall come into force at once.

2. *Amendment of section 90C of the Naval Discipline Act as set forth in the First Schedule to Act XXXIV of 1934.*—In sub-section (1) of section 90C of the Naval Discipline Act as set forth in the First Schedule to the Indian Navy (Discipline) Act, 1934, after the words “by order of the Central Government” the words “or of any naval officer authorised by the Central Government in this behalf” shall be inserted.

WAVELL,
Viceroy and Governor General.

Repealed by Ordinance 1 of 1946
ORDINANCE No. XVIII OF 1944.

An Ordinance to amend the Railways (Employment of Military Personnel) Ordinance, 1942.

(Published in the Gazette of India Extraordinary, dated the 13th May, 1944.)

WHEREAS an emergency has arisen which makes it necessary to amend the Railways (Employment of Military Personnel) Ordinance, 1942 (LIII 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 Railways (Employment of Military Personnel) Amendment Ordinance, 1944.
(2) It shall come into force at once.

2. *Amendment of section 2, Ordinance LIII of 1942.*—(1) In section 2 of the Railways (Employment of Military Personnel) Ordinance, 1942,—
(a) in sub-section (1)—

(i) after the words “members of His Majesty’s forces”, where they first occur, the words “or of the forces of the United States of America” shall be inserted ;

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2 *Railways (Employment of Military Personnel) Amendment.* [ORD. XVIII OF 1944.]

(ii) for the words "members of His Majesty's forces", in both places where they subsequently occur, the words "members of such forces" shall be substituted;

(b) in sub-section (2)—

(i) after the words "members of His Majesty's forces", where they first occur, the words "or of the forces of the United States of America" shall be inserted;

(ii) for the words "members of His Majesty's forces", where they subsequently occur, the words "members of such forces" shall be substituted.

(2) The amendments made by sub-section (1) shall be deemed to have taken effect on the 1st day of March, 1944.

WAVELL,

Viceroy and Governor General.

Repealed by Act 51 of 1956

ORDINANCE No. XIX OF 1944.

An Ordinance to make special provision for the punishment of the offence of unlawful possession of railway stores.

(Published in the Gazette of India Extraordinary, dated the 13th May, 1944.)

WHEREAS an emergency has arisen which renders it necessary to make special provision for the punishment of the offence of unlawful possession of railway stores ;

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 Railway Stores (Unlawful Possession) Ordinance, 1944.
- (2) It extends to the whole of British India.
- (3) It shall come into force at once.

Railway Stores (Unlawful Possession). [ORD. XIX OF 1944.]

2. *Definitions.*—In this Ordinance “federal railway” has the meaning assigned to it in the Government of India Act, 1935 (26 G.O. 5, c. 2), and “railway stores” includes any article used or intended to be used in the construction, operation or maintenance of a railway.

3. *Unlawful possession of railway stores.*—Whoever is found or is proved to have been in possession of any article of railway stores shall, if the Court sees reasonable grounds for believing such article to be or to have been the property of the administration of any federal railway, unless he proves that the article came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years or with fine or with both.

WAVELL,
Viceroy and Governor General,

Reprinted by Act-27 1948
ORDINANCE No. XX OF 1944.

An Ordinance to take power to require the performance by certain persons of services in British ships.

(Published in the Gazette of India Extraordinary, dated the 20th May, 1944.)

WHEREAS an emergency has arisen which makes it necessary to take power to require the performance by certain persons of services in British ships ;

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 Service in Ships (Requisition) Ordinance, 1944.

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

(3) It shall come into force at once.

2. Interpretation.—In this Ordinance “competent authority” means any person authorised by the Central Government to exercise the functions of a competent authority under section 3.

3. Power to require performance of services in ships.—(1) The competent authority may direct any British subject domiciled in the United Kingdom, who is for the time being in British India, to perform such services in any British ship registered in the United Kingdom as may be specified or described in the direction, being

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any services which that person is, in the opinion of the competent authority, accustomed to perform.

(2) Any services required by a direction given under sub-section (1) to be performed shall be performed on such terms as to remuneration and conditions of service as the competent authority may direct :

Provided that in determining the terms upon which any such services are to be performed, regard shall be had to any rates of salary, fees or wages for the performance of those services which appear to be usual, and in particular to any determination of the National Maritime Board in the United Kingdom relating to the remuneration and conditions of service of persons employed in the capacity in which the person to whom the direction relates is to serve.

(3) No British subject domiciled in the United Kingdom who has been the master or a member of the crew of any ship at any time since the 28th day of April, 1941, shall, except with the consent of the competent authority, accept any employment in British India (other than an employment under a contract in operation at the commencement of this Ordinance) except as the master or a member of the crew of a British ship.

(4) If any person contravenes any of the provisions of this section or of any direction given thereunder he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

WAVELL,

Viceroy and Governor General.

ORDINANCE No. XXI OF 1944.

An Ordinance to make special provisions in regard to public health.

(Published in the Gazette of India Extraordinary, dated the 20th May, 1944.)

WHEREAS an emergency has arisen which renders it necessary to make special provision for preventing the spread of human disease, safeguarding the public health and providing and maintaining adequate medical services and other services essential to the health of the community;

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 Public Health (Emergency Provisions) Ordinance, 1944.

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

(3) It shall come into force at once. *[Whole of India except Part B States]*

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

(a) “appropriate Government” means in relation to cantonment authorities and to port authorities in major ports, the Central Government, and in relation to all other local authorities, the Provincial Government;

(b) “local area” means the area within which a local authority exercises its functions; *[State]*

(c) “local authority” in this section and sections 7 to 10 and 14 includes any body, whether incorporated or not, engaged in providing a supply of water;

(d) “medical establishment” means establishment employed in connection with the provision of medical services;

(e) “public health services” and “public health establishment” include respectively sanitary, water-supply, vaccination, sewage disposal, drainage and conservancy services and establishment maintained for the purposes of such services, and any other service or establishment of a local authority which the appropriate Government may by notification in the official Gazette declare to be a public health service or public health establishment for any purpose of this Ordinance;

(f) “purpose of this Ordinance” includes the purposes of ensuring the provision of adequate medical services, of preventing the spread of human disease, of safeguarding the public health and of providing or maintaining services essential to the health of the community.

3. Power to require local authorities to take health measures.—(1) The appropriate Government may by order in writing require any local authority to take within such period as may be specified in the order such measures as may be so specified, being measures which are in the opinion of that Government necessary for any purpose of this Ordinance; and thereupon it shall be the duty of the local authority to comply with the order within the specified period.

(2) If in the opinion of the appropriate Government a local authority which has been ordered under sub-section (1) to take any measures has failed to take, or is unlikely to complete, such measures within the period specified in the order, the appropriate Government may, without prejudice to any other action which may be taken under this Ordinance, authorise any person to take or complete, as the case may be, the said measures; and the person so authorised may for the purpose exercise all or any of the powers of the local authority or of any committee or officer of the

1/2 Subn. by Ao 1948. Price anna 1 or 1½d.

3 Subn. by Ao 1950.

local authority conferred by or under any law for the time being in force, issue such directions as he thinks fit to the officers or servants of the local authority, and if he finds it necessary or expedient so to do, employ any outside agency.

(3) All charges and expenses incurred by a local authority in complying with an order under sub-section (1) or by a person authorised under sub-section (2) shall, except to such extent, if any, as the appropriate Government may direct to be paid out of its revenues, be paid out of the funds of the local authority.

4. Power to appoint additional health staff.—(1) The appropriate Government may, if it considers it necessary for any purpose of this Ordinance, appoint in any local area additional medical or public health establishment to perform such duties and exercise such functions as the appropriate Government may direct.

(2) Such additional establishment shall, unless and to such extent as the appropriate Government otherwise directs, be under the control of the appropriate Government, but its salaries and allowances or any specified portion thereof shall, if the appropriate Government so orders, be paid out of the funds of the local authority.

5. Powers of superintendence.—(1) The appropriate Government may, if it considers it necessary for any purpose of this Ordinance, by order in writing assume the superintendence of all or any of the medical and public health services of any local authority.

(2) Upon the assumption of superintendence under sub-section (1),—

(a) the appropriate Government may by order in writing specify the scale of the medical or public health establishment concerned to be maintained by the local authority, the qualifications to be required for appointment to posts in such establishment, and the pay and other conditions of service of such establishment ;

(b) the powers of appointment, dismissal and punishment of, and grant of leave to, members of such establishment shall vest in such authority as the appropriate Government may appoint in this behalf ;

(c) the appropriate Government may by order in writing specify the powers to be exercised by Health Officers employed under the local authority ;

(d) the appropriate Government shall have power to inspect, superintend and control the operations of the local authority in regard to any purpose of this Ordinance, and may by order in writing authorise persons to carry out such inspection, superintendence and control and define their powers and duties when so acting ;

(e) the costs of and incidental to the services and establishments concerned shall continue to be paid out of the funds of the local authority.

6. Power to take over administration of services.—The appropriate Government may, if it considers it necessary for any purpose of this Ordinance, authorise by order in writing any person to take over from any local authority the administration of all or any of its medical and public health services or of any medical institution maintained by the local authority ; and the person so authorised may for the purposes of such administration exercise all the powers specified in sub-section (2) of section 3 of a person authorised under that sub-section ; and all charges and expenses incurred by the person authorised under this section shall, except to such extent, if any, as the appropriate Government may direct to be paid out of its revenues, be paid out of the funds of the local authority.

7. Water-supply.—(1) A local authority may, with the previous sanction of the appropriate Government, supply water to any other local authority or to any other authority or person within or without its local area upon such terms as may be agreed, notwithstanding any provision prohibiting or restricting such supply contained in any other law.

(2) The appropriate Government may by order in writing direct any local authority to supply water to any area or to any authority or person within or without its local area at such places and in such quantities as may be specified in the order, subject to such payment being made therefor and to such other conditions as the appropriate Government may consider reasonable.

8. Power to give directions.—For the purpose of carrying into effect any of the foregoing provisions of this Ordinance or any order made thereunder, the appropriate Government may in writing give to any local authority such directions as it thinks fit, and it shall be the duty of the local authority to comply therewith.

9. Power to supersede local authorities.—(1) If the appropriate Government is of opinion that any local authority has failed to comply, or has delayed in complying, with any order or rule made or direction given under this Ordinance or has failed to act in accordance with or give effect to any notification issued under section 10, the appropriate Government may by order in writing supersede the local authority for such period as may be specified in the order.

(2) When an order of supersession has been made under sub-section (1)—

(a) all the members of the local authority shall, as from the date of supersession, vacate their offices as such members;

(b) all the powers and duties which may by or under any law for the time being in force be exercised or performed by or on behalf of the local authority shall, during the period of supersession, be exercised and performed by such person as the appropriate Government may authorise in this behalf;

(c) all property vested in the local authority shall, during the period of supersession, vest in the appropriate Government.

(3) On the expiration of the period of supersession specified in the order under sub-section (1), the appropriate Government may by order in writing—

(a) extend the period for such further term as it may consider necessary; or

(b) direct that the local authority shall be reconstituted in the manner provided for its constitution by or under the law relating thereto, and in such case any persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed to be disqualified thereby for election, appointment or nomination; or

(c) direct that the local authority shall be reconstituted by the persons who vacated their offices under clause (a) of sub-section (2) and shall recommence functioning as if it had not been superseded:

Provided that the appropriate Government may at any time before the expiration of the period of supersession whether as originally specified under sub-section (1) or as extended under this sub-section, make an order under clause (b) or clause (c) of this sub-section.

10. Power to modify rules, bye-laws, etc.—In relation to any local area the appropriate Government may by notification in the official Gazette make any rules, bye-laws, regulations or orders connected with any purpose of this Ordinance which the local authority would under any law for the time being in force be competent to make, and may in like manner amend or suspend the operation of any such rule, bye-law, regulation or order made by the local authority:

Provided that, notwithstanding anything to the contrary in any other law, it shall not be necessary when issuing any such notification to comply with the provisions of section 23 of the General Clauses Act, 1897 (X of 1897) or the similar provisions of any local law or with any law providing for any procedure preliminary to the making of any such rule, bye-law, regulation or order:

Provided further that it shall be sufficient for the purpose of—

(a) cancelling any rule, bye-law, regulation or order made by the appropriate Government by notification under this section, or

(b) restoring to its form immediately prior to its amendment by notification under this section any rule, bye-law, regulation or order so amended—to rescind the notification.

11. Power to make rules.—(1) The appropriate Government may make rules for carrying out the purposes of this Ordinance, and in particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe any disease against the spread of which special precautions are considered by the appropriate Government to be necessary;

(b) prohibit any act which in the opinion of the appropriate Government is likely to lead to or facilitate the spread of any disease prescribed under clause (a);

(c) provide for the restraint, segregation and restriction of movement of persons suffering or suspected to be suffering from any such disease;

(d) provide for the temporary transfer of members of the medical and public health establishments of any local authority to service in another local area under the appropriate Government or another local authority.

(2) In making rules under this section, the appropriate Government may provide that a breach of any of the rules shall be punishable with imprisonment which may extend to three months or with fine or with both.

12. Certain persons deemed to be public servants.—All persons authorised under sub-section (2) of section 3, clause (d) of sub-section (2) of section 5, section 6 or clause (b) of sub-section (2) of section 9 shall be deemed to be public servants within the meaning of the Indian Penal Code.

13. Protection of action taken under this Ordinance.—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Ordinance.

14. Effect of other laws.—The provisions of this Ordinance and of any rules and orders made thereunder shall have effect notwithstanding anything contained in any law defining the powers, duties or obligations of a local authority.

WAVELL,

Viceroy and Governor General

Repealed by Ordinance 1 of 1946

ORDINANCE No. XXII OF 1944.

An Ordinance to amend the Restriction and Detention Ordinance, 1944.

(Published in the Gazette of India Extraordinary, dated the 27th May, 1944.)

WHEREAS an emergency has arisen which makes it necessary to amend the Restriction and Detention Ordinance, 1944 (III 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 Restriction and Detention (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 9, Ordinance III of 1944.—In the proviso to section 9 of the Restriction and Detention Ordinance, 1944,—

(a) for the words “direct that the order shall continue in force notwithstanding that the said period of six months has expired,” the words “and at any time within

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thirty days before the expiry of the said six months, direct by an endorsement on the original order or otherwise that the order shall continue in force," shall be substituted ;

(b) after the words " further period of six months " the words " from the date on which but for such direction it would have ceased to be in force," shall be inserted.

3. Amendment of section 11, Ordinance III of 1944.—In section 11 of the Restriction and Detention Ordinance, 1944,—

(a) in sub-section (1)—

(i) for the words " No Court shall allow " the words, brackets and figure " No Court shall, except for the purposes of a prosecution for an offence punishable under sub-section (2), allow " shall be substituted ;

(ii) for the words, brackets, letter and figures " an order under clause (b) of sub-section (1) of section 3 " the words " any order referred to in that section " shall be substituted ;

(iii) for the words and figure " therewith under section 7, " the words " therewith under that section, " shall be substituted ;

(b) in sub-section (2) after the word " contents " the words " or matter purporting to be contents " shall be inserted.

WAVELL,

Viceroy and Governor General

GIPD—SI—392 LD—24-7-44—2,000.

Repealed by Ordinance 1 of 1946

ORDINANCE No. XXIII OF 1944.

An Ordinance to amend the Discipline of Seamen Ordinance, 1943.

(Published in the Gazette of India Extraordinary, dated the 27th May, 1944.)

WHEREAS an emergency has arisen which makes it necessary to amend the Discipline of Seamen Ordinance, 1943 (XXIV of 1943) for the purposes hereinafter appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of 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 Discipline of Seamen (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance XXIV of 1944.—To section 2 of the Discipline of Seamen Ordinance, 1943, the following clause shall be added, namely :—

‘(c) “assault”, “criminal force” and “mischief” have the meanings respectively assigned to them in the Indian Penal Code.’

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Discipline of Seamen (Amendment).

[ORD. XXIII OF 1944.]

3. Insertion of new section in Ordinance XIV of 1943.—After section 2 of the Discipline of Seamen Ordinance, 1943, the following section shall be inserted, namely :—

“2A. *Assault, mischief and continued disobedience or neglect of duty.*—(1) Whoever being lawfully engaged to serve on board any ship to which this Ordinance applies—

(a) assaults or uses criminal force to the master or any mate or certificated engineer of his ship, or

(b) commits mischief by causing any damage to his ship or to any stores or cargo thereof, or

(c) continuedly and wilfully disobeys lawful commands or continuedly and wilfully neglects his duty—
shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) Nothing in this section shall be taken—

(i) to prejudice the provisions of section 225 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60) or section 103 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), relating to forfeiture of wages for wilful damage to a ship or the stores or cargo thereof, or

(ii) to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this section.”

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 17 1946

ORDINANCE No. XXIV OF 1944

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

(Published in the Gazette of India Extraordinary, dated the 27th May, 1944)

WHEREAS an emergency has arisen which makes it necessary to make certain additions to the First Schedule to the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943), and to supply a formal omission in the Criminal Law Amendment (Second Amending) Ordinance, 1944 (XVI of 1944) :

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 Amendment (Third Amending) Ordinance, 1944.

(2) It shall come into force at once.

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2. **Amendment of First Schedule, Ordinance XXIX of 1943.**—To Part III of the First Schedule to the Criminal Law Amendment Ordinance, 1943, the following entries shall be added, namely :—

- | | |
|--|--|
| "16. (1) Rai Chandra Jain, ex-Casual Remittance Clerk, I. A. O. C. Records, Jubbulpore. | } Section 120B read with section 420, I.P.C. |
| (2) Suresh Chandra Jain, son of R. S. Seth Phool Chand, Colwingunj, Banda (U. P.). | |
| (3) Gopi Kishan Kanaiya Lal Jain, Photograph Frame Maker, Jawahar Ganj, Jubbulpore. | |
| 17. Husenibhoy Mohomedally Rangwala, Dawoodi Bohra Merchant, 1st floor, Tambawala Building, 167-79, Dhaboo Street, Bombay. | Sections 161/116, I.P.C. |
| 18. Thakur Persad Nigam, Parcel Clerk, Raja-ki Mandi, G. I. P. Railway, Agra. | Section 161, I. P. C. |
| 19. Mahomed Ismail Mamsa, Contarctor, 282, Nagdevi Street, Bombay. | Sections 161/116 I. P. C." |

3. **Amendment of section 3, Ordinance XVI of 1944.**—At the end of clause (b) of section 3 of the Criminal Law Amendment (Second Amending) Ordinance 1944, the words "shall be substituted," shall be inserted, and shall be deemed always to have been inserted.

WAVELL,
Viceroy and Governor General

Repealed by Act 19 of 1947
ORDINANCE No. XXV OF 1944.

An Ordinance to make better provision for the control of rents in the Province of Delhi.

(Published in the Gazette of India Extraordinary, dated the 3rd June, 1944.)

WHEREAS an emergency has arisen which makes it necessary to make better provision for the control of rents in the Province of Delhi;

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 Delhi Rent Control Ordinance, 1944.

(2) It extends to the Province of Delhi.

(3) It shall come into force in such areas within the Province of Delhi and on such dates as the Chief Commissioner may from time to time, by notification in the official Gazette, direct.

(4) When directing under sub-section (3) that this Ordinance shall come into force in any area, the Chief Commissioner may further direct that this Ordinance shall not apply to any premises in that area to which the New Delhi House Rent Control Order, 1939, or any other specified order for the regulation of rents has been applied.

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

(a) "landlord" includes any person who for the time being is receiving or is entitled to receive the rent of any premises, whether on his own account or on account or on behalf or for the benefit of any other person, or as an agent, trustee, guardian or receiver for any other person, or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant;

(b) "premises" means any building or part of a building which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes—

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of a building, and

(ii) any furniture supplied by the landlord for use in such building or part of a building, but does not include a room in a hotel or lodging house;

(c) "standard rent", in relation to any premises, means—

(i) the rent at which the premises were let on the 1st day of January, 1939, plus any amount which was on that date agreed to be paid by the tenant to the landlord on account of any tax on buildings or land or any other tax, rate or cess imposed in respect of the premises, or

(ii) if the premises were not let on the 1st day of January, 1939, the rent at which they were last let before that date plus any amount which was, when the premises were last so let, agreed to be paid by the tenant to the landlord on account of any tax on buildings or land or any other tax, rate or cess imposed in respect of the premises, or

(iii) where the standard rent has been fixed by the court under section 7, the rent as fixed by the court;

(d) "tenant" means a person who takes on rent any premises for his own occupation or for the occupation of any person dependent on him or in whom he is interested, but does not include a collector of rents or any middleman who takes or has taken any premises on lease with a view to sub-letting them to another person.

3. Restriction of payments by way of rent.—(1) Except where rent is due for the occupation of premises during a period ending before the 1st day of January, 1939, or where rent is liable to periodical increment by virtue of an agreement entered into before the 1st day of January, 1939, or where rent is payable under a lease entered into before the 1st day of January, 1939, which has not expired before the

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first day of the period for which the rent is claimed, no tenant shall, notwithstanding anything contained in any contract, be liable to pay to his landlord for occupation of any premises any sum in excess of the standard rent of those premises, unless such sum may lawfully be added to the standard rent in accordance with the provisions of this Ordinance.

(2) Any agreement for the payment of rent in excess of the standard rent shall be null and void and shall be construed as if it was an agreement for payment of the standard rent only.

4. Lawful increases of, or additions to, standard rent.—(1) Where the premises in respect of which rent is payable are let for any purpose other than use as a residence, and the standard rent of the premises is not less than fifteen rupees a month, the landlord may increase the rent to an amount not exceeding the standard rent plus twelve and a half per centum thereof.

(2) Where the landlord has at any time after the 31st day of December, 1938, incurred expenditure on any improvement or structural alteration of the premises, not being expenditure on decoration or normal repairs, he may increase the rent to an amount representing an addition to the standard rent of six and one-quarter per centum per annum of the cost of the improvement or structural alteration:

Provided that the landlord shall not so increase the rent on account of any such improvement or structural alteration made after the commencement of this Ordinance unless it is made either at the request of the tenant, or if there is a tenant at the time when the improvement or alteration is made, with his consent.

(3) Where the landlord pays in respect of the premises any charge for electricity or water consumed in the premises, or any other charge levied by a local authority having jurisdiction in the area which is ordinarily payable by the tenant, he may recover from the tenant any amount so paid by him; but, notwithstanding anything contained herein or in any other provision of law or in any contract, no landlord shall recover from his tenant, whether by means of an increase in rent or otherwise, the amount of any tax on buildings or land imposed in respect of the premises occupied by the tenant:

Provided that nothing in this sub-section shall affect the provisions of sub-clauses (i) and (ii) or clause (c) of section 2.

5. Charge of fines or premiums in addition to rent.—(1) It shall not be lawful for the landlord or any person acting or purporting to act on behalf of the landlord, to claim or receive, in consideration of the grant, continuance or renewal of a tenancy of any premises payment of any fine, premium, advance or other like sum in addition to rent, or, save as otherwise provided in section 4 or section 7, any rent in excess of the standard rent of the premises.

(2) Where a tenant has, at any time after the 31st day of December, 1938, made any payment prohibited by sub-section (1), such payment shall be refundable by the landlord, and the tenant may, without prejudice to any other method of recovery, deduct the amount of such payment from any rent payable by him to the landlord.

(3) Nothing in this section shall apply to any payment made in pursuance of an agreement entered into before the 1st day of January, 1939.

6. Limitation of liability of middlemen.—No collector of rents or middleman shall be liable to pay to his principal in respect of any premises any sum by way of rental charges which exceeds the amount which he is entitled under this Ordinance to realise from the tenant or tenants of the premises.

7. Determination of disputes regarding rent.—(1) If any dispute arises regarding the standard rent payable in respect of any premises, it shall be determined by the court.

(2) Where for any reason it is not possible to determine the standard rent of any premises on the principles set forth in sub-clauses (i) and (ii) of clause (c) of section 2, the court may, on the application of any person interested or of its own motion, determine the standard rent, and in so doing shall have regard to the standard rents of other similar premises in the same locality.

(3) Where the standard rent of any premises has been settled on the basis of a lease for a period of one year or more and the court has to determine the standard

rent of the same premises on a lease for a period of less than one year or *vice versa*, the standard rent shall be calculated in accordance with the Schedule.

(4) Where the court determines the standard rent of any premises under this section, the court shall determine the standard rent of the premises in an unfurnished state, but may also determine an additional charge to be payable on account of fittings or furnishings included in the lease, and it shall be lawful for the landlord to recover such additional charge from the tenant.

(5) In every case in which the court determines the standard rent of any premises under this section it shall appoint a date from which the standard rent so determined shall be deemed to have effect.

8. Distress warrants.—No court shall issue a distress warrant for any rent due in respect of any premises unless the person applying for such warrant when making his application for the same swears that no part of the claim in respect of which the warrant is applied for is unlawful under this Ordinance.

9. Eviction of tenants.—Notwithstanding anything contained in any contract, no court shall pass any decree or order evicting any tenant, whether or not the period of the tenancy has terminated, unless it is satisfied either—

(a) that the tenant has not paid, and is not ready and willing to pay, the rent due in respect of the period before the application for eviction; or

(b) that the tenant is not ready and willing to pay the standard rent of the premises for any period thereafter during which he may continue to be in possession; or

(c) that the tenant has, without the consent of the landlord, sublet the premises in whole or in part, or used them for a purpose other than that for which they were leased; or

(d) that the tenant has been guilty of conduct, which is a nuisance or annoyance to the occupiers of neighbouring premises; or

(e) that the landlord requires the premises for use as a residence for himself, or his dependants or any person for whose benefit the premises are held by him, and that the person for whose use as a residence the premises are required has not at any time during the twelve months preceding the application for eviction resided within the limits of the Delhi Municipality or the New Delhi Municipality or the Notified Areas of the Civil Station, Delhi or Delhi Fort, and that it is essential in the public interest that he should reside within those limits, and that he is unable to secure other suitable accommodation:

Provided that no such decree or order shall be passed on the grounds set forth in clause (e) unless the landlord has acquired his interest in the premises by inheritance or if not by inheritance, at a date prior to the beginning of the tenancy or at a date not later than three years preceding the date of the application for eviction, whichever is later.

10. Jurisdiction of courts.—Except as may be otherwise provided by rules made under section 11, any question which under this Ordinance is to be determined by the court may be determined by any court which would have jurisdiction to hear and decide a suit for eviction of a tenant from the premises in respect of which the question arises.

11. Power of High Court to make rules of procedure.—(1) With the concurrence of the Chief Commissioner of Delhi, the High Court may make rules to determine the classes of courts which shall have power to hear and decide original cases, appeals and applications for revision and to deal with execution proceedings under this Ordinance and the procedure to be followed by them.

(2) The power conferred by sub-section (1) shall include power to determine in what circumstances the parties shall have a right to appeal or apply for review or revision in cases under this Ordinance, and further to determine how and by what authority it shall be decided whether any particular case shall be deemed to be a case under this Ordinance.

(3) All rules made under this section shall be published in the official Gazette.

12. Operation of other laws.—So long as this Ordinance is in force in any area, the Punjab Urban Rent Restriction Act, 1941 (Punjab Act X of 1941) shall

cease to have effect in that area, and the provisions of this Ordinance and of any rules made under section 11 shall, in respect of any case under this Ordinance, have effect notwithstanding anything to the contrary in the Code of Civil Procedure, 1908 (V of 1908), or any other law.

THE SCHEDULE.

[See section 7 (3)]

Method of Calculating Standard Rents in the cases referred to in sub-section (3) of section 7.

If the standard rent of premises for a tenancy of twelve months or more is R, the standard rent for any of the shorter periods specified in column 1 shall be as set forth in column 2 of the following table, and *vice versa*, namely :—

Period of Tenancy.	Standard Rent.
More than 11 months, but not more than 12 months	R 1188
More than 10 months, but not more than 11 months	$R \times \frac{1166}{1200}$ 1166
More than 9 months, but not more than 10 months	$R \times \frac{1116}{1200}$ 1116
More than 8 months, but not more than 9 months	$R \times \frac{1040}{1200}$ 1040
More than 7 months, but not more than 8 months	$R \times \frac{980}{1200}$ 980
More than 6 months, but not more than 7 months	$R \times \frac{900}{1200}$ 900
More than 5 months, but not more than 6 months	$R \times \frac{800}{1200}$ 800
More than 4 months, but not more than 5 months	$R \times \frac{680}{1200}$ 680
More than 3 months, but not more than 4 months	$R \times \frac{540}{1200}$ 540
More than 2 months, but not more than 3 months	$R \times \frac{380}{1200}$ 380
More than 1 month, but not more than 2 months	$R \times \frac{190}{1200}$ 190
Not more than 1 month	$R \times \frac{1200}{1200}$ 1200

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946.
ORDINANCE No. XXVI OF 1944.

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

(Published in the Gazette of India Extraordinary, dated the 24th June, 1944)

WHEREAS 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, 1944.

(2) It shall come into force at once.

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

(a) for clause (ix) the following clause shall be substituted, and shall be deemed always to have been substituted, namely :—

“(ix) ensuring the safety of—

- (a) ports, dockyards, lighthouses, light-ships and aerodromes,
- (b) railways, tramways, roads, canals and all other ways of transport by land or water,
- (c) telegraphs, post offices, signalling apparatus and all other means of communication,
- (d) sources of water-supply, works for the supply of water, gas or electricity, and all other works for purposes of a public character,
- (e) vessels, aircraft, transport vehicles as defined in the Motor Vehicles Act, 1939 (IV of 1939), and rolling stock of railways and tramways,
- (f) warehouses and all other places used or intended to be used for storage purposes,
- (g) mines and factories,
- (h) all works and structures being part of, or connected with, anything hereinbefore mentioned in this clause, and
- (i) any other place or thing used or intended to be used for the purposes of Government or a local authority, or the protection of which it is considered necessary or expedient for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies and services essential to the life of the community ;” ;

(b) for clause (xxii) the following clause shall be substituted, and shall be deemed always to have been substituted, namely :—

“(xxii) controlling the possession, use or disposal of, or dealing in, coin, bullion, bank notes, currency notes, securities or foreign exchange ;”

3. Amendment of section 6, Act XXXV of 1939.—For clause (6) of section 6 of the said Act, 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) The Provincial Government may by notification in the official Gazette authorise, subject to such conditions, if any, as it may think fit to impose, any person—

(i) also to perform such functions of the Provincial Government under Chapter IV (in this clause referred to as the said Chapter) of the said Act, other than the making of rules, as may be specified in the notification ;

(ii) to perform to the exclusion of the Provincial Transport Authority or Regional Transport Authority, as the case may be, such functions of the Provincial Transport Authority or any Regional Transport Authority under the said Chapter as may be specified in the notification ;

and the expression "proper authority" in this clause shall in relation to the performance of any such function as aforesaid be construed in accordance with the provisions of such notification, if any, relating to that function.

(b) Notwithstanding anything to the contrary in section 58 or section, 62 of the said Act, the proper authority may grant a permit or a temporary permit under the said Chapter to be effective for any specified period not exceeding five years.

(c) The Provincial Government may by general or special order in writing provide that the proper authority—

(i) in deciding to grant or refuse to grant a permit under the said Chapter, shall not be bound to take into consideration representations made by any person other than the applicant for the permit or to follow the procedure laid down in section 57 of the said Act, and may take into consideration an application for a stage carriage permit or a public carrier's permit which has not complied with the provisions of sub-section (2) of that section;

(ii) in fixing maximum and minimum fares or freights for stage carriages and public carriers, shall not be bound to hear the representatives of the interests affected or to follow the procedure laid down in section 43 of the said Act or, where such action is taken for the purpose of preventing the charge of excess fares or freights, to have regard to any of the considerations set forth in clauses (a) to (d) of sub-section (1) of that section.

(d) Without prejudice to the provisions of section 60 of the said Act, the proper authority may, if in its opinion the public interest so requires, cancel, or modify the conditions of, or suspend for such period as it thinks fit, any permit or countersignature under the said Chapter which is valid within its jurisdiction.

(e) The Provincial Government may by general or special order in writing exempt from all or any of the provisions of the said Chapter 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.

(f) 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 this clause "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.

4. Substitution for section 14, Act XXXV of 1939.—For section 14 of the said Act, the following section shall be substituted, and shall be deemed always to have been substituted, namely:—

"14. *Jurisdiction of ordinary Courts.*—(1) Except as may be provided in this Act or in any rule made thereunder or in any order made under any such rule by the Central Government or the Provincial Government or by an officer not below the rank of Collector empowered under sub-section (4) or sub-section (5) of section 2 to make such order, the ordinary criminal and civil Courts shall continue to exercise jurisdiction.

(2) For the removal of doubts it is hereby declared that any provision in any such rule or order as aforesaid to the effect that the decision of any authority, not being a Court, shall be final or conclusive shall be a sufficient excepting provision within the meaning of sub-section (1)."

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946
ORDINANCE No. XXVII OF 1944

An Ordinance to amend the Coal Mines Labour Welfare Fund Ordinance, 1944

(Published in the Gazette of India Extraordinary, dated the 24th June, 1944)

WHEREAS an emergency has arisen which makes it necessary to amend the Coal Mines Labour Welfare Fund Ordinance, 1944 (VII 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

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2 *Coal Mines Labour Welfare Fund (Amendment)* [ORD. XXVII OF 1944]

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 Coal Mines Labour Welfare Fund (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 3, Ordinance VII of 1944.—In sub-section (1) of section 3 of the Coal Mines Labour Welfare Fund Ordinance, 1944, the word “soft”, in both places where it occurs, shall be omitted.

WAVELL,
Viceroy and Governor General.

Repealed by Ordinance 1 of 1946

ORDINANCE No. XXVIII OF 1944

An Ordinance to constitute a Commission to investigate the causes of the food shortage and epidemics in India in the year 1943

(Published in the Gazette of India Extraordinary, dated the 24th June, 1944)

WHEREAS an emergency has arisen which makes it necessary to constitute a Commission to investigate the causes of the food shortage and epidemics in India in the year 1943;

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 Famine Inquiry Commission Ordinance, 1944.

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

(3) It shall come into force at once.

2. Constitution of Commission and duty thereof.—The Central Government shall constitute a Commission to be called the Famine Inquiry Commission (hereinafter referred to as the Commission) whose duty it shall be to investigate and report to the Central Government upon the causes of the food shortage and subsequent epidemics in India, and in particular in Bengal, in the year 1943, and to make recommendations as to the prevention of their recurrence, with special reference to—

(a) the possibility of improving the diet of the people and the quality and yield of food crops, and

(b) the possibility of improving the system of administration in respect of the supply and distribution of food, the provision of emergent medical relief and the emergent arrangements for the control of epidemics in famine conditions in those areas and in those aspects in which the present system may be found to have been unsatisfactory.

3. Composition of Commission.—(1) The Commission shall consist of a Chairman and not more than four other Commissioners appointed by the Central Government.

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(2) On the occurrence from any cause of a vacancy among the Commissioners the Central Government may, if it thinks fit so to do, appoint a person to fill the vacancy.

4. Special and *ad interim* reports.—(1) In discharge of the duty referred to in section 2 the Commission shall in the first instance direct its attention to the Province of Bengal, and the Commissioners (or any two or more of them) shall make a report and formulate recommendations in relation to that Province in advance of the final report and recommendations which they (or any two or more of them) shall make.

(2) The Commissioners (or any two or more of them), should they deem it expedient so to do, may from time to time make a report to the Central Government of the proceedings of the Commission.

5. Procedure of Commission.—(1) The Commission shall have power to regulate its own procedure (including the determination of the number of Commissioners necessary to form a quorum) and may act notwithstanding a vacancy in the number of the Commissioners.

(2) The Commission may authorise, subject to such limitations or restrictions as it may determine, a committee or any person appointed by it for the purpose to perform or discharge on its behalf any duty of the Commission and to exercise in the name and on behalf of the Commission when so acting any of the Commission's powers (including the powers conferred on it by section 6).

6. Powers with respect to taking evidence.—The Commission shall have power to administer oaths, and shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents, and shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Act V of 1898), and any reference in the said Chapter XXXV to the presiding officer of a Court shall be deemed to include a reference to the Chairman of the Commission.

7. Payment of Commissioners.—There shall be paid to the Commissioners such salaries and allowances as the Central Government may determine.

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946

ORDINANCE No. XXIX OF 1944.

An Ordinance further to amend the War Risks (Goods) Insurance Ordinance, 1940.

(Published in the Gazette of India Extraordinary, dated the 1st July, 1944.)

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Goods) Insurance Ordinance, 1940 (IX 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 War Risks (Goods) Insurance (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

Price anna 1 or 1½d.

War Risks (Goods) Insurance (Amendment) [ORD. XXIX OF 1944.]

2. Amendment of section 2, Ordinance IX of 1940.—In clause (c) of section 2 of the War Risks (Goods) Insurance Ordinance, 1940,—

(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)”.

WAVELL,

Viceroy and Governor General.

Repealed by Act 35 of 1950

ORDINANCE No. XXX of 1944.

An Ordinance to enable provision to be made for the dependants of certain persons subject to the Army Act or the Indian Army Act, 1911.

(Published in the Gazette of India Extraordinary, dated the 1st July, 1944.)

WHEREAS an emergency has arisen which makes it necessary to enable provision to be made in certain cases for dependants of certain persons subject to the Army Act, (44 & 45 Vict., c 58) and of persons subject to the Indian Army Act, 1911 (VIII of 1911) ;

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 (Provision for Dependants) Ordinance, 1944.

(2) It shall come into force at once.

2. Power to make provision for dependants of certain persons subject to the Army Act.—(1) In the case of all persons subject to the Army Act (44 & 45 Vict., c. 58) whose pay and allowances are paid by and on the authority of the Central Government, it shall be lawful, notwithstanding any provision in any other enactment or any rule of law to the contrary, for proper provision to be made by

Price anna 1 or 1½d.

such authorities as the Central Government may authorise in this behalf for any dependants of any such person as aforesaid who is a prisoner of war or missing, out of his pay and allowances.

(2) Any payments made before the commencement of this Ordinance to dependants which, if this section had been in force, could have been validly made are hereby validated.

3. Insertion of new section 52B in Act VIII of 1911.—After section 52A of the Indian Army Act, 1911, the following section shall be inserted, namely :—

“ 52B. *General power to make provision for dependants.*—(1) In the case of all persons subject to this Act, it shall be lawful, notwithstanding any provision in this Act or in any other enactment or any rule of law to the contrary, for proper provision to be made by the prescribed authorities for any dependants of any such person who is a prisoner of war or missing, out of his pay and allowances.

(2) Any payments made before the commencement of the Army (Provision for Dependants) Ordinance, 1944 (XXX of 1944) to dependants which, if this section had been in force, could have been validly made are hereby validated. ”

WAVELL,

Viceroy and Governor General.

Repealed by Act-2 of 1948
ORDINANCE No. XXXI OF 1944.

An Ordinance further to amend the Indian Army Act, 1911.

(Published in the Gazette of India Extraordinary, dated the 1st July, 1944.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Army Act, 1911 (VIII of 1911), 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 (Second Amendment) Ordinance, 1944.

(2) It shall come into force at once.

Price anna 1 or 1½d.

2. Temporary amendment of section 7, Act VIII of 1911.—Until the expiry of a period of six months after the termination of the hostilities in being at the commencement of this Ordinance, the Indian Army Act, 1911, shall have effect as if in clause (1) of section 7 thereof after the words "Territorial Army" the words "or in the Auxiliary Force, India or in the Burma Auxiliary Force" were inserted.

3. Amendment of section 103, Act VIII of 1911.—To section 103 of the Indian Army Act, 1911, the following sub-section shall be added, namely :—

"(4) Any finding substituted, or any sentence passed, under this section shall for the purposes of this Act and the rules made thereunder have effect as if it were a finding or sentence, as the case may be, of a court-martial."

WAVELL,

Viceroy and Governor General.

Repealed by Act 36 of 1957
ORDINANCE No. XXXII OF 1944.

An Ordinance to provide for and regulate the payment of compensation in respect of the explosions and fires in Bombay on the 14th April, 1944.

(Published in the Gazette of India Extraordinary, dated the 1st July 1944.)

WHEREAS an emergency has arisen which makes it necessary to provide for and regulate the payment of compensation for death and permanent personal disablement and damage to property due to or arising out of the explosions and fires which occurred in the Bombay Docks on the 14th April, 1944, to restrict litigation in connection with the said explosions and fires, and to make certain other provision in connection therewith;

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 Bombay Explosion (Compensation) Ordinance, 1944.

(2) It shall come into force at once.

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

(a) “the explosion” means the explosions which occurred in the Bombay Docks on the 14th April, 1944 and the fires which ensued therefrom;

(b) “explosion damage” and “explosion injury” mean respectively damage which occurred, whether accidentally or not, and personal injury sustained, as the direct result of the explosion or as the direct result of measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of such damage as aforesaid;

(c) “scheduled explosion injury” means an explosion injury resulting in any such measure of permanent disablement as is described in the First Schedule;

(d) “total disablement” means such disablement as permanently incapacitates a person for all work which he was capable of performing at the time when he sustained the injury resulting in such disablement, and includes the permanent loss of the sight of both eyes or the combination of any two or more of the disablements described in Part II of the First Schedule where the aggregate of the percentages specified in that Part against the disablements involved amounts to or exceeds one hundred;

(e) “dependant” has the same meaning in relation to a person whose death resulted from the explosion or an explosion injury as it has in relation to a deceased workman under the Workmen's Compensation Act, 1923 (VIII of 1923);

(f) “uninsured property” means property which was not covered, whether wholly or partially, by any policy of fire, marine or miscellaneous insurance at the time of the explosion;

Explanation.—A policy of insurance issued under the War Risks (Goods) Insurance Ordinance, 1940 (IX of 1940), or under the War Risks (Factories) Insurance Ordinance, 1942 (XII of 1942), is not a policy of insurance within the meaning of this clause.

(g) “proved loss” in relation to any uninsured property means the difference as assessed by the enquiring Claims Commissioner, in accordance with the provisions of this Ordinance and the rules made thereunder, between the value of the property immediately before the explosion and its value immediately after the explosion;

(h) “miscellaneous insurance” means any kind of insurance which is not, in the opinion of the Central Government, life, fire or marine insurance;

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

(j) “Schedule” means a Schedule to this Ordinance;

(k) “Chairman” means the Chairman of the Claims Committee.

Price anna 1 or 1½d.

3. Claims Committee.—For the purposes of enquiring into and determining applications for compensation under section 14, the Central Government shall appoint a Claims Committee consisting of not more than twenty persons, of whom one shall be nominated by the Central Government to be Chairman.

4. Claims Commissioners.—For the purposes of enquiring into and determining applications for compensation under section 11 or section 16, the Central Government shall appoint such number of Claims Commissioners as it may from time to time think fit to have jurisdiction in regard to such class of applications as the Central Government may specify.

5. Applications for compensation.—(1) Any person claiming compensation under this Ordinance shall make an application in such one of Forms A, B, C, D and E set out in the Second Schedule as may be applicable to his case not later than the 31st day of October, 1944,—

(a) to the Chairman of the Claims Committee, where the compensation is payable under section 14, or

(b) to an appropriate Claims Commissioner, in all other cases.

(2) Save as hereinafter provided, an application for compensation under this Ordinance shall be made, in respect of compensation payable—

(i) under section 11, by the person sustaining the scheduled explosion injury ;

(ii) under section 14, by the holder of the policy of insurance ;

(iii) under section 16, by the owner of the damaged property :

Provided that—

(a) where death has resulted from the explosion or an explosion injury, the application may be made by any dependant of the deceased, or with the permission of the Claims Commissioner by any other near relative of the deceased, and where in such a case applications are received from more than one person, they shall be enquired into and determined together ;

(b) where a scheduled explosion injury has been sustained by a minor, the application shall be made by his guardian ;

(c) in respect of claims for compensation payable under section 16 for explosion damage to household and personal effects, only one application shall be entertained in respect of the effects of one household and the personal effects of all persons of that household, and that application shall be made by the householder.

(3) Where under sub-section (2) a person may make an application for compensation under this Ordinance, such application may be made on his behalf by his duly accredited representative.

(4) If any person makes in an application for compensation under this Ordinance any statement which is false, and which he either knows or believes to be false or does not believe to be true, he shall be punishable on conviction with imprisonment for a term which may extend to three years or with fine or with both.

6. Procedure and powers of Claims Committee.—(1) Applications for compensation payable under section 14 shall be determined by the Claims Committee after summary enquiry by panels nominated from among members of the Claims Committee by the Chairman in such manner as the Chairman may think fit.

(2) In carrying out their functions under this Ordinance the Claims Committee and panels thereof shall, subject to the provisions of any rules made by the Central Government in this behalf, follow such procedure as the Chairman may by general or special order direct ; and in particular and without prejudice to the generality of the foregoing power of the Chairman, such orders may determine the number of members to form a panel for the purposes of sub-section (1) and the quorum of the Claims Committee.

(3) Notwithstanding anything contained in any other law, the Claims Committee or any panel thereof shall not be bound to hear any applicant under this Ordinance or to receive any evidence which he may wish to adduce, nor shall it be bound to divulge to any applicant any reasons for any determination or recommendation, as the case may be, made by it.

7. Procedure and powers of Claims Commissioners.—(1) In enquiring into and determining applications for compensation payable under section 11 or section 16,

Claims Commissioners shall, subject to the provisions of any rules made by the Central Government in this behalf, follow such summary procedure as they may think fit.

(2) Claims Commissioners shall have all the powers of Civil Courts 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 Civil Courts within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) In order to ascertain in any case whether—

(a) any person in respect of whom an application for compensation payable under section 11 has been made was at the time of the explosion insured against personal injury, or

(b) any property in respect of which an application for compensation payable under section 16 has been made was at the time of the explosion covered whether wholly or partially by any policy of fire, marine or miscellaneous insurance— the Claims Commissioner may by order in writing require any insurer to disclose to him particulars of any such insurance as aforesaid within such time as may be specified in the order: and if any person fails to comply with such order or in complying therewith gives any false information, he shall be punishable on conviction with imprisonment for a term which may extend to six months or with fine or with both.

8. Decisions.—(1) Subject to the provisions of section 10, every decision of the Claims Committee shall be final and shall not be called in question in any Court.

(2) Subject to the provisions of section 10, every decision of a Claims Commissioner—

(a) as to whether compensation is payable under section 11 or section 16, and if so, as to its amount,

(b) as to the apportionment of compensation payable under section 11 in respect of death resulting from the explosion or an explosion injury,

(c) where the title to receive compensation under section 16 is in dispute, and the amount of compensation determined does not exceed five thousand rupees, as to whom the compensation shall be paid,— shall be final and shall not be called in question in any Court.

(3) Where the title to receive compensation under section 16 is in dispute and the amount of compensation determined exceeds five thousand rupees, the Claims Commissioner shall record the amount of compensation determined and shall refer the disputing parties to the Civil Court: and no interest shall be payable by the Central Government on any amount the title to which is in dispute as aforesaid.

9. Payment of compensation.—(1) Upon determining an application for compensation under this Ordinance, the Claims Committee or the Claims Commissioner, as the case may be, shall, except where the Claims Commissioner refers disputing parties to the Civil Court under sub-section (3) of section 8, issue a payment order in the prescribed form:

Provided that where in the opinion of the Claims Commissioner any other compensation in respect of a scheduled explosion injury or in respect of death resulting from the explosion or an explosion injury is recoverable from any source such as is referred to in the first proviso to sub-section (1) of section 11, and where at the time of making his determination under this Ordinance, the amount of such other compensation has not been determined and cannot be predicted by the Claims Commissioner, he may, if he thinks fit, issue a provisional payment order for an amount not exceeding the amount which he estimates to be payable under section 11 after the reduction referred to in the said proviso has been made.

(2) No person shall be entitled to receive any compensation under this Ordinance until he has duly completed and signed a document in the form set out in the Third Schedule.

(3) Where any compensation has been paid under this Ordinance for any death resulting from the explosion or an explosion injury or for any scheduled explosion injury or for any explosion damage to property, no other application for compensation shall, except as provided in the second proviso to sub-section (1) of section 11, be entertained under this Ordinance in respect of the death, injury or damage for which compensation has been so paid:

Provided that nothing in this Ordinance shall affect the rights of any person against the person to whom the payment as aforesaid has been made.

10. Appeal and review.—(1) The Claims Committee may refer for the decision of the Central Government any application for compensation payable under section 14 which involves any point of special difficulty.

(2) Any person aggrieved by any decision of the Claims Committee or of a Claims Commissioner, other than a decision referred to in clause (b) of sub-section (2) of section 8 or referring disputing parties to the Civil Court under sub-section (3) of that section, may within ninety days from the date of the decision (or within such further period as the Central Government may in any case think fit to allow) appeal to the Central Government against such decision.

(3) The Central Government may of its own motion at any time within six months after the date of any decision of the Claims Committee or a Claims Commissioner call for the record relating to any application for compensation under this Ordinance, and may upon an appeal under sub-section (2) or on calling for the record under this sub-section modify any such decision, other than a decision excepted in sub-section (2), in such manner as it thinks fit :

Provided that no such modification prejudicial to the applicant shall be made unless he has been given a reasonable opportunity of being heard.

(4) Every decision of the Central Government under this section shall be final and shall not be called in question in any Court, nor shall the Central Government be bound to record any reasons for any such decision.

11. Amount of compensation for death or injury.—(1) Subject to the provisions of this Ordinance, there shall be paid by the Central Government compensation for any scheduled explosion injury or for death resulting from the explosion or an explosion injury at the rates set out in the First Schedule :

Provided that where any compensation (by whatever name called) for such injury or death is otherwise recoverable under the Workmen's Compensation Act, 1923 (VIII of 1923), or under any policy against personal accident or under any other contract or scheme providing for the payment of compensation for death or accident, the amount of compensation determined in accordance with the said rates shall be reduced by the amount of compensation otherwise recoverable as aforesaid or where such other compensation is payable wholly or in part by instalments over an unspecified period, by the value of such other compensation commuted in such manner as may be prescribed :

Provided further that where there has been paid as compensation for a scheduled explosion injury under this section an amount which is less than the amount which would have been payable as compensation for the injured person's death due to the explosion or an explosion injury and that person subsequently dies as a result of his explosion injuries, there shall be payable by the Central Government upon application being made under section 5 in this behalf and in accordance with the provisions of sub-section (1) of section 12 as further compensation in respect of such person an amount equal to the difference between the amount payable under this section as compensation for his death and the amount already paid in respect of a scheduled explosion injury sustained by him.

(2) Nothing in this section shall apply to any servant of the Crown or of the Trustees of the Port of Bombay or of the Municipal Corporation of the City of Bombay.

12. Compensation for death or injury to whom payable.—(1) Payment of compensation under this Ordinance for death resulting from the explosion or an explosion injury shall be apportioned in such manner among the dependants of the deceased or any one or more of them as the Claims Commissioner thinks fit, or if there are no dependants of the deceased, among such of his relatives and in such proportions as the Claims Commissioner thinks fit.

(2) Save that payment of compensation for a scheduled explosion injury sustained by a minor shall be paid to the guardian of the minor, payment of compensation for a scheduled explosion injury shall be paid to the person by whom it is sustained.

13. Bases of determination of proved loss.—(1) In determining the amount of proved loss of any property for the purposes of an application for compensation payable under section 14, the practice and principles normally prevailing in the insurance business shall, so far as may be, be followed, and in particular the proved

loss shall in no case be taken to exceed the value of the damaged property declared for the purposes of the policy of insurance.

(2) In determining the amount of the proved loss of uninsured property for the purposes of this Ordinance, the Claims Commissioner shall assess the values immediately before and immediately after the explosion—

(a) of immovable property, on the basis of prices prevailing on the 31st day of March, 1939 ;

(b) of motor vehicles, on the basis of the prices and principles set out in the Used Motor Vehicles Control Order, 1944 ;

(c) of other movable property, on the basis of prices prevailing on the 14th day of April, 1944.

14. Compensation for explosion damage to insured property.—Subject to the provisions of this Ordinance, there shall be paid by the Central Government compensation for explosion damage to property, being—

(a) damage caused by fire to property insured whether wholly or partially at the time of the explosion against fire under a policy (other than a policy of marine insurance) covering fire risk, or damage caused by blast without fire intervening to property insured whether wholly or partially at the time of the explosion under a policy (other than a policy of marine insurance) covering fire and explosion risks, of an amount equal to the proved loss, or

(b) damage caused by blast without fire intervening to property insured whether wholly or partially at the time of the explosion against fire under a policy (other than a policy of marine insurance) covering fire risk but not explosion risk, of an amount equal to $87\frac{1}{2}$ per centum of the proved loss, to the holder of the policy of insurance covering the damaged property, or if he is deceased, to his legal representatives.

15. Contribution by insurers.—Notwithstanding anything contained in the Indian Companies Act, 1913 (VII of 1913), or in the memorandum of association or articles of association of any company or in any other instrument, the insurer of any property, for explosion damage to which compensation is paid under section 14, may pay from his assets in such manner and at such time as may be prescribed to and for the purposes of the Central Government a contribution of such an amount as may be agreed.

16. Compensation for explosion damage to uninsured property.—(1) Subject to the provisions of this Ordinance, there shall be paid by the Central Government compensation for explosion damage to uninsured property at the following rates, namely :—

(a) In the case of immovable property, an amount equal to 75 per centum of the proved loss.

(b) In the case of motor vehicles, an amount equal to 75 per centum of the proved loss.

(c) In the case of household and personal effects, an amount (subject to a maximum of five thousand rupees in all for the effects of one household and the personal effects of all persons of that household) payable to the householder, equal to—

(i) the proved loss, where the proved loss in respect of all the effects of the household and the personal effects of all persons of the household does not exceed two thousand rupees, or

(ii) two thousand rupees plus 75 per centum of the amount by which such proved loss exceeds two thousand rupees, in other cases.

(d) In the case of stock-in-trade and merchandise, an amount (subject to a maximum of fifteen thousand rupees in all for the stock-in-trade and merchandise of any one business) equal to—

(i) the proved loss, where the proved loss in respect of the business does not exceed five thousand rupees, or

(ii) five thousand rupees plus 75 per centum of the amount by which such proved loss exceeds five thousand rupees, in other cases.

(2) Save as provided in clause (c) of sub-section (1), compensation under this section shall be paid to the owner of the damaged property, or if the said owner (or the householder in respect of damage to household and personal effects) is deceased, to his legal representatives.

17. No compensation payable in certain cases.—Notwithstanding anything contained elsewhere in this Ordinance, no compensation shall be payable for explosion damage to any property being—

(a) property—

- (i) the possession of which is required to be declared, or
- (ii) in respect of stocks of which returns are required to be made, or
- (iii) for the possession, use or sale of which any licence is required to be obtained,—

by the Hoarding and Profiteering Prevention Ordinance, 1943 (XXXV of 1943), or by the Defence of India Rules, or by any order made under the said Ordinance or Rules or by any other law for the time being in force, where, as the case may be, such declaration or returns have not been duly made or such licence has not been duly obtained or was not valid at the time of the explosion ;

(b) bullion, all articles made of precious metals or precious or semi-precious stones (including jewellery and watches), curios and antiques ;

(c) currency notes, bank notes and coins ;

(d) negotiable instruments, securities, stamps, title-deeds, manuscripts, business books, patterns, models, plans, designs and all other documents of whatever description ;

nor shall compensation be payable under this Ordinance for any loss of profits estimated to result from the explosion or for any other such consequential losses as may appear to be directly or otherwise attributable to the explosion.

18. Certain legal proceedings barred.—(1) Nothing in this Ordinance shall prevent the recovery of compensation for death or personal injury under the Workmen's Compensation Act, 1923 (VIII of 1923), or under any policy of life insurance or against personal accident or under any other contract or scheme providing for the payment of compensation for death or personal injury, or for damage to property under any policy of marine or miscellaneous insurance.

(2) Save as provided in sub-section (1), no person shall have, or be deemed ever to have had, otherwise than under this Ordinance any right whether in contract or in tort or otherwise to any compensation or damages for any death, personal injury or damage to or loss of any property, rights or interests, due to or in any way arising out of the explosion ; and no suit or other legal proceedings for any such compensation or damages shall, save as aforesaid, be maintainable in any Court against the Crown or the Trustees of the Port of Bombay or the Municipal Corporation of the City of Bombay or against any servants or agents of the Crown or of the said Trustees or Municipal Corporation or against any other person whomsoever ; and no act or omission which caused or contributed to the explosion shall be deemed to have been done or omitted to be done otherwise than lawfully.

(3) No suit, prosecution or other legal proceeding whatsoever shall lie against any person for anything in good faith done or ordered to be done in combating or mitigating the effects of the explosion, or for anything in good faith done or intended to be done in pursuance of this Ordinance or any rules or orders made thereunder.

19. Recovery in certain cases.—(1) Where under section 10 the Central Government reduces the amount of compensation determined as payable under this Ordinance and such amount has already been paid to any person, the Claims Committee where the compensation has been paid under section 14, or the Claims Commissioner who made the original determination in other cases, shall by notice in the prescribed form require the person to whom payment has been made to refund to the Central Government within such time as the notice shall specify an amount representing the difference between the amount paid to that person and the reduced amount as determined by the Central Government.

(2) Where a refund required to be made by notice under sub-section (1) is not made in due time, the Chairman of the Claims Committee or the Claims Commissioner, as the case may be, issuing the notice shall prepare a certificate signed by him specifying the amount due from the person liable to pay it and shall send it to the Collector of the district in which such person resides or conducts his business, and the said Collector, on receipt of such certificate, shall proceed to recover from the said person the amounts specified therein as if it were an arrear of land revenue.

20. Disclosure of certain information.—Notwithstanding anything to the contrary contained in section 54 of the Indian Income-tax Act, 1922 (XI of 1922), it shall be lawful—

(a) for any public servant to disclose to any person being a public servant appointed under this section by the Central Government to assist it in the exercise of its functions under section 10 any information relating to the assessment to income-tax of any applicant for compensation under this Ordinance for explosion damage to property, and

(b) for any person so appointed to convey any such information disclosed to him to the Central Government.

21. Offences by corporations.—If the person committing an offence described in sub-section (4) of section 5 or in sub-section (3) of section 7, is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent its commission, be deemed to be guilty of the offence.

22. Power to make rules.—The Central Government may make rules to carry into effect the purposes of this Ordinance.

THE FIRST SCHEDULE.

(See section 11.)

PART I.

Compensation for death or total disablement.

Where the monthly salary, or in the absence of a monthly salary, the average monthly income at the time of the explosion of the person killed or injured was—

	Amount of compensation—	
	(a) for death.	(b) for total disablement.
	Rs.	Rs.
nil or not exceeding Rs. 20	900	1,300
exceeding Rs. 20 but not exceeding Rs. 30	1,300	1,900
exceeding Rs. 30 but not exceeding Rs. 40	1,800	2,500
exceeding Rs. 40 but not exceeding Rs. 50	2,200	3,200
exceeding Rs. 50 but not exceeding Rs. 60	2,600	3,800
exceeding Rs. 60 but not exceeding Rs. 70	3,200	4,400
exceeding Rs. 70 but not exceeding Rs. 80	3,600	5,000
exceeding Rs. 80 but not exceeding Rs. 100	4,500	6,300
exceeding Rs. 100 but not exceeding Rs. 200	5,200	7,400
exceeding Rs. 200 but not exceeding Rs. 500	7,000	8,500
exceeding Rs. 500 but not exceeding Rs. 1,000	8,000	10,000
exceeding Rs. 1,000 but not exceeding Rs. 1,500	10,000	12,500
exceeding Rs. 1,500 but not exceeding Rs. 2,000	12,000	15,000
exceeding Rs. 2,000	14,000	17,000

PART II.

Compensation for partial disablement.

Where the nature of the disablement is—

Amount of compensation expressed as a percentage of the amount payable under Part I for total disablement.

loss of right arm above or at the elbow	70
loss of left arm above or at the elbow	60
loss of right arm below the elbow	60
loss of leg at or above the knee	60
loss of left arm below the elbow	50
loss of leg below the knee	50
permanent total loss of hearing	50
loss of one eye	30
loss of thumb	25
loss of all toes of one foot	20
loss of one phalanx of thumb	10
loss of index finger	10
loss of great toe	10
loss of any finger other than index finger	5

Explanation.—Complete and permanent loss of the use of any limb or member referred to in this Part shall be deemed to be equivalent to the loss of that limb or member.

THE SECOND SCHEDULE.

(See section 5.)

FORM A.

GOVERNMENT OF INDIA.

BOMBAY EXPLOSION (COMPENSATION) ORDINANCE, 1944.

Application for Compensation by Injured Person.

Applicant's full name (in capitals)

Name of father (in the case of married woman, of husband)....

Age..... Date of birth.....

Caste..... Profession.....

Residence..... Nationality.....

Monthly rate of wages or monthly income on the 14th April, 1944, and the source of the income.

What amount of compensation is claimed and justification for the claim.

Name of employer and his full address.....

Ticket number, if any, and department in which employed...

Whether insured under an "Accident" policy, and if so, the amount of compensation to which the applicant is entitled under such policy and the name of the Insurance Company and policy number.

Whether entitled to any compensation under the Workmen's Compensation Act, 1923, or under any contract (other than a policy of insurance) or scheme for the payment of compensation, and if so, the amount of compensation to which the applicant is so entitled.

Place where injury was sustained..... Date of injury.

Cause of injury in detail.....

Details of injury.....

If taken to dispensary or hospital, which and when.....

If discharged from dispensary or hospital, when.....

If attended to at residence by a medical practitioner, details of place where treated and name of medical practitioner.

If any temporary allowance or pension is being or has been drawn by the injured person, details thereof.

The compensation, if awarded, may be made payable at.....

Post Office.
Government Treasury.

*I certify that I am not entitled to any compensation under an "Accident" insurance policy or under the Workmen's Compensation Act, 1923, or under any other contract or scheme for the payment of compensation.

*I certify that I am entitled to compensation amounting to Rs.....

under an "Accident" insurance policy issued by..... (and) to

compensation amounting to Rs..... under the Workmen's Com-

pensation Act, 1923, (and) to compensation amounting to under.....

I certify that the information furnished above is true to the best of my know-

ledge and belief.

Date..... 1944.

(Signature of applicant or thumb impression, if illiterate.)

FORM B.

GOVERNMENT OF INDIA.

BOMBAY EXPLOSION (COMPENSATION) ORDINANCE, 1944.

Application for Compensation by Dependant.

Applicant's full name (in capitals).....
 Name of father (in the case of married woman, of husband)....
 Age..... Date of birth.....
 Caste..... Profession.....
 Residence..... Nationality.....
 Relationship with deceased.....
 Full name of the deceased (in capitals).....
 Place of death.....
 Cause of death.....
 Name of the employer of the deceased.....
 Ticket number, if any, and department in which employed....
 Place of employment.....
 Monthly rate of wages or monthly income of the deceased
 on the 14th April, 1944, and the source of the income.
 Was deceased attended to by A. R. P. volunteer, civic guard,
 police or other organisation? If so, give details.
 If deceased received any medical treatment, details thereof
 including place where received.
 If deceased died in any hospital or dispensary, state details....
 If not, give any other proof of death, e.g., affidavits, or any
 certificates by a Justice of the Peace, Gazetted Officer,
 Magistrate or Inspector of Police.
 If deceased has any of the following relatives living at the
 time of his death, give details* in respect of each :—
 (i) widow, minor legitimate son, unmarried legitimate
 daughter, widowed mother ;
 (ii) if wholly or in part dependent on the earnings of the de-
 ceased at the time of his death, a widower, a parent other
 than a widowed mother, a minor illegitimate son, an un-
 married illegitimate daughter, a daughter legitimate or
 illegitimate if married and a minor or if widowed, a minor
 brother, an unmarried or widowed sister, a widowed daugh-
 ter-in-law, a minor child of a deceased son, a minor child
 of a deceased daughter where no parent of the child is
 alive, or, where no parent of the deceased is alive, a pater-
 nal grandparent.
 State also if any has since died, or whether any female relative
 has since married or remarried.
 Date of birth and age in the case of all eligible relatives.....
 Residence of such relatives.....
 If staying elsewhere than with applicant, state details.....
 In the case of daughter—whether married.....
 In the case of children—guardian, if any, other than
 applicant.
 If any of the said relatives or the applicant—
 (i) draws any other pension or allowance from public funds,
 state details as to source and amount,
 (ii) holds any appointment under Government or a local
 authority, state details and rate of emoluments.
 Amount and particulars of compensation applied for.....

The compensation, if awarded, may be made payable at

Post Office.
 Government Treasury.

* If necessary, this may be done on a sheet to be attached and signed.

*I certify that I am not entitled to any compensation under an "Accident" insurance policy or under the Workmen's Compensation Act, 1923, or under any other contract or scheme for the payment of compensation.

*I certify that I am entitled to compensation amounting to Rs. under an "Accident" insurance policy issued by (and) to compensation amounting to Rs. under the Workmen's Compensation Act, 1923, (and) to compensation amounting to under

I certify that the information furnished above is true to the best of my knowledge and belief.

Date 1944.

(Signature of applicant or thumb impression, if illiterate.)

FORM C

GOVERNMENT OF INDIA

BOMBAY EXPLOSION (COMPENSATION) ORDINANCE, 1944.

Application for compensation in respect of—

- (i) damage by fire to property insured under policies covering fire risk ;
- (ii) damage by blast without fire intervening to property insured under fire policies extended to cover explosions ;
- (iii) damage by blast without fire intervening to property insured against fire under policies covering fire risk but not explosion risk.

I/We of (address)

do hereby solemnly declare that on or about o'clock a.m./p.m. Indian Standard Time on the day of April, 1944, goods building owned by me/us, which were/was insured under Fire Policy or Policies detailed below, were/was destroyed or damaged by fire/blast/fire and blast and/or water.

I/We further solemnly declare that at the time of the said loss or damage the actual value of all goods/building owned by me/us as described in the said Policy or Policies amounted to Rs. as detailed below and that apart from myself/ourselves no person other than has any interest in the said goods/building.

I/We therefore apply for compensation from the Governor General in Council amounting to Rs. as detailed below and I/we solemnly declare that this application contains a true and accurate statement of the loss or damage sustained by me/us, without inclusion of profit of any kind.

Situation of goods/building at the time of loss or damage.

Details of Fire Insurances in force at the time of the loss or damage

Name of Company	Policy No.	Insured amount	Property insured as described in the policy
-----------------	------------	----------------	---

* Strike off whichever is unnecessary.

† Strike out the clause which is not applicable.

‡ Delete words which do not apply.

Statement of the actual value of all goods/buildings owned as described in Fire Insurance Policy or Policies :—

Description of goods/building	Situation of goods/building	Actual value of goods/building
-------------------------------	-----------------------------	--------------------------------

If the property at risk immediately before the loss or damage occurred comprised property subject to compulsory insurance under the War Risks (Goods) Insurance Ordinance, 1940, or the War Risks (Factories) Insurance Ordinance, 1942, give details of all insurances effected under the former Ordinance since 31st December, 1943 and details of the policy or policies in force at the time of the loss or damage in the case of the latter Ordinance :—

Policy No.	Government Agent	Term of policy	Sum insured	Description of property insured
------------	------------------	----------------	-------------	---------------------------------

Details of damage or loss :—

Description of goods/building damaged or destroyed	Actual value at time of loss or damage	Value of salvage	Actual loss
--	--	------------------	-------------

Are the goods, or any of them, required to be declared or held under a licence by an Order under the Defence of India Rules or any other law for the time being in force ?

If so, has a declaration been made or a licence obtained ?

Give the name of the Officer to whom the declaration has been made or from whom the licence has been obtained and the date when it was made or the licence obtained.

Give name of Assessor who examined the damaged goods/building.

I certify that the information furnished above is true to the best of my knowledge and belief.

Date..... 1944.

[Signature of applicant(s) or thumb impression(s), if illiterate.]

Full name(s) of applicant(s)
(in block letters).

Declared before me this day of 1944.

Signed

Magistrate or Justice of the Peace.

FORM D

GOVERNMENT OF INDIA

BOMBAY EXPLOSION (COMPENSATION) ORDINANCE, 1944

Application for compensation in respect of explosion damage to uninsured immovable property

I/We of
(address)

do hereby solemnly declare that on or about o'clock a.m./
p.m. Indian Standard Time on the day of April, 1944, build-
ing(s) owned by me/us which were/was not insured under any policy of insurance
were/was destroyed or damaged by fire/blast/fire and blast* and/or water.

I/We further solemnly declare that the actual value of the said building(s)
owned by me/us, as on the 31st March, 1939 amounted to Rs.
as detailed below and that apart from myself/ourselves no person other than
has any interest in the said building(s).

I/We therefore apply for compensation from the Governor General in Council
amounting to Rs. as detailed below and I we solemnly
declare that this application contains a true and accurate statement of the loss or
damage sustained by me/us, without inclusion of profit of any kind:
Situation of building(s) at the time of loss or damage.

If the property at risk immediately before the loss or damage occurred comprised
property subject to compulsory insurance under the War Risks (Factories) Insurance
Ordinance, 1942, give details of the policy or policies taken out under the said
Ordinance in force at the time of the loss or damage.

Policy No.	Government Agent	Term of policy	Sum insured	Description of property insured
------------	------------------	----------------	-------------	---------------------------------

Details of damage or loss :-

Description of building damaged or destroyed	Actual value as on 31-3-39	Value of salvage	Loss
--	----------------------------	------------------	------

Give name of Assessor who examined the damaged building
of (address)

I certify that the information furnished above is true to the best of my knowledge and belief.

Date 1944.

[Signature of applicant(s) or thumb impression(s), if illiterate]

Full name(s) of applicant(s) (in block letters)

Declared before me this Signed

..... day of

..... 1944.

Magistrate or Justice of the Peace.

*Delete words which do not apply.

FORM E

GOVERNMENT OF INDIA

BOMBAY EXPLOSION (COMPENSATION) ORDINANCE, 1944

Application for compensation in respect of uninsured movable property, i.e., household and personal effects, motor vehicles, stock-in-trade and merchandise

I/We
of (address)
do hereby solemnly declare that on or about o'clock a.m./
p.m. Indian Standard Time on the day of April, 1944, movable
property consisting of household and personal effects, motor vehicle(s), stock-in-
trade and merchandise, owned by me/us, which were/was not insured under any
policy of insurance, were/was destroyed or damaged by fire/blast/fire and blast*
and/or water.

I/We further solemnly declare that at the time of the said loss or damage, the
actual value of the said property owned by me/us amounted to Rs.
as detailed below and that apart from myself/ourselves, no person other than
....., has any interest in the said property.

I/We therefore apply for compensation from the Governor General in Council
amounting to Rs. as detailed below and I/we
solemnly declare that this application contains a true and accurate statement of
the loss or damage sustained by me/us, without inclusion of profit of any kind.

Situation of property at time of loss or damage.

If the property at risk immediately before the loss or damage occurred comprised
property subject to compulsory insurance under the War Risks (Goods) Insurance
Ordinance, 1940, or the War Risks (Factories) Insurance Ordinance, 1942, give details
of all insurances effected under the former Ordinance since 31st December, 1943 and
details of the Policy or Policies in force at the time of the loss or damage in the case
of the latter Ordinance :—

Policy No.	Government Agent	Term of policy	Sum insured	Description of property insured
------------	------------------	----------------	-------------	---------------------------------

.....
.....
.....
In the case of household and personal effects :—
(i) give the names of members of the household and their relationship with
the applicant :—.....

.....
.....
.....
(ii) state if any other member of the household has made a separate
application for compensation in respect of these effects and if the answer is in the
affirmative give his name and address :—.....

.....
.....
.....
In the case of stock-in-trade and merchandise owned by a firm, give the
names and addresses of partners in the firm and state whether any of the
partners has made a separate application for compensation :—.....

Details of damage or loss :—

	Description of property *	Actual value at time of loss or damage	Value of salvage	Actual loss
Household and personal effects.				
Stock-in-trade and merchandise.				
Motor vehicles†				

Is the property or any of it, required to be declared or held under a licence by an order under the Defence of India Rules or any other law for the time being in force?.....

If so, has a declaration been made or a licence obtained?.....

Give the name of the officer to whom the declaration has been made or from whom the licence has been obtained and the date when it was made or the licence obtained.....

Give the name of Assessor who examined the damaged property.....

..... of (address).....

I certify that the information furnished above is true to the best of my knowledge and belief.

Date..... 1944.

(Signature of claimant or thumb-mark, if illiterate.)

Full name of applicant (in block letters).....

Declared before me this

..... day of

..... 1944.

Signed.....

Magistrate or Justice of the Peace.

*If necessary, particulars of the property may be given on a sheet to be attached and signed or thumb-marked as the case may be. In that case it would be sufficient to say in this column "As described on the sheet attached and marked _____".

† Give type, make, year of manufacture, horsepower and seating capacity of vehicle.

THE THIRD SCHEDULE

(See section 9)

RECEIVED from the Governor General in Council the sum of Rs. in full satisfaction and discharge of all my/our claims and rights of whatever nature against the Governor General in Council or against the Province of Bombay, the Trustees of the Port of Bombay, the Municipal Corporation of the City of Bombay, His Majesty's Government or any servant or agent of the Crown or against any other Government, person or persons whomsoever arising directly or indirectly from the occurrence in the Bombay Docks on the 14th day of April, 1944.

In consideration of my/our acceptance of the above amount from the Governor General in Council I/we hereby admit and agree that my/our claims and rights of whatever nature arising directly or indirectly from the said occurrence and whether in contract or in tort or otherwise howsoever arising have been fully and finally satisfied and that I/we have no cause of action whatsoever against any Government, person or persons whomsoever arising directly or indirectly from the said occurrence, and if and to the extent that my/our claims and rights as aforesaid are not extinguished I/we in consideration of the premises hereby assign such claims and rights to the Governor General in Council.

Dated this

day of

194 .

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946
ORDINANCE No. XXXIII OF 1944

An Ordinance to amend the Indian Finance Act, 1944

(Published in the Gazette of India Extraordinary, dated the 8th July, 1944)

WHEREAS an emergency has arisen which makes it necessary to amend the Indian Finance Act, 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 Indian Finance (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

Price anna 1 or 1½d.

2. Amendment of Second Schedule, Indian Finance Act, 1944.—In paragraph D of Part II of the Second Schedule to the Indian Finance Act, 1944,—

(a) in the proviso, for the words “the profits of the previous year” the words “the whole or part of the previous year” shall be substituted, and shall be deemed always to have been substituted;

(b) at the end of the proviso, the following *Explanation* shall be inserted, and shall be deemed always to have been inserted, namely:—

‘*Explanation.*—For the purposes of this proviso, the expression “dividend” shall be deemed to include any distribution included in the expression “dividend” as defined in clause (6A) of section 2 of the Indian Income-tax Act, 1922, and any such distribution made during the year ending on the 31st day of March, 1945, shall be deemed to have been made in respect of the whole or part of the previous year.’

WAVELL,

Viceroy and Governor General.

ORDINANCE No. XXXIV OF 1944

[Repealed by Act 41 of 1963, s. 24 (w.e.f. 22-8-1963)]
An Ordinance to establish the Cotton Textiles Fund and to levy a duty of customs on exported cotton cloth and yarn

(Published in the Gazette of India Extraordinary on the 8th July, 1944)

WHEREAS an emergency has arisen which makes it necessary to establish a fund for supervising the exports of cotton cloth and yarn, and for the development of technical education, research and other matters in relation to the cotton textiles industry and for those purposes to levy a duty of customs on exports of cotton cloth and yarn;

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 Cotton Textiles Fund Ordinance, 1944.

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

(3) It shall come into force at once. *[Full the whole of India except Part B States]*

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

(a) “Collector” means a Customs-collector as defined in clause (c) of section 3 of the Sea Customs Act, 1878 (VIII of 1878), or a Collector of Land Customs as defined in clause (c) of section 2 of the Land Customs Act, 1924 (XIX of 1924), as the case may be;

(b) “the Committee” means the Cotton Textiles Fund Committee constituted under section 5;

(c) “cloth” and “yarn” mean respectively cloth and yarn of any description manufactured either wholly from cotton or partly from cotton and partly from any other substance and containing not less than ten per centum of cotton by weight;

(d) “the fund” means the Cotton Textiles Fund established under section 3;

(e) “prescribed” means prescribed by rules made under this Ordinance.

3. The Cotton Textiles Fund.—The Central Government shall establish for the purposes of this Ordinance a fund to be called the Cotton Textiles Fund.

4. Duty of customs.—(1) On and from such date as may be notified by the Central Government in this behalf in the official Gazette a duty of customs shall be levied on all cloth and yarn manufactured in India and exported from British India at the rate of three per centum of the maximum ex-factory price for the time being fixed for the particular description of cloth or yarn exported by or under any order for the time being in force made under the Defence of India Rules.

Provided that no such duty shall be levied on any cloth or yarn exported under a contract for export entered into before the commencement of this Ordinance.

(2) On the last day of each month or as soon thereafter as may be convenient the Collector shall in such manner as may be prescribed pay to the credit of the Fund, the proceeds of the duty of customs recovered during that month after deduction of the expenses, if any, for collection and recovery.

5. The Cotton Textiles Fund Committee.—(1) The Central Government shall constitute a body to be called the Cotton Textiles Fund Committee to administer the Fund in accordance with the provisions of this Ordinance.

(2) The Committee shall consist of such number of members appointed by the Central Government as the Central Government may from time to time consider expedient.

(3) The chairman of the Committee shall be appointed by the Central Government from among the members thereof.

(4) The Committee may, subject to the general control of the Central Government, employ such staff as it thinks necessary for the efficient discharge of its functions under this Ordinance, and may, with the previous sanction of the Central

Added by S. 2 of Ordinance 43 of 1944.

Added by S. 2 of Ord. 56 of 1944

Price anna 1 or 1½d.

3 Ins. by S. 3 of Act 42 of 1947

24 Subs. by A.O. 1948

3 Subs. by A.O. 1950

*before the
first day
of February
1945]*

4 [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.]

or exported for any purpose which is in the opinion of the Collector connected with the prosecution of the

3 [4. Government's contribution to the Fund.- The Central Government may from time to time make such contributions to the Fund as it thinks fit.]

Government, make bye-laws consistent with this Ordinance and the rules made thereunder to provide for all or any of the following matters, namely :—

- (a) the procedure to be followed at meetings of the Committee ;
- (b) the powers exercisable and the duties to be discharged by the chairman of the Committee and the members of the staff of the Committee ;
- (c) the travelling and other allowances which may be drawn by members of the Committee ;
- (d) the appointment, promotion and dismissal of members of the staff of the Committee and their terms of service.

6. Application of Fund.—(1) Moneys at the credit of the Fund shall be applied by the Committee towards meeting—

- (a) firstly, the cost of discharging its functions under this Ordinance ;
- (b) secondly, the cost of such measures as may be necessary for supervising the export of cloth and yarn ;
- (c) thirdly, the cost of such measures, including measures involving capital costs, as the Committee may consider necessary or desirable to take for promoting and increasing the sale of Indian cloth and yarn abroad, and generally for the development of technical education and research relating to the cotton textiles industry.

(2) In exercising its functions under sub-section (1) the Committee shall follow such general or special directions as the Central Government may from time to time think fit to give and if any question arises whether or not any particular expenditure is debitable to the Fund, the decision of the Central Government thereon shall be final.

7. Accounts.—(1) The Committee shall maintain the accounts of the Fund in such manner as may be prescribed.

(2) Such accounts shall be examined and audited annually by auditors appointed by the Central Government in this behalf, and an abstract of such accounts with the report of the auditors thereon shall be published in such form, at such time and in such manner as may be prescribed.

8. Dissolution of Committee.—When the Committee is dissolved by reason of this Ordinance having ceased to be in force, the unexpended balance at the credit of the Fund shall be applied in such manner as the Central Government may direct, towards meeting the cost of measures such as are described in clause (c) of sub-section (1) of section 6.

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

(2) Without prejudice to the generality of the foregoing power rules may be made providing for all or any of the following matters, namely :—

- (a) the term of office of members of the Committee, the circumstances in which members may be removed and the filling of casual vacancies in the Committee ;
- (b) the conduct of business by the Committee and the number of members which shall form a quorum at a meeting ;
- (c) the maintenance by the Committee of records of business transacted by the Committee and the submission of copies thereof to the Central Government ;
- (d) the preparation by the Committee of estimates of annual receipts and expenditure ;
- (e) the conditions subject to which the Committee may incur expenditure from the Fund outside India for the promotion of the interests of the cotton textile industry ;
- (f) any other matter which is to be or may be prescribed under this Ordinance.

WAVELL,

Viceroy and Governor General

Repealed by Act 2 of 1948

ORDINANCE No. XXXV OF 1944

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

(Published in the Gazette of India Extraordinary, dated the 29th July, 1944)

WHEREAS 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 (Second Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 2, Act XXXV of 1939.—For clause (xxvi) of sub-section (2) of section 2 of the Defence of India Act, 1939, the following clause shall be substituted, and shall be deemed always to have been substituted, namely :—

“(xxvi) prohibiting or regulating the bringing into, or taking out of, British India of goods or articles of any description (including coin, bullion, bank notes,

Price anna 1 or 1½d.

currency notes, securities and foreign exchange), and applying the provisions of the Sea Customs Act, 1878 (VIII of 1878), and in particular section 19 thereof, to such prohibitions and restrictions ; ”

3. Validity of certain of the Defence of India Rules.—For the removal of doubts it is hereby enacted—

(a) that rules 22, 84, 90B and 93 of the Defence of India Rules shall be deemed to have been made under section 2 of the Defence of India Act, 1939 (XXXV of 1939) as amended by this Ordinance, and

(b) that no order made under, and no action taken in exercise of any power conferred by or under, any of the said rules 22, 84, 90B and 93 shall be called in question merely on the ground that the rule conferred or purported to confer powers in excess of the powers that might at the time the rule was made be lawfully conferred by or under a rule made or deemed to have been made under the said section 2.

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946

ORDINANCE No. XXXVI of 1944

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

(Published in the Gazette of India Extraordinary, dated the 29th July, 1944)

WHEREAS an emergency has arisen which renders it necessary to make certain additions to, and modifications in, the First Schedule to the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943);

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 Amendment (Fourth Amending) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of the First Schedule, Ordinance XXIX of 1943.—In the First Schedule to the Criminal Law Amendment Ordinance, 1943,—

(a) to Part I the following entries shall be added, namely:—

“ 44. Shaik Saliah Sahib, Chief Goods Clerk, Section 161, I. P. C.
Bezwada, M. & S. M. Railway.

45. Kali Bor Dey, Station Master, Danton, B. N. Section 161, I. P. C.
Railway.

46. B. S. Ramaiah, Station Master, Jharsuguda, Section 161, I. P. C.
B. N. Railway.

47. (1) K. Madan Mohan Rao, Supervisor, Office
of the Controller of Leather Manu-
facture, Government Harness and } Sections 161/116, I.P.C.”;
Saddlery Factory, Madras.
(2) C. Rozier, Office Supervisor, Ordnance
Inspection Depot, Madras. }

(b) in Part II entries Nos. 34, 35 and 36 shall be omitted;

(c) to Part III the following entries shall be added, namely:—

“ 20. (1) Syed Mohd. Shakir, Head Journal
Clerk, Clothing Factory Inspection
Depot, Agra. } (1) Sections 409/109, I.P.C.
(2) Sumer Chand Seth, representative of
Messrs. Gupta & Co., Drummond
Road, Agra. } (2) Section 411, I.P.C.

21. (1) Madan Mohan Khanna, Examiner ‘B’
Grade, Ordnance Inspection Depot,
Moradabad. } (1) Section 120B read with
section 409, I. P. C.
(2) Manohar Lal Dhodi, Clerk, Messrs. Bawa
& Co., New Delhi. } (2) Section 409, I. P. C.
(3) Sections 409/109, I.P.C.
(4) Section 411, I. P. C.

22. Babu Lal, Goods Clerk, Jamuna Bridge, Section 161, I. P. C.
Agra, E. I. Railway.

23. P. C. Gulati of Messrs. Gulati & Co., 69, } (1) Section 420, I. P. C.
The Mall, Lahore. } (2) Sections 420/109, I. P. C.

24. } (1) Kirpal Singh, Divisional Transportation
25. } Officer, N. W. Railway, Lahore. } (1) Section 161, I. P. C.
(2) Sections 161/109, I.P.C.

26. } (2) Kanhaya, son of Nagahia, ex-peon to
Kirpal Singh, N. W. Railway, Lahore. } (Three separate cases.)

Price anna 1 or 1½d.

27. (1) Kirpal Singh, Divisional Transportation Officer, N. W. Railway, Lahore. } (1) Section 161, I. P. C.
 (2) Sadhu Ram, Station Master, N. W. Railway, Phagwara. } (2) Sections 161/109, I. P. C.
28. (1) Kirpal Singh, Divisional Transportation Officer, N. W. Railway, Lahore. }
 (2) Osborne Stephen Clarke, Chief Controller, N. W. Railway, Lahore Division, Lahore. }
 (3) Sohan Lal, Station Master, Dhilwan, N. W. Railway. } (1) Section 120B read with section 161, I. P. C.
 (4) Ghulam Ahmad, Assistant Station Master, Dhilwan, N. W. Railway. } (2) Section 161, I. P. C.
 (5) Gian Chand, Assistant Station Master, Dhilwan, N. W. Railway. } (3) Sections 161/109, I. P. C.
 (6) Ghulam Haider, Goods Clerk, Dhilwan, N. W. Railway. }
 (7) Kanhaya, son of Nagahia, ex-peon to Kirpal Singh, N. W. Railway, Lahore. }
29. Kidar Nath Bhalla, Station Master, Sambhal Hatim Sarai, E. I. Railway. Section 161, I. P. C.
30. Radha Raman Baijal, Chief Goods Clerk, New Delhi, N. W. Railway. Section 161, I. P. C.
31. Jayantilal Chunilal Dave, Signaller, Boriavi, B., B. & C. I. Railway. Section 161, I. P. C.
32. (1) Zille-Hasan Badar, Clerk, Office of the Controller of Supplies, U. P. Circle, Cawnpore. } (1) Section 161, I. P. C.
 (2) Jagan Nath Kapur, Contractor, 106, Daryaganj, Delhi. } (2) Sections 161/109, I. P. C.
33. (1) Jamansha Gulam Kadar. } (1) Section 406, I. P. C.
 (2) Sayed Kasam Ali Akbar, Tactical Training School, Poona. } (2) Sections 406/109, I. P. C.
 } (3) Section 420, I. P. C.
 } (4) Sections 420/109, I. P. C."

WAVELL,

Viceroy and Governor General.

ORDINANCE No. XXXVII OF 1944

An Ordinance to provide for the transfer from one corps, department, establishment, formation or appointment to another of civilian personnel employed under the War Department of the Central Government.

Repealed by Act 36 of 1957
(Published in the Gazette of India Extraordinary, dated the 19th August, 1944)

WHEREAS an emergency has arisen which makes it necessary to provide for the transfer from one corps, department, establishment, formation or appointment to another of civilian personnel employed under the War Department of 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, extent and commencement.—(1) This Ordinance may be called the Civilian Personnel (War Department) Transfer Ordinance, 1944.

(2) It extends to the whole of British India, and applies also to British subjects and servants of the Crown in any part of India, and to British subjects who are domiciled in any part of India wherever they may be.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance,—

(a) “competent authority” means any person designated by the Commander-in-Chief of His Majesty’s Forces in India in this behalf;

(b) “contract of service” includes, in relation to any person, any other conditions of service applicable to him;

(c) “the period of the present emergency” means the period beginning with the date of the promulgation of this Ordinance and ending with such date as the Central Government may, by notification in the official Gazette, declare to be the date on which the emergency which was the occasion of the making of this Ordinance came to an end.

3. Transfers of civilian personnel.—(1) During the period of the present emergency, any person, whether or not for the time being subject to naval, military or air force law, who is employed in a civilian capacity under the War Department of the Central Government, other than a person engaged outside India for such employment, may, notwithstanding anything to the contrary contained in his contract of service, be transferred without his consent from one corps, department, establishment, formation or appointment to another under the War Department by order of the competent authority:

Provided that no transfer shall be ordered in pursuance of this section—

(a) if it would operate to the financial disadvantage of the person concerned, or

(b) if it would involve service overseas or in an operational or field service area where liability for such service is not included in the contract of service of the person concerned:

Provided further that the restriction contained in clause (a) of the first proviso shall not apply to any reduction or reversion to a lower appointment which may for any reason be ordered under the contract of service of the person concerned

(2) If any question arises as to whether a proposed transfer is one which cannot be ordered by reason of the provisions of the first proviso to sub-section (1), the decision of the Commander-in-Chief of His Majesty's Forces in India thereon shall be final.

4. Retransfer on request at end of emergency period.—At the end of the period of the present emergency any person transferred under the provisions of section 3 shall, if he continues to be employed as aforesaid and so desires, be retransferred by the competent authority as soon as may be convenient to the corps, department, establishment, formation or appointment, as the case may be, in which he was employed at the time when he was first so transferred.

WAVELL,

Viceroy and Governor General.

Subs. by Act 49 of 1988, S. 29
ORDINANCE No. XXXVIII OF 1944

Ordinance to prevent the disposal or concealment of property procured by means of certain offences

(Published in the Gazette of India Extraordinary, dated the 23rd August, 1944)

WHEREAS an emergency has arisen which makes it necessary to provide for preventing the disposal or concealment of money or other property procured by means of certain offences punishable under the Indian Penal Code;

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 Criminal Law Amendment Ordinance, 1944.

(2) It extends to the whole of British India, and applies also to British subjects and servants of the Crown in any part of India and to British subjects who are domiciled in any part of India wherever they may be.

2. Interpretation.—(1) In this Ordinance, "scheduled offence" means an offence specified in the Schedule to this Ordinance.

or the purposes of this Ordinance the date of the termination of criminal proceedings shall be deemed to be—

(a) where such proceedings are taken to the High Court, whether in appeal or on revision, the date on which the High Court passes its final orders in such appeal or revision, or

(b) where such proceedings are not taken to the High Court, the day immediately following the expiry of sixty days from the date of the last judgment or order of a criminal Court in the proceedings.

(3) The functions of a District Judge under this Ordinance shall in a Presidency town be exercised by the Chief Judge of the Small Cause Court.

3. Application for attachment of property.—(1) Where the Provincial Government has reason to believe that any person has committed (whether after the commencement of this Ordinance or not) any scheduled offence, the Provincial Government may, whether or not any Court has taken cognizance of the offence, authorise the making of an application to the District Judge within the local limits of whose jurisdiction the said person ordinarily resides or carries on his business, for the attachment under this Ordinance of the money or other property which the Provincial Government believes the said person to have procured by means of the offence, or if such money or other property cannot for any reason be attached, of other property of the said person of value as nearly as may be equivalent to that of the aforesaid money or other property.

(2) The provisions of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), shall apply to proceedings for an order of attachment under this Ordinance as they apply to suits by the Crown.

(3) An application under sub-section (1) shall be accompanied by one or more affidavits stating the grounds on which the belief that the said person has committed any scheduled offence is founded, and the amount of money or the value of other property believed to have been procured by means of the offence: the application shall also furnish—

(a) any information available as to the location for the time being of any such money or other property, and shall, if necessary, give particulars, including the estimated value, of other property of the said person;

(b) the names and addresses of any other persons believed to have, or to be likely to claim, any interest or title in the property of the said person.

Price anna 1 or 1½d.

½ Ins. by Act 6 of 1945 (retrospectively)

2 Subs. by A.O. 1950.

2 Ins. by Act 34 of 1951

4. *Ad interim* attachment.—(1) Upon receipt of an application under section 3 the District Judge shall, unless for reasons to be recorded in writing he is of opinion that there exist no *prima facie* grounds for believing that the person in respect of whom the application is made has committed any scheduled offence or that he has procured thereby any money or other property, pass without delay an *ad interim* order attaching the money or other property alleged to have been so procured, or if it transpires that such money or other property is not available for attachment, such other property of the said person of equivalent value as the District Judge may think fit:

Provided that the District Judge may if he thinks fit before passing such order, and shall before refusing to pass such order, examine the person or persons making the affidavits accompanying the application.

(2) At the same time as he passes an order under sub-section (1), the District Judge shall issue to the person whose money or other property is being attached a notice, accompanied by copies of the order, the application and affidavits and of the evidence, if any, recorded, calling upon him to show cause on a date to be specified in the notice why the order of attachment should not be made absolute.

(3) The District Judge shall also issue notices, accompanied by copies of the documents accompanying the notice under sub-section (2), to all persons represented to him as having, or being likely to claim, any interest or title in the property of the person to whom notice is issued under the said sub-section, calling upon each such person to appear on the same date as that specified in the notice under the said sub-section and make objection if he so desires to the attachment of the property or any portion thereof on the ground that he has an interest in such property or portion thereof.

(4) Any other person claiming an interest in the attached property or any portion thereof may, notwithstanding that no notice has been served upon him under this section, make an objection as aforesaid to the District Judge at any time before an order is passed under sub-section (1) or sub-section (3), as the case may be, of section 5.

5. Investigation of objections to attachment.—(1) If no cause is shown and no objections are made under section 4 on or before the specified date, the District Judge shall forthwith pass an order making the *ad interim* order of attachment absolute.

(2) If cause is shown or any objections are made as aforesaid, the District Judge shall proceed to investigate the same, and in so doing, as regards the examination of the parties and in all other respects he shall, subject to the provisions of this Ordinance, follow the procedure and exercise all the powers of a Court in hearing a suit under the Code of Civil Procedure, 1908 (Act V of 1908); and any person making an objection under section 4 shall be required to adduce evidence to show that at the date of the attachment he had some interest in the property attached.

(3) After investigation under sub-section (2), the District Judge shall pass an order either making the *ad interim* order of attachment absolute or varying it by releasing a portion of the property from attachment or withdrawing the order:

Provided that the District Judge shall not—

(a) release from attachment any interest which he is satisfied that the person believed to have committed a scheduled offence has in the property, unless he is also satisfied that there will remain under attachment an amount of the said person's property of value not less than that of the property believed to have been procured by the said person by means of the offence, or

(b) withdraw the order of attachment unless he is satisfied that the said person has not by means of the said offence procured any money or other property.

6. Attachment of property of *mala fide* transferees.—(1) Where the assets available for attachment of a person believed to have committed a scheduled offence are

found to be less than the amount or value which he is believed to have procured by means of such offence, and where the District Judge is satisfied, by affidavit or otherwise, that there is reasonable cause for believing that the said person has, after the date on which the offence is alleged to have been committed, transferred (whether after the commencement of this Ordinance or not) any of his property otherwise than in good faith and for consideration, the District Judge may by notice require any transferee of such property (whether or not he received the property directly from the said person) to appear on a date to be specified in the notice and show cause why so much of the transferee's property as is equivalent to the proper value of the property transferred should not be attached.

(2) Where the said transferee does not appear and show cause on the specified date, or where after investigation in the manner provided in sub-section (2) of section 5, the District Judge is satisfied that the transfer of the property to the said transferee was not in good faith and for consideration, the District Judge shall order the attachment of so much of the said transferee's property as is in the opinion of the District Judge equivalent to the proper value of the property transferred.

7. **Execution of orders of attachment.**—An order of attachment of property under this Ordinance shall be carried into effect so far as may be practicable in the manner provided in the Code of Civil Procedure, 1908 (Act V of 1908), for the attachment of property in execution of a decree.

8. **Security in lieu of attachment.**—Any person whose property has been or is about to be attached under this Ordinance may at any time apply to the District Judge to be permitted to give security in lieu of such attachment, and where the security offered and given is in the opinion of the District Judge satisfactory and sufficient, he may withdraw or, as the case may be, refrain from passing, the order of attachment.

9. **Administration of attached property.**—(1) The District Judge may, on the application of any person interested in any property attached under this Ordinance and after giving the agent of the ~~Provincial~~ ^{State Government or, as the case may be, the Central Government} Government an opportunity of being heard, make such orders as the District Judge considers just and reasonable for—

- (a) providing from such of the attached property as the applicant claims an interest in, such sums as may be reasonably necessary for the maintenance of the applicant and of his family, and for the expenses connected with the defence of the applicant where criminal proceedings have been instituted against him in any Court for a scheduled offence;
- (b) safeguarding so far as may be practicable the interests of any business affected by the attachment, and in particular, the interests of any partners in such business.

(2) Where it appears to the District Judge to be just and convenient, he may by order appoint a receiver to manage any property attached under this Ordinance in accordance with such instructions as the District Judge may from time to time think fit to give; and where a receiver is so appointed, the provisions of rules 2, 3, 4 and 5 of Order XL of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), shall be applicable.

10. **Duration of attachment.**—An order of attachment of property under this Ordinance shall, unless it is withdrawn earlier in accordance with the provisions of this Ordinance, continue in force—

- (a) where no Court has taken cognizance of the alleged scheduled offence at the time when the order is applied for, for ^{3 [One year]} ~~three months~~ from the date of the order under sub-section (1) of section 4 or sub-section (2) of section 6, as the case may be, unless cognizance of such offence is in the meantime so taken, or unless the District Judge on application by the agent of the ~~Provincial~~ ^{State Government or, as the case may be, the Central Government} Government thinks it proper and just that the period should be extended and passes an order accordingly; or

1 Ins. by S. 27 of Act 14 of 1950.

2 Subs. by A.O. 1950.

- (b) where a Court has taken cognizance of the alleged scheduled offence, whether before or after the time when the order was applied for, until orders are passed by the District Judge in accordance with the provisions of this Ordinance after the termination of the criminal proceedings.

2 [State] 11. Appeals.—(1) The Provincial Government or any person who has shown cause under section 4 or section 6 or has made an objection under section 4 or has made an application under section 8 or section 9, if aggrieved by any order of the District Judge under any of the foregoing provisions of this Ordinance, may appeal to the High Court within thirty days from the date on which the order complained against was passed.

3 [State Government or, as the case may be, the Central Government] (2) Upon any appeal under this section the High Court may, after giving such parties as it thinks proper an opportunity of being heard, pass such orders as it thinks fit.

(3) Until an appeal under this section is finally disposed of by the High Court, no Court shall, otherwise than in accordance with the provisions of section 8 or section 13, order the withdrawal or suspension of any order of attachment to which the appeal relates.

12. Criminal Courts to evaluate property procured by scheduled offences.—(1) Where before judgment is pronounced in any criminal trial for a scheduled offence it is represented to the Court that an order of attachment of property has been passed under this Ordinance in connection with such offence, the Court shall, if it is convicting the accused, record a finding as to the amount of money or value of other property procured by the accused by means of the offence.

(2) In any appeal or revisional proceedings against such conviction, the appellate or revisional Court shall, unless it sets aside the conviction, either confirm such finding or modify it in such manner as it thinks proper.

(3) In any appeal or revisional proceedings against an order of acquittal passed in a trial such as is referred to in sub-section (1), the appellate or revisional Court, if it convicts the accused, shall record a finding such as is referred to in that sub-section.

13. Disposal of attached property upon termination of criminal proceedings.—

2 [State] (1) Upon the termination of any criminal proceedings for any scheduled offence in respect of which any order of attachment of property has been made under this Ordinance or security given in lieu thereof, the agent of the Provincial Government shall without delay inform the District Judge, and shall where criminal proceedings have been taken in any Court, furnish the District Judge with a copy of the judgment or order of the trying Court and with copies of the judgments or orders, if any, of the appellate or revisional Courts thereon.

(2) Where it is reported to the District Judge under sub-section (1) that cognizance of the alleged scheduled offence has not been taken or where the final judgment or order of the criminal Courts is one of acquittal, the District Judge shall forthwith withdraw any orders of attachment of property made in connection with the offence, or where security has been given in lieu of such attachment, order such security to be returned.

3 [Govt.] (3) Where the final judgment or order of the criminal Courts is one of conviction, the District Judge shall order that from the property of the convicted person attached under this Ordinance or out of the security given in lieu of such attachment, there shall be forfeited to His Majesty such amount or value as is found in the final judgment or order of the criminal Courts in pursuance of section 12 to have been procured by the convicted person by means of the offence, together with the costs of attachment as determined by the District Judge: and where the final judgment or order of the criminal Courts has imposed or upheld a sentence of fine on the said person (whether alone or in conjunction with any other punishment), the District Judge may order, without prejudice to any other mode of recovery, that the said fine shall be recovered from the residue of the said attached property or of the security given in lieu of attachment.

2 Added by S.2 of Ordinance 14 of 1945

3 Subs. by A.O. 1950

(4) Where the amounts ordered to be forfeited or recovered under sub-section (3) exceed the value of the property of the convicted person attached, and where the property of any transferee of the convicted person has been attached under section 6, the District Judge shall order that the balance of the amount ordered to be forfeited under sub-section (3) together with the costs of attachment of the transferee's property as determined by the District Judge shall be forfeited to ~~His Majesty~~ ^[Govt] from the attached property of the transferee or out of the security given in lieu of such attachment; and the District Judge may order, without prejudice to any other mode of recovery, that any fine referred to in sub-section (3) or any portion thereof not recovered under that sub-section shall be recovered from the attached property of the transferee or out of the security given in lieu of such attachment.

(5) If any property remains under attachment in respect of any scheduled offence or any security given in lieu of such attachment remains with the District Judge after his orders under sub-sections (3) and (4) have been carried into effect, the order of attachment in respect of such property remaining shall be forthwith withdrawn, or as the case may be, the remainder of the security returned, under the orders of the District Judge.

14. Bar to other proceedings.—Save as provided in section 11 and notwithstanding anything contained in any other law,—

(a) no suit or other legal proceeding shall be maintainable in any Court—

(i) in respect of any property ordered to be forfeited under section 13 or which has been taken in recovery of fine in pursuance of an order under that section, or

(ii) while any other property is attached under this Ordinance, in respect of such other property,—

by any person upon whom a notice has been served under section 4 or section 6 or who has made an objection under sub-section (4) of section 4; and

(b) no Court shall, in any legal proceedings or otherwise, pass any decree or order, other than a final decree in a suit by a person not being a person referred to in clause (a), which shall have the effect of nullifying or affecting in any way any subsisting order of attachment of property under this Ordinance, or the right of the District Judge to hold security in lieu of any such order of attachment.

1 Added by S. 3 of Ordinance 14 of 1945

2 Subs. by A.O. 1950.

[ORD. XXXVIII OF 1944]

Criminal Law Amendment

6 *Criminal Law Amendment* — [Cont.]
15. Protection of action taken.—No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Ordinance.

THE SCHEDULE

(See section 2)

Offences in connection with which property is liable to be attached.

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

1. An offence punishable under section 161 or section 165 of the Indian Penal Code, or any conspiracy to commit or any attempt to commit or
or any abetment of such offence or section 408 1/2
 2. An offence punishable under section 406 or section 409 of the Indian Penal Code, where the property in respect of which the offence is committed is property entrusted by 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 a person acting on behalf of
any such Government or department or authority [State] 3/2
 3. An offence committed by a body or Government company or society or section 414 of the Indian Penal Code.

any such Government or department or authority, *corporation or body or Government Company or Society* <

3. An offence punishable under section 411 or section 414 of the Indian Penal Code, where the stolen property in respect of which the offence is committed is property such as is described in the preceding item and in respect of which an offence punishable under section 406 or section 409 of the said Code has been committed.

47. section 420 of the Indian Penal

4. An offence punishable under section 417 or section 420 of the Indian Penal Code, where the person deceived is 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 a person acting on behalf of any such Government or department or authority.

5. Any conspiracy to commit or any attempt to commit or any abetment of any of the aforesaid offences [offences specified in items 2, 3 and 4]

3/7 for corporation or body or Government company

Viceroy and Governor General.

GIPD-SJ-807 LD-18.11.44-2000.

GIPD-SJ-807 LD-18.11.44-2000.
 1/2 Addnl and Subs. by Ordinance 14 of 1945.

2
2 Subs. by A.D. 1950
A.F.W.D.

2 Sub. by A.O. 1950.
2 Sub. by A.O. 1960, S. 4 (w.r.f. 18-12 bu)

the District Judge under sub-section (1) that cogni-

Repealed by Ordinance 6 of 1947

ORDINANCE No. XXXIX OF 1944

An Ordinance to constitute a fund for the financing of activities for the improvement of production, marketing and distribution of coal and coke

(Published in the Gazette of India Extraordinary, dated the 26th August, 1944)

WHEREAS an emergency has arisen which makes it necessary to constitute a fund for the financing of activities for the improvement of production, marketing and distribution of coal and coke;

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 Coal Production Fund Ordinance, 1944.

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

(3) It shall come into force at once.

2. Imposition and collection of excise and customs duties.—(1) With effect from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, there shall be levied and collected as a cess for the purposes of this Ordinance, on all coal and coke despatched from collieries in British India a duty of excise at such rate, not exceeding one rupee and four annas per ton, as may from time to time be fixed by the Central Government by notification in the official Gazette:

Provided that the Central Government may, by notification in the official Gazette, exempt from liability to the duty of excise any specified class or classes of coal or coke.

(2) During the period in which a duty of excise is being levied under sub-section (1), the Central Government may, by notification in the official Gazette, levy and collect as a cess for the purposes of this Ordinance, a duty of customs on all coal and coke brought into British India from any foreign country or from the territory of any Indian State, at a rate equivalent to the rate of the duty of excise levied under sub-section (1):

Provided that the duty of customs shall not be levied on any class or classes of coal or coke for the time being exempted from liability to the duty of excise under the proviso to sub-section (1).

(3) A duty levied under this section shall be in addition to any other duty of excise or customs for the time being leviable under any other law.

(4) The duties imposed by this section shall, subject to and in accordance with the rules made under this Ordinance in this behalf, be collected on behalf of the Central Government by such agencies and in such manner as may be prescribed by the rules.

3. The Coal Production Fund.—(1) The proceeds of the duties imposed by section 2 shall be credited to a fund to be called the Coal Production Fund (hereinafter referred to as the Fund).

(2) The Fund shall be applied by the Central Government to meet expenditure incurred on measures which in the opinion of the Central Government it is necessary or expedient to take for the improvement of production, marketing or distribution of coal or coke.

(3) Without prejudice to the generality of sub-section (2), the Fund may be utilised to defray—

(a) the cost of administering the Fund;

(b) the salaries and allowances, if any, of Inspectors and other officers who may be appointed to supervise or carry out the activities financed from the Fund;

(c) the grant of bonuses to colliery owners for increased output of coal;

(d) the deficit, if any, on any scheme for establishing and maintaining labour camps in coalfields under the supervision of the Central Government

for the purpose of providing such labour for work in coal-mines and for providing for the transport of colliery labour to and from work

(e) the deficit, if any, on any scheme for the procurement and sale of colliery stores and equipment;

(f) the grant to a Provincial Government, a local authority or the owner, agent or manager of a coal-mine of money in aid of any scheme approved by the Central Government for the improved production, marketing or distribution of coal or coke;

(g) the cost of administering any system of control for the time being in force of the production, marketing or distribution of coal or coke;

(h) any other expenditure which the Central Government directs to be defrayed from the Fund.

(4) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund, and its decision shall be final.

(5) The Central Government shall publish annually in such form and manner as may be prescribed by rules an account of all sums received into and paid out of the Fund.

4. Appointment and powers of officers.—(1) The Central Government may appoint Inspectors and other officers to supervise or carry out the activities financed from the Fund.

(2) Any officers so appointed shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(3) Any Inspector may, with such assistance if any as he thinks fit, enter at any reasonable time any place which he considers it necessary to enter for the purpose of supervising or carrying out the activities financed from the Fund, and may do therein anything necessary for the proper discharge of his duties.

5. Power to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules to carry into effect the purposes and the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(a) the manner in which the duties imposed by this Ordinance shall be collected, the persons who shall be liable to make the payments, the making of refunds, remissions and recoveries, the deduction by collecting agencies of a percentage of the realisations to cover the cost of collection, and the procedure to be followed in remitting the proceeds to the credit of the Central Government;

(b) the conditions governing the grant of bonuses from the Fund under clause (c) of sub-section (3) of section 3;

(c) the conditions governing the grant of money from the Fund to a Provincial Government, a local authority or the owner, agent or manager of a coal-mine;

(d) the duties of the officers appointed to supervise or carry out the activities financed from the Fund;

(e) the form of, and the manner of preparing, the account referred to in sub-section (5) of section 3;

(f) the furnishing by owners or agents or managers of coal-mines of statistical or other information, and the punishment by fine of failure to comply with the requirements of any rule made under this clause.

WAVELL,

Viceroy and Governor General

Repealed by Ordinance 1 of 1946

ORDINANCE No. XL OF 1944

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

(Published in the Gazette of India Extraordinary, dated the 26th August, 1944)

WHEREAS 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 Amendment (Fifth Amending) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 5, Ordinance XXIX of 1943.—In sub-section (2) of section 5 of the Criminal Law Amendment Ordinance, 1943 (hereinafter referred to as the said Ordinance), for the words “not specified” the words “whether or not specified” shall be substituted, and shall be deemed always to have been substituted.

Price anna 1 or 1½d.

3. Amendment of section 6, Ordinance XXIX of 1943.—After sub-section (1) of section 6 of the said Ordinance, the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in section 4, any two members of a Special Tribunal may proceed with the trial of a case during the temporary and unavoidable absence of the third member :

Provided that all three members shall be present when after the evidence has been concluded the prosecutor or the accused or his pleader is addressing the Special Tribunal and when the judgment in the case is delivered.”

4. Amendment of First Schedule, Ordinance XXIX of 1943.—In the First Schedule to the said Ordinance,—

(a) in Part I, entry No. 31 shall be omitted, and shall be deemed never to have been included ;

(b) in entry No. 32 of Part III, for the name “Zille-Hasan Badar ” the name “Zille Hasnain Badar ” shall be substituted, and shall be deemed always to have been substituted.

WAVELL,

Viceroy and Governor General.

ORDINANCE No. XLI OF 1944

Repealed by Ordinance 17-1946

An Ordinance further to amend the Allied Forces (Exemption from Local Taxation) Ordinance, 1943

(Published in the Gazette of India Extraordinary, dated the 9th September, 1944)

WHEREAS an emergency has arisen which makes it necessary further to amend the Allied Forces (Exemption from Local Taxation) Ordinance, 1943 (XXVIII 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 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 Allied Forces (Exemption from Local Taxation) Second Amendment Ordinance, 1944.

(2) It shall come into force at once.

Price anna 1 or 1½d.

2. Insertion of new section 2A in Ordinance XXVIII of 1943.—After section 2 of the Allied Forces (Exemption from Local Taxation) Ordinance, 1943, the following section shall be inserted, namely :—

“ 2A. *Application to Nepalese Contingent.*—The provisions of this Ordinance shall apply to the Nepalese Contingent maintained in British India as they apply to a force maintained in British India by an Authority to which this Ordinance applies, and to the members of the said Contingent as they apply to the members of the said force.”

WAVELL,
Viceroy and Governor General.

ORDINANCE No. XLII of 1944

An Ordinance to make certain provision in respect of Post-Office Twelve-Year National Savings Certificates and other classes of Savings Certificates

(Published in the Gazette of India Extraordinary, dated the 9th September, 1944)

WHEREAS an emergency has arisen which renders it necessary to make certain provision in respect of Post-Office Twelve-Year National Savings Certificates and other classes of Savings Certificates;

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, application and commencement.—(1) This Ordinance may be called the Post-Office National Savings Certificates Ordinance, 1944.

(2) It applies to—

(a) Post-Office Twelve-Year National Savings Certificates issued in pursuance of the Notification of the Government of India in the Finance Department, No. F. 17 (100)-F/43, dated the 4th September, 1943, and

(b) any other classes of savings certificates to which the Central Government may from time to time by notification in the official Gazette direct that the provisions of this Ordinance shall apply.

(3) It shall come into force at once.

2. Interpretation.—In this Ordinance—

(a) “minor” means a person who is not deemed to have attained his majority under the Indian Majority Act, 1875 (IX of 1875);

(b) “savings certificate” includes a Post-Office Twelve-Year National Savings Certificate referred to in clause (a) of sub-section (2) of section 1 and a savings certificate of any other class to which the provisions of this Ordinance have been applied by a direction in pursuance of clause (b) of that sub-section;

(c) “transfer” means a transfer *inter vivos* and does not include a transfer by operation of law.

3. Restriction of transfer.—Notwithstanding any provision in any enactment or any rule of law for the time being in force to the contrary, no transfer, whether made before or after the commencement of this Ordinance or, as the case may be, before or after the making of a direction in pursuance of clause (b) of sub-section (2) of section 1, of a savings certificate shall be valid without the previous consent in writing of an officer of the Post Office authorised by general or special order of the Central Government in that behalf.

4. Payment on death of holder of savings certificate.—(1) If a person dies and is at the time of his death the holder of a savings certificate, payment of the sum for the time being due thereon may be made in the manner provided in the Government Savings Banks Act, 1873 (V of 1873), for the payment of deposits belonging to the estates of deceased persons, and the provisions of sections 4 to 9 of the said Act shall apply accordingly as if the holder of the savings certificate were a depositor in a Government Savings Bank and the sum for the time being due on the certificate were a deposit in such a Bank:

Provided that in such application section 8 of the said Act shall be construed as if the reference therein to three thousand rupees were a reference to the amount of the maximum holding of savings certificates prescribed in the rules made or deemed to have been made under this Ordinance applicable to the particular savings certificate:

Provided further that—

(a) the powers conferred by the said provisions on the Secretary of a Government Savings Bank shall be exercisable by the Postmaster-General for the area within which the post office of issue of such savings certificate is situated;

2 Issued by the A.O. 1944 Price anna 1 or 1½

(b) where in any one case payment is to be made of savings certificates issued from more post offices than one, the said powers shall be exercisable by the Postmaster-General for the area in which any of the said post offices is situate.

(2) Nothing in sub-section (1) shall be deemed to require any person to accept payment of the amount due on a savings certificate before it has reached maturity.

5. Holdings by or on behalf of minors.—Notwithstanding any provision in any enactment or any rule of law for the time being in force to the contrary,—

(1) a minor may apply for and hold savings certificates and any person may apply for and hold savings certificates on behalf of a minor ;

(2) where any certificate is held by or on behalf of a minor, the minor shall, whether the certificate was applied for and issued before or after the commencement of this Ordinance or, as the case may be, before or after the making of a direction in respect of such certificate in pursuance of clause (b) of sub-section (2) of section 1, be bound by the provisions of this Ordinance and of any rules made or deemed to have been made thereunder applicable to such savings certificate and by the terms of any declaration made by the applicant for the certificate in pursuance of the said rules ;

(3) payment of the sum for the time being due on a savings certificate held by or on behalf of a minor may be made—

(a) to him personally, if he himself applied for the certificate, or

(b) for the use of the minor, if the application for the certificate was made by any person other than the minor,—

(i) to any such person, being a parent of the minor or guardian of his property, as may be nominated in that behalf in the form of application, or

(ii) if no such nomination has been made, to any guardian of the property of the minor appointed by a competent Court, or where no such guardian has been so appointed, to either parent of the minor, or where neither parent is alive, to any other guardian of the minor,—

and the receipt of the minor or, as the case may be, of his parent or guardian for any sum paid under this clause shall be a sufficient discharge therefor.

6. Rules.—(1) The Central Government may by notification in the official Gazette make rules relating to any class of savings certificate.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the application for, the issue, maximum limits of holding and discharge of, and conditions as to interest or discount relating to, any class of savings certificate, and may also provide—

(a) that where any such maximum limits of holdings are exceeded, no interest shall be payable on the amount of such excess ;

(b) that if any interest has been paid on any amount of such excess, it shall be recoverable as an arrear of land-revenue or in such other manner as the rules may prescribe.

(3) All rules relating to—

(a) the Post-Office Twelve-Year National Savings Certificates in force at the commencement of this Ordinance,

(b) any other class of savings certificate in force at the time when a direction in pursuance of clause (b) of sub-section (2) of section 1 is made in respect thereof,

shall, so far as they are not inconsistent with the provisions of this Ordinance, continue in force until they are duly rescinded or amended, and shall be deemed to have been made under this Ordinance.

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946
ORDINANCE No. XLIII OF 1944

An Ordinance to amend the Cotton Textiles Fund Ordinance, 1944

(Published in the Gazette of India Extraordinary, dated the 16th September, 1944.)

WHEREAS an emergency has arisen which makes it necessary to amend the Cotton Textiles Fund Ordinance, 1944 (XXXIV 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

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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 Cotton Textiles Fund (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 4, Ordinance XXXIV of 1944.—To the proviso to sub-section (1) of section 4 of the Cotton Textiles Fund Ordinance, 1944, the following shall be added, namely :—

“ or exported for any purpose which is in the opinion of the Collector connected with the prosecution of the war. ”

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946

ORDINANCE No. XLIV OF 1944**An Ordinance further to amend the Indian Army Act, 1911***(Published in the Gazette of India Extraordinary, dated the 30th September, 1944.)*

WHEREAS an emergency has arisen which makes it necessary to provide that in certain provisions of the Indian Army Act, 1911 (VIII of 1911), shall have effect in relation to His Majesty's Burma Forces and persons subject to the Burma Army Act while any such Forces or persons are in India, and for that purpose further to amend the first-mentioned 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 Indian Army (Third Amendment) Ordinance, 1944.

(2) It shall come into force at once.

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Indian Army (Third Amendment)

[ORD. XLIV OF 1944]

2. Insertion of new section 6B in Act VIII of 1911.—After section 6A of the Indian Army Act, 1911, the following section shall be inserted, namely :—

‘ 6B. *Effect of Act in relation to Burma Forces in India.*—So long as there are in India any of His Majesty's Burma Forces the following provisions of this Act, namely, sections 69, 70, 71, 84, 85, 91A, 103A, 107, 108, 108A, 109, 111A, 114, 118, 119, 120, 122, 123, 125 and 126B, shall have effect in all respects in relation to such Forces and to persons subject to the Burma Army Act and to things done in relation to such Forces and persons under the Burma Army Act as they have effect in relation to His Majesty's Indian Forces and to persons subject to this Act and to things done in relation to such Forces and persons under this Act :

Provided that, in having such effect as aforesaid,—

- (a) in the said provisions the word “prescribed” shall be deemed to mean prescribed by rules made under the Burma Army Act, and
- (b) in sub-section (1) of section 91A, for the words “Central Government or the Commander-in-Chief in India” the words “Governor of Burma” shall be deemed to be substituted.’

WAVELL,

Viceroy and Governor General.

Repealed by Act 36 of 1957
ORDINANCE No. XLV of 1944

An Ordinance to remove doubts as to the validity of certain notices under the Indian Income-tax Act, 1922, and the Excess Profits Tax Act, 1940.

(Published in the Gazette of India Extraordinary, dated the 3rd October, 1944.)

WHEREAS an emergency has arisen which makes it necessary to remove doubts as to the validity of certain notices under the Indian Income-tax Act, 1922 (XI of 1922), and the Excess Profits Tax Act, 1940 (XV of 1940);

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 Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1944.

(2) It extends to the whole of British India, and applies also, within the Indian States and the tribal areas, in relation to the persons specified in sub-section (2) of section 1 of the Indian Income-tax Act, 1922 (XI of 1922).

(3) It shall come into force at once.

2. Validity of certain notices.—For the removal of doubts it is hereby enacted that every notice published or issued, whether before or after the commencement of this Ordinance,—

(a) under sub-section (1) of section 22 of the Indian Income-tax Act, 1922 (XI of 1922), requiring a return to be furnished within sixty days from the date of the notice, or

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- (b) under sub-section (2) of the said section or under sub-section (1) of section 34 of the said Act, requiring a return to be furnished within thirty days of the receipt of the notice, or
- (c) under sub-section (1) of section 13 of the Excess Profits Tax Act, 1940 (XV of 1940), requiring a return to be furnished within sixty days from the date of the service of the notice, or
- (d) under section 15 of the last-mentioned Act, requiring a return to be furnished within sixty days of the receipt of the notice—

shall, notwithstanding any judgment or order of any Court, Appellate Tribunal or Income-tax authority to the contrary, and whether or not any specified date on or before which the return is to be furnished is or has been given in the notice as an alternative, be deemed to give or have given a period of notice in full compliance with law, and no such notice shall be called in question or be deemed to be, or at any time to have been, invalid for any purpose whatsoever (including any proceedings, criminal or otherwise, instituted whether before or after the commencement of this Ordinance, under, or for a contravention of, any of the provisions of either of the above-mentioned Acts) on the ground merely that a period insufficient in law within which to carry out the requirements of the notice has been specified therein.

WAVELL,
Viceroy and Governor General.

Repealed by Ordinance 1 of 1946

(Published in the Gazette of India Extraordinary on the 7th October, 1944.)

ORDINANCE No. XLVI of 1944

AN

ORDINANCE

to provide for the registration of certain female European British subjects.

WHEREAS an emergency has arisen which makes it necessary to provide for the registration of certain female European British subjects ;

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 Registration (Emergency Powers) Ordinance, 1944.

(2) It extends to the whole of British India, and applies also to European British subjects in any part 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) "European British subject" means any subject of His Majesty of European descent in the male line, born, naturalised or domiciled in the British Islands or in any Dominion as defined in the Statute of Westminster, 1931 (22 Geo. 5, c. 4) or in any Colony except Ceylon ;

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

(c) "registration authority" means in relation to a person for the time being resident—

(i) in a Presidency-town, the Commissioner of Police ;

(ii) elsewhere in British India, the District Magistrate ;

(iii) elsewhere in India, such authority as may be prescribed.

3. Obligation to register.—(1) Save as hereinafter provided, every female European British subject who on the prescribed date has attained the age of eighteen years but has not attained the age of fifty years shall, within the prescribed period, correctly fill up, to the best of her knowledge and belief, sign and lodge with the registration authority the form set out in the Schedule.

(2) Nothing in sub-section (1) shall apply to a person who on the prescribed date—

(a) is a whole time servant of Government, whether in civil, naval, military or air force employment, or

(b) is in permanent employment as a missionary of any religious denomination and is receiving separate remuneration for such employment, or

(c) is actively engaged as a qualified medical practitioner, or is registered or otherwise qualified as a nurse and is earning her livelihood as such, or

(d) is the wife of a person other than a European British subject, or who having been the wife of any such person, has not since been married to a European British subject.

(3) If any question arises whether a person is a person to whom the provisions of sub-section (1) are applicable, the decision of the registration authority thereon shall, except for the purposes of a prosecution under sub-section (4), be final.

(4) If any person refuses or without lawful excuse (the burden of proving which shall lie upon such person) neglects fully to comply with the requirements of sub-section (1), she shall be punishable with fine which may extend to one hundred rupees.

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

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

(a) prescribe the registration authorities referred to in sub-clause (iii) of clause (c) of section 2 ;

(b) prescribe the date for the purposes of section 3 ;

(c) prescribe the period within which the form set out in the Schedule shall be lodged ;

- (d) provide for the issue of certificates of registration ;
 (e) require the notification of changes of address of persons registered under this Ordinance.
- (3) Rules made under this section may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees.

THE SCHEDULE

(See section 3)

Form of Particulars

1. Name in full (in block capitals, surname underlined).	
2. Date and place of birth.	
3. Present address.	
4. Permanent address, if differing from present address.	
5. Are you single, married or a widow ?	
6. If married,— (a) what is your husband's occupation and rank, if any ? (b) for how many months in the course of the year do you reside with your husband and for how many months do you normally reside in the Hills ? (c) are you "war-separated" ?	
7. Have you any children in your charge ? If so,— (a) how many, and what are their ages ? (b) do you employ anyone to look after them ? (c) how many children are with you (i) continuously, (ii) for school holidays only ?	
8. Have you any other dependents living with you ? If so, give particulars ?	
9. Are you responsible for the housekeeping or house work in your house ? If so, for how many persons ?	
10. Do you do or have you done within the past two years any work other than housekeeping ? If so, what, whether whole time or part time, and for how many hours a week ? N.B.—Work includes all assistance given to the Red Cross, the W. V. S. and similar organisations, even when not constituting regular employment.	
11. Have you any qualifications for or experience in— (a) nursing, (b) secretarial work, (c) educational work, (d) catering, (e) any other kind of work ? If so, give particulars.	
12. Have you any disability affecting your capacity for active or sedentary work ? If so, what is its nature ?	
13. Are you prepared to undertake whole or part time work in aid of the war effort ? If so, state your preference and the amount of time you could devote to such work ?	

Date

Signature

WAVELL,
 Viceroy and Governor General.

Repealed by Ordinance 1 of 1946

ORDINANCE No. XLVII OF 1944

**An Ordinance further to amend the National Service (Technical Personnel)
Ordinance, 1940.**

(Published in the Gazette of India Extraordinary, dated the 7th October, 1944.)

WHEREAS an emergency has arisen which makes it necessary further to amend the National Service (Technical Personnel) Ordinance, 1940 (II 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 (Technical Personnel) Amendment Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance II of 1940.—In sub-clause (iv) of clause (d) of section 2 of the National Service (Technical Personnel) Ordinance,

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2 *National Service (Technical Personnel) Amendment* [ORD. XLVII OF 1944]
1940 (hereinafter referred to as the said Ordinance), for the words "any other undertaking" the words and brackets "any other concern (including a port administration or shipping company)" shall be substituted.

3. **Amendment of section 7, Ordinance II of 1940.**—For clause (b) of subsection (I) of section 7 of the said Ordinance, the following clause shall be substituted, namely:—

"(b) direct any technical personnel to undertake such employment in the national service as may be specified in the order ;"

4. **Insertion of new section 21 in Ordinance II of 1940.**—After section 20 of the said Ordinance the following section shall be added, namely:—

"21. *Application of Ordinance to ships.*—The provisions of this Ordinance and of the rules made thereunder shall apply in relation to ships registered in British India under the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), as if all references throughout this Ordinance and the rules made thereunder to a factory were references to such a ship."

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946

ORDINANCE No. XLVIII OF 1944

An Ordinance further to amend the Code of Criminal Procedure, 1898

(Published in the Gazette of India Extraordinary, dated the 21st October, 1944.)

WHEREAS an emergency has arisen which makes it necessary further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), 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 Code of Criminal Procedure (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

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2. Amendment of section 54, Act V of 1898.—To clause *sixthly* of subsection (1) of section 54 of the Code of Criminal Procedure, 1898, the following shall be added, namely :—

“ or from any unit of Indian States Forces declared under the Indian Extradition Act, 1903 (XV of 1903), to be a unit desertion from [which is an extradition offence ; ”.

WAVELL,

Viceroy and Governor General.

ORDINANCE No. XLIX of 1944

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

(Published in the Gazette of India Extraordinary, dated the 21st October, 1944.)

WHEREAS an emergency has arisen which renders it necessary to make certain additions to the First Schedule to the Criminal Law Amendment Ordinance, 1943 (XXIX of 1943);

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 Amendment (Sixth Amending) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of First Schedule, Ordinance XXIX [of 1943.]—To Part I of the First Schedule to the Criminal Law Amendment Ordinance, 1943, the following entries shall be added, namely:—

“48. (1) E. A. Greuter	(1) Section 120B read with sections 406, 417 and
(2) N. Mitter	420, I. P. C.
(3) E. A. Dorsey	(2) Section 161, I. P. C.
(4) G. V. Dorsey	(3) Sections 161/109, I. P. C.
(5) N. Basu	(4) Section 406, I. P. C.
(6) E. Edwards	(5) Sections 406/109, I. P. C.
(7) D. A. Basil	(6) Section 417, I. P. C.
(8) A. E. Mercado (Junior)	(7) Section 420, I. P. C.
(9) S. N. Saighol	

Price anna 1 or 1½d.

*Repealed
by Ordinance
1 of 1946*

- | | | | |
|-----|--------------------------------|---|---|
| 49. | (1) E. A. Greuter | } | (1) Section 120B read with sections 406, 417 and 420* |
| | (2) N. Mitter | | I. P. C. |
| | (3) E. A. Dorsey | | (2) Section 161, I. P. C. |
| | (4) G. V. Dorsey | | (3) Sections 161/109, I. P. C. |
| | (5) N. Basu | | (4) Section 406, I. P. C. |
| | (6) M. C. Mansukhani | | (5) Sections 406/109, I. P. C. |
| | (7) D. C. Mansukhani | | (6) Section 417, I. P. C. |
| | | | (7) Section 420, I. P. C. |
| 50. | (1) E. A. Greuter | } | (1) Section 120B read with sections 406, 417 and 420, |
| | (2) N. Mitter | | I. P. C. |
| | (3) E. A. Dorsey | | (2) Section 161, I. P. C. |
| | (4) G. V. Dorsey | | (3) Sections 161/109, I. P. C. |
| | (5) N. Basu | | (4) Section 406, I. P. C. |
| | (6) E. Edwards | | (5) Sections 406/109, I. P. C. |
| | (7) M. R. Sarkar | | (6) Section 417, I. P. C. |
| | | | (7) Section 420, I. P. C. |
| 51. | (1) E. A. Greuter | } | (1) Section 120B read with sections 406, 417 and 420, |
| | (2) N. Mitter | | I. P. C. |
| | (3) E. A. Dorsey | | (2) Section 406, I. P. C. |
| | (4) N. Basu | | (3) Sections 406/109, I. P. C. |
| | | | (4) Section 417, I. P. C." |

WAVELL,

Viceroy and Governor General.

ORDINANCE No. L OF 1944

Repealed by Act-2 of 1948

An Ordinance to impose a temporary duty of excise on certain sugar produced in British India.

(Published in the Gazette of India Extraordinary, dated the 21st October, 1944.)

WHEREAS an emergency has arisen which makes it necessary to impose a temporary duty of excise on certain sugar produced in 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 and commencement.—(1) This Ordinance may be called the Sugar (Temporary Excise Duty) Ordinance, 1944.

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

(3) It shall come into force at once.

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

(a) “ Assessing Officer ” and “ Circle Officer ” mean, respectively, any officer appointed by the Provincial Government or by the Collector of Central Excises and Salt Revenue having jurisdiction in the area to exercise the powers of an Assessing Officer or a Circle Officer under this Ordinance ;

(b) “ Assistant Collector ” means an Assistant Collector of Central Excises and Salt Revenue and includes any officer specially authorised by the Central Board of Revenue or by the Provincial Government to exercise in any specified area all or any of the powers of the Assistant Collector for the purposes of this Ordinance ;

(c) “ factory ” means any premises wherein or within the precincts of which the production of sugar or any process connected with the production of sugar is being carried on or has been carried on on any day of the twelve months preceding the date of the commencement of this Ordinance ;

(d) “ sugar ” means any form of sugar containing more than ninety per cent. of sucrose ;

(e) “ wholesale dealer ” means any person who buys or sells sugar wholesale and includes a broker or commission agent who in addition to making contracts for the sale or purchase of sugar for others, stocks sugar belonging to others as an agent for the purpose of sale.

3. Imposition of duty.—A duty of excise shall be levied, and shall be payable to the Central Government, on all sugar produced in any factory in British India before the commencement of this Ordinance and owned or possessed at the commencement of this Ordinance by an owner of a factory or by a wholesale dealer, at the rate of one rupee and seven annas per standard maund in the case of sugar produced by the vacuum pan process or at the rate of one rupee per standard maund in the case of sugar produced by any other process.

4. Disclosure of stocks.—Every person owning or possessing sugar liable to the duty imposed by section 3 shall, within seven days of the date of the commencement of this Ordinance, submit to the Assessing Officer having jurisdiction in the area a

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full account in writing, containing the particulars entered in Form A set out in the Schedule and verified in the manner indicated in that form, of all sugar in his ownership or possession on the date of the commencement of this Ordinance, and shall specify therein the place where such sugar is stored and, if it is in transit from one place to another, the date, place and manner of despatch, its destination, the name and address of the consignee, and the date on which it is expected to reach such destination. Separate forms shall be submitted for sugar produced by the vacuum pan process and for sugar produced by any other process.

5. Assessment and payment of duty.—(1) On receipt of the return referred to, in section 4 and after such further enquiry, if any, as he may think necessary, the Assessing Officer shall assess the duty payable on the sugar. If no return is submitted within the period specified in section 4, the Circle Officer, or, if the sum assessed exceeds two hundred rupees, the Assistant Collector, may make a summary assessment of the duty on such information as may be available to him.

(2) The amount so assessed shall be communicated in writing to the person owning or possessing the sugar with the particulars contained in Form B set out in the Schedule; and that person shall, not later than the 11th day of November, 1944, unless he obtains permission under sub-section (3) to pay by instalments, pay it into the local Treasury or any other Treasury approved by the Assessing Officer.

(3) Such payment may, with the permission of the Assessing Officer obtained when the assessment is communicated under sub-section (2), be made in instalments not more than three in number, of which, when three instalments are allowed, the first shall be not less than one-third of the total amount due and shall be paid not later than the 11th day of November, 1944, and the second shall be not less than one-half the balance due and shall be paid not later than the 26th day of December, 1944, and the third shall be paid not later than the 11th day of February, 1945, and, when two instalments are allowed, the first shall be not less than half the total amount due and shall be paid not later than the 11th day of November, 1944, and the second shall be paid not later than the 26th day of December, 1944.

6. Recovery of duty with penalty.—If the duty payable under section 3 is not paid in full before the 12th day of February, 1945, or if any instalment is not paid in full by the date fixed by section 5, the Circle Officer, or, if the deficit exceeds one hundred rupees, the Assistant Collector may, in lieu of the amount left unpaid, recover any sum not exceeding double the amount left unpaid.

7. Mode of recovery of duty.—When default is made in the payment of any duty payable under section 3, or when any sum is to be recovered under section 6, the Assistant Collector may prepare a certificate signed by him specifying the amount due from the person liable to pay the same and send it to the Collector of the district in which such person resides or conducts his business and the said Collector, on receipt of such certificate, shall proceed to recover from the said person the amount specified therein as if it were an arrear of land revenue.

8. Power to obtain information.—An Assessing Officer or any person authorised in writing in this behalf by an Assistant Collector may at all reasonable times enter any place in which he has reason to believe that sugar liable to the duty imposed by section 3 is kept, and may inspect such place and may require any person found therein who is for the time being in charge thereof to produce to him and allow him to examine such accounts, books or other documents as may relate to the business carried on in such place and to furnish to him such information as he may require for the purpose of ascertaining whether or what sugar liable to duty is kept in such place or is elsewhere in the ownership or possession of the owner of such place.

9. Disposal of sugar liable to duty.—No person owning or possessing sugar liable to the duty imposed by section 3 shall sell or otherwise dispose of any sugar until the order of assessment under section 5 has been communicated to him and until he holds a release order signed by the officer making the assessment:

Provided that nothing in this section shall apply to sugar sold retail in quantities not exceeding two pounds to one person at one time.

10. Offences and penalties.—Whoever commits any of the following offences, namely:—

- (a) fails to supply the information required by section 4 or under section 8 or (unless with a reasonable belief, the burden of proving which shall be upon him, that the information supplied by him is true) supplies false information;
- (b) evades the payment of any duty payable by him under this Ordinance;
- (c) obstructs any Assessing Officer or other authorized person in the exercise of his powers under section 8;
- (d) contravenes the provisions of section 9;
- (e) attempts to commit, or abets the commission of any of the offences mentioned in the foregoing clauses of this section,

shall, for every such offence, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, and where the offence is committed, attempted or abetted in respect of sugar liable to duty under section 3 such fine may extend to five times the duty leviable on the sugar in respect of which the offence is committed, attempted or abetted.

11. Power of Courts to order forfeiture.—Any Court trying an offence under this Ordinance may order the forfeiture to His Majesty of any sugar in respect of which the Court is satisfied that an offence under this Ordinance has been committed, and may also order the forfeiture of any receptacles, packages or coverings in which such sugar is contained and the animals, vehicles, vessels or other conveyances used in carrying the sugar:

Provided that in ordering forfeiture under this section, the Court shall give the owner of the goods an option to pay in lieu of forfeiture such fine as the Court thinks fit.

12. Appeals.—(1) Any person aggrieved by any decision or order passed under section 5 or section 6 may, within one month from the date of such decision or order, appeal therefrom to the Collector of Central Excises and Salt Revenue having jurisdiction in the area; but the filing of such an appeal shall not, pending the appeal, absolve him from the obligation to pay the sum or sums specified in such decision or order.

(2) The Collector of Central Excises and Salt Revenue may thereupon make such further inquiry and pass such order as he thinks fit, confirming, altering or annulling the decision or order appealed against; and if the money deposited by the person making the appeal exceeds the amount directed by the Collector of Central Excises and Salt Revenue to be paid, the money deposited in excess of such amount shall be refunded.

(3) Every order passed in appeal under this section shall, subject to the power of revision conferred by section 13, be final.

13. Revision by the Central Board of Revenue.—The Central Board of Revenue may, on the application of any aggrieved person, reverse or modify any decision or order made under section 5, 6, or 12.

14. Rebate on export.—The Central Government may, by notification in the official Gazette, make rules to provide for the grant of a rebate of the duty paid under this Ordinance on sugar which is afterwards exported to any country outside India.

15. Bar of legal proceedings.—No suit, prosecution or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Ordinance.

16. Saving of other laws.—The provisions of this Ordinance shall be in addition to and not in derogation of any other law for the time being in force in relation to the levy of central duties of excise on sugar.

THE SCHEDULE.

[See sections 4 and 5 (2).]

FORM A.

PARTICULARS TO BE CONTAINED IN ACCOUNT RENDERED UNDER SECTION 4.

I/We.....of.....
owner of.....factorydoing business as a wholesale dealer and holding licence No.....
hereby declare that the following stocks of sugar were held by me/us on the.....
.....October, 1944 :—

Place of storage. If any quantities are in transit, state hereunder the date, place and manner of despatch of each consignment, the name and address of the consignee and the date on which it is expected to reach such destination.	Number of bags.	Average weight of contents of bags in maunds and seers.	Total quantity.		Remarks.
			Mds.	Seers.	

1. I/We.....hereby declare the above particulars to be true.

2. I/We wish to pay the sum leviable hereon in.....
instalments.Signature of factory owner.....
or other stockholder.....

Date.....

FORM B.

PARTICULARS TO BE CONTAINED IN COMMUNICATION OF ASSESSMENT UNDER
SECTION 5.To.....of.....
owner of.....factory

doing business as a wholesale dealer and holding licence No.....

Duty on.....maunds of sugar owned or possessed by you on
the.....has been assessed at Rs.....

You are required to pay the whole of this amount before the 11th day of November, 1944.

You are permitted to pay this amount in two/three instalments.

Signature.....
Assessing Officer.

Date.....

WAVELL,
Viceroy and Governor General.

Repeated by Ordinance 1 of 1946.

ORDINANCE No. LI of 1944

An Ordinance to amend the Bombay Explosion (Compensation) Ordinance, 1944

(Published in the Gazette of India Extraordinary, dated the 25th October, 1944.)

WHEREAS an emergency has arisen which makes it necessary to amend the Bombay Explosion (Compensation) Ordinance, 1944 (XXXII 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 Bombay Explosion (Compensation) Amendment Ordinance, 1944.

(2) It shall come into force at once.

Price anna 1 or 1½d.

Bombay Explosion (Compensation) Amendment [ORD. LI OF 1944]

2. Amendment of section 5, Ordinance XXXII of 1944.—(1) In sub-section (1) of section 5 of the Bombay Explosion (Compensation) Ordinance, 1944, for the figures, letters and words "31st day of October," the figures, letters and words "30th day of November," shall be substituted.

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

"Provided that the Central Government may, if it is satisfied that there was reasonable excuse for the delay, direct that an application made after the said date but not later than the 31st day of October, 1945, shall be enquired into and determined under this Ordinance."

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946

ORDINANCE No. LII of 1944

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

(Published in the Gazette of India Extraordinary, dated the 2nd December, 1944.)

WHEREAS 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 Amendment (Seventh Amending) Ordinance, 1944.

(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), for the words “three Special Tribunals to sit at Calcutta, Lahore and Lucknow respectively” the following words shall be substituted, namely :—

“five Special Tribunals, two (hereinafter referred to respectively as the First and Second Tribunal) to sit at Lahore, and three to sit at Calcutta, Lucknow and Amraoti, respectively.”

3. Amendment of First Schedule, Ordinance XXIX of 1943.—In the first Schedule to the said Ordinance,—

(a) In Part I,—

(i) entries Nos. 34, 41, 42, 44 and 47 shall be omitted ;

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

“52. (1) Captain H. W. Upshon, Assistant Superintendent
(Commercial), Luggage and Parcel Office,
Howrah, E. I. Railway.

(2) Sergeant Major E. W. Mulcahai, Head Parcel Clerk,
Luggage and Parcel Office, Howrah, E. I.
Railway.

(3) Sergeant Major F. J. L'Estrange, Chief Luggage
and Parcel Inspector, Luggage and Parcel Office,
Howrah, E. I. Railway.

(4) Havaldar P. D. Nagi, Assistant Head Parcel Clerk,
Luggage and Parcel Office, Howrah, E. I.
Railway.

(5) G. Lal, Assistant Parcel Clerk, Luggage and Parcel
Office, Howrah, E. I. Railway.

(6) S. R. Acharia, Supervisor, Bentinck Street, City
Booking Office, Calcutta, E. I. Railway.

(7) G. Hussain, Assistant Parcel Clerk, Bentinck Street,
City Booking Office, Calcutta, E. I. Railway.

} Section 120B, read with section
161, I. P. C.

53. A. Ghose, representative of Messrs. R. L. Mandal & Sons, Ltd., Railway Timber Contractors,
Calcutta. } Sections 161/116, I. P. C.

54. Lt. N. S. Rau, Assistant Accounts Officer, Howrah, } (1) Section 161, I. P. C.
E. I. Railway. } (2) Section 165, I. P. C.”;

(b) in Part II,—

(i) for the existing heading “Cases for trial by the Tribunal with headquarters at Lahore” the following shall be substituted, namely :—

“Cases for trial by the First Tribunal with headquarters at Lahore” ;

(ii) entries Nos. 40, 45, 46, 47, 48, 51 and 52 shall be omitted ;

(c) in Part III,—

(i) entries Nos. 1 and 20 shall be omitted ;

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

“34. (1) Anandi Pershad, Assistant Goods Clerk, Dehra
Dun, E. I. Railway.

(2) Rameshwar Dass, Marker, Goods Office, Dehra
Dun, E. I. Railway.

} Section 120B, read with section
161, I. P. C.

35. Shiam Sundar, Superintendent, M-3 Section, Office of Section 161, I. P. C.
the Chief Controller of Purchase, New Delhi.
36. (1) Krishan Kumar Soti, Chief Goods Clerk, Gajraula, } Sections 161/109, I. P. C.
E. I. Railway.
(2) Hotilal Verma, Station Master, Gajraula, E. I. }
Railway.
37. (1) Lt. L. R. Dhingra, formerly Group Officer, } (1) Section 120B, I. P. C.
Transit Section, O. I. D., Delhi Fort. } (2) Section 420, I. P. C.
(2) Ram Sarup Goel, son of Jagan Parshad Goel of } (3) Sections 420/109, I. P. C.
Meerut, Hire Transport Contractor, Delhi Fort. }
38. Man Mohan Puri, formerly Aerodrome Transport Section 409, I. P. C.
Officer, Fatehjang, Katchery Road, Rawalpindi.
39. Man Mohan Puri, formerly Aerodrome Transport Section 409, I. P. C.
Officer, Fatehjang, Katchery Road, Rawalpindi.
40. Man Mohan Puri, formerly Aerodrome Transport Section 409, I. P. C.;
Officer, Fatehjang, Katchery Road, Rawalpindi.
- (d) after Part III and the entries therein, the following Parts and entries shall be inserted, namely :—

“ PART IV

Cases for trial by the Tribunal with headquarters at Amraoti

Name of the accused person or persons	Offences punishable under the Indian Penal Code charged against the accused
1. Subedar J. H. Abraham, R. I. A. S. C., Gudivada, Madras.	Section 161, I. P. C.
2. (1) Govind Rao Neelay, Hire Transport Contractor, R. I. A. S. C., Jubbulpore Cantonment. (2) Satya Narain Khandelwal, Hire Transport Contractor, R. I. A. S. C., Tumsar Road, District Bhandara, C. P.	Sections 161/116, I. P. C.
3. Ram Prashad Sharma (Tiwari), Station Master, Madan Mahal, Jubbulpore, G. I. P. Railway.	Section 161, I. P. C.
4. Shaikh Saliah Sahib, Chief Goods Clerk, Bezwada, M. & S. M. Railway.	Section 161, I. P. C.
5. (1) K. Madan Mohan Rao, Supervisor, Office of the Controller of Leather Manufacture, Government Harness and Saddlery Factory, Madras. (2) C. Rozier, Office Supervisor, Ordnance Inspection Depot, Madras.	Sections 161/116, I. P. C.
6. (1) Nooka Gopala Krishnan, 125, Varadamuthiappan Street, George Town, Madras. (2) Devi Setti Vankatarangaiah, 40, Govindappa Naick Street, George Town, Madras.	Sections 161/116, I. P. C., read with section 34, I. P. C.
7. Nandlal Bhagwandas Bakshi, Inside Examiner, Camp Group, Ordnance Inspection Depot, Sewri, Bombay.	Section 161, I. P. C.
8. Ezekiel Jacob Solomon, Reservation Clerk, Church Gate Reservation Enquiry Office, Bombay, B. B. & C. I. Railway.	Section 161, I. P. C.
9. Seth Abdul Aziz Kachehi, son of Wali Mohammad, Miloni Ganj, Jubbulpore.	Sections 161/116, I. P. C.
10. E. H. Hunter, S. D. O. (E. & M.) Sub-Division, Andheri, Bombay.	Sections 420/511, I. P. C.
11. Bhaiyalal Beohar, Shunting Master, Jubbulpore, G. I. P. Railway.	Section 161, I. P. C.
12. Chabildas Chaganlal Parikh, Assistant Luggage Clerk, Parcel Office, Surat, B. B. & C. I. Railway.	Section 161, I. P. C.
13. J. V. Raja Rao, Station Master, Koduru, M. & S. M. Railway.	Section 161, I. P. C.
14. (1) Major (now Lieutenant) J. R. Gammage, R. I. A. S. C., Supply Depot, Katni. (2) Subedar V. M. Sarang Pani, R. I. A. S. C., Head Clerk, Supply Depot, Kamptee. (3) Sheikh Ahmadulla, son of Sheikh Dullu, Military Contractor, Opren Ganj, Jubbulpore. (4) Sheikh Shamsuddin, son of Sheikh Dullu, Military Contractor, Opren Ganj, Jubbulpore. (5) Sheikh Abdul Ghani, son of Sheikh Dullu, Military Contractor, Opren Ganj, Jubbulpore.	(1) Section 120B, read with section 420, I. P. C. (2) Section 420, I. P. C.

PART V

Cases for trial by the Second Tribunal with headquarters at Lahore

Name of the accused person or persons	Offences punishable under the Indian Penal Code charged against the accused
1. (1) Rai Bahadur Lala Padam Chand Tacla, Divisional Engineer, Rawalpindi, N. W. Railway. (2) Khan Sahib Jilani Bakhsh Malik, Assistant Engineer, Jholum, N. W. Railway.	(1) Section 120B, read with section 161, I. P. C. (2) Section 120B, read with section 420, I. P. C. (3) Section 161, I. P. C. (4) Section 420, I. P. C. (5) Sections 420/109, I. P. C.
2. (1) Ganpat Rai Gadi, son of Dayal Dass Gadi, E-3, C. R. E. Air Fields, Karachi. (2) Hardayal Jaswant Rai Hardy, Advocate, Karachi. (3) Asanand Chagpal Joshi, Advocate, Karachi. (4) Anoopchand, son of Kirpa Ram Mehta, School Master, Middle School, Keamari, Karachi.	(1) Section 120B, read with section 420, I. P. C. (2) Section 420, I. P. C. (3) Sections 420/109, I. P. C. (4) Section 417, I. P. C. (5) Section 161, I. P. C. (6) Sections 161/109, I. P. C.
3. Ram Lal, Station Master, Sarna, N. W. Railway.	Section 161, I. P. C.
4. (1) Bakhshish Singh, son of Kishan Singh, Sadar Bazar, Kharas Mahallah, Lahore Cantonment. (2) Ram Nath Sethi, son of Lala Tara Chand, Mochi Gate, Lahore. (3) Des Raj, son of Niranjan Dass Khatri, Guru Tegh Bahadur Road, Krishan Nagar, Lahore.	Section 161, I. P. C.

Criminal Law Amendment (Seventh Amending)

[ORD. LII OF 1944]

5. (1) Joginder Singh, S. D. O., M.E.S., Chaklala.
 (2) Teja Singh, Overseer, M.E.S., Chaklala.
 (3) Nanak Singh, Work Munshi, M.E.S., Chaklala.
6. (1) Major I. D. E. Cearns, Officer-in-charge Supplies, Ambala.
 (2) Captain R. T. Linton, A. T. O., Kalka.
 (3) Captain F. A. F. Durrance, A. T. O., Kalka.
 (4) Captain C. A. Ward, A. T. O., Kalka.
 (5) Captain E. Cragg, A. T. O., Kalka.
 (6) Captain R. F. Hills, incharge Railhead, Kalka.
 (7) Subedar Major Qamar Din, Head Clerk, Office of the Officer-in-charge Supplies, Ambala.
 (8) Des Raj, Contractor, Kalka.
 (9) Kartar Singh Lamba, Contractor, Kalka.
 (10) Zaffar Mahomed, Contractor, Kalka.
 (11) Lal Chand, General Merchant, Kalka.
 (12) Prem Chand, Shop-keeper, Kalka.]

- (1) Section 120B, read with section 409, I. P. C.
 (2) Section 409, I. P. C.
 (3) Sections 409/109, I. P. C.

- (1) Section 120B, read with section 420, I. P. C.
 (2) Section 420, I. P. C. and sections 420/109, I. P. C.
 (3) Section 161, I. P. C.
 (4) Sections 161/109, I. P. C."

WAVELL,
Viceroy and Governor General.

ORDINANCE No. LIII of 1944

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

Rep. by Ordinance 1 of 1946
(Published in the Gazette of India Extraordinary, dated the 13th December, 1944)

WHEREAS 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 (Second Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance XXXV of 1943.—In sub-clause (i) of clause (f) of section 2 of the Hoarding and Profiteering Prevention Ordinance, 1943 (hereinafter referred to as the said Ordinance), after the words “another person” the words “or when held by that person on behalf of another person” shall be inserted.

3. Amendment of section 4, Ordinance XXXV of 1943.—To section 4 of the said Ordinance the following sub-section shall be added, namely:—

“(3) Where any article is sold, offered for sale or otherwise disposed of in contravention of sub-section (1) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless they prove that they exercised due diligence to prevent such contravention, the dealer or producer, as the case may be, and any person having charge on behalf of the dealer or producer of the place where the contravention occurred, shall be liable to the punishment provided by sub-section (1) of section 13, whether or not they were present when the contravention occurred.”

4. Amendment of section 6, Ordinance XXXV of 1943.—(1) In sub-section (2) of section 6 of the said Ordinance,—

(a) in sub-clause (i) of clause (b), for the words “a part” the words “the part of entry” shall be substituted;

(b) in clause (c), after the words “cost of production” the following shall be inserted, namely:—

“of the article, such cost of production being deemed to be exclusive of the amount, if any, by which the price paid by the producer for any component part of the article exceeded—

(i) the maximum price fixed for the component part under section 3 and in force at the time of its purchase by the producer, or

(ii) where no maximum price has been so fixed for the component part, the amount represented by the addition allowed by the normal trade practice in force of the 31st day of August, 1939 to the cost of production of the component part:”

(c) in the proviso, for the words beginning with “and unless such report has been made” and ending with “for a consideration which is unreasonable” the following shall be substituted, namely:—

“and the dealer or producer, as the case may be, shall be deemed to sell for a consideration which is unreasonable if such report has not been made or if after such report has been made and the Controller General has varied such addition, the price charged exceeds the limits approved by the Controller General under this proviso”.

(2) To the said section 6 the following sub-section shall be added, namely:—

“(5) Where any article is sold, offered for sale or otherwise disposed of in contravention of sub-section (1) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless they prove that they exercised due diligence to prevent such contravention, the dealer or producer, as the case may be, and any person having charge on behalf of the dealer or producer of the place where the contravention occurred, shall be liable to the punishment

Price anna 1 or 1½d.

2 *Hoarding and Profiteering Prevention (Second Amendment)* [ORD. LIII OF 1944]
provided by sub-section (1) of section 13, whether or not they were present when the contravention occurred."

5. Amendment of section 9, Ordinance XXXV of 1943.—In section 9 of the said Ordinance, after the word "limits" the words "if any" shall be inserted.

6. Substitution of new section for section 9A, Ordinance XXXV of 1943.—For section 9A of the said Ordinance the following section shall be substituted, namely:—

"9A. *Power of Controller General to order or prohibit sale.*—The Controller General may, by order in writing, direct any dealer or producer—

(a) to sell to any specified person any specified article or articles in such quantity, within the limits if any as to quantity imposed by this Ordinance, as may be specified in the order;

(b) not to sell, except to such persons as the Controller General may, in the order or otherwise, specify, any specified articles or classes of articles for such period not exceeding twenty one days as may be specified in the order."

7. Amendment of section 11, Ordinance XXXV of 1943.—In sub-section (2) of section 11 of the said Ordinance, after the word "alter" the words "or cause to be destroyed, effaced or altered" shall be inserted.

8. Amendment of section 12, Ordinance XXXV of 1943.—(1) In sub-section (1) of section 12 of the said Ordinance,—

(a) in clause (e), the words "not below the status of a gazetted officer" shall be omitted;

(b) in clause (f), for the words "has been" the words "has been, is being or is about to be" shall be substituted.

(2) To the said section 12 the following sub-section shall be added, namely:—

"(3) The Controller General and such inspectors and other officers as may be empowered by the Central or the Provincial Government in this behalf shall within the respective areas for which they are appointed have power to investigate all offences punishable under this Ordinance, and in conducting any such investigation shall, within the said areas, have all the powers, duties, privileges and liabilities of an officer in charge of a police station under the Code of Criminal Procedure, 1898 (Act V of 1898), when investigating a cognisable offence within the limits of his station."

9. Amendment of section 13, Ordinance XXXV of 1943.—To section 13 of the said Ordinance the following sub-section shall be added, namely:—

"(4) Notwithstanding anything to the contrary in clause (a) of sub-section (1) of section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898), a Magistrate of the first class specially empowered by the Provincial Government in this behalf or any Presidency Magistrate may impose a sentence of fine exceeding one thousand rupees for any offence punishable under this Ordinance."

10. Amendment of section 14, Ordinance XXXV of 1943.—In section 14 of the said Ordinance, for the word "rank" the words "rank, in a Presidency-town of a Deputy Commissioner of Police, or elsewhere" shall be substituted.

11. Amendment of section 14A, Ordinance XXXV of 1943.—In section 14A of the said Ordinance, for the word "may" the word "shall" shall be substituted and to the section the following shall be added, namely:—

"and notwithstanding anything contained in section 362 of the said Code, a Presidency Magistrate trying any offence punishable under this Ordinance shall not record the evidence or frame a charge unless for reasons to be recorded by him in writing he considers it advisable in any particular case to do so."

12. Amendment of section 14B, Ordinance XXXV of 1943.—In sub-section (3) of section 14B of the said Ordinance, for the words "evidence of that landed cost" the following shall be substituted, namely:—

"proof of that landed cost, and in giving the said certificate, such of the following charges as are actually incurred in connection with the article shall be taken into account, namely, buying commission, insurance premium, freight, customs duty paid, landing and clearing charges up to deposit of the article in the importer's warehouse or other place of storage, and charges made by banks for transmitting shipping documents".

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946.
ORDINANCE No. LIV OF 1944

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

(Published in the Gazette of India Extraordinary, dated the 18th December, 1944)

WHEREAS an emergency has arisen which makes it necessary to amend the War Injuries (Compensation Insurance) Act, 1943 (XXIII 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 War Injuries (Compensation Insurance) Amendment Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of section 2, Act XXIII of 1943.—In section 2 of the War Injuries (Compensation Insurance) Act, 1943 (hereinafter referred to as the said Act), in the proviso to clause (e) and the proviso to clause (g), for the words “ the Schedule ”, wherever they occur, the words “ the First Schedule ” shall be substituted.

3. Amendment of section 3, Act XXIII of 1943.—In the proviso to sub-section (1) of section 3 of the said Act, after the words “ or where by the provisions ” the following shall be inserted, namely :—
“ of sub-section (1) of section 9 or ”.

4. Amendment of section 5, Act XXIII of 1943.—In sub-clauses (i) and (ii) of clause (c) of sub-section (1) of section 5, for the words “ the Schedule ”, wherever they occur, the words “ the First Schedule ” shall be substituted.

5. Amendment of section 7, Act XXIII of 1943.—In sub-section (5) of section 7 of the said Act,—

(a) in clause (f), after the words “ the Scheme ” the following shall be inserted, namely :—

“ either as the equivalent of all advance payments of premium already made by an employer, or as a percentage of the total wages bills of an employer for the periods with reference to which the amount of any advance payments made by him was fixed or ” ;

(b) in clause (g),—

(i) before the existing first proviso the following proviso shall be inserted, namely :—

“ Provided that, where the amount of the periodic payment based on the total wages bill of the prescribed period is less than eight rupees, it shall be increased to eight rupees : ” ;

(ii) in the existing first proviso, after the word “ Provided ” the word “ further ” and after the word “ shall ” the words “ subject to the aforesaid minimum of eight rupees ” shall be inserted ;

(iii) in the existing third proviso, after the word “ shall ” the words “ subject to the aforesaid minimum of eight rupees ” shall be inserted.

6. Amendment of section 9, Act XXIII of 1943.—In sub-section (1) of section 9 of the said Act, after the word “ applicable ”, the following shall be inserted, namely :—

“ except an employer whose total wages bill for any quarter after the commencement of this Act has never exceeded fifteen hundred rupees ”.

7. Amendment of section 11, Act XXIII of 1943.—In sub-section (1) of section 11 of the said Act, after the words and figures “ under section 17 ” the following shall be inserted, namely :—

“ or any provision of law corresponding thereto in force in an Indian State or in the French Establishments in India or in the territories (hereinafter referred to as Administered Areas) set out in the Second Schedule ”.

Price anna 1 or 1½d.

8. Amendment of section 20, Act XXIII of 1943.—In sub-section (2) of section 20 of the said Act, clause (d) shall be omitted.

9. Amendment of section 21, Act XXIII of 1943.—In section 21 of the said Act,—

(a) in sub-section (1),—

(i) after the words “of an Indian State” the following shall be inserted, namely :—

“or of the French Establishments in India or of the Administered Areas”;

(ii) for the words “to that State” the following shall be substituted, namely :—

“to the territory of that State, or of those Establishments or comprising the Administered Areas”;

(b) in sub-sections (2) and (3), for the words “to any State” the words “to any such territory” and for the words “in that State” the words “in that territory” shall be substituted.

10 Amendment of Schedule and addition of new Schedule, Act XXIII of 1943.—For the words “THE SCHEDULE”, forming the heading of the Schedule to the said Act, the words “THE FIRST SCHEDULE” shall be substituted, and, after the First Schedule as so amended, the following Schedule shall be added, namely :—

“ THE SECOND SCHEDULE

[See section 11(1).]

1. The Cantonment of Baroda.
2. The Administered Areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws) Order, 1937.
3. The Administered Areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. The Gwalior Residency Area.
5. The District of Abu.
6. The Administered Areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department Nos. 189-I.B. and 190-I.B., dated the 8th September 1937.
10. The Rajputana and Central India Railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.
12. The Thana Circles in the Rewa Kantha Agency in the Gujarat States Agency and the Dangs.
13. The British Reserve in Manipur.
14. The Shillong Administered Areas.”

WAVELL,

Viceroy and Governor General.

Repealed by Ordinance 1 of 1946.
ORDINANCE No. LV OF 1944

An Ordinance further to amend the Women's Auxiliary Corps Ordinance, 1942

(Published in the Gazette of India Extraordinary, dated the 23rd December, 1944)

WHEREAS an emergency has arisen which makes it necessary further to amend the Women's Auxiliary Corps Ordinance, 1942 (XIII 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 Women's Auxiliary Corps (Amendment) Ordinance, 1944.

(2) It shall come into force at once.

2. Amendment of long title, preamble and section 3, Ordinance XIII of 1942.—In the preamble and long title and in section 3 of the Women's Auxiliary Corps Ordinance, 1942 (hereinafter referred to as the said Ordinance), the words "in India" shall be omitted.

Price anna 1 or 1½d.

Women's Auxiliary Corps (Amendment)

[ORD. LV OF 1944]

3. **Amendment of section 6, Ordinance XIII of 1942.**—In section 6 of the said Ordinance, before the words "Every enrolled person" the words "Every officer and" shall be inserted.

4. **Amendment of section 8, Ordinance XIII of 1942.**—In section 8 of the said Ordinance, before the words "Every enrolled person" the words "Every officer and" shall be inserted, and for the words "in connection with His Majesty's Military Forces in India" the words "in connection with the Armed Forces of the Crown" shall be substituted.

5. **Amendment of section 9, Ordinance XIII of 1942.**—In section 9 of the said Ordinance, the word "other" shall be omitted.

WAVELL,

Viceroy and Governor General.

Repeated by Ordinance 1 of 1946

ORDINANCE No. LVI OF 1944

An Ordinance further to amend the Cotton Textiles Fund Ordinance, 1944

(Published in the Gazette of India Extraordinary, dated the 30th December, 1944)

WHEREAS an emergency has arisen which makes it necessary further to amend the Cotton Textiles Fund Ordinance, 1944 (XXXIV 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 Cotton Textiles Fund (Second Amendment) Ordinance, 1944.

(2) It shall come into force at once.

Price anna 1 or 1½d.

2. Amendment of section 4, Ordinance XXXIV of 1944.—In section 4 of the Cotton Textiles Fund Ordinance, 1944,—

(a) in the existing proviso, after the word “exported” the following shall be inserted, namely:—

“before the 1st day of February, 1945”;

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

“Provided further that where for the time being no maximum ex-factory price has been so fixed, the duty of customs shall, until a maximum ex-factory price is so fixed, be levied at the rate of three *per centum* of the value of the cloth or yarn exported as declared in the shipping bill.”

WAVELL,

Viceroy and Governor General.

GIPD—S1—1533LD—26.3.45—2,000.