

ORDINANCE No. I of 1947

AN

ORDINANCE

to enable immediate possession to be taken of certain goods for the purpose of implementing an agreement with the Argentine.

WHEREAS, in order to implement an agreement with the Argentine, it was, on the 30th day of September 1946, found necessary for the Central Government to issue within the Province of Bengal orders for the requisition, and notices of the acquisition, of certain goods in exercise of its powers under the rules made under the Defence of India Act, 1939;

AND WHEREAS possession of the said goods has not been delivered to the Central Government;

AND WHEREAS an emergency has arisen which makes it necessary for the purpose of implementing the aforesaid agreement to secure the immediate vesting in the Central Government of title and possession of the said goods;

AND WHEREAS the Governor of Bengal has, under the provisions of sub-section (1) of section 106 of the Government of India Act, 1935, accorded his previous consent to the making and promulgation of this Ordinance;

AND WHEREAS the Indian Legislature is not in session;

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, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Argentine Short title,
(Jute and Cereals) Agreement Ordinance, 1947. ext-ent and
commencement.

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

(3) It shall come into force at once.

2. (1) Notwithstanding that suit No. 1923 of 1946, Certain goods
in which the Governor General in Council is the plaintiff to vest in
and the Adamjee Jute Mills Limited and others are the Central
defendants, is on the date of the commencement of this Government.
Ordinance pending in the High Court of Judicature at
Fort William in Bengal, being a suit in which the validity
of certain orders of requisition and notices of acquisition
filed with the plaint in the said suit is in issue, title
and possession of all the goods to which the said orders
and notices relate (hereinafter referred to as the said
goods) shall on the said date vest in the Central Govern-
ment free from any mortgage, lien or other encum-
brance whatsoever:

Provided that title and possession of those portions of the said goods, to which the Central Government has, by arrangement made before the said date, relinquished title, shall be deemed not to have vested in the Central Government under this sub-section.

XXXV of
1939.

26 Geo. 5;
c. 2.

(2) Nothing in sub-section (1) shall prevent the said High Court from making in the said suit such declaration as it may think proper as to whether or not the said orders of requisition and notices of acquisition were validly made or given:

Provided that no declaration in that suit or by any Court whatsoever shall prejudice in any way the vesting in the Central Government of the title and possession of the said goods after the commencement of the Ordinance.

Compensation.

3. If in the suit referred to in section 2 it is finally decided that the said goods were not validly requisitioned or acquired by the Central Government on or before the 30th day of September 1946, each of the several previous owners of the said goods shall be entitled to receive as compensation from the Central Government the market price prevailing on the date of the institution of the aforesaid suit of that portion of the said goods previously belonging to him; or if no such decision is made in the said suit, the said goods shall be deemed to have been validly requisitioned and acquired by the Central Government on the 30th day of September 1946, and the amounts of compensation to be paid by the Central Government to the several previous owners of the said goods shall be determined in accordance with the provisions of law in force on the 30th day of September 1946, relating to the requisition and acquisition of movable property under the rules made under the Defence of India Act, 1939:

Provided that nothing in this section shall preclude the Central Government and the previous owners of any portion of the said goods from fixing by agreement the amount of compensation payable, or affect the terms of any arrangement referred to in the proviso to sub-section (1) of section 2:

Provided further that no person shall be entitled to any relief in respect of the vesting of the title and possession of the said goods in the Central Government other than that provided in this section.

Power to take possession, and penalty for resistance thereto.

4. (1) Any person authorised in writing in this behalf by the Central Government may take, or cause to be taken, such steps (including the entry upon any land or other property) and use, or cause to be used, such force, as may in his opinion be necessary to take possession of the said goods on behalf of the Central Government.

(2) Whoever offers any resistance to the taking of the said goods by any person authorised under sub-section (1) or by any person acting under his instructions shall be deemed to have committed an offence punishable under section 183 of the Indian Penal Code.

5. No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith done or intended to be done under the Ordinance.

Bar of jurisdiction.

WAVELL,

Viceroy and Governor General

Rep. W. S. S. 111012
61947

(Published in the Gazette of India Extraordinary, dated the 16th January, 1947)

ORDINANCE No. II of 1947

AN

ORDINANCE

further to amend the Indian Tariff Act, 1934.

WHEREAS an emergency has arisen which makes it necessary to impose an export duty on tea;

AND WHEREAS the Indian Legislature is not in session;

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, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Indian Tariff (Amendment) Ordinance, 1947.

Short title
and Com-
mencement.

(2) It shall come into force at once.

2. To the Second Schedule to the Indian Tariff Act, 1934, the following Item shall be added, namely:—

Amendment
of Second
Schedule to
Act XXXII
of 1934.

"5. | Tea. | Lb. avoirdupois | Two annas."

WAVELL,

Viceroy and Governor General.

ORDINANCE No. III of 1947

AN

ORDINANCE

to confer certain special powers on the administration in Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter.

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers on the administration in Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter;

AND, WHEREAS, the Indian Legislature is not in session;

NOW, THEREFORE, in exercise of the powers conferred by section 2 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. (1) This Ordinance may be called the Press (Special Powers) Ordinance, 1947. Short title, extent and commencement.

(2) It extends to all Chief Commissioners' Provinces.

(3) It shall come into force at once.

2. In this Ordinance, unless there is something repugnant in the subject or context, "document" includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction. Interpretation.

3. (1) The Provincial Government may by order direct that any power which is conferred on it by this Ordinance shall in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by a District Magistrate or Additional District Magistrate. Delegation of powers.

(2) The powers of the Provincial Government under this Ordinance shall be exercisable also by the Chief Commissioner.

4. The Provincial Government may by order in writing address to a printer, publisher or editor or generally to all printers, publishers or editors or to such class of printers, publishers or editors as may be specified therein— Power to control publications.

(a) prohibit or regulate the printing or publication in any document or class of documents either absolutely or for a specified period, or in a particular issue or issues of a newspaper or periodical, of any matter which tends directly or indirectly to promote feelings of enmity or hatred between different classes of His Majesty's subjects;

(b) require that any document, or class of documents, or any matter relating to a particular subject or class of subjects, shall before publication be submitted for scrutiny to a specified officer, who may after such scrutiny, if he is satisfied that such document, class of document or matter or any portion thereof is or contains matter of the nature described in clause (a), either prohibit its publication or pass it for publication with such modifications as he may deem necessary.

Rep. by S. 596
Act 20 of 1947.

Enforced
22/1/1947
1007/1947, in the

Control of documents printed outside the Province.

5. The Provincial Government may, by general or special order prohibit or regulate the entry into, or sale or distribution or circulation or publication or possession within, the Province of any document or class of documents, or of any matter of the nature described in clause (a) of section 4, printed or made outside the Province.

Forfeiture of books, newspapers or other documents.

6. Where in its opinion any newspaper, book or other document, wherever made, contains any matter of the nature described in clause (a) of section 4, the Provincial Government may, by notification in the official Gazette, declare every copy of the issue of such newspaper, or of such book or other document to be forfeited to His Majesty, and thereupon any police officer may seize such copies wherever found, and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for such copies in any premises where any such copy may be or may be reasonably expected to be.

Prevention of publication of unauthorised matter.

7. Where the Provincial Government has reason to believe that a newspaper, book or other document is likely to be published, printed or made, containing matter of the nature described in clause (2) of section 4, it may, by order in writing, prohibit the printing or publication of such newspaper, book or document, or allow the publication, printing or making of the newspaper, book or document, subject to the publisher, printer, or editor, as the case may be, giving an undertaking in writing that he will not publish any such matter.

Dissemination of prohibited documents or matter.

8. (1) Whoever circulates or distributes in any manner any document or thing advocating or calculated to further any activity which tends directly or indirectly to promote feelings of enmity or hatred among different classes of His Majesty's subjects, or in respect of which an order of forfeiture under section 6 is in force, shall, unless he proves that he was unaware of the nature of the document or thing, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Whoever allows his name or address to be used to facilitate transmission through the post or otherwise to any person other than the person for whom it purports to be intended of any document or thing of the nature referred to in sub-section (1) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) Whoever publishes, circulates or repeats in public any matter contained in any newspaper, book or other document in respect of which any order of forfeiture or prohibition has been made under this Ordinance shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Powers in respect of contravention of orders.

9. Where in the opinion of the Provincial Government any person has contravened an order under section 4, section 5 or section 7 or an undertaking given by him under section 7, the Provincial Government may, without prejudice to any other penalty to which such person may be liable, by order prohibit, either absolutely or for a specified period, the publication by him or on his behalf of any newspaper, periodical, leaflet or other document, and may order the seizure of all copies of the publication in respect of which the contravention has occurred and of any printing-press or other instrument or apparatus used in the production of the publication; and the Provincial Government may by order declare forfeited to His Majesty any article so seized.

10. Whoever—

Penalties.

(a) contravenes any provision of this Ordinance or of any order made thereunder or any direction or undertaking given or condition imposed under this Ordinance, or

(b) interferes with or obstructs the compliance with such provision, order, direction, undertaking or condition by the person concerned, or

(c) obstructs the lawful exercise of any power conferred by or under this Ordinance;

if no express provision is made by this Ordinance for the punishment of such contravention or interference or obstruction, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

11. Whoever attempts to commit, or abets, or attempts to commit, or does any act preparatory to the commission of, any offence punishable under this Ordinance shall be deemed to have committed that offence.

12. (1) The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure, 1898 (V of 1898), shall be deemed to include a power to issue warrants authorising—

Search.

(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence punishable under this Ordinance has been, is being or is about to be committed or that preparation for the commission of any such offence is being made;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being or has been or is intended to be used for any purpose mentioned in that clause.

(2) Any police officer authorised by general or special order in writing of the District Magistrate or of the Superintendent of Police may search or cause to be searched any person whom he has reason to believe or suspects to be in possession of or carrying any document or other thing, the possession, circulation or distribution of which is punishable under this Ordinance, and may seize and detain any such document or thing found on such person.

(3) The provisions of the said Code shall, so far as may be, apply to searches made, and to the disposal of any property seized, under this section.

13. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), any offence punishable under this Ordinance shall be cognizable.

14. Every declaration of forfeiture purporting to be made under this Ordinance shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding or order purporting to be taken or made under this Ordinance shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Ordinance or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Ordinance.

Jurisdiction barred.

**Effect of orders,
etc., inconsistent
with other laws.**

15. Any order made, and any other action taken, under this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law or in any instrument having effect by virtue of any other law.

**Temporary
Amendment of
Act XXIII of 1931.**

16. So long as this Ordinance remains in force, the Indian Press (Emergency Powers) Act, 1931, shall have effect as in sub-section (I) of section 4 thereof, after clause (b), the following word and clause had been inserted, namely :—

“or

(bb) are calculated to instigate the commission or the publication of which constitutes, an offence punishable under the Press (Special Powers) Ordinance 1947.

WAVELL,

Viceroy and Governor-General.

Published in the Gazette of India Extraordinary, dated the 19th March, 1947)

ORDINANCE No. IV OF, 1947

AN

ORDINANCE

to confer certain special powers upon officers of the armed forces in certain disturbed areas of the Punjab

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers upon officers of the armed forces in certain disturbed areas of the Punjab;

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, the Governor General is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Punjab Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947.

Short title, extent and commencement.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

2. Any commissioned officer, warrant officer or non-commissioned officer of His Majesty's military or air forces may, in any area for the time being declared by notification under section 3 of the Punjab Disturbed Areas Act, 1947, to be a disturbed area,—

Special powers of officers of military or air forces.

(a) exercise the powers conferred by section 5 of the said Act upon a police officer not below the rank of Assistant Sub-Inspector; Punjab Act I of 1947.

(b) arrest without warrant any person who has committed a cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence;

(c) enter and search, without warrant, any premises to make any such arrest as aforesaid, or to recover any person believed to be wrongfully restrained or confined, or any property reasonably suspected to be stolen property, or any arms believed to be unlawfully kept, in such premises.

3. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 2.

Protection of persons acting under this Ordinance.

WAVELL,

Viceroy and Governor-General.

Rep. by Act 29 of 1947

ORDINANCE No. V OF 1947.

AN

ORDINANCE

S. 16.

to provide for the continuance of control over issues of capital.

WHEREAS a Bill to provide for the continuance of control over issues of capital has been introduced in the Legislative Assembly but has not yet been passed;

AND WHEREAS an emergency has arisen which makes it necessary immediately to provide for the continuance of the said control;

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

1. (1) This Ordinance may be called the Capital Issues (Continuance of Control) Ordinance, 1947

Short title, extent, commencement and duration

(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 on the 25th day of March, 1947, and shall cease to have effect as soon as an Act entitled the Capital Issues (Continuance of Control) Act, 1947, shall have come into operation.

2. In this Ordinance,—

Definitions

(a) "issue of capital" means the issuing of any securities whether for cash or otherwise;

(b) "securities" means any of the following instruments issued, or to be issued, by or for the benefit of a company, whether incorporated in British India or not, namely:—

(i) shares, stocks and bonds;

(ii) debentures;

(iii) other instruments creating a charge or lien on the assets of the company; and

(iv) instruments acknowledging loan to or indebtedness of the company and guaranteed by a third party or entered into jointly with a third party.

3. (1) No company incorporated in British India shall, without the consent of the Central Government, make an issue of capital outside British India.

(2) No company, whether incorporated in British India or not, except with the consent of the Central Government,—

(a) make an issue of capital in British India;

(b) make in British India any public offer of securities for sale;

(c) renew or postpone the date of maturity or repayment of any security maturing for payment in British India.

(3) The Central Government may on application make an order according recognition to an issue of capital made or to be made outside British India by a company not incorporated in British India.

(4) The Central Government may qualify any consent or recognition accorded by it under sub-section (2) or sub-section (3) with such conditions, whether for immediate or future fulfilment, as it may think fit to impose; and where a company acts in pursuance of such consent or recognition, it shall comply with the terms of any condition so imposed.

**Control over
prospectuses
and other
advertisements**

4. No person shall issue in British India any prospectus or other document offering for subscription or publicly offering for sale any securities which does not include a statement that the consent or recognition, as the case may be, of the Central Government has been obtained to the issue or offer of the securities, and no person shall without the consent of the Central Government issue in British India any document publicly offering for sale any securities issued with the consent or recognition of the Central Government if such issue was made by a private company or if the order according its consent or recognition contained a condition that the securities should be privately subscribed.

**Purchase and
sale of securities**

5. (1) No person shall accept or give any consideration for any securities in respect of an issue of capital made or proposed to be made in British India or elsewhere unless the consent or recognition of the Central Government has been accorded to such issue of capital.

(2) No person shall sell or purchase or otherwise transfer or accept transfer of any securities issued by a company in respect of any issue of capital made after the 17th day of May 1943 in British India or elsewhere unless such issue has been made with the consent or recognition of the Central Government.

**Power to exempt
and to condone
contraventions**

6. (1) The Central Government may, by general order which shall be notified in the official Gazette, provide for the granting of exemption from all or any of the provisions of sections 3, 4 and 5.

(2) The Central Government may by order condone a contravention of any of the provisions of section 3 or section 4, and on the making of such order the provisions of this Ordinance shall have effect as if an exemption had been granted under sub-section (1) of the section in respect of the thing done or omitted to be done in contravention of section 3 or section 4, as the case may be.

**Power to call for
information**

7. Any officer authorised in this behalf by the Central Government may, for the purpose of enquiring into the correctness of a statement made in an application for consent or recognition to an issue of capital or for the purpose of ascertaining whether or not the requirements of any condition attached to an order according consent or recognition have been complied with, require any company or any officer of a company, which has made such application or obtained such order to submit to him such accounts, books or other documents, or to furnish to him such information, as he may reasonably think necessary.

3. No person shall, when complying with any requisition under section 7 or when making any application for consent or recognition of issue of capital, give any information or make any statement which he knows, or has reasonable cause to believe, to be false or true in any material particular. **False statements**

4. No person who obtains any information by virtue of this Ordinance shall, otherwise than in connection with the execution of the provisions of this Ordinance or of any order made in pursuance thereof, disclose that information to any other person except with the permission of the Central Government. **Prohibition against disclosing information**

10. The Central Government may by order direct that any power or duty which by or under any of the preceding provisions of this Ordinance is conferred or imposed upon the Central Government, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any person subordinate to that Government. **Power to delegate function**

11. The Central Government may by notification in the official Gazette make rules for carrying out the purposes of this Ordinance. **Power to make rules.**

12. (1) Whoever contravenes, or attempts to contravene, any provisions of this Ordinance or of any order made thereunder shall be punishable with imprisonment for a term which may extend to two years or with fine or with both. **Penalties**

(2) If the person committing an offence punishable under this section is a company or other body corporate, every director, manager, secretary or other officer 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 such offence.

13. Where any person is prosecuted for contravening any provision of this Ordinance or of any order made thereunder which prohibits him from doing an act without the consent or permission of any authority the burden of proving that he had the requisite consent or permission shall be on him. **Burden of proof in certain cases**

14. No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done under this Ordinance or any rule or order made thereunder. **Protection of action taken under Ordinance**

15. (7) All orders made under rule 94A of the Defence of India Rules or under the said rule as continued in force by the Emergency Provisions (Continuance) Ordinance, 1946, and in force immediately before the commencement of this Ordinance shall continue to be in force and be deemed to be orders made under the appropriate provisions of this Ordinance. **Continuance of existing orders and savings.**

(2) The expiration of rule 94A of the Defence of India Rules or of the said rule as continued in force by the Emergency Provisions (Continuance) Ordinance, 1946, shall not affect—

XX of 1946

(a) anything done thereunder,

(b) any right, privilege, obligation or liability, acquired or incurred under that rule or any order made thereunder,

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against that rule,

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;
and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said rule had not expired.

WAVELL,

Viceroy and Governor-General.

G. H. SPENCE,

Secy. to the Govt. of India.

(Published in the Gazette of India Extraordinary, dated the 26th April, 1947.)

ORDINANCE No. VI of 1947

AN

ORDINANCE

to repeal the Coal Production Fund Ordinance, 1944

WHEREAS an emergency has arisen which makes it necessary to repeal the Coal Production Fund Ordinance, 1944 (XXXIX of 1944);

AND WHEREAS the Indian Legislature is not in session;

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 Coal Production Fund (Repealing) Ordinance, 1947.

(2) It shall come into force on the 1st day of May 1947.

2. Repeal of Ordinance XXXIX of 1944.—The Coal Production Fund Ordinance, 1944, shall be repealed, and for the avoidance of doubts it is hereby declared that the provisions of section 6 of the General Clauses Act, 1897 (X of 1897) shall apply in respect of such repeal.

3. Application of balance in Coal Production Fund.—The unexpended balance, if any, at the credit of the Coal Production Fund constituted under the aforesaid Ordinance shall be applied to such purposes connected with the coal industry as the Central Government may direct.

MOUNTBATTEN OF BURMA,

Viceroy and Governor General.

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT

New Delhi, the 22nd May 1947

ORDINANCE No. VII of 1947

Rep. by Act 37 of

1947, S.3.

AN

ORDINANCE

Amend the Indian Patents and Designs (Extension of Time) Act, 1942.

WHEREAS an emergency has arisen which makes it necessary to amend the Indian Patents and Designs (Extension of Time) Act, 1942 (X of 1942), for the purpose hereinafter appearing ;

AND WHEREAS the Indian Legislature is not in session ;

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 (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 Patents and Designs (Extension of Time) Amendment Ordinance, 1947.

(2) It shall come into force at once.

2. **Amendment of section 1, Act X of 1942.**—For sub-section (3) of section 1 of the Indian Patents and Designs (Extension of Time) Act, 1942, the following sub-section shall be substituted, and shall be deemed always to have been substituted, namely :—

(3) It shall be in force up to the 31st day of October 1947."

JOHN COLVILLE,

Viceroy and Acting Governor General.

G. H. SPENCE,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT

New Delhi, the 24th May 1947

ORDINANCE No. VIII OF 1947

AN

ORDINANCE

to extend the period of validity of certain special licences for the export of tea.

WHEREAS an emergency has arisen which makes it necessary to extend the period of validity of certain special licences for the export of tea;

AND WHEREAS the Indian Legislature is not in session;

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 Tea (Export Licences) Ordinance, 1947.

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

(3) It shall come into force at once.

2. **Extension of period of validity of certain licences.**—Notwithstanding anything to the contrary contained in the Indian Tea Control Act, 1938 (VIII of 1938), a special export licence applied for before the 14th day of April 1947 and issued under section 17 of that Act on or after the 1st day of April 1947 shall be valid up to the 31st day of July 1947 or up to such later date as the Central Government may, if it considers it expedient so to do, specify in this behalf by notification in the official Gazette.

JOHN COLVILLE,

Viceroy and Acting Governor General.

G. H. SPENCE,

Secy. to the Govt. of India

(Published in the Gazette of India Extraordinary, dated the 2nd July, 1947)

ORDINANCE No. IX of 1947

AN

ORDINANCE

to confer certain special powers upon officers of the armed forces in certain disturbed areas of the North-West Frontier Province.

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers upon officers of the armed forces in certain disturbed areas of the North-West Frontier Province ;

AND WHEREAS the Indian Legislature is not in session ;

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 North-West Frontier Province Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947.

(2) It extends to the whole of the North-West Frontier Province.

(3) It shall come into force at once.

2. Special powers of officers of military or air forces.—Any commissioned officer, warrant officer or non-commissioned officer of His Majesty's military or air forces may, in any area for the time being declared by notification under section 3 of the North-West Frontier Province Disturbed Areas Ordinance, 1947, to be a disturbed area—

(a) exercise the powers conferred by section 5 of the said Ordinance upon a police officer not below the rank of an Assistant Sub-Inspector ;

(b) arrest without warrant any person who has committed a cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence ;

(c) enter and search, without warrant, any premises to make any such arrest as aforesaid, or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property, or any arms believed to be unlawfully kept, in such premises.

3. Protection of persons acting under this Ordinance.—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 2.

MOUNTBATTEN OF BURMA,

Viceroy and Governor General.

Ref. by S.17 of Act 39 of 1947

(Published in the Gazette of India Extraordinary, dated the 28th July, 1947)

ORDINANCE No. X of 1947

AN

ORDINANCE

to confer certain special powers on the administration in Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter.

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers on the administration in Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter;

AND WHEREAS the Indian Legislature is not in session;

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 Press (Special Powers) (No. 2) Ordinance, 1947.

(2) It extends to all Chief Commissioners' Provinces, except British Baluchistan.

(3) It shall come into force at once.

2. Interpretation.—In this Ordinance, unless there is anything repugnant in the subject or context, "document" includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

3. Delegation of powers.—(1) The Provincial Government may by order direct that any power which is conferred on it by this Ordinance shall in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by a District Magistrate or Additional District Magistrate.

(2) The powers of the Provincial Government under this Ordinance shall be exercisable also by the Chief Commissioner.

4. Power to control publications.—The Provincial Government may by order in writing addressed to a printer, publisher or editor or generally to all printers, publishers or editors or to such class of printers, publishers or editors as may be specified therein—

(a) prohibit or regulate the printing or publication in any document or class of documents either absolutely or for a specified period, or in a particular issue or issues of a newspaper or periodical, of any matter which tends directly or indirectly to promote feelings of enmity or hatred between different classes of His Majesty's subjects;

(b) require that any document, or class of documents, or any matter relating to a particular subject or class of subjects, shall before publication be submitted for scrutiny to a specified officer, who may after such scrutiny, if he is satisfied that such document, class of document or matter or any portion thereof is or contains matter of the nature described in clause (a), either prohibit its publication or pass it for publication with such modifications as he may deem necessary.

5. Control of documents printed outside the Province.—The Provincial Government may, by general or special order, prohibit or regulate the entry into, or sale or distribution or circulation or publication or possession within, the Province of any document or class of documents, or of any matter of the nature described in clause (a) of section 4, printed or made outside the Province.

6. Forfeiture of books, newspapers or other documents.—Where in its opinion any newspaper, book or other document, wherever made, contains any matter of the nature described in clause (a) of section 4, the Provincial Government may, by notification in the official Gazette, declare every copy of the issue of such newspaper, or of such book or other document to be forfeited to His Majesty, and thereupon any police officer may seize such copies wherever found, and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for such copies in any premises where any such copy may be or may be reasonably expected to be.

7. Prevention of publication of unauthorised matter.—Where the Provincial Government has reason to believe that a newspaper, book or other document is likely to be published, printed or made, containing matter of the nature described in clause (a) of section 4, it may, by order in writing, prohibit the printing or publication of such newspaper, book or document, or allow the publication, printing or making of the newspaper, book or document, subject to the publisher, printer or editor, as the case may be, giving an undertaking in writing that he will not publish any such matter.

8. Dissemination of prohibited documents or matter.—(1) Whoever circulates or distributes in any manner any document or thing advocating or calculated to further any activity which tends directly or indirectly to promote feelings of enmity or hatred among different classes of His Majesty's subjects, or in respect of which an order of forfeiture under section 6 is in force shall, unless he proves that he was unaware of the nature of the document or thing, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Whoever allows his name or address to be used to facilitate transmission through the post or otherwise to any person other than the person for whom it purports to be intended of any document or thing of the nature referred to in sub-section (1) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) Whoever publishes, circulates or repeats in public any matter contained in any newspaper, book or other document in respect of which any order of forfeiture or prohibition has been made under this Ordinance shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

9. Powers in respect of contravention of orders.—Where in the opinion of the Provincial Government any person has contravened an order made or deemed to have been made under section 4, section 5 or section 7 or an undertaking given or deemed to have been given by him under section 7, the Provincial Government may, without prejudice to any other penalty to which such person may be liable, by order prohibit, either absolutely or for a specified period, the publication by him or on his behalf of any newspaper, periodical, leaflet or other document, and may order the seizure of all copies of the publication in respect of which the contravention has occurred and of any printing-press or other instrument or apparatus used in the production of the publication; and the Provincial Government may by order declare forfeited to His Majesty any article so seized.

10. Penalties.—Whoever—

(a) contravenes any provision of this Ordinance or of any order made or deemed to have been made thereunder or any direction or undertaking given or deemed to have been given or condition imposed or deemed to have been imposed under this Ordinance, or

(b) interferes with or obstructs the compliance with such provision, order, direction, undertaking or condition by the person concerned, or

(c) obstructs the lawful exercise of any power conferred by or under this Ordinance,

if no express provision is made by this Ordinance for the punishment of such convention or interference or obstruction, be punishable with imprisonment for term which may extend to three years, or with fine, or with both.

11. Attempt and abetment.—Whoever attempts to commit, or abets, or attempts to abet, or does any act preparatory to the commission of, any offence punishable under this Ordinance shall be deemed to have committed that offence.

12. Search.—(1) The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure, 1898 (V of 1898), shall be deemed to include a power to issue warrants authorising—

(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence punishable under this Ordinance has been, is being or is about to be committed or that preparation for the commission of any such offence is being made ;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being or has been or is intended to be used for any purpose mentioned in that clause.

(c) Any police officer authorised by general or special order in writing of the District Magistrate or of the Superintendent of Police may search or cause to be searched any person whom he has reason to believe or suspects to be in possession of or carrying any document or other thing, the possession, circulation or distribution of which is punishable under this Ordinance, and may seize and detain any such document or thing found on such person.

(3) The provisions of the said Code shall, so far as may be, apply to searches made, and to the disposal of any property seized, under this section.

13. Offences to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), any offence punishable under this Ordinance shall be cognizable.

14. Jurisdiction barred.—Every declaration of forfeiture purporting to be made under this Ordinance shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding or order purporting to be taken or made under this Ordinance shall be called in question by any court, and no civil or criminal proceeding shall be instituted against any person or anything done or in good faith intended to be done under this Ordinance or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Ordinance.

15. Effect of orders, etc., inconsistent with other laws.—Any order made, and any other action taken, under this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law or in any instrument having effect by virtue of any other law.

16. Temporary amendment of Act XXIII of 1931.—So long as this Ordinance remains in force, the Indian Press (Emergency Powers) Act, 1931, shall have effect as if, in sub-section (1) of section 4 thereof, after clause (b), the following word and clause had been inserted, namely :—

“or

(bb) are calculated to instigate the commission of, or the publication of which constitutes, an offence punishable under the Press (Special Powers) (No. 2) Ordinance, 1947.”

17. Continuance of orders, etc., and savings.—(1) All orders and declarations made, directions and undertakings given, and conditions imposed, under the Press (Special Powers) Ordinance, 1947 (III of 1947), and in force immediately before the expiry of that Ordinance shall continue to be in force according to their respective tenors, and shall be deemed to have been made, given or imposed, as the case may be, under this Ordinance.

(2) Section 6 of the General Clauses Act, 1897 (X of 1897) shall apply upon the expiry of the Press (Special Powers) Ordinance, 1947, as if that Ordinance were an enactment then repealed by a Central Act.

MOUNTBATTEN OF BURMA,

Viceroy and Governor General

Rep. by Act 3 of 1948

(Published in the Gazette of India Extraordinary, dated the 11th August, 1947)

ORDINANCE No. XI of 1947

AN

ORDINANCE

to confer certain special powers upon officers of the armed forces in certain disturbed areas of Bengal

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers upon officers of the armed forces in certain disturbed areas of Bengal;

AND WHEREAS the Indian Legislature is not in session;

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

1. Short title, extent and commencement.—(1) This Ordinance may be called the Bengal Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947.

(2) It extends to the whole of Bengal.

(3) It shall come into force at once.

2. Special powers of officers of military or air forces.—Any commissioned officer, warrant officer or non-commissioned officer of His Majesty's military or air forces may, in any area for the time being declared by notification under section 3 of the Bengal Disturbed Areas Ordinance, 1947, to be a disturbed area,—

(a) exercise the powers conferred by section 4 of the said Ordinance upon a police officer not below the rank of Assistant Sub-Inspector;

(b) arrest without warrant any person who has committed a cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence;

(c) enter and search, without warrant, any premises to make any such arrest as aforesaid, or to recover any person believed to be wrongfully restrained or confined, or any property reasonably suspected to be stolen property, or any arms believed to be unlawfully kept, in such premises.

3. Protection of persons acting under this Ordinance.—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 2.

MOUNTBATTEN OF BURMA,

Viceroy and Governor General.

Rep. by Act 49 of 1947

(Published in the Gazette of India Extraordinary, dated the 13th August, 1947)

ORDINANCE No. XII OF 1947

AN

ORDINANCE

to confer certain powers in respect of premises in the Province of Delhi

WHEREAS by reason of the shortage of accommodation in the Province of Delhi an emergency has arisen which makes it necessary to confer powers to requisition premises and to evict from Government premises persons continuing without authority to occupy those premises; , ,

AND WHEREAS the Indian Legislature is not in session;

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 Premises (Requisition and Eviction) Ordinance, 1947.

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

(3) It shall come into force at once.

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

(a) “Estate Officer” means the Estate Officer to the Government of India;

(b) “landlord” and “premises” have the meanings respectively assigned to them in the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947);

(c) “public purpose” means any purpose connected with the shortage of accommodation in the Province of Delhi;

(d) “tenant” means any person by whom or on whose account rent is payable for any premises and includes every person for the time being deriving title under a tenant and also every person remaining in possession of the premises leased to him after the termination of the lease.

3. Power to requisition.—(1) If in the opinion of the Estate Officer it is necessary to requisition any premises for any public purpose, he may make an order in writing to that effect:

Provided that no premises exclusively used for the purpose of religious worship shall be requisitioned under this section.

(2) An order under sub-section (1) shall be served on the landlord, and where the order relates to premises in occupation of a tenant also on such tenant, by delivering or tendering to such landlord or tenant a copy of the order, but where a landlord or tenant is not readily traceable and the order cannot be served without undue delay or where the ownership of the premises is in dispute, the order shall be served by publishing it in the official Gazette, and if practicable by fixing a copy thereof to any conspicuous part of the premises to which it relates.

(3) Where the Estate Officer has requisitioned any premises under sub-section (1), he may use or deal with the premises in such manner as may appear to him to be expedient.

(4) The Estate Officer with a view to requisitioning any premises under sub-section (1), may by order—

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the premises as may be so specified;
- (b) direct that the landlord, occupier or person in possession of the premises shall not without the permission of the Estate Officer dispose of, or structurally alter, the premises.

(5) Without prejudice to any other powers conferred by this Ordinance, any person authorised in this behalf by the Estate Officer may enter and inspect any premises for the purpose of determining whether, and if so in what manner, an order under this section should be made in relation to such premises, or with a view to securing compliance with any order made under this Ordinance.

4. Compensation.—(1) Where any premises are requisitioned under this Ordinance, there shall be paid compensation the amount of which shall be determined in the manner, and in accordance with the principles hereinafter set out, namely:—

- (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;
- (b) where no such agreement can be reached, the Central Government shall appoint as arbitrator a person qualified for appointment as a Judge of a High Court;
- (c) the Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the premises requisitioned, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose;
- (d) at the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;
- (e) the arbitrator in making his award shall have regard to the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894 (I of 1894) so far as they can be made applicable;
- (f) an appeal shall lie to the District Judge against an award of an arbitrator;
- (g) save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

(2) The Central Government may make rules for the purpose of carrying into effect the provisions of this section, and in particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (a) the procedure to be followed in arbitrations and appeals under this section;
- (b) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal.

5. Release from requisition.—(1) Where any premises requisitioned under this Ordinance are to be released from such requisition, the Estate Officer may, after such inquiry if any as he may in any case consider it necessary to make, specify by order in writing the person to whom possession of the premises shall be given.

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

6. Power to order vacation of premises or execution of repairs.—Where the Estate Officer requisitions any premises under this Ordinance, he may by notice in writing—

- (a) order the existing tenant or occupier, if any, to vacate the premises within ten days of the receipt of the notice;
- (b) order the landlord to execute such repairs as may be specified in the notice within such time as may be so specified.

7. Easements, etc. not to be disturbed.—No landlord or any contractor, workman or servant employed by him shall without the previous written consent of the Estate Officer or except for the purposes of effecting repairs or complying with a municipal requisition, wilfully disturb any convenience or easement attached to any premises requisitioned under this Ordinance, or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the premises.

8. Power to evict from Government premises for breach of terms of tenancy.—(1) Where the person in occupation of any premises belonging to, or taken on lease or requisitioned by, the Central Government, sublets without due authority the whole or any part of the premises or otherwise acts in contravention of any of the terms, express or implied, of his tenancy or other like relationship created by a grant from the Central Government in respect of the premises, the Estate Officer may by notice served by post or otherwise, order such person or any other person found in occupation of the premises to vacate the premises within ten days of the receipt of the notice.

(2) Any person aggrieved by an order under sub-section (1) may within seven days of the receipt thereof appeal in writing to the Chief Commissioner, who may, after calling for a report from the Estate Officer and after making such further inquiry, if any, as he thinks fit, pass an order determining the appeal.

(3) Action may be taken under this section whether or not any proceedings for possession are pending in respect of the premises, and upon such action being taken the said proceedings shall forthwith be vacated.

9. Non-compliance with orders.—(1) If any person fails to comply with an order made under clause (a) of section 6 or under section 8, 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 order relates shall, on the application of the Estate Officer or any person authorised by him in writing in this behalf, execute the order as if it were a decree of that Court.

(2) If a landlord fails to execute any repairs in pursuance of an order under clause (b) of section 6, the Estate Officer may cause the repairs specified in the order to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord.

10. Penalty and procedure.—(1) Whoever contravenes any provision of this Ordinance or of any order made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) No Court shall take cognizance of any offence punishable under sub-section (1) except on the complaint in writing of the Estate Officer.

11. Saving as to orders.—(1) No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any Court.

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

12. Protection of action taken under this Ordinance.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any order made thereunder.

(2) Save as is otherwise expressly provided in this Ordinance, no suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Ordinance or any order made thereunder.

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 the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947) or any other law for the time being in force.

14. Effect of expiry of this Ordinance.—On the expiry of this Ordinance the provisions of section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if it were an enactment then repealed by a Central Act.

MOUNTBATTEN OF BURMA,

Viceroy and Governor-General.

(Published in the Gazette of India Extraordinary, dated the 13th August, 1947)

ORDINANCE No. XIII of 1947

AN

ORDINANCE

to constitute a Central Nursing Council

WHEREAS an emergency has arisen which makes it necessary to constitute a Central Nursing Council in order to establish a uniform standard of training for nurses, midwives and health visitors;

AND WHEREAS the Indian Legislature is not in session;

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 Central Nursing Council Ordinance, 1947.

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

(3) It shall come into force at once.

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

(a) “the Council” means the Central Nursing Council constituted under this Ordinance;

(b) “prescribed” means prescribed by regulations made under section 15;

(c) “Provincial Council” means a Council (by whatever name called) constituted under the law of a Province to regulate the registration of nurses, midwives or health visitors in the Province;

(d) “Provincial register” means a register of nurses, assistant nurses, midwives, assistant midwives or health visitors maintained under the law of a Province.

3. Constitution and composition of the Council.—(1) The Central Government shall as soon as may be constitute a Council consisting of the following members, namely:—

(a) two nurses enrolled in a Provincial register who shall be members of the staff of an institution in which nurses are trained, elected by each Provincial Council;

(b) one member elected from among themselves by the heads of institutions in which training is given in nursing administration to nurses enrolled in a Provincial register;

(c) one member elected from among themselves by the heads of institutions in which health visitors are trained;

(d) one member elected by the Medical Council of India;

(e) one midwife enrolled in a Provincial register, elected by each Provincial Council;

(f) the chief administrative medical officer of each Governor's Province or if the Provincial Government in any case so directs, the Superintendent of Nursing (by whatever name called) in the office of the chief administrative medical officer of the Province, *ex officio*;

(g) the Provincial Directors of Public Health, *ex officio*;

(h) four members nominated by the Central Government, of whom at least two shall be nurses, midwives or health visitors enrolled in a Provincial register and one shall be an experienced educationalist;

(i) three officials appointed by the Central Government, one of whom the Central Government shall appoint as President of the Council.

(2) No act done by the Council shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

4. Incorporation of the Council.—The Council constituted under section 3 shall be a body corporate by the name of the Central Nursing Council, having perpetual succession and a common seal, with power to acquire property both movable and immovable, and shall by the said name sue and be sued.

5. Mode of elections.—(1) Elections under sub-section (1) of section 3 by Provincial Councils shall be conducted in accordance with rules made in this behalf by the respective Provincial Governments, and where any dispute arises regarding any such election it shall be referred to the Provincial Government concerned whose decision shall be final.

(2) Other elections under that sub-section shall be conducted in the prescribed manner, and where any dispute arises regarding any such election it shall be referred to the Central Government whose decision shall be final.

6. Meetings.—(1) The Council shall hold its first meeting at such time and place as may be appointed by the President, and thereafter the Council shall meet at such time and place as may be appointed by the Council.

(2) Until otherwise prescribed, ten members of the Council shall form a quorum, and all the acts of the Council shall be decided by a majority of the members present and voting.

7. Officers, committees and servants of the Council.—(1) The Secretary of the Council (who may also, if it is deemed expedient by the Council, act as Treasurer) shall be a person appointed by the Central Government and shall hold office during the pleasure of the Central Government.

(2) The Council shall—

(a) elect from among its members a Vice-President;

(b) constitute from among its members an Executive Committee and such other committees for general or special purposes as the Council deems necessary to carry out the purposes of this Ordinance;

(c) appoint or nominate such officers and servants as the Council deems necessary to carry out the purposes of this Ordinance;

(d) require and take from the Secretary, or from any other officer or servant, such security for the due performance of his duties as the Council deems necessary;

(e) with the previous sanction of the Central Government, fix the fees and allowances to be paid to the President, Vice-President and members and the pay and allowances of officers and servants of the Council.

8. The Executive Committee.—(1) The Executive Committee shall consist of nine members, of whom seven shall be elected by the Council from among its members.

(2) The President and Vice-President of the Council shall be members *ex officio* of the Executive Committee, and shall be President and Vice-President, respectively, of that Committee.

(3) In addition to the powers and duties conferred and imposed upon it by this Ordinance, the Executive Committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any regulations which may be made in this behalf.

9. **Recognition of qualifications.**—(1) For the purposes of this Ordinance, the qualifications included in the Schedule shall be recognised qualifications, and the qualifications included in Part II of the Schedule shall be recognised higher qualifications.

(2) Any authority in British India which, being recognised by the Provincial Government for the purpose of granting any qualification, grants a qualification in general nursing, midwifery, health visiting or public health nursing, not included in the Schedule may apply to the Council to have such qualification recognised, and the Council may declare that such qualification, or such qualification only when granted after a specified date, shall be a recognised qualification for the purposes of this Ordinance.

(3) The Council may enter into negotiations with any authority in any State or country outside British India which by the law of such State or country is entrusted with the maintenance of a register of nurses, midwives or health visitors, for the settling of a scheme of reciprocity for the recognition of qualifications, and in pursuance of any such scheme the Council may declare that a qualification granted by any authority in any State or country outside British India, or such qualification only when granted after a specified date, shall be a recognised qualification for the purposes of this Ordinance:

Provided that no declaration shall be made under this sub-section in respect of any qualification unless by the law and practice of the State or country in which the qualification is granted persons of British Indian origin holding qualifications recognised under this Ordinance are permitted to enter and practise the nursing profession in that State or country:

Provided further that—

(i) any reciprocal arrangements subsisting at the date of the commencement of this Ordinance between a Provincial Council and any authority outside India for the recognition of qualifications shall, subject to any earlier termination of the arrangements in accordance with the terms thereof, continue in force, and

(ii) any qualification granted by an authority in any Indian State and recognised on the said date by a Provincial Council shall continue to be a recognised qualification for the purpose of registration in the Province.

(4) The provisions of sub-sections (2) and (3) and of sections 13 and 14 shall apply *mutatis mutandis* to the declaration by the Council of a qualification granted in respect of post-certificate nursing training as a recognised higher qualification.

10. **Effect of recognition.**—Notwithstanding anything contained in any other law,—

(a) any recognised qualification shall be a sufficient qualification for enrolment in any Provincial register;

(b) no person shall, after the date of the commencement of this Ordinance, be entitled to be enrolled in any Provincial register as a nurse, midwife, health visitor, or public health nurse or as an assistant nurse or assistant midwife, unless he or she holds a recognised qualification:

Provided that any person already enrolled in any Provincial register before the said date may continue to be so enrolled notwithstanding that he or she may not hold a recognised qualification:

Provided further that any person who was immediately before the said date entitled to be enrolled in any Provincial register but was not so enrolled shall, on application made in this behalf while this Ordinance remains in force be entitled to be enrolled in that register;

(c) any person holding a recognised higher qualification shall be entitled to have the qualification entered as a supplementary qualification in any Provincial register in which he or she is enrolled, and after the said date no person shall be entitled to have entered as a supplementary qualification in any Provincial register any qualification, which is not a recognised higher qualification.

11. Power to require information as to courses of study and training and examinations.—Every authority in British India which grants a recognised qualification or a recognised higher qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and training and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualifications conferred, and generally as to the requisites for obtaining such qualification.

12. Inspections.—(1) The Executive Committee may appoint such number of inspectors as it deems necessary to inspect any institution recognised as a training institution, and to attend examinations held for the purpose of granting any recognised qualification or recognised higher qualification.

(2) Inspectors appointed under this section shall report to the Executive Committee on the suitability of the institution for the purposes of training and on the adequacy of the training therein, or as the case may be, on the sufficiency of the examinations.

(3) The Executive Committee shall forward a copy of such report to the authority or institution concerned, and shall also forward copies, with the remarks, if any, of the authority or institution concerned thereon, to the Central Government and to the Provincial Government and Provincial Council of the Province in which the authority or institution is situated.

13. Withdrawal of recognition.—(1) When, upon report by the Executive Committee, it appears to the Council—

(a) that the courses of study and training and the examinations to be gone through in order to obtain a recognised qualification from any authority in British India, or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under this Ordinance or fall short of the standards required thereby, or

(b) that an institution recognised by a Provincial Council for the training of nurses, midwives or health visitors does not satisfy the requirements of the Council,—

the Council may send to the Government of the Province in which the authority or institution, as the case may be, is situated a statement to such effect, and the Provincial Government shall forward it, along with such remarks as it may think fit to the authority or institution concerned and, in a case referred to in clause (b) to the Provincial Council also, with an intimation of the period within which the authority or institution may submit its explanation to the Provincial Government.

(2) On the receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of the period, the Provincial Government shall make its recommendations to the Council.

(3) The Council, after such further inquiry, if any, as it may think fit to make, and in a case referred to in clause (b) of sub-section (1), after considering any remarks which the Provincial Council may have addressed to it, may declare,—

(a) in a case referred to in clause (a) of that sub-section, that the qualifications granted by the authority concerned shall be recognised qualifications only when granted before a specified date, or

(b) in a case referred to in the said clause (b), that with effect from a date specified in the declaration any person holding a recognised qualification whose period of training and study preparatory to the grant to him of the qualification was passed at the institution concerned shall be entitled to be registered only in the Province in which the institution is situated.

(4) The Council may declare that any recognised qualification granted out-
British India shall be a recognised qualification only if granted before a speci-
date.

14. Mode of declarations.—All declarations under section 9 or section 13 shall be made by resolution passed at a meeting of the Council called for the purpose and shall forthwith be published in the official Gazette.

15. Power to make regulations.—(1) The Council may make regulations not inconsistent with this Ordinance generally to carry out the provisions of this Ordinance, and in particular and without prejudice to the generality of the foregoing, such regulations may provide for—

(a) the management of the property of the Council and the maintenance and audit of its accounts;

(b) the manner in which elections referred to in sub-section (2) of section 5 and in clause (1) of sub-section (1) of section 7 shall be conducted;

(c) the summoning and holding of the meetings of the Council, the times and places at which such meetings shall be held, the conduct of business thereat and the number of members necessary to constitute a quorum;

(d) prescribing the functions of the Executive Committee, the summoning and holding of meetings thereof, the times and places at which such meetings shall be held, and the number of members necessary to constitute a quorum;

(e) prescribing the powers and duties of the President and the Vice-President;

(f) prescribing the tenure of office and the powers and duties of the Secretary, inspectors, visitors and other officers and servants of the Council;

(g) prescribing the standard curricula for the training of nurses, midwives and health visitors, for training courses for teachers of nurses, midwives and health visitors, for training in nursing administration and for the training of assistant nurses and assistant midwives;

(h) prescribing the conditions for admission to courses of training as aforesaid;

(i) prescribing the standards of examination and other requirements to be satisfied to secure for qualifications recognition under this Ordinance;

(j) any other matter which is to be or may be prescribed under this Ordinance.

(2) To enable the Council to be first constituted, the President may, with the sanction of the Central Government, make regulations for the conduct of elections referred to in sub-section (2) of section 5, and any regulations so made may be altered or rescinded by the Council in exercise of its powers under this Ordinance.

THE SCHEDULE

(See sections 9 and 10.)

PART I

Recognised qualifications

General Nursing—

Certificates (including senior and junior certificates) and Diplomas in Nursing by any of the following authorities, namely:—

1. The Examination Board appointed by the Government of Madras.
2. The Bombay Nurses, Midwives and Health Visitors Council.

3. The Bombay Presidency Nursing Association (when issued before the 1st day of January, 1936).
4. The Bengal Nursing Council.
5. The United Provinces State Medical Faculty.
6. The United Provinces Nurses and Midwives Council.
7. The State Board of Medical Examinations, United Provinces.
8. The Punjab Nurses Registration Council.
9. The Bihar Medical Examination Board.
10. The Bihar Nurses Registration Council.
11. The Central Provinces Medical Examination Board.
12. The Assam Nurses, Midwives and Health Visitors Council.
13. The Orissa Medical Examination Board.
14. The Sind Nurses and Midwives Council.
15. The Mid-India United Board of Examiners for Nurses.
16. The Joint Missionary Board for Examination of Nurses (Marathi area).
17. The North India United Board of Examiners for Mission and other Hospitals.
18. The Examining Board of the Nurses Auxiliary of the Christian Medical Association of India (South India Branch).

B—Midwifery—

Certificates or Diplomas in Midwifery issued by any of the following authorities, namely :—

1. Any of the authorities mentioned in section A except item No. 18 thereof.
2. The Punjab Central Midwives Board.
3. The North West Frontier Province Central Midwives Board.
4. The Mid-India United Board of Examiners for Midwifery.
5. The National Association for supplying female medical aid to the Women of India.

C—Health Visitors—

Health Visitors Certificates or Diplomas issued by any of the following authorities, namely :—

1. The Government Training School for Health Visitors, Madras.
2. The Sir John Anderson Health School, Calcutta.
3. The United Provinces State Medical Faculty.
4. The United Provinces Nurses and Midwives Council.
5. The Punjab Health School.
6. The Government Health School, Nagpur.
7. The Assam Nurses, Midwives and Health Visitors Council.
8. The Lady Reading Health School, Delhi.
9. The Bombay Nurses, Midwives and Health Visitors Council.
10. The Bengal Nursing Council.

PART II

Recognised higher qualifications

Certificates or Diplomas in respect of post-certificate nursing training issued by the following authorities, namely :—

1. The Examination Board appointed by the Government of Madras.
2. The College of Nursing, Delhi.
3. The Missionary Medical College School of Nursing, Vellore.

MOUNTBATTEN, OF BURMA.

Viceroy and Governor General.

Rep. by Act III 1948

(Published in the Gazette of India Extraordinary, dated the 13th August, 1947)

ORDINANCE No. XIV OF 1947

AN

ORDINANCE

to confer certain special powers upon officers of the armed forces in certain disturbed areas of Assam

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers upon officers of the armed forces in certain disturbed areas of Assam ;

AND WHEREAS the Indian Legislature is not in session ;

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 Assam Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

2. Special powers of officers of military or air forces.—Any commissioned officer, warrant officer or non-commissioned officer of His Majesty's military or air forces may, in any area for the time being declared by notification under section 3 of the Assam Disturbed Areas Ordinance, 1947, to be a disturbed area,—

(a) exercise the powers conferred by section 4 of the said Ordinance upon a police officer not below the rank of Assistant Sub-Inspector ;

(b) arrest without warrant any person who has committed a cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence ;

(c) enter and search, without warrant, any premises to make any such arrest as aforesaid, or to recover any person believed to be wrongfully restrained or confined, or any property reasonably suspected to be stolen property, or any arms believed to be unlawfully kept, in such premises.

3. Protection of persons acting under this Ordinance.—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 2.

MOUNTBATTEN OF BURMA,

Viceroy and Governor General.

Rep. by Act 47 of 1947

(Published in the Gazette of India Extraordinary, dated the 27th August, 1947)

ORDINANCE No. XV of 1947

AN

ORDINANCE

to provide for the exercise of certain extra-provincial jurisdiction of the Central Government.

WHEREAS by treaty, grant, usage, sufferance and other lawful means, the Central Government has, and may hereafter acquire, jurisdiction in and in relation to areas outside the Provinces of India ;

AND WHEREAS an emergency has arisen which makes it necessary to provide for matters relating to the exercise of the said jurisdiction ;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Extra-Provincial Jurisdiction Ordinance, 1947.

(2) It shall come into force at once.

2. Definitions.—In this Ordinance,—

(a) “extra-provincial jurisdiction” means any jurisdiction which by treaty, grant, usage, sufferance or other lawful means, the Central Government has for the time being in or in relation to any area outside the Provinces ;

(b) “jurisdiction” includes rights, power and authority.

3. Exercise of jurisdiction.—(1) It shall be lawful for the Central Government to exercise extra-provincial jurisdiction in such manner as it thinks fit.

(2) The Central Government may delegate any such jurisdiction as aforesaid to any officer or authority in such manner and to such extent as it thinks fit.

4. Power to make orders.—(1) The Central Government may, by notification in the official Gazette, make such orders as may seem to it expedient for the effective exercise of any extra-provincial jurisdiction of the Central Government.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), any order made under that sub-section may provide—

(a) for determining the law and procedure to be observed, whether by applying with or without modifications all or any of the provisions of any enactment in force in any Province or otherwise ;

(b) for determining the persons who are to exercise jurisdiction, either generally or in particular classes of cases, and the powers to be exercised by them ;

(c) for determining the courts, judges, magistrates and authorities by whom, and for regulating the manner in which, any jurisdiction auxiliary or incidental to or consequential on the jurisdiction exercised under this Ordinance is to be exercised in the Provinces ; and

(d) for regulating the amount, collection and application of fees.

5. Validity of acts done in pursuance of jurisdiction.—Every act and thing done in pursuance of any extra-provincial jurisdiction of the Central Government in an area outside the Provinces shall be as valid as if it had been done according to the local law then in force in that area.

6. Evidence as to existence or extent of jurisdiction.—(1) If in any proceeding, civil or criminal, in a Court established in the Provinces or by the authority of the Central Government outside the Provinces, any question arises as to the existence or extent of any extra-provincial jurisdiction of the Central Government, the Secretary to the Government of India in the appropriate department shall, on the application of the Court, send to the Court the decision of the Central Government on the question, and that decision shall for the purposes of the proceeding be final.

(2) The Court shall send to the said Secretary, in a document under the seal of the Court or signed by a judge of the Court, questions framed so as properly to raise the question, and sufficient answers to those questions shall be returned to the Court by the Secretary and those answers shall on production thereof be conclusive evidence of the matters therein contained.

MOUNTBATTEN OF BURMA,

Governor General.

(Published in the Gazette of India Extraordinary, dated 10th September 1947)

ORDINANCE NO. XVI OF 1947

AN

ORDINANCE

to provide enhanced punishments for certain derelictions of duty by members of the Armed Forces

WHEREAS an emergency has arisen which makes it necessary to provide enhanced punishments for derelictions of duty by members of the Armed Forces when engaged in protecting from acts of violence passengers or goods being conveyed upon railways;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, 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 (Protection by Armed Forces) Ordinance, 1947.

(2) It extends to all the Provinces of India.

(3) It shall come into force at once.

2. **Enhancement punishments for derelictions of duty by members of Armed Forces in certain circumstances.**—It shall be an offence punishable under this Ordinance for any person subject to the Indian Army Act, 1911 (VIII of 1911), or the Indian Air Force Act, 1932 (XIV of 1932), whose duty for the time being it is to protect from acts of violence any passengers or goods being conveyed upon any railway, as defined in the Indian Railways Act, 1890 (IX of 1890), to fail in the proper performance of that duty; and notwithstanding anything to the contrary contained in that one of the aforesaid Acts to which he is subject but without prejudice to any other punishment to which he may be liable thereunder, such person shall be liable, on conviction for such offence by a summary general court-martial or a field general court-martial, as the case may be, to be punished with rigorous imprisonment for a term which may extend to ten years or, if on the occasion of this offence any loss of human life occurs, with death.

MOUNTBATTEN OF BURMA,

Governor-General.

Rep. by Act 3 of 1948

(Published in the Gazette of India Extraordinary, dated the 18th September, 1947)

ORDINANCE No. XVII of 1947

AN

ORDINANCE

to confer certain special powers upon officers of the armed forces in certain disturbed areas in the Provinces of East Punjab and Delhi.

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers upon officers of the armed forces in certain disturbed areas of the Provinces of East Punjab and Delhi;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, 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 East Punjab and Delhi Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947.

(2) It extends to the whole of the Provinces of East Punjab and Delhi.

(3) It shall come into force at once.

2. Special powers of officers of military or air forces.—Any commissioned officer, warrant officer or non-commissioned officer of His Majesty's military or air forces may, in any area in respect of which a proclamation under sub-section (1) of section 15 of the Police Act, 1861 (V of 1861) is for the time being in force or which is for the time being declared by the Provincial Government under any other law to be a disturbed or dangerous area,—

(a) if in his opinion it is necessary so to do for the maintenance of public order, after giving such warning, if any, as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the said area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons ;

(b) arrest without warrant any person who has committed a cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence ;

(c) enter and search, without warrant, any premises to make any such arrest as aforesaid, or to recover any person believed to be wrongfully restrained or confined, or any property reasonably suspected to be stolen property, or any arms believed to be unlawfully kept, in such premises.

3. Protection of persons acting under this Ordinance.—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 2.

MOUNTBATTEN OF BURMA,
Governor-General.

(Published in the Gazette of India Extraordinary, dated the 20th September 1947.

ORDINANCE No. XVIII OF 1947

AN

ORDINANCE

to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947

WHEREAS an emergency has arisen which makes it necessary to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947), for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Delhi and Ajmer-Merwara Rent Control (Amendment) Ordinance, 1947.

(2) It shall come into force at once.

2. Amendment of section 1, Act XIX of 1947.—In clause (a) of sub-section (2) of section 1 of the Delhi and Ajmer-Merwara Rent Control Act, 1947 (hereinafter referred to as the said Act), after the word "premises" the words "situated in the Province of Ajmer-Merwara," shall be inserted.

3. Amendment of section 2, Act XIX of 1947.—To clause (c) of section 2 of the said Act the following word and sub-clause shall be added, namely :—

"or

(iii) where the standard rent has been fixed under section 7A, the rent as so fixed ;"

4. Amendment of section 7, Act XIX of 1947.—In sub-section (1) of section 7 of the said Act, after the word "premises" the words, figure and letter "other than premises to which the provisions of section 7A apply," shall be inserted.

5. Insertion of new section 7A in Act XIX of 1947.—After section 7 of the said Act the following section shall be inserted, namely :—

"7A. *Special provisions regarding newly constructed premises in Delhi.*—(1) If in respect of any premises situated in any area of the Province of Delhi to which this Act for the time being extends, the construction of which was not completed before the commencement of this Act, the Rent Controller, on a written complaint or otherwise, has reason to believe that the rent is excessive, he may proceed to fix the standard rent in accordance with the provisions of this section.

(2) For the purposes of this section,—

(a) the provisions of clauses 3, 4, 5, 6, 7, 9, 11 and 12 of, and the Schedule to, the New Delhi House Rent Control Order, 1939, as in force immediately before the commencement of this Act, shall, the provisions of sub-section (1) of section 15 notwithstanding, be revived and shall extend to all areas in the Province of Delhi to which this Act for the time being extends ;

(b) the Central Government may appoint a person as Rent Controller who in the exercise of his functions under this section shall have all the powers of the Controller under the aforesaid provisions as revived and extended by clause (a)."

MOUNTBATTEN OF BURMA,

Governor General.

ORDINANCE No. XIX of 1947

AN

ORDINANCE

temporarily to amend the Reserve Bank of India Act, 1934

WHEREAS an emergency has arisen which makes it necessary temporarily to amend the Reserve Bank of India Act, 1934 (II of 1934), for the purpose herein-after appearing ;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Reserve Bank of India (Temporary Amendment) Ordinance, 1947.

(2) It shall come into force at once.

2. Temporary amendment of section 18, Act II of 1934.—During the continuance of this Ordinance the Reserve Bank of India Act, 1934, shall have effect as if to clause (3) of section 18 thereof the words “or against such other form of security as the Bank may consider sufficient” were added.

MOUNTBATTEN OF BURMA,
Governor General.

(Published in the Gazette of India Extraordinary, dated the 27th September, 1947)

ORDINANCE No. XX OF 1947

AN

ORDINANCE

to enable temporary assistance to be given to certain banking companies in the Provinces of East Punjab and Delhi.

WHEREAS an emergency has arisen which makes it necessary to provide for the giving of temporary assistance to certain banking companies in the Provinces of East Punjab and Delhi;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, 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 Banking Companies (East Punjab and Delhi) Ordinance, 1947.

(2) It extends to all the Provinces of India, but applies only to, and in relation to, banking companies the registered offices of which are situated in the Province of East Punjab or the Province of Delhi.

(3) It shall come into force at once.

2. Interpretation.—In this Ordinance,—

(a) “banking company” has the meaning assigned to it in section 277F of the Indian Companies Act, 1913 (VII of 1913);

(b) “initial order” means an order first made under section 3 in respect of a banking company;

(c) “prescribed” means prescribed by rules made under section 9;

(d) “Reserve Bank” means the Reserve Bank of India.

3. Power to order moratorium in certain cases.—On application in writing made to it in this behalf by a banking company to which this Ordinance applies, the Central Government, if it considers it to be in the public interest so to do, may, by notification in the official Gazette, make an order, which shall be binding on all Courts, staying the commencement or continuance of all actions and proceedings against the company for a period of three months, and may, by a like order which shall be similarly binding, extend such period.

4. Obligations of banking companies during moratorium.—While an initial order is in force, the banking company to which it relates—

(a) shall, on demand duly made, pay to any depositor at each branch in which the depositor has a current or deposit account or both, such amounts not exceeding in any month ten per centum of the total unencumbered amount in the depositor's current and deposit accounts with the branch on the date of the notification of the order, or two hundred and fifty rupees, whichever is less, and may make, at a branch situated within the Provinces of India, payments similarly limited in amount to any person making a demand therefor at the branch who satisfies the company both that he has a current or deposit account with a branch of the company situated outside the Provinces of India and as to the amount thereof;

(b) shall not accept any deposits, whether in current or deposit account;

(c) shall not, save as provided in clause (a), and save for the purpose of meeting its normal running expenses, dispose of any of its assets.

4 Ins. by S. 27 Ord. 297/1947

ORDINANCE No. XX OF 1947

AN

ORDINANCE

to enable temporary assistance to be given to certain banking companies in the Provinces of East Punjab and Delhi.

WHEREAS an emergency has arisen which makes it necessary to provide for the giving of temporary assistance to certain banking companies in the Provinces of East Punjab and Delhi;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (23 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, 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 Banking Companies (East Punjab and Delhi) Ordinance, 1947.

(2) It extends to all the Provinces of India, but applies only to, and in relation to, banking companies the registered offices of which are situated in the Province of East Punjab or the Province of Delhi.

(3) It shall come into force at once.

2. Interpretation.—In this Ordinance,—

(a) "banking company" has the meaning assigned to it in section 277F of the Indian Companies Act, 1913 (VII of 1913);

(b) "initial order" means an order first made under section 3 in respect of a banking company;

(c) "prescribed" means prescribed by rules made under section 9;

(d) "Reserve Bank" means the Reserve Bank of India.

3. Power to order moratorium in certain cases.—On application in writing made to it in this behalf by a banking company to which this Ordinance applies, the Central Government, if it considers it to be in the public interest so to do, may, by notification in the official Gazette, make an order, which shall be binding on all Courts, staying the commencement or continuance of all actions and proceedings against the company for a period of three months, and may, by a like order which shall be similarly binding, extend such period.

4. Obligations of banking companies during moratorium.—While an initial order is in force, the banking company to which it relates—

(a) shall, on demand duly made, pay to any depositor at each branch in which the depositor has a current or deposit account or both such amounts not exceeding—

1/ [(aa) shall, on presentation for payment of a draft, pay to the payee or the person entitled to receive payment of the amount thereof at the branch on which the draft is drawn, such amount not exceeding thirty per cent. of the amount of the draft or seven hundred and fifty rupees, whichever is less, and may make, at a branch situated within the Provinces of India, payment similarly limited in amount to any person presenting a draft at the branch who satisfies the company that he is the payee or the person entitled to receive payment of the amount of the draft drawn on a branch of the company situated outside the Provinces of India;]

(b) shall not, save as provided in clause (a), and save for the purpose of meeting its normal running expenses, dispose of any of its assets.

Explanation.—For the purposes of this section "month" means a period of thirty days, the first such period commencing on the date of the notification of the order under section 3.

5. Power to make advances to banking companies.—(1) On application in writing made to it in this behalf by a banking company in respect of which an initial order is in force, the Central Government may advance to the company such amount as the Central Government considers necessary to enable the company to meet the demands payable by it under clause (a) of section 4.

(2) During the period of an initial order and of an extending order, if any, under section 3, an advance made under this section shall be free of interest, but thereafter interest at the rate of three per centum per annum shall be payable thereon, and the advance shall be repayable on such terms and conditions as the Central Government may in each case think fit to impose, having regard to the other obligations of the banking company.

(3) Where a banking company to which an advance has been made under this section is wound up, any sums due to the Central Government in respect of such advance shall, subject only to the prior claim of the Reserve Bank or any banking company in respect of any loan or advance made by it before the commencement of this Ordinance to the banking company being wound up, be a first charge on the assets of the company.

6. Accounts and returns.—Every banking company in respect of which an order has been made under section 3 shall, while the order remains in force and until any advance made to it under section 5 together with the interest thereon is fully repaid, maintain such accounts, and submit to the Reserve Bank such true returns at such intervals, as may be prescribed.

7. Penalties.—If any provision of this Ordinance is contravened or if any default is made in complying with any requirement thereof, every director and other officer of the banking company who is knowingly a party to the contravention or default shall,—

(a) where the contravention is a contravention of the provisions of clause (c) of section 4, or is in respect of the submission of a return which is false in any material particular, be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine;

(b) in any other case, be punishable with fine not exceeding five hundred rupees, or where the contravention or default is a continuing one, with a further fine not exceeding fifty rupees for every day during which it continues.

8. Cognizance of offences.—No Court shall take cognizance of an offence punishable under section 7 except upon complaint in writing made by a person authorised in this behalf by the Central Government or the Reserve Bank, and no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any such offence.

9. Power to make rules.—The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

10. Effect of expiry of Ordinance.—On the expiry of this Ordinance, section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if this Ordinance were an enactment then repealed by a Central Act.

MOUNTBATTEN OF BURMA,

Governor-General.

4 Subs. by s. 2 of Ord. 25 of 1947.

GIPD—T 2—713 M of Law—29-9-47—100

Explanation.—For the purposes of this section "month" means a period of thirty days, the first such period commencing on the date of the notification of the order under section 3.

5. Power to make advances to banking companies.—(1) On application in writing made to it in this behalf by a banking company in respect of which an initial order is in force, the Central Government may advance to the company such amount as the Central Government considers necessary to enable the company to meet the demands payable by it under clause (a) of section 4.

(2) During the period of an initial order and of an extending order, if any, under section 3, an advance made under this section shall be free of interest, but thereafter interest at the rate of three per centum per annum shall be payable thereon, and the advance shall be repayable on such terms and conditions as the Central Government may in each case think fit to impose, having regard to the other obligations of the banking company.

(3) Where a banking company to which an advance has been made under this section is wound up, any sums due to the Central Government in respect

of such advance shall be a first charge on the assets of the company, and shall be paid to the Reserve Bank, the Imperial Bank of India or any banking company, whether incorporated in or outside the Provinces of India, in respect of any loan or advance made by it before the date of the initial order to the banking company being wound up and secured by a valid mortgage or charge on the assets of the company, be a first charge on those assets.

and until any advance made to it under section 5 together with the interest thereon is fully repaid, maintain such accounts, and submit to the Reserve Bank such true returns at such intervals, as may be prescribed.

7. Penalties.—If any provision of this Ordinance is contravened or if any default is made in complying with any requirement thereof, every director and other officer of the banking company who is knowingly a party to the contravention or default shall,—

(a) where the contravention is a contravention of the provisions of clause (c) of section 4, or is in respect of the submission of a return which is false in any material particular, be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine;

(b) in any other case, be punishable with fine not exceeding five hundred rupees, or where the contravention or default is a continuing one, with a further fine not exceeding fifty rupees for every day during which it continues.

8. Cognizance of offences.—No Court shall take cognizance of an offence punishable under section 7 except upon complaint in writing made by a person authorised in this behalf by the Central Government or the Reserve Bank, and no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any such offence.

9. Power to make rules.—The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

10. Effect of expiry of Ordinance.—On the expiry of this Ordinance, section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if this Ordinance were an enactment then repealed by a Central Act.

MOUNTBATTEN OF BURMA,

Governor-General.

4 Subs. by s. 2 of Ord. 25 of 1947.

Rep. by Act 49 of 1947.

(Published in the Gazette of India Extraordinary, dated the 29th September, 1947)

ORDINANCE No. XXI OF 1947

AN

ORDINANCE

to amend the Delhi Premises (Requisition and Eviction) Ordinance, 1947.

WHEREAS an emergency has arisen which makes it necessary to amend the Delhi Premises (Requisition and Eviction) Ordinance, 1947 (XII of 1947), for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Delhi Premises (Requisition and Eviction) Amendment Ordinance, 1947.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance XII of 1947.—For clause (a) of section 2 of the Delhi Premises (Requisition and Eviction) Ordinance, 1947 (hereinafter referred to as the said Ordinance), the following shall be substituted, namely:—

“(a) “competent authority” means the Estate Officer to the Government of India, and includes any other person authorised by the Central Government by notification in the official Gazette to perform all or any of the functions of a competent authority under this Ordinance:

Provided that in respect of any function performable after the making of an order under sub-section (1) of section 3 or sub-section (1) of section 8, references to the competent authority shall be construed as references to the competent authority making that order;”

3. Amendment of sections 3, 5, 6, 7, 8, 9 and 10. Ordinance XII of 1947.—In sections 3, 5, 6, 7, 8, 9 and 10 of the said Ordinance, for the words “Estate Officer” wherever they occur, the words “competent authority” shall be substituted.

4. Further amendment of section 8, Ordinance XII of 1947.—In section 8 of the said Ordinance, in sub-section (1), after the words “in respect of the premises,” the words “or where any person is in occupation of any such premises without the authority of the Central Government,” shall be inserted.

MOUNTBATTEN OF BURMA,
Governor-General.

Rep. by Act III 1948

(Published in the Gazette of India Extraordinary, dated the 3rd October, 1947)

ORDINANCE No. XXII of 1947

AN

ORDINANCE

to confer certain special powers upon officers of the armed forces in certain disturbed areas in the United Provinces

WHEREAS an emergency has arisen which makes it necessary to confer certain special powers upon officers of the armed forces in certain disturbed areas of the United Provinces;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, 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 United Provinces Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947.

(2) It extends to the whole of the United Provinces.

(3) It shall come into force at once.

2. Special powers of officers of military or air forces.—Any commissioned officer, warrant officer or non-commissioned officer of His Majesty's military or air forces may, in any area in respect of which a proclamation under sub-section (1) of section 15 of the Police Act, 1861 (V of 1861) is for the time being in force or which is for the time being by any form of words declared by the Provincial Government under any other law to be a disturbed or dangerous area,—

(a) if in his opinion it is necessary so to do for the maintenance of public order, after giving such warning, if any, as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the said area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons;

(b) arrest without warrant any person who has committed a cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence;

(c) enter and search, without warrant, any premises to make any such arrest as aforesaid, or to recover any person believed to be wrongfully restrained or confined, or any property reasonably suspected to be stolen property, or any arms believed to be unlawfully kept, in such premises.

3. Protection of persons acting under this Ordinance.—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 2.

MOUNTBATTEN OF BURMA.

Governor General.

(Published in the Gazette of India Extraordinary, dated the 4th October, 1947)

ORDINANCE No. XXIII OF 1947

AN

ORDINANCE

to confer further powers upon the Custodian of Evacuee Property for Delhi.

WHEREAS an emergency has arisen which makes it necessary to confer further powers upon the Custodian of Evacuee Property for Delhi;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, 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 Evacuee Property (Supplementary) Ordinance, 1947.

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

(3) It shall come into force at once.

2. Interpretation.—In this Ordinance,—

(a) "the principal Ordinance" means the East Punjab Evacuee (Administration of Property) Ordinance, 1947, as extended to the Province of Delhi;

(b) "Custodian" means the Custodian of Evacuee Property for Delhi, or any Deputy or Assistant Custodian, appointed under the principal Ordinance;

(c) "evacuee property" has the meaning assigned to it in the principal Ordinance.

3. Power to remove trespassers from evacuee property.—Where the Custodian has reason to believe that the occupation of any immovable evacuee property by any persons is unauthorised or unlawful, he may, without prejudice to any of his powers under the principal Ordinance, by notice in writing delivered to such persons or affixed to such property, order the said persons forthwith to vacate the property; and if such order is not complied with within one hour, the Custodian may, with such assistance as is necessary, remove the said persons from the property, and in so doing may use, or authorise the use of, such force as may be necessary for the purpose.

4. Appeal.—Any person aggrieved by an order under section 3 may appeal in writing within seven days from the date of the order to the District Judge who shall, after calling for a report from the Custodian and after making such further inquiry, if any, as he thinks fit, pass such orders on the appeal as he thinks proper:

Provided that the District Judge shall not order the Custodian to surrender possession of the property to any person unless he is satisfied that such person is lawfully entitled to possession thereof.

5. Penalty.—Whoever obstructs the Custodian or any person assisting him in the exercise of his functions under this Ordinance shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

6. Protection of action under this Ordinance.—No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance.

MOUNTBATTEN OF BURMA,

Governor-General

ORDINANCE No. XXIV OF 1947

AN

ORDINANCE

to provide for the registration of refugees in Delhi

WHEREAS an emergency has arisen which makes it necessary to provide for the registration of refugees in the Province of Delhi;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, 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 Refugees Registration Ordinance, 1947.

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

(3) It shall come into force at once.

2. **Interpretation.**—In this Ordinance, "refugee" means any person who has since the first day of March, 1947, entered the Province of Delhi, having left his place of residence elsewhere on account of civil disturbances in that place or the fear of such disturbances.

3. **Registration Centres.**—The Chief Commissioner shall, as soon as may be, establish in respect of—

(a) each camp in which refugees are being accommodated, and

(b) each of the areas into which he considers it expedient to divide the Province for the purposes of this Ordinance,

a registration centre, and shall appoint a person or a committee of persons to be the registering authority in charge of each such centre.

4. **Registration of refugees.**—(1) Every refugee for the time being in the Province of Delhi shall, within ~~fifteen~~ ^{seven} days from the commencement of this Ordinance or within seven days from the date of his arrival in the Province, whichever is later, register himself at the registration centre of the camp in which he is being accommodated, or if he is being accommodated elsewhere than in a camp for which a registration centre has been established, at the registration centre of the area in which he is being accommodated:

Provided that a refugee who is the head of a family shall be responsible for the registration of all members of his family for the time being with him:

Provided further that, where a refugee is a female, a minor, a lunatic, an idiot or a person incapable by reason of some physical infirmity of attending at the registration centre, the person who is for the time being in charge of such refugee shall be responsible for his registration.

(2) A person registering under sub-section (1) shall, to the best of his ability, correctly fill up, or cause so to be filled up, the form set out in the First Schedule.

5. **Certificate of registration.**—The registering authority shall issue to every refugee registering under this Ordinance a certificate of registration in the form set out in the Second Schedule.

6. **Penalty.**—If any person refuses, or without lawful excuse (the burden of proving which shall lie upon him) neglects, fully to comply with the requirements of section 4, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

ORDINANCE No. XXIV of 1947

AN

ORDINANCE

to provide for the registration of refugees in Delhi

WHEREAS an emergency has arisen which makes it necessary to provide for the registration of refugees in the Province of Delhi;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, 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 Refugees Registration Ordinance, 1947.

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

(3) It shall come into force at once.

2. **Interpretation.**—In this Ordinance, “refugee” means any person who has since the first day of March, 1947, entered the Province of Delhi, having left his place of residence elsewhere on account of civil disturbances in that place or the fear of such disturbances.

3. **Registration Centres.**—The Chief Commissioner shall, as soon as may be, establish in respect of—

(a) each camp in which refugees are being accommodated, and

(b) each of the areas into which he considers it expedient to divide the Province for the purposes of this Ordinance,

a registration centre, and shall appoint a person or a committee of persons to be the registering authority in charge of each such centre.

4. **Registration of refugees.**—(1) Every refugee for the time being in the Province of Delhi shall, within ~~fifteen~~ ^{thirty} days from the commencement of this Ordinance or within seven days from the date of his arrival in the Province, whichever is later, register himself at the registration centre of the camp in which he is being accommodated, or if he is being accommodated elsewhere than in a camp for which a registration centre has been established, at the registration centre of the area in which he is being accommodated:

Provided that a refugee who is the head of a family shall be responsible for the registration of all members of his family for the time being with him:

Provided further that, where a refugee is a female, a minor, a lunatic, an idiot or a person incapable by reason of some physical infirmity of attending at the registration centre, the person who is for the time being in charge of such refugee shall be responsible for his registration.

(2) A person registering under sub-section (1) shall, to the best of his ability,

✓ [Provided also that the Central Government may by notification in the official Gazette extend the time limit of thirty days specified in this sub-section by as many days as it thinks fit.]

6. **Penalty.**—If any person refuses, or without lawful excuse (the burden of proving which shall lie upon him) neglects, fully to comply with the requirements of section 4, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

✓ Subs. & added by S. 2 of Ord. 26 of 1947.

8. Resettlement data

No. as in 7A (a)	Occupation (b)	Nature of work (c)	Whether employ- ment needed? (d)	Migration		Willing to go anywhere? (g)	Remarks (h)
				Desired? (e)	Where to? (f)		

9. (a) Property in Pakistan

(b) Location

(c) Value

Urban

Rural

A. Immoveable:

Land ————— Area —————

B. Moveable:

Houses —————

Cattle —————

Stock-in-trade —————

Household goods —————

Cash and ornaments —————

10. Registered by ————— Date —————

THE SECOND SCHEDULE

(SEE SECTION 5)

Form of Certificate of Registration

GOVERNMENT OF INDIA

MINISTRY OF RELIEF AND REHABILITATION

CERTIFICATE OF REGISTRATION

Serial No. —————

Reception Camp No. —————

Registration Office No. —————

Name of refugee —————

Address before evacuation —————

Name of head of family —————

Signature or finger print of refugee —————

Office of registration —————

Registered by —————

Date —————

MOUNTBATTEN OF BURMA,

Governor-General

(Published in the Gazette of India Extraordinary, dated the 27th October 1947)

ORDINANCE No. XXV of 1947

AN

ORDINANCE

to amend the Banking Companies (East Punjab and Delhi) Ordinance, 1947

WHEREAS an emergency has arisen which makes it necessary to amend the Banking Companies (East Punjab and Delhi) Ordinance, 1947 (XX of 1947), for the purposes hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Banking Companies (East Punjab and Delhi) Amendment Ordinance, 1947.

(2) It shall come into force at once.

2. **Amendment of section 5, Ordinance XX of 1947.**—In sub-section (3) of section 5 of the Banking Companies (East Punjab and Delhi) Ordinance, 1947, for the words beginning with the words "Reserve Bank" and ending with the words "assets of the company", the following words shall be substituted, namely:—

"Reserve Bank, the Imperial Bank of India or any banking company, whether incorporated in or outside the Provinces of India, in respect of any loan or advance made by it before the date of the initial order to the banking company being wound up and secured by a valid mortgage or charge on the assets of the company, be a first charge on those assets."

MOUNTBATTEN OF BURMA.

Governor General.

(Published in the Gazette of India Extraordinary, dated the 28th October, 1947)

ORDINANCE No. XXVI of 1947

AN

ORDINANCE

to amend the Delhi Refugees Registration Ordinance, 1947.

WHEREAS an emergency has arisen which makes it necessary to amend the Delhi Refugees Registration Ordinance, 1947 (XXIV of 1947) for the purpose hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Delhi Refugees Registration (Amendment) Ordinance, 1947.

(2) It shall come into force at once.

2. **Amendment of section 4, Ordinance XXIV of 1947.**—(1) In sub-section (1) of section 4 of the Delhi Refugees Registration Ordinance, 1947, for the words "fifteen days", the words "thirty days" shall be substituted.

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

"Provided also that the Central Government may by notification in the official Gazette extend the time limit of thirty days specified in this sub-section by as many days as it thinks fit."

MOUNTBATTEN OF BURMA.

Governor General.

Rep. by Act 41 of 1947

(Published in the Gazette of India Extraordinary, dated the 31st October, 1947)

ORDINANCE No. XXVII of 1947

AN

ORDINANCE

to conserve the strength of Indian registered merchant shipping

WHEREAS an emergency has arisen which makes it necessary to provide for the conservation of the strength of Indian registered merchant shipping;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, 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 Merchant Shipping (Restriction of Transfer of Registry) Ordinance, 1947.

(2) It shall come into force at once.

2. **Power to prevent transfer of registry to ports outside India.**—Notwithstanding anything contained in section 58 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), no application made, whether before or after the commencement of this Ordinance, for the transfer of the registry of a ship from a port of registry in India to a port of registry outside India shall be granted except with the previous approval of the Central Government, and the Central Government may, if it considers necessary or expedient so to do for the purpose of conserving the strength of Indian registered merchant shipping, refuse to give its approval to any such transfer.

MOUNTBATTEN OF BURMA,

Governor General.

(Published in the Gazette of India Extraordinary, dated the 4th December, 1947)

ORDINANCE No. XXVIII of 1947

AN

ORDINANCE

Rep. by Act 40 of 1949.

to create the Cotton Textiles Equalisation Fund and to levy surcharge on the prices of certain cotton textiles manufactured in the Provinces of India.

WHEREAS an emergency has arisen which makes it necessary to stabilize the prices of the cotton textiles manufactured in the Provinces of India and for that purpose to create a fund by levying surcharge on the prices of certain cotton textiles manufactured in the Provinces of India;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, 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 Equalisation Fund Ordinance, 1947.

(2) It extends to all the Provinces of India.

(3) It shall be deemed to have come into force on the 1st day of December, 1947.

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

(a) "cloth" and "yarn" mean respectively the cloth and yarn of which prices have been fixed by any order made under section 3 or continued by section 17 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946);

(b) "Fund" means the Cotton Textiles Equalisation Fund established under section 3;

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

(d) "producer" means a person engaged in the production of cloth or yarn or both by power as defined in clause (f) of section 2 of the Factories Act, 1934 (XXV of 1934), and the expression "produced" shall be construed accordingly.

3. **The Cotton Textiles Equalisation Fund.**—(1) The Central Government shall, for the purposes of this Ordinance, create and maintain a Fund to be called the Cotton Textiles Equalisation Fund.

(2) The Fund shall consist of the surcharge and the penalty, if any, imposed under this Ordinance.

4. **Levy of surcharge.**—The Central Government may, by notification in the official Gazette, levy on the prices of any cloth or yarn produced in any textile mill or factory after the 30th day of November 1947 or, in the case of cloth used after such date, within such mill or factory for the manufacture of any article of clothing or any other article from cloth, a surcharge at such rate as may be specified in the notification.

5. **Power to exempt.**—The Central Government may, by notification in the official Gazette, exempt any cloth or yarn produced by any producer or class of producers from the surcharge levied under section 4.

6. **Payment of surcharge.**—The surcharge shall be paid by the producer to such authority, within such time and in such manner as may be prescribed.

7. Penalty for non-payment.—If any surcharge payable under this Ordinance is not paid as prescribed, it shall be deemed to be in arrears and the authority prescribed may, after such enquiry as he deems fit, impose on the producer a penalty not exceeding the amount of surcharge in arrears.

8. Recovery of surcharge and penalty.—The amount of surcharge in arrears and any sum imposed as penalty under section 7 shall, without prejudice to any other liability incurred under this Ordinance, be recovered as arrears of land revenue.

9. Surcharge and penalty to be credited to the Fund.—The amount of any surcharge paid under section 6 and the amount of any surcharge in arrears and the penalty thereon recovered under section 8 shall be credited to the Fund.

10. Application of Fund.—(1) The Central Government may apply the Fund for—

- (a) meeting the expenses of administering the Fund;
- (b) paying subventions to producers as prescribed; and
- (c) making grants, not exceeding twelve-and-a-half per cent. of the moneys to the credit of the Fund, to the Provincial Governments and such other authorities as may be constituted by the Central Government for carrying on such labour welfare measures for the benefit of workers in the cotton textile industry as may be approved by it.

(2) Where any dispute arises as to whether or not any particular expenditure is debitable to the Fund, the decision of the Central Government thereon shall be final.

11. Accounts and Audit.—The accounts of the Fund shall be kept in such manner as may be specified by the Auditor General of India and shall be audited by him.

12. Power of inspection, entry and search.—Any authority authorised by the Central Government in this behalf may, with a view to securing compliance with this Ordinance,—

(a) require any producer to furnish to such authority such information relating to his business as that authority may specify;

(b) inspect or cause to be inspected any books or other documents belonging to or under the control of such producer;

(c) enter and search or authorise any person to enter and search any premises and seize or authorise any person to seize any cloth or yarn in respect of which he has reason to believe that a contravention of this Ordinance or any rule made thereunder has been or is about to be committed.

13. Penalty for evasion of surcharge or failure to comply with order under section 12.—(1) Whoever evades or attempts to evade the payment of surcharge payable by him under this Ordinance or fails to comply with any order issued to him under clause (a) of section 12 or furnishes any information which is false and which he knows or has reasonable cause to believe to be false or does not believe to be true, shall be punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.

(2) Any Court trying any offence under this Ordinance may order that any cloth or yarn together with the packages or coverings thereof in respect of which the Court is satisfied that an offence under this Ordinance has been committed shall be forfeited to the Central Government.

14. Compounding Offences.—(1) The authority prescribed may accept from any producer who has committed or who is reasonably suspected of having committed an offence under this Ordinance or any rule made thereunder, a sum of money in lieu of prosecution by way of composition for the offence.

(2) On payment by such person of such sum of money to such officer, such person, if in custody, shall be set at liberty and any property seized shall be released, and, if magisterial proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same facts.

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

(a) provide for the method of levy and collection of the surcharge;

(b) prescribe the authorities to whom, the time within which and the manner in which the surcharge shall be payable;

(c) provide for the appointment of officers to supervise the issue or use of cloth or yarn within any textile mill or factory;

(d) provide for the records to be maintained by a producer;

(e) regulate the manner of inspection or search of any premises used for the production or storage of cloth or yarn and the seizure of the cloth or yarn liable to seizure;

(f) provide for the method of recovery of the amount of surcharge in arrears and any penalty thereon;

(g) provide for any other matter which is to be or may be prescribed.

(3) In making any rule under this section the Central Government may provide that a breach of the rule shall, where no other penalty is provided by this Ordinance, be punishable with fine not exceeding one thousand rupees.

MOUNTBATTEN OF BURMA,

Governor General.

(Published in the Gazette of India Extraordinary, dated the 13th December, 1947)

ORDINANCE No. XXIX of 1947

AN

ORDINANCE

further to amend the Banking Companies (East Punjab and Delhi)
Ordinance, 1947

WHEREAS an emergency has arisen which makes it necessary further to amend the Banking Companies (East Punjab and Delhi) Ordinance, 1947 (XX of 1947), for the purpose hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (28 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Banking Companies (East Punjab and Delhi) Second Amendment Ordinance, 1947.

(2) It shall come into force at once.

2. Amendment of section 4, Ordinance XX of 1947.—In section 4 of the Banking Companies (East Punjab and Delhi) Ordinance, 1947,—

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

“(aa) shall, on presentation for payment of a draft, pay to the payee or the person entitled to receive payment of the amount thereof at the branch on which the draft is drawn, such amount not exceeding thirty per cent. of the amount of the draft, or seven hundred and fifty rupees, whichever is less, and may make, at a branch situated within the Provinces of India, payment similarly limited in amount to any person presenting a draft at the branch who satisfies the company that he is the payee or the person entitled to receive payment of the amount of the draft drawn on a branch of the company situated outside the Provinces of India;”;

(2) in clause (c), after the word, letter and brackets “clause (a)” the words, letters and brackets “or clause (aa)” shall be inserted.

MOUNTBATTEN OF BURMA,

Governor General.

Rep. by Act 26 of 1948

(Published in the Gazette of India Extraordinary, dated the 24th December 1947.)

ORDINANCE No. XXX OF 1947

AN

ORDINANCE

to provide for the vesting of certain property belonging to the State of Junagadh in the Administrator appointed by the Central Government.

WHEREAS on or about the 9th day of November 1947 the administration of the State of Junagadh was handed over to the Central Government;

AND WHEREAS certain property consisting, among other things, of bank deposits, Government securities and shares of joint stock companies belonging to the said State stands in the name of His Highness the Nawab of Junagadh or the Dewan of Junagadh or other officers or persons;

AND WHEREAS an emergency has arisen which makes it necessary to vest the said property in the Administrator appointed by or on behalf of the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c.2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Junagadh Administration (Property) Ordinance, 1947.

(2) It shall come into force at once.

2. Definitions.—In this Ordinance,—

(a) "Administrator" means the Administrator for the time being of the Junagadh State appointed by or on behalf of the Central Government;

(b) "securities" means the Central Government securities described in Part II of the Schedule;

(c) "Schedule" means the Schedule to this Ordinance.

3. Vesting and disposal of property and powers of Administrator.—(1) Notwithstanding anything contained in any law for the time being in force, the property described in the Schedule, whether in the name of His Highness the Nawab or the Dewan or the Private Secretary to His Highness the Nawab or the Manager and Engineer-in-Chief, Junagadh State Railway or the Chief Accounts Officer, Junagadh State or any other person whatsoever or in the name of more than one of them shall be deemed on and from the 9th day of November 1947 to have vested in the Administrator and the Administrator shall, as from that date, hold and be entitled to and have the power to deal with and dispose of the said property as such Administrator.

(2) Without prejudice to the generality of the foregoing provisions, the Administrator shall have the power to—

(a) receive and give full and effectual discharge for moneys, securities and other property described in the Schedule;

(b) sell, transfer or otherwise dispose of or deal with such property.

4. Issue of duplicate securities.—Notwithstanding anything contained in any law for the time being in force, the Reserve Bank of India shall issue to the Administrator duplicate securities in his name in lieu of the securities specified in Part II of the Schedule as if the securities so specified had been lost and such duplicate securities shall have the same

effect as if they had been issued under section 11 of the Public Debts (Central Government) Act, 1944 (XVIII of 1944).

5. Transfers otherwise than by Administrator void.—Any transfer or dealing with any of the property described in the Schedule after the 8th day of November 1947, otherwise than by the Administrator, shall be, and shall always be deemed to have been, void and of no effect.

6. Bar of jurisdiction.—(1) No Court shall have jurisdiction to entertain any suit or other proceeding in respect of any of the property described in the Schedule or to enforce any liability in respect thereof, otherwise than at the instance of the Administrator.

(2) Any claim in respect of such property by any person other than the Administrator may be submitted to the Central Government, whose decision in the matter shall be final.

7. Protection of action taken under this Ordinance.—No suit, prosecution or other legal proceeding shall lie against the Central Government, the Reserve Bank of India, any bank or company named in Parts I and III of the Schedule or any person for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Ordinance.

THE SCHEDULE.

PART I.—BANK DEPOSITS

Serial No.	Name of Bank	In whose name standing
1.	The Imperial Bank of India, Bombay	Dewan, Junagadh State.
2.	The Bank of India, Limited, Bombay	Dewan, Junagadh State.
3.	The National Bank of India, Limited, Bombay	Private Secretary to His Highness the Nawab of Junagadh.
4.	The Bank of India, Limited, Bombay	Manager and Engineer-in-Chief, Junagadh State Railway, on behalf of the Railway.
5.	The Bank of India, Limited, Bombay	Chief Accounts Officer, Junagadh State.

PART II. GOVERNMENT SECURITIES.

Serial No.	Kind of security, form and denomination	Amount Rs.
1.	4 % Government Loan 1960/70 (Special Form) in the name of His Highness the Nawab of Junagadh. Nos. BY 042362 to BY 042386 (25 × 50,000) ; Nos. BY 042449 and BY 042450 (2 × 50,000) ; Nos. BY 055398 to BY 055400 ; Nos. BY 066210 to BY 066214 (8 × 1,00,000) ; Nos. BY 067031 to BY 067036 (6 × 25,000)	23,00,000
2.	4½ % Government Loan 1955/60 (Special Form) in the name of His Highness the Nawab of Junagadh. Nos. BY 012641 and BY 012642 (2 × 1,00,000)	2,00,000

Serial No.	Kind of security, form and denomination	Amount Rs.
3.	4½ % Government Loan 1955/60 (Ordinary Form) in the name of His Highness Sir Mahabat Khan, G.C.I.E., K.C.S.I., Nawab of Junagadh. No. BY 011838 (1×10,000), No. BY 011839 (1×25,000)	₹35,000
4.	3 % Government Loan 1963/65 (Special Form) in the name of His Highness the Nawab of Junagadh. Nos. BY 026364 (1×15,700); Nos. BY 026365 to BY 026376, Nos. BY 03690 to BY 036904 (27×1,00,000)	27,15,700
5.	3½ % Government Loan 1947/50 (Special Form) in the name of His Highness the Nawab of Junagadh. Nos. BY 021217 to BY 021220 (4×1,00,000)	4,00,000
6.	3 % Government Loan 1951/54 (Special Form) in the name of His Highness the Nawab of Junagadh. Nos. BY 021377 to BY 021424 (48×25,000)	12,00,000
7.	3½ % Government Loan 1954/59 (Special Form) in the name of His Highness the Nawab of Junagadh. Nos. BY 003186 to BY 003209 (24×25,000)	6,00,000
8.	3 % Funding Loan 1966/68 (Special Form) in the name of His Highness the Nawab of Junagadh. Nos. BY 018923 to BY 018927 (5×5,00,000)	25,00,000
9.	3 % Victory Loan 1957 (Special Form) in the name of His Highness the Nawab of Junagadh. Nos. BY 033754 to BY 033756 (3×5,00,000)	15,00,000
10.	3 % Conversion Loan 1946 (Special Form) in the name of His Highness the Nawab of Junagadh. Nos. BY 068173 to BY 068177 (5×1,00,000) repayable on or after 16th September 1986	5,00,000
11.	3 % Government Loan 1963/65 (Ordinary Form) in the name of Colonel His Highness Sir Mahabat Khanji, G.C.I.E., K.C.S.I., Nawab Sahib of Junagadh. Nos. BY 053649 and BY 053650, Nos. BY 052313 to BY 052320, Nos. BY 054411 to BY 054414, Nos. CA 031142 and CA 031143, Nos. BY 050506 to BY 050527 (38×25,000)	₹9,50,000
Total Rs.		1,29,00,700

PART III. SHARES OF JOINT STOCK COMPANIES.

Serial No.	Name of Joint Stock Company	Shares
1.	The Industrial Investment Trust, Limited	1000 shares in the name of His Highness Sir Mahabat Khan, G. C. I. E., Nos. 29652 to 30651.
2.	The Central Provinces Railway Company, Limited	1000 shares in the name of His Highness Nawab Sahib Mahabat Khan Rasul Khan. Nos. 47767 to 48766.

MOUNTBATTEN OF BURMA,

Governor General.

ORDINANCE No. XXXI of 1947.

AN

ORDINANCE

temporarily to amend the Negotiable Instruments Act, 1881, and the Indian Limitation Act, 1908.

WHEREAS an emergency has arisen which makes it necessary temporarily to amend the Negotiable Instruments Act, 1881 (XXVI of 1881), and the Indian Limitation Act, 1908 (IX of 1908), for the purpose hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by India (Provisional Constitution) Order, 1947, the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Negotiable Instruments Act and the Indian Limitation Act (Temporary Amendment) Ordinance, 1947.

(2) It shall come into force at once.

2. Amendment of the Negotiable Instruments Act, 1881.—After section 75A of the Negotiable Instruments Act, 1881, the following section shall be inserted, namely:—

“75B. *Presentment of negotiable instruments in riot areas unnecessary.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, no presentment for acceptance or payment of a negotiable instrument shall be necessary, and the instrument shall be deemed to be dishonoured at the due date for presentment if it is not possible for the holder thereof, being a bank, to present the instrument for acceptance or payment on account of the prevalence of riot or other disturbances in the area in which such presentment is to be made.

(2) Every bank which treats any negotiable instrument as dishonoured under sub-section (1) shall send to the Reserve Bank of India a return signed by two responsible officers of the bank in such form and manner as may be prescribed by the Reserve Bank of India.

Explanation.—For the purpose of this section a bank shall include a company or corporation incorporated by or under any law in force in any place in or outside the Provinces of India, which transacts the business of banking in any of the Provinces of India.”

3. Amendment of the Indian Limitation Act, 1908.—After section 5 of the Indian Limitation Act, 1908, the following section shall be inserted, namely:—

“5A. *Extension of period in cases of riots.*—Any suit which could not be instituted on and after the 1st day of August 1947 or cannot be instituted after the coming into force of this Ordinance within the period of limitation on account of the prevalence of riots or other disturbances may be admitted after the period of limitation prescribed therefor when the plaintiff satisfies the Court that he was unable to institute the suit within such period owing to the prevalence of riots or other disturbances.”

MOUNTBATTEN OF BURMA,

Governor-General.