

The Current Indian Statutes

CONTAINING

**Acts of the Indian, West Bengal, Bombay, Bihar and
Assam Legislatures with Commentary, Statutes concerning
India by the Imperial Parliament, Ordinances and
Important Notifications, Rules and Regulations
issued by the Indian, West Bengal and Bombay
Governments and Bombay and Calcutta
High Courts, etc.**

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EDITOR

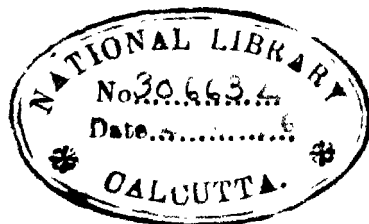
Anand Mohan Suri,

B.A., LL. B.,

ADVOCATE, HIGH COURT, SIMLA

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1949



January-December

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General Index

PART I

STATUTES

Nil

Part II

Notifications, Central Government

[Pages 1 to 56.]

	Page
Ajmer-Merwara (Extension of Laws) Act, 1947—Extending the following Acts to the Province of Ajmer-Merwara—	
(i) Bombay Electricity (Surcharge) Act, 1946	15
(ii) Code of Criminal Procedure (Bihar Amendment) Act, 1948	2
(iii) East Punjab Public Safety Act, V of 1949	52
(iv) Indian Medical Degrees (Madras Amendment) Act, 1940	38
(v) United Provinces (Temporary) Accommodation Requisition Act, 1947	53
Arms Act, 1878—amendment in the Indian Arms Rules, 1924	24, 29, 30
Banking Companies Act, 1949—Rules under	34
Bombay (Enlargement of Area and Alteration of Boundaries) (Amendment) Order, 1948	4
Bombay Port Rules, 1925—amendment in	30
Capital Issues (Exemption) Order, 1949	24
Chartered Accountants Act, 1949—date of coming into force	55
Cinematograph (Amendment) Act, 1949—date of enforcement	53
Code of Civil Procedure, 1908—	
(1) amendment in Notification No. 186/37—Judicial, dated the 2nd October 1940	38
(2) amendment in Notification No. F. 80-1/48-L, dated the 4th September 1948	42
Cotton Cloth and Yarn (Transmission by Post) Prohibition Order 1946—amendment in Notification No. 103/1-T. A./46 (ii) and (iii) dated the 1st October 1946	41(1), 41(2)
Cotton Textiles (Control) Order, 1948	5
(1) amendments in	19(4), 29, 31
(2) amendments in Notifications	20, 31(2), 31(3)
(3) delegating powers under clause 22(1) (a)	14
(4) empowering officers of the East Punjab Government to exercise functions under clause 24 (4)	31
(5) permission to cotton textile mills etc. to purchase starch	27
(6) permission under clause 33	19(15)
Cotton Textiles (Control of Movement) Order, 1948	17
(1) amendment in	25
(2) amendment in Notification No. 101-T. A./46 (ii), dated the 20th July 1946	28

Part II—Notifications—Central Government—Contd.

	Page
(3) applied to Cutch and Himachal Pradesh ...	20
Cotton Textiles (Unused Material and Rejected Stores) Order, 1949 ...	25
Delhi and Ajmer-Merwara Rent Control Act, 1947—the Act shall remain in force for a further period of two years ...	32
Delhi Laws Act, 1912—extending to the Province of Delhi the following Acts—	
(1) Bombay Co-operative Societies Act, 1925 ...	21
(2) Bombay Essential Commodities and Cattle (Control) (Second Amendment) Act, 1948 ...	3
(3) Code of Criminal Procedure (Bihar Amendment) Act, 1948 ...	2
(4) East Punjab Opium Smoking Act, 1948, with modifications ...	32, 53
(5) East Punjab Public Safety Act, V of 1949 ...	52
(6) Indian Medical Degrees (Madras Amendment) Act, 1940 ...	38
Delhi Special Police Establishment Act, 1946—amendment in Notification No. 438/3/8-S. P. E., dated the 3rd July 1948 ...	38
Dentists Act, 1948, powers under the Act exercisable by the Chief Commissioner, Coorg ...	28
Displaced Persons (Legal Proceedings) Act, 1949, date of coming into force in the Chief Commissioner's Province of Coorg ...	53
East Punjab Evacuees (Administration of Property) Act, 1947—notification under Section 6(1) ...	18
Employees' State Insurance Act (XXXIV of 1918)—appointing 1st September 1949 on which date Chapters I, II, III and VIII shall come into force ...	21
Essential Supplies (Temporary Powers) Act, 1946—delegating powers under section 3 ...	32(1), 32(2)
Excess Profits Tax (Post War Refund) Rules, 1942—amendments in ...	18
Extradition Act, 1903—declaring extradition offences ...	53
Extra-Provincial Jurisdiction Act, 1947—	
(1) amendments in the Himachal Pradesh (Application of Laws) Order, 1948 ...	39, 41
(2) amendment in Notification No. 359-I. B., dated the 24th November 1948 ...	39
(3) amendment in the Orissa States (Application of Laws) Order, 1948 ...	39
(4) applying Central Excises Salt Act, 1944 to the Bilaspur and Mayurbhanj States ...	28, 34
(5) applying certain enactments to Himachal Pradesh—The Punjab Public Safety Act, 1947 ...	2
(6) applying the Public Companies (Limitation of Dividends) Act, 1949, to all Indian States ...	48
(7) Banganapalle (Application of Laws) Order, 1949—amendment in ...	49
(8) Bhopal (Administration) Order, 1949 ...	55
(9) delegating extra-provincial jurisdiction for, and in relation to, the governance of the State of Kolhapur to the Provincial Government of Bombay ...	32

Part II—Notifications—Central Government—*Concl'd.*

	Page
Extra-Provincial Jurisdiction Act, 1947—	
(10) delegating powers under section 3 (2) ...	3
(11) directing all orders issued under the Act in relation to Mangrol, Manavadar, Sardargarh, Bantwa, Babriawad and Junagadh States shall cease to have effect ...	42
(12) Kutch (Courts) Order, 1948—amendment in ...	22
(13) Merged States (Income-tax Investigation Commission) Supplementary Powers Order, 1949 ...	51
(14) Tripura (Administration) Order, 1949 ...	56
Factories (Control of Dis-mantling) Order, 1946—amendment in ...	19
Federal Court Rules, 1942—amendments in ...	54
Foodgrains Control Order, 1942—ceases to be in force in the Province of Bombay ...	19
Foreign Exchange Regulation Act, 1947—Prohibiting issue of bearer security or coupon ...	19
Foreigners Order, 1948—amendment in ...	1
Fruit Producers Order, 1948—amendments in ...	33, 40
Government Contractors (Disposal of Cotton Textiles Unused Material and Rejected Stores) Order, 1948—	
(1) delegating function under clause 9(1) ...	27
(2) specifying markings ...	27
Government of India Act, 1935—declaring High Court of United State of Madhya Bharat to be a High Court for the purposes of S. 207 ...	42
High Court Judges (Amendment) Order, 1948 ...	22
High Court Judges (Third Amendment) Order, 1948 ...	1
High Court Judges (Fourth Amendment) Order, 1948 ...	5
Himachal Pradesh (Legal Proceedings and Executive Authority) Order, 1949 ...	23
Himachal Pradesh (Legal Proceedings and Executive Authorities) Validating Order, 1949 ...	23
Income-tax Act, 1922, notification under section 23B (3) ...	3
Industrial Employment (Standing Orders) Act, 1946—appointing appellate authority in the Province of Andaman and Nicobar Islands ...	30
Influx from Pakistan (Control) Ordinance, 1948—empowering Assistant Sub-Inspector of Police to exercise powers under S. 6 (1) ...	30
Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949—date of coming into force ...	42
Paper Control (Distribution) Order, 1944—delegating powers under Clause (4) ...	21
Provident Fund Act, 1925—additions to the Schedule ... 29(4), 29 (5)	
Public Safety Ordinance, 1948—rules under ...	2
Sirohi (Administration) Order, 1948 ...	20
Stamp Act, 1899—remitting duty on certain instruments ...	29
States Merger (Chief Commissioners' Provinces) Order, 1949 ...	49
States Merger (Governors' Provinces) Order, 1949 ...	43
Transfer of Property (India) Ordinance, 1948 date of coming into force in the Province of Ajmer-Merwara ...	1

PART III

CONSTITUENT ASSEMBLY ACTS

AND

CENTRAL ACTS

[Pages 1 to 118.]

Constituent Assembly Acts 1949	Page
The Government of India (Amendment) Act, I of 1949	17
The Government of India (Second Amendment) Act, II of 1949	110
The India (Central Government and Legislature) Amendment Act, III of 1949	111
The Government of India (Third Amendment) Act, IV of 1949	113
The Abolition of Privy Council Jurisdiction Act, V of 1949	115
Central Acts, 1948	
The Indian Railways (Second Amendment) Act, LXV of 1948	1
The Delhi and Ajmer-Merwara Land Development Act, LXVI of 1948	5
The Indian Tariff (Amendment) Act, LXVII of 1948	12
Central Acts 1949	
The Indian Emigration (Amendment) Act, III of 1949	19
The United Provinces Provincial Arms Constabulary (Extension of Laws) Act, IV of 1949	19
The Protective Duties (Amendment) Act, V of 1949	20
The Public Debt (Central Government) Amendment Act, VI of 1949	20
The Scheduled Securities (Hyderabad) Act, VII of 1949	21
The Code of Criminal Procedure (Amendment) Act, IX of 1949	19
The Banking Companies Act, X of 1949	24
The Railways (Transport of Goods) Amendment Act, XI of 1949	48
The Protective Duties (Miscellaneous Provisions) Act, XII of 1949	48
The Central Tea Board Act, XIII of 1949	50
The Indian Finance Act, XIV of 1949	56
The Code of Criminal Procedure (Second Amendment) Act, XV of 1949	67
The Governor-General's Salary (Exemption from Taxation) Act, XVI of 1949	68

Part III—Central Acts—Contd.

	Page
The Criminal Law (Removal of Racial Discriminations) Act, XVII of 1949	69
The Merchant Shipping Laws (Extension of Acceding States and Amendment) Act, XVIII of 1949	70
The Essential Supplies (Temporary Powers) Amendment Act, XIX of 1949	72
The West Godawari District (Assimilation of Laws and Federal Subjects) Act, XX of 1949	73
The Hindu Marriages Validity Act, XXI of 1949	75
The Payment of Taxes (Transfer of Property) Act, XXII of 1949	75
The Influx from Pakistan Control Act, XXIII of 1949	79
The Delhi Hotels (Control of Accommodation) Act, XXIV of 1949	80
The Displaced Persons (Legal Proceedings) Act, XXV of 1949	77
The Indian Tea Control (Amendment) Act, XXVI of 1949	83
The Bombay Port Trust (Amendment) Act, XXVII of 1949	84
The Coal Mines Labour Welfare Fund (Amendment) Act, XXVIII of 1949	85
The Dock Workers (Regulation of Employment) Amendment Act, XXIX of 1949	85
The Public Companies (Limitation of Dividends) Act, XXX of 1949	86
The Indian Wireless Telegraphy (Amendment) Act, XXXI of 1949	89
The Code of Civil Procedure (Amendment) Act, XXXII of 1949	90
The Rubber (Production and Marketing) Amendment Act, XXXIII of 1949	91
The Coffee Market Expansion (Amendment) Act, XXXIV of 1949	91
The Indian Succession (Amendment) Act, XXXV of 1949	91
The Indian Passport (Amendment) Act, XXXVI of 1949	91
The Registration of Foreigners (Amendment) Act, XXXVII of 1949	92
The Chartered Accountants Act, XXXVIII of 1949	92
The Cinematograph (Amendment) Act, XXXIX of 1949	104
The Repealing and Amending Act, XL of 1949	105

Part III—Central Acts—Concl'd.

	Page
The Child Marriage Restraint (Amendment) Act, XLI of 1949	111
The Indian Penal Code and the Code of Criminal Procedure (Amendment) Act, XLII of 1949	112

Part IV

ORDINANCES

[Pages 1 to 22]

	Page
The Payment of Taxes (Transfer of Property) Ordinance, XXI of 1948	1
The Public Safety Ordinance, XXIV of 1948	4
The Essential Supplies (Temporary Powers) Amendment, Ordinance XXXI of 1948	2
The Code of Criminal Procedure (Amendment) Ordinance, XXXII of 1948	3
The Taxation Laws Amendment Ordinance, IX of 1949	13
The Essential Supplies (Temporary Powers) Amendment Ordinance, XIV of 1949	20
The Requisitioned Land (Apportionment of Compensation) Ordinance, XXII of 1949	21

Part V

BOMBAY ACTS

[Pages 1 to 130]

	Page
1948	
The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, XXXVI of 1948	1
The Bombay Prevention of Hindu Bigamous Marriages (Amendment) Act, XXXVIII of 1948	2
The Bombay Borstal Schools (Amendment) Act, XXXIX of 1948	64
The Bombay City Civil Court Act, XL of 1948	3
The Bombay High Court Letters Patent (Amendment) Act, XLI of 1948	6
Court-fees (Bombay Amendment) Act, XLII of 1948	7
The Bombay Industrial Relations (Amendment) Act, XLIII of 1948	56
The Presidency Small Cause Courts (Bombay Amendment) Act, XLIV of 1948	7

Part V—Bombay Acts—Contd.

	Page
The Legal Practitioners (Bombay Amendment) Act, XLV of 1948	8
The Code of Criminal Procedure (Bombay Second Amendment) Act, XLVI of 1948	9
The Bombay Essential Commodities and Cattle (Control) (Second Amendment) Act, XLVII of 1948	10
The Indian Tramways (Bombay Amendment) Act, I of 1948	70
The Presidency-towns Insolvency (Bombay Amendment) Act, LI of 1948	10
The Bombay Sales Tax (Amendment) Act, LII of 1948	11
The Societies Registration (Bombay Amendment) Act, LIII of 1948	12
The Bombay Lotteries and Prize Competitions Control and Tax Act, LIV of 1948	48
The Bombay Town Planning (Amendment) Act, LV of 1948	67
The Bombay Weights and Measures (Amendment) Act, LVI of 1948	68
The Bombay Agricultural Produce Markets (Amendment) Act, LVII of 1948	70
The Bombay Money-lenders (Amendment) Act, LVIII of 1948	13
The Code of Civil Procedure (Bombay Amendment) Act, LX of 1948	47
The Press and Registration of Books (Bombay Amendment) Act, LXI of 1948	72
The Indian Forest (Bombay Amendment) Act, LXII of 1948	73
The Bombay District Police and the City of Bombay Police (Second Amendment) Act, LXIII of 1948	74
The Bombay Irrigation (Amendment) Act, LXIV of 1948	94
The Bombay Public Trusts Registration (Amendment) Act, LXV of 1948	95
The Bombay Refugees (Amendment) Act, LXVI of 1948	45
The Bombay Tenancy and Agricultural Lands Act, LXVII of 1948	17
The Provincial Insolvency (Bombay Amendment) Act, LXVIII of 1948	16
The Bombay Shops and Establishments Act, LXXIX of 1948	76

Part V—Bombay Acts—Concl'd.

	Page
The Poona City and Poona Suburban Municipal Boroughs (Appointment of Municipal Commissioner) Act, LXXX of 1948	... 95
The Bombay Animal Preservation Act, LXXXI of 1948	102
1949	
The Bombay Sales Tax Amendment) Act, I of 1949	... 105
The Bombay Finance (Amendment) Act, II of 1949	... 111
The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, III of 1949	... 116
The Bombay Village Panchayats (Amendment) Act, IV of 1949	... 119
The Bombay Motor Vehicles Tax (Amendment) Act, V of 1949	... 121
The Agriculturists Loans and the Bombay Non-agricul- turists Loans (Amendment) Act, VI of 1949	... 121
The Prisoners (Bombay Amendment) Act, VII of 1949	122
The Bombay Primary Education (Amendment) Act, VIII of 1949	... 123
The Bombay City Land Revenue (Amendment) Act, IX of 1949	... 124
The Bombay Local Boards (Amendment) Act, X of 1949	... 126
The Bombay Anatomy Act, XI of 1949	... 128
The Bombay Shops and Establishments (Amendment) Act, XVII of 1949	... 130

Part VI

ORISSA ACTS

[Pages 1 to 7.]

	Page
The Orissa Muhammadan Marriages and Divorces Re- gistration Act, VII of 1949	... 1

PART IX**West Bengal Acts and Ordinances**

[Pages 1 to 122]

Acts 1948

	Page
The West Bengal Land Development and Planning Act, XXI of 1948	... 1
The Calcutta Improvement (Amendment) Act, XXII of 1948	... 12

Part IX—West Bengal Acts and Ordinances—Concld.

	Page
The 24-Parganas District Board Dissolution (Temporary Provisions) Act, XXIII of 1948 ...	39
The Bengal Tanks Improvement (West Bengal Amendment) Act, XXIV of 1948 ...	40
The West Bengal Raw Jute Futures Act, XXV of 1948 ...	55
The West Bengal Cement Control Act, XXVI of 1948...	57
The Bengal Motor Spirit Sales Taxation (West Bengal Amendment) Act, XXVII of 1948 ...	75
The Bengal Excise (West Bengal Amendment) Act, XXVIII of 1948 ...	76
The West Bengal Undesirable Advertisements (Control) Act, XXIX of 1948 ...	76
The Calcutta Sheriff's Act, XXX of 1948 ...	91
The West Bengal Land Revenue, Rent and Cess (Apportionment) Act, XXXI of 1948 ...	35
The West Bengal Black Marketing Act, XXXII of 1948 ...	5
The West Bengal Maternity Benefit (Tea Estates) Act, XXXIII of 1948 ...	78
The West Bengal District School Boards (Amendment) Act, XXXIV of 1948 ...	84
The Calcutta and Suburban Police (Amendment) Act, XXXV of 1948 ...	84
The Calcutta Hackney-Carriage (Amendment) Act, XXXVI of 1948 ...	85
The West Bengal Hindu Social Disabilities Removal Act, XXXVII of 1948 ...	33
The West Bengal Premises Rent Control (Temporary Provisions) Act, XXXVIII of 1948 ...	13
Acts 1949	
The West Bengal National Volunteer Force Act, I of 1949 ...	59
The Calcutta Thika Tenancy Act, II of 1949 ...	63
The West Bengal Agricultural Income-Tax (Amendment) Act, III of 1949 ...	86
The West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, IV of 1949 ...	52
The West Bengal Money-Lenders (Amendment) Act, V of 1949 ...	88
The Corporation of Calcutta (Temporary Supersession) Amendment Act, VI of 1949 ...	89
The West Bengal Local Self Government (Amendment) Act, VII of 1949 ...	89

Part IX—West Bengal Acts and Ordinances—Conclud.

	Page
The West Bengal District Boards Act, VIII of 1949	122
The West Bengal Non-Agricultural Tenancy Act, XX of 1949	... 93
West Bengal Ordinances, 1949	
The West Bengal Land Revenue Sales Ordinance, I of 1949	... 38

CORRIGENDUM—At page 39 of Part IX—West Bengal Acts, for the words ‘West Bengal Act XVIII of 1948’ in bold type *substitute* the words “West Bengal Act XXIII of 1948”.

PART II

Notifications-Central Government

Published in the *Gazette of India*, Pt. I, Sec. 1, dated the 19th June 1948.

MINISTRY OF FINANCE (REVENUE DIVISION)

New Delhi, the 12th June 1948.

No. 36.—In exercise of the powers conferred by sub-section (3) of Section 1 of the **Transfer of Property (India) Ordinance, 1948** (III of 1948) the Central Government directs that the said Ordinance shall come into force in the Province of Ajmer-Merwara on the 12th June 1948.

Published in the *Gazette of India*, Extraordinary, dated the 24th June 1948.

MINISTRY OF LAW (REFORMS).

New Delhi, the 24th June 1948.

No. S. O. 16.—The following Order made by the Governor-General is published for general information :—

**THE HIGH COURT JUDGES (THIRD AMENDMENT)
ORDER, 1948.**

In the exercise of the powers conferred by section 220 of the Government of India Act, 1935, the Governor-General is pleased to make the following Order :—

1. (1) This Order may be cited as the High Court Judges (Third Amendment) Order, 1948.

(2) It shall come into force at once.

2. In the First Schedule to the Government of India (High Court Judges) Order, 1937, in the entry relating to the High Court at Calcutta for the figures "15" the figures "18" shall be substituted.

C. RAJAGOPALACHARI,
Governor-General.

Published in the *Gazette of India*, Part I, Sec. 1, dated 14th August, 1948.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 4th August 1948.

No. 6/29/48 F. I.—In exercise of the powers conferred by section 3 of the **Foreigners Act, 1946** (XXXI of 1946) the Central Government is pleased to direct that the following amendment shall be made in the **Foreigners Order, 1948**, namely :—

In Paragraph 7 of the said Order, for the words "at the place at which the said foreigner enters India" the following shall be substituted, namely :—

"either at the place at which the said foreigner enters India or if he has entered India otherwise than on the authority of a transit visa or as tourist, as defined in the Registration of Foreigners Rules, 1939 at the place at which he resides in India".

Published in the *Gazette of India*, Extraordinary, dated 1st September, 1948.

MINISTRY OF LABOUR.

Dated the 31st August 1948.

No. SS. 21 (1).—In pursuance of sub-section (1) of section 1 of the **Employers' State Insurance Act, 1948** (XXXIV of 1948), the Central

Government is pleased to appoint the 1st September 1948, as the date on which Chapters I, II, III and VIII of the said Act shall come into force in all the Provinces of India.

Published the *Gazette of India*, Extraordinary, dated 2nd September 1948.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 2nd September, 1948.

No. 8/10/48-Judicial I.—In exercise of the powers conferred by section 7 of the **Delhi Laws Act, 1912** (XIII of 1912), the Central Government is pleased to extend to the Province of Delhi the Code of Criminal Procedure (Bihar Amendment) Act, 1948 (Bihar Act XXXI of 1948), subject to the following modification, namely :—

In the said Act, for the word “Bihar”, wherever it occurs, the word “Delhi” shall be substituted.

No. 8/10/48-Judicial-II —In exercise of the powers conferred by section 2 of the **Ajmer-Merwara (Extension of Laws) Act, 1947** (No. LII of 1947), the Central Government is pleased to extend to the Province of Ajmer-Merwara the Code of Criminal Procedure (Bihar Amendment) Act, 1948 (Bihar Act XXXI of 1948), subject to the following modification, namely :—

In the said Act, for the word “Bihar” wherever it occurs, the word “Ajmer-Merwara” shall be substituted.

Published in *Gazette of India*, Extraordinary, dated 18th September, 1948.

MINISTRY OF STATES.

New Delhi, the 18th September, 1948.

No. 291-P. (a).—In exercise of the powers conferred by section 4 of the **Extra Provincial Jurisdiction Act, 1947** (XLVII of 1947) and all other powers enabling it in that behalf the Central Government is pleased to direct that the Punjab Public Safety Act, 1947 (Punjab Act II of 1947) as subsequently amended, shall apply to the Himachal Pradesh with the following modifications :—

(i) All references in the said Act to (a) the Punjab, (b) the Provincial Government or the Commissioner of the Division, (c) District Magistrate or Collector shall respectively be construed as references to (a) the Himachal Pradesh, (b) the Chief Commissioner of Himachal Pradesh and (c) District Magistrate or Collector appointed by him ; and

(ii) section 46 of the said Act shall be omitted.

MINISTRY OF DEFENCE.

New Delhi, the 18th September, 1948.

No. 1670.—In exercise of the powers conferred by sub-section (1) of section 3 of the **Public Safety Ordinance, 1948**, (XXIV of 1948), the Central Government is hereby pleased to make the following rules :—

1. Any person who has been taken into custody in connection with any operations undertaken by the Central Government in the Hyderabad State, by or under the authority of any officer in the service, civil or military of the Central Government or of the Government of any Province or Acceding State in India whether before or after the issue of this rule, may be brought into, and detained in, any province or Acceding State to which the Public Safety Ordinance, 1948, (XXIV of 1948), extends ; or if such person has been brought into any such Province or State before the issue of this rule, may be detained in such Province or State

2. Such detention shall be in such prison or other place, for such period, and under such conditions as to maintenance, discipline and the

punishment of breaches of discipline, as the Provincial Government or the Government of the Acceding State, as the case may be, may from time to time, subject to the control of the Central Government, determine.

3. Any person detained in any Province or Acceding State under these rules may be transferred to, and detained in, such other Province or Acceding State as the Central Government or any officer authorized by it in this behalf may determine.

Published in the *Gazette of India*, Extraordinary, dated 3rd January 1949.
MINISTRY OF FINANCE (REVENUE DIVISION).

New Delhi, the 3rd January 1949.

No. 1.—Under sub-section (3) of section 23B of the **Indian Income-tax Act, 1922** (XI of 1922), as amended by Ordinance XXXVIII of 1948, the Central Government is pleased to notify that, if a firm is not to be assessed as an unregistered firm under that sub-section, it should fulfil the conditions specified against it :—

- | | |
|---|--|
| (a) In case the firm has been treated as a registered firm for the purpose of its last completed regular assessment. | The firm should have made an application for registration in accordance with the Indian Income-tax Rules, 1922, in respect of the year for which the provisional assessment is to be made, before such assessment is made. |
| (b) In case no regular assessment has been made on the firm for any year preceding the year for which the provisional assessment is to be made. | The firm should have made an application for registration in accordance with the Indian Income-tax Rules 1922, on or before the date on which it has made a return of its income |

Published in the *Gazette of India*, Extraordinary, dated 29th September 1948.

MINISTRY OF HOME AFFAIRS

New Delhi, the 29th September, 1948.

No. 8/11/48-Judl.—In exercise of the powers conferred by section 7 of the **Delhi Laws Act, 1912** (XIII), the Central Government is pleased to extend the **Bombay Essential Commodities and Cattle (Control) (Second Amendment) Act, 1946** (Bombay Act XLVII of 1948), to the Province of Delhi

Published in the *Gazette of India*, Extraordinary, dated 5th August 1948.

MINISTRY OF STATES.

New Delhi, the 5th August 1948.

No. 254-P.—Whereas the Central Government has full and exclusive authority, jurisdiction and powers for, and in relation to, the Governance of Mangrol and Manavadar States.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 3 of the **Extra-Provincial Jurisdiction Act, 1947** (XLVII of 1947) and of all other powers enabling it in this behalf, the Central Government is pleased—

(1) to delegate to the Government of Saurashtra all authority, jurisdiction and powers hitherto exercised by it or by any authority subordinate to it in or in relation to the said States ;

(2) to order that all cases and proceedings pending in the Courts of the said States shall be transferred to such court or courts as the High Court of Saurashtra may direct :

(3) to direct that any thing done or any action taken by any authority in exercise of powers conferred by or under the said Act shall in so far as it is not inconsistent with this Notification be deemed to have been done or taken in exercise of the powers conferred by this Notification.

(4) Nothing in this Notification shall derogate from the right of the Central Government to exercise any or all the powers hereby delegated to the Saurashtra Government.

Published in the *Gazette of India*, Extraordinary, dated 15th October 1948.

MINISTRY OF LAW

New Delhi, the 15th October 1948.

No. S. O. 18.—The following Order made by the Governor-General is published for general information :—

The Bombay (Enlargement of Area and Alteration of Boundaries) (Amendment) Order, 1948

WHEREAS it is expedient to amend the Schedule to the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948, by including therein certain additional areas ;

Now, THEREFORE, in exercise of the powers conferred by section 290 of the Government of India Act, 1935, the Governor-General, after ascertaining the views of the Government of the Province of Bombay, is pleased to make the following Order :—

1. (1) This Order may be called the Bombay (Enlargement of Area and Alteration of Boundaries) (Amendment) Order, 1948.

(2) It shall come into force on the fifteenth day of October, 1948.

2 In the Schedule to the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948, after the heading 'Katosan Thana' and the entries thereunder, the following headings and entries shall be added :—

"Bawishi Thana"

- | | |
|-----------------------|------------------------|
| 233. Amraji-na-muada | 243. Salki |
| 234. Harkhji-na-muada | 244. Anguthla |
| 235. Vatva | 245. Kakhial |
| 236. Bardoli | 246. Khanpur |
| 237. Harsoli | 247. Lihoda |
| 238. Lawad | 248. Kalyanji-na-muada |
| 239. Palundra | 249. Sahebji-na-muada |
| 240. Dabhoda | 250. Kadjodra |
| 241. Vedodra | 251. Sametri |
| 242. Siawada | 252. Barmuada |

Vatrak Kantha Thana

- | | |
|--------------|-------------|
| 253. Nirmali | 254. Jchar" |
|--------------|-------------|

3. A reference to the date of the commencement of the said Order shall, in relation to the territories added to the Schedule by this Order, be construed as a reference to the date of the commencement of this Order.

C. RAJAGOPALACHARI,
Governor General.

Published in the *Gazette of India*, Extraordinary, dated 18th October, 1948.

MINISTRY OF LAW

New Delhi, the 18th October, 1948.

No. S. O. 19.—The following Order made by the Governor General is published for general information:—

The High Court Judges (Fourth Amendment) Order, 1948.

In the exercise of the powers conferred by section 221 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:—

1. () This Order may be cited as the High Court Judges (Fourth Amendment) Order, 1948.

(2) It shall be deemed to have had effect from the 1st day of January 1947.

2. In paragraph 7 of the Government of India (High Court Judges) Order, 1937 (hereinafter referred to as "the principal Order,"), to sub-paragraph (1) the following shall be added at the end, namely:

"In the leave account of a Judge shall also be credited, as compensation for vacation not enjoyed, a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month by reason of his having been detained in the performance of duties not connected with the High Court:

• Provided that the Judge would otherwise have been entitled to enjoy the vacation had he not been so detained."

3. In paragraph 8 of the principal Order,—

(a) to sub-paragraph (1) the following words shall be added at the end, namely:—

"plus the aggregate of the periods, if any, credited to his leave account under sub-paragraph (1) of paragraph 7 as compensation for vacation not enjoyed."

(b) to sub-paragraph (2) the following words shall be added at the end, namely:—

"plus one-half of the aggregate of the periods, if any, credited to his leave account under sub-paragraph (1) of paragraph 7 as compensation for vacation not enjoyed."

C RAJAGOPALACHARI,
(Governor-General.

Published in the *Cazette of India*, Extraordinary, dated the 2nd August 1948
MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 2nd August 1948.

No. 80-Tex.I/48.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to make the following Order, namely:—

1. (i) This Order may be called the Cotton Textiles (Control) Order, 1948.

(ii) It extends to all the Provinces of India

(iii) It shall come into force at once.

2. The Cotton Textiles (Control) Order, 1946 (Notification No. 80-Tex.I/48 dated the 19th February 1948) is hereby repealed, provided that any order made, notification issued, right accrued, penalty incurred, or anything done or deemed to have been done under the said Order shall be deemed to have been made, issued, accrued, incurred or done under the corresponding provisions of this Order.

3. In this Order, unless there is anything repugnant in the subject or context—

(a) "Cloth" and "Yarn" mean respectively any type of cloth or yarn

manufactured either wholly from cotton or partly from cotton and partly from any other material, but "cloth" does not include —

- (i) ready made clothing other than dhoties and sarrees ;
- (ii) hosiery ;
- (iii) leather cloth and inferior or imitation leather cloth ordinarily used in book-binding ;
- (iv) tracing paper ;
- (v) cloth manufactured partly from cotton and partly from wool and containing 40 per cent. or more of wool by weight ;
- (iv) rubberised or synthetic water-proof fabrics whether single-textured or double-textured ;

(b) "Controller" means the principal officer appointed by a Provincial Government for the administration of the Textiles Control and includes any other officer appointed by such Government to perform the functions of the Controller under this order or under the rules, orders and notifications issued thereunder ;

(c) "dealer" means a person carrying on the business of selling cloth or yarn or both, whether wholesale or retail, and whether or not in conjunction with any other business and shall include master weavers of hand-loom cloth ;

(d) "manufacturer" includes a producer or processor, and the expression 'manufacture' and its grammatical variants shall be construed accordingly ;

(e) the expression 'offer to sell' shall be deemed to include a reference to an intimation by a person of the price proposed by him for the sale of an article, made by the publication of a price list by exposing the article for sale in association with or bearing a mark indicating price, by the furnishing of a quotation or otherwise, howsoever ;

(f) an article shall be deemed to be in the possession of a person when it is held on behalf of that person by another person or when held by that person on behalf of another person ;

(g) "processor" means a person engaged exclusively in any process ancillary to the production of cloth or yarn such as dying, bleaching, embroidery, printing and finishing ; and the expression 'process' and its grammatical variants shall be construed accordingly ;

(h) "producer" means a person engaged in the production of cloth or yarn or both by power as defined in section 2 (f) of the Factories Act, 1934 and the expression 'produce' and its grammatical variants shall be construed accordingly ;

(i) "scheduled article" means an article specified in schedule A, and includes any other article declared by the Central Government to be scheduled article for the purposes of this order ;

(j) "starch" means starch made from wheat, rice, maize, jowar or any other foodgrain or from tapioca or potatoes and includes derivatives of starch and any modified form of starch so made ;

(k) "Textile Commissioner" means the Textile Commissioner appointed by the Central Government and includes such Additional or Joint Textile Commissioners as may be appointed by the Central Government.

RAW MATERIALS AND STORES

4. No person shall manufacture starch other than starch made from tapioca except under and in accordance with the terms of a licence granted by the Textile Commissioner.

5. (1) Every importer of a scheduled article shall within 15 days of the date of the arrival of the consignment containing such article furnish to

the Textile Commissioner the following information in respect of the consignment—

(a) description and quantity of each of the articles included in the consignment ;

(b) the landed cost of each item together with invoices and all other documents evidencing the price, buying commission, insurance premium, freight, customs duty, landing and clearing charges paid up to the deposit of the consignment in the consignee's warehouse or other place of storage.

(2) No importer shall sell or otherwise dispose of any such scheduled article imported by him except in accordance with the instructions given to him by the Textile Commissioner ; provided that if the importer does not receive any such instructions from the Textile Commissioner within 30 days of the receipt by the Textile Commissioner of the information submitted under sub-clause (1), the importer may subject to the provisions of clauses 6, 8 and 30, dispose of the consignment.

6. No person shall sell or dispose of any scheduled article except under and in accordance with

(a) a seller's licence granted to him by the Textile Commissioner ;

(b) a direction given to him by the Textile Commissioner under clause 8.

7. No person shall purchase or otherwise acquire any scheduled article except under and in accordance with a buyer's licence granted by the Textile Commissioner.

8. The Textile Commissioner may by order in writing require any importer or dealer in any scheduled article to sell to such person as may be specified in the Order such quantities of the scheduled article and in the case of a scheduled article of which the maximum prices have not been fixed under clause 9 at such price, as may be specified in the Order.

9. (1) The Textile Commissioner may by notification in the Gazette of India fix the maximum prices or rate at which any scheduled article may be sold ;

(2) No person shall sell or offer to sell a scheduled article at a price exceeding maximum price specified under sub-clause (1).

10. (1) The Textile Commissioner may direct any person carrying on the business of producing or selling any scheduled article to mark such articles exposed or intended for sale with the sale price thereof, or to exhibit in his premises a price list of articles held by him for sale ; and may further give directions as to the manner in which such directions shall be carried out.

(2) The Textile Commissioner may by order published in the Gazette of India issue a direction of the nature specified in sub-clause (1) generally to all persons carrying on the business of producing or selling any scheduled article or to any person or any class of such persons.

11. (1) Applications for licences under this Order shall be made in such form as the Textile Commissioner may prescribe ;

(2) The Textile Commissioner may, without assigning any reason, refuse to grant a licence to any person and his decision shall be final ;

(3) The Textile Commissioner may specify in the licence the conditions, if any, under which it is issued and the licensee shall comply with such conditions ;

(4) The fees for the grant of a licence shall be such as the Textile Commissioner may, by notification in the official Gazette prescribe ;

(5) Subject to the provisions of sub-clause (6) the licence shall be valid for the period specified therein and may be renewed ;

(6) If the holder of a licence has supplied incorrect information in his application or in any return submitted by him or if he contravenes any condition of the licence, or if at any time the Textile Commissioner is satisfied that for any other reason the licensee is not a fit person to hold the licence, the Textile Commissioner may in his discretion and without prejudice to any other action which may be taken against the licensee, cancel or suspend his licence, and the order of the Textile Commissioner shall be final.

CLOTH AND YARN

12. (1) No producer who has no spinning plant shall work or cause or permit to be worked—

(a) looms in excess of the number of looms working in the undertaking on the 30th September 1944;

(b) any loom for a period which in any one month exceeds the average number of hours of work per loom per month in the undertaking during the year ending 30th September 1944;

(2) No producer who has a spinning plant shall in any quarter—

(a) purchase a quantity of yarn exceeding $\frac{1}{4}$ of the quantity of yarn purchased by him in the year 1944;

(b) sell a quantity of yarn less than $\frac{1}{4}$ of the quantity of yarn sold by him in the year 1944;

(3) No producer who has no weaving plant shall install or cause or permit to be installed any loom in his undertaking.

(4) No person shall acquire or install any loom to be worked by power as defined in section 2 (f) of the Factories Act, 1934.

(5) Any person having in his possession any loom which he is not entitled to work or cause or permit to be worked in accordance with this clause shall forthwith report the fact to the Controller and shall take such action as to its scaling or storage as the Controller may direct.

13. No person shall manufacture or cause to be manufactured any cloth containing any sizing or filling material or both of any descriptions exceeding in the aggregate—

(i) in the case of cloth wherein the count of warp yarn employed is 14s or coarser, 15 per cent. of the weight of the cotton in the cloth;

(ii) in other cases, 10 per cent. of the weight of the cotton in the cloth.

14. No person shall use wheat flour or glucose for the purpose of sizing or filling cloth.

15. No person shall sell or otherwise dispose of or purchase or otherwise acquire for the purpose of sale any cloth which has been manufactured in contravention of clause 13 or clause 14.

16. (1) For the purpose of Clauses 13 to 15 the proportion of sizing or filling material or both relative to the weight of the cotton in any finished cloth shall be determined by such test carried out by such person and in such manner as the Textile Commissioner may, by notification prescribe.

(2) A certificate signed by an officer authorised to carry out tests in pursuance of sub-clause (1) stating the result of the test shall be conclusive proof that the test has been duly carried out in the manner prescribed and that the result thereof is as is stated in the certificate.

17. (1) No producer shall produce yarn of counts more than 10 in number or more than the number specified in column (3) of Schedule B for a plant of the size of his spinning plant, whichever is less.

Provided that—

(a) the same count of warp and weft yarn produced from the same mixing shall be deemed to be one count;

(b) where any part of the spinning plant is employed exclusively for the performance of any contract with the Government such part shall, if the producer so elects, be deemed not to form a part of the plant and nothing in this clause shall apply in relation to the production of any yarn in pursuance of such contract, and the producer shall be deemed to have employed a part of the plant exclusively for the performance of any such contract where it is employed for the production of yarn for being supplied to any person under contract with the Government to utilise such yarn for the production of any article for sale to the Government and the producer has submitted to the Textile Commissioner a report in writing stating the quantity, counts, period of delivery and the consignee of such yarn and the number of spindles employed and the period requisite for the production of such yarn.

(2) No producer shall produce yarn finer than yarn of single 80's counts.

(3) Nothing in this clause shall apply to the production by a producer on a waste spinning plant of waste yarn of 6s or coarser.

18. (1) No producer shall produce cloth of more than two varieties for every 50 looms or part thereof in his possession or more than 20 varieties in all, whichever is less in number.

Explanation.—For the purposes of this sub-clause, cloth shall be deemed to be of the same variety if it is woven in the same counts of yarn in warp and weft and in the same reed and pick notwithstanding that it is woven in different widths, lengths, patterns or colours.

(2) Nothing in this clause shall apply—

(i) to cloth produced in pursuance of a contract with the Government; and the looms employed in the production of such cloth shall be excluded in determining the number of varieties which may be produced under sub-clause (1);

(ii) to cloth produced for experimental purposes provided the looms employed for such production shall not exceed one per cent. of the total number of looms in the producer's possession.

19. No producer shall produce any cloth with a border whether plain, dobby or jacquard containing folded yarn in excess of what is required for a 2" border.

20. The Textile Commissioner may for time to time issue directions in writing to any producer or class of producers or the producers generally, regarding the classes or specifications of cloth or yarn, and the maximum or minimum quantities thereof, which they shall not produce during such periods as may be specified in the directions, and they shall comply with such directions.

21. (1) No manufacturer of cloth shall pack cloth except in bales containing not less than 1450 yards and not more than 1550 yards.

(2) No manufacturer of yarn shall pack yarn except in bales or packages containing not less than 380 lbs. and not more than 420 lbs.

(3) The Textile Commissioner may, subject to sub-clauses (1) and (2), by a general or special order prescribe the manner in which any manufacturer shall pack cloth or yarn in bales or packages.

22. (1) The Textile Commissioner may specify—

(a) the maximum prices ex-factory, wholesale and retail at which any class or specification of cloth or yarn may be sold,

(b) the markings to be made by a manufacturer or dealer on any class or specification of cloth or yarn manufactured or sold by him and the time and manner of making such markings.

(2) Notwithstanding anything contained in sub-clause (1) above the Provincial Government or an officer authorised by the Provincial Government in this behalf may fix—

(a) the ex-factory maximum price for the purposes of the special markings under clause 26 in respect of any type of cloth for which such price has not been specified by the Textile Commissioner under the said sub-clause ;

(b) the maximum prices ex-factory, wholesale and retail at which any cloth produced by a manufacturer or other person referred to in the explanation to sub-clause (2) of clause 23 may be sold and may further specify the markings to be made on such cloth and the time and manner of making them ;

(2) A Court shall presume unless the contrary is proved that the markings made on any cloth or yarn in the manner specified under this clause are made in accordance with this Order and that the prices so marked are the maximum prices specified under this clause.

23. (1) Where the marking to be made and the time and manner of making it in respect of any class or specification of cloth or yarn have been specified under clause 22—

(a) the manufacturer of, or, as the case may be, the dealer in such cloth or yarn shall cause the marking to be made thereon at the time and in the manner specified ;

(b) no person other than such manufacturer or dealer shall cause the marking to be made on any such cloth or yarn ;

(c) no person other than the manufacturer shall have in his possession or under his control any cloth or yarn which is not so marked, unless it be for *bona fide* personal requirements ;

(d) no person shall alter or deface or cause or permit to be altered or defaced any marking made on any such cloth or yarn held by him otherwise than for his *bona fide* personal requirements ;

(e) no person shall make on any cloth or yarn any marking resembling the prescribed marking ;

(f) no person shall have in his possession or under his control otherwise than for his *bona fide* personal requirements any cloth or yarn the marking whereon is altered or defaced or is of a character specified in paragraph (e).

(2) No manufacturer shall sell or deliver any cloth or yarn of which the maximum ex-factory price has not been specified by the Textile Commissioner under clause 22.

Explanation.—Nothing in this sub-clause applies to a manufacturer who does not manufacture any yarn or to a processor or to a person engaged in the production of handloom cloth.

(3) No person shall in the manufacture of cloth use yarn (other than handspun yarn) the maximum ex-factory price of which has not been specified by the Textile Commissioner under clause 22.

24. (1) No manufacturer or dealer shall sell or offer to sell any cloth or yarn at a price higher than the maximum price specified in this behalf under clause 22.

(2) Every sale of cloth or yarn by a dealer except to a consumer shall be at a price either F. O. R. station of despatch or ex-godown of storage at the buyer's option. Provided that the commission of a commission agent shall be paid by the buyer.

(3) No person acting as a commission agent in respect of a sale of cloth

or yarn to which sub-clause (2) applies shall receive a commission which exceeds $\frac{1}{2}$ per cent. of the maximum price of the cloth or yarn the subject matter of such sale.

(4) The Textile Commissioner may by notification in the official Gazette provide for the giving of a cash memorandum by any manufacturer or dealer in respect of any sale transaction, and for the particulars to be contained in any such cash memorandum.

(5) No manufacturer or dealer shall, without sufficient cause refuse to sell cloth or yarn to any person.

Explanation.—The possibility or expectation of obtaining a higher price at a later date shall not be deemed to be a sufficient cause for the purposes of this clause.

25. (1) Notwithstanding anything contained in sub-clause (2) no manufacturer or dealer shall after the 31st October 1948 buy or sell or have in his possession any cloth or yarn manufactured in India and packed before the 1st August 1948.

(2) No manufacturer or dealer shall buy or sell or have in his possession any cloth or yarn after the expiration of twelve months from the last day of the month marked on the cloth or yarn in accordance with a direction given under clause 22 and no person shall buy or sell or have in his possession any such cloth or yarn in unopened bales or cases after the expiration from the said date of a period of three months in the case of a manufacturer and a period of six months in any other case.

(3) For the purposes of this clause a bale or case shall be deemed to be unopened if the hoops or other bindings and all outer covering have not been removed;

(4) Nothing in this clause shall apply to handloom cloth.

26. Notwithstanding anything contained in sub-clauses (1) and (2) of clause 25, any cloth or yarn not disposed of within the period specified may be kept and sold by a dealer subject to the conditions notified in this behalf by the Textile Commissioner prescribing the special marking to be made on such cloth or yarn the agency by which the marking shall be made and the fee payable for such marking :

Provided that no such cloth or yarn shall be kept undisposed of by any dealer or any person holding on behalf of a dealer for more than six months after the date of such marking.

27. Where in pursuance of clause 22 (2) (b) or clause 22 (2) (b) or clause 26, any piece of cloth is required to be marked at one and with the ex-factory price or with the price at which it is to be sold retail, and the piece is not sold as a whole, that portion of the piece containing the price marking shall be sold last by the dealer.

28. (1) No producer shall, at any time, have in his possession—

(a) a quantity of cloth exceeding the total quantity produced by him during the preceding three months; or

(b) a quantity of yarn exceeding—

(i) in the case of a person engaged in the production of yarn alone, the quantity of yarn produced by him during the preceding two months;

(ii) in the case of a person engaged in the production of cloth alone, the quantity of yarn reasonably required by him for producing cloth during the next three months; and

(iii) in the case of a person engaged in the production of cloth and yarn, the sum total of the quantity of yarn reasonably required by him for the production of cloth during the next three months and the quantity

equal to the yarn produced by him during the preceding three months over and above his own requirements during that period.

Explanation.—For the purposes of this sub-clause cloth on looms and yarn in the course of manufacture into cloth shall be excluded in computing the stocks in possession of a producer.

(2) No dealer, processor or other person not being a producer shall, at any time, have in his possession stocks of cloth or yarn in excess of his normal requirements.

Explanation.—For the purposes of this sub-clause the normal requirements of cloth or yarn, as the case may be, of a person engaged in manufacturing from cloth or yarn articles of clothing or other articles such as ropes, tapes, newar, bandages or canvas shall be deemed to be the quantity of cloth or yarn used by him during the preceding three months in such manufacture.

(3) Nothing in sub-clause (2) applies to the possession by any person carrying on the business of banking of cloth or yarn pledged with him by a dealer or a manufacturer.

(4) For the purposes of sub-clauses (1) and (2) any cloth or yarn agreed to be sold to a dealer by a manufacturer and of which delivery has not been taken by the due date shall be deemed to be in the possession of the dealer and not of the manufacturer.

29. (1) Any person having in his possession cloth or yarn in excess of the quantity permitted under clause 28 shall forthwith report the fact, in the case of a manufacturer to the Textile Commissioner and in other cases to the Controller.

(2) Any manufacturer or dealer in possession of cloth or yarn in respect of which the period for disposal prescribed under clause 25 or under the proviso to clause 26 is about to expire may report the fact to the Textile Commissioner or the Controller respectively.

(3) Any person making a report under sub-clause (1) or sub-clause (2) shall take such action as to the storage, distribution or disposal of the cloth or yarn as the Textile Commissioner or the Controller may direct.

ADDITIONAL POWERS OF THE TEXTILE COMMISSIONER.

30. The Textile Commissioner may, with a view to securing a proper distribution of cloth or yarn or with a view to securing compliance with this order, direct any manufacturer or dealer, or any class of manufacturers or dealers—

(a) to sell to such person or persons such quantities of cloth or yarn as the Textile Commissioner may specify ;

(b) not to sell or deliver cloth or yarn of a specified description except to such person or persons and subject to such conditions as the Textile Commissioner may specify ; and

may issue such further instruction as he thinks fit regarding the manner in which the direction is to be carried out.

31. The Textile Commissioner may, with a view to securing compliance with this order—

(a) require any person to give such information in his possession with respect to any business carried on by that or any other person ;

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

(c) enter and search, or authorise any person to enter and search, any premises and seize or authorise any person to seize any article in respect of which he has reason to believe that a contravention of this order has been committed and any other article in the premises which he has reason

to believe has been or is intended to be used in connection with such contravention.

32. (1) The Textile Commissioner may, by an order in writing, direct any person who carries on the business of producing or selling a scheduled article—

(a) to maintain such records of his purchases, sales, contracts, or other matters connected with his undertaking or business, and in such form and manner as may be specified in the order ;

(b) to submit to such authority returns or statements in such forms and containing such information relating to his undertaking or business and at such times as may be specified in the order.

(2) The Textile Commissioner may by general order published in the *Gazette of India* issue a direction of the nature specified in sub-clause (1) generally to any class of persons referred to therein.

33. (1) The Textile Commissioner may by a general or special permit exclude from or modify or relax to such extent as may be specified by him, the operation of any such provision in respect of any person, act or thing or any class of persons acts or things.

(2) The Textile Commissioner may in any such permit impose conditions, limitations and restrictions subject to which such permit shall have effect.

(3) Notwithstanding anything contained in this order, the provisions of the clauses specified in Schedule C shall have effect subject to the powers of the Textile Commissioner under sub-clauses (1) and (2) to withdraw, modify, or relax any or all of the restrictions enacted in those provisions.

34. The Textile Commissioner may by a general or special order in writing and with the previous sanction of the Central Government authorise any officer to exercise on his behalf all or any of his functions and powers under this order.

PROCEDURE AND PENALTY

35. No person shall, with intent to evade the provisions of this order, refuse to give any information lawfully demanded from him under clause 31 or clause 32, or conceal, destroy, mutilate, or deface any book or other document kept by him in the course of his business.

36. No prosecution for the contravention of any of the provisions of this order shall be instituted without the previous sanction of the Provincial Government or of such officer of the Provincial Government, not below the rank of a District Magistrate, as the Provincial Government, may by general or special order in writing authorise in this behalf.

37. Any court trying a contravention of any of the provisions of this order may direct that any article or articles in respect of which it is satisfied that the order has been contravened shall be forfeited to His Majesty.

SCHEDULE 'A'.

1. Cotton Card Clothing and Card Clothing Sundries for Flat Cards :—

1. Cylinder Fillet.
2. Doffer Fillet.
3. Sets of Tops.
4. Stripping Fillet.
5. Burnishing Fillet.
6. Hand stripping Cards.
7. Waltons Brushes.
8. Spiral Strips.

9. Philipsons Sheets.
10. Philipsons Top Clearer Strips.
11. Ashworths Top Clearer Strips.
12. Ashworths Dirt Roller Fillet.
13. Rhodes Stripping Fillet.
14. Lickerin Wire.
15. Blued Steel wire for Roving Waste openers.
16. Card Tacks.
17. Raising Fillet.
- For Waste and Wedding Cards :—
18. Cylinder Fillet.
19. Doffer Fillet.
20. Roller Fillet.
21. Clearer Fillet
22. Fancy Fillet
23. Under Clearer Fillet.
24. Fancy Stripper Fillet.
25. Humbug Fillet.
26. Feed Roller Fillet.
27. Lockerin Fillet.
28. All other Card Clothing and Sundries.
- II. Bobbins for use on Textile Machines other than Jute and Hemp.
 1. Slubbing Tubes.
 2. Roving Tubes.
 3. Ring Rabbeth.
 4. Ring Weft Pirns (including Universal and Wadia Pirns).
 5. Ring Doubler Bobbins.
 6. Warper Bobbins.
 7. Paper Tubes and Cones.
- III. Shuttles for use in Textiles Looms other than Jute and Hemp.
 1. Shuttles for Looms (Ordinary).
 2. Shuttles for Looms (Automatic).
- IV. Imported Tallow.
- V. Dyes derived from Coal-tar.
- VI. Hydrosulphite of Soda.
- VII. Starch.
- VII. Ring Spinning frames and Mules for manufacture of Cotton Yarn.

SCHEDULE ' B '.

MAXIMUM NUMBER OF COUNTS OF YARN WHICH A PRODUCER MAY PRODUCE.

S. No.	Size of plant, with reference to the number of spindles installed and in working order.	Number of counts of yarn.
(1)	(2)	(3)
1	10,000	3
2	For every additional 10,000 spindles or part thereof.	1

SCHEDULE ' C '

Clauses 4, 6, 7, 12, 13, 14, 15, 17, 18, 19, 21, 23, 25, and 28.

Bombay the 2nd August 1948.

No. 80-Tex-1/48 (ii).—In exercise of the powers conferred on me by clause 24 of the Cotton Textiles (Control) Order, 1948 and with the sanction

of the Central Government, I hereby authorise the principal officer appointed by each Provincial Government for the administration of the textile control to discharge on my behalf the function under clause 22 (1) (a) of the said Order to specify in relation to sales made within his jurisdiction by dealers the maximum wholesale and retail prices of cloth and yarn, provided that where the maximum ex-factory price has been fixed by the Textile Commissioner under this Order in respect of any cloth or yarn, the maximum retail price shall not exceed in the case of cloth 20 per cent. and in the case of yarn 15 per cent. over such maximum ex-factory price.

Published in the *Gazette of India*, Extraordinary, dated 4th September 1948.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 3rd September 1948.

No 8/9/48-Judicial—In exercise of the powers conferred by section 2 of the **Ajmer-Merwara (Extension of Laws) Act, 1947** (LII of 1947), the Central Government is pleased to extend the **Bombay Electricity (Surcharge) Act, 1946** (Bombay Act XIX of 1946), to the Province of Ajmer-Merwara, subject to the following modifications, namely:—

(i) For the words "Provincial Government" wherever they occur, the words "Chief Commissioner" shall be substituted,

(ii) In sub-section (2) of section 1, for the word "Bombay", the words "Ajmer-Merwara" shall be substituted.

(iii) At the end of sub-section (4) of section 1, the words "from the date of its extension to Ajmer-Merwara" shall be added.

(iv) In sub-section (2) of section 3, after the brackets and figure "(1)", the words "or on its own motion" shall be inserted.

(v) Section 5 shall be omitted; and

(vi) In section 6, the words "or in any contract for energy or for maintenance of street-lighting equipment" shall be omitted.

BOMBAY ACT No. XIX OF 1946.

(First published, after having received the assent of the Governor-General, in the "*Bombay Government Gazette*" on the 30th September, 1946).

An Act to provide for the levy of a surcharge by licensees and sanction-holders under the Indian Electricity Act, 1910, in respect of their undertakings.

WHEREAS it is expedient to provide for the levy of a surcharge by licensees and sanction holders under the Indian Electricity Act, 1910 (IX of 1910), in respect of their undertakings; It is hereby enacted as follows:—

1. *Short title, extent, application and duration*—(1) This Act may be called the **Bombay Electricity (Surcharge) Act, 1946**.

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

(3) It shall apply to such undertakings as the Provincial Government may, by notification in the Official Gazette, specify.

(4) It shall be in force for a period of three years only.

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

(i) "licensee" means any person licensed under Part II of the principal Act to supply energy;

(ii) "prescribed" means prescribed by rules;

(iii) "principal Act" means the Indian Electricity Act, 1910 (IX of 1910);

(iv) "sanction-holder" means a person supplying electrical energy with the previous sanction of the Provincial Government under section 28 of the principal Act;

(v) words and expressions used in this Act but not defined shall have the meanings assigned to them in the principal Act.

3. *Power of Provincial Government to fix rate of surcharge.*—(1) Any licensee or sanction-holder may apply to the Provincial Government in the prescribed form for fixing a rate of surcharge on the charges for energy or street lighting equipment leviable by him under the terms of his licence, sanction or contract, as the case may be. Such application shall be accompanied by such calculations as may be prescribed.

(2) On receipt of an application under sub-section (1), the Provincial Government may, if it considers that a surcharge is desirable in the case of such licensee or sanction-holder, by order notified in the Official Gazette, fix the rate of surcharge.

(3) The rate of surcharge fixed under sub-section (2) shall not exceed—

(a) The 33½ per centum in the case of undertakings where diesel oil is used for the generation of energy,

(b) 20 per centum in the case of undertakings where steam is used for the generation of energy.

(4) In the order fixing the rate of surcharge under sub-section (2), the Provincial Government may specify such conditions as it may think fit to be observed by the licensee or sanction-holder.

(5) Without prejudice to the generality of the power contained in sub-section (4), the Provincial Government may require the execution of an undertaking in the prescribed form by the licensee or sanction-holder that his profits in excess of the prescribed limits shall be transferred to a Rates Stabilization Reserve for prescribed purposes.

(6) The Provincial Government may at any time enhance or reduce by a like order the rate fixed under sub-section (2).

4. *Licensee and sanction-holder not to supply energy at charges other than charges surcharged.*—Upon the rate of surcharge being fixed by the Provincial Government from time to time in accordance with this Act, it shall not be lawful for the licensee or sanction-holder concerned except with the previous sanction of the Provincial Government to charge at other than charges surcharged at the rate for the time being so fixed :

Provided that no surcharge or any subsequent revision thereof shall affect charges leviable for any period not covered by the relevant order of the Provincial Government.

5. *Existing surcharges deemed to be made under this Act.*—Any existing surcharges applied by a licensee or sanction-holder under the provisions of the Bombay Electricity Supply (Licensed Undertakings' War Costs) Order, 1944, to his charges shall be deemed to be surcharges fixed under section 3.

6. *Act to apply notwithstanding any other law, etc.*—The provisions of this Act shall apply notwithstanding anything contained in any other law or in any licence or sanction granted under the principal Act, or in any contract for energy or for maintenance of street lighting equipment.

7. *Rules.*—(1) The Provincial Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Provincial Government may make rules providing for the form of application and the calculation to accompany it under sub-section (1) of section 3, and the form of undertaking to be executed, the limits in excess of which profits of a licensee or sanction-holder shall be trans-

ferred to a Rates Stabilization Reserve and the purposes for which they shall be so transferred under sub-section (5) of section 3.

Published in the *Gazette of India*, Extraordinary, dated 11th September 1948.

MINISTRY OF INDUSTRY AND SUPPLY.

New Delhi, the 10th September 1948.

No. 101/19—Tex. 1/48—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946 (XXVI of 1946)**, the Central Government is pleased to make the following Order, namely:—

1. (i) This Order may be called the Cotton Textiles (Control of Movement) Order, 1948.

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

(iii) It shall come into force at once.

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

(a) “Apparel” includes a garment or other article of personal or domestic use made wholly or principally from cloth other than knitted cloth but does not include old or used garments ;

(b) “Carrier” includes a railway administration or any other person engaged in the business of transporting property from place to place by land, air, sea or inland navigation ;

(c) “Hosiery” means stockings, vests, drawers, or other articles of personal use made from knitted cloth or knitted from yarn ;

(d) “Cloth” and “Yarn” have the same meaning as they have in the Cotton Textiles (Control) Order, 1948 ;

(e) “Textile Commissioner” means the Textile Commissioner, the Additional Textile Commissioner or the Joint Textile Commissioner appointed by the Central Government and includes any officer authorised by such Textile Commissioner to exercise all or any of the powers of the Textile Commissioner under this Order.

3. No person shall transport or cause to be transported by rail, road, air, sea or inland navigation any cloth, yarn or apparel except under and in accordance with—

(i) a general permit notified in the *Gazette of India* by the Textile Commissioner ; or

(ii) a special transport permit issued by the Textile Commissioner.

4. The Textile Commissioner may by order in writing direct any carrier to close the booking and transport of cloth, apparel, hosiery or yarn or any class or description thereof by rail, road, air, sea or inland navigation between such places and for such period as may be specified in the order, and such carrier shall comply with the order.

5. The Textile Commissioner may, by notification published in the *Gazette of India*, prohibit the transport of cloth, apparel, hosiery or yarn or any class or description thereof from any place within such area as is specified in the notification to any place outside that area by rail, road, air, sea or inland navigation except under such conditions, limitations and restrictions as may be so specified.

6. A carrier may require any person offering any package for transport to make a statement in writing declaring its contents and may refuse to accept for transport any package unless such declaration of its contents is made.

7. The Textile Commissioner may with a view to securing compliance with the provisions of this order—

(a) require any person to give information in his possession with respect to any stock of cloth, yarn, apparel or hosiery in his possession or in the possession of any other person ;

(b) inspect or cause to be inspected any book or document belonging to or in the custody of any person ;

(c) enter and search or authorise any person to enter and search any premises or search or authorise any person to search the luggage of any person travelling in a railway train, vessel or any public conveyance, and seize any cloth, apparel, hosiery or yarn in respect of which he has reasonable cause to suspect that a contravention of this Order has been committed.

8. The Textile Commissioner may, by notification in the *Gazette of India*, prescribe the manner in which any applications for a special transport permit under this Order shall be made.

9. Any court trying a contravention of any of the provisions of this Order may, without prejudice to any other sentence which it may pass, direct that any article or articles in respect of which it is satisfied that the Order has been contravened, shall be forfeited to the Central Government.

10. The Cotton Textiles (Control of Movement) Order, 1946 is hereby repealed ; provided that anything done or deemed to have been done under any provision of the said Order shall be deemed to have been done under the corresponding provision of this Order, and any reference in any instrument to any provision of the said Order or any notifications issued thereunder shall be deemed to be a reference to the corresponding provision of this Order, or any notification issued thereunder.

Published in the *Gazette of India*, Extraordinary, dated 9th October, 1948.

MINISTRY OF FINANCE (REVENUE DIVISION).

New Delhi, the 8th October 1948.

No. 54.—In exercise of the powers conferred by section 10 of the **Indian Finance Act, 1942** (XII of 1942), the Central Government is pleased to make the following further amendment to the Excess Profits Tax (Post War Refund) Rules, 1942, namely.—

In rule 7 of the said Rules for the words “three years” and “twentyfour months” occurring in the first paragraph the words “six years” and “sixty months” respectively, shall be substituted.

Published in the *Gazette of India*, Extraordinary, dated 8th November 1948.

MINISTRY OF RELIEF & REHABILITATION.

New Delhi, the 21st October 1948.

No. 8(4) Cus/Genl/48.—In exercise of the powers conferred by sub-section (1) of section 6 of the **East Punjab Evacuees (Administration of Property) Act of 1947**, as subsequently amended and extended to the Province of Delhi, I, Uma Shankar Dikshit, Custodian of Evacuees' Property, hereby assume possession of and control over all moveable evacuee property lying in or situated within the Province of Delhi.

U. S. DIKSHIT,
Custodian of Evacuees' Property,
Delhi Province.

Published in the *Gazette of India*, Part I—Sec. 1, dated 1st January 1949.

MINISTRY OF FINANCE

New Delhi, the 1st January 1949.

No. D. 15825-F. 1/48.—In exercise of the powers conferred by section 15 of the **Foreign Exchange Regulation Act, 1947** (VII of 1947), the Central Government is pleased to direct that except with the general or special permission of the Reserve Bank, no person shall in the Provinces of India issue any bearer security or coupon or so alter any document that it becomes a bearer security or coupon.

MINISTRY OF FOOD

New Delhi, the 1st January 1949.

No. CG. 604 (23)-III.—In exercise of the powers conferred by subsection (1) of section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946) the Central Government is pleased to direct that the Foodgrains Control Order, 1942 shall cease to be in force in the Province of Bombay.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 25th December 1948.

No. 21/Tex.-1/48.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946) the Central Government is pleased to direct that the following amendment shall be made in the Factories (Control of Dismantling) Order, 1946, namely :—

In the said Order, in each of the Clauses 3, 4 and 6 for the words “or Joint Textile Commissioner” the words “or Joint or Deputy Textile Commissioner” shall be substituted.

No. 80-Tex 1/48 (ii).—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (No. XXIV of 1946) the Central Government is pleased to direct that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In the said Order after clause 20A the following clauses shall be inserted, namely :—

“20B (i) No producer shall employ any spindle in his undertaking except for the spinning of yarn ;

(ii) No producer having a spinning plant shall employ any loom in his undertaking except for the weaving of cloth.

20C. No producer having a spinning plant shall undertake or carry out,

(a) any processing of any cloth or yarn not produced by him ;

(b) the spinning of yarn out of cotton or cotton waste not owned by him.”

Bombay, the 25th December 1948.

No. 80-Tex 1/48 (iii).—In exercise of the powers conferred on me by clause 33 of the **Cotton Textiles (Control) Order, 1948**, and with reference to clause 20C of the same Order, I hereby permit any producer having a spinning plant to undertake or carry out the bleaching and calendering of cloth not produced by him if—

(i) such producer has obtained a separate Texmark distinguishing number for stamping on cloth processed but not produced by him ;

(ii) the said bleaching and calendering does not involve transport of the cloth by rail ;

(iii) the maximum price of the cloth processed and finished has been fixed under clause 22 of the said Order.

Bombay, the 25th December 1948.

No. 80-Tex. 1/48 (iv).—In exercise of the powers conferred on me by clause 22 of the Cotton Textiles (Control) Order, 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's notification No. 80-Tex. 1/48 (iii), dated the 2nd August 1948, namely :—

In the said notification the existing paragraph 7 shall be renumbered as paragraph 7 (i) and the following shall be added in paragraph 7 as sub-paragraph (ii)—

“(ii) In the case of handkerchiefs the following markings only shall be made on each handkerchief—

(a) the name of the manufacturer ;

(b) the maximum *ex-factory* price as specified by the Textile Commissioner or the contract price whichever is less.”

T. P. BARAT, Textile Commissioner.

New Delhi, the 1st January 1949.

No. 101/28-Tex. 1/48. — In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), as applied to Cutch and Himachal Pradesh, the Central Government is pleased to direct that the provisions of the Cotton Textiles (Control of Movement) Order, 1948, shall apply to the Provinces of Cutch and Himachal Pradesh subject to the modification that clause I (ii) shall be omitted.

Published in the *Gazette of India*, Extraordinary, dated 4th January 1949.

MINISTRY OF STATES

New Delhi, the 1th January 1949.

No. 1-P.—WHEREAS the Central Government has full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State of Sirohi ;

NOW, THEREFORE, in exercise of the powers conferred by sections 3 and 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947) and of all other powers enabling it in this behalf, the Central Government is pleased to make the following Order :—

1. *Short title, extent and commencement.*—(1) This order may be called the Sirohi (Administration) Order, 1948 .

(2) It extends to the whole of Sirohi.

(3) It shall come into force on the 5th day of January, 1949.

2. *Definition*—In this order, ‘Sirohi’ means the whole of the area which immediately before the commencement of this Order is comprised within the State of Sirohi.

3. *Administration of Sirohi on behalf of the Central Government.*—The Government of Bombay shall administer Sirohi on behalf of the Central Government.

4. *Appointment of functionaries.*—Subject to the direction and control of the Central Government, the Government of Bombay may appoint such judges, Magistrates and other officers as may be necessary for the administration of the Sirohi State and may, by general or special order, determine their jurisdiction, powers, duties and functions.

(2) Without prejudice to the provisions of sub-paragraph (1), all Judges, Magistrates and other Officers who immediately before the commencement of this Order, were exercising lawful functions in the Sirohi State or any part thereof shall until other provisions is made by the Govern-

ment of Bombay continue to exercise their respective powers and jurisdiction and perform their respective duties and functions in the same manner and to the same extent as they were doing before the commencement of this Order.

5. *Existing laws to continue.*—All Laws in force in Sirohi or any part thereof immediately before the commencement of this Order shall continue in force until repealed or amended by a competent authority :

Provided that all powers exercisable under the said laws by the Regency Council of Sirohi or the Government of Sirohi shall be exercisable by the Government of Bombay.

6. *Continuance of existing taxes.*—All taxes, duties, cesses or fees which, immediately before the commencement of this Order, were being lawfully levied in Sirohi or any part thereof shall continue to be levied and applied to the same purposes, until other provision is made by a competent legislature or authority.

Published in the *Gazette of India*, Part I—Sec. 1, dated 8th January, 1949.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 1st January 1949.

* No. 370-PA(42)/48.—In exercise of the powers conferred by clause 12 of the **Paper Control (Distribution) Order, 1944**, as continued in force by sub-section (2) of section 17 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that the powers conferred on it under clause 4 of the said Order shall also be exercised by the Development Officer (Leather, Paper and Rubber) Directorate General, Industries and Supplies, New Delhi.

Published in the *Gazette of India*, Part I—Sec. 1, dated 15th January 1949

MINISTRY OF HOME AFFAIRS.

New Delhi, the 8th January 1949.

No. 8/1/49-Judicial.—In exercise of the powers conferred by section 7 of the **Delhi Laws Act, 1912** (Act XIII of 1912), the Central Government is pleased to extend the **Bombay Co-operative Societies Act, 1925** (Bombay Act No. VII of 1925), to the Province of Delhi, subject to the following modifications :—

(1) For the word “Bombay” wherever it occurs, the word “Delhi” shall be substituted.

(2) For the word “presidency” or words “the Bombay Presidency” wherever they occur, the words “Province of Delhi” shall be substituted.

(3) Sections 24AA and 39A shall be omitted.

(4) In section 40, the words “and contribution, if any, to the educational fund of the Bombay Provincial Co-operative Institute” shall be omitted.

(5) In section 42:—

(a) the words “With the approval of the Bombay Co-operative Institute and” shall be omitted;

(b) for the words, figures and letter “and section 39A have been made”, the words “have been made to the reserve fund” shall be substituted.

(6) In clause (c) of section 52 the brackets and letter ‘C’ and the words “the Bombay Central Co-operative Institute” shall be omitted.

(7) In section 53 :—

(a) for the word “three”, the word “two” shall be substituted;

(b) for the word "one" where it occurs for second time, the words "and the other" shall be substituted;

(c) the words "and one shall be nominated by the Bombay Central Co-operative Institute" shall be omitted.

(8) In section 59B:

(a) In sub-section (1) after the words "a land mortgage bank", the words "registered under this Act" shall be inserted.

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

(9) In sub-section (1) of section 63, the words "a Presidency Magistrate or" shall be omitted.

(10) In clause (e) of section 64C the words and figures "an occupant as defined in the Bombay Land Revenue Code, 1879," shall be omitted.

(11) In section 71 :—

(a) in sub-section (2), clause (na) shall be omitted :—

(b) sub-section (5) shall be omitted.

(12) For section 73, the following section shall be substituted, namely :—

"73 The Co-operative Societies Act, 1912, in so far as it applies to the Province of Delhi, is hereby repealed."

(13) The Schedule shall be omitted.

Published in the *Gazette of India*, Extraordinary, dated 17th January 1949.

MINISTRY OF LAW

New Delhi, the 17th January, 1949.

No. S. O. 22—The following Order made by the Governor-General is published for general information :—

The High Court Judges (Amendment) Order, 1949.

In the exercise of the powers conferred by section 221 of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order :—

1. (i) This Order may be cited as the High Court Judges (Amendment) Order, 1949.

(2) It shall come into force at once.

2. In paragraph 19 of the Government of India (High Court Judges) Order, 1937, for clause (b) of sub-paragraph (3) the following shall be substituted :—

"(b) if he is neither a member of the Indian Civil Service nor entitled to a special pension under the rules referred to in clause (a), a special additional pension of five hundred rupees per annum in respect of each completed year of service for pension in any one or more of the High Courts, so however that such additional pension together with the special additional pension, if any admissible to him under the said rules does not in any case exceed two thousand five hundred rupees per annum."

C. RAJAGOPALACHARI,

Governor-General.

Published in the *Gazette of India*, Part I—Sec. 1, dated 22nd January 1949.

MINISTRY OF STATES

New Delhi, the 12th January 1949.

No 7-1B.—In exercise of the powers conferred by sections 3 and 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling it in that behalf, the Central Government is

pleased to direct that the following amendment shall be made in the Kutch (Courts) Order, 1948, namely :—

In the said Order in clause (2) of paragraph 1 for the letters, figures and words "27th day of November 1948" the letters, figures and words "28th December, 1948" shall be substituted.

No. 8-IB.—Whereas some of the courts and authorities of Himachal Pradesh are located in Simla which is situated within the territorial limits of the Province of East Punjab ;

AND WHEREAS doubts have arisen regarding the validity of orders passed and acts done by the said courts and authorities in exercise of their jurisdiction in respect of Himachal Pradesh while sitting at Simla ;

AND WHEREAS it is expedient that due provision should be made for the removal of the doubts and for validating the aforesaid orders and acts ;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (2) of section 4 of the **Extra-Provincial Jurisdiction Act, 1947** (XLVII of 1947) and of all other powers enabling it in this behalf the Central Government is pleased to make the following order :—

1. *Short title, extent and commencement.*—(1) This Order may be called the **Himachal Pradesh (Legal Proceedings and Executive Authorities) Validating Order, 1949.**

(2) It extends to the whole of the Himachal Pradesh.

(3) It shall come into force at once.

2. Notwithstanding anything to the contrary contained in any law for the time being in force, all orders made, proceedings taken, sentences passed and Acts done in respect of Himachal Pradesh by the Courts and authorities, located in Simla, in exercise of the powers and jurisdiction vested in them by law applicable to Himachal Pradesh or which purported to be made, taken, passed or done in exercise of the powers and jurisdiction derived or purporting to be derived from the provisions of any law for the time being in force in Himachal Pradesh, shall be deemed to be, and always to have been validly made, taken, passed or done.

No. 9-IB.—Whereas some of the Courts and authorities of Himachal Pradesh are located in Simla which is situated within the territorial limits of the Province of East Punjab ;

AND WHEREAS it is expedient that the said courts and authorities be invested with jurisdiction to pass orders and do other acts in respect of Himachal Pradesh while sitting at Simla

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (2) of section 4 of the **Extra-Provincial Jurisdiction Act, 1947**, (XLVII of 1947) and of all other powers enabling it in this behalf, the Central Government is pleased to make the following order :—

1. *Short title, extent and commencement.*—(1) This Order may be called the **Himachal Pradesh (Legal Proceedings and Executive Authority) Order, 1949**

(2) It shall extend to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. The Himachal Pradesh Courts and authorities located in Simla, shall, notwithstanding anything to the contrary contained in any law for the time being in force, be competent while sitting at Simla, to make orders, take proceedings, pass sentences and do all other acts in exercise of the powers and jurisdiction vested in them by any law at present applicable, or which hereafter may be made applicable to Himachal Pradesh.

Published in the *Gazette of India*, Part I—Sec. 1, dated the 29th January 1949.

MINISTRY OF HOME AFFAIRS

New Delhi, the 20th January 1949.

No. 21/90/4 -Police.—In exercise of the powers conferred by section 17 of the **Indian Arms Act, 1878** (XI of 1878), the Central Government is pleased to direct that the following further amendment shall be made in the **Indian Arms Rules, 1924**, namely :—

For the proviso to sub rule (1) of rule 40 of the said Rules, the following proviso shall be substituted, namely :—

“Provided that application on behalf of a person serving in the Indian Army, Navy or Air Forces shall be made through his Commanding Officer to the licensing authority empowered in respect of the place to which he is for the time being posted.”

MINISTRY OF FINANCE

New Delhi, the 20th January 1949.

No. F. 14 (1)-CCI/49.—In exercise of the powers conferred by sub-section (1) of section 6 of the **Capital Issues Continuance of Control Act, 1947** (XXIX of 1947), and in supersession of the Exemption Order No. F. 14 (1)-ECI/45, dated the 5th December 1945 and Notifications Nos. F. 14 (1)-ECI/45, dated the 30th August 1946 and F. 14 (5)-CCI/48/222, dated the 29th October 1948, the Central Government is pleased to make the following Order, namely :—

1. This Order may be called the **Capital Issues (Exemption) Order, 1949**.

2. In this Order, unless there is anything repugnant to the subject or context,—

(a) “Act” means the **Capital Issues (Continuance of Control) Act, 1947** ;

(b) the expressions “banking company”, “insurance company” and “provident society” shall have the meanings respectively assigned to them by section 277F of the **Indian Companies Act, 1913** ; clause (8) of section 2 of the **Insurance Act, 1938**, and sub-section (1) of section 65 of the **Insurance Act, 1938** ; and

(c) the expression “consideration involved” means, in the case of securities without a nominal value, the amount to be raised, by the issue of the securities, and, in the case of securities with a nominal value, the sum of the total nominal value and of any premium, entrance fee or other payment which the person subscribing to the securities may be called upon to pay.

3. The following shall be exempt from all the provisions of sections 3, 4 and 5 of the Act :—

(a) The issue of securities other than bonus shares by any company not being a banking company or an insurance company or a provident society incorporated as a company and all transactions relating to such securities issued by any such company provided that the value of the consideration involved in such issue together with the value of the consideration involved in any previous issue of securities, not being an issue covered by clause 4, made by such company within the 12 months next preceding such issue shall not exceed five lakhs of rupees.

(b) The issue by a banking company of any shares in consequence of alteration, reduction or reorganisation of the share capital lawfully made or proposed to be made in compliance with sub-section (2) of section 277-F of the **Indian Companies Act, 1913**, where the total amount of the existing subscribed capital is not thereby increased.

(c) Loans granted by the Industrial Finance Corporation constituted under the Industrial Finance Corporation Act, 1948, and debentures taken up by such Corporation.

4. The following shall be exempt from the provisions of sub-section (1) of section 3, clause (a) of sub-section (2) of section 3 and sub-section (1) of section 5 :—

(a) The issue and acceptance of securities other than debentures being an issue made by a person in the ordinary course of his business and solely for the purposes of that business to another person carrying on the business of banking or to such other person's nominee in respect of advances or overdrafts from time to time granted or to be granted by such other person ; and

(b) charges made under mining leases by the lessees in favour of the lessors charging the assets of a company for the due payment of rents and royalties reserved by the instrument of lease.

5. The following shall be exempt from the provisions of section 4 of the Act in so far as such provisions relate to any document publicly offering for sale—

(a) Any security issued in the Provinces of India before the 17th May 1947, and

(b) any security issued outside the Provinces of India before that date, being a security of a class of which no further issue has been made after that date by or on behalf of the same company without the consent or recognition of the Central Government.

6. The following shall be exempt from the provisions of sub-section (2) of section 5 of the Act :—

(a) Securities the issue of which has involved a contravention of sub-sections (1), (2) and (3) of section 3 or section 4 of the Act if such contravention has been condoned under the provisions of sub-section (2) of section 6 of the Act ; and

(b) any security transferred by the operation of the law of inheritance of succession or by the decree of a competent court.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 22nd January 1949.

No. 15-Tex. 1/49 (i).—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that the following amendment shall be made in the Cotton Textiles (Control of Movement) Order, 1948, contained in the notification No. 101/19-Tex. 1/48, dated the 10th September 1948, namely :—

In clause 9 of the said Order for the words "the Central Government" the words "His Majesty" shall be substituted.

New Delhi, the 29th January 1949.

No. 17/2-Tex. 2/49.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to make the following Order, namely :—

1. (1) This Order may be called the **Government Contractors (Disposal of Cotton Textiles Unused Material and Rejected Stores) Order, 1949.**

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

(3) It shall come into force at once.

2. In this Order—

(a) "Contractor" means any person who has entered into a contract

with the Central Government through the Textile Commissioner for the supply, manufacture, fabrication or delivery of any article ;

(b) "material" means any material supplied to a contractor by the Central Government or purchased by a contractor under the arrangements made by the Textile Commissioner for supply thereof ;

(c) "stores" means any quantity of any article which a contractor has contracted to supply, manufacture, fabricate or deliver ;

(d) "Textile Commissioner" shall have the same meaning as in the Cotton Textiles (Control) Order, 1948.

3. Save as provided in clause 7, no contractor shall sell, deliver or otherwise dispose of any stores or material in his possession except to such persons and at such prices as the Textile Commissioner may specify by order in writing.

4. Where stores tendered by a contractor in pursuance of any contract are rejected, the contractor shall within fifteen days of the date of rejection submit to the Textile Commissioner a statement containing true and accurate information in relation to such rejected stores in Form "A" appended to this Order.

5. Every contractor shall within fifteen days from the completion of his contract submit to the Textile Commissioner a statement in Form "B" appended to this Order containing true and accurate information in relation to stores and material in his possession.

Explanation.—For the purpose of this clause a contract shall be deemed to have been completed immediately the contract has been performed or broken or cancelled or replaced by a new contract.

6. Any statement submitted in pursuance of clause 4 or clause 5 shall be submitted in triplicate and shall be accompanied by three samples of each article of stores or material referred to, in such statement.

7. A contractor may sell, deliver or otherwise dispose of any stores or material at any time after ninety days from the date on which any statement relating to such stores or material submitted by him in pursuance of clause 4 or clause 5 is received by the Textile Commissioner if no instructions as to the disposal of such stores or material have before the expiry of that period been received from the Textile Commissioner.

8. Where a contractor sells or delivers any stores or material in pursuance of clause 7, he shall within seven days of such sale or delivery submit to the Textile Commissioner a true and accurate statement containing the names of the persons to whom, the quantities in which, and the price at which such stores or material were sold or delivered.

9 (1) The Textile Commissioner may, fix the maximum prices, ex-factory, wholesale and retail, of any article of stores and materials.

(2) The Textile Commissioner may specify the markings to be made on any article of stores and materials and the time and manner of making them ; and before selling any such article the contractor shall make the markings thereon in such manner as the Textile Commissioner may prescribe provided that if a contractor is unable conveniently to make the said markings, he may apply to the Textile Commissioner, and thereupon the Textile Commissioner may, if he sees fit, on the contractor making payment for the services to be rendered at the rate of Rs. 1-4-0 per bale of 400 lbs. or Re. 1 per case of 250 lbs. of yarn or 1 per cent. of the wholesale price of any other article, direct that the markings shall be made by an officer of the Textile Commissioner.

(3) A contractor shall not sell or dispose of any stores or materials until

the maximum prices thereof have been fixed and the markings made in accordance with this clause.

(4) No person shall sell any stores or materials at a price exceeding the maximum price, ex-factory, wholesale or retail as the case may be, fixed under this clause.

(5) A court shall presume unless the contrary is proved that the markings made on any cloth or yarn in the manner specified under this clause are made in accordance with this Order and the prices so marked are the maximum prices specified under this clause.

10. The Textile Commissioner may with a view to securing compliance with this Order—

(a) require any person to give any information in his possession with respect to any business carried on by him or any other person ;

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

(c) enter and search, or authorise any person to enter and search, any premises and seize, or authorise any person to seize, any stores or material in respect of which he has reason to believe that a contravention of this Order has been committed.

11. The Textile Commissioner may, by a general or special order authorise any officer to exercise on his behalf all or any of his functions and powers under this Order.

12. A court trying any contravention of any of the provisions of this Order may, without prejudice to any other sentence which it may pass direct that any stores or material in respect of which it is satisfied that such contravention has occurred shall be forfeited to the Central Government.

[For Forms, See Gazette of India, 1949, Part I-Sec. 1, page 120. Editor.]

Bombay, the 15th January 1949

No. 17 (1)-Tex. (2/49) (ii). In exercise of the powers conferred on me by clause 7 of the Cotton Textiles (Control) Order, 1948 and in supersession of the General Permit contained in the notification of the Textile Commissioner No. 59 (21)-TA/15, dated the 19th January 1946, I hereby permit any cotton textile mill or any handloom or powerloom factory or a dyeing bleaching or printing factory to purchase or otherwise acquire starch, provided however that no such mill or factory shall at any time hold stocks of starch in excess of its requirements for a period of 6 months.

No. 17/2-Tex. 2/49 (ii).—In exercise of the powers conferred on me by clause 11 of the Government Contractors (Disposal of Cotton Textiles Unused Material and Rejected Stores) Order, 1949, I hereby authorise the principal officer appointed by each Provincial Government for the administration of the textile control to discharge on my behalf the function under clause 9 (1) of the said Order to specify in relation to sales made within his jurisdiction the maximum wholesale prices of cloth and yarn to which the said Order applies.

No. 17/2-Tex. 2/49 (iii).—In exercise of the powers conferred on me by sub-clause (2) of clause 9 of the Government Contractors (Disposal of Cotton Textiles Unused Material and Rejected Stores) Order, 1949, I hereby direct that the following markings shall be made on cloth and yarn to which the said Order applies :—

(a) The month and year of packing.

(b) The letter "G" in capital.

(c) The maximum ex-factory price specified by the Textile Commissioner.

(d) The maximum retail price specified by the Textile Commissioner.

2. The markings shall be made—

(a) on each piece of cloth at a distance of one yard from the end and, in the case of yarn, on a paper label to be inserted in the centre of every bundle in letters and figures not less than $\frac{1}{4}$ " in height ;

(b) on every bale or package of cloth or yarn in letters and figures not less than $1\frac{1}{2}$ " in height.

No. 101 (26)-Tex. 1/48.—In exercise of the powers conferred upon me by sub-clause (e) of clause 2 of the **Cotton Textiles (Control of Movement) Order, 1948**, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 101-TA/46 (ii), dated the 20th July 1946, namely :—

In the table appended to the said Notification after entry No. 10 the following shall be added—

"(11) All Police Officers not below the rank of a Sub-Inspector of Police working in the Special Police Establishment (Ministry of Home Affairs) at Head Office at New Delhi or at the branch Offices at Bombay, Madras or Jubbulpore.

I. P. BARAT, Textile Commissioner.

MINISTRY OF HEALTH

New Delhi, the 21st January 1949.

No. F. 10-10/48-MI (B) —In exercise of the powers conferred by sub-section (3) of section 94 of the **Government of India Act, 1935** the Governor General is pleased to direct that the powers of the Provincial Government under the **Dentists Act, 1948** (XVI of 1948), shall be exercised in the Province of Coorg by the Chief Commissioner, Coorg.

Published in the *Gazette of India*, Part I-Sec. 1, dated 5th February 1949.

MINISTRY OF STATES

New Delhi, the 2nd February 1949

No. 32-IB.—Whereas the Central Government has full and exclusive authority, jurisdiction and powers for, and in relation to, the governance, of the Bilaspur State;

Now, therefore, in exercise of the powers conferred by section 4 of the **Extra-Provincial Jurisdiction Act, 1947** (XLVII of 1947), and of all other powers enabling it in that behalf, the Central Government is pleased to direct that the **Central Excises and Salt Act, 1944** (1 of 1944), as amended from time to time shall apply to the Bilaspur State subject to the modification that sub-sections (2) and (3) of section 1 of the said Act shall be omitted.

2. The said Act supersedes any corresponding enactment (by whatever name called) at present in force in the Bilaspur State.

Provided that

(i) all proceedings taken under any of the enactments which were in force in Bilaspur State and pending at the commencement of this Order shall be continued as if they had been taken under the corresponding provisions of the **Central Excises and Salt Act, 1944**;

(ii) all appointments, delegations, notifications, orders, by-laws, rules and regulations made or issued under or in pursuance of any of the said enactments are hereby confirmed and shall have effect as if made or issued under this Order.

MINISTRY OF FINANCE (REVENUE DIVISION)

New Delhi, the 29th January 1949

No. 1.—In exercise of the powers conferred by clause (a) of section 9 of the **Indian Stamp Act, 1899** (II of 1899), the Central Government is pleased to remit from the 1st June 1948, the whole of the stamp duty on the following instruments executed in connection with the business of the Rehabilitation Finance Administration constituted under the Rehabilitation Finance Administration Act, 1948 (XII of 1948), namely:—

Items	Scope
(1) Bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts.	In all the Provinces including the Chief Commissioners' Provinces.
(2) Instruments other than those specified in item (1).	In the Chief Commissioners' Provinces.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 29th January 1949

No. 9 (4)-Tex.1/49.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of (1946) the Central Government is pleased to direct that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In the said Order in item (a) of sub-clause (2) of clause 22 after the words "any type of cloth" the words "or yarn" shall be inserted.

Published in the *Gazette of India*, Part I-Sec. 1, dated 12th February 1949.

MINISTRY OF HOME AFFAIRS

New Delhi, the 7th February 1949

No. 910/49-Police 1.—In exercise of the powers conferred by section 27 of the **Indian Arms Act, 1878** (XI of 1878), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Arms Rules, 1924, namely:—

In the table set forth in Schedule II of the said Rules after item 8 the following item shall be inserted, namely:—

"9. Himachal Pradesh. (1) Swords other than sword sticks	ALL
The term 'sword stick' includes any pointed or bladed weapon sheathed in such a manner that its real nature may be presumed to be intended to be disguised. It is immaterial whether the sheath completely disguises the presence of the blade or not.	

Himachal Pradesh. (2) Spears or 'Barchhas'	ALL"
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MINISTRY OF FINANCE

New Delhi, 3rd February 1949

No. F. 10(26)-F.1/48-II.—In exercise of the powers conferred by sub-section (3) of section 8 of the **Provident Fund Act, 1925** (XIX of 1925), the Central Government is pleased to add to the Schedule to the said Act the name of the following public institution, namely:—

Industrial Finance Corporation of India constituted under the Industrial Finance Corporation Act, 1948."

N. F. 10(26)F. 1/48.III.—In exercise of the powers conferred by sub-section (2) of section 8 of the **Provident Fund Act, 1925** (XIX of 1925),

the Central Government is pleased to direct that the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the Industrial Finance Corporation of India constituted under the Industrial Finance Corporation Act, 1948.

MINISTRY OF RELIEF AND REHABILITATION

New Delhi, the 29th January 1949

No. II (55-E)/49-N. & I.—In pursuance of sub-section (1) of section 6 of **Influx from Pakistan (Control) Ordinance, 1948** (No. XXXIV of 1948), the Central Government is pleased to empower any Assistant Sub-Inspector of Police to exercise the powers referred to in the said sub-section.

MINISTRY OF TRANSPORT

New Delhi, the 2nd February 1949

No. 8-P(54)/48—In exercise of the powers conferred by sub-section (1) of section 6 of the **Indian Ports Act, 1908** (XV of 1908), the Central Government is pleased to direct that the following further amendment shall be made in the Bombay Port Rules, 1925, published in the notification of the Government of Bombay in the Marine Department, No. 441/42 M, dated the 19th January 1925, the same having been previously published as required by sub-section (2) of the said section, namely:—

In Chapter I of the said Rules, after rule 43 the following rule shall be inserted, namely:—

“48A. The Owner, Master or any person in-charge of a vessel in the port or on the break-up hard shall not allow the breaking up of such vessel or the commencement of any repairs involving the use of naked lights, gas-cutting or welding apparatus to or in the vicinity of the Fuel Storage Tanks or the Fuel System or involving the entry of any person into any Fuel Storage Tank or any such vessel wherein petroleum may have been deposited unless such Owner, Master or other person in-charge of the vessel has obtained a vapour-free certificate from the Chemical Examiner, Customs house, Bombay.”

MINISTRY OF LABOUR

New Delhi, the 2nd February 1949.

No. I. R.. 11 (43).—In pursuance of clauses (a) and (c) of section 2 of the **Industrial Employment (Standing Orders) Act, 1946** (XX of 1946), the Central Government is pleased to appoint the Deputy Commissioner, Andaman and Nicobar Islands and the Revenue Assistant Commissioner, Port Blair, to exercise the functions of appellate authority and certifying officer, respectively, under the said Act, in respect of Industrial establishments situated within the Province of Andaman and Nicobar Islands other than those under the control of the Central Government or a Federal Railway or in a major port, mine or oilfield.

Published in the *Gazette of India*, Part I-Sec. 1, dated 26th February 1949.

MINISTRY OF HOME AFFAIRS

New Delhi, 21st February 1949

No. 9/5/49-Police.—In exercise of the powers conferred by section 17 of the **Indian Arms Act, 1878** (XI of 1878), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Arms Rules, 1924, namely:—

In Schedule VI to the said Rules:

1. In entry (11) (a),

(i) item (13) shall be omitted; and

(ii) item (14) shall be re-numbered as item (13)

2. After entry (11A) the following entry shall be inserted, namely:—
 “(11B) The District Magistrate Kolhapur Ditto.”
 of Belgaum.

MINISTRY OF INDUSTRY AND SUPPLY

Bombay, the 11th February 1949

No. 9(9)-Tex 1/49.—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948, and with the sanction of the Central Government, I hereby authorise the officers of the Government of the East Punjab specified below to discharge on my behalf the function of issuing directions to any dealer under sub-clause (4) of clause 24 of that order, namely:—

1. Director Civil Supplies, East Punjab.
2. Under Secretary to the Government of East Punjab, Civil Supplies Department
3. Provincial Cloth Control Officer, East Punjab.

No. 9(4)-Tex.1/49(i).—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex L/48(iii), dated the 27th April 1948, namely:—

In the said notification for entry No. (xi) the following entry shall be substituted namely:—

“(xi) East Punjab. Director of Civil Supplies, East Punjab; Under Secretary to the Government of the East Punjab, Civil Supplies Department, Provincial Cloth Control Officers, East Punjab; all District Organizers, Civil Supplies and Rationing; and all District Civil Supplies and Textile Officers.”

No 9(9)-Tex 1/49(ii).—In exercise of the powers conferred upon me by clause 24 of the Cotton Textiles (Control) Order, 1948, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex 1/48(vi), dated the 27th April 1948, namely:—

In the table appended to the said Notification for entry No. 3 the following entry shall be substituted, namely:—

“3 (i) Director Civil Supplies, East Punjab.	}	East Punjab.
(i) Under Secretary to the Government of East Punjab, Civil Supplies Department.		
(iii) Provincial Cloth Control Officer, East Punjab.		
(iv) All District Organizers, Civil Supplies and Rationing, in the East Punjab.	}	Respective jurisdiction within the Province.
(v) All District Civil Supplies and Textile Officers in the East Punjab.		

T. P. BARAT, Textile Commr.

New Delhi, the 26th February 1949.

No. 9(4)-Tex. 1/49.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1948 (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In sub-clause (a) of clause 3 of the said Order for item (iii) the following shall be substituted, namely:—

“(iii) Leather cloth, inferior or imitation leather cloth ordinarily used in book binding and Book binding cloth”

MINISTRY OF WORKS, MINES AND POWER

New Delhi, the 17th February 1949

No. WMP (PD)-505 (3).—In exercise of the power conferred by clause (b) of section 4 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that the power to make orders under section 3 of the said Act shall, in relation to Light Diesel Oil, be exercisable also by the Government of Bombay in the Province of Bombay and their District Magistrates subject to the control of the Provincial Government.

New Delhi, the 21st February 1949

No. WMP. PD-505 (3) —In exercise of the power conferred by clause (b) of section 4 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to direct that power to make orders under section 3 of the said Act shall, in relation to Light Diesel Oil, High Speed Diesel Oil and Vapourising Oil, be also exercisable by all Provincial Governments and Chief Commissioners in their respective Provinces and by the District Magistrates/Collectors in their respective Districts subject to the control of the Provincial Governments and Chief Commissioners, as the case may be.

Published in the *Gazette of India*, Extraordinary, dated the 1st March 1949.

MINISTRY OF STATES

New Delhi the 1st March, 1949.

No. 45-P.—WHEREAS the Central Government has full and exclusive extra-provincial jurisdiction for, and in relation to, the governance of the State of Kolhapur ;

NOW, THEREFORE, in the exercise of the powers conferred by sub-section (2) of section 3 of the **Extra-Provincial Jurisdiction Act, 1947** (XLVII of 1947) and of all other powers enabling it in this behalf, the Central Government is pleased to delegate to the Provincial Government of Bombay, the extra-provincial jurisdiction aforesaid, including the power conferred by section 4 of the said Act to make orders for the exercise of that jurisdiction :

Provided that :

(1) the exercise of the jurisdiction hereby delegated shall be subject to the control of the Central Government ; and

(2) the delegation shall not preclude the Central Government from exercising the jurisdiction hereby delegated.

Published in the *Gazette of India*, Extraordinary, dated the 19th March 1949.

MINISTRY OF WORKS, MINES AND POWER

New Delhi, the 18th March, 1949

No. 577-WIII 49 —In exercise of the powers conferred by the first proviso to sub-section (3) of section 1 of the **Delhi and Ajmer-Merwara Rent Control Act, 1947** (XIX of 1947), the Central Government is pleased to direct that the said Act shall remain in force for a further period of two years commencing from the 24th day of March, 1949.

Published in the *Gazette of India*, Part I-Sec. 1, dated 12th March 1949.

MINISTRY OF HOME AFFAIRS

New Delhi, the 2nd March 1949

No. 8/2/49-Judl.—In exercise of the powers conferred by section 7 of

the Delhi, Laws Act, 1912 (XIII of 1912), the Central Government is pleased to extend the East Punjab Opium Smoking Act, 1948 (XXV of 1948), to the Province of Delhi subject to the following modifications, namely:—

(1) Section 2 shall be omitted.

(2) References to the Province of East Punjab shall be construed as references to the Province of Delhi and references to the Provincial Government shall be construed as references to the Chief Commissioner.

MINISTRY OF AGRICULTURE

New Delhi the 2nd March 1949

No. F. P. 16/148-D.—In exercise of the powers conferred by section 3 of the **Essential Supplies (Temporary Powers) Act, 1946** (XXIV of 1946), the Central Government is pleased to make the following amendments to the Fruit Products Order, 1948, published in the notification of the Government of India in the Ministry of Agriculture No. F. P. 16/148-D, dated the 30th June 1948:—

In the said Order—

(1) In clause 2—

(a) In sub-clause (d) (vi) after the words “synthetic beverages” the word “sharbat” shall be inserted.

(b) For sub-clause (g) the following sub-clause shall be substituted, namely,

“(g) ‘Term’ means 12 months ending on the last day of December.”

(2) For clause 5 the following clause shall be substituted, namely:—

“(1) Every application for a licence in form A shall be submitted through the Provincial Government concerned to the Licensing Officer in duplicate in Form B and shall be accompanied by a sum calculated as provided in sub-clause (2) with reference to the value of the actual output in the preceding calendar year.

(2) The licence fee shall be a sum calculated at the rate of Rupees forty for the first four thousand rupees or part thereof; and thereafter at the rate of Rupees five for every five hundred or part thereof, based on the value of the actual output in the preceding calendar year. The fees once paid will be non-refundable excepting when the licence is refused.

Explanation:— For the purpose of this clause the value of the output shall take into account the prevailing invoice selling price ex-factory, inclusive of charges for packing material and manufacturers' profits.

(3) The Licensing Officer may, after considering the recommendations of the Provincial Government, and by an order in writing setting out the reasons therefor, refuse to grant a licence and shall forward to the applicant as soon as possible a copy of the order through the Provincial Government.

(4) The applicant may within 30 days of the receipt of such an order, appeal to the Advisory Committee; and the decision of the Advisory Committee on appeal, and subject only to that decision, the Order of the Licensing Officer under sub-clause (3) shall be final.”

(5) For Clause 9 the following clause shall be substituted, namely:—

“Every manufacturer shall at the end of each ‘term’ submit to the Provincial Government so as to reach them not later than the tenth of the following month, a return, in duplicate, showing in respect of each kind of fruit products manufactured by him—

(i) the stock in hand at the beginning of

(ii) the quantity manufactured by him during the ‘term’ and the value thereof at ex-factory invoice selling price;

- (ii) the stock disposed of during the 'term';
- (iv) the stock in hand at the end of the 'term'.

He shall at the same time forward one copy of the return to the Licensing Officer.

- (4) The sub-clause (2) of clause 11 shall be omitted.

(5) For sub-clause (c) of clause (14) the following sub-clause shall be substituted, namely:—

(c) Collect on payment samples of fruit products meant or exposed for sale or sold or under despatch or delivery to any dealer, agent or broker for the purpose of sale, and have such samples analysed at a laboratory selected for the purpose by the Provincial Government.

- (6) For clause 16 the following clause shall be substituted, namely:—

"16. Any Court trying a person for a contravention of this Order may, without prejudice to any other sentence which it may pass, direct that any fruit products in respect of which it is satisfied that this Order has been contravened shall, together with the containers in which such fruit product is contained be forfeited to the Provincial Government."

MINISTRY OF STATES

New Delhi, the 9th March 1949

No. 53-1B. Whereas the Central Government has full and exclusive jurisdiction and powers for, and in relation to, the governance of Mayurbhanj State:

Now, therefore, in exercise of the powers conferred by section 4 of the **Extra Provincial Jurisdiction Act, 1947 (XLVII of 1947)**, and of all other powers enabling it in that behalf, the Central Government is pleased to direct that the enactment mentioned in the Schedule shall apply to the Mayurbhanj State subject to the amendment that sub-sections (2) and (3) of section 1 are omitted.

2. The said enactment supersedes the corresponding State enactments (by whatever name called) at present in force in Mayurbhanj State:

Provided that:—

(i) All proceedings taken under any of the enactments which were in force in Mayurbhanj State and pending at the commencement of this Order shall be continued as if they had been taken under the corresponding provisions of the enactment specified in the Schedule.

(ii) All appointments, delegations, notifications, orders, bye-laws, rules and regulations made or issued under or in pursuance of any of the said enactments are hereby confirmed and shall have effect as if made or issued under this Order.

SCHEDULE

The Central Excises and Salt Act, 1944 (I of 1944).

Published in the *Gazette of India*, Part I Sec. 1, dated 26th March 1949.

MINISTRY OF FINANCE

New Delhi the 26th March 1949

No. F 4(55)-F 1,49.—In exercise of the powers conferred by section 52 of the **Banking Companies Act, 1949 (X of 1949)**, and after consultation with the Reserve Bank, the Central Government is pleased to make the following rules.

1. *Short title and commencement.*—(1) These rules may be called the **Banking Companies Rules, 1949.**

(2) They shall come into force at once

2. *Interpretation.*—(1) In these rules,

- (a) "the Act" means the Banking Companies Act, 1949 ;
- (b) "principal office of the Reserve Bank" means the office of the Reserve Bank to which the returns prescribed under the Act or these rules are required to be submitted ;
- (c) "principal office of the banking company" means the office of the banking company which will be responsible for the submission of returns prescribed under the Act or these rules ;
- (d) "quarter" means a period of three months ending on the last day of March, June, September or December of any year ; and
- (e) "place of business" of a banking company includes any sub-office, pay-office, sub-pay office or any place of business at which deposits are received, cheques cashed or moneys lent.

(2) In the application of these rules to Acceding States all references to the Provinces of India shall be construed as including references to Acceding States to which the Act extends.

3. *Submission of returns*—(1) A return prescribed under the Act or these rules shall be submitted in the form prescribed for the purpose or as near thereto as circumstances admit.

(2) Such return shall be submitted in the manner hereinafter provided :—

(i) By a banking company incorporated in a Province of India, from its registered office to the office of the Reserve Bank situated in the Province in which the banking company has its registered office.

(ii) By a banking company incorporated elsewhere than in a Province of India and having a principal place of business as declared in terms of Section 277 (1) (c) of the Indian Companies Act, from that principal place of business to the office of the Reserve Bank situated in the Province in which the banking company has its principal place of business.

(iii) In any other case, from such office of the banking company to such office of the Reserve Bank as may be specified by the Reserve Bank on an application to be made in this behalf to the Reserve Bank of India, Department of Banking Operations at Bombay.

(iv) Notwithstanding anything contained in clauses (i), (ii) and (iii) the Reserve Bank may, at any time, direct that the returns prescribed under the Act or these rules shall be submitted from any specified office of a banking company to any specified office of the Reserve Bank.

(3) Wherever a return prescribed under the Act or these rules relates to a particular day or date, and where such day or date is not a holiday, for all the offices of a banking company, the return shall be prepared on the basis of the figures of that day or date in respect of offices working on that day or date, and the preceding working day's figures in respect of offices where that day or date is a holiday.

(4) A banking company shall, within one month from the commencement of these rules or from the commencement of business, whichever is later, intimate to the principal office of the Reserve Bank, the address of its principal office and shall intimate to that office any change in such address within one month of such change.

4. *List of Officers*.—(1) (i) A banking company shall, not later than one month from the commencement of these rules or from the commencement of business, whichever is later, send to the principal office of the Reserve Bank a written statement containing a list of

(a) the names, the official designations and specimen signatures of the

officers authorised to sign on behalf of the banking company returns required under the Act or these rules and

(b) the names and addresses of the directors of the banking company.

(ii) Any change in the list referred to in clause (i) of this sub-rule shall be intimated to the principal office of the Reserve Bank within one month from the occurrence of such change.

(2) A banking company incorporated outside the Provinces of India, which at the commencement of these rules has a place of business in any Province of India, and every such company which after the commencement of these rules establishes such a place of business within any Province of India, shall, within one month from the commencement of these rules or from the establishment of such place of business, as the case may be furnish to the principal office of the Reserve Bank the full address of the principal place of business declared in terms of Section 277 (1) (e) of the Indian Company Act and the name and address of one or more persons resident in any Province of India authorised to accept on behalf of the company any notice or order required to be served on the company under the Act or these rules and shall intimate to the principal office of the Reserve Bank any change in such name or address within one month of the occurrence of the change :

Provided that information furnished by a banking company under rule 4 of the Banking Companies (Control) Rules, 1948, shall be deemed to have been furnished under this rule.

5. *Remuneration paid to directors and officers.*—A banking company shall, not later than the 31st January each year, send to the principal office of the Reserve Bank a statement in Form I showing the remuneration paid during the previous calendar year to the directors and officers of the company specified therein.

6. *Deposits*—(1) The deposit specified in sub-section 2 of section 11 of the Act shall be maintained at the principal office of the Reserve Bank :

Provided that if a banking company desires to keep either the whole or part of the deposit in sterling securities, such securities will be held at the London office of the Reserve Bank, which shall hold it on behalf of the principal office of the Reserve Bank.

(2) The value of each security deposited under sub-rule (1) shall be estimated at its market rate, ex-dividend.

(3) Deposits in sterling securities shall not be brought on the books of the principal office of the Reserve Bank until that office has received an intimation from the London office of the Reserve Bank and the date on which such deposits are brought on the books of the principal office of the Reserve Bank shall be the date of deposit for the purposes of sub-section 2 of section 11 of the Act.

(4) Securities shall be duly transferred to the Reserve Bank by the banking company.

(5) Upon receipt of a deposit under sub-rule (1) or of an intimation of deposit under sub-rule (3), the principal office of the Reserve Bank shall, as soon as possible, send to the principal office of the banking company a certificate in Form II.

(6) The market value of sterling securities shall be converted at rs. 6d. to the rupee.

7. *Withdrawals of deposits.*—The principal office of the Reserve Bank shall not be bound to return securities actually deposited, but may substi-

rule therefor new scrip of securities of the same description and amount.

8. *Changes in deposits.*—(1) The London office of the Reserve Bank will permit the withdrawal of sterling securities only under instructions from the principal office of the Reserve Bank.

(2) When the form or amount of deposit is changed by reason of a subsequent deposit or withdrawal, the principal office of the Reserve Bank shall, as soon as possible send to the principal office of the banking company a fresh certificate in Form II.

9. *Maturing of security deposits*—When a security in deposit matures or when any yield on such a security ceases to accrue, the principal office of the Reserve Bank shall not be bound to inform the banking company; but upon the receipt of a requisition in writing from the banking company, the principal office of the Reserve Bank shall, as soon as possible, collect the discharge value and hold the amount in deposit for purposes of sub-section (2) of section 11 of the Act.

10. *Interest on deposits.*—(1) No interest shall be payable on cash deposits.

(2) Interest on sterling securities will on realisation be credited, if so desired, as soon as possible, to an account in London, subject to the usual charges. In other cases such interest will be remitted by the London office to the principal office of the Reserve Bank at the prevailing rate of exchange after deduction of the usual charges.

(3) The principal office of the Reserve Bank shall credit, as soon as possible, the current account of the banking company maintained with it with the interest realised on rupee securities, subject to the usual charges, and with the amounts received, if any, from the London office of the Reserve Bank under sub-rule (2).

11. *Licensing of banking companies.*—A company desiring to have a license under Section 22 of the Act shall apply to the principal office of the Reserve Bank in a form specified below, namely:

(a) in the case of a company incorporated in any Province of India and desiring to commence banking business, in Form V.

(b) in the case of a company incorporated in any Province of India and in existence at the commencement of the Act, in Form VI and

(c) in the case of a company incorporated outside the Provinces of India and desiring to commence/carry on banking business in any Province of India, in Form VII.

12. *Opening of new places of business.*—An application by a banking company for permission to open a new place of business or change the location of an existing place of business under section 23 of the Act shall be submitted to the principal office of the Reserve Bank in Form VIII.

13. *List of offices.*—A banking company shall, within a period of one month from the close of every quarter, send to the principal office of the Reserve Bank a list in Form IX of all its offices in the Provinces of India at which it was doing business during that quarter.

14. *Publication of approved currencies.*—(1) The Reserve Bank shall, not later than one month from the commencement of these rules, by notification in the Gazette of India, publish for the purpose of section 25 of the Act a list of currencies in which export bills drawn in and import bills drawn on and payable in India may be expressed.

(2) Any alteration in the list referred to in sub-rule (1) shall also be published in the Gazette of India.

(3) An alteration adding a currency to the list shall take effect from

the date of publication of the alteration while an alteration omitting a currency from the list shall take effect at the expiry of three months from the date of publication of the alteration.

15. *Manner of publication of accounts and balance sheet*—The balance sheet and profit and loss account prepared in terms of section 29 of the Act together with the auditor's report shall be published within a period of six months from the end of the period to which they relate in a newspaper which is in circulation at the place where the banking company has its principal office.

16. *Power to exempt in certain cases*—The Central Government may, on the recommendation of the Reserve Bank declare by notification in the official Gazette that any or all of the provisions of these rules shall not apply to any banking company or to any class of banking companies either generally or for such period as may be specified.

[For Forms, see Gazette of India, 1949, Part I-Sec. 1, pages 391-401. Editor.]

Published in the *Gazette of India*, Part I-Sec. 1, dated the 2nd April 1949.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 26th March 1949

No. 57/4/49-Ests.—In pursuance of clause (1) of the proviso to sub-section (1) of section 60 of the *Code of Civil Procedure, 1908* (Act V of 1908), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India, in the late Home Department, No. 186/37-Judicial, dated the 2nd October 1940, namely :—

In the said notification after item (5) the following shall be added, namely :—

“(6) All allowances granted to provide relief against the increased cost of living.”

New Delhi, the 26th March 1949

No. 8/6/49-Jud-I.—In exercise of the powers conferred by section 2 of the *Ajmer-Merwara (Extension of Laws) Act, 1947* (LII of 1947), the Central Government is pleased to extend, to the Province of Ajmer-Merwara, the *Indian Medical Degrees (Madras Amendment) Act, 1940* (XX of 1940), as permanently re-enacted by *Madras Act VII of 1948*.

No. 8/6/49-Jud-II.—In exercise of the powers conferred by section 7 of the *Delhi Laws Act, 1912* (XIII of 1912), the Central Government is pleased to extend, to the Province of Delhi, the *Indian Medical Degrees (Madras Amendment) Act, 1940* (XX of 1940), as permanently re-enacted by *Madras Act VII of 1948*.

New Delhi, the 29th March 1949

No. 38/2/49-Police II.—In exercise of the powers conferred by section 3 of the *Delhi Special Police Establishment Act, 1946* (Act XXV of 1946), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of Home Affairs, No. 38/3/48-S. P. R., dated the 3rd June 1948—

The semi-colon at the end of clause (b) of the said notification shall be omitted and the following shall be added, namely —

“and offences under the *Foreign Exchange Regulation Act, 1947*, (Act VII of 1947) ;”.

MINISTRY OF STATES.

New Delhi, the 23rd March 1949

No. 63-IB.— In exercise of the powers conferred by section 4 of the **Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947)**, and of all other powers enabling it in that behalf, the Central Government is pleased to direct that the following further amendment shall be made in the Orissa States (Application of Laws) Order, 1948, namely :—

In the second schedule to the said Order after the entry “the European Vagrancy Act, 1874 (IX of 1874)” the following entry shall be inserted, namely :—

“The Sea Customs Act, 1878 (VIII of 1878).”

No. 64-IB.— In exercise of the powers conferred by section 4 of the **Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947)**, and of all other powers enabling it in that behalf, the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of States No. 359-IB, dated the 24th November 1948, namely :—

After the word “omitted” the words “and shall be deemed never to have been inserted in the 2nd schedule” shall be added.

No. 66-IB.— In exercise of the powers conferred by section 4 of the **Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947)**, and of all other powers enabling it in that behalf, the Central Government is pleased to direct that the following further amendments shall be made in the Himachal Pradesh (Application of Laws) Order, 1948, namely :—

In the schedule annexed to the said Order—(1) under the heading “Central Acts” after the entry “1908 Explosive Substances Act, VI of 1908” the following entry shall be inserted, namely :—

Indian Limitation Act, (1) Omit sub-sections (2) and (3) of section 1. IX of 1908 (2) After sub-section (2) of section 29, insert

the following sub-section (2A) :—

“(2 A). Any suit, appeal or application for which a longer period of limitation was prescribed by the enactments in force in a State or States now comprising Himachal Pradesh, than that prescribed by this Act and which would be barred on the date of application of this Act to Himachal Pradesh or within three calendar months thereafter, may be brought within six calendar months from the date aforesaid and such suit, appeal or application shall be deemed to have been instituted, preferred or made within the period of limitation”.

(2) Insert the words, “and Court of the Judicial Commissioner, Himachal Pradesh”, after “the High Court of East Punjab” in Article 162 of the First Schedule.”

(2) Under the heading “Punjab Acts”

(i) After the entry relating to “1911 The Punjab Municipal Act III of 1911” the following entry shall be inserted, namely :—

“1913. The Redemption of Mortgages (Punjab) Act, II of 1913.

(i) After the entry relating to “1934. The Punjab Tobacco Vend

Fees Act, V of 1934" the following entry shall be inserted, namely :—

"1936. The Punjab Entertainments Duty Act, III of 1936."

- (1) Omit the words beginning with "it shall also be laid," and ending with, "may make therein" in sub-section (2) of Section 3.
- (2) Substitute the following Schedule for the Schedule given in the Act "Schedule"
 - (a) The Municipal area of Chamba.
 - (b) The Municipal area of Mandi.
 - (c) The Municipal and Cantonment areas of Nahan.
 - (d) The notified area of Sanjauli.
 - (e) The Municipal area of Solan."

(iii) After the entry relating to "1935. The Punjab Copying Fees Act, V of 1936" the following entry shall be inserted, namely :—

"1938. The Punjab Restitution of Mortgaged Lands Act, IV of 1938.

- (1) For sub-section (3) of section 1, substitute the following sub-section :—

"(3) It shall come into force on the date on which this Notification is published in the official Gazette."

- (2) Substitute the following for para. 1 of Section 2 —

"Notwithstanding anything contained in any enactment for the time being in force, this Act shall apply to any subsisting mortgages of land which were effected more than 30 years prior to the date on which an application for the restitution of the possession of the mortgaged land under section 4 of this Act is made :

Provided that it shall not apply to any mortgage made under section 6 of the Punjab Alienation of Land Act."

Published in the *Gazette of India*, Part I-Sec. 1, dated 9th April 1949.

MINISTRY OF INDUSTRY AND SUPPLY.

New Delhi, the 6th April 1949.

No. F. P. 16/8/48-D —In exercise of the powers conferred by section 3 of the *Essential Supplies (Temporary Powers) Act, 1946* (XXIV of 1946) the Central Government is pleased to make the following amendments to the *Fruit Products Order, 1948*, published in the Notification of the Government of India in the Ministry of Agriculture No. F. P. 16/8/48-D, dated 30th June 1948 :—

In the said Order—

for clause 17 the following clause shall be substituted, namely :—

"17. (1) No prosecution for contravention of any of the provisions of this Order shall be instituted without the previous sanction of the Provincial Government ;

(2) Before sanctioning any prosecution for contravention of any of the provisions of this Order the Provincial Government shall consult the Advisory Committee."

Published in the *Gazette of India*, Part I-Sec. 1, dated the 7th May 1949.
MINISTRY OF INDUSTRY AND SUPPLY.

Bombay, the 30th April 1949.

No. 17-Tex. I/49.—In exercise of the powers conferred on me by clause 7 of the **Cotton Cloth and Yarn (Transmission by Post) Prohibition Order, 1946**, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 103/1-TA/46 (ii), dated the 1st October 1946, namely :—

In the Schedule appended to the said Notification after item No. 10 the following shall be added :—

11. All inland postal articles containing handloom cloth provided that any such article when delivered for transmission by post shall bear on its outer cover a declaration by the sender thereof that the cloth is handloom cloth.

Explanation—The term 'handloom cloth' in this item does not include garments or other articles of personal or domestic use made wholly or principally from handloom cloth.

Bombay, the 7th May 1949.

No. 17-Tex. I/49.—In exercise of the power conferred upon me by clause 7 of the **Cotton Cloth and Yarn (Transmission by Post) Prohibition Order, 1946**, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 103/1-TA/46(iii), dated the 1st October 1946, namely :—

In the table appended to the said Notification in column 2 against entry No. 10, for the words "The Director of Civil Supplies, East Punjab" the words "The Director, Civil Supplies, East Punjab and the Deputy Director, Civil Supplies and Under Secretary to Government, East Punjab" shall be substituted.

T. P. BARAT, Textile Commissioner.

Published in the *Gazette of India*, Part I-Sec. 1, dated the 14th May 1949.
MINISTRY OF STATES.

New Delhi, the 4th May 1949.

No. 104-J.—In exercise of the powers conferred by section 4 of the **Extra-Provincial Jurisdiction Act, 1947** (XLVII of 1947), and of all other powers enabling it in that behalf, the Central Government is pleased to direct that the following further amendment shall be made in the **Himachal Pradesh (Application of Laws) Order, 1948**, namely :—

In the Schedule annexed to the said Order, to the entries under the heading "Central Acts" the following entry shall be added, namely :—

"1948. The Factories (1) Sub-section (2) of section 1 and clause (q) Act, 1948 (LXIII of 1948) of section 2 shall be omitted.

(2) In sub-section (2) of section 105, the words "of a Presidency Magistrate or" shall be omitted

(3) Section 119 shall be omitted.

(4) For section 120 the following shall be substituted, namely :—

"120. Any law in force in Himachal Pradesh relating to factories other than this Act is hereby repealed :

Provided that anything done under any such law which could have been done under this Act

if it had then^abeen in force shall be deemed to have been done under this Act."

Published in the *Gazette of India*, Part I-Sec. 1, dated the 28th May 1948.

MINISTRY OF LAW

New Delhi, the 21st May 1949.

No. F. 33-I/49-L.—In exercise of the powers conferred by rule I, read with clause (a) of rule 8B of order XXVII of the First Schedule to the **Code of Civil Procedure, 1908** (Act V of 1908), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Ministry of Law No. F. 80-I/48-L, dated the 4th September 1948, relating to the signing and verification of plaints or written statements in any suit by or against the Central Government, namely :—

After Part XVII of the Schedule annexed to the said notification, the following Part shall be added, namely :—

"XVIII. The Deputy Commissioner, Andaman and Nicobar Islands."

MINISTRY OF STATES

New Delhi, the 23rd May 1949.

No. 114-P.—Whereas the Central Government has full and exclusive authority, jurisdiction and powers for, and in relation to the governance of Mangrol, Manavadar, Sardargarh, Bantwa, Babriawad and Junagadh States ;

And whereas under the provisions of a Supplementary Covenant entered into by the Rulers of Kathiawar States with the concurrence of the Government of India, the administration of the States of Junagadh, Manavadar, Mangrol, Babriawad, Sardargarh and Bantwa has been integrated with that of the United State of Saurashtra with effect from the 20th day of January 1949 ;

Now, therefore, in exercise of the powers conferred by the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947) and of all other powers enabling it in that behalf, the Central Government is pleased to direct that all orders made by or under the authority of the Central Government in the exercise of its extra-Provincial Jurisdiction in relation to the said States shall cease to have effect.

DECLARATION UNDER SECTION 217 OF THE GOVERNMENT OF INDIA ACT, 1935.

New Delhi, the 17th May 1949.

No. 119-P.—In the exercise of the powers conferred by section 217 of the Government of India Act, 1935, the Governor General, after communication with the Raj Pramukh of the United State of Gwalior, Indore and Malwa (Madhya Bharat); is pleased to declare the High Court of the said State to be a High Court for the purposes of section 207 of the said Act.

Published in the *Gazette of India*, Extraordinary, dated the 9th April 1949.

MINISTRY OF COMMERCE

New Delhi, the 9th April 1949.

No. 60 M. I(1) 40.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949** (XVIII of 1949), the Central Government is pleased to direct that the said Act shall come into force on the 10th April 1949.

Published in the *Gazette of India*, Extraordinary, dated the 27th July 1949.

MINISTRY OF LAW

New Delhi, the 27th July 1949.

No. S. O. 25.—The following Order made by the Governor-General is published for general information :—

The States' Merger (Governors' Provinces) Order, 1949.

WHEREAS full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Indian States specified in the Schedules annexed hereto are exercisable by the Dominion Government;

AND WHEREAS it is expedient to provide by order made under section 290A of the Government of India Act, 1935, for the administration of the said States together with the adjoining Governor's Provinces;

AND WHEREAS the views of the Governments of the said Provinces have been ascertained both with respect to the proposal to make such an Order and with respect to the provisions to be inserted therein;

NOW THEREFORE, in the exercise of the powers conferred by the said section 290A, the Governor-General is pleased to make the following Order :—

1. (1) This order may be cited as the States' Merger (Governors' Provinces) Order, 1949.

(2) It shall come into force on the first day of August, 1949.

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

(a) "absorbing Province", in relation to a merged State, means the Province specified in the heading of the Schedule in which that State is specified;

(b) "appointed day" means the date of the commencement of this Order;

(c) "central purposes" means the purposes of Government relating to any of the matters mentioned in the Federal Legislative List;

(d) "law" includes any ordinance, order, by-law, rule or regulation having the force of law;

(e) "merged State" means any of the States specified in the Schedules, and in the case of Baroda, includes also the area known as Kutchigarh situated in Okhamandal;

(f) "Schedule" means a Schedule to this Order.

3. As from the appointed day, the States specified in each of the Schedules shall be administered in all respects as if they formed part of the Province specified in the heading of that Schedule: and accordingly, any reference to an Acceding State in the Government of India Act, 1935, or in any Act or Ordinance made on or after the appointed day shall be construed as not including a reference to any of the merged States, and any reference in any such Act or Ordinance as aforesaid to a Province specified in a Schedule to this Order shall be construed as including the territories of all the States specified in that Schedule.

4. All the law in force in a merged State or any part thereof immediately before the appointed day, including orders made under section 3 or section 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947) shall continue in force until repealed, modified or amended by a competent Legislature or other competent authority :

Provided that no orders shall be made under the said Act by any authority on or after the appointed day in relation to the governance of any of the merged States.

5. (1) All property, wherever situate, which, immediately before the appointed day, is vested in the Dominion Government for purposes of the governance of a merged State shall, as from that day, vest in the Government of the absorbing Province, unless the purposes for which the property is held immediately before that day are central purposes.

(2) A certificate of the Dominion Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property is held immediately before the appointed day are central purposes.

6. Arrears of any taxes outstanding in a merged State immediately before the appointed day shall be deemed to be due to, and may be recovered by, the Dominion Government or the Government of the absorbing Province, according as the proceeds of any such tax imposed after the appointed day would be due to, and recoverable by, the Dominion Government or the Government of the absorbing Province.

7. (1) All liabilities in respect of such loans, guarantees and other financial obligations of the Dominion Government as arise out of the governance of a merged State, including in particular the liability for the payment of any sums to the Ruler of the merged State on account of his privy purse or to other persons in the merged State on account of political pensions and the like, shall, as from the appointed day, be liabilities of the absorbing Province, unless the loan, guarantee or other financial obligation is relatable to central purposes.

(2) A certificate of the the Dominion Government signed by a Secretary to that Government shall be conclusive as to whether any loan, guarantee or other financial obligation arising out of the governance of a merged State is relatable to central purposes.

8. Without prejudice to the special provisions contained in Article 7, any contract made or deemed to be made before the appointed day by, or on behalf of, the Dominion for purposes connected with the governance of a merged State shall, as from that day, have effect as if it had been made by, or on behalf of, the absorbing Province, unless it is wholly or in part for central purposes.

9. Any proceedings which, if this Order had not been made, might lawfully have been brought in a merged State by or against the Dominion shall, in the case of any liability arising before the appointed day or arising under any contract made before that day, be brought—

(a) by or against the Dominion, if the proceedings could have been brought by or against the Dominion had the liability arisen after the appointed day or, as the case may be, arisen under a contract made after the appointed day, and

(b) otherwise, by or against the absorbing Province.

10. If, immediately before the appointed day, any proceedings are pending in a merged State to which the Dominion is a party and if those proceedings would have been brought by or against the absorbing Province under Article 9 had they been brought after the appointed day, the absorbing Province shall be deemed to be substituted in those proceedings for the Dominion, and the proceedings shall continue accordingly.

11. (1) Notwithstanding anything contained in the Fifth Schedule to the Government of India Act, 1935—

(a) the total of seats in the Legislative Assemblies of the Provinces specified below shall be as follows :—

Madras	...	...	...	214
Bombay	...	...	...	233
Bihar	...	...	...	151
Central Provinces and Berar	...	...	...	128
East Punjab	...	...	...	82
Orissa	...	...	...	91

(b) the total of seats in the Legislative Council of Bombay shall be increased by 10 and shall be not less than 38 and not more than 40.

(2) Save as provided in this Article, none of the provisions contained in the Fifth or the Sixth Schedule to the Government of India Act, 1935, shall apply in relation to the additional seats created by paragraph (1) of this Article.

(3) The allocation of the additional seats among the merged States for purposes of the nomination hereinafter provided shall be as shown in the Schedules.

(4) As soon as may be practicable after the appointed day, the Governor-General shall, by order in writing, nominate duly qualified persons to fill the additional seats and represent the people of the State or group of States to which those seats are allocated.

(5) A person shall not be qualified to be nominated under this Article if he—

(a) is subject to any disqualification under section 69 of the Government of India Act, 1935 ; or

(b) in the case of a seat in the Legislative Assembly, is less than 25 years of age, and in the case of a seat in the Legislative Council, is less than 30 years of age ; or

(c) has not for a period of at least 180 days in the previous financial year resided in a house in the State or group of States to which the seat is allocated.

(6) Every order made under paragraph (4) of this Article shall be communicated to the Governor of the Province concerned, who shall cause it to be notified in the official gazette of the Province and communicated to the Speaker of the Legislative Assembly or, as the case may be, the President of the Legislative Council and to each of the persons nominated by the order.

(7) If any of the additional seats created by paragraph (1) of this Article becomes vacant, it shall be filled by nomination of the Governor-General in accordance with paragraphs (4), (5) and (6) of this Article.

THE SCHEDULES.

[See Articles 2(e) and 11(3)]

SCHEDULE I

States merged in the Province of Madras

Names of States				Number of seats in the Legislative Assembly
Pudukkottai	2
Banganapalle	...	...	...
Sandur	...	...	...

SCHEDULE II

States merged in the Province of Bombay

<i>No. of seats in the Legislative Council</i>	<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
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4	Baroda	23
	Rajpipla	
	Baria	
	Chhota-Udepur	
	Bhaderwa	
	Sanjeli	
	Tharad	
	Wao	
	Ambaliara	
	Ghodasar ...	...
1	{ Ilol ...	...	6
	{ Khatosan ...	...
	{ Khadal ...	...
	{ Mohanpur ...	...
	{ Punadra ...	...
	{ Ranasan ...	...
	{ Sudasna ...	...
	{ Valasna ...	...
	{ Varsoda ...	...
	{ Vasna ...	...
	{ Malpur ...	...
	{ Mansa ...	...
	{ Idar ...	...
	{ Vijayanagar ...	...
	{ Danta ...	...	6
	{ Palanpur ...	...
1	{ Radhanpur ...	...
	{ Bansda ...	...
	{ Dharampur ...	...	2
	{ Jawhar ...	...
	{ Surgana ...	...
	{ Cambay ...	...	1
	{ Sachin ...	...
1	{ Sant ...	...
	{ Lunawada ...	...
	{ Jumbugodha ...	...	2
	{ Balasinor ...	...
1	Kolhapur ...	...	8

<i>No. of seats in the Legislative Council</i>	<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
1	{ Sangli ...	2
	{ Jath ...	1
	{ Kurundwad (Jr.) ...	
	{ Kurundwad (Sr.) ...	
	{ Miraj (Jr.) ...	2
	{ Miraj (Sr.) ...	
	{ Aundh ...	1
1	{ Phaltan ...	
	{ Bhore ...	1
	{ Janjira ...	1
	{ Akalkot ...	1
	{ Sawantwadi ...	2
	{ Jamkhandi ...	
	{ Mudhol ...	
	{ Ramdurg ...	2
	{ Savanur ...	
	{ Wadi ...	

SCHEDULE III

States merged in the Province of Bihar.

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
{ Kharsawan ...	1
{ Seraikella ...	

SCHEDULE IV

States merged in the Central Provinces and Berar.

<i>Names of States</i>	<i>Number of seats in the Legislative Assembly</i>
Bastar ...	4
Kanker ...	1
Reigarh ...	2
Surguja ...	3
Jashpur ...	1
Changbhakar ...	1
Korea ...	
Chhuikhadan ...	
Kawardha ...	
Khairagarh ...	3
Nandgaon ...	
Makrai ...	
Sakti ...	
Sarangarh ...	2
Udaipur ...	

SCHEDULE V

States merged in the Province of East Punjab

<i>Names of States</i>		<i>Number of seats in the Legislative Assembly</i>
Lohara	...	1
Dujana	...	
Pataudi	...	

SCHEDULE VI

States merged in the Province of Orissa

<i>Names of States</i>		<i>Number of seats in the Legislative Assembly</i>
Mayurbhanj	...	6
Bamra	...	1
Dhenkanal	...	2
Kalahandi	...	4
Nayagarh	...	1
Patna	...	4
Bonai	...	3
Gangpur	...	
Keonjhar	...	4
Nilgiri	...	
Athgarh	...	3
Baramba	...	
Daspalla	...	
Hindol	...	
Khandpara	...	
Narsingpur	...	
Ranpur	...	
Tigiria	...	
Pal-Lahara	...	
Talcher	...	
Athmalik	...	3
Baudh	...	
Rairakhol	...	
Sonepur	...	

C. RAJAGOPALACHARI,
Governor-General.

Published in the *Gazette of India*, Extraordinary, dated the 29th July 1949.

MINISTRY OF STATES.

New Delhi, the 27th July 1949.

No. 177(a)-J.—In exercise of the powers conferred by section 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947) and of all other powers enabling it in this behalf, the Central Government is pleased to direct that the Public Companies (Limitation of Dividends) Act, 1949 (XXX of 1949) shall apply to all Indian States for the governance of which

the Central Government has, or may hereafter have, full and exclusive authority, jurisdiction and powers, subject to the following modification, namely :—

Sub section (2) of section 1 shall be omitted.

2. The said Act supersedes the corresponding State enactments (by whatever name called) at present in force in the said States :

Provided that :—

(i) all proceedings taken under any of the enactments which were in force in the said States and pending at the commencement of this Order shall be continued as if they had been taken under the corresponding provisions of the said Act :—

(ii) all appointments, delegations, notifications, and orders made or issued under, or in pursuance of, any of the said enactment are hereby confirmed and shall have effect as if they were made or issued under this Order.

3. Any Court may construe the said Act with such modifications not affecting the substance as may be necessary or proper in order to adapt it before the Court.

No. 177(b)-J.—In exercise of the powers conferred by section 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947) and of all other powers enabling it in that behalf, the Central Government is pleased to direct that the following amendment shall be made in the Pudukkottai and Banganapalle (Application of Laws) Order, 1949, namely :—

In the said Order, after clause 5 the following clause shall be inserted, namely :—

“5A. All rules, notifications, orders, byelaws, and regulations made or issued under any of the Acts specified in the Schedule, whether before or after the date of this Order, in exercise of the powers conferred by or under any such Act shall, except in so far as may be expressly directed otherwise, apply to the said States in the same manner as they apply to the Province of Madras subject to such modifications, not affecting the substance, as may be necessary.

Published in the *Gazette of India*, Extraordinary, dated the 30th July 1949.

MINISTRY OF LAW

New Delhi, the 29th July 1949.

No. S. O. 26—The following Order made by the Governor-General is published for general information:—

The States Merger (Chief Commissioners' Provinces) Order, 1949.

WHEREAS full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of the Indian States and part of an Indian State hereinafter specified are exercisable by the Dominion Government ;

NOW, THEREFORE, in the exercise of the powers conferred by section 290A of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order :—

1. (1) This Order, may be cited as the States Merger (Chief Commissioners' Provinces) Order, 1949.

(2) It shall come in to force on the first day of August, 1949, which day is hereinafter referred to as the “appointed day”.

2. (1) As from the appointed day,—

(a) each of the States of Bhopal, Bilaspur and Rampur shall be administered in all respects as if it were a Chief Commissioner's Province, and shall respectively be known as the Chief Commissioner's Province of Bhopal, Bilaspur and Rampur;

(b) the group of States specified in the first Schedule to this Order shall be administered in all respects as if it were a Chief Commissioner's Province, and shall be known as the Chief Commissioner's Province of Himachal Pradesh; and

(c) the parts of States specified in the Second Schedule to this Order shall be administered in all respects as if they were a Chief Commissioner's Province, and shall be known as the Chief Commissioner's Province of Kutch.

(2) The said Chief Commissioners' Provinces are hereinafter referred to as "the new Provinces".

3. As from the appointed day, any reference to an Acceding State in the Government of India Act, 1935, or in any Act or Ordinance made on or after the appointed day, shall be construed as not including a reference to any of the States specified in Article 2 (1) (a) of, or in the First Schedule to, this Order or to the State of Kutch, and any reference in any such Act or Ordinance as aforesaid to the Chief Commissioners' Provinces shall be construed as including a reference to the new Provinces.

4. All the law in force in any of the new Provinces or in any part thereof immediately before the appointed day, including orders made under section 3 or section 4 of the Extra Provincial Jurisdiction Act, 1947 (XLVII of 1947), shall continue in force until repealed, modified or amended by the Dominion Legislature or other competent authority:

Provided that no orders shall be made under the said Act by any authority on or after the appointed day in relation to the administration of any of the new Provinces or any part thereof.*

For the purposes of this Article "law" includes any ordinance, order bye-law, rule or regulation having the force of law.

THE FIRST SCHEDULE

[See Article 2 (1) (b).]

The States comprising Himachal Pradesh

Bhagal	Darkoti	Mahlog
Bhagat	Dhami	Mandi
Balsan	Jubbal	Mangal
Bashahr	Keonthal	Sangri
Bhajji	Kumharsain	Sirmur
Bija	Kunihar	Suket
Chamba	Kuthar	Tharoch

THE SECOND SCHEDULE

[See Article 2 (1) (c)]

The parts of States comprising Kutch

(i) The States of Kutch, excluding the area known as Kutchigarh situate in Okhamandal.

(ii) That part of the United State of Saurashtra which is comprised in the Adhoi Mahal of Morvi, consisting of the seven villages Adhoi, Dharna, Gamdan, Halara, Lakhpat, Rampur and Vasaiava.

C RAJAGOPALACHARI,

Governor-General.

Published in the *Gazette of India*, Extraordinary, dated the 16th May 1949.

MINISTRY OF STATES.

New Delhi, the 15th May, 1949.

No. 115-J—In exercise of the powers conferred by section 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947) and of all other powers enabling it in this behalf, the Central Government is pleased to make the following Order :—

1. *Short title, extent, commencement and duration.*—(1) This Order may be called the Merged States (Income-tax Investigation Commission) Supplementary Powers Order, 1949

(2) It extends to all the Indian States for the governance of which the Central Government has, or may hereafter have, full and exclusive authority, Jurisdiction and powers.

(3) It shall come into force at once.

(4) It shall cease to have effect on the date on which the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947) ceases to have effect in the Provinces of India.

2. *Definitions.*—In this Order :—

(a) "the Act" means the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947) ;

(b) "the Commission" means the Income-tax Investigation Commission constituted under the Act ;

(c) "person" includes any banking or other company.

3. *Powers of Commission.*—(1) If for the purpose of an investigation into any matter under the Act, the Commission is of opinion :—

(i) that the evidence of any person residing or carrying on business in any State to which this Order extends is relevant to such investigation, whether directly or indirectly ; or

(ii) that any information which is likely to be of assistance to the Commission in respect of such investigation is available from such person, the Commission shall have power :—

(a) to require such person to furnish by a specified date written statements containing accounts and information on such points or matters as may be specified by the Commission, verified in such manner as may be so specified, and, if so required by the Commission, duly certified by a qualified auditor ;

(b) to obtain from such person any other information, in such form and verified in such manner, as may be specified by the Commission ; and

(c) to make any inquiry of such person in such manner as the Commission may think fit.

(2) Any person required by the Commission to furnish any written statement or any other information under sub-paragraph (1) shall be bound notwithstanding anything in any law to the contrary, to comply with such requirement.

(3) For the purpose of this Order, the Commission shall have all the powers of a civil court in the State concerned :—

(a) for enforcing the attendance of witnesses ;

(b) for examining witnesses on oath ; and

(c) for compelling the production of documents.

(4) For the purpose of any investigation under the Act, the Commission may impound and retain in its custody, for such period as it thinks fit, any document produced before it.

(5) The Commission may by order in writing authorise any officer to exercise all or any of the powers conferred on it by this Order.

4. *Penalties.*—(1) If any person contravenes the provisions of sub-paragraph (2) of paragraph 3, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees, or with both.

(2) Where a person contravening the provisions of sub-paragraph (2) of paragraph 3 is a company or other body corporate, every director, manager, agent or other officer concerned with the management of the company shall, unless he proves that the contravention was committed without his knowledge or consent, be deemed to be guilty of such contravention.

5. *Bar of jurisdiction.*—No act or proceeding of the Commission or of any officer authorised by it under sub-paragraph (5) of paragraph 3 shall be called in question in any manner by any Court, and no suit, prosecution or other legal proceeding shall lie against the Government or any member of the Commission or any other person for anything in good faith done or intended to be done under this order.

Published in the *Gazette of India*, Extraordinary, dated the 4th June 1949.

MINISTRY OF HOME AFFAIRS

New Delhi, the 4th June 1949.

No. 25/2/49-Poll.—In exercise of the powers conferred by section 7 of the *Delhi Laws Act, 1912* (XIII of 1912), and in supersession of notifications of the Government of India in the Ministry of Home Affairs No. I, dated the 7th September 1947, in so far as it relates to the Punjab Public Safety Act, 1947 (Punjab Act II of 1947), and No. 8/5/48-Judicial, dated the 1st April, 1948, the Central Government is pleased to direct that the East Punjab Public Safety Act, 1947 (East Punjab Act V of 1947), shall apply to the Province of Delhi subject to the following modifications, namely :—

(a) all functions, and powers of the Provincial Government under the said Act shall be the functions and powers of the Central Government as well as of the Chief Commissioner of Delhi ;

(b) for the words “East Punjab” wherever they occur in the said Act, the words “Province of Delhi” shall be substituted ; and

(c) section 46 of the said Act and the Second Schedule thereto shall be omitted.

No. 25/2/49-Poll-I.—In exercise of the powers conferred by section 2 of the *Ajmer-Merwara (Extension of Laws) Act, 1947* (VIII of 1947), and in supersession of notifications of the Government of India, in the Ministry of Home Affairs No. 72/9/47-Public (A)-I, dated the 31st December 1947, in so far as it relates to the Punjab Public Safety Act, 1947 (Punjab Act II of 1947), and No. 8/5/48-Judicial-I, dated the 1st April 1948, the Central Government is pleased to direct that the East Punjab Public Safety Act, 1947 (East Punjab Act V of 1947), shall apply to the Province of Ajmer-Merwara subject to the following modifications, namely :—

(a) all functions and powers of the provincial Government under the said Act shall be the functions and powers of the Central Government as well as of the Chief Commissioner of Ajmer-Merwara ;

(b) for the words “East Punjab” wherever they occur, in the said Act, the word “Ajmer-Merwara” shall be substituted ; and

(c) section 46 of the said Act and the Second Schedule thereto shall be omitted.

Published in the *Gazette of India*, Extraordinary, dated 21st July 1949.
MINISTRY OF HOME AFFAIRS

New Delhi 3, the 20th July, 1949

No. 8/2/49-Judl.—In exercise of the powers conferred by section 7 of the **Delhi Laws Act, 1912** (XIII of 1912) and in supersession of the notification of the Government of India in the Ministry of Home Affairs, No. 8/2/49-Judl., dated the 2nd March 1949, the Central Government is pleased to extend the **East Punjab Opium Smoking Act, 1948** (East Punjab Act No. XXV of 1948), to the province of Delhi, subject to the following modification, namely,—

References to the province of East Punjab shall be construed as references to the Province of Delhi, and references to the Provincial Government shall be construed as references to the Chief Commissioner.

Published in the *Gazette of India*, Pt. I-Sec. 1, dated the 27th August 1949.
MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 27th August 1949.

No. 20/10/49-F.—In exercise of the powers conferred by sub-section (2) of section 1 of the **Cinematograph (Amendment) Act, 1949**, (XXXIX of 1949) the Central Government is pleased to direct that the said Act shall come into force on the 1st September, 1949.

Published in the *Gazette of India*, Pt. I, Sec. 1, dated the 1st October 1949.
MINISTRY OF LAW

New Delhi, the 22nd September 1949

No. F. 27-1949-L.—In pursuance of sub-section (3) of section 1 of the **Displaced Persons (Legal Proceedings) Act, 1949** (XXV of 1949), the Central Government is pleased to appoint the fifteenth day of October, 1949, as the date on which the said Act shall come into force in the Chief Commissioner's Province of Coorg.

Published in the *Gazette of India*, Extraordinary, dated 10th October 1949.
MINISTRY OF HOME AFFAIRS

New Delhi 3, the 7th October 1949.

No. 8/3/49-Judl.—In exercise of the powers conferred by section 2 of the **Ajmer-Merwara (Extension of Laws) Act, 1947**, (LII of 1947), the Central Government is pleased to extend the **United Provinces (Temporary) Accommodation Requisition Act, 1947** (United Provinces Act XXV of 1947) as now in force, to the province of Ajmer-Merwara, subject to the following modifications, namely :—

(i) References to the United Provinces shall be construed as references to the Province of Ajmer-Merwara :

(ii) The powers of the Provincial Government shall be exercisable also by the Chief Commissioner.

Published in *Gazette of India*, Extraordinary, dated 15th October 1949.
MINISTRY OF HOME AFFAIRS

New Delhi, the 15th October 1949

No. 26/9/49-Judicial.—In exercise of the powers conferred by the last item of the First Schedule to the **Indian Extradition Act, 1903** (XV of 1903), the Governor-General is pleased to specify that the following offences shall be extradition offences within the meaning of the said Act, in relation to all the Indian States, namely :—

All offences under the **Influx from Pakistan (Control) Act, 1949.**

Published in the *Gazette of India*, Pt. I-Sec. 1, dated 29th October 1949.
FEDERAL COURT OF INDIA.
New Delhi, the 18th October 1949.

No. F. 5/49-F. C. J.—The following is published for general information :—

AMENDMENTS TO FEDERAL COURT RULES, 1942.

The Federal Court, in the exercise of its rule-making powers, and with the approval of the Governor General, hereby makes the following further amendments to the Federal Court Rules, 1942 :—

These amendments shall be deemed to have come into force from the 10th day of October, 1949.

I. In Part I, Order X,

(a) Substitute the following for rules 5 to 7 :—

“5. Every decree passed or order made by the Court shall be drawn up in the Registry and be signed by the Registrar and sealed with the seal of the Court, and shall bear the same date as the judgment in the suit or appeal.

6. A decree shall specify clearly the declaration granted or other determination of the suit or appeal.

7. The decree passed or order made by the Court in every appeal including an order for costs shall be transmitted by the Registrar to the Court from which the appeal was brought and steps for enforcement of such decree or order shall be taken in that Court in the way prescribed by law.”

(b) Delete rules 8, 9, 10 and 11 and renumber rules 12, 13, and 14 as 8, 9 and 10.

II. At the end of Part II-B, Order XVIII-A, add the following as Part II-C.

“PART II-C. ORDER XVIII-B.

CRIMINAL APPEALS AND PETITIONS UNDER THE ABOLITION OF PRIVY COUNCIL JURISDICTION ACT, 1949.

1. The rules contained in Order XVII, of Part II-A, together with such provisions in the other Orders of the said part as may be applicable to criminal appeals, shall apply *mutatis mutandis* to criminal appeals brought or transferred to the Court under the Abolition of Privy Council Jurisdiction Act, 1949.

2. The provisions contained in rules 3, 4, 5 and 11 of Order XVIII-A, Part II-B, shall apply *mutatis mutandis* to applications made to the Court praying for special leave to appeal with the addition of the words “the grounds of appeal and” after the word “clearly” and before the word “all” in line 2 of rule 3.”

III. Delete Part IV, Order XXXII, which relates to appeals to His Majesty in Council.

IV. In Part VI, Order XXXV, substitute the words “three weeks” for the words “three months” in Rule 15, line 1, and the words “two weeks” for the words “one month” in Rule 16, line 1.

Published in the *Gazette of India*, Extraordinary, dated the 1st June 1949.

MINISTRY OF STATES.

New Delhi, the 1st June 1949.

No. 129-P—WHEREAS the Central Government has full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of the State of Bhopal ;

Now, THEREFORE, in exercise of the powers conferred by sections 3 and 4 of the Extra Provincial Jurisdiction Act, 1947 (XLVII of 1947) and of all other powers enabling it in this behalf, the Central Government is pleased to make the following Order :—

1. *Short title, extent and commencement.*—(1) This order may be called the **Bhopal (Administration) Order, 1949.**

(2) It extends to the whole of Bhopal.

(3) It shall come into force on the 1st day of June 1949.

2. *Definition*—In this Order, “Bhopal” means the whole of the area which, immediately before the commencement of this order, is comprised within the State of Bhopal.

3. *Appointment of Chief Commissioner.*—There shall be a Chief Commissioner appointed by the Central Government at the head of the administration of Bhopal.

4. *Appointment of functionaries*—(1) Subject to the control of the Central Government, the Chief Commissioner may appoint such Judges, Magistrates, and other officers as may be necessary for the administration of Bhopal and may, by general or special order, determine their jurisdiction, powers, duties and functions.

(2) Without prejudice to the provisions of sub-paragraph 1, all Judges, Magistrates and other officers who immediately before the commencement of this Order, were exercising lawful functions in Bhopal or any part thereof, shall, until other provision is made by the Chief Commissioner, continue to exercise their respective functions in the same manner and to the same extent as they were doing before the commencement of this Order.

5. *Existing Laws to continue.*—All laws in force in Bhopal or any part thereof immediately before the commencement of this Order shall continue in force until repealed or amended by a competent legislature or authority ;

Provided that all powers exercisable under the said laws by His Highness the Nawab or the Government of the State shall be exercisable by the Chief Commissioner.

6. *Continuance of Existing taxes.*—All taxes, duties, cesses or fees which immediately before the commencement of this Order, were being lawfully levied in Bhopal or any part thereof shall continue to be levied and applied to the same purposes, until other provision is made by a competent legislature or authority.

MINISTRY OF COMMERCE.

New Delhi, the 1st June 1949.

No. 10-A(4)/49.—In pursuance of sub-section (3) of section 1 of the **Chartered Accountants Act, 1949** (XXXVIII of 1949), the Central Government is pleased to appoint the 1st day of July 1949 as the date on which the said Act shall come into force.

Published in the *Gazette of India*, Extraordinary, dated 15th October 1949.

MINISTRY OF STATES

New Delhi, the 15th October 1949.

No. 221-P—WHEREAS the Central Government has full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of the State of Tripura;

NOW THEREFORE, in exercise of the powers conferred by sections 3 and 4 of the **Extra-Provincial Jurisdiction Act, 1947** (XLVII of 1947) and of all other powers enabling it in this behalf, the Central Government is pleased to make the following Order :—

1. *Short title, extent and commencement* :—

(1) This Order may be called the Tripura (Administration) Order, 1949.

(2) It extends to the whole of Tripura.

(3) It shall come into force on the 15th day of October 1949.

2. *Definition*.—In this Order, “Tripura” means the whole of the area which, immediately before the commencement of this Order, is comprised within the State of Tripura.

3. *Appointment of Chief Commissioner*.—There shall be a Chief Commissioner appointed by the Government at the head of the administration of Tripura.

4. *Appointment of functionaries*.—(1) Subject to the control of the Central Government, the Chief Commissioner may appoint such Judges, Magistrates and other Officers as may be necessary for the administration of Tripura and may, by general or special order, determine their jurisdiction, powers, duties and functions.

(2) Without prejudice to the provisions of sub-paragraph (1), all Judges, Magistrates and other officers who immediately before the commencement of this Order, were exercising lawful functions in Tripura or any part thereof shall, until other provision is made by the Chief Commissioner, continue to exercise their respective functions in the same manner and to the same extent as they were doing before the commencement of this Order.

5. *Existing laws to continue*.—All laws in force in Tripura or any part thereof immediately before the commencement of this Order shall continue in force until repealed or amended by a competent legislature or authority.

Provided that all powers exercisable under the said laws by His Highness the Maharaja or the Government of the State shall be exercisable by the Chief Commissioner.

6. *Continuance of Existing taxes*.—All taxes, duties, cesses or fees which immediately before the commencement of the Order, were being lawfully levied in Tripura or any part thereof shall continue to be levied and applied to the same purpose, until other provision is made by a competent legislature or authority.

PART III

INDIAN DOMINION ACTS

The Indian Railways (Second Amendment) Act, 1948.

Received the assent of the Governor-General on the 23rd September 1948, and is published in the *Gazette of India, Extraordinary*, Part IV, dated the 23rd September, 1948.

Act No. LXV of 1948.

An Act further to amend the Indian Railways Act, 1899.

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

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Indian Railways (Second Amendment) Act, 1948.

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

2. *Amendment of Chapter V, Act IX of 1890.*—(1) In Chapter V of the Indian Railways Act, 1890 (hereinafter referred to as the said Act), section 46 shall be omitted, and sections 41, 42, 42A, 42B, 43, 44, 45 and 46A shall be renumbered respectively as sections 26, 27, 28, 29, 30, 31, 32 and 33.

(2) In sub-section (3) of section 27, as so renumbered, for the figures and letter “42A” the figures “28” shall be substituted.

(3) In section 28 as so renumbered, sub-section (2) and the figure and brackets “(1)” in sub-section (1) shall be omitted.

3. *Insertion of new heading and new sections 34 to 46C in Act IX of 1890.*—After section 33, as renumbered by section 2, the following heading and sections shall be inserted, namely :—

‘RAILWAY RATES TRIBUNAL

34. *Constitution of the Tribunal.*—(1) There shall be a Tribunal, called the Railway Rates Tribunal, for the purpose of discharging the functions hereinafter specified in this Chapter.

(2) The Tribunal shall consist of a President, and two other members, appointed by the Central Government ; and they shall hold office for such periods and on such terms and conditions as the Central Government may, by general order, prescribe.

(3) A person shall not be qualified for appointment as a member of the Tribunal unless he is or has been, or is qualified for appointment as, a Judge of a High Court.

35. *Constitution of panels of assessors.*—(1) The Central Government shall constitute two panels of assessors namely, (a) the trade, industry and agriculture panel ; and (b) the railway panel.

(2) The trade, industry and agriculture panel shall consist of not more than sixty persons chosen by the Central Government ; one-third of the number chosen shall represent trade, one-third industry, and one-third agri-

culture, the representatives in each group being chosen after consulting such associations representing trade, industry or agriculture (as the case may be), as the Central Government may consider necessary.

(3) The railway panel shall consist of not more than thirty persons with railway experience, chosen by the Central Government.

(4) Any appointment to either panel shall be notified in the official Gazette; and the notification shall specify the term for which the appointment is made. The term shall not exceed two years, but the member shall be eligible for re-appointment after the expiry of his term.

36. *Staff*.—The Tribunal may, with the sanction of the Central Government, appoint such staff, and on such terms and conditions, as the Central Government may determine.

37. *Headquarters*.—The headquarters of the Tribunal shall be at such place as the Central Government may fix.

38. *Sittings of the Tribunal*.—The Tribunal may sit at such place or places as it may find convenient for the transaction of business.

39. *Jurisdiction*.—For the purpose of exercising the jurisdiction conferred on it by this Chapter, the Tribunal may pass such interim and final orders as the circumstances may require, including orders for the payment, subject to the provisions of this Chapter, of costs; and it shall be the duty of the Central Government, the Provincial Government or the Government of an Acceding State (as the case may be) on whom any obligation is imposed by any such order, to carry it out.

40. *Powers of the Tribunal*.—The Tribunal shall have the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for the purposes of taking evidence on oath, enforcing the attendance of witnesses, compelling the discovery and production of documents and issuing commissions for the examination of witnesses and shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (V of 1898), and any reference to the presiding officer of a Court shall be deemed to include a reference to the President of the Tribunal.

41. *Complaints against a railway administration*.—(1) Any complaint against a railway administration, or jointly against two or more railway administrations, that such administration or administrations—

(a) is or are contravening the provisions of section 28; or

(b) is or are charging—

(i) unreasonable rates, or

(ii) rates which are unreasonable by reason of any condition attached to them regarding minimum weight, packing, assumption of risk or any other matter; or

(c) is or are levying unreasonable charges excluding terminal charges which are, or may hereafter be, standardised; or

(d) is or are unreasonably refusing to quote a new station to station rate; or

(e) has or have unreasonably placed a commodity in a higher class shall be heard and decided by the Tribunal in accordance with the provisions of this Chapter.

(2) In the case of a complaint under clause (d) of sub-section (1), the Tribunal may fix a new station to station rate.

42. *Power to alter rates or reclassify commodities*.—(1) The Tribunal alone shall have power to reclassify any commodity in a higher class, but such power shall not be exercised except on the application of the Central Government.

(2) The Central Government alone shall have power —

(a) to increase or reduce the level of class rates, schedule rates and terminal and other charges ;

(b) to classify any commodity which has not been classified before.

(3) The Tribunal as well as the Central Government shall have power to reclassify any commodity in a lower class.

43. *Tribunal to decide matters with aid of assessors.* (1) All matters shall be decided by the Tribunal with the aid of assessors.

(2) Where, in the opinion of the President of the Tribunal, any matter *prima facie* appears to involve a question of principle, it shall be decided by a Full Bench consisting of the President and the other two members, with the aid of not less than four assessors, selected by the President in equal numbers from the trade, industry and agriculture panel and from the railway panel

(3) All other matters may be decided by a single member of the Tribunal with the aid of not more than four assessors selected by the President of the Tribunal in equal numbers from the trade, industry and agriculture panel and from the railway panel :

• Provided that the President may, in his discretion, direct that any such matter shall be decided by the Full Bench :

Provided further that where a single member of the Tribunal hearing any matter considers that it involves a question of principle, he shall refer the matter to the President who shall direct that it shall be decided by the Full Bench in the manner referred to in sub-section (2).

(4) It shall be the duty of each assessor to advise the Tribunal and state his opinion on all questions arising in the matters before the Tribunal but the Tribunal shall not be bound to act on the advice, or to conform to the opinion, of all or any of the assessors.

44. *Procedure.*—(1) With the approval of the Central Government, the Tribunal may make rules regarding its practice and procedure and generally for the effective discharge of its functions under this Chapter.

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

(a) the preparation of panels of assessors ;

(b) the terms and conditions of the appointment of assessors ;

(c) the award of costs by the Tribunal ;

(d) the reference of any question to a member or officer of the Tribunal or any other person appointed by the Tribunal, for report after holding a local inquiry ;

(e) the right of audience before the Tribunal, provided that any party shall be entitled to be heard in person, or by a representative duly authorised in writing, or by a legal practitioner ;

(f) the disposal by the Tribunal of any proceedings before it, notwithstanding that in the course thereof there has been a change in the persons sitting as members of the Tribunal or as assessors ;

(g) a scale of fees for and in connection with the proceedings before the Tribunal.

(3) The Central Government shall give to the Tribunal such assistance as it may require, and shall also place at its disposal any information in the possession of the Central Government which that Government may think relevant to the matter before the Tribunal.

(4) Any person duly authorised in this behalf by the Central Government shall be entitled to appear and be heard in any proceedings before the Tribunal.

(5) The Tribunal shall make annually a report to the Central Government of its proceedings under this Chapter.

45. *Bar of jurisdiction of the Tribunal.*—Nothing in this Chapter shall confer jurisdiction on the Tribunal in respect of scales of charges levied by a railway administration for the carriage of passengers and their luggage, parcels, military traffic and traffic in railway materials and stores, and demurrage charges, except on a reference made to the Tribunal by the Central Government.

46. *Alteration and cancellation of certain station to station rates.*—Notwithstanding anything contained in this Chapter, a railway administration may, in respect of the carriage of any merchandise by goods train,—

(i) quote a new station to station rate ; or

(ii) increase or reduce an existing station to station rate, not being a station to station rate introduced in compliance with an order made by the Tribunal ; or

(iii) after due notice in the manner prescribed by the Central Government, cancel any station to station rate which has not been introduced in compliance with an order made by the Tribunal, unless the Tribunal has, after notice has been given as aforesaid, granted an injunction against such cancellation ; or

(iv) withdraw, alter or amend the conditions attached to a station to station rate other than conditions introduced in compliance with an order made by the Tribunal.

46A. *Decision of the Tribunal.*—The decision of the Tribunal shall be by a majority of the members sitting and shall be final :

Provided that where a single member of the Tribunal has heard and decided any matter, he may, in his discretion, give leave to any party to appeal to the Full Bench ; and if an appeal is filed in pursuance of such leave, the decision of the Full Bench or of a majority of the members thereof, as the case may be, shall be final.

46B. *Execution of orders of the Tribunal.*—The Tribunal may transmit any order made by it to a Civil Court having local jurisdiction ; and such Civil Court shall execute the order as if it were a decree.

46C. *Definitions.*—In this Chapter, unless there is anything repugnant in the subject or context, —

(a) “classification” means the grouping of commodities into classes as notified in the Indian Railway Conference Association’s Goods Tariff and as in force at the commencement of the Indian Railways (Second Amendment) Act, 1948, for the purpose of determining the rate to be charged ;

(b) “class rate” means a rate fixed according to the class given to a commodity in the classification of goods ;

(c) “commodity” includes livestock ;

(d) “demurrage” means the charge levied after the expiry of the free time allowed for loading or unloading a wagon ;

(e) “parcel” means any package or merchandise or other goods entrusted for carriage by passenger or parcels train ;

(f) “schedule rate” means a rate lower than the maximum or class rate applied on a commodity basis ;

(g) “station to station rate” means a special reduced rate applicable to a specific commodity booked between two specified stations.

The Delhi and Ajmer-Merwara Land Development Act, 1948.

Received the assent of the Governor-General on the 24th September 1948 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 24th September, 1948.

Act No. LXVI of 1948.

An Act to provide for the preparation and execution of land development schemes, the reclamation of waste-land and the control of private forests and grass-land, in the Provinces of Delhi and Ajmer-Merwara.

WHEREAS it is expedient to provide for the preparation and execution of land development schemes, the reclamation of waste land and the control of private forests and grass-land in the Provinces of Delhi and Ajmer-Merwara :

It is hereby enacted as follows :—

CHAPTER I

Preliminary.

1. *Short title, extent and commencement.*—(1) This Act may be called the Delhi and Ajmer Merwara Land Development Act, 1948.

(2) It extends to the Provinces of Delhi and Ajmer Merwara.

(3) It shall come into force in each of the said Provinces on such date as the Chief Commissioner of that Province may, by notification in the official Gazette, appoint in this behalf.

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

(a) “Board” means the Land Development Board constituted for the Province under section 3 ;

(b) “owner”, in relation to any land, means—

(i) a person having a proprietary right in the land and includes a usufructuary mortgagee of such right and, in the Province of Ajmer-Merwara, an *istimrardar*, a *jagirdar*, a *muqaddar*, and a *bhumia*; and

(ii) a tenant of the land as hereinafter defined ;

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

(d) “reclamation” includes cultivation, afforestation and any other improvement of land ; and

(e) “tenant” includes a usufructuary mortgagee of the rights of a tenant.

CHAPTER II

Land Development Boards and Land Development Schemes.

3. *Constitution of Land Development Boards.*—(1) As soon as may be after the commencement of this Act, the Chief Commissioner shall, by notification in the official Gazette, appoint an officer to be called the Land Development Commissioner and constitute for the Province a Land Development Board consisting of the following members, namely :—

(a) the Land Development Commissioner, who shall be the Chairman of the Board,

(b) two official members who shall be persons of experience in agriculture or irrigation engineering, and

(c) two non-official members.

(2) A non-official member may, at any time by notice in writing to the Chairman, resign his office.

(3) The Chief Commissioner may, at any time, remove from the Board any member who is guilty of any action involving moral turpitude.

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

(5) If there is a difference of opinion among the members of the Board regarding any question the decision of the majority of the members present and voting shall prevail, and in case of equality of votes the Chairman shall have a casting vote.

(6) The Board may appoint one of the official members to be the Secretary of the Board.

(7) The Chief Commissioner may invest the Land Development Commissioner with all or any of the powers of a Deputy Commissioner or a Collector under any law for the time being in force in the Province of Delhi or Ajmer-Merwara, as the case may be.

4. *Matters for which land development schemes may provide.*—(1) The Board shall prepare a land development scheme for the Province providing for one or more of the following matters, namely :—

- (i) preservation and improvement of soil ;
- (ii) prevention of soil erosion ;
- (iii) improvement of water supply by the utilization of water in rivers or rivulets, tube wells, boring or construction of wells, conservation of rain water by constructing dams, or by use of power ;
- (iv) improvement in the methods of cultivation ;
- (v) introduction of dry farming methods ;
- (vi) supply of seed, improved implements of agriculture, manure and fertilizers ;
- (vii) development of horticulture and planting of fruit trees ;
- (viii) reclamation of land lying waste through water-logging, accumulation of sand, growth of jungle, soil erosion or any other cause ;
- (ix) cultivation of land lying uncultivated owing to the negligence or incapacity or absence of the owner ;
- (x) regulation or prohibition of grazing and browsing ;
- (xi) control and maintenance of tree-growth ;
- (xii) regulation or prohibition of firing of vegetation ;
- (xiii) planting or sowing of trees, shrubs and grasses for the purpose of afforesting uncultivable land or providing shelter-beds against wind or sand or for any other purpose ;
- (xiv) protection from locusts and other pests ; and
- (xv) any other matter which may be prescribed.

(2) Every scheme prepared under sub-section (1) shall contain the following particulars, namely :—

- (i) the objects of the scheme ;
- (ii) details of the area to be covered by the scheme ;
- (iii) the work or kind of work to be carried out under the scheme ;
- (iv) the agency or agencies through which the work shall be carried out ;
- (v) the approximate estimated cost of the scheme and the method of financing it ;
- (vi) the duties and obligations, financial or other, of the Government as well as of the owners of the area concerned ; and
- (vii) any other particulars which may be prescribed.

5. *Inquiry into, and sanctioning of, schemes.*—(1) The Chief Commissioner shall, after the Board has prepared the scheme under section 4—

- (a) appoint an Inquiry Officer, and
- (b) cause the scheme to be published in the manner prescribed inviting suggestions from persons affected by it within such time and in such manner as may be prescribed.

(2) The Chief Commissioner shall, after considering the record of the inquiry and the report of the Inquiry Officer and after consulting the Board, submit the scheme with his report to the Central Government which may either sanction the scheme with or without modification or reject it.

6. *Publication of schemes.*—Every scheme sanctioned under section 5 shall be published by the Land Development Commissioner in the prescribed manner and shall come into force on such date as may be specified by him.

7. *Power to make regulations.*—The Board may, by notification in the official Gazette, make regulations for the purpose of carrying out the objects of the scheme or in respect of any matter supplementary or incidental thereto, and any regulations so made shall also be published by the Board in the manner prescribed.

8. *Power to make grant or advance loan.*—The Land Development Commissioner may, with the approval of the Board, make a grant or advance a loan to any person for carrying out any work under any scheme on such terms and conditions as may be prescribed.

(2) The amount of loan, or any instalment thereof or interest thereon which may be due but not repaid in accordance with the terms and conditions of the loan may, without prejudice to any other remedy provided by law, be recovered as arrears of land revenue.

9. *Penalty.*—(1) In making any scheme or any regulation under section 7, the Board may provide that the contravention of such provisions of the scheme or of such regulations as may be specified by it, shall be punishable with simple imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees, or with both.

(2) No person shall be prosecuted for any contravention specified in sub section (1) except on complaint in writing by the Land Development Commissioner.

10. *Works to be carried out by Government at owner's expense.*—(1) Where under the scheme any work is to be carried out on any land at the expense of the owner or owners thereof, and such owner, or any one of such owners, is willing to carry out the work, he may give notice to that effect in writing to the Land Development Commissioner within twenty-one days of the coming into force of the scheme.

(2) On receipt of such notice the Land Development Commissioner shall furnish the owner with full details of the work, and fix the date before which the owner shall carry out the work.

(3) If the owner fails to carry out the work to the satisfaction of the Land Development Commissioner before the date fixed by him, or if the owner at any time informs the Land Development Commissioner in writing of his inability to do so, the Land Development Commissioner may get the work carried out by such agency as he thinks fit and the expenses incurred by him in carrying out the work shall be recovered from the owner as arrears of land revenue.

(4) Where any work is carried out in pursuance of this section by one or more of several owners, the other owners shall be liable to contribute towards the expenses incurred by him or them such amount as the Board may determine.

11. *Contribution by owners of other land benefiting by work.*—Where under the scheme any work is carried out by the owner or by the Land Development Commissioner at the expense of the owner, and the work is in the opinion of the Board likely to benefit any other land in the area covered

by the scheme, the owners of such other land shall be liable to contribute towards the expenses of carrying out the work such amount as the Board may determine :

Provided that the Chief Commissioner may remit the whole or any part of the contribution so payable in respect of any work carried out on land belonging to the Government.

12. *Recovery of contributions.*—The amount of contribution determined by the Board under sub-section (4) of section 10 or section 11 shall be paid by the persons concerned within such time as may be specified by the Board, and in default of such payment shall be recovered from those persons as arrears of land revenue and paid to the persons entitled to the contribution.

13. *Power to carry out works and recover expenses from owners.*—Notwithstanding anything contained in the scheme, the Board may direct that the work to be carried out or remaining to be carried out on any land by the owners thereof shall be carried out by the Land Development Commissioner and that the whole or any specified part of the expenses of carrying out the work shall be recovered as arrears of land revenue from the owners of the land in such proportion at such times, and in such instalments, as the Board may fix, having regard to the amount to be recovered and the nature and extent of the rights of the owners in the land.

14. *Statement and map showing details of work.*—(1) On the completion of any work under the scheme, the Land Development Commissioner shall prepare—

(a) a statement in such form, and containing such particulars, as may be prescribed, and

(b) a map showing the location and other material details of the work.

(2) Every statement and map so prepared shall, on approval by the Board, form part of the settlement record, or, as the case may be, the record-of-rights of the estates specified in the statement, and the said record shall wherever necessary be corrected in accordance with the statement.

15. *Repairs and renewals of work.*—If any person shown in a statement prepared under section 14 as liable to maintain and keep in repair the work fails to effect such repairs or renewals, or to do so within such time, as the Land Development Commissioner may by order specify, the Land Development Commissioner may get the repairs or renewals done by such agency as he thinks fit, and the expenses incurred by him in so doing shall be recovered from the said person as arrears of land revenue.

16. *Enhancement of rent on account of improvement effected by work.*—Where any land in which a tenant has a right of occupancy has benefited by work carried out under the scheme by or at the expense of the owner of the land, and the tenant has not made any contribution to the expenses thereof, the Revenue Officer having jurisdiction shall, on application made by the owner in this behalf, enhance, in accordance with such principles as may be prescribed, the rent payable by the tenant in respect of the land, anything contained in any law to the contrary notwithstanding.

17. *Rights of entry, etc.*—(1) Any member, officer, subordinate or workman of the Board or any other person authorised by the Land Development Commissioner in this behalf may, after giving such notice as may be prescribed to the owner in possession of any land, enter upon and survey the land, or do any acts, or carry out any work on or on the land for the purpose of preparing, inquiring into or executing any land development scheme under the provisions of this Chapter.

(2) Every such member, officer, subordinate, workman or person shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

18. *Appeals.*—Any person aggrieved by—

(a) a determination of the Board under sub-section (4) of section 10 or section 11; or

(b) the making of an entry, or the failure to make an entry, in a statement prepared under section 14; or

(c) the order of the Land Development Commissioner under section 15; or

(d) the order of a Revenue Officer under section 16, may, within the prescribed time and in the prescribed manner, appeal to the prescribed authority, and, notwithstanding anything contained in any law to the contrary, the decision of such authority, and, where no appeal is preferred, the determination, order or statement aforesaid shall be final and shall not be called in question in any court.

19. *Power of control.*—The Central Government may from time to time call for any report or give any direction to the Board, and the Board shall submit such report and carry out such direction.

CHAPTER III

Reclamation of Waste-land

20. *Definitions.*—In this Chapter—

(a) “date of taking possession” means the date on which temporary possession of the land is taken on behalf of the Government under section 21;

(b) “waste-land” means any land lying waste through water-logging, accumulation of sand, growth of jungle, soil erosion or any other cause, or lying uncultivated, for not less than three consecutive years.

21. *Order for taking possession of waste-land.*—(1) If the Board is satisfied that for purposes of executing any scheme of reclamation of waste land sanctioned under section 5, it is necessary that temporary possession of any waste-land should be taken, it may, by order in writing, direct the Land Development Commissioner to take temporary possession of such land on behalf of the Government on such date as may be specified in that order.

(2) The order shall be made in such form and brought to the notice of the owner of the land in such manner, as may be prescribed.

(3) On the date specified in the order, the Land Development Commissioner or an officer authorised by him shall enter upon and take possession of the land on behalf of the Government.

22. *Arrangement for reclamation.*—When the land has been taken possession of, the Land Development Commissioner may, with the approval of the Board, arrange for its reclamation—

(a) by retaining it under his management for such period as he thinks fit, or

(b) by settling it for such period and on such terms as may be fixed by the Board with the person who on the date of taking possession was in lawful possession of the land, or was entitled to such possession, or, if such person is dead, with his successor in interest, or

(c) if such person refuses to take the land for such period or on such terms, by settling it with any other person, or

(d) by a combination of the methods aforesaid :

Provided that the total period for which the land is retained or settled under this section shall not exceed ten years.

23 *Claim for arrears of rent not to be enforced against Government, etc.*—No claim of the landlord to any arrears of rent accrued or due in respect of the land for the period prior to the date of taking possession shall thereafter be enforced by any court, whether in execution of a decree or otherwise, against the Government or against any person holding the land under the Government, or by the issue of any process against the land.

24. *Termination of possession on completion of reclamation.*—(1) When the reclamation of the land is in the opinion of the Land Development Commissioner complete and, in any case, before the expiry of a period of ten years from the date of taking possession, the Land Development Commissioner shall, after making an inquiry in the prescribed manner and by order in writing,—

(a) declare that possession of the land shall be restored on such date as may be specified in the order to the owner who on the date of taking possession was in lawful possession of the land, or was entitled to such possession, or if he is dead, to his successor in interest ;

(b) determine the person to whom possession is to be so restored ;

(c) where such person is a tenant, determine the rent payable on account of the use or occupation of the land ; and

(d) where the land or any part thereof has been afforested regulate the cutting of trees in such land

(2) On the date specified in the said order, possession of the land shall be deemed to have been delivered by the Government to the person determined under clause (b) of sub-section (1).

(3) The delivery of possession of the land to the person determined under clause (b) of sub-section (1) shall be final and full discharge of the Government from all liability in respect of such delivery, but shall not prejudice any right in respect of the land to which any other person may be entitled, by due process of law, to enforce against the person to whom the possession of the land has been so delivered.

25. *Compensation for period of possession*—(1) As soon as may be after the date of taking possession of the land, the Land Development Commissioner shall make an inquiry in the prescribed manner and determine—

(a) in respect of any land which on the said date was in the occupation of a tenant—

(i) the annual rent payable by him, and

(ii) the average net annual income, if any, after deducting rent, derived by him during the three years immediately preceding the said date, and

(b) in respect of any other land, the average net annual income, if any, without deducting any land revenue payable, derived by the owner during the three years immediately preceding the said date.

(2) There shall be payable by the Government as compensation on such anniversary of the date of taking possession until the date referred to in sub-section (2) of section 24—

(a) in respect of such land as is referred to in clause (a) of sub-section (1), the amount determined under sub-clause (i) thereof to the landlord, and the amount determined under sub-clause (ii) thereof to the tenant, and

(b) in respect of any other land, the amount determined under clause (b) of sub-section (1) to the owner.

(3) For the purposes of this section "landlord" means the person under whom the tenant holds land and to whom the tenant is, or but for a

special contract would be, liable to pay rent for that land, and any reference to an owner, landlord or tenant shall be deemed to include a reference to the predecessors and successors in interest of the owner, landlord or tenant.

26. *Accounts.*—The Board shall maintain, in such form and in accordance with such rules as may be prescribed, an account of all receipts and payments by the Government in respect of the land, and any owner or, or other person having an interest in, the land may, on payment of a fee of eight annas, inspect the account.

27. *Recovery of net expenditure incurred by Government.*—(1) The net expenditure incurred by the Government on the reclamation of the land under the provisions of this Chapter or such part of that expenditure as the Chief Commissioner may by general or special order direct, together with interest calculated at the prescribed rate and in the prescribed manner, shall be recovered as arrears of land revenue from the person to whom possession of the land is delivered by the Government under sub-section (2) of section 24.

• (2) The amount to be recovered under sub-section (1) from any person shall be decided by the Board.

28. *Appeals.*—Any person aggrieved by an order under section 21, section 24, section 25 or sub-section (2) of section 27 of the Board or the Land Development Commissioner, as the case may be, may, within the prescribed time and in the prescribed manner, appeal to the Chief Commissioner, and the decision of the Chief Commissioner on such appeal, and where no appeal is preferred the order aforesaid, shall be final and shall not be called in question in any court.

29. *Continuance of liability for land revenue, rates and cesses.*—The taking and retaining of possession of any land on behalf of the Government under the provisions of this Chapter shall not affect the liability of any person for the payment of land revenue, rate or cess in respect of the land for any period whether before or after the date of taking possession.

CHAPTER IV

Control over Forests and Lands not being the Property of Government.

30. *Amendment of Act XVI of 1927 in Delhi.*—The following amendments shall be made in the Indian Forest Act, 1927, in its application to the Province of Delhi, namely :—

(1) in sub-section (1) of section 35 of the said Act,—

(a) for the words “any forest or waste-land” the words “any forest, waste-land or grass-land” shall be substituted ;

(b) for clauses (b) and (c) the following clauses shall be substituted, namely :—

“(b) the cutting of trees and timber ;

(c) the disposal of any forest produce ;

(d) the firing or clearing of vegetation ;

(e) the cutting, storage and conservation of grass or leaf fodder ; or

(f) the admission, herding or pasturing of cattle” ; and

(c) after clause (v) the following shall be added :—

“(vi) for any other purpose conducive to public welfare.” ;

(2) in sub-section (2) of section 37 of the said Act, for the words “not less than three” the words “not less than seven” shall be substituted ; and

(3) in sub-section (1) of section 38 of the said Act, for the word “two-thirds” the word “one-half” shall be substituted.

31. Application of Chapter V, Act XVI of 1927 to Ajmer-Merwara.—Without prejudice to the provisions of sub-section (3) of section 1 of the Indian Forest Act, 1927, the provisions of Chapter V of that Act shall apply to the Province of Ajmer-Merwara as they apply to the Province of Delhi.

CHAPTER V Supplementary

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

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the conduct of business by the Board and the procedure to be followed at meetings of the Board ;

(b) the procedure to be followed by Inquiry Officers under section 5 ;

(c) the manner of publication under sections 5, 6 and 7 ;

(d) the principles on which the amounts of contribution are to be determined by the Board under sub-section (4) of section 10, or section 11 ;

(e) the form of the statement under section 14 and the particulars to be stated therein ;

(f) the principles of enhancement of rent under section 16 ;

(g) the manner of giving notice under sub-section (1) of section 17 ;

(h) the authority to whom appeal may lie and the time and manner of such appeal under section 18 ;

(i) the form of notice under section 21 and the manner of its service ;

(j) the manner of inquiry under section 24 and sub-section (1) of section 25 ;

(k) the form and method of maintaining accounts under section 26 ;

(l) the rate of interest and the method of its calculation under sub-section (1) of section 27 ;

(m) the time and manner of appeal under section 28 ; and

(n) any matter which may be prescribed.

33. Protection of action taken under the Act.—(1) No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) Save as otherwise expressly provided by or under this Act, no suit or other legal proceeding shall lie against the 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 Act.

The Indian Tariff (Amendment) Act, 1948.

Received the assent of the Governor-General on the 24th September 1948 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 24th September, 1948.

Act No. LXVII of 1948.

An Act further to amend the Indian Tariff Act, 1934.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1934 (XXXII of 1934) for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Indian Tariff (Amendment) Act, 1948.

(2) The provisions of section 2 in so far as they relate to the two items 63 (34) (a) and 63 (34) (b) [inserted by clause (i) of that section] shall come into force on such date or dates as the Central Government may, by notification in the official Gazette, appoint; the rest of this Act shall come into force at once.

2. *Amendment of First Schedule, Act XXXII of 1934.*—In the First Schedule to the Indian Tariff Act, 1934,—

(a) for Item No. 11 (4) the following Items shall be substituted, namely :—

"11 (4)	Starch	Protective	18 per cent	March 31st, 1950.
			<i>ad valorem</i>	
11 (5)	Farina	Revenue	18 per cent	<i>ad valorem</i> "

(b) after Item No. 21 (2) the following Item shall be inserted, namely :—

"21 (3) Glucose other than glucose prepared for medicinal purposes. Protective 30 per cent March *ad valorem* 31st, 1950."

(c) after Item No. 28 (18) the following Items shall be inserted, namely :—

"28 (19)	Potassium permanganate	Protective	30 per cent	March <i>ad valorem</i> 31st, 1949.
28 (20)	Acid oleic and acid stearic, or any product containing 60 per cent or more of these free fatty acids.	Protective	30 per cent	March <i>ad valorem</i> 31st, 1949."

(d) in Item No. 28 (8) for the words "and other potassium compounds" the words "and potassium compounds not otherwise specified" shall be substituted;

(e) after Item No. 40 (3) the following Items shall be inserted, namely :—

"40 (4)	Plywood including Plywood pannels for tea chests.	Protective	30 per cent	March <i>ad valorem</i> 31st, 1950.
40 (5)	Battens for tea chests	Protective	30 per cent	March <i>ad valorem</i> 31st, 1950."

(f) in Item No. 50 (3)—

(i) in the third column, for the word "Revenue" the word "Protective" shall be substituted;

(ii) in the last column, the date "March 31st, 1950" shall be inserted;

(g) in Item No. 63 (1), in the second column, the word "ferro-silicon" shall be omitted;

(h) for Item No. 63 (14) the following Item shall be substituted, namely :—

"63 (14)	Iron or steel hoops and strips not otherwise specified.	Preferential revenue	24 per cent	12 per cent <i>ad valorem ad valorem</i>
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(i) after Item No. 63 (33) the following Items shall be inserted, namely :—

"63 (34) Iron or steel hoops—

(a) Jute baling hoops—

(i) of British manufacture Protective 30 per cent March *ad valorem* 31st, 1949.

(ii) not of British manufacture Protective 40 per cent. March *ad valorem* 31st 1949

(b) Cotton baling hoops—

	(i) of British manufacture	Protective	30 per cent <i>ad valorem</i>	March 31st, 1949.
	(ii) not of British manufacture	Protective	40 per cent <i>ad valorem</i>	March 31st, 1949.
63 (35)	Ferro-silicon	Protective	18 $\frac{3}{4}$ per cent <i>ad valorem</i>	March 31st, 1950."
	- (j) for Item No. 64 the following Item shall be substituted, namely :—			
64	Copper, wrought and manufactures of copper, all sorts not otherwise specified—			
	(a) of British manufacture	Protective	24 per cent <i>ad valorem</i>	March 31st, 1950.
	(b) not of British manufacture	Protective	36 per cent <i>ad valorem</i>	March 31st, 1950."
	(k) for Item No. 64 (i) the following Item shall be substituted, namely :—			
64 (1)	Copper, scrap	...	Free."	
	(l) after Item No. 64 (i) the following Items shall be inserted, namely :—			
64 (2)	Copper unwrought, ingots, blooms, slabs, cakes, tiles, blocks, bricks, billets, cathodes, blister, bars (electrolytic wire bars).	...	Free."	
64 (3)	Copper rods, other than electrolytic copper rods —			
	(a) of British manufacture	Protective	35 per cent <i>ad valorem</i>	March 31st, 1950.
	(b) not of British manufacture	Protective	45 per cent <i>ad valorem</i>	March 31st, 1950.
64 (4)	Electrolytic copper rods or black copper rods (in coils)—			
	(a) of British manufacture	Protective	20 per cent <i>ad valorem</i>	March 31st, 1950.
	(b) not of British manufacture	Protective	30 per cent <i>ad valorem</i>	March 31st, 1950."
	(m) for Item No. 65 the following Item shall be substituted, namely :—			
65	All non-ferrous nickel alloys including German silver, nickel silver and cupro-nickel.	Protective	30 per cent <i>ad valorem</i>	March 31st, 1950.
	(n) after Item No. 6, the following Item shall be inserted, namely :—			
65 (1)	Nickel, pellets, cakes, slabs, annodes, shorts, blocks, granules and scraps.	...	Free."	
	(o) for Item No. 67 the following Item shall be substituted, namely :—			
67	Lead, wrought—the following articles, namely, pipes, tubes and sections.	Protective	30 per cent <i>ad valorem</i>	March 31st, 1950."
	(p) for Item No. 67 (1) the following Item shall be substituted, namely :—			
67 (1)	Lead sheets for tea chests	Protective	30 per cent <i>ad valorem</i>	March 31st, 1950."

(q) after Item No. 67 (1) the following Items shall be inserted, namely :—

"67 (2) Lead sheets other than sheets Protective for tea chests.	20 per cent <i>ad valorem</i>	March 31st, 1950.
67 (2) Lead ingots, pigs and lead scrap	Free."	

(r) for Item No. 68 the following Item shall be substituted, namely :—

"68 Zinc or spelter, wrought or Protective manufactured not otherwise specified.	30 per cent <i>ad valorem</i>	March 31st, 1950."
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(s) in Item No. 68 (1), in the second column, the words "bars, blocks" shall be added after the word "cakes";

(t) after Item No. 68 (1) the following Items shall be inserted, namely :—

"68 (2) Zinc sheets not otherwise specified.	Protective 20 per cent <i>ad valorem</i>	March 31st, 1950.
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68. (3) Mazak or alloys of zinc and aluminium containing not less than 94 per cent zinc.	...	Free."
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(u) for Item No. 69 the following Items shall be substituted, namely :—

"69 Tin, Block	Free.	
69 (1) Tin scrap and tin plate scrap	Free.	
69 (2) Tin solders, white metal and anti-friction alloys.	Protective 30 per cent <i>ad valorem</i>	March 31st, 1950."

(v) for Item No. 70 the following Item shall be substituted, namely :—

"70 Brass, wrought and manu- factures thereof not other- wise specified.	Protective 30 per cent <i>ad valorem</i>	March 31st, 1950."
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(w) for Item No. 70 (1) the following Item shall be substituted, namely :—

"70 (1) All non-ferrous alloys and manufacture of metals and alloys not otherwise speci- fied.	Protective 30 per cent <i>ad valorem</i>	March 31st, 1950."
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(x) after No. 70 (3) the following Items shall be inserted, namely :—

"70 (4) Brass unwrought, ingots, billets, cakes, slabs, blo- oms (excluding scraps that is to say, ingots, etc., containing (1) copper 55 to 74 per cent, (2) zinc 26 to 42 per cent, and (3) components other than copper and zinc including impurities not exceeding 3 per cent, of which not more than one-half should be tin.	Protective 10 per cent <i>ad valorem</i>	March 31st, 1950.
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70 (5) Brass wires and rods	Protective 35 per cent <i>ad valorem</i>	March 31st 1950.
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70 (6) Yellow metal alloys other than brass, such as gun-metal, bronze, bell-metal and phos-	Protective 30 per cent <i>ad valorem</i>	March 31st, 1950.
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	phor-bronze and manufactures thereof not otherwise specified.			
70 (7)	Cobalt, Chromium, tungsten, magnesium and all other non-ferrous virgin metals not otherwise specified.	...	Free	
70 (8)	All non ferrous metal scraps and scraps of alloys of non-ferrous metals not otherwise specified	...	Free.	
70 (9)	Type metal	Protective	30 per cent <i>ad valorem</i>	March 31st, 1950 "

(y) for paragraph (c) in the second column of Item No 72, the following paragraph shall be substituted, namely :—

"(c) Electrical wires and cables, insulated or not and poles, troughs, conduits and insulators designed as parts of a transmission system, and the fittings thereof ;"

(z) after Item No. 72 (11) the following Items shall be inserted, namely :—

"72 (12)	Bare hard drawn or annealed electrolytic copper wires and cables of all sizes solid or stranded and A. C. S. R. (aluminium conductor steel reinforced).	Protective	30 per cent <i>ad valorem</i>	March 31st, 1950.
72 (13)	Steel belt lacings	Protective	10 per cent <i>ad valorem</i>	March 31st, 1950.
72 (14)	Electric motors—	Protective	10 per cent <i>ad valorem</i>	March 31st, 1950."

(i) Squirrel cage induction motors 1 to 30 brake horsepower ;

(ii) slip ring motors 15 to 50 brake horse-power ;

(iii) fractional brake horse-power motors ; and

(iv) all other electric motors not covered by the above.

(aa) in Item No. 73 (1), in the second column the words "bare or" shall be deleted ;

(bb) in Item No. 74 (2), the words "not otherwise specified" shall be inserted after the word "batteries" ;

(cc) after Item No. 73 (6) the following Item shall be inserted, namely :—

"73 (7)	Dry batteries	Protective	30 per cent <i>ad valorem</i>	March 31st, 1949."
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(dd) in Items Nos. 8 (3), 20 (1), 20 (3) and 20 (4), in the last column headed "Duration of protective rates of duty" for the date "December 31st, 1948" the date "March 31st, 1949" shall be substituted.

The Government of India (Amendment) Act, 1949.

The following Act of the Constituent Assembly has been authenticated by the President of the Constituent Assembly by his signature on the 10th January, 1949, and is published in the *Gazette of India*, Extraordinary, dated the 12th January 1949

Constituent Assembly Act No. I of 1949.

An Act to amend the Government of India Act, 1935.

WHEREAS it is expedient to amend the Government of India Act, 1935 (26 Geo. 5, c. 2), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1 *Short title and commencement.*—(1) This Act may be called the Government of India (Amendment) Act, 1949.

(2) It shall come into force on the 15th day of January, 1949.

2. *Interpretation.*—The Interpretation Act, 1889, applies for the interpretation of this Act as it applies for the interpretation of an Act of Parliament.

3. *Amendment of section 8 of the Government of India Act 1935.*—In section 8 of the Government of India Act, 1935, (hereinafter referred to as the said Act),—

(a) in clause (i) of the proviso to sub-section (1), after the words “ in this Act ”, the words “ or in any law made by the Dominion Legislature with respect to any of the matters specified in the next succeeding sub-section ” shall be inserted ; and

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

“(1A) The matters referred to in clause (i) of the proviso to sub-section (1) of this section are—

(a) industrial and labour disputes ;

(b) trade and commerce in and production, supply and distribution of, products of industries the development of which is declared by Dominion law to be expedient in the public interest ;

(c) the sanctioning of cinematograph films for exhibition ; and

(d) inquiries and statistics for the purpose of any of the matters in the Concurrent Legislative List.”

4. *Insertion of new section 61A.*—After section 61 of the said Act, the following section shall be inserted, namely :—

“61A. *Extension of term of office of members of Provincial Legislative Councils.*—Notwithstanding anything contained in this Act, the Governor may, in the case of a Province having a Legislative Council, extend the term of office of a member of the Council, who is due to retire under sub-section (3) of section 61 of this Act, for such period as he thinks fit and may, in making such order, give such incidental and consequential directions as he may deem necessary.”

5. *Amendment of section 101.*—In section 101 of the said Act, before the words “ Nothing in this Act ” the words, figures and letter “ Save as provided in section 290A ” shall be inserted.

6. *Insertion of new section 290A and 290B.*—After section 290 of the said Act, the following sections shall be inserted, namely :—

“290A. *Administration of certain Acceding States as a Chief Commissioner's Province or as part of a Governor's or Chief Commissioner's Province.*—(1) Where full and exclusive authority, jurisdiction and powers for and in relation to the governance of any Indian State or of any group of such States are for the time being exercisable by the Dominion Government, the Governor-General may by Order direct—

(a) that the State or the group of States shall be administered in all respects as if the State or the group of States were a Chief Commissioner's Province ; or

(b) that the State or the group of States shall be administered in all respects as if the State or the group of States formed part of a Governor's or a Chief Commissioner's Province specified in the Order :

Provided that if any Order made under clause (b) of this sub-section affects a Governor's Province, the Governor-General shall before making such Order, ascertain the views of the Government of that Province both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.

(2) Upon the issue of an Order under clause (a) of sub-section (1) of this section, all the provisions of this Act applicable to the Chief Commissioner's Province of Delhi shall apply to the State or the group of States in respect of which the Order is made.

(3) The Governor General may in making an Order under sub-section (1) of this section give such supplemental, incidental and consequential directions (including directions as to representation in the Legislature) as he may deem necessary

(4) In this section, reference to a State shall include reference to a part of a State.

290B. *Administration of areas included within a Governor's Province or a Chief Commissioner's Province by an Acceding State.*—(1) The Governor-General may by Order direct that any area included within a Governor's Province or the whole or any part of the area included within a Chief Commissioner's Province shall be administered in all respects by a neighbouring Acceding State as if such area formed part of such State and thereupon the provisions of this Act shall apply accordingly :

Provided that where any such Order is made with respect to any area included within a Governor's Province, the Governor-General shall, before making such Order, ascertain the views of the Government of that Province both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.

(2) An Order made under sub-section (1) of this section may contain such supplemental incidental and consequential provisions (including provisions for varying the representation in the Legislature) as the Governor-General may deem necessary."

7. *Amendment of the Seventh Schedule.*—In the Seventh Schedule to the said Act,—

(a) for paragraph 34 of the Federal Legislative List, the following paragraph shall be substituted, namely :—

"34. Development of industries, where development under Dominion control is declared by Dominion law to be expedient in the public interest ; regulation and control of such industries." ;

(b) for paragraph 27 of the Provincial Legislative List, the following paragraph shall be substituted, namely :—

"27. Trade and commerce within the Province, subject to the provisions in paragraph 31A of List III ; markets and fairs ; money lending and money lenders." ;

(c) for paragraph 49 of the Provincial Legislative List, the following paragraph shall be substituted, namely :—

"29. Production, supply and distribution of goods and development of industries, subject to the provisions in paragraph 31A of List III." ;

(d) after paragraph 31 of the Concurrent Legislative List, the following paragraph shall be inserted, namely :—

“31. Trade and commerce in, and production, supply and distribution of, products of industries, the development of which is declared by Dominion law to be expedient in the public interest under paragraph 34 of List I.”

The Code of Criminal Procedure (Amendment) Act, 1949.

Received the assent of the Governor-General on the 24th February, 1949 and is published in the *Gazette of India*, Part IV, Extraordinary, dated the 24th February 1949.

Act No. IX of 1949.

An Act further to amend the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1949.

(2) It shall extend to the whole of the Dominion of India.

(3) It shall come into force at once.

2. *Amendment of section 488, Act V of 1898.*—After the first proviso to sub-section (3) of section 488 of the Code of Criminal Procedure, 1898 (V of 1898), the following shall be added, namely :—

“ If a husband has contracted marriage with another wife or keeps a mistress it shall be considered to be just ground for his wife's refusal to live with him.”

The Indian Emigration (Amendment) Act, 1949.

Received the assent of the Governor-General on the 16th February, 1949 and is published in the *Gazette of India*, Part IV, Extraordinary, dated the 16th February 1949.

Act No. III of 1949.

An Act further to amend the Indian Emigration Act, 1922.

WHEREAS it is expedient further to amend the Indian Emigration Act, 1922 (VII of 1922), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Indian Emigration (Amendment) Act, 1949.

2. *Amendment of section 1, Act VII of 1922.*—For sub-section (2) of section 1 of the Indian Emigration Act, 1922 (hereinafter referred to as the said Act), the following shall be substituted, namely :—

“(2) It extends to the whole of India.”

3. *Amendment of section 31, Act VII of 1922.*—In section 31 of the said Act, for clause (i), the following shall be substituted, namely :—

“(i) any person who is not of Indian parentage,”

4. *Amendment of certain sections of Act VII of 1922.*—In sections other than section 1 of the said Act, for the words “the Provinces”, wherever they occur, the word “India” shall be substituted.

The United Provinces Provincial Armed Constabulary (Extension of Laws) Act, 1949.

Received the assent of the Governor-General on the 16th February,

1949 and is published in the *Gazette of India*, Part IV, Extraordinary, dated the 16th February 1949.

Act No. IV of 1949.

An Act to apply the law in force in the United Provinces relating to the United Provinces Provincial Armed Constabulary to members of the said Constabulary when serving outside the United Provinces.

WHEREAS it is expedient to apply the law in force in the United Provinces relating to the United Provinces Provincial Armed Constabulary to members of the said Constabulary when serving outside the United Provinces ;

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the United Provinces Provincial Armed Constabulary (Extension of Laws) Act, 1949.

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

2. *Application of United Provinces law to members of the United Provinces Provincial Armed Constabulary serving outside the United Provinces.*—The provisions of any law for the time being in force in the United Provinces relating to the Provincial Armed Constabulary raised in the United Provinces shall apply to and in relation to members of the said Constabulary when serving in any Province other than the United Provinces as they apply to and in relation to members of the said Constabulary within the United Provinces.

3. *Repeal of Ordinances XVII of 1942 and XXX of 1948.*—The United Provinces Special Armed Constabulary Act (Extension) Ordinance, 1942 (XVII of 1942) and the United Provinces Provincial Armed Constabulary (Extension of Laws) Ordinance, 1948 (XXX of 1948) are hereby repealed.

The Protective Duties (Amendment) Act, 1949.

Received the assent of the Governor-General on the 16th February, 1949 and is published in the *Gazette of India*, Part IV, Extraordinary, dated the 16th February 1949.

Act No. V of 1949.

An Act to amend the Protective Duties Act, 1946.

WHEREAS it is expedient to amend the Protective Duties Act, 1946 (XVII of 1946), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Protective Duties (Amendment) Act, 1949.

2. *Amendment of section 1, Act XVII of 1946.*—In sub-section (3) of section 1 of the Protective Duties Act, 1946, for the figures "1949" the figures "1951" shall be substituted.

The Public Debt (Central Government) Amendment Act, 1949.

Received the assent of the Governor-General on the 16th February, 1949 and is published in the *Gazette of India*, Part IV, Extraordinary, dated the 16th February, 1949.

Act No. VI of 1949.

An Act to amend the Public Debt (Central Government) Act, 1944.

WHEREAS in pursuance of section 103 of the Government of India Act, 1935 (26 Geo. 5, c. 2), resolutions have been passed by all the Chambers of all the Provincial Legislatures to the effect that certain matters relating

to the public debt of the Provinces, namely, the consolidation and amendment of the law relating to securities issued by the Provincial Governments and the management by the Reserve Bank of India of the public debt of the Provinces, should be regulated by Act of the Dominion Legislature ;

AND WHEREAS in consequence thereof it is necessary to amend the Public Debt (Central Government) Act, 1944 (XVIII of 1944), for the purpose of making its provisions also applicable to securities issued by the Provincial Governments ;

It is hereby enacted as follows :—

1. *Short title and commencement*—(1) This Act may be called the Public Debt (Central Government) Amendment Act, 1949.

(2) It shall come into force on the 1st day of April, 1946.

2. *Amendment of long title and preamble, Act XVIII of 1944.*—In the Public Debt (Central Government) Act, 1944 (hereinafter referred to as the said Act), in the long title and the preamble, the words “issued by the Central Government”, in both places where they occur, shall be omitted, and for the words, “of the Central Government”, in both places where they occur, the words “of the Dominion and the Provinces” shall be substituted.

3. *Amendment of section 1, Act XVIII of 1944.*—In sub-section (1) of section 1 of the said Act, the words and brackets “(Central Government)” shall be omitted.

4. *Amendment of section 2, Act XVIII of 1944.*—In section 2 of the said Act—

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

“(1A) “the Government”, in relation to any Government security, means the Central or Provincial Government issuing the security ;” and

(ii) in clause (2) after the words “Central Government”, in both places where they occur, the words “or a Provincial Government” shall be inserted.

5. *Amendment of section 3, Act XVIII of 1944.*—In sub-section (1) of section 3 of the said Act, for the words “made after the commencement of this Act” the following shall be substituted, namely :—

“which, in the case of a security issued by the Central Government is made after the 30th day of April, 1946, and in the case of a security issued by a Provincial Government, is made after the 31st day of March, 1949”.

6. *Substitution of “the Government” for “the Central Government” in certain sections of Act XVIII of 1944.*—In clause (b) of sub-section (1) of section 3, sub-section (1) of section 4, section 6, sub-section (3) of section 11, section 3, section 19, section 23, section 24, section 25 and clause (k) of sub-section (2) of section 28 of the said Act, for the words “Central Government”, wherever they occur, the words “the Government” shall be substituted.

7. *Amendment of section 17, Act XVIII of 1944.*—In section 17 of the said Act, for the words “the official Gazette” the words “the Gazette of India or the official Gazette of the Province, according as the notice relates to a security, issued by the Central Government or a Provincial Government” shall be substituted.

The Scheduled Securities (Hyderabad) Act, 1949.

Received the assent of the Governor-General on the 16th February, 1949 and is published in the *Gazette of India*, Part IV, Extraordinary, dated the 16th February 1949.

Act No. VII of 1949.

An Act to provide for the control of the transfer of certain securities and for the issue of duplicate securities in respect thereof.

WHEREAS it is expedient to provide for the control of the transfer of certain securities and for the issue of duplicate securities in respect thereof ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Scheduled Securities (Hyderabad) Act, 1949.

2. *Definitions.*—In this Act,—

(i) “Bank” means the Reserve Bank of India ;

(ii) “scheduled security” means any Government security specified in the Schedule to this Act, but does not include any duplicate security issued under the provisions of section 4 ;

(iii) “transfer”, in relation to a scheduled security, includes the transfer of any interest in the scheduled security.

3. *Title to scheduled security not affected by previous transfers.*—The Bank shall not, without the approval in writing of the Central Government recognise for any purpose any transfer of a scheduled security otherwise than to the Government of Hyderabad made or purported to have been made before the 31st day of December, 1948, and notwithstanding any transfer so made or purported to have been so made and notwithstanding anything contained in any law for the time being in force, the scheduled security shall be deemed to be, and always to have been vested in the Government of Hyderabad.

4. *Issue of duplicate securities.*—(1) Notwithstanding anything contained in any law for the time being in force, the Bank shall issue to the Government of Hyderabad duplicate securities payable to that Government in lieu of the scheduled securities as if such securities had been lost, and such duplicate securities shall have the same effect as if they had been issued under section 11 of the Public Debt (Central Government) Act, 1944 (XVIII of 1944).

(2) On the issue of duplicate securities under sub-section (1), all rights or remedies vested in or enforceable by any person in respect of the scheduled securities, in lieu of which such duplicate securities have been issued, shall be deemed to be extinguished.

(3) The Bank shall impound all scheduled securities which are or have been presented to it and cancel the same.

5. *Bar of jurisdiction.*—No suit or other legal proceeding for the enforcement of any rights or remedies in respect of any scheduled security shall be instituted in any Court save with the previous consent of the Central Government.

6. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government, the Bank or any person for anything done or intended to be done in good faith in pursuance of the provisions of this Act.

7. *Repeal of Ordinance XXXVII of 1948.*—(1) The Scheduled Securities (Hyderabad) Ordinance, 1948 (XXXVII of 1948), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act had commenced on the 31st day of December, 1948.

THE SCHEDULE

[See section 2 (ii)]

SCHEDULED SECURITIES

Serial No.	Denomination, form and number of security	Amount
1	3% Funding Loan, 1966-68—	
	Stock Certificate Nos. BY 0021-3 (3x50,00,000)	1,50,00,000
	Do. No. BY 0034	50,00,000
	Do. Nos. BY 0087-93 (7x50,00,000)	3,50,00,000
	Do. Nos. BY 0095-99 (5x50,00,000)	2,50,00,000
	Do. No. BY 0158	50,00,000
	Do. No. BY 0137	30,00,000
	Do. Nos. BY 0125-6 (2x10,00,000)	20,00,000
	Do. No. BY 0148	25,00,000
	Do. Nos. BY 0160-2 (3x25,00,000)	75,00,000
2	3 First Development Loan, 1970-75—	
	Stock Certificate Nos. BY 1084-92 (9x5,00,000)	45,00,000
	Do. Nos. BY 1185-95 (11x5,00,000)	55,00,000
	Do. Nos. BY 0754-73 (20x5,00,000)	1,00,00,000
	Do. Nos. BY 0892-4 (3x5,00,000)	15,00,000
	Do. Nos. BY 0895-406 (12x5,00,000)	60,00,000
	Do. Nos. BY 1072-7 (6x5,00,000)	30,00,000
	Do. Nos. BY 1214-21 (8x5,00,000)	40,00,000
	Do. Nos. BY 12-6-9 (4x5,00,000)	20,00,000
	Do. Nos. BY 1246-53 (8x5,00,000)	40,00,000
	Do. Nos. BY 1283-91 (9x5,00,000)	45,00,000
	Do. No. BY 1339	5,00,000
	Do. Nos. BY 1364-7 (4x5,00,000)	20,00,000
	Do. Nos. BY 1393-4 (2x5,00,000)	10,00,000
	Do. Nos. BY 1396-402 (7x5,00,000)	35,00,000
	Do. Nos. BY 1419-21 (3x5,00,000)	15,00,000
	Do. Nos. BY 1433-47 (8x5,00,000)	40,00,000
	Do. Nos. BY 1442-5 (4x5,00,000)	20,00,000
	Do. Nos. BY 1467-9 (3x5,00,000)	15,00,000
	Do. Nos. BY 1477-81 (5x5,00,000)	25,00,000
	Do. Nos. BY 1503-4 (2x5,00,000)	10,00,000
	Do. No. BY 1506	5,00,000
	Do. Nos. BY 1508-39 (52x5,00,000)	2,60,00,000
	Do. Nos. BY 1568-78 (11x5,00,000)	55,00,000
	Do. Nos. BY 1581-5 (5x5,00,000)	25,00,000
	Do. No. BY 1593	5,00,000
	Do. No. BY 1245	2,00,000
	Do. No. BY 1213	3,00,000
	Total	20,00,00,000

The Banking Companies Act, 1949.

Received the assent of the Governor-General on the 10th March, 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 10th March 1949.

Act No. X of 1949.

An Act to consolidate and amend the law relating to banking companies.

WHEREAS it is expedient to consolidate and amend the law relating to banking companies;

It is hereby enacted as follows:—

PART I PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Banking Companies Act, 1949.

(2) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State as respects banking.

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

2. *Application of other laws not barred*—The provisions of this Act shall be in addition to, and not, save as hereinafter expressly provided, in derogation of, the Indian Companies Act, 1913 (VII of 1913), and any other law for the time being in force.

3. *Act not to apply to co-operative banks.*—Nothing in this Act shall apply to a co-operative bank registered under the Co-operative Societies Act, 1912 (II of 1912), or any other law for the time being in force in any Province of India relating to co-operative societies.

4. *Power to suspend operation of Act.*—(1) The Central Government, if on a representation made by the Reserve Bank in this behalf it is satisfied that it is expedient so to do, may by notification in the official Gazette suspend for such period, not exceeding sixty days, as may be specified in the notification, the operation of all or any of the provisions of this Act, either generally or in relation to any specified banking company.

(2) In a case of special emergency, the Governor of the Reserve Bank, or in his absence a Deputy Governor of the Reserve Bank nominated by him in this behalf may, by order in writing, exercise the powers of the Central Government under sub-section (1) so however that the period of suspension shall not exceed thirty days, and where the Governor or the Deputy Governor, as the case may be, does so, he shall report the matter to the Central Government forthwith, and the order shall, as soon as may be, be published in the Gazette of India.

(3) The Central Government may, by notification in the official Gazette, extend from time to time the period of any suspension ordered under sub-section (1) or sub-section (2) for such period, not exceeding sixty days at any one time, as it thinks fit so however that the total period does not exceed one year.

(4) A copy of any notification issued under sub-section (3) shall be laid on the table of the Dominion Legislature as soon as may be after it is issued.

5. *Interpretation.*—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “approved securities” means securities in which a trustee may invest money under clause (a), clause (b), clause (bb), clause (c) or clause (d) of section 20 of the Indian Trusts Act, 1882 (II of 1882), and such securities of, or fully guaranteed by, Acceding States as the Reserve Bank may be

authorised to purchase under clause (8) of section 17 of the Reserve Bank of India Act, 1934 (II of 1934);

(b) "banking" means the accepting, for the purpose of lending or investment, of deposits of money from the public, repayable on demand or otherwise, and withdrawable by cheque, draft, order or otherwise;

(c) "banking company" means any company which transacts the business of banking in any Province of India;

Explanation.—Any company which is engaged in the manufacture of goods or carries on any trade and which accepts deposits of money from the public merely for the purpose of financing its business as such manufacturer or trader shall not be deemed to transact the business of banking within the meaning of this clause;

(d) "company" means any company which may be wound up under the Indian Companies Act, 1913 (VII of 1913);

(e) "Court" means the Court having jurisdiction under the Indian Companies Act, 1913;

(f) "demand liabilities" means liabilities which must be met on demand, and "time liabilities" means liabilities which are not demand liabilities;

(g) "gold" includes gold in the form of coin, whether legal tender or not, or in the form of bullion or ingot, whether refined or not;

(h) "managing agent" means a person, firm or company entitled to the management of the whole affairs of a banking company by virtue of an agreement with the company or by virtue of the memorandum or articles of association relating thereto, and under the control and direction of the directors except to the extent, if any, otherwise provided for in the agreement, memorandum or articles of association, and includes any person, firm or company occupying such position by whatever name called;

Explanation.—If a person occupying the position of managing agent calls himself manager or managing director, he shall nevertheless be deemed to be a managing agent for the purposes of this Act;

(i) "private company" has the same meaning as in the Indian Companies Act, 1913;

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

(k) "registrar" has the same meaning as in the Indian Companies Act, 1913;

(l) "Reserve Bank" means the Reserve Bank of India;

(m) "scheduled bank" means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934; and

(n) "secured loan or advance" means a loan or advance made on the security of assets the market value of which is not at any time less than the amount of such loan or advance; and "unsecured loan or advance" means a loan or advance not so secured.

(2) In the application of this Act to Acceding States all references to the Provinces of India shall be construed as including references to the Acceding States to which this Act extends.

PART II

BUSINESS OF BANKING COMPANIES

6. *Forms of business in which banking companies may engage.*—(1) In addition to the business of banking, a banking company may engage in any one or more of the following forms of business, namely:—

(a) the borrowing, raising, or taking up of money; the lending or advan-

cing of money either upon or without security; the drawing, making, accepting, discounting, buying, selling, collecting and dealing in bills of exchange, hundees, promissory notes, coupons, drafts, bills of lading, railway receipts, warrants, debentures, certificates, scrips and other instruments, and securities whether transferable or negotiable or not; the granting and issuing of letters of credit, traveller's cheques and circular notes; the buying, selling and dealing in bullion and specie; the buying and selling of foreign exchange including foreign bank notes; the acquiring, holding, issuing on commission, underwriting and dealing in stock, funds, shares, debentures, debenture stock, bonds, obligations, securities and investments of all kinds; the purchasing and selling of bonds, scrips or other forms of securities on behalf of constituents or others, the negotiating of loans and advances; the receiving of all kinds of bonds, scrips or valuables on deposit or for safe custody or otherwise; the providing of safe deposit vaults; the collecting and transmitting of money and securities;

(b) acting as agents for any Government or local authority or any other person or persons; the carrying on of agency business of any description including the clearing and forwarding of goods, giving of receipts and discharges and otherwise acting as an attorney on behalf of customers, but excluding the business of a managing agent of a company;

(c) contracting for public and private loans and negotiating and issuing the same;

(d) the effecting, insuring, guaranteeing, underwriting, participating in managing and carrying out of any issue, public or private, of State, municipal or other loans or of shares, stock, debentures, or debenture stock of any company, corporation or association and the lending of money for the purpose of any such issue;

(e) carrying on and transacting every kind of guarantee and indemnity business;

(f) managing, selling and realising any property which may come into the possession of the company in satisfaction or part satisfaction of any of its claims;

(g) acquiring and holding and generally dealing with any property or any right, title or interest in any such property which may form the security or part of the security for any loans or advances or which may be connected with any such security;

(h) undertaking and executing trust;

(i) undertaking the administration of estates as executor, trustee or otherwise;

(j) establishing and supporting or aiding in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company or the dependents or connections of such persons; granting pensions and allowances and making payments towards insurance; subscribing to or guaranteeing moneys for charitable or benevolent objects or for any exhibition or for any public, general or useful object;

(k) the acquisition, construction, maintenance and alteration of any building or works necessary or convenient for the purposes of the company;

(l) selling, improving, managing, developing, exchanging, leasing, mortgaging, disposing of or turning into account or otherwise dealing with all or any part of the property and rights of the company;

(m) acquiring and under taking the whole or any part of the business of any person or company, when such business is of a nature enumerated or described in this sub-section;

(n) doing all such other things as are incidental or conducive to the promotion or advancement of the business of the company;

(o) any other form of business which the Central Government may, by notification in the official Gazette, specify as a form of business in which it is lawful for a banking company to engage.

(2) No banking company shall engage in any form of business other than those referred to in sub-section (1).

57. *Use of words "bank", "banker," "banking".*—After the expiry of two years from the commencement of this Act no company, other than a banking company, shall use as part of its name any of the words "bank," "banker" or "banking" and no company shall carry on the business of banking in any Province of India, unless it uses as part of its name at least one of such words:

Provided that nothing in this section shall apply to any association of banks formed for the protection of their mutual interests and registered under section 26 of the Indian Companies Act, 1913 (VII of 1913).

8. *Prohibition of trading.*—Notwithstanding anything contained in section 6 or in any contract, no banking company shall directly or indirectly deal in the buying or selling or bartering of goods, except in connection with the realisation of security given to or held by it, or engage in any trade, or buy, sell or barter goods for others otherwise than in connection with bills of exchange received for collection or negotiation or with such of its business as is referred to in clause (i) of sub-section (1) of section 6:

Provided that this section shall not apply to any such business as aforesaid which was in the course of being transacted on the commencement of this Act, so however, that the said business shall be completed before the expiry of one year from such commencement.

Explanation—For the purposes of this section, "goods" means every kind of movable property, other than actionable claims, stocks, shares, money, bullion and specie, and all instruments referred to in clause (a) of sub-section (1) of section 6.

9. *Disposal of non-banking assets.*—Notwithstanding anything contained in section 6, no banking company shall hold any immovable property howsoever acquired, except such as is required for its own use, for any period exceeding seven years from the acquisition thereof or from the commencement of this Act, whichever is later or any extension of such period as in this section provided, and such property shall be disposed of within such period or extended period, as the case may be:

Provided that the banking company may, within the period of seven years as aforesaid deal or trade in any such property for the purpose of facilitating the disposal thereof:

Provided further that the Reserve Bank may in any particular case extend the aforesaid period of seven years by such period not exceeding five years where it is satisfied that such extension would be in the interests of the depositors of the banking company.

10. *Prohibition of employment of managing agents and restrictions on certain forms of employment.*—(1) No banking company—

(a) shall employ or be managed by a managing agent, or

(b) shall employ any person—

(i) who is or at any time has been adjudicated insolvent, or has suspended payment or has compounded with his creditors, or who is or has been

convicted by criminal Court of an offence involving moral turpitude; or

(ii) whose remuneration or part of whose remuneration takes the form of commission or of a share in the profits of the company; or

(iii) whose remuneration is, according to the normal standards prevailing in banking business, on a scale disproportionate to the resources of the company; or

(c) shall be managed by any person —

(i) who is a director of any other company, not being a subsidiary company of the banking company; or

(ii) who is engaged in any other business or vocation; or

(iii) who has a contract with the company for its management for a period exceeding five years at any one time :

Provided that the said period of five years shall, in relation to contracts subsisting on the 1st day of July, 1944, be computed from that date :

Provided further that any contract with the company for its management may be renewed or extended for a further period not exceeding five years at a time if and so often as the directors so decide.

(2) If any question arises in any particular case whether the remuneration is, according to the normal standards prevailing in banking business, on a scale disproportionate to the resources of the company for the purpose of sub-clause (iii) of clause (b) of sub-section (1), the decision of the Reserve Bank thereon shall be final for all purposes.

11. *Requirement as to minimum paid-up capital and reserves.*—(1) Notwithstanding anything contained in section 103 of the Indian Companies Act, 1913 (VII of 1913), no banking company in existence on the commencement of this Act, shall, after the expiry of three years from such commencement or of such further period not exceeding one year as the Reserve Bank, having regard to the interests of the depositors of the company, may think fit in any particular case to allow, carry on business in any Province of India, and no other banking company shall, after the commencement of this Act, commence or carry on business in any Province of India, unless it has paid-up capital and reserves of such aggregate value as is hereinafter required by this section.

(2) In the case of a banking company incorporated elsewhere than in a Province of India, the aggregate value of its paid-up capital and reserves shall not be less than fifteen lakhs of rupees, and, if it has a place or places of business in the City of Bombay or Calcutta or both, twenty lakhs of rupees :

Provided that no such banking company shall be deemed to have complied with the provisions of this sub-section, unless it deposits and keeps deposited with the Reserve Bank an amount not less than the minimum required by this sub-section, either in cash or in unencumbered approved securities or partly in cash and partly in such securities.

(3) In the case of any banking company to which the provisions of sub-section (2) do not apply, the aggregate value of its paid-up capital and reserves shall not be less than—

(i) if it has places of business in more than one Province, five lakhs of rupees, and if any such place or places of business is or are situated in the City of Bombay or Calcutta or both, ten lakhs of rupees;

(ii) if it has all its places of business in one Province none of which is situated in the City of Bombay or Calcutta, one lakh of rupees in respect of its principal place of business, plus ten thousand rupees in respect of each of its other places of business situated in the same district in which it

has its principal place of business, *plus* twenty-five thousand rupees in respect of each place of business situated elsewhere in the Province otherwise than in the same district :

Provided that no banking company to which this clause applies shall be required to have paid-up capital and reserves exceeding an aggregate value of five lakhs of rupees :

Provided further that no banking company to which this clause applies and which has only one place of business, shall be required to have paid-up capital and reserves exceeding an aggregate value of fifty thousand rupees;

(iii) if it has all its places of business in one Province, one or more of which is or are situated in the City of Bombay or Calcutta, five lakhs of rupees, *plus* twenty-five thousand rupees in respect of each place of business situated outside the City of Bombay or Calcutta, as the case may be : 1

Provided that no banking company to which this clause applies shall be required to have paid-up capital and reserves exceeding an aggregate value of ten lakhs of rupees.

Explanation.—For the purposes of this sub-section, a place of business situated in a Province other than that in which the principal place of business of the banking company is situated shall, if it is not more than twenty-five miles distant from such principal place of business, be deemed to be situated within the same Province as such principal place of business.

(4) Any amount deposited and kept deposited with the Reserve Bank under the proviso to sub section (2) by any banking company incorporated elsewhere than in a Province of India shall, in the event of the company ceasing for any reason to carry on banking business in the Provinces of India, be an asset of the company on which the claims of all the creditors of the company in the Provinces of India shall be a first charge.

(5) For the purposes of this section "value" means the real or exchangeable value, and not the nominal value which may be shown in the books of the banking company concerned.

(6) If any dispute arises in computing the aggregate value of the paid-up capital and reserves of any banking company, a determination thereof by the Reserve Bank shall be final for the purposes of this section.

12. Regulation of paid-up capital, subscribed capital and authorised capital, and voting rights of shareholders.—No banking company shall carry on business in any Province of India, unless it satisfies the following conditions, namely :—

(i) that the subscribed capital of the company is not less than one half of the authorised capital, and the paid-up capital is not less than one half of the subscribed capital and that, if the capital is increased, it complies with the conditions prescribed in this clause within such period not exceeding two years as the Reserve Bank may allow;

(ii) that the capital of the company consists of ordinary shares only or of ordinary shares and such preference shares as may have been issued prior to the 1st day of July, 1944;

(iii) that, subject to the provisions contained in clause (iv) hereof, the voting rights of any one shareholder, whether a preference shareholder or an ordinary shareholder, are strictly proportionate to the contribution made by him to the paid-up capital of the company;

(iv) that the voting rights of any one shareholder do not exceed five per cent. of the total voting rights of all the shareholders;

Provided that nothing contained in this section shall apply to any banking company incorporated before the 15th day of January, 1937.

13. *Restriction on commission, brokerage, discount, etc., on sale of shares.*—Notwithstanding anything to the contrary contained in sections 105 and 105A of the Indian Companies Act, 1913 (VII of 1913), no banking company shall pay out directly or indirectly by way of commission, brokerage, discount or remuneration in any form in respect of any shares issued by it; any amount exceeding in the aggregate two and one half per cent. of the paid up value of the said shares.

14. *Prohibition of charge on unpaid capital*—No banking company shall create any charge upon any unpaid capital of the company, and any such charge shall be invalid.

15. *Restrictions as to payment of dividend.*—No banking company shall pay any dividend on its shares until all its capitalised expenses (including preliminary expenses, organisation expenses, share-selling commission, brokerage, amounts of losses incurred and any other item of expenditure not represented by tangible assets) have been completely written off. ³ 4

16. *Prohibition of common directors.*—No banking company incorporated in a Province of India shall have as a director any person who is a director of another banking company.

17. *Reserve fund.*—Every banking company incorporated in a Province of India shall maintain a reserve fund, and shall, out of the net profits of each year and before any dividend is declared, transfer a sum equivalent to not less than twenty per cent. of such profits to the reserve fund until the amount of the said fund is equal to the paid-up capital.

Explanation—For the purposes of this section, the expression “net profits” shall have the meaning assigned to it in sub-section (3) of section 87C of the Indian Companies Act, 1913 (VII of 1913).

18. *Cash reserve.*—Every banking company not being a scheduled bank shall maintain by way of cash reserve in cash with itself, or in an account opened with the Reserve Bank, or partly in cash with itself and partly in such account a sum equivalent to at least two per cent. of its time liabilities and five per cent. of its demand liabilities and shall file with the Reserve Bank before the fifteenth day of every month three copies of a statement of the amount so held on Friday of each week of the preceding month with particulars of its time and demand liabilities on each Friday.

19. *Restriction on nature of subsidiary companies*—(1) A banking company shall not form any subsidiary company except a subsidiary company formed for one or more of the following purposes, namely, the undertaking and executing of trusts, the undertaking of the administration of estates as executor, trustee or otherwise, the providing of safe deposit vaults or, with the previous permission in writing of the Reserve Bank, such other purposes as are incidental to the business of banking.

(2) Save as provided in sub-section (1), no banking company shall hold shares in any company, whether as pledgee, mortgagee or absolute owner, of an amount exceeding thirty per cent. of the paid-up share capital of that company or thirty per cent. of its own paid up share capital and reserves, whichever is less:

Provided that any banking company which is on the date of the commencement of this Act holding any shares in contravention of the provisions of this sub-section shall not be liable to any penalty therefor if it reports the matter without delay to the Reserve Bank and if it brings its holding of shares into conformity with the said provisions within such period, not exceeding two years, as the Reserve Bank may think fit to allow.

(3) Save as provided in sub-section (1) and notwithstanding anything

contained in sub-section (2), a banking company shall not, after the expiry of one year from the date of the commencement of this Act, hold shares, whether as pledgee, mortgagee or absolute owner, in any company in the management of which any managing director or manager of the banking company is in any manner concerned or interested.

20. *Restrictions on loans and advances.*—(1) Notwithstanding anything to the contrary contained in section 54A of the Indian Companies Act, 1913 (VII of 1913), no banking company shall make any loans or advances on the security of its own shares, or grant unsecured loans or advances to any of its directors or to firms or private companies in which it or any of its directors is interested as partner or managing agent or to any individuals, firms or private companies in cases where any of the directors is a guarantor.

(2) Every banking company shall, before the close of the month succeeding that to which the return relates, submit to the Reserve Bank a return in the prescribed form and manner, showing all unsecured loans and advances granted by it to companies in which it or any of its directors is interested as director or managing agent or guarantor.

(3) If on examination of any return submitted under sub-section (2) it appears to the Reserve Bank that any loans or advances referred to in that sub-section are being granted to the detriment of the interests of the depositors of the banking company, the Reserve Bank may, by order in writing, prohibit the banking company from granting any such further loans or advances or impose such restrictions on the grant thereof as it thinks fit, and may by like order direct the banking company to secure the repayment of any such loan or advance within such time as may be specified in the order.

21. *Power of Reserve Bank to control advances by banking companies.*—

(1) Where the Reserve Bank is satisfied that it is necessary or expedient in the public interest so to do, it may determine the policy in relation to advances to be followed by banking companies generally or by any banking company in particular, and when the policy has been so determined, all banking companies or the banking company concerned, as the case may be, shall be bound to follow the policy as so determined.

(2) Without prejudice to the generality of the power vested in the Reserve Bank under sub-section (1), the Reserve Bank may give directions to banking companies, either generally or to any banking company or group of banking companies in particular, as to the purposes for which advances may or may not be made, the margins to be maintained in respect of secured advances and the rates of interest to be charged on advances, and each banking company shall be bound to comply with any directions as so given.

22. *Licensing of banking companies.*—(1) Save as hereinafter provided no company shall carry on banking business in any Province of India unless it holds a licence granted by the Reserve Bank in such behalf.

(2) Every banking company in existence on the commencement of this Act, before the expiry of six months from such commencement, and every other company before commencing banking business in any Province of India, shall apply in writing to the Reserve Bank for a licence under this section :

Provided that in the case of a banking company in existence on the commencement of this Act, nothing in sub-section (1) shall be deemed to prohibit the company from carrying on banking business until it is granted a licence in pursuance of sub-section (2) or is by notice in writing informed by the Reserve Bank that a licence cannot be granted to it :

Provided further that the Reserve Bank shall not give a notice as aforesaid to a banking company in existence on the commencement of this Act before the expiry of the three years referred to in sub-section (1) of section 11 or of such further period as the Reserve Bank may under that sub-section think fit to allow.

(3) Before granting any licence under this section, the Reserve Bank may require to be satisfied by an inspection of the books of the company or otherwise that all or any of the following conditions are fulfilled, namely:—

(a) that the company is in a position to pay its depositors in full as their claims accrue;

(b) that the affairs of the company are not being conducted to the detriment of the interests of its depositors;

(c) in the case of a company incorporated elsewhere than in a Province of India that the Government or law of the country in which it is incorporated does not discriminate in any way against banking companies registered in a Province of India, and that the company complies with all the provisions of this Act, applicable to banking companies incorporated outside the Provinces of India

(4) The Reserve Bank may—

(a) cancel any licence granted under this section where any of the conditions set out in sub-section (1), on the fulfilment of which it required to be satisfied when granting the licence, ceases to be fulfilled or if the company ceases to carry on banking business in the Provinces of India or goes into liquidation;

(b) at any time after granting a licence under this section require that any of the said conditions, on the fulfilment of which it did not require to be satisfied when granting the licence, shall be fulfilled to its satisfaction within such time as it may specify, and if the condition is not so fulfilled, cancel the licence.

(5) Any banking company aggrieved by the cancellation of its licence under sub-section (4) may appeal to the Central Government, and the decision of the Central Government on such appeal shall be final.

23. Restrictions on opening of new, and transfer of existing, places of business.—No banking company shall open a new place of business or change, otherwise than within the same city, town or village, the location of an existing place of business without obtaining the prior permission in writing of the Reserve Bank; and before giving any such permission the Reserve Bank may require to be satisfied by an inspection under section 35 or otherwise as to the financial condition and history of the company, the general character of its management, the adequacy of its capital structure and earning prospects and that public interest will be served by the opening or, as the case may be, change of location, of the place of business:

Provided that nothing in this section shall apply to the opening for a period not exceeding one month of a temporary place of business within a city, town or village or the environs thereof within which the banking company already has a place of business for the purpose of affording banking facilities to the public on the occasion of an exhibition, conference or *mela*.

Explanation.—For the purposes of this section “place of business” includes any sub-office, pay-office, sub-pay-office and any place of business at which deposits are received, cheques cashed or moneys lent.

24. Maintenance of a percentage of assets.—(1) After the expiry of two years from the commencement of this Act, every banking company shall maintain in cash, gold or unencumbered approved securities, valued at a

price not exceeding the current market price, an amount which shall not at the close of business on any day be less than twenty per cent. of the total of its time and demand liabilities in the Provinces of India.

Explanation.—For the purposes of this section liabilities shall not include the paid-up capital or the reserves or any credit balance in the profit and loss account of the company or the amount of any loan taken from the Reserve Bank.

(2) In computing the amount for the purposes of sub-section (1), the deposit required under the proviso to sub-section (1) of section 11 to be made with the Reserve Bank by a banking company incorporated elsewhere than in a Province of India and any balance maintained by a banking company with the Reserve Bank or its agent or both, including in the case of a scheduled bank the balance required under sub-section (1) of section 42 of the Reserve Bank of India Act, 1934 (II of 1934), to be so maintained, shall be deemed to be cash maintained.

(3) For the purpose of ensuring compliance with the provisions of this section, every banking company shall, not later than fifteen days after the end of the month to which it relates, furnish to the Reserve Bank in the prescribed form and manner a monthly return showing particulars of its assets maintained in accordance with this section, and its time and demand liabilities at the close of business on each Friday during the month, or if any Friday is a public holiday under the Negotiable Instruments Act, 1881 (XVI of 1881), at the close of business on the preceding working day.

25. *Assets in the Provinces of India.*—(1) The assets in the Provinces of India of every banking company at the close of the last working day of every quarter shall not be less than seventy-five per cent. of its demand and time liabilities therein.

(2) Every banking company shall, within one month from the end of every quarter, submit to the Reserve Bank a return in the prescribed form and manner of the assets and liabilities referred to in sub-section (1) as at the close of the last working day of the previous quarter.

(3) For the purposes of this section,—

(a) “assets” shall be deemed to include such promissory notes, bills of exchange and securities as the Reserve Bank is, under the Reserve Bank of India Act, 1934 (II of 1934) empowered to purchase, discount or make advances against, and export bills drawn in, and import bills drawn on, and payable in India and expressed in such currencies as the Reserve Bank may from time to time approve in this behalf.

(b) “quarter” means the period of three months ending on the last day of March, June, September or December.

26. *Return of unclaimed deposits.*—Every banking company shall, within thirty days after the close of each calendar year, submit a return in the prescribed form and manner to the Reserve Bank as to the end of such calendar year of all accounts in the Provinces of India which have not been operated upon for ten years, giving particulars of the deposits standing to the credit of each such account:

Provided that in the case of money deposited for a fixed period the said term of ten years shall be reckoned from the date of the expiry of such fixed period.

27. *Monthly returns and power to call for other returns and information.*—(1) Every banking company shall before the close of the month succeeding that to which it relates submit to the Reserve Bank a return in the prescribed form and manner showing its assets and liabilities in the Provinces

of India as at the close of business on the last Friday of every month or if that Friday is a public holiday under the Negotiable Instruments Act, 1881 (XVI of 1881), at the close of business on the preceding working day.

(2) The Reserve Bank may at any time, by notice in writing require a banking company to furnish it within the time specified therein or such further time as the Reserve Bank may allow, with statements and information relating to the business of such banking company, and without prejudice to the generality of the foregoing power, may call for information every half-year regarding the classification of advances and investment of banking companies in respect of industry, commerce and agriculture.

28. *Power to publish information.*—The Reserve Bank, if it considers it in the public interest so to do, may publish any information obtained by it under section 27 in such consolidated form as it thinks fit.

29. *Accounts and balance-sheet.*—(1) At the expiration of each calendar year every banking company incorporated in a Province of India, in respect of all business transacted by it, and every banking company incorporated outside the Provinces of India, in respect of all business transacted through its branches in the Provinces of India, shall prepare with reference to that year a balance-sheet and profit and loss account as on the last working day of the year in the Forms set out in the Third Schedule or as near thereto as circumstances admit:

Provided that in the case of a banking company incorporated outside the Provinces of India, the profit and loss account may be prepared as on a date not earlier than two months before the last working day of the year.

(2) The balance-sheet and profit and loss account shall be signed—

(a) in the case of a banking company incorporated in a Province of India, by the manager or the principal officer of the company and where there are more than three directors of the company, by at least three of those directors, or where there are not more than three directors, by all the directors; and

(b) in the case of a banking company incorporated outside the Provinces of India by the manager or agent of the principal office of the company in the Provinces of India.

(3) Notwithstanding that the balance-sheet of a banking company is under sub-section (1) required to be prepared in a form other than the form marked F in the Third Schedule to the Indian Companies Act, 1913 (VII of 1913), the requirements of that Act relating to the balance-sheet and profit and loss account of a company shall, in so far as they are not inconsistent with this Act, apply to the balance-sheet or profit and loss account, as the case may be, of a banking company.

(4) The Central Government, after giving not less than three months notice of its intention so to do by a notification in the official Gazette, may from time to time by a like notification amend the Forms set out in the Third Schedule.

30. *Audit.*—(1) The balance-sheet and profit and loss account prepared in accordance with section 29 shall be audited.

(a) in the case of a banking company incorporated in a Province of India, by a person duly qualified under any law for the time being in force to be an auditor of companies;

(b) in the case of a banking company incorporated outside the Provinces of India, either by such an auditor as aforesaid, or by a person duly qualified to be an auditor under the law of the country in which the company

is incorporated.

(2) The Auditor shall have the powers of, exercise the functions vested in, and discharge the duties and be subject to the liabilities and penalties imposed on, auditors of companies by section 145 of the Indian Companies Act, 1913 (VII of 1913).

(3) In addition to the matters which under the aforesaid Act the auditor is required to state in his report, he shall, in the case of a banking company incorporated in a Province of India, state in his report,—

(a) whether or not the information and explanations required by him have been found to be satisfactory;

(b) whether or not the transactions of the company which have come to his notice have been within the powers of the company;

(c) whether or not the returns received from branch offices of the company have been found adequate for the purposes of his audit;

(d) whether the profit and loss account shows a true balance of profit and loss for the period covered by such account;

(e) any other matter which he considers should be brought to the notice of the shareholders of the company.

31 Submission of returns.—The accounts and balance-sheet referred to in section 29 together with the auditor's report shall be published in the prescribed manner, and three copies thereof shall be furnished as returns to the Reserve Bank within three months from the end of the period to which they refer:

Provided that the Reserve Bank may in any case extend the said period of three months for the furnishing of such returns by a further period not exceeding three months.

32. Copies of balance-sheet and accounts to be sent to registrar.—(1) Where a banking company in any year furnishes its balance-sheet and accounts in accordance with the provisions of section 31 it may, or when it is a private company, shall, at the same time send to the registrar three copies of such balance-sheet and accounts and of the auditor's report, and where such copies are so sent, it shall not be necessary for the company, to file copies of the balance-sheet and accounts with the registrar as required by sub-section (1) of section 134 of the Indian Companies Act, 1913 (VII of 1913), and such copies so sent shall be chargeable with the same fees and shall be dealt with in all respects as if they were filed in accordance with that section

(2) When in pursuance of sub-section (2) of section 27 the Reserve Bank requires any additional statement or information in connection with the balance-sheet and accounts furnished under section 31 the banking company shall, when supplying such statement or information, send a copy thereof to the registrar.

33. Display of audited balance-sheet by companies incorporated outside the Provinces of India—Every banking company incorporated outside the Provinces of India shall, not later than the first Monday in August of any year in which it carries on business, display in a conspicuous place in its principal office and in every branch office in the Provinces of India a copy of its last audited balance-sheet and profit and loss account prepared under section 29, and shall keep the copy so displayed until replaced by a copy of the subsequent balance-sheet and profit and loss account so prepared, and every such banking company shall display in like manner copies of its complete audited balance-sheet and profit and loss account relating to its banking

business as soon as they are available, and shall keep the copies so displayed until copies of such subsequent accounts are available.

34. Accounting provisions of this Act not retrospective.—Nothing in this Act shall apply to the preparation of accounts by a banking company and the audit and submission thereof in respect of any accounting year which has expired prior to the commencement of this Act, and notwithstanding the other provisions of this Act, such accounts shall be prepared, audited and submitted in accordance with the law in force immediately before the commencement of this Act.

35. Inspection.—(1) Notwithstanding anything to the contrary contained in section 138 of the Indian Companies Act, 1913 (VII of 1913), the Reserve Bank at any time may, and on being directed so to do by the Central Government shall, cause an inspection to be made by one or more of its officers of any banking company and its books and accounts; and the Reserve Bank shall supply to the banking company a copy of its report on such inspection.

(2) It shall be the duty of every director or other officer of the banking company to produce to any officer making an inspection under sub-section (1) all such books, accounts and other documents in his custody or power and to furnish him with any statements and information relating to the affairs of the banking company as the said officer may require of him within such time as the said officer may specify.

(3) Any person making an inspection under sub-section (1) may examine on oath any director or other officer of the banking company in relation to its business, and may administer an oath accordingly.

(4) The Reserve Bank shall, if it has been directed by the Central Government to cause an inspection to be made, and may, in any other case, report to the Central Government on any inspection made under this section, and the Central Government, if it is of opinion after considering the report that the affairs of the banking company are being conducted to the detriment of the interests of its depositors, may, after giving such opportunity to the banking company to make a representation in connection with the report as, in the opinion of the Central Government, seems reasonable, by order in writing—

(a) prohibit the banking company from receiving fresh deposits;

(b) direct the Reserve Bank to apply under section 38 for the winding up of the banking company :

Provided that the Central Government may defer, for such period as it may think fit, the passing of an order under this sub-section, or cancel or modify any such order, upon such terms and conditions as it may think fit to impose;

(5) The Central Government may, after giving reasonable notice to the banking company, publish the report submitted by the Reserve Bank or such portion thereof as may appear necessary.

36. Further powers and functions of Reserve Bank.—(1) The Reserve Bank may—

(a) caution or prohibit banking companies generally or any banking company in particular against entering into any particular transaction or class of transactions, and generally give advice to any banking company;

(b) on a request by the companies concerned and subject to the provisions of section 45, assist, as intermediary or otherwise, in proposals for the amalgamation of such banking companies;

(c) give assistance to any banking company by means of the grant of a loan or advance to it under clause (3) of sub-section (1) of section 18 of the Reserve Bank of India Act, 1934 (II of 1934);

(d) during the course, or after the completion, of any inspection of a banking company under section 35, by order in writing, require the company—

(i) to call a meeting of its directors for the purpose of considering any matter arising in the course of or out of such inspection or of meeting an officer of the Reserve Bank to discuss any such matter;

(ii) to make, within such time as may be specified in the order, such changes in its management as the Reserve Bank may consider necessary in consequence of the state of affairs disclosed during or by the inspection.

(2) The Reserve Bank shall make an annual report to the Central Government on the trend and progress of banking in the country, with particular reference to its activities under clause (2) of section 17 of the Reserve Bank of India Act, 1934, including in such report its suggestions, if any, for the strengthening of banking business throughout the country.

(3) The Reserve Bank may appoint such staff at such places as it considers necessary for the scrutiny of the returns, statements and information furnished by banking companies under this Act, and generally to ensure the efficient performance of its functions under this Act.

PART III

SUSPENSION OF BUSINESS AND WINDING UP OF BANKING COMPANIES

37 Suspension of business.—The Court may on the application of a banking company which is temporarily unable to meet its obligations make an order (a copy of which it shall cause to be forwarded to the Reserve Bank) staying the commencement or continuance of all actions and proceedings against the company for a fixed period of time on such terms and conditions as it shall think fit and proper, and may from time to time extend the period so however that the total period of moratorium shall not exceed six months.

(2) No such application shall be maintainable unless it is accompanied by a report of the Reserve Bank indicating that in the opinion of the Reserve Bank the banking company will be able to pay its debts if the application is granted :

Provided that the Court may, for sufficient reasons, grant relief under this section even if the application is not accompanied by such report, and where such relief is granted, the Court shall call for a report from the Reserve Bank on the affairs of the banking company, on receipt of which it may either rescind any order already passed or pass such further orders thereon as may be just and proper in the circumstances.

38 Winding up by Court.—(1) Without prejudice to the provisions contained in section 162 or section 271 of the Indian Companies Act, 1913 (VII of 1913), and without prejudice to its powers under section 37, the Court shall order the winding up of a banking company if it is unable to pay its debts and the Court shall also order the winding up of a banking company if the Reserve Bank applies in this behalf to the Court.

(2) The Reserve Bank may make an application under this section only if it is directed so to do by order under clause (b) of sub-section (4) of section 35 or if the banking company has failed to comply within due time with the demand contained in a notice under sub-section (5) of section 46.

(3) Without prejudice to the provisions contained in section 163 of the Indian Companies Act, 1913 (VII of 1913), a banking company shall be deemed to be unable to pay its debts if it has refused to meet any lawful demand for payment made at any of its offices or branches within two working days, if such demand is made at a place where there is an office, branch or agency of the Reserve Bank, or within five working days, if such demand is made elsewhere, and if the Reserve Bank certifies in writing that the banking company is unable to pay its debts.

(4) A copy of every application by the Reserve Bank under sub-section (1) shall be sent by the Reserve Bank to the registrar.

39. *Reserve Bank to be official liquidator.*—Notwithstanding anything contained in section 175 of the Indian Companies Act, 1913 (VII of 1913), where in any proceeding for the winding up by the Court of a banking company, an application is made by the Reserve Bank in this behalf, the Reserve Bank shall be appointed as the official liquidator of the banking company in such proceeding.

40. *Stay of proceedings.*—Notwithstanding anything to the contrary contained in section 173 of the Indian Companies Act, 1913 (VII of 1913), the Court shall not make any order staying the proceedings in relation to the winding up of a banking company, unless the Court is satisfied that an arrangement has been made whereby the company can pay its depositors in full as their claims accrue.

41. *Report of liquidator.*—Notwithstanding anything to the contrary contained in section 177B of the Indian Companies Act, 1913 (VII of 1913), where a winding up order is made in respect of a banking company, the official liquidator shall submit a preliminary report to the Court within two months from the date of the order giving the information required by that section so far as it is available to him, to enable the Court to order the payment of a preliminary dividend if sufficient assets are available.

42. *Power to dispense with meetings of creditors, etc.*—Notwithstanding anything to the contrary contained in section 178A and 183 of the Indian Companies Act, 1913 (VII of 1913), the Court may, in the proceedings for winding up a banking company, dispense with any meetings of creditors or contributories or with the appointment of a committee of inspection if it considers that no object will be secured thereby sufficient to justify the delay and expense.

43. *Booked depositors' credits to be deemed proved.*—Notwithstanding anything to the contrary contained in section 191 of the Indian Companies Act, 1913 (VII of 1913), the Court shall presume that the amounts shown in the books of a banking company as standing to the credit of depositors are proved without requiring further proof from the depositors concerned unless the official liquidator shows that there is reason for doubting any particular entry.

44. *Restriction on voluntary winding up.*—Notwithstanding anything to the contrary contained in section 203 of the Indian Companies Act, 1913 (VII of 1913), no banking company which holds a licence granted under section 22 may be voluntarily wound up unless the Reserve Bank certifies in writing that the company is able to pay in full all its debts to its creditors as they accrue, and without prejudice to the provisions contained in sections 218 and 220 of that Act, the Court shall, on the application of the Reserve Bank, order the winding up of the company by the Court if at any stage during the voluntary winding up proceedings the company is not able to meet such debts as they accrue.

45. *Restriction on amalgamation. &c.*—Notwithstanding anything contained in any law for the time being in force,—

(a) no Court shall sanction a compromise or arrangement between a banking company and its creditors or any class of them or between such company and its members or any class of them, unless the compromise or arrangement is certified by the Reserve Bank as not being detrimental to the interests of the depositors of such company, and

(b) no banking company shall enter into any agreement or arrangement for, or be a party to, any scheme for the amalgamation of such company with any other banking company without the previous sanction in writing of the Reserve Bank

PART IV

MISCELLANEOUS

46. *Penalties* —(1) Whoever in any return, balance-sheet or other document required by or under or for the purposes of any provision of this Act, wilfully makes a statement which is false in any material particular, knowing it to be false, or wilfully omits to make a material statement, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) If any person fails to produce any book, account or other document or to furnish any statement or information which under sub-section (2) of section 35 it is his duty to produce or furnish, or to answer any question relating to the business of a banking company which he is asked by an officer making an inspection under that section, he shall be punishable with a fine which may extend to five hundred rupees in respect of each offence, and if he persists in such refusal, to a further fine which may extend to fifty rupees for every day during which the offence continues.

(3) If any deposits are received by a banking company in contravention of an order under clause (a) of sub-section (4) of section 35 every director or other officer of the banking company, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent it, shall be deemed to be guilty of such contravention and shall be punishable with a fine which may extend to twice the amount of the deposits so received.

(4) If any other provision of this Act is contravened, or if any default is made in complying with any requirement of this Act or of any order made thereunder, every director and other officer of the banking company who is knowingly a party to the contravention or default shall be punishable with a fine not exceeding five hundred rupees, and where the contravention or default is a continuing one, with a further fine not exceeding fifty rupees for every day during which it continues.

(5) Without prejudice to the provisions of sub-section (4), if any banking company fails to comply with the provisions of section 24 or section 25, the Reserve Bank shall by notice in writing make a demand on the banking company to comply with the said provisions within thirty days from the receipt of the notice, and if the banking company fails so to do, the Reserve Bank may apply under section 38 for the winding up of the banking company.

47. *Cognizance of offences.*—No Court shall take cognizance of any offence punishable under section 46 except upon complaint in writing made by an officer of the Reserve Bank generally or specially authorised in writing in this behalf by 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.

(3) Without prejudice to the provisions contained in section 163 of the Indian Companies Act, 1913 (VII of 1913), a banking company shall be deemed to be unable to pay its debts if it has refused to meet any lawful demand for payment made at any of its offices or branches within two working days, if such demand is made at a place where there is an office, branch or agency of the Reserve Bank, or within five working days, if such demand is made elsewhere, and if the Reserve Bank certifies in writing that the banking company is unable to pay its debts.

(4) A copy of every application by the Reserve Bank under sub-section (1) shall be sent by the Reserve Bank to the registrar.

39. *Reserve Bank to be official liquidator.*—Notwithstanding anything contained in section 175 of the Indian Companies Act, 1913 (VII of 1913), where in any proceeding for the winding up by the Court of a banking company, an application is made by the Reserve Bank in this behalf, the Reserve Bank shall be appointed as the official liquidator of the banking company in such proceeding.

40. *Stay of proceedings.*—Notwithstanding anything to the contrary contained in section 173 of the Indian Companies Act, 1913 (VII of 1913), the Court shall not make any order staying the proceedings in relation to the winding up of a banking company, unless the Court is satisfied that an arrangement has been made whereby the company can pay its depositors in full as their claims accrue.

41. *Report of liquidator.*—Notwithstanding anything to the contrary contained in section 177B of the Indian Companies Act, 1913 (VII of 1913), where a winding up order is made in respect of a banking company, the official liquidator shall submit a preliminary report to the Court within two months from the date of the order giving the information required by that section so far as it is available to him, to enable the Court to order the payment of a preliminary dividend if sufficient assets are available.

42. *Power to dispense with meetings of creditors, etc.*—Notwithstanding anything to the contrary contained in section 178A and 183 of the Indian Companies Act, 1913 (VII of 1913) the Court may, in the proceedings for winding up a banking company, dispense with any meetings of creditors or contributories or with the appointment of a committee of inspection if it considers that no object will be secured thereby sufficient to justify the delay and expense.

43. *Booked depositors' credits to be deemed proved.*—Notwithstanding anything to the contrary contained in section 191 of the Indian Companies Act, 1913 (VII of 1913), the Court shall presume that the amounts shown in the books of a banking company as standing to the credit of depositors are proved without requiring further proof from the depositors concerned unless the official liquidator shows that there is reason for doubting any particular entry.

44. *Restriction on voluntary winding up.*—Notwithstanding anything to the contrary contained in section 203 of the Indian Companies Act, 1913 (VII of 1913), no banking company which holds a licence granted under section 22 may be voluntarily wound up unless the Reserve Bank certifies in writing that the company is able to pay in full all its debts to its creditors as they accrue, and without prejudice to the provisions contained in sections 218 and 220 of that Act, the Court shall, on the application of the Reserve Bank, order the winding up of the company by the Court if at any stage during the voluntary winding up proceedings the company is not able to meet such debts as they accrue.

45. *Restriction on amalgamation. etc.*—Notwithstanding anything contained in any law for the time being in force,—

(a) no Court shall sanction a compromise or arrangement between a banking company and its creditors or any class of them or between such company and its members or any class of them, unless the compromise or arrangement is certified by the Reserve Bank as not being detrimental to the interests of the depositors of such company, and

(b) no banking company shall enter into any agreement or arrangement for, or be a party to, any scheme for the amalgamation of such company with any other banking company without the previous sanction in writing of the Reserve Bank

PART IV

MISCELLANEOUS

46. *Penalties*—(1) Whoever in any return, balance-sheet or other document required by or under or for the purposes of any provision of this Act, wilfully makes a statement which is false in any material particular, knowing it to be false, or wilfully omits to make a material statement, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) If any person fails to produce any book, account or other document or to furnish any statement or information which under sub-section (2) of section 35 it is his duty to produce or furnish, or to answer any question relating to the business of a banking company which he is asked by an officer making an inspection under that section, he shall be punishable with a fine which may extend to five hundred rupees in respect of each offence, and if he persists in such refusal, to a further fine which may extend to fifty rupees for every day during which the offence continues.

(3) If any deposits are received by a banking company in contravention of an order under clause (a) of sub-section (4) of section 35 every director or other officer of the banking company, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent it, shall be deemed to be guilty of such contravention and shall be punishable with a fine which may extend to twice the amount of the deposits so received.

(4) If any other provision of this Act is contravened, or if any default is made in complying with any requirement of this Act or of any order made thereunder, every director and other officer of the banking company who is knowingly a party to the contravention or default shall be punishable with a fine not exceeding five hundred rupees, and where the contravention or default is a continuing one, with a further fine not exceeding fifty rupees for every day during which it continues.

(5) Without prejudice to the provisions of sub-section (4), if any banking company fails to comply with the provisions of section 24 or section 25, the Reserve Bank shall by notice in writing make a demand on the banking company to comply with the said provisions within thirty days from the receipt of the notice, and if the banking company fails so to do, the Reserve Bank may apply under section 38 for the winding up of the banking company.

47. *Cognizance of offences.*—No Court shall take cognizance of any offence punishable under section 46 except upon complaint in writing made by an officer of the Reserve Bank generally or specially authorised in writing in this behalf by 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.

48. *Application of fines.*—A Court imposing any fine under this Act may direct that the whole or any part thereof shall be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding of the person on whose information the fine is recovered.

49. *Special provisions for private banking companies.*—The exemptions whether express or implied, in favour of a private company in sections 17, 77, 83B, 86A, 91B, and 91D, and sub-section (5) of section 144 of the Indian Companies Act, 1913 (VII of 1913), shall not operate in favour of a private company which is a banking company.

50. *Certain claims for compensation barred.*—No person shall have any rights, whether in contract or otherwise, to any compensation for any loss incurred by reason of the operation of any of the provisions contained in sections 10 and 16 or by reason of the compliance by a banking company with any order given to it under sub-section (ii) of clause (d) of sub-section (1) of section 36.

51. *Application of certain provisions to the Imperial Bank of India.*—Without prejudice to the provisions of the Imperial Bank of India Act, 1920 (XLVII of 1920), the provisions of sections 10, 13 to 17, 19 to 21, 23 to 31, 34 to 48, 50 and 52 shall also apply, so far as may be, to and in relation to the Imperial Bank of India as they apply to and in relation to other banking companies.

52. *Power of Central Government to make rules.*—(1) The Central Government may, after consultation with the Reserve Bank, make rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act and all such rules shall be published in the official Gazette.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the details to be included in the returns required by this Act and the manner in which such returns shall be submitted.

(3) All rules made under this section shall be subject to the condition of previous publication, and the date to be specified under clause (3) of section 23 of the Central Clauses Act, 1897 (X of 1897), shall not be less than six months from the date on which the draft of the proposed rules was published:

Provided that in respect of the first occasion on which rules are made under this section, the provisions of this sub-section shall not apply.

53. *Power to exempt in certain cases.*—The Central Government may, on the recommendation of the Reserve Bank, declare, by notification in the official Gazette, that any or all of the provisions of this Act shall not apply to any banking company or to any class of banking companies either generally or for such period as may be specified.

54. *Protection of action taken under Act.*—(1) No suit or other legal proceeding shall lie against the Central Government, the Reserve Bank or any officer for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) Save as otherwise expressly provided by or under this Act, no suit or other legal proceeding shall lie against the Central Government, the Reserve Bank or any officer for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act.

55. *Amendment of Act II of 1934.*—The Reserve Bank of India Act, 1934 (II of 1934) shall be amended in the manner specified in the fourth

column of the First Schedule, and the amendments to section 18 thereof as specified in the said Schedule shall be deemed to have had effect on and from the 20th day of September, 1947.

56. *Repeals.*—(1) The enactments mentioned in the third column of the Second Schedule shall be repealed to the extent specified in the fourth column thereof.

(2) Notwithstanding the repeal by this Act of any Ordinance mentioned in the Second Schedule, anything done or any action taken in the exercise of any power conferred by any Order so repealed, shall for all purposes be deemed to have been done or taken in the exercise of powers conferred by this Act as if this Act had been in force on the day such thing was done or such action was taken.

THE FIRST SCHEDULE

(See section 55)

AMENDMENTS

Year	No.	Short title	Amendments
1	2	3	4
1934	II	The Reserve Bank of India Act, 1934.	<p>(1) In section 17, to clause (15A), the following shall be added, namely:—</p> <p>“and under the Banking Companies Act, 1949”.</p> <p>(2)(a) Section 18 will be renumbered as sub-section (1) of that section and in sub-section (1), as so renumbered,—</p> <p>(i) in clause (3), after the words “of that section”, the following words shall be added, namely:—</p> <p>“or when the loan or advance is made to a banking company, as defined in the Banking Companies Act, 1949, against such other form of security as the bank may consider sufficient”;</p> <p>(ii) for the words “under this section” wherever they occur, the words “under this sub-section” shall be substituted;</p> <p>(b) After sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—</p> <p>“(2) where a banking company to which a loan or advance has been made under the provisions of clause (3) of sub-section (1) is wound up, any sums due to the Bank in respect of such loan or advance, shall, subject only to the claims, if any, of any other banking company in respect of any prior loan or advance made</p>

Year	No.	Short title	Amendments
1	2	3	4
			<p>by such banking company against any security, be a first charge on the assets of the banking company."</p> <p>(3) In section 42 for sub-section (6) the following sub-section shall be substituted, namely:—</p> <p>(6) The Bank shall, save as hereinafter provided, by notification in the Gazette of India,—</p> <p>(a) direct the inclusion in the Second Schedule of any bank not already so included which carries on the business of banking in any Province of India and which—</p> <p>(i) has a paid-up capital and reserve of an aggregate value of not less than five lakhs of rupees, and</p> <p>(ii) satisfies the Bank that its affairs are not being conducted in a manner detrimental to the interests of its depositors, and</p> <p>(iii) is a company as defined in clause (2) of section 2 of the Indian Companies Act, 1913 (VII of 1913) or a corporation or a company incorporated by or under any law in force in any place outside the Provinces of India;</p> <p>(b) direct the exclusion from that Schedule of any scheduled bank,—</p> <p>(i) the aggregate value of whose paid-up capital and reserve becomes at any time less than five lakhs of rupees, or</p> <p>(ii) which is, in the opinion of the bank after making an inspection under section 35 of the Banking Companies Act, 1949, conducting its affairs to the detriment of the interests of its depositors, or</p> <p>(iii) which goes into liquidation or otherwise ceases to carry on banking business:</p> <p>Provided that the Bank may, on application of the scheduled bank concerned and subject to such conditions, if any, as it may impose, defer the making of a direction under sub-</p>

Year 1	No. 2	Short title 3	Amendments 4
			<p>clause (i) or sub-clause (ii) of clause (b) for such period as the Bank considers reasonable to give the scheduled bank an opportunity of increasing the aggregate value of its paid up capital and reserves to not less than five lakhs of rupees or, as the case may be, of removing the defects in the conduct of its affairs;</p> <p>(c) alter the description in that Schedule whenever any scheduled bank changes its name.</p> <p><i>Explanation.</i>—In this sub-section the expression "value" means the real or exchangeable value and not the nominal value which may be shown in the books of the Bank concerned; and if any dispute arises in computing the aggregate value of the paid-up capital and reserves of a bank a determination thereof by the bank shall be final for the purposes of this sub-section.</p>

THE SECOND SCHEDULE

(See section 46)

REFRALS

Year 1	No. 2	Short title 3	Extent of appeal 4
1913	VII	The Indian Companies Act, 1913.	The whole of Part XA.
1946	XXVII	The Banking Companies (Restriction of Branches) Act, 1946.	The whole.
1946	IV	The Banking Companies (Inspection) Ordinance, 1946.	The whole.
1948	XXV	The Banking Companies (Control) Ordinance, 1948.	The whole.

THE THIRD SCHEDULE

(See Section 29)

FORM A.

FORM OF BALANCE-SHEET

CAPITAL AND LIABILITIES

PROPERTY AND ASSETS

Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
CAPITAL (a)—		CASH :	
Authorised Capital.....		In hand and with Reserve	
Shares of Rs. each		Bank (including foreign	
.....		currency notes)	
Issued Capital.....Shares		Balances with other Banks	
of Rs.....each		(showing whether on de-	
Subscribed Capital		posit or current account):	
Shares of Rs.....each		(i) in the Provinces of	
.....		India.	
Amount called up at Rs.....		(ii) outside the Provinces of	
per share		India	
Less calls unpaid		MONEY AT CALL AND SHORT	
Add forfeited shares .		NOTICE	
RESERVE FUND (b)		BILLS DISCOUNTED AND PUR-	
DEPOSITS AND OTHER ACCO-		CHASED. (c)	
UNTS :		(Other than Treasury Bills	
Fixed Deposits		of the Central and Pro-	
Savings Bank Deposits . .		vincial Governments)	
Currents Accounts and con-		(i) payable in any Province	
tingency (unadjusted) ac-		of India.	
counts.		(ii) payable outside the Pr-	
BORROWINGS FROM OTHER		ovinces of India.	
BANKS, AGENTS, ETC.:		INVESTMENTS (stating mode	
(i) in the Provinces of India		of valuation, e. g., cost or	
(ii) outside the Provinces of		market value) (f)	
India.		(i) Securities of the Cent-	
Particulars :		ral and Provincial Gov-	
(i) Secured (stating the na-		ernments and Trustee	
ture of security)		securities, including Tre-	
(ii) Unsecured		asury Bills of the Central	
BILLS PAYABLE		and Provincial Govern-	
BILLS FOR COLLECTION BEING		ments	
BILLS RECEIVABLE AS per		(ii) Shares (classifying into	
contra :		preference, ordinary, de-	
(i) payable in any Province		ferred and other classes	
of India		of shares and showing	
(ii) payable outside the Pr-		separately shares fully	
ovinces of India.		paid up and partly paid up.	
		(iii) Debentures or Bonds	
		(iv) Other investments (to	
		be classified under pro-	
		per heads).	
		(v) Gold.	

FORM A—contd.	
CAPITAL AND LIABILITIES	PROPERTY AND ASSETS
Rs. A. P.	Rs. A. P. Rs. A. P.
	LOANS, ADVANCES, CASH CREDITS AND OVERDR.
	ARTS (other than bad and doubtful debts for which provision has been made to the satisfaction of the auditors).
	(i) in the Provinces of India
	(ii) outside the Provinces of India.
OTHER LIABILITIES (TO BE SPECIFIED) (c)	Particulars :
ACCEPTANCES, ENDORSEMENTS AND OTHER OBLIGATIONS <i>per contra</i> .	(i) Debts considered good in respect of which the bank is fully secured.
	(ii) Debts considered good for which the bank holds no other security than the debtors' personal security
	(iii) Debts considered good, secured by the personal liabilities of one and more parties in addition to the personal security of the debtors
PROFIT AND LOSS :	(iv) Debts considered doubtful or bad, not provided for
<i>Less</i> appropriation thereof ———	(v) Debts due by directors or officers of the bank or any of them either severally or jointly with any other persons
CONTINGENT LIABILITIES. (b)	(vi) Debts due by companies or firms in which the directors of the bank are interested as directors, partners or managing agents or, in the case of private companies, as members
	(vii) Maximum total amount of loans, including temporary advances made at any time during the year to directors or managers or officers of the company.
	(viii) Maximum total amount of loans, including

FORM A—*contd.*

CAPITAL AND LIABILITIES

Rs. A. P. Rs. A. P.

PROPERTY AND ASSETS

Rs. A. P. Rs. A. P.

temporary advances granted during the year to the companies or firms in which the directors of the bank are interested as directors, partners or managing agents or, in the case of private companies, as members . . .

(ix) Due from banks. . .

BILLS FOR COLLECTION
BRIING BILLS RECEIVABLE AS *per contra* . . .

(i) payable in any Province of India . . .

(ii) payable outside the Provinces of India . . .

ACCEPTANCES, ENDORSEMENTS AND OTHER OBLIGATIONS
per contra . . .

PREMISES LESS DEPRECIATION (g) . . .

FURNITURE AND FIXTURES LESS DEPRECIATION (g) . . .

OTHER ASSETS, INCLUDING SILVER (to be specified) (h) . . .

NON-BANKING ASSETS ACQUIRED IN SATISFACTION OF CLAIMS (stating mode of valuation) (i) . . .

PROFIT AND LOSS

TOTAL

TOTAL

NOTES

(a) *Capital* :—

(i) The various classes of capital, if any, should be distinguished.

(ii) Shares issued as fully paid-up pursuant to any contract without payments being received in cash should be stated separately.

(iii) Where circumstances permit, issued and subscribed capital and amount called up may be shown as one item, e.g., Issued and Subscribed Capital.....Shares of Rs.....paid up.

(iv) In the case of banking companies incorporated outside the Provinces of India, the amount of deposit kept with the Reserve Bank of India under sub-section (2) of section 11 of the Banking Companies Act, 1949, should

FORM A—Contd.

be shown under this head, the amount, however, should not be extended to the outer column.

(b) The reserve fund maintained under section 17 of the said Act should be shown separately.

(c) Under this heading are to be included such items as the following, to be shown under separate headings suitably described : pension or insurance funds, unclaimed dividends, advance payments and unexpired discounts, liabilities to subsidiary companies and any other liabilities.

(d) These should be classified under the following categories :—

(i) Claims against the Banking company not acknowledged as debts.

(ii) Money for which the Bank is contingently liable showing separately the amount of any guarantee given by the banking company on behalf of directors or officers.

(iii) Arrears of cumulative preference dividends.

(iv) Liability on Bills of Exchange re-discounted.

(v) Liability on account of outstanding Forward Exchange Contracts.

(e) Particulars as under "Loans, Advances, Cash Credits and Overdrafts" are to be shown under this heading.

(f) Where the value of the investments shown in the outer column of the balance-sheet is higher than the market value, the market value shall be shown separately in brackets.

(g) Bank premises wholly or partly occupied for the purposes of business should be shown against "Premises less depreciation." In the case of fixed capital expenditure, the original cost, and additions thereto and deductions therefrom during the year should be stated, as also the total depreciation written off. Where sums have been written off on a reduction of capital or revaluation of assets, every balance-sheet after the first balance-sheet subsequent to the reduction or revaluation should show the reduced figures with the date and amount of the reduction made. Furniture, fixtures and other assets which have been completely written off need not be shown in the balance-sheet.

(h) Under this heading may be included such items as the following, which must be shown under headings suitably described : Preliminary, formation and organisation expenses, development expenditure, commission and brokerage on shares, interest accrued on investments but not collected, investments in shares of subsidiary companies and any other assets.

(i) Value shown shall in no case exceed market value.

References to the Provinces of India shall be construed as including references to the Acceding States to which the Banking Companies Act, 1949, for the time being extends.

FORM B.

FORM OF PROFIT AND LOSS ACCOUNT

Profit and Loss Account for the year ended December

EXPENDITURE

INCOME (LESS PROVISION
MADE DURING THE YEAR
FOR BAD AND DOUBTFUL
DEBTS)

Interest paid on deposits.
Salaries and Allowances (show-
ing separately salaries and

--- Interest and Discount.
Commission, Exchange
and Brokerage.

FORM B—Cont'd.

allowances to managing director or manager.)	Rents.
Directors' Fees and allowances.	Transfer from contingencies account.
Local Committee members' fees and allowances.	Profit made on sale of investments, gold and silver, land, premises and other assets.
Provident Fund.	Profits made on revaluation of investments, gold and silver, land, premises and other assets.
Rent, Taxes, Insurance, Lighting, etc.	Income from non-banking assets, and profit from sale of or dealing with such assets.
Law Charges.	Other receipts.
Postage, Telegrams and Stamp.	Loss (if any).
Auditors' Fees.	
Depreciation on Bank's Property.	
Repairs to Bank's Property	
Stationery, Printing, Advertisement, etc.	
Loss from sale of or dealing with non-banking assets.	
Other Expenditure.	
Balance of Profit.	
Total	Total

The Railways (Transport of Goods) Amendment Act, 1949.

Received the assent of the Governor-General on the 25th March 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 26th March 1949.

Act No XI of 1949

An Act further to amend the Railways (Transport of Goods) Act, 1947.

WHEREAS it is expedient further to amend the Railways (Transport of Goods) Act, 1947 (XII of 1947), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Railways (Transport of Goods) Amendment Act, 1949.

2. *Amendment of section 1, Act XII of 1947.*—In sub-section (3) of section 1 of the Railways (Transport of Goods) Act, 1947, for the words and figures "26th day of March, 1949" the words and figures "31st day of March, 1950" shall be substituted.

The Protective Duties (Miscellaneous Provisions) Act, 1949.

Received the assent of the Governor-General on the 29th March 1949, and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 29th March 1949.

Act No. XII of 1949

An Act to extend the date upto which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries (Protection) Act, 1932.

WHEREAS it is expedient to extend the date upto which certain duties characterised as protective in the First Schedule (to the Indian Tariff Act, 1934 (XXXII of 1934)), shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries (Protection) Act, 1932 (XIII of 1932);

It is hereby enacted as follows:—

1. *Short title and commencement.*— This Act may be called the Protective Duties (Miscellaneous Provisions) Act, 1949.

(2) It shall come into force on the 1st day of April, 1949.

2. *Amendment of First Schedule, Act XXXII of 1934.*—In the First Schedule to the Indian Tariff Act, 1934,—

(i) in Items Nos. 8(3), 20(1), 20(3), 20(4), 46, 46(1), 47, 47(1), 48, 48(1), 48(4), 48(5) and 48(7), in the column headed "Duration of protective rates of duty" for the figures "1949", wherever they occur, the figures "1951" shall be substituted;

(ii) in Items Nos. 28(5), 48(10) and 61(5),—

(a) in the third column, for the word "Protective", wherever it occurs; the word "Revenue" shall be substituted; and

(b) the entry in the last column shall be omitted;

(iii) in Items Nos. 17, 28(15), 28(16), 28(17), 28(18)(a), 28(19), 28(20), 30(9), 30(10), 63(30), 63(34), 70(2), 70(3), 71(7), 72(11), and 73(7), in the column headed "Duration of protective rates of duty," for the figures "1949" wherever they occur, the figures "1950" shall be substituted;

(iv) in Item No. 49,—

(i) in sub-item (a), for the figures, brackets and word "48(7) or 48(10), the word, figures and brackets "or 48(7)" shall be substituted;

(ii) in sub-item (b), for the word, figures and brackets "or 48(9)" the figures, brackets and word "48(9) or 48(10)" shall be substituted;

(v) for Item No. 65, the following Item shall be substituted, namely:—

"65	All non-ferrous nickel alloys including German-silver, nickel-silver and cupro-nickel— (a) containing 40 per cent. or less by weight of nickel. (b) containing more than 40 per cent. by weight of nickel.	Revenue	30 per cent. ad valorem. 30 per cent. ad valorem.	March 31st 1950. ";
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(vi) in Item No. 72(1), in the second column, for the words "take-up motions, temples, and pickers", the words "take-up motions and temples" shall be substituted;

(vii) after Item No. 72(32), the following Item shall be inserted, namely:—

"72 (33)	Pickers used in textile industries.	Protective.	10 per cent. ad valorem.	March 31st 1951."
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(viii) after Item No. 73(14), the following Item shall be inserted, namely:—

“73 (15)	Batteries for motor vehicles (including batteries which are interchangeable for automobile purposes on the one hand and radio, telephone and telegraph on the other) and plates for such batteries— (a) of British manufacture (b) not of British manufacture.	Protective Protective	80 per cent. ad valorem. Preferential rate of duty actually charged for the time being for such products of United Kingdom origin plus six per cent ad valorem. March 31st 1950. ... March 31st 1950.”;
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(ix) in Item No. 74, in the second column, after the words “and accessories thereof” the words “other than batteries” shall be inserted;

(x) in Items Nos. 74(1) and 74(2), in the second column, for the brackets and words “(other than rubber tyres and tubes)”, the brackets and words “(other than rubber tyres, tubes and batteries)” shall be substituted;

(xi) in Item No. 75 (1), in the second column, for the words “rubber tyres and tubes”, the words “rubber tyres, tubes and batteries” shall be substituted;

(xii) in Items Nos. 75(5), 75(6), 75(7) and 75(8), in the last column headed “Duration of protective rates of duty”, for the figures “1949” the figures “1952” shall be substituted.

3. *Amendment of preamble and section 3, Act XIII of 1932.*—In the preamble to the Sugar Industry (Protection) Act, 1932, and in section 3 thereof, for the figures “1949”, wherever they occur, the figures “1950” shall be substituted.

The Central Tea Board Act, 1949.

Received the assent of the Governor-General on the 30th March, 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 30th March 1949.

Act No. XIII of 1949

An Act to provide for the development of the tea industry under Central control, and for that purpose to establish a Central Tea Board and levy a customs-duty on tea exported from India.

WHEREAS it is expedient to provide for the development of the tea

industry under Central control, and for that purpose to establish a Central Tea Board and levy a customs-duty on tea exported from India ;

It is hereby enacted as follows :—

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Central Tea Board Act, 1949.

(2) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State with respect to the matters dealt within this Act.

(3) Sub-section (1) of section 20 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. *Declaration as to expediency of control by Central Government.*—It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the development of the tea industry.

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

(a) “Board” means the Central Tea Board constituted under section 4 ;

(b) “cess” means the customs-duty imposed by section 11 ;

(c) “dealer” means a dealer in tea ;

(d) “Fund” means the Tea Improvement Fund referred to in section 12 ;

(e) “grower” means a grower of tea ;

(f) “manufacturer” means a manufacturer of tea ;

(g) “member” means a member of the Board ;

(h) “prescribed” means prescribed by rules made under this Act.

Central Tea Board.

4. *Constitution of Central Tea Board.*—(1)—The Central Government shall, by notification in the official Gazette and with effect from a date specified therein, constitute a Board to be called the “Central Tea Board” for the purpose of exercising such powers and discharging such duties as may be assigned to the Board by or under this Act.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Board shall consist of the following members, namely :—

(i) a Chairman to be nominated by the Central Government ;

(ii) the following regional representatives, namely :—

(a) *Assam* : Six persons of whom five shall be nominated by such bodies and in such manner as may be prescribed and one by the Government of Assam.

(b) *Tirpura* : One person to be nominated by the Government of Tripura.

(c) *West Bengal* : Four persons of whom three shall be nominated by such bodies and in such manner as may be prescribed and one by the Government of West Bengal.

(d) *Madras* : Three persons of whom two shall be nominated by such bodies and in such manner as may be prescribed and one by the Government of Madras.

(e) *Travancore* : Two persons of whom one shall be nominated by such

bodies and in such manner as may be prescribed and one by the Government of Travancore.

(f) *Mysore* : One person to be nominated by the Government of Mysore

(g) *The United Provinces* : One person to be nominated by the Government of the United Provinces.

(h) *East Punjab* : One person to be nominated by the Government of East Punjab ;

(iii) two persons to be elected by the members of the Central Legislature from among themselves;

(iv) nine persons to be nominated by the Central Government, of whom three shall be representatives of labour, two of exporters of tea, two of internal traders in tea, and two of Chambers of Commerce and Industry;

(v) four officials to be nominated by the Central Government.

(4) Every nomination or election of a member shall be notified in the official Gazette; and the notification shall specify the term, not exceeding three years for which the member shall hold office and the date from which such term shall commence.

(5) When the term of office of a member expires or is about to expire by efflux of time, or when a member dies, resigns, is removed, ceases to reside in India, or becomes incapable of acting, the body or Government which nominated or elected him under sub-section (3) may nominate or elect a person to fill the vacancy which has arisen or is about to arise, as the case may be.

(6) If any body or any Government other than the Central Government fails to make any nomination which it is entitled to make under sub-section (3) or sub-section (5) within the time and in the manner, if any, prescribed in that behalf, the Central Government may itself make the nomination; and any person so nominated shall, for all the purposes of this Act, be deemed to have been nominated by the body or Government concerned.

5. *Vacancies, etc., not to invalidate acts and proceedings.*—No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Board.

6. *Salary and allowances of Chairman.*—The Chairman shall be entitled to such salary and allowances and to such conditions of service in respect of leave, pension, provident fund, and other matters as may from time to time be fixed by the Central Government.

7. *Vice-Chairman.*—The Board shall elect from among its members a Vice-Chairman, who shall exercise such of the powers and discharge such of the duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

8. *Executive and other Committees.*—(1) There shall be an Executive Committee for the purpose of exercising such of the powers and performing such of the duties of the Board, as may be prescribed or as the Board may delegate to the Committee, not being powers or duties the delegation of which is prohibited by rules made under this Act.

(2) The Executive Committee shall consist of—

(i) the Chairman;

(ii) the Vice-Chairman; and

(iii) seven other members elected by the Board from among its members in the manner prescribed.

(3) Subject to such control and restrictions as may be prescribed, the Board may constitute other Standing Committees or ad hoc Committees for exercising any power or discharging any duty of the Board or for inquiring into and reporting or advising on any matter which the Board may refer to them.

(4) A Standing Committee shall consist exclusively of members of the Board.

(5) An ad hoc Committee may include persons who are not members of the Board, but their number shall not exceed one-half of its strength.

9. *Secretary and staff.*—(1) The Central Government shall, after consulting the Board, appoint a Secretary to the Board who shall, under the control and direction of the Board, exercise such powers and preform such duties as may be prescribed or as may be delegated to him by the Board or the Chairman.

(2) Subject to such control and restrictions as may be prescribed, the Board may appoint such officers and servants as may be necessary for the efficient performance of its functions and pay them such salaries and allowances as it may from time to time determine.

10. *Functions of Board.*—(1) The Board, may take such measures as it may consider desirable for the benefit or development of the tea industry, including measures for—

(a) promoting the sale, and increasing the consumption, in India and elsewhere, of Indian tea or of tea generally; carrying on propaganda for those purposes;

(b) increasing the production of tea in India;

(c) undertaking, assisting or encouraging scientific, technological and economic research, and maintaining, and assisting in the maintenance of, research institutes, and experimental and demonstration farms and manufacturing stations;

(d) collecting statistics from growers, manufacturers or dealers and from such other persons as may be prescribed, on any matter relating to the tea industry; the publication of statistics so collected or portions thereof or extracts therefrom;

(e) fixing grade standards of tea and providing for training in tea testing;

(f) improving the marketing of tea in India and elsewhere; and preventing unfair competition;

(g) assisting in the control of insects and other pests and diseases affecting tea;

(h) promoting co-operative efforts among growers and manufacturers;

(i) ensuring remunerative returns to growers and manufacturers;

(j) such other matters as may be prescribed.

(2) The Board shall exercise the powers conferred on it by sub-section (1) in accordance with, and subject to, such rules as may be prescribed, including rules for the allocation of moneys to different purposes.

Levy of cess and constitution of Fund

11. *Imposition of duty on exports of Indian tea.*—A customs-duty shall be levied and collected on all tea exported outside India from any area to which this Act applies, at such rate not exceeding two rupees per hundred pounds as the Central Government may, after consulting the Board, notify in the official Gazette.

12. *Constitution of Fund.*—(1) As soon as may be after the expiry of each month, the proceeds of the cess collected during that month shall, after

deduction of the expenses of collection be paid to the Board; and the Board, shall credit the said proceeds and any other moneys which may be received by it to a Fund to be called the "Tea Improvement Fund."

(2) The Fund shall be applied towards meeting the expenses of the Board and the cost of the measures referred to in section 10.

13. *Borrowing powers of Board.*—Subject to such rules as may be prescribed, the Board shall have power to borrow on the security of the Fund or any other of its assets for any purpose for which the Fund may be applied.

14. *Accounts and audit*—(1) The Board shall cause accounts to be kept of all moneys received and expended by it.

(2) The accounts shall be audited every year by auditors appointed in this behalf by the Central Government; and such auditors shall disallow every item which, in their opinion, is not authorised by this Act or any rule made or direction issued thereunder.

(3) The Board may, within three months from the date of the communication to it of the disallowance of any item as aforesaid, appeal against such disallowance to the Central Government whose decision shall be final.

15. *Power of Central Government to make rules.*—(1) The Central Government may after consulting the Board and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

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

(a) the circumstances in which, and the authority by which members may be removed;

(b) the holding of a minimum number of meetings of the Board every year;

(c) the maintenance of a record of all business transacted at meetings of the Board and the submission of copies of such records to the Central Government;

(d) the conditions subject to which, and the mode in which, contracts may be made by or on behalf of the Board;

(e) the preparation of budget estimates of the receipts and expenditure of the Board and the authority by which such estimates shall be sanctioned;

(f) the power of the Board, the Executive Committee and the Chairman, in regard to the incurring of expenditure; and the reappropriation of estimated savings in any budget head to another such head;

(g) the conditions subject to which the Board may incur expenditure outside India;

(h) the conditions subject to which the Board may borrow;

(i) any other matter which is to be, or may be, prescribed.

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

16. *Power of Board to make by-laws.*—(1) The Board may make by-laws consistent with this Act and the rules made thereunder, to provide for—

(a) the dates, times and places of its meetings and of meetings of its Executive and other Committees, the quorum for such meetings, and the procedure thereat;

(b) the delegation of powers and duties to its Executive or any other Committee, or to its Chairman, Vice-Chairman, Secretary or any other of its officers;

(c) the traveling allowances of members and of members of Committees;

(d) the appointment, promotion and dismissal of its officers and servants, and the creation and abolition of their posts ;

(e) the conditions of service of its officers and servants, including their pay, leave, allowances, pensions, gratuities, compassionate allowances and travelling allowances, and the establishment and maintenance of a provident fund for them ;

(f) the maintenance of its accounts ;

(g) the persons by whom, and the manner in which payments, deposits and investments may be made on its behalf ;

(h) the custody of moneys required for its current expenditure ; and the investment of moneys not so required ;

(i) the preparation of statements showing the sums allotted to Departments of the Central and Provincial Governments or to other institutions.

(2) No by-law shall take effect until it has been confirmed by the Central Government and published in the official Gazette ; and the Central Government, in confirming a by-law, may make any change therein which appears to it to be necessary

(3) The Central Government may, by notification in the official Gazette, cancel any by-law which it has confirmed, and thereupon the by-law shall cease to have effect.

Miscellaneous

17. *Penalties.*—If any person—

(a) in any return to be furnished under this Act makes any statement which is false and which he knows to be false or does not believe to be true, or

(b) obstructs any officer of the Board in the exercise of any power conferred or in the discharge of any duty imposed, on him by or under this Act, or

(c) having the control or custody of any account book or other record, fails to produce such book or record, when required to do so under this Act, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

18 *Prosecution to be with the consent of the Central Government.*—No Court shall take cognizance of any offence under this Act unless upon complaint made by or with the consent of the Central Government.

19. *Bar of legal proceedings.*—No suit, prosecution or other legal proceeding shall lie against the Board or any member or officer of the Board for anything in good faith done or intended to be done under this Act.

20 *Temporary continuance and ultimate repeal of Act IX of 1903.*—(1) The Indian Tea Cess Act, 1903 (IX of 1903) (including sections 2 to 7 thereof which expire on the 31st day of March, 1949), shall continue to remain in force until, and shall stand repealed on the date appointed for the commencement of this Act.

(2) (a) All moneys and other property, and all rights and interests, of whatever kind, owned by, vested in, used, enjoyed or possessed by, or held in trust by or for, the Indian Tea Market Expansion Board constituted under Act IX of 1903, as well as all liabilities legally subsisting against it, shall pass to the Board with effect from the commencement of this Act ;

(b) All officers and servants of the Indian Tea Market Expansion Board constituted under Act IX of 1903 who hold office immediately before the commencement of this Act shall be deemed to have been appointed officers and servants of the Board with effect from the commencement of this Act, and shall be entitled to the same pay and allowances and to the same

conditions of service in respect of other matters as they were entitled to immediately before the commencement of this Act; and any contract of service entered into by any such officer or servant with the Indian Tea Market Expansion Board aforesaid shall have effect as if it were a contract entered into by him with the Board immediately after the commencement of this Act;

(c) Any proceedings taken by the Indian Tea Market Expansion Board aforesaid before the commencement of this Act may be continued by the Board.

(3) If any difficulty arises in giving effect to the provisions of this or any other section of this Act, the Central Government may, as occasion may arise, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

The Indian Finance Act, 1949.

Received the assent of the Governor General on the 31st March, 1949 and is published in the Gazette of India, Extraordinary, Part IV, dated the 31st March 1949.

Act No. XIV of 1949.

An Act to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949.

WHEREAS it is expedient to discontinue the duty on salt, to fix maximum rates of postage under the Indian Post Office Act, 1898 (VI of 1898), to alter certain duties on customs and excise, to levy certain additional duties of customs and excise, to fix rates of, and make certain provisions relating to, income-tax and super-tax, and to continue, for a period of one year, the tax imposed by the Business Profits Tax Act, 1947 (XXI of 1947);

It is hereby enacted as follows:—

1 *Short title and extent*—(1) This Act may be called the Indian Finance Act, 1949

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

2. *Discontinuance of salt duty*.—For the year beginning on the 1st day of April, 1949, no duty shall be levied on salt manufactured in, or imported by sea, or by land into, the Provinces of India.

3. *Inland postage rates*.—For the year beginning on the 1st day of April, 1949, the Schedule contained in the First Schedule to this Act, shall be inserted in the Indian Post Office Act, 1898 (VI of 1898), as the First Schedule to that Act.

4. *Alteration of certain duties of customs*.—In the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934):—

(a) in Item No. 9(5), for the entry in the fourth column, the entry "Seven annas and six pies per lb" shall be substituted, and for the entry in the sixth column, the entry "Seven annas per lb" shall be substituted;

(b) in Item No. 24, for the entry in the fourth column, the entry "Rs. 16-4-0 per lb." shall be substituted;

(c) in Item No. 24(1), for the entry in the fourth column, the entry "37½ per cent. *ad valorem* plus Rs. 15-10-0 per lb." shall be substituted;

(d) in Item No. 24(2), for the entry in the fourth column, the entry "37½ per cent. *ad valorem* plus Rs. 39-1-0 per thousand or Rs. 15-10-0 per lb. whichever is higher" shall be substituted;

(e) for Item No. 28(14), the following Item shall be substituted, namely:—

"28 (14) Toilet Requisites Revenue 37½ per cent.";
not otherwise
specified *ad valorem*.

(f) in each of the Items Nos. 34(3), 51, 61(8), 61(9), 78, 82(1) and 85(1), for the entry in the fourth column, the entry "75 per cent. *ad valorem*" shall be substituted ;

(g) in each of the Items Nos. 44, 45, 60, 71(2) and 71(3), for the entry in the fourth column, the entry "37½ per cent. *ad valorem*" shall be substituted ;

(h) after Item No. 60(5), the following Item shall be inserted, namely :—

"60(6) Sheet and plate Revenue 45 per cent."
glass. *ad valorem*.

(i) in Item No. 73(2), the words "flash lights" shall be omitted ;

(j) after Item No. 73(13), the following Item shall be inserted, namely :—

"73 (14) Flash lights Revenue 37½ per cent.";
ad valorem

(k) in Item No. 77, the words "including photographic" shall be omitted ; and

(l) after Item No. 77(4), the following Item shall be inserted, namely :—

"77 (5) Photographic Preferential 45 per cent. 33 per
instruments, Revenue. *ad valorem* cent. *ad*
apparatus *valorem*.
and app-
liances.

5 Additional duties of customs—When any goods chargeable with a duty of customs under the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), or under that Schedule read with any notification of the Central Government for the time being in force, are assessed to duty, there shall up to the 31st day of March 1950, be levied and collected as an addition to, and in the same manner as, the total amount so chargeable—

(a) a sum equal to such amount, in the case of goods comprised in Items Nos. 22(2) and 22(4) ;

(b) a sum equal to one-half of such amount, in the case of goods comprised in Items Nos. 48, 48(1), 48(2), 48(4), 48(5), 48(6), 48(7), 48(8), 48(10) and 51(2) ;

(c) a sum equal to two-fifths of such amount, in the case of goods comprised in Items Nos. 47(2), 59(2), 59(4) and 59(5) ; and

(d) a sum equal to one-fifth of such amount, in the case of goods comprised in any Item of the said Schedule other than those specified in clause (a), (b) or (c) of this section or in the Second Schedule to this Act :

Provided that in the case of goods comprised in Items Nos. 48 to 48(10), both inclusive, if the duty of excise for the time being leviable on like goods exceeds the sum of—

(i) the duty of customs chargeable under the First Schedule to the Indian Tariff Act, 1934, or under that Schedule read with any notification of the Central Government for the time being in force, and

(ii) the additional duty of customs chargeable under clause (b) or (d) of this section.

there shall, up to the 31st day of March, 1950, be levied and collected

as a further addition to, and in the same manner as, the duties of customs so chargeable an amount equal to the aforesaid excess.

6. *Imposition and alteration of certain export duties.*—In the Second Schedule to the Indian Tariff Act, 1934, (XXXII of 1934),—

(a) in Item No. 1, for the words and brackets “Raw Jute (other than Bimlipatam jute)” in the entry in the second column, the word and brackets “Raw Jute (including bimlipatam jute and mesta fibre)” shall be substituted;

(b) in Item No. 2, for the words and brackets “Jute manufactures (other than of Bimlipatam jute)”, in the entry in the second column, the words and brackets “Jute manufactures (including manufactures of Bimlipatam jute and of mesta fibre)” shall be substituted;

(c) in Item No. 6, for the entry in the third column, the entry “10 per cent. ad valorem” shall be substituted;

(d) Items Nos. 8 and 9 shall be omitted; and

(e) after Item No. 7, the following Item shall be inserted, namely:—

“8. Cigarettes, Cigars and cheroots	...	15 per cent.
		ad valorem”.

7. *Imposition and alteration of certain duties of excise.*—In the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944),—

(a) in Item No. 2, for sub-items (1) and (2), the following shall be substituted, namely:—

“(1) Matches, in boxes containing 60 matches on an average, if manufactured in a factory whose output—

- | | |
|---|--|
| (i) exceeds five hundred thousand gross of boxes per year. | Three rupees per gross of boxes. |
| (ii) does not exceed five hundred thousand gross of boxes per year, but exceeds one hundred gross of boxes per day. | two rupees, fifteen annas and three pies per gross of boxes. |
| (iii) does not exceed one hundred gross of boxes per day. | Two rupees and fourteen annas per gross of boxes. |

(2) Matches, in boxes containing 40 matches on an average, if manufactured in a factory whose output—

- | | |
|--|---|
| (i) exceeds five hundred thousand gross of boxes per day. | Two rupees per gross of boxes. |
| (ii) does not exceed five hundred thousand gross of boxes per year but exceeds one hundred gross of boxes per day. | One rupee, fifteen annas and six pies per gross of boxes. |
| (iii) does not exceed one hundred gross of boxes per day. | One rupee and fifteen annas per gross of boxes. |

(b) in Item No. 4, for the entry in the third column, the entry Fifteen annas per imperial gallon shall be substituted;

(c) in Item No. 8, for the entry in the third column against sub-item (1), the entry “Three rupees and twelve annas per cwt.” shall be substituted;

(1) for Item No. 10, the following Item shall be substituted, namely:—

“10 TYRES—

‘Tyre’ means a pneumatic tyre in the manufacture of which rubber is used, and includes the inner tube and the outer cover of such a tyre.

Tyres for motor vehicles	30 per cent.
	ad valorem.

- (2) All other tyres 15 per cent.
ad valorem.

and

(c) Item No. 12 inserted by section 2 of the Central Excises and Salt (Amendment) Ordinance, 1949 (I of 1949), shall be omitted, and the following item inserted in lieu thereof, namely:—

“12 CLOTH—

‘Cloth’ means any type of cloth manufactured either wholly from cotton or partly from cotton and partly from any other material, but does not include—

- (i) ready made clothing other than dhoties and sarees;
- (ii) hosiery;
- (iii) leather cloth and inferior or imitation leather cloth ordinarily used in book-binding;

(iv) tracing paper;

(v) cloth manufactured partly from cotton and partly from wool and containing 40 per cent. or more of wool by weight;

(vi) rubberised or synthetic waterproof fabrics whether single textured or double-textured; and

(vii) hand-loom cloth.

(1) Superfine cloth—

that is to say, cloth in which the count of warp yarn (whether single or folded) is 48s or finer. Twenty-five per cent. ad valorem.

(2) Fine cloth—

that is to say, cloth in which the count of warp yarn (whether single or folded) is 35s or finer but does not exceed 47s. Six and one-fourth per cent. ad valorem.

(3) Medium cloth—

that is to say, cloth in which the count of warp yarn (whether single or folded) is 17s or finer but does not exceed 34s. Three pias per yard.

(4) Coarse cloth—

that is to say, all other cloth in which the count of warp yarn (whether single or folded) does not exceed 16s. Three pias per yard.

8. *Amendment of Act XI of 1922.*—(1) The following amendments shall be made in the Indian Income-tax Act, 1922 (hereafter in this Act referred to as “the Income-tax Act”), namely:—

(a) for clause (6) of section 2, the following clause shall be substituted, namely:—

(6) ‘company’ means—

(i) any Indian company, or

(ii) any association, whether incorporated or not and whether Indian or non-Indian, which is or was assessable or was assessed, as a company for the assessment for the year ending on the 31st day of March, 1948, or which is declared by general or special order of the Central Board of Revenue to be a company for the purposes of this Act”;

(b) in the last proviso to clause (6A) of section 2, after the figures “1946” the words and figures “or after the 31st day of March, 1948” shall be inserted; and

(c) in sub-section (1) of section 12B, after the figures “1946” the words and figures “and before the 1st day of April, 1948” shall be inserted.

(2) The amendment made by clause (a) of sub-section (1) shall be deemed to be operative so as to apply in relation to all assessments subsequent to the assessment for the year ending on the 31st day of March, 1948, whether such assessments have, or have not, been made before the commencement of this Act.

9. Income-tax and Super-tax.—(1) Subject to the provisions of sub-sections (3), (4), (5) and (6), for the year beginning on the 1st day of April, 1949,

(a) income-tax shall be charged at the rates specified in Part I of the third Schedule, and

(b) rates of super-tax shall, for the purposes of section 55 of the Income-tax Act (XI of 1922), be those specified in Part II of the Third Schedule.

(2) In making any assessment for the year ending on the 31st day of March, 1950, there shall be deducted from the total income of an assessee, in accordance with the provisions of section 15A of the Income-tax Act, an amount equal to one-fifth of the earned income, if any, included in his total income, but not exceeding in any case four thousand rupees.

(3) In making any assessment for the year ending on the 31st day of March, 1950—

(a) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" as reduced by the deduction for earned income appropriate thereto, or any income chargeable under the head "Interest on securities" or any income from dividends in respect of which he is deemed under section 49B of the Income-tax Act to have paid income-tax imposed in British India, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Indian Finance Act, 1948 (XX of 1948), on his total income the same proportion as the amount of such inclusions bears to his total income ;

(b) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Income-tax Act, the super-tax payable by the assessee on that portion of his total income which consists of such inclusion shall be an amount bearing to the total amount of super-tax payable, according to the rates applicable under the operation of the Indian Finance Act, 1948, on his total income the same proportion as the amount of such inclusion bears to his total income.

(4) In making any assessment for the year ending on the 31st day of March, 1950, where the total income of an assessee consists partly of earned income and partly of unearned income, the super-tax payable by him shall be—

(i) on that part of the earned income chargeable under the head "Salaries" to which clause (b) of sub-section (3) applies, the amount of super-tax computed in accordance with the provisions of that sub-section, plus

(ii) on the remainder of the earned income, the amount which bears to the total amount of super-tax which would have been payable on his total income had it consisted wholly of earned income the same proportion as such remainder bears to his total income, plus

(iii) on the unearned income, the amount which bears to the total amount of super-tax which would have been payable on his total income

had it consisted wholly of unearned income the same proportion as the unearned income bears to his total income;

(c) In making any assessment for the year ending on the 31st day of March, 1950,—

(a) where the total income of a company includes any profits and gains from life insurance business, the super-tax otherwise payable by the company on the whole of such total income shall be reduced by an amount which bears to that super-tax the same proportion as the amount of such inclusion bears to its total income or by an amount computed at the rate of two annas in the rupee on the amount of such inclusion, whichever is less ;

(b) where the total income of an assessee, not being a company, includes any profits and gains from life insurance business, the income-tax and super-tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of such taxes payable according to the rates applicable under the operation of the Indian Finance Act, 1942 (XII of 1942), on his total income the same proportion as the amount of such inclusion bears to his total income, so however that the aggregate of the taxes so computed in respect of such inclusion shall not in any case exceed the amount of tax payable on such inclusion at the rate of five annas in the rupee.

(6) In cases to which section 17 of the Income-tax Act applies, the tax chargeable shall be determined as provided in that section, but with reference to the rates imposed by sub-section (1), and in accordance, where applicable, with the provisions of sub-sections (3), (4) and (5) of this section.

(7) For the purposes of making any deduction of income tax in the year beginning on the 1st day of April, 1949, under sub-section (1) or sub-section (2B) of section 18 of the Income-tax Act from any earned income chargeable under the head "Salaries", the estimated total income of the assessee under that head shall, in computing the income-tax to be deducted, be reduced by an amount equal to one-fifth of such earned income, but not exceeding in any case four thousand rupees ; but no abatement shall be allowed by the person responsible for paying the salary in respect of any donations made by the assessee to which section 15B of the Income-tax Act is or may be applicable.

(8) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Income-tax Act, and the expression "earned income" has the meaning assigned to it in clause (6AA) of section 2 of that Act.

10. *Re-assessment of super-tax in the case of certain companies.*—(1) Notwithstanding anything contained in sub-section (1) of section 9 of, or paragraph D of Part II of the Second Schedule to, the Indian Finance Act, 1948 (XX of 1948), the rate of super-tax for the purposes of section 55 of the Income-tax Act and for the year beginning on the 1st day of April, 1948, shall be four annas per rupee of the total income in the case of any company not entitled to the rebate allowed by the proviso to paragraph D of Part II of the Second Schedule to the Indian Finance Act, 1948, unless it was—

(a) a public company whose shares were offered for sale in a recognised Stock Exchange at any time during the previous year, or

(b) a company all of whose shares were held at the end of the previous year by one or more such public companies as aforesaid.

(2) For the purposes of sub-section (1), a company shall be deemed to be a public company only if it is neither a private company within the meaning of the Indian Companies Act, 1913 (VII of 1913), nor a company in which shares carrying more than fifty per cent. of the total voting power were, at any time during the previous year, held or controlled by less than six persons.

(3) Where the assessment for the year beginning on the 1st day of April, 1948, has been made before the commencement of this Act in respect of any company to which sub-section (1) of this section applies, it shall be revised by the Income-tax Officer so as to give effect to the provisions of that sub-section.

11. *Business Profits Tax*.—(1) In sub-clause (a) of clause (4) of section 2 of the Business Profits Tax Act, 1947 (XXI of 1947), for the figures "1948" the figures "1949" shall be substituted.

(2) The tax imposed by section 4 of the said Act shall, in respect of any chargeable accounting period beginning after the 31st day of March, 1948, be an amount equal to 10 per cent. of the taxable profits.

(3) For the purposes of the said Act, "abatement" shall mean, in respect of any chargeable accounting period beginning after the 31st day of March, 1948, a sum which bears—

(a) in the case of a company not being a company deemed for the purposes of section 9 of the said Act to be a firm, to a sum equal to six per cent. of the capital of the company on the first day of the said period, computed in accordance with Schedule II to the said Act, or two lakhs of rupees, whichever is greater, or

(b) in any other case, to two lakhs of rupees, the same proportion as the said period bears to the period of one year.

12. *Repeals*—The Indian Tariff (Amendment) Ordinance, 1948, (XXXIII of 1948), and the Central Excises and Salt (Amendment) Ordinance, 1949 (I of 1949), are hereby repealed.

THE FIRST SCHEDULE

(See section 2.)

Schedule to be inserted in the Indian Post Office Act, 1898 (VI of 1898).

THE FIRST SCHEDULE

INLAND POSTAGE RATES

(See section 7.)

Letters

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

Postcards

Single	Nine pies
Reply	One and a half annas.

Book, Pattern and sample packets

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

Registered newspapers

For a weight not exceeding ten tolas	Three pies.
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For a weight exceeding ten tolas and not exceeding twenty tolas	Six pies.
For every twenty tolas, or fraction thereof, exceeding twenty tolas	Six pies.
In the case of more than one copy of the same issue of a registered newspaper being carried in the same packet—	
For a weight not exceeding ten tolas	Six pies.
For every additional five tolas, or fraction thereof, in excess of ten tolas :	Three pies.
Provided that such packet shall not be delivered at any addressee's residence but shall be given to a recognised agent at the post office :	

Parcels

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

THE SECOND SCHEDULE

(See section 5.)

Goods on which additional duty of customs is not leviable.

A. Goods comprised in the following Items of the First Schedule to the Indian Tariff Act, 1934 (XXXI of 1934), namely:—

2, 4, 4(1), 4(2), 4(4), 4(5), 7(1), 8(1), 8(2), 8(3), 8(4), 8(5), 9(3), 9(5), 9(6), 9(7), 11(4), 11(5), 12(6), 13(1), 13(8), 13(9), 15, 15(5), 15(9), 15(10), 15(11), 15(12), 16, 16(1), 16(2), 20(1), 20(2), 20(3), 20(4), 20(5), 20(6), 20(7), 20(8), 20(9), 21(1), 21(4), 21(5), 21(6), 21(7), 21(8), 21(9), 22(3), 22(5), 24, 24(1), 24(2), 24(3), 25(1), 27(1), 27(2), 27(3), 27(4), 27(5), 27(6), 27(9), 28, 28(8), 28(14), 28(15), 28(16), 28(17), 28(18), 28(19), 28(20), 28(21), 28(22), 28(23), 28(24), 28(25), 28(26), 28(27), 28(28), 28(29), 28(30), 29, 29(1), 30, 30(1), 30(2), 30(3), 30(4), 30(5), 30(6), 30(7), 30(8), 30(9), 30(10), 30(11), 30(12), 30(13), 31(4), 34(3), 40(4), 40(5), 40(6), 40(7), 43, 44, 44(1), 45, 45(3), 46(3), 49, 49(2), 51, 52(4), 53(2), 55, 55(1), 55(2), 55(3), 60, 60(2), 60(3), 60(4), 60(5), 60(6), 61(2), 61(3), 61(8), 61(9), 61(11), 62(1), 62(2), 63(30), 63(31), 63(32), 63(33), 63(34), 63(35), 64, 64(3), 64(4), 65, 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(2), 70(3), 70(4), 70(5), 70(6), 70(9), 71(2), 71(3), 71(7), 71(8), 71(9), 71(10), 72, 72(1), 72(2), 72(3), 72(4), 72(5), 72(11), 72(12), 72(13), 72(14), 72(15), 72(16), 72(17), 72(18), 72(19), 72(20), 72(21), 72(22), 72(23), 72(24), 72(25), 72(26), 72(27), 72(28), 73(2), 73(4), 73(7), 73(8), 73(9), 73(10), 73(11), 73(12), 73(13), 73(14), 74(2), 74(4), 75(1), 75(5), 75(6), 75(7), 75(8), 77(2), 77(4), 77(5), 78, 78(1), 79, 82(1), 84, 84(1), 85(1).

B. Goods comprised in the following Items of the First Schedule to the Indian Tariff Act, 1934, when the Customs Collector is satisfied that such goods are the produce or manufacture of Burma, namely:—

No. 7 (potatoes and onions only) and Nos. 9, 9(3), 13(2), 17 and 34(4) (a).

THE THIRD SCHEDULE

(See section 9.)

PART I

Rates of Income-tax

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

	Rate
1. On the first Rs. 1,500 of total income. . . .	Nil.
2. On the next Rs. 3,500 of total income. . . .	Nine pies in the rupee.
3. On the next Rs. 5,000 of total income. . . .	One anna and nine pies in the rupee.
4. On the next Rs. 5,000 of total income. . . .	Three and a half annas in the rupee.
5. On the balance of total income.	Five annas in the rupee :

Provided that—

(i) no income-tax shall be payable on a total income which, before deduction of the allowance, if any, for earned income, does not exceed the limit specified below ;

(ii) the income-tax payable shall in no case exceed half the amount by which the total income (before deduction of the said allowance, if any, for earned income) exceeds the said limit ;

(iii) the income-tax payable on the total income as reduced by the allowance for earned income shall not exceed either—

(a) a sum bearing to half the amount by which the total income (before deduction of the allowance for earned income) exceeds the said limit the same proportion as such reduced total income bears to the unreduced total income, or

(b) the income-tax payable on the income so reduced at the rates herein specified,—
whichever is less

The limit referred to in the above proviso shall be—

(i) Rs. 5,000 in the case of every Hindu undivided family which satisfies as at the end of the previous year either of the following conditions, namely :—

(a) that it has at least two members entitled to a share on partition who are not less than 18 years of age : or

(b) that it has at least two members entitled to a share on partition neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family ; and

(ii) Rs. 3,000 in every other case

B. In the case of every company—

Rate

On the whole of total income Five annas in the rupee :

Provided that in the case of an Indian company—

(i) where the total income, as reduced by seven annas in the rupee and by the amount, if any, exempt from income-tax, exceeds the amount of any dividends (including dividends payable at a fixed rate) declared in respect of the whole or part of the previous year for the assessment for the year ending on the 31st day of March, 1950, and no order has been made under sub-section (1) of section 23A of the Income-tax Act (XI of 1922), a rebate shall be allowed at the rate of one anna per rupee on the amount of such excess ;

(ii) where the amount of dividends referred to in clause (i) above exceeds the total income as reduced by seven annas in the rupee and by the amount, if any, exempt from income-tax, there shall be charged on the total income an additional income-tax equal to the sum, if any, by which the aggregate amount of income-tax actually borne by such excess (hereinafter referred to as "the excess dividend") falls short of the amount calculated at the rate of five annas per rupee on the excess dividend.

For the purposes of the above proviso, the expression "dividend" shall have the meaning assigned to it in clause (6A) of section 2 of the Income-tax Act, but any distribution included in that expression, made during the year ending on the 31st day of March, 1950, shall be deemed to be a dividend declared in respect of the whole or part of the previous year.

For the purposes of clause (ii) of the above proviso, the aggregate amount of income-tax actually borne by the excess dividend shall be determined as follows:—

(i) the excess dividend shall be deemed to be out of the whole or such portion of the undistributed profits of one or more years immediately preceding the previous year as would be just sufficient to cover the amount of the excess dividend and as have not likewise been taken into account to cover an excess dividend of a preceding year;

(ii) such portion of the excess dividend as is deemed to be out of the undistributed profits of each of the said years shall be deemed to have borne tax,—

(a) if an order has been made under sub section (1) of section 23A of the Income tax Act (XI of 1922), in respect of the undistributed profits of that year, at the rate of five annas in the rupee, and

(b) in respect of any other year, at the rate applicable to the total income of the company, for that year reduced by the rate at which rebate, if any, was allowed on the undistributed profits.

C. In the case of every local authority and in every case in which, under the provisions of the Income-tax Act, income-tax is to be charged at the maximum rate—

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

PART II

Rates of Super-tax

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

	Rate, if income wholly earned	Rate, if income wholly unearned
1. On the first Rs. 25,000 of total income	Nil	Nil
2. On the next Rs. 15,000 of total income	Two annas in the rupee.	Three annas in the rupee.
3. On the next Rs. 15,000 of total income	Three annas in the rupee.	Four and a half annas in the rupee.
4. On the next Rs. 15,000 of total income	Five annas in the rupee.	Six annas in the rupee.
5. On the next Rs. 15,000 of total income	Six annas in the rupee.	Seven annas in the rupee.

	Rate, if income wholly earned.	Rate, if income wholly unearned.
6. On the next Rs. 15,000 of total income.	Six annas and a half annas in the rupee.	Eight annas in the rupee.
7. On the next Rs. 50,000 of total income.	Seven annas in the rupee.	Nine annas in the rupee.
8. On the next Rs. 1,00,000 of total income.	Eight annas in the rupee.	Nine and a half annas in the rupee.
9. On the next Rs. 1,00,000 of total income.	Eight and a half annas in the rupee.	Ten annas in the rupee.
10. On the balance of total income.	Nine annas in the rupee.	Ten annas in the rupee.

B. In the case of every local authority—
On the whole of total income.

Rate
Two annas in the rupee.

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

1. On the first Rs. 25,000 of total income.

Rate
Nil.

2. On the balance of total income.

Two annas in the rupee.

D. In the case of every company—

On the whole of total income

Rate
Four annas in the rupee.

Provided that—

(i) a rebate at the rate of three annas per rupee of the total income shall be allowed in the case of any company which—

(a) in respect of its profits liable to tax under the Income-tax Act (XI of 1922), for the year ending on the first day of March, 1951, has made the prescribed arrangements for the deduction and payment in the Provinces of the dividend payable out of such profits and for the deduction of super-tax from dividends in accordance with the provisions of sub-section (3D) or (3E) of section 18 of that Act, and

(b) is a public company with total income not exceeding Rs. 25,000 ;

(ii) a rebate at the rate of two annas per rupee of the total income shall be allowed in the case of any company which satisfies condition (a), but not condition (b), of the preceding clause ; and

(iii) a rebate at the rate of one anna per rupee of the total income shall be allowed in the case of any company which, not being entitled to a rebate under either of the preceding clauses, is—

(a) a public company whose shares were offered for sale in a recognised stock exchange at any time during the previous year, or

(b) a company all of whose shares were held at the end of the previous year by one or more such public companies as aforesaid :

Provided further that the super-tax payable by a company the total income of which exceeds Rs. 15,000 shall not exceed the aggregate of—

(a) the super-tax which would have been payable by the company if its total income had been Rs. 25,000, and

(b) half the amount by which its total income exceeds Rs. 25,000.

Explanation.—For the purposes of this paragraph of this Part, a company shall be deemed to be a public company only if it is neither a private company within the meaning of the Indian Companies Act, 1913 (VII of 1913), nor a company in which shares carrying more than fifty per cent. of the total voting power were, at any time during the previous year, held or controlled by less than six persons.

The Code of Criminal Procedure (Second Amendment) Act, 1949.

Received the assent of the Governor-General on the 1st April, 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 1st April 1949.

Act No. XV of 1949.

An Act further to amend the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Code of Criminal Procedure (Second Amendment) Act, 1949.

2. *Amendment of section 503, Act V of 1898.*—In section 503 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code),—

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

“(2) When the witness resides in a tribal area, the commission may be issued to the officer exercising the powers of a District Magistrate in, or in relation to, such area.

(2A) When the witness resides in an Acceding State, or in any area in or in relation to, which the Central Government has extra-provincial jurisdiction within the meaning of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), the commission may be issued to such Court in the State or area as may be specified by the Central Government by notification in the official Gazette as a Court to which commissions may be issued under this sub-section, within the local limits of whose jurisdiction the witness resides.

(2B) When the witness resides in the United Kingdom or in any British possession outside India or in the Union of Burma, the commission may be issued to such Court or Judge having authority in this behalf in that country as may be specified by the Central Government by notification in the official Gazette.” ;

(ii) for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) Where the commission is issued to an officer exercising the powers of a District Magistrate in a tribal area under sub-section (2), he may, in lieu of proceeding in the manner laid down in sub-section (3), delegate his powers and duties under the commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in the Provinces of India.”

3. *Amendment of section 505, Act V of 1898.*—In section 505 of the said Code,—

(i) in sub-section (1), for the words, brackets, letter and figures "and, except in a case to which clause (b) of sub-section (4) of section 503 applies, the Magistrate" the words "and the Magistrate" shall be substituted; and the sentence beginning with the words "In a case to which" and ending with the words "forwards the commission for execution" shall be omitted;

(ii) in sub-section (2), for the words, brackets, letter and figures "except in a case to which clause (b) of sub-section (4) of section 503 applies, before such officer" the word "officer" shall be substituted.

4. *Amendment of section 507, Act V of 1898.*—In sub-section (1) of section 507 of the said Code, the words, brackets, letter and figures "or, in a case to which clause (b) of sub-section (4) of section 503 applies, has been again received by the officer by whom it was forwarded to the State Court" shall be omitted.

5. *Amendment of section 508A, Act V of 1898.*—In section 508A of the said Code, for the words "by a Magistrate or Court in Burma under the law in force in Burma" the words "by any Court or Judge having authority in this behalf in the United Kingdom or in any British possession outside India or in the Union of Burma under the law in force in that country" shall be substituted.

6. *Repeal of Ordinance XXXII of 1948.*—The Code of Criminal Procedure (Amendment) Ordinance, 1948 (XXXII of 1948), is hereby repealed.

The Governor-General's Salary (Exemption from Taxation) Act, 1949.

Received the assent of the Governor-General on the 1st April 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 1st April 1949.

Act No. XVI of 1949.

An Act to provide for exempting the reduced salary of the Governor-General from taxes on income.

WHEREAS paragraph one of the Third Schedule to Government of India Act, 1935 (26 Geo. 5, c. 2) provides that there shall be paid to the Governor-General an annual salary of 2,50 800 rupees;

AND WHEREAS the Governor-General and his Council of Ministers have agreed that notwithstanding the above provision, the Governor-General will, with effect from the 1st day of January, 1949, draw salary at a rate not exceeding 5,500 rupees per month and that the reduced salary will be exempt from taxes on income;

AND WHEREAS it is expedient to provide for exempting from taxes on income the reduced salary of the Governor-General;

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Governor-General's Salary (Exemption from Taxation) Act 1949.

2. *Reduced salary of the Governor-General to be exempt from taxes on income.*—Notwithstanding anything contained in the Indian Income-tax Act, 1922 (XI of 1922), or in any other law relating to taxation on income, no income-tax or super-tax shall be payable by the Governor-General in respect of the salary due to him (whether paid or not) for any period for which he draws salary at a rate not exceeding 5,500 rupees per month, and the salary so due (whether paid or not) shall not be included in his total income.

3. Repeal of Ordinance IV of 1949.—The Governor-General's Salary (Exemption from Taxation) Ordinance, 1949 (IV of 1949), is hereby repealed.

The Criminal Law (Removal of Racial Discriminations) Act, 1949.

Received the assent of the Governor-General on the 1st April 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 1st April 1949.

Act No. XVII of 1949

An Act to provide for the removal of certain existing discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India.

WHEREAS it is expedient to provide for the removal of certain existing discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India ;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Criminal Law (Removal of Racial Discriminations) Act, 1949.

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

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

2. *Amendment of Act XLV of 1860.*—In the Indian Penal Code (XLV of 1860),—

(1) in section 53, the words “*Thirdly—Penal servitude ;*” shall be omitted ;

(2) section 56 shall be omitted ;

(3) in section 222, the words “*or penal servitude for life,*” and “*or penal servitude*” shall be omitted ;

(4) in section 225, the words “*penal servitude,*” shall be omitted

3. *Amendment of Act V of 1898*—In the Code of Criminal Procedure, 1898 (V of 1898),—

(1) in sub-section (1) of section 4,—

(a) clause (i) shall be omitted ;

(b) for clause (j) the following clause shall be substituted, namely :—

(j) “*High Court*” means the highest Court of criminal appeal or revision for any local area ; or where no such Court is established under any law for the time being in force, such officer as the Provincial Government may appoint in this behalf ;

(2) sections 29A, 34A, 275, 284A and 285A shall be omitted ;

(3) in section 312, the proviso shall be omitted ;

(4) in section 326,—

(a) in sub-section (1), the words “*and including, where any accused person is an European or an American, as many Europeans or Americans as may be required for the purpose of choosing jurors or assessors for the trial*” shall be omitted ;

(b) sub-sections (3) and (4) shall be omitted ;

(5) in section 370 in clause (d), the brackets and words “*(except in the case of an European British subject)*” shall be omitted ;

(6) in section 393, in clause (b), the words “*or to penal servitude,*” shall be omitted ;

(7) in section 396,—

(a) in sub-sections (1) and (3) the words “*penal servitude*” shall be omitted ;

(b) in clause (a) of the *Explanation*, the words "or penal servitude" shall be omitted ;

(8) in section 397, the words "penal servitude", wherever they occur, shall be omitted ;

(9) in section 398, in sub-section (2), the words "or penal servitude for an offence punishable with imprisonment" shall be omitted, and for the words "transportation or penal servitude" the words "or transportation" shall be substituted ;

(10) in section 402, in sub-section (1), the words "penal servitude" shall be omitted ;

(11) Chapter XXXIII shall be omitted ;

(12) in section 478, in sub-section (2), the words and figures "and of Chapter XXXIII in cases where that Chapter applies" shall be omitted ;

(13) in section 480, sub-section (2) shall be omitted ;

(14) section 491A shall be omitted ;

(15) Chapter XLIVA shall be omitted ;

(16) section 534 shall be omitted ;

(17) in Schedule II,—

(a) in the second column relating to section 222, the words "or penal servitude for life" and "or penal servitude" shall be omitted ;

(b) in the second column relating to section 225, the words "penal servitude" shall be omitted

4. *Amendment of Act III of 1900* — In the Prisoners Act, 1900 (III of 1900),—

(a) in section 8, the words "or penal servitude", in both places where they occur, shall be omitted ;

(b) Part V shall be omitted ;

5. *Amendment of Act XV of 1903*.—In the Indian Extradition Act, 1903 (XV of 1903),—

(a) in section 2, clause (a) shall be omitted ;

(b) in sub-section (1) of section 7, the words "not being a European British subject" shall be omitted.

6. *Amendment of the First Schedule Act, IX of 1908* — In the First Schedule to the Indian Limitation Act, 1908 (IX of 1908), article 150A shall be omitted.

7. *Repeal of Acts XXIV of 1855 and IX of 1824* — The Penal Servitude Act, 1855 (XXIV of 1855), and the European Vagrancy Act, 1874 (IX of 1874), are hereby repealed.

The Merchant Shipping Laws (Extension of Acceding States and Amendment) Act, 1949.

Received the assent of the Governor-General on the 9th April, 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 9th April 1949.

Act No XVIII of 1949.

An Act to amend Merchant Shipping Act, 1894, and to provide for the extension of the laws in force in the Provinces of India relating to merchant shipping to Acceding States and for certain other matters.

WHEREAS it is expedient to amend the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60), and to provide for the extension of the laws in force in the Provinces of India relating to merchant shipping to Acceding States and for certain other matters ;

It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949.

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

2. *Extension of the Merchant Shipping Acts, 1894 to 1938 to Acceding States.*—The Merchant Shipping Acts, 1894 to 1938, shall, so far as may be applicable, extend to, and operate as part of the law of, all Acceding States as they extend to, and operate as part of the law of, the Provinces of India.

3. *Amendment of the Merchant shipping Act, 1894 (57 and 58 Vict., c. 60).*—In section 1 of the Merchant Shipping Act, 1894, as it extends to, and operates as part of the law of, India,—

(i) in paragraph (a), the word “natural-born” shall be omitted ;

(ii) paragraph (b) and (c) and the proviso shall be omitted; and

(iii) at the end of section 1, the following Explanation shall be added, namely:—

Explanation.—The expression “British subjects” shall be deemed to include the Ruler and subjects of any of the Acceding States, and the expressions “His Majesty’s dominions” and “dominions” shall be deemed to include all Acceding States.

4. *Extension to Acceding States of other Acts relating to merchant shipping in force in the Provinces of India.*—The Central Government may, by notification in the official Gazette, direct that any of the Acts relating to merchant shipping specified in the Schedule, shall extend to, and have effect in, any Acceding State or part thereof, subject to such exceptions or modifications as it thinks fit.

5. *Performance of consular duties under the merchant Shipping Acts, 1894 to 1938*—Where under the Merchant Shipping Acts, 1894 to 1938, as they extend to and operate as part of the law of India, anything is required or authorised to be done by, to or before a British consular officer at any place outside India, such thing may be done in that place by, to or before an Indian consular officer or such other officer as the Central Government may, by notification in the official Gazette, specify in this behalf.

6. *Proper national colours for ships registered in, or owned by persons domiciled in, or bodies corporate established in, India.*—(1) The Central Government may, by notification in the official Gazette, declare what shall be the proper national colours for all ships registered in India, and for all vessels which are not registered in any British possession but are owned exclusively by persons domiciled in India or by bodies corporate established in India, and thereupon the colours so declared shall, in relation to all such ships and vessels, be the proper national colours for the purposes of sections 73 and 74 of the merchant Shipping Act, 1894 (57 and 58 Vict., c. 60), and any person hoisting on board any such ship or vessel any distinctive national colours, other than the proper national colours hereby so declared, shall be punishable with the penalty prescribed in sub-section (2) of section 73 of that Act.

(2) The Central Government may, by notification in the official Gazette, exempt any ship or vessel or any class of ships or vessels from the operation of this section.

7. *Repeal of Ordinance XXVIII of 1948.*—(1) The Merchant shipping (Acceding States Ordinance, 1948, is hereby repealed.

(2) The repeal by this Act of the Merchant Shipping (Acceding State)

Ordinance, 1948, shall not affect the previous operation of or the validity of anything done or any action taken under the said Ordinance.

THE SCHEDULE
(See section 4).

Year	No.	Short title.
1841	X	The Indian Registration of Ships Act, 1841.
1850	XI	The Indian Registration of Ships Act (1841) Amendment Act, 1850.
1856	IX	The Indian Bills of Lading Act, 1856.
1923	XXI	The Indian Merchant Shipping Act, 1923.
1925	XXVI	The Carriage of Goods by Sea Act, 1925.
1927	XVII	The Indian Lighthouse Act 1927.

The Essential Supplies (Temporary Powers) Amendment Act, 1949.

Received the assent of the Governor-General on the 14th April, 1949 and is published in the Gazette of India, Extraordinary, dated the 14th April 1949.

Act No. XIX of 1949.

An Act further to amend the Essential Supplies (Temporary Powers) Act, 1946.

WHEREAS it is expedient further to amend the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), for the purposes herein-after appearing :

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1949.

2. *Amendment of section 7 Act XXIV of 1946.*—For clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946 (hereinafter referred to as the said Act), the following clause shall be substituted, namely :—

“(b) where the contravention is of an order relating to foodstuffs, the Court shall—

(i) sentence any person convicted of such contravention to imprisonment for a term which may extend to three years and may, in addition, impose a sentence of fine, unless for reasons to be recorded it is of opinion that a sentence of fine only will meet the ends of justice, and

(ii) direct that any property in respect of which the order has been contravened or a part thereof shall be forfeited to His Majesty, unless for reasons to be recorded it is of opinion that such direction is not necessary to be made in respect of the whole, or, as the case may be, a part of the property”.

3. *Insertion of new section 7A in Act XXIV of 1946*—After section 7 of the said Act, the following new section shall be inserted, namely :—

“7A. *Forfeiture of certain property used in the commission of the offence.*—Whenever any offence relating to cotton textiles or foodstuffs which is punishable under sub-section (1) of section 7 has been committed, the Court may, if the order made under section 2 so provides, direct that the packages, coverings or receptacles in which any property liable to be for-

feited under the said sub-section is found, and the animals, vehicles, vessels or other conveyances used in carrying the said property shall be forfeited to His Majesty :

' Provided that no Court trying an offence under this Act shall declare any such package, covering, or receptacle or any such animal, vehicle, vessel or other conveyance forfeited to His Majesty, unless it is proved that the owner thereof knew that the offence was being, or was to be or was likely to be, committed'.

4. *Repeal of Ordinance XXXI of 1948.*—(1) The Essential Supplies (Temporary Powers) (Amendment) Ordinance, 1948 (XXXI of 1948), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act had come into force on the 8th day of November, 1948.

The West Godawari District (Assimilation of Laws and Federal Subjects) Act, 1949.

Received the assent of the Governor-General on the 14th April 1949 and is published in the *Gazette of India*, Extraordinary, dated the 14th April 1949.

Act No. XX of 1949.

An Act to assimilate certain laws in force in different parts of the West Godawari District of the Province of Madras.

WHEREAS by virtue of the Madras Partially Excluded Area (Cesser) Order, 1948 made under section 91 of the Government of India Act, 1935, the area comprised in the villages specified in Article 2 of the said Order ceased, as from the 1st day of July, 1948 to be part of a partially excluded area in the West Godawari District of the Province of Madras ;

AND WHEREAS it is expedient that the laws in force in the said area with respect to the matters enumerated in List I in the Seventh Schedule to the Government of India Act, 1935, should be assimilated to the laws in force with respect to the said matters in the rest of the said District ;

It is hereby enacted as follows :—

1. *Short title and commencement.*—(1) This Act may be called the West Godawari District (Assimilation of Laws on Federal Subjects) Act, 1949.

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

2. *Interpretation*—In this Act—

(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act ;

(b) "Eluru Taluk" means the taluk of that name in the West Godawari District of the Province of Madras ;

(c) "law" means any Act, Ordinance, Regulation, rule, order or by-law, relating to any of the matters enumerated in List I in the Seventh Schedule to the Government of India Act, 1935 ; and

(d) "scheduled area" means the area comprised in the villages which are specified in the Schedule to this Act.

3. *Assimilation of laws.*—(1) All laws which immediately before the appointed day extend to, are in force in, the Eluru Taluk, but not in the

scheduled area, shall, as from that day, extend to, or as the case may be, come into force in, the scheduled area.

(2) All laws which immediately before the appointed day are in force in the scheduled area, but not in the Eluru Taluk, shall on that day cease to be in force in the scheduled area, except, as respects things done or omitted to be done before that day.

4. *Provision for removal of difficulties*—If any difficulty arises in relation to the transition from the laws mentioned in sub-section (2) of section 3 to the laws mentioned in sub-section (1) thereof, the Central Government may, by order notified in the Official Gazette, make such provision as it considers necessary for the removal of such difficulty.

THE SCHEDULE

[See section 2 (d)]

A. Villages in Polavaram Firka—

1. Gangole.
2. Dondapudi.
3. Sagipadu.
4. Karakapadu.
5. Mangiparthi Devipeta.
6. Kannapuram.
7. Mahadevapuram.
8. Dippakayalapadu.
9. Venkatayipalem.
10. Cherukumilli.
11. Ballipadu.
12. Pattisam.
13. Gutala.
14. Tadipudi (Gutala part).
15. Tadipudi (Pattisam part).
16. Regolapalli (Gutala part).
17. Ragolapalli (Pattisam part).
18. Pochavaram.
19. Tupakulagudem.
20. Bayyavaram.
21. Venkatapuram.
22. Suggonda.

B. Villages in Zangareddigudem Firka—

1. Saripalli (Zamindari)
2. Zangareddigudem (Zamindari)
3. Vedantapuram (Inam).
4. Ramanujapuram (Inam).
5. Parimpudi.
6. Bayyangudem (Zamindari).
7. Akkampeta.
8. Sreenivasapuram (Inam).
9. Pullepudi (Inam).
10. Pattenapalem.

C. Villages in Jeelugumilli Firka—

1. Mysenagudem.
2. Peddipalli.
3. Taduvayi.
4. Mantanagudem.

5. Ayyavari (Polavaram) (Inam).

The Hindu Marriages Validity Act, 1949.

Received the assent of the Governor-General on the 15th April, 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 16th April 1949.

Act No. XXI of 1949.

An Act to provide for the validity of marriages between Hindus, Sikhs and Jains and their different castes, sub-castes and sects.

WHEREAS it is expedient to provide that marriages between Hindus, Sikhs and Jains and their different castes, sub-castes and sects are valid ;

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Hindu Marriages Validity Act, 1949.

(2) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State with respect to the matters dealt with in this Act.

2. *Definition.*—In this Act, the word “Hindus” includes persons professing the Sikh or Jain religion.

3. *Validity of marriages between Hindus.*—Notwithstanding anything contained in any other law for the time being in force or in any text, rule or interpretation of Hindu law or in any custom or usage, no marriage between Hindus shall be deemed to be invalid or ever to have been invalid by reason only of the fact that the parties thereto belonged to different religions, castes, sub-castes or sects.

The Payment of Taxes (Transfer of Property) Act, 1949.

Received the assent of the Governor-General on the 22nd April 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 23rd April 1949.

Act No. XXII of 1949

An Act to make provision for the payment of taxes before transfers of property are registered in certain cases.

WHEREAS it is expedient to make provision for the payment of taxes before transfers of property are registered in certain cases

It is hereby enacted as follows :—

1. *Short title and extent.*—(1) This Act may be called the Payment of Taxes (Transfer of Property) Act, 1949.

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

2. *Application of Act.*—This Act shall apply to any person—

(i) who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances, leaves or has, since the 14th day of August, 1947, left any place in the Provinces of India for any place outside India ; or who, since the said date, has been residing in any place outside India ; or

(ii) who, in the opinion of any of the Income-tax authorities specified in sub-section (1) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), or a Custodian of Evacuee Property or a Collector, is likely to leave the Provinces of India with the intention of settling in any place outside the Provinces of India, and in respect of whom a declaration that he is a person to whom this Act applies has been received from any such income-tax authority, Custodian of Evacuee Property or Collector by the register-

ing officer of the area in which any property belonging to such person is situate.

3 Payment of taxes before registration of documents.—(1) Where any document required to be registered under the provisions of clause (a), clause (b), clause (c) or clause (e) of sub-section (1) of section 17 of the Indian Registration Act, 1908 (XVI of 1908), purports to transfer, assign, limit or extinguish any right, title or interest in any property, other than agricultural land, belonging to any person to whom this Act applies, no registering officer appointed under the said Act shall register any such document, unless it is certified by the Income-tax Officer of the area in which the property is situate in respect of the person whose right, title or interest in the property is to be so transferred, assigned, limited or extinguished under the terms of the document that—

(a) such person is not liable to assessment or taxation under the Indian Income-tax Act, 1922 (XI of 1922), the Excess Profits Tax Act, 1940 (XV of 1940), of the Business Profits Tax Act, 1947 (XXI of 1947), or

(b) such person has either paid or made satisfactory provision for the payment of all existing or anticipated liabilities under any of the Acts specified in clause (a) of this sub-section ; or

(c) the Income-tax Officer is otherwise satisfied that the registration of the document will not prejudicially affect the recovery of all existing or anticipated liabilities referred to in clause (b) of this sub-section.

(2) Every Income-tax Officer refusing to issue a certificate under the provisions of sub-section (1) shall make an order of refusal and record his reasons therefor and, on application made by any person claiming to be affected by such order, shall, subject to the payment of such fee as may be prescribed, furnish him with a copy of the order.

4. Recovery of taxes where property has been transferred without a certificate.—(1) Where, in respect of the transfer made on or after the seventh day of February, 1948, in the Provinces of Bombay, West Bengal, East Punjab, Bihar, Delhi and Ajmer-Merwara, and in any other Province on or after the date on which the Transfer of Property (India) Ordinance, 1948 (III of 1948) was made applicable to that Province, of any right, title or interest in any immovable property, other than agricultural land, belonging to any person to whom this Act applies, the Income-tax Officer of the area where the property is situate is satisfied, after giving such person notice in this behalf for a period of not less than one month, that no certificate in the terms mentioned in section 3 would have been issued to him if this Act had been in force on the date the transfer was made, he may forward a statement to the Collector showing the existing and anticipated liabilities by way of taxes in respect of all or any of the parties to the transfer.

(2) On receipt of any statement under sub-section (1), the Collector shall proceed to recover the total amount shown in such statement as if it were an arrear of land revenue, and for the purpose of such recovery proceedings he may treat the property transferred as aforesaid as if it belonged to all or any of the persons named in the statement.

5. Right of appeal.—An appeal shall lie against the order of any Income-tax Officer refusing to issue a certificate under the provisions of sub-section (2) of section 3 to the Commissioner of Income-tax to whom the Income-tax Officer is subordinate, if presented to such commissioner within thirty days from the date of the order, and the Commissioner may pass such order thereon as he may think fit.

6. *Effect of Act over other laws.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

7. *Bar of suits*—No suit, prosecution or other legal proceeding shall lie against the Central Government or any person or authority in respect of anything which is in good faith done or intended to be done under this Act.

8. *Power to make rules.*—The Central Government may make rules for the purpose of carrying into effect the objects of this Act, and, in particular, prescribe the fee payable under sub-section (2) of section 3.

9. *Effect of expiry of Ordinance XXI of 1948.*—On the expiry of the Payment of Taxes (Transfer of Property) Ordinance, 1948 (XXI of 1948), section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if the Ordinance had then been repealed by a Central Act.

The Displaced Persons (Legal Proceedings) Act, 1949.

Received the assent of the Governor-General on the 22nd April 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 23rd April 1949.

Act No. XXV of 1949.

An Act to make special provision for the relief of displaced persons in respect of certain legal proceedings

WHEREAS it is expedient to make special provision for the relief of displaced persons in respect of certain legal proceedings;

It is hereby enacted as follows:—

1. *Short title, extent and duration.*—(1) This Act may be called the Displaced Persons (Legal Proceedings) Act, 1949.

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

(3) It shall come into force in any Province on such date as the provincial Government may, by notification in the official Gazette, appoint in this behalf, and shall remain in force only up to the 31st day of March, 1952.

2. *Definition.*—In this Act “displaced person” means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from, or has left, his place of residence in such area after the 1st day of March, 1947, and who has been subsequently residing in India.

3. *Restoration of certain legal proceedings.*—Where any suit, appeal or application for a final order has been dismissed for default of appearance or for failure to pay costs of service of process or to furnish security for costs, or where a decree or order has been passed ex parte, then, notwithstanding any thing contained in the Indian Limitation Act, 1908 (IX of 1908), the Court may, on application made to it in this behalf within ninety days from the commencement of this Act, or within such further time, if any, as the Central Government may, by notification in the official Gazette, allow either generally or with respect to any class or classes of cases, set aside the order of dismissal or the decree or order passed ex parte, as the case may be:

Provided that the applicant is either a displaced person or a person who, though normally a resident of India, was in an area now forming part of Pakistan at any time during the month of August, 1947, and has subsequently returned to India.

4. *Power of Court to grant relief to displaced persons.*—Notwithstanding anything contained in any law or contract to the contrary—

(i) where, after the commencement of this Act, a decree or order is to be passed against a displaced person in any suit or other legal proceeding for the payment of money, the Court may, at the time of passing the decree or order, direct that payment of such money shall be postponed for such period as may be specified or shall be made by instalments, with or without interest, if in the opinion of the Court the direction—

(a) will facilitate the rehabilitation of the judgment-debtor ;

(b) will not prejudice the rehabilitation of the decree-holder, if the decree-holder is also a displaced person ; and

(c) will be equitable, having regard to all the circumstances in which the parties are placed ;

(ii) where in any suit or other legal proceeding, any decree or order for the payment of money has been passed against a displaced person, whether before or after the commencement of this Act, the Court may, if the judgment-debtor makes an application in this behalf, direct that payment of such money shall be postponed for such period as may be specified, or shall be made by instalments on such terms as to the payment of interest or the taking of security or otherwise as it thinks fit

5. *Stay of insolvency proceedings.*—Where an insolvency petition has been presented to any Court against a displaced person, the Court may at any time stay the proceedings under the petition for such time and subject to such conditions as the Court thinks fit.

6. *Restrictions on execution of decrees against displaced persons.*—Save as provided by this Act, no Court shall execute or otherwise enforce any decree or order for the payment of money passed against a displaced person, unless it is satisfied—

(a) that such execution or enforcement will not affect the rehabilitation of the displaced person ; and

(b) that such execution or enforcement is not sought against a loan advanced or agreed to be advanced by, or on behalf of, or out of the funds of, the Central Government or any Provincial Government or against any asset created from any such loan :

Provided that nothing contained in this section shall apply to any decree or order for the payment of money passed in favour of the Central or any Provincial Government in respect of any loan advanced by, or on behalf of, or out of the funds of, the Central or the Provincial Government as the case may be.

7. *Procedure for the execution of certain decrees and orders passed before the 15th August, 1947.*—Where a decree or order, not being a decree or order relating to immovable property situate outside the Provinces of India, has been passed before the 15th day of August, 1947, by any Court situate in an area now forming part of Pakistan in favour of a displaced person or in favour of any other person who before and after the said date, has resided in, and continues to reside in, an area now forming part of India, then, notwithstanding any other law for the time being in force, but subject always to the provisions of this Act, such decree or order may, on application made in this behalf by the decree-holder in the manner prescribed by sub-rule (2) of rule 11 of Order XXI of the Code of Civil Procedure, 1908 (V of 1908), be executed by any Court within the local limits of whose jurisdiction the person, against whom the decree or order has been passed, actually and voluntarily resides or carries on business or personally works for

gain or has property, in the same manner and to the same extent as if it were a decree or order passed by that Court.

8. *Effect of expiry of Act.*—Upon the expiry of this Act, the provisions of section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if this Act had then been repealed by a Central Act.

The Influx from Pakistan Control Act, 1949.

Received the assent of the Governor-General on the 22nd April 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 2nd April 1949.

Act No. XXIII of 1949.

An Act to control the admission into, and regulate the movements in, India of persons from Pakistan

WHEREAS it is expedient to control the admission into, and regulate the movements in, India of persons from Pakistan ;

It is hereby enacted as follows :—

1. *Short title and extent*—(1) This Act may be called the Influx from Pakistan (Control) Act, 1949.

(2) It extends to the whole of India.

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

(a) “enter” means to enter by water, land or air ;

(b) “officer of Government” means any officer of the Central Government or of a Provincial Government or of the Government of an Acceding State ;

(c) “permit” means a permit issued or renewed or the period whereof has been extended in accordance with the rules made under this Act.

3. *Control of admission into India of persons from Pakistan.*—No person shall enter India from any place in Pakistan, whether directly or indirectly, unless—

(a) he is in possession of a permit, or

(b) being a person not domiciled in India or Pakistan, he is in possession of a valid passport as required by the Indian Passport Act, 1920 (XXXIV of 1920), or

(c) he is exempted from the requirement of being in possession of a permit by or in accordance with the rules made under this Act.

4. *Power to make rules*—The Central Government may, by notification in the official Gazette, make rules—

(a) prescribing the authorities by which and the conditions subject, to which permits may be issued or renewed or the period thereof extended, the conditions to be satisfied by the applicants for such permits and the forms and classes of such permits ;

(b) regulating the movements in India of any person who is in possession of a permit ;

(c) providing for the exemption, either absolutely or on conditions of any person or class of persons from the requirement of being in possession of a permit or from the operation of any rule made under this section ; and

(d) generally, providing for any other matters ancillary or incidental to the carrying out of the purposes of this Act.

5. *Punishment of offences.*—(1) Whoever enters India in contravention of the provisions of section 3, or having entered India contravenes the provisions of any rule made under section 4, or commits a breach of any of the conditions of his permit, shall be punishable with imprisonment for a term

which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever, in any statement made by him in pursuance of any of the provisions of this Act or of any rules made thereunder, furnishes any information, which is false and which he either knows or believes to be false or does not believe to be true, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

6. *Power of arrest*.—(1) Any officer of police, not below the rank of a sub-inspector, any officer of the customs department of the Central Government or any other officer of Government empowered by a general or special order of Central Government in this behalf may arrest without warrant any person who has committed or against whom a reasonable suspicion exists that he has committed an offence under this Act.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police station, and the provisions of section 61 of the Code of Criminal Procedure, 1898 (V of 1898) or of the corresponding law for the time being in force in the Acceding State shall, so far as they may be applicable, apply in the case of any such arrest.

7. *Power of removal*.—Without prejudice to the provisions contained in section 5, the Central Government may, by general or special order, direct the removal from India of any person who has committed, or against whom a reasonable suspicion exists that he has committed, an offence under this Act, and thereupon any officer of Government shall have all reasonable powers necessary to enforce such direction.

8. *Protection to persons acting in good faith*.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

9. *Repeal of Ordinance XXXIV of 1948*.—(1) The Influx from Pakistan (Control) Ordinance, 1948 is hereby repealed.

(2) Notwithstanding such repeal, any rules made, action taken or thing done in the exercise of any power conferred by the Influx from Pakistan (Control) Ordinance, 1948, shall for all purposes be deemed to have been made, taken or done in the exercise of the powers conferred by this Act, as if this Act had commenced on the day such order was made or such action was taken or such thing was done.

The Delhi Hotels (Control of Accommodation) Act, 1949.

Received the assent of the Governor-General on the 22nd April 1949, and is published in the *Gazette of India*, Extraordinary, Part IV dated the 23rd April 1949.

Act No XXIV of 1949.

An Act to provide for the control of accommodation in certain hotels in the Province of Delhi.

WHEREAS it is expedient to provide for the control of accommodation in certain hotels in the Province of Delhi ;

It is hereby enacted as follows :—

1. *Short title, extent and application*.—(1) This Act may be called the Delhi Hotels (Control of Accommodation) Act, 1949.

(2) It extends to the Municipality of New Delhi and to the Notified Area of the Civil Station, Delhi.

(3) It shall apply to the hotels specified in the Schedule and to such other hotels as may from time to time be added to the Schedule by notification in the official Gazette by the Central Government.

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

(a) "Estate Officer" means the Estate Officer to the Government of India and includes any other officer appointed by the Central Government by notification in the official Gazette to perform all or any of the functions of the Estate Officer under this Act ;

(b) "Government allottee" means a person who is selected by the Estate Officer for allotment of accommodation in a hotel ;

(c) "hotel" means any hotel specified in the Schedule ;

(d) "manager of a hotel" includes the owner, agent, caterer or any other person in charge of the management of the hotel ;

(e) "permanent resident" means a person other than a Government allottee who is taken as a resident in a hotel for a period exceeding seven days ;

(f) "temporary resident" means a person other than a Government allottee who is taken as a resident in a hotel for a period not exceeding seven days.

3. *Controlled accommodation in hotels.*—(1) If the Estate Officer considers it necessary or expedient so to do for the purpose of securing accommodation for Government officers or other persons for whom he is required to find accommodation, he may, by written order served on the manager of a hotel, declare so much of the accommodation in the hotel not exceeding twenty-five per cent of the total accommodation therein, as may be specified in the order to be controlled accommodation for the purposes of this Act.

(2) An order made under sub-section (1) shall contain such description of the controlled accommodation including, in particular, the number and class of rooms as the Estate Officer may consider necessary.

(3) After an order under sub-section (1) has been served on the manager of the hotel to which it relates, the manager of the hotel shall not allot the controlled accommodation therein or any part thereof to, or allow the same to be occupied by, any person otherwise than in accordance with the provisions of this Act.

4. *Temporary booking of controlled accommodation.*—(1) The manager of a hotel shall not allot any controlled accommodation therein or any part thereof to, or allow the same to be occupied by, any permanent resident but may, subject to the provisions of section 5, allow any temporary resident to stay in such accommodation or in any part thereof for any period not exceeding seven days or for any further period by which the period of stay of such temporary resident may be extended under sub-section (2).

(2) When any temporary resident is taken under sub-section (1) as a resident in any controlled accommodation or part thereof in a hotel for a period not exceeding seven days, the manager of the hotel may, with the previous permission of the Estate Officer obtained in writing in, accordance with the provisions of this section, extend from time to time the period of stay of such temporary resident at his request by not more than seven days at a time.

(3) The manager of the hotel shall, before he agrees at any time to extend the period of stay of a temporary resident under sub-section (2), apply in writing to the Estate Officer for his permission under that sub-section and every such application shall be made not less than three days before

the date on which the period of stay of such resident for the extension of which the permission is applied for expires.

(4) On receipt of such application the Estate Officer may either grant or refuse to grant such permission and in doing so he shall be solely guided by the requirements of accommodation for Government officers or other persons for whom he is required to find accommodation, and the order granting or refusing such permission shall be forthwith communicated by the Estate Officer to the manager of the hotel.

(5) When the Estate Officer refuses to grant permission to the extension of the period of stay of any temporary resident under sub-section (4), such temporary resident shall not stay or be allowed to stay in the controlled accommodation or part thereof, beyond a period of three days from the date on which the order of the Estate Officer refusing to grant such permission is communicated to the manager of the hotel.

5. Booking of controlled accommodation for Government allottees.—(1) The Estate Officer may by written order direct the manager of a hotel to book for the use of any Government allottee specified in the order any controlled accommodation or part thereof in such hotel; and thereupon the manager of the hotel shall forthwith comply with the order and shall accept the Government allottee so specified as resident in such accommodation or part thereof, as the case may be, and shall allow him to occupy the same for such period as may be specified in the order and for such further period or periods as the Estate Officer may, from time to time, direct subject to the payment of the usual charges therefor in accordance with the provisions of sub-section (2).

(2) The charges payable in respect of any accommodation provided under sub-section (1) to a Government allottee shall—

(a) in the case where it is expressly provided in the order made under that sub-section that such charges shall be payable by the Central Government, be paid by that Government, and

(b) in other cases, be paid by the Government allottee, and the time at which and the manner in which the charges shall be so paid shall be such as may be specified in the order made under sub-section (1).

6. Service of order.—An order made under this Act shall be served on, or communicated to, the manager of a hotel either by delivering or tendering to him a copy of the order, or by post, or in such other manner as may be prescribed by rules made under section 12.

7. Power of entry, inspection etc.—The Estate Officer may for the purposes of this Act—

(a) enter and inspect any hotel at any time between sunrise and sunset;

(b) authorise any officer subordinate to him to enter and inspect any hotel;

(c) by written order require the manager of a hotel to produce for his inspection such books and other documents as may be necessary at such time and at such place or to furnish to him such information with respect to the accommodation contained in the hotel as may be specified in the order.

8. Appeals.—(1) Any manager of a hotel aggrieved by an order of the Estate Officer may, within seven days from the date on which the order is communicated to him, present an appeal in writing to the Chief Commissioner, Delhi:

Provided that no such appeal shall lie except on the ground that the provisions of this Act have not been complied with.

(2) The Chief Commissioner may transfer any appeal to the Deputy Commissioner, Delhi.

(3) The Chief Commissioner or, when an appeal has been transferred to him, the Deputy Commissioner shall, after calling for a report from the Estate Officer and after making such further inquiry, if any, as he thinks fit, decide the appeal.

(4) The decision of the Chief Commissioner or, as the case may be, of the Deputy Commissioner and subject only to such decision the order of the Estate Officer shall be final.

9. *Penalties.*—Whoever contravenes or attempts to contravene or abets the contravention of the provisions of sub-section (3), of section 3, or any of the provisions of section 4 or the provisions of sub-section (i) of section 5, shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to three months, or with both.

10. *Saving as to orders.*—Except as otherwise provided for in this Act, no order made in exercise of any power conferred by this Act shall be called in question in any Court.

11. *Protection of action taken under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

(2) No suit 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 under this Act.

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

THE SCHEDULE

[See section 1 (3) and 2 (c).]

1. Imperial Hotel, New Delhi.
2. Marina Hotel, New Delhi.
3. Cecil Hotel, Delhi.
4. Maidens' Hotel, Delhi.
5. Swiss Hotel, Delhi.

The Indian Tea Control (Amendment) Act, 1949.

Received the assent of the Governor-General on the 22nd April 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 23rd April 1949.

Act No. XXVI of 1949.

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

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

It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Indian Tea Control (Amendment) Act, 1949.

2. *Amendment of section 2, Act VIII of 1938.*—For clause (e) of section 2 of the Indian Tea Control Act, 1938 (hereinafter referred to

as the said Act), the following clause shall be substituted, namely :—

“(c) ‘owner’—

(i) with reference to a tea estate or garden, or a sub-division thereof, the possession of which has been transferred by lease, mortgage or otherwise, means the transferee so long as his right to possession subsists, and

(ii) with reference to a tea estate or garden, or a sub-division thereof, for which an agent is employed means the agent if, and in so far as, he has been duly authorised by the owner in that behalf.”

3. *Amendment of section 26, Act VIII of 1938*—In section 26 of the said Act,—

(i) in the first paragraph, for the words “save in pursuance of a written permission granted by or on behalf of the Committee”, the words “unless permission has been granted in writing by or on behalf of the Committee and such permission was in force on the date aforesaid or was granted after that date” shall be substituted ;

(ii) in clause (a) of the proviso, for the words and figures “on or before the 31st day of March” in the three places where they occur, the words “on the 31st day of March” shall be substituted ;

(iii) in clause (b) of the proviso, the words “which are worn out on or before the 31st day of March 1948” shall be omitted, and for the words “on or before the 31st day of March” occurring later, the words “on the 31st day of March” shall be substituted.

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

(i) in sub-section (1), clause (c) shall be relettered as clause (d), and the following shall be inserted as clause (c), namely :—

“(c) has since been transferred to the Central or a Provincial Government or to a local authority and no longer carries tea, or” ;

(ii) in the proviso to sub-section (2), for the words “or compulsorily acquired” the words “compulsorily acquired, transferred, or resumed” shall be substituted.

The Bombay Port Trust (Amendment) Act, 1949.

Received the assent of the Governor-General on the 22nd April 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 23rd April 1949.

Act No XXVII of 1949.

An Act further to amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879 (Bom. Act VI of 1879), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title*.—This Act may be called the Bombay Port Trust (Amendment) Act, 1949.

2. *Insertion of new section 64A in Bom. Act VI of 1879*.—After section 64 of the Bombay Port Trust Act, 1879 (hereinafter referred to as the said Act), the following new section shall be inserted, namely :—

“64. *Disposal of goods not removed from the premises of the Board within time limited*.—(1) Notwithstanding anything contained in this Act, where any goods placed in the custody of the Board upon the landing thereof are not removed by the owner or other person entitled thereto from the premises of the Board within one month from the date on which such goods were placed in their custody, the Board may, if the address of such owner or person is known, cause a notice to be served upon him by letter deliver-

ed at such address or sent by post requiring him to remove the goods forthwith and stating that in default of compliance therewith the goods are liable to be sold by public auction :

Provided that, where all the rates and charges payable under this Act in respect of any such goods have been paid, no notice of removal shall be served under this section unless two months have expired from the date on which the goods were placed in the custody of the Board

(2) If such owner or person is not known or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the Board may, at any time after the goods have become liable to be sold under sub-section (1), sell the goods by public auction after giving notice of the sale in the manner prescribed in paragraphs 2 and 3 of section 64.

(3) The Central Government may, by notification in the official Gazette, exempt any goods or class of goods from the operation of this section."

3. *Amendment of section 65, Bom. Act VI of 1879.*—In section 65 of the said Act, for the words "In every case of any such sale as aforesaid", the words "In the case of any sale under section 64 or section 64A" shall be substituted.

The Coal Mines Labour Welfare Fund (Amendment) Act, 1949.

Received the assent of the Governor-General on the 22nd April 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 23rd April 1949.

Act No. XXVIII of 1949.

An Act to amend the Coal Mines Labour Welfare Fund Act, 1947.

WHEREAS it is expedient to amend the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Coal Mines Labour Welfare Fund (Amendment) Act, 1949.

2. *Amendment of section 6, Act XXXII of 1947.*—For sub-section (1) of section 6 of the Coal Mines Labour Welfare Fund Act, 1947 the following sub-section shall be substituted, namely :—

"(1) The Central Government shall, by notification in the official Gazette, constitute a Coal Mines Labour Housing Board for the following purposes, namely :—

(a) to prepare and carry out, subject to the previous approval of the Central Government, schemes financed from the housing account of the Fund for the provision of suitable housing accommodation for labour employed in the coal mining industry ;

(b) to prepare plans and estimates for, and construct or carry out, such works of erection, maintenance and repair financed from the general welfare account of the Fund as the Central Government may, by general or special order, specify ; and

(c) to carry out any other functions assigned to the Housing Board by or under this Act."

The Dock Workers (Regulation of Employment) Amendment Act, 1949.

Received the assent of the Governor-General on the 22nd April 1949 and is published in the *Gazette of India*, Extraordinary, Part IV, dated the 23rd April 1949.

Act No. XXIX

An Act to amend the Dock Workers (Regulation of Employment) Act, 1948.

WHEREAS it is expedient to amend the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Dock Workers (Regulation of Employment) Amendment Act, 1949.

2. *Amendment of section 3, Act IX of 1948.*—For clause (i) of sub-section (2) of section 3 of the Dock Workers (Regulation of Employment) Act, 1948, the following clause shall be substituted, namely :—

“(i) for constituting, whether as a body corporate or otherwise, the authority to be responsible for the administration of the scheme ;”

The Public Companies (Limitation of Dividends) Act, 1949.

Received the assent of the Governor-General on the 26th April, 1949 and is published in the *Gazette of India*, Extraordinary Part IV, dated the 27th April, 1949.

Act No. XXX of 1949.

An Act to limit the dividends which may be paid by public companies.

WHEREAS it is expedient to limit the dividends which may be paid by public companies.

It is hereby enacted as follows:—

Preliminary

1. *Short title, extent and duration.*—(1) This Act may be called the public Companies (Limitation of Dividends) Act, 1949.

(2) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State as respects the matters dealt with in this Act.

(3) It shall remain in force only up to the 31st day of March, 1950.

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

(a) “Companies Act” means the Indian Companies Act, 1913 (VII of 1913);

(b) “company” means a public company as defined in clause (13A) of section 2 of the Companies Act, and includes—

(i) the Imperial Bank of India constituted under the Imperial Bank of India Act, 1920 (XLVII of 1920);

(ii) any trading banking insurance or finance corporation constituted by or under any other law in force in India, provided that such corporation, if it had been registered as a company under the Companies Act, would not have been a “private company” within the meaning of that Act; and

(iii) any other incorporated body which the Central Government may, by general or special order, declare to be a public company for the purposes of this Act, but does not include

(i) a public company to which the provisions of sub-section (1) of section 23A of the Indian Income-tax Act, 1922 (XI of 1922), apply, or

(ii) a co-operative society registered or deemed to be registered under the Co-operative Societies Act, 1912 (II of 1912), or any other law relating to co-operative societies in force for the time being in any part of India;

(c) “financial year” means the year commencing on the 1st day of April.

Limitation of dividends

3. *Dividends not to exceed certain limits.*—No company shall, after